

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 25, 2025

MURMAN: Well, good afternoon. Welcome to the Education Committee. I'm Senator Dave Murman from Glenvil. I represent the 38th District and I serve as chair of the committee. This public hearing is your opportunity to be part of the legislative process and to express your position on the proposals-- proposed legislation before us. The committee will take up the agenda items in the order posted. If you wish to testify on the mic today, please fill out the green testifier sheet. The forms can be found at the entrances to the hearing room. Be sure to print clearly and provide all requested information. If you will testify on more than one agenda item, you will need a new green testifier sheet each time you come forward to speak on the mic. When it's your turn to come forward, please give the testifier sheet and any handouts you might have to the page as you are seated. If you have handouts, we request that you provide 12 copies for distribution. If you do not have 12 copies, please alert the page when you come forward. At the microphone, please begin by stating your name and spelling both your first and last names to ensure we get an accurate record. Observers, if you do not wish to testify but would like to indicate your position on an agenda item, there are yellow sign-in sheets in notebooks at the entrances. The sign-in sheets will be included in the official hearing record. We will begin with the introducer, introducer giving an opening statement at the mic, followed by proponents, opponents, and those wanting to speak in a neutral capacity. The introducer will then have an opportunity to give a closing statement if they wish. 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'll have 1 minute to wrap up your thoughts, and the red light indicates that you have reached the end of your time limit. Questions from the committee may follow off the clock. A few final items to facilitate today's hearing. Please mute your cell phones or any other electronic devices. Verbal outbursts or applause are not permitted. Such behavior may cause you to be asked to leave the hearing room. Know that committee members may need to come and go during the afternoon for other meetings. I will now ask the committee members with us today to introduce themselves, starting to my left. Senator Hughes.

HUGHES: Oh, God, sorry. I'm so sorry. District 24: Seward, York, Polk, and a little bit of Butler County. Jana Hughes.

MEYER: Glen Meyer, District 17: Dakota, Thurston, Wayne, and the southern part of Dixon County.

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LONOWSKI: Good afternoon, I'm Dan Lonowski, District 33: Adams County, Kearney County, and rural Phelps County.

JUAREZ: I'm Margo Juarez, south Omaha, District 5.

MURMAN: And to my immediate right is our legal counsel Kevin Langevin. And to my far right is committee clerk Diane Johnson. The pages who serve with us today, I will ask to stand up, introduce yourself, and tell us a little bit about what you're studying.

RUBY KINZIE: Hello, I'm Ruby Kinzie. I'm a third-year political science major at UNL.

SYDNEY COCHRAN: I'm Sydney Cochran, and I'm a first-year business administration and U.S. history major at UNL.

MURMAN: And thank you, ladies, for helping us out today. And with that, we'll begin today's hearing with LB557 and that is Senator Armendariz.

ARMENDARIZ: Thank you. Thank you, Chair. Chair Murman and members of the Education Committee, for the record, my name is Christy Armendariz, C-h-r-i-s-t-y A-r-m-e-n-d-a-r-i-z. I represent District 18, which encompasses northwest Omaha and Bennington. I appear before you today to introduce LB557 and AM173. Every child deserves to have access to the absolute best education, regardless of their family's income or zip code. Families should be empowered to make the educational decisions that work best for their children. LB557 prioritizes the needs of each child by working to ensure that they can access the best educational experience available in an open enrollment policy. If the open enrollment policy fails that student by denying the school district of his or her choice, then the student is eligible for an educational support payment for the next best alternative. For the option enrollment portion of the bill, LB557 accomplishes three goals. Number one, it allows students to transfer schools at any time during the school year and as many times as they need to. Number two, it ensures that parents are no longer charged for sending their child to a public school, either in or outside of their residing district. And number three, it allows students to work with the district they want to attend without permission from the resident district they wish to transfer from. Under current law, students can only transfer three times in their K-12 career. LB557 changes that to allow a student to option enroll as many times as the student needs to. The parents need the ability to change direction by allowing students to make more than one change. The state is establishing a policy that creates

flexibility for families and encourages the district to be responsive to family needs. What an individual student needs when they are in kindergarten is much different from what they may need when they enter middle or high school. Adopting an open enrollment policy allows parents to respond to their child's ever-evolving needs. This family first, child-centric approach treats students as individuals, honoring their needs and allowing them access to an educational experience where they can thrive. Also, under current law, parents can be charged for transportation fees for sending their child to a public school in or outside of their residing district. LB557 eliminates the school district's ability to charge for a transportation fee. Public education should be free to residents of the state, and parents should not be penalized with a transportation fee for residing outside of a certain zip code. Another significant change is under current law, the resident district has a say in whether students leave. The introduction-- introduced legislation allows students to work with the district they want to attend without permission from the resident district. It is not right for students to be held against their will in a district that is not serving or meeting their needs. Finally, if the student is denied the school district of their choice, they are eligible for a \$2,500 education support payment from the Department of Education that will be used at the discretion of the student's parents or guardian. If the public school system cannot provide that child's-- the child's needs, then it is incumbent upon the system to allow the parent to find the next best alternative. As to the education support payment, my intent is to only authorize the payment when the parent truly has no other alternative. As such, I want to offer AM173 to the committee. The amendment establishes specific parameters regarding the eligibility criteria for funding. The student must have their previous enrollment option rejected for any reason. The student's family has a household income at or below 180% of the federal poverty level, and the student is a resident of a school district, and the residence address is assigned to attend a public school that has performed in the lowest 25% of the school statewide in the prior school year, as determined by the Department of Education. In summary, this provision is meant to help students from families with lower incomes who are in districts with struggling schools by giving them financial support if their request to move to another district is denied. Open enrollment is good policy for the state. Regardless of where an individual lives, residents of a given community can access public resources like parks, libraries or pools, wherever they want. However, this is not the case with public schools. Every day, children across Nebraska are denied access to public education that works for them simply because they do not live in the right neighborhoods. This bill removes regulatory

barriers and allows students to access education when their school-- current school or district is failing to meet their needs. And when our open enrollment policy fails a student, for those kids who truly have no other alternative, the state will provide minimum financial support to ensure that they get the education that best suits their needs. I encourage you to advance LB557 out of committee with the amendment and ensure sufficient guardrails. I would be happy to answer any questions of the committee.

MURMAN: Thank you. Any questions for Senator Armendariz? Senator Hughes.

HUGHES: Thank you, Chair Murman. Thank you, Senator Armendariz, for bringing this and a while back we've talked through some of these things. I had two questions on the taking away the transportation charges if you opt into a different school district. And maybe this wouldn't happen, but what if somebody from an Omaha school-- Omaha Public Schools wants to option into Seward Public Schools, it's 100 miles away, the state has to pay to have that kid driven to Seward and back? Like, how would that play out?

ARMENDARIZ: I am open to any suggestions that you have to that.

HUGHES: Because I can see where your point was, it's more in that metro area. I, I, I just think-- I'm just trying to throw out things that could be an issue. So that. And then I think students can be denied option enrollment if the application is filled out incorrectly. I don't, I don't know how-- if we can address that here, but you don't want to set up something, and we've talked about that too before, where, oh, just don't fill it out correctly, you're denied, and then you can go down this path. So maybe that's something we can talk through, too, or I don't know if you've thought about that.

ARMENDARIZ: Or is there an opportunity for the district--

HUGHES: To, to fix it and then--

ARMENDARIZ: --to say--

HUGHES: Yeah, and maybe that's what--

ARMENDARIZ: I mean, if the student really wants to go there--

HUGHES: Sure.

ARMENDARIZ: --and would be accepted.

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HUGHES: Because that's-- they're applying there so that would make sense.

ARMENDARIZ: I would imagine that they would want the opportunity to fix the mistake and--

HUGHES: Right.

ARMENDARIZ: --and reapply.

HUGHES: OK. Thank you.

ARMENDARIZ: Thank you.

MURMAN: Senator Lonowski.

LONOWSKI: Thank you, Chair Murman. Thank you, Senator Armendariz. Can you repeat the part on the poverty rate to me? Like, you said, like, 100--

ARMENDARIZ: Below 180% of the federal poverty line.

LONOWSKI: What is that currently, do you know?

ARMENDARIZ: I would have to get that for you. I'm not quite sure.

LONOWSKI: Do you know what the poverty line is?

ARMENDARIZ: I'm not quite sure what it is.

LONOWSKI: OK. So-- but if somebody doesn't meet that requirement, then your bill doesn't apply to them?

ARMENDARIZ: This particular bill would not. We are trying to, we are trying to carve out the most narrow bill that we can to help the kids that absolutely need the support that otherwise would not. I can give you an example. I represent Bennington, and to buy a house in Bennington for your child to go to school there would be quite restrictive for someone in-- on the street I grew up on. The houses--

LONOWSKI: OK.

ARMENDARIZ: --there might sell for \$100,000, and you'd be hard-pressed to find a house under \$400,000 in Bennington school district.

LONOWSKI: OK. Thank you.

MURMAN: Any other questions?

JUAREZ: Yes, I have a question, please.

MURMAN: Yes, Senator Armendariz-- or Senator Juarez.

JUAREZ: I know what you meant. So in regards to this \$2,500, which I'm sure we're going to hear plenty about, so give me an example of what would happen if a person was leaving, leaving OPS school district and going to Bennington's, the OPS District would pay Bennington District, is that how it works?

ARMENDARIZ: So these would be state funds. Currently, the state pays the-- yeah, don't quote me on this, but the state pays the accepting school, not property taxes, that supports most school finances, but the state pays for that option student and the state would continue to pay the \$2,500.

JUAREZ: So is there actually a, a pool that's going-- that has like a cap, for lack of another word-- I mean, when does it all stop?

ARMENDARIZ: So there's an option enrollment bucket of money that is, that is quite good because it is according to how many kids are opted in each year, believe roughly it's around 120 to 130. I don't know that number right off the top of my head, but we did cap it at 3% of whatever that number is would be able to go towards this particular carve out option of kids. So no more than 3% of the total bucket of money would go to-- no more than 3% of that total bucket of money the state is spending on option enrollment would go to this particular section of, of children that follow these guidelines.

JUAREZ: So if there's a, if there's a cap, does that mean it's going to be on a first come, first serve basis, then?

ARMENDARIZ: Yeah.

JUAREZ: OK. Thank you.

MURMAN: Any other questions for Senator Armendariz? If not, thanks for the open.

ARMENDARIZ: Thank you.

MURMAN: And we'll ask for proponents for LB557?

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JAYLEESHA COOPER: Good afternoon, ladies and gentlemen of the committee. My name is Jayleesha Cooper, and I was a recipient of private donor scholarships here in Nebraska. My story is not unlike many other low-income children growing up in north Omaha. My mom was 19 when she had me--

MURMAN: Excuse me, could, could you please spell your first and last name?

JAYLEESHA COOPER: J-a-y-l-e-e-s-h-a C-o-o-p-e-r.

MURMAN: Thank you.

JAYLEESHA COOPER: My mom was 19 when she had me, and my dad has been in and out of jail my entire life. By the age of 21, my mom was raising my brother and me by herself. As a young single mom and first-generation college student, she did her best to give us everything that we needed. But what do you do when your best alone is not enough? I started out in Omaha Public Schools from kindergarten to the second grade. In the second grade, my mom tried to enroll my brother and I into Westside Public Schools, but we were denied option enrollment. My mom knew that our neighborhood school just wasn't working out for us. After getting denied from Westside, my mom began to look for different school options, but quickly realized that she would not be able to afford them by herself. She worked multiple jobs while in college to afford to send me and my brother to private school. Even then, it wasn't enough. Without the private donor scholarships my brother and I received, we would not have been able to afford to attend our private school. I can honestly say that attending my private school changed my life. I came out of my shell, joined clubs, participated in mock trial, and found a love for advocacy. My teachers encouraged me to use my voice and reach for the stars. I'm currently a senior at the University of Chicago majoring in sociology with a minor in equality, social problems, and change. I scored in the 92nd percentile on my LSAT and recently received my first law school acceptance. It is very unlikely that I would be in the position I am today, were it not for the opportunity I was given to attend a school that worked for me. The right education doesn't only create an educated child, it can break generational curses. I was the first in my family to beat teen pregnancy, and my little brother was the first man in my family to never go to jail, and he is currently studying at one of the top engineering schools in the country. We are not anomalies. There are many other students in Nebraska who are just as smart and talented, who unfortunately have not been afforded the same opportunity to tap into their full potential. 14% of students who

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apply for option enrollment get denied. These students still deserve the opportunity to attend the school that is best for them. This bill would provide families with the resources to find the best school for their child. I am asking today that we empower Nebraskan families and do what is best for their students and support LB557. Thank you.

MURMAN: Thank you. Any questions for Jayleesha?

CONRAD: Great job.

MURMAN: Yeah, thank you very much. And congratulations on doing so well in college.

JAYLEESHA COOPER: Thank you.

MURMAN: That's great. Other proponents-- thank you-- proponents for LB557?

SHANNON PAHLS: Good afternoon, Chairman and members of the committee. My name is Shannon Pahls. That's spelled S-h-a-n-n-o-n, last name Pahls, P-a-h-l-s, and I represent yes. every kid. We are a national advocacy organization that focuses on a family first approach to education. And I'm here today to express our support for LB557. We believe that families should be empowered to choose the educational pathways that best match their kids' unique talents, interests, and priorities. And that's why we support this legislation, which allows students to attend the public school that best meets their unique needs, regardless of attendance boundaries. A zip code should never dictate a child's opportunity, and that's why we appreciate your willingness to look at this issue here today. So public school open enrollment policy is similar to what you are all looking at this afternoon are extremely popular amongst voters. In November 2024, a poll found that-- conducted by YouGov found that 68% of Americans and 75% of K-12 parents support making it possible for students to access any public school in their state, regardless of where they live. Due to the popularity and parental demand, many states across the nation are passing similar legislation. According to a recent article released by Reason Foundation, if passed LB557 would make Nebraska one-- it would have one of the strongest open enrollment policies in the country, and improving the ranking from a B to an A according to Reason Foundation's national open enrollment rankings. So from escaping bullying to accessing high-rated schools or specialized STEM programs, there are so many reasons why parents might want to switch the public school for their kids. However, all too often, high home prices are associated with higher performing schools. The broker-- the

real estate brokerage at Redfin analyzed home prices in relation to great school ratings and found that homes in areas of top-rated public schools, so those with the 9 to 10 rating, were, on average, \$50,000 more expensive than homes near lower-rated schools. Those are the 1 to 3 ranking. And so this price differential really acts as a major barriers to-- barrier to families, even though no student should be denied access to a school that works for them simply because of where their family could afford or their family's socioeconomic status. So LB557 breaks down these barriers, allowing kids who attend any public school, regardless of their zip code. And so for these reasons, we ask for your support, and I'm happy to stand for questions if needed.

MURMAN: Thank you. Any questions for Shannon?

JUAREZ: Yes, I have one.

MURMAN: Senator, Senator Juarez.

JUAREZ: I'd like to know, do you know what the states that have had these programs already in place, what has been the ramifications for the schools where the students left from? Do you, do you know what happened to their staffing or their resources?

SHANNON PAHLS: Not off the top of my head. For instance, my home state of Kansas, we passed our legislation in 2022. And so that went into effect this past fall. And we're seeing a lot of demand from parents, and we haven't seen any negative outcomes from the, the schools in our state. And we have very strong public schools in Kansas. But we have not seen any negative outcomes. And I know states like Arizona, West Virginia, states who have had these open enrollment policies in place for a while, it's the same situation that-- and families have been super, you know, supportive of these programs, and they've been over-- overwhelmingly popular and successful in those states.

JUAREZ: So there's not been any ramifications, because I'm assuming then there are still plenty of students left behind, and that's why there's no ramifications for the students in the, the first school they were in versus the one that they transferred to?

SHANNON PAHLS: None that I know of, no.

JUAREZ: OK. And then-- I'll wait on my question. Go ahead.

MURMAN: Any other questions? OK. Thank you for your testimony.

SHANNON PAHLS: Yes. Thank you.

MURMAN: Other proponents for LB557?

NICOLE FOX: Good afternoon, Chairman Murman, members of the Education Committee. I'm Nicole Fox, N-i-c-o-l-e F-o-x, and I'm here today representing the Platte Institute. And I thank you for the opportunity to testify. All Nebraska students should have access to a public school of their choice, regardless of their home address. The ability to live in a high-performing school district may require a higher cost of living, and this is often out of reach for many low-income families. A 2023 EdChoice report interviewed district administrators from Arizona, Florida, Indiana, and North Carolina. In response to market forces, the administrators reported creating new programs and improving existing ones. The author wrote: Districts and schools consistently demonstrate a strong utilization of marketing and communication strategies as they seek to market them-- themselves and each school's unique programs to families within and beyond district boundaries. According to a 2024 national poll conducted by yes. every kid., a majority of adults think allowing children to attend any school in the state, regardless of where they live, would improve the national education system overall. That same poll revealed that 68% of adults support making it possible for students to access any public school in their state, regardless of where they live. And just last week, LB557 caught the attention of an education researcher at the Reason Foundation. In the report, he commended the Legislature on its work to improve its option enrollment program the past 2 years by making it more transparent and by expanding enrollment opportunities. The report pointed out that a strength of LB557 is that it would explicitly prohibit school districts from discriminating against applicants based on their abilities or disabilities. The report further went on to say that if codified into law, Nebraska could tie Arizona and West Virginia for the third best option enrollment law in the nation or open enrollment law in the nation. Like other public services, public schools should be free and open to everyone in the state. By removing district boundaries, students are empowered to access schools that fit their learning styles, their academic interests, and their socioemotional needs. Additionally, school districts are encouraged to innovate to retain and attract students, which further strengthens Nebraska's public schools. LB557, sponsored by Senator Armendariz, promotes these open enrollment benefits and ultimately more opportunities for Nebraska's families. For these reasons, the Platte Institute supports LB557 and encourages this committee to advance it to the floor for debate. And with that, I'm happy to answer any questions.

MURMAN: Thank you. Any questions for Nicole Fox? Senator Lonowski.

LONOWSKI: Thank you, Chair Murman. And thank you, Nicole, for testifying. Is, is there any way that this could backfire? And as a former coach, I think of kids optioning for the simple reason of sports. And I think, well, if a, if a young man or young lady options because it's the best music program in Omaha, everyone understands. But if it's-- because it's the best football program, then people are like, well, all they do is recruit our athletes away from us. But is there a way of keeping it from backfiring?

NICOLE FOX: I think at the-- at-- what I would say is that, right now, families deserve choice. And I would think that just being able to have the opportunity to attend a school of their choice would improve just satisfaction overall with the school system. So--

LONOWSKI: All right. Thanks.

MURMAN: Any other questions?

JUAREZ: Yes.

MURMAN: Senator Juarez.

JUAREZ: So I'd like to know, do you have any idea about the transportation costs involved with getting students from one school to another? Is it not on the responsibility of the parents to furnish it if they want to go to, go to a different school?

NICOLE FOX: Well, I can't speak for all families, and I'm not sure exactly what the transportation costs would be, but I would think that, you know, that would probably be something that parents are factoring into their decision to maybe look at going to another school.

JUAREZ: OK. Thank you. I think there's a lot of unknowns about this stuff yet.

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

TOM VENZOR: Good afternoon, Chairman Murman, members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the Executive Director of the Nebraska Catholic Conference. I called a little bit of an audible. I'm going to testify on the next two bills after this. This was going to be my testimony on LB427, but I'm going to switch it for this bill and give different testimony on that one. But, basically, were supportive, in particular, the portion in this bill related to the \$2,500 that can follow the student to a nonpublic

school of their choice if they're denied option enrollment. And the basic understanding there of our support is the fundamental reason that parents are the primary educators of their children. They have the sacred and moral responsibility to ensure their children receive an education that suits their unique academic, social, moral, emotional, and spiritual needs. Where there's a right, there's also a corresponding duty, and that corresponding duty belongs to the state here, which should ensure that parents have the concrete ability to direct their children's education. That said, I'd like to focus our testimony on why LB557 would be constitutional and the-- to the extent that it's providing funding for students to take that funding to nonpublic schools, despite what the opposition claims are to the contrary. The NCC has a long history with Article VII, Section 11 of the Nebraska State Constitution because, because of its impact on nonpublic schools and the families that they serve. This constitutional provision states in relevant part that, quote, the appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively operated by the state or political subdivision thereof, end quote. The Nebraska State Supreme Court has clearly stated this prohibits direct appropriations to nonpublic schools, but it does not prohibit programs where a nonpublic school is an indirect or incidental beneficiary. LB557 has students and parents as its direct beneficiary. Nonpublic schools are, at best, indirect beneficiaries and this is supported by several cases the Nebraska Supreme Court has decided when reviewing programs that are similar to LB557. One is *Lenstrom v. Thone*, that's a case from 1981 that was reviewing what you all know now is the Nebraska Opportunity Grant Program that allows postsecondary scholarships to go to students who-- for college, who are low-income, and they can use that at either a public or a nonpublic college or university. The Nebraska State Supreme Court said that that is a benefit to students. That's not a benefit-- that's, that's a direct benefit to the students, it's not a direct benefit to the nonpublic college or university, therefore, it doesn't violate that constitutional provision. Similarly, in *Cunningham v. Lutjeharms* in 1989 that dealt with the review of the state's textbook loan program, which currently operates still today, a nonpublic school family, there's funding, state funding that nonpublic school families can access and get textbooks that they can then take to-- on loan to their nonpublic school of their choice. The-- again, the state recognizes that the beneficiary there is the parent and the student. The nonpublic school is merely an incidental beneficiary. There's another case, too, but we won't worry about that one for the time being. And for those reasons,

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we support this bill and don't believe it would be unconstitutional as the opponents argue.

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

CONRAD: Thank you for being here, Tom-- Mr. Venzor, it's always good to see you. I appreciate what Senator Armendariz is trying to lift here, because I know this committee has really struggled in recent years to figure out a solution for the number of families that-- particularly families with kids with different learning needs that are being denied option enrollment. And we have a, a host of different solutions before the Legislature this year, this being one of them that's been proposed. But I wanted to just kind of learn a little bit more about, and I appreciate the legal pieces that you were focused on today, but I know that you also have a lot of good insights on just kind of the, the mechanics about what's happening in private schools and religious schools in Nebraska. One of-- a couple of things. When I had a chance to visit Saint Pat's in Havelock, which I visited many times in my district and it was an awesome experience, and the principal there let me know they literally don't turn away any family due to inability to pay. So if-- I don't know if that's unique to that school or if that's a generalized approach, but if that's the case, then why, why do they need an opportunity scholarship?

TOM VENZOR: Yeah, that's a really good question. So, yeah, I think all of our schools, the general approach we take is we try to take every student possible who wants to come to our school. I work with those families, with those parents, with those kids to make that an opportunity that works. So here's the deal when those families come, you know, typically tuition, let's say, generally speaking, is about a third of the actual cost to educate. So oftentimes the parish maybe is covering a third of that, or maybe the other third is being covered by, let's say they have a foundation that exists to help, you know, offset costs at that school. But the fact of the matter is, is that most of the time, parents aren't even paying the full cost to educate. And so what we usually tell people, and what I tell people, is that we have basically more kids that are knocking on-- basically, we have more kids at our schools than we have scholarship, scholarships amount available to them. So and as the Archbishop of Omaha, he says every kid that we take into our schools comes at a loss to us. So we-- it's not like when a kid-- you know, when we take that child, even if they have a difficulty paying for it, we want them in our school if that's the best place for them. But we're often taking that at a financial loss. So something as small as a \$2,500 scholarship that can follow them, that, that's huge, because that might help cover their tuition

costs. And then that helps just offset, you know, general cost of education that we have at that school. So, again, we're trying to do everything to make that possible for that family within financial means. But we definitely need more scholarship funds than we do have scholarships available.

CONRAD: OK. And then the last question that I just had, because this has always been such a significant part of our ongoing debate about school funding and vouchers and public schools and the relationship that different families find themselves within and we're trying to sort out in a policy arena. But one thing that we hear a lot about is that private schools or religious schools may not have the capacity or programs or services or staff available to meet the educational needs of kids with significant disabilities, or can you just help to refresh for me or the new committee members kind of how that interplay works? Because I think it's important, particularly with the focus on Senator Armendariz's bill. We want-- you know, in many instances, we're saying that kids are being turned down because of disabilities or capacity in regards to the current option program, but are they actually, if they have significant learning needs, different learning needs, are they going to be able to access those kinds of services in a, in a private or religious school?

TOM VENZOR: Yeah. So it's a great question, that was going to be the bulk of the focus of the testimony--

CONRAD: Oh, OK. Sorry. Sorry. OK.

TOM VENZOR: --on the next bill. But I can, I can answer it in, in just a bite size or however long you want me to answer it here, but I will talk about that more. But, basically, yeah, again, we're going to do everything we can to make an education possible for a child. I would say in Catholic schools, about 12% of the students are children with special education needs. That's compared to 16% in the public schools. So, again, that disparity between the two of them, I don't think is significant. I also think, think it's important to recognize that all special education funding runs through the public schools, so they get all the same federal funding. We don't get any of it. At the most, we get equitable services, proportionate share type of things. And so that makes it, that makes it difficult when we're talking about-- you know, obviously makes it difficult for any school to take a child on with significant needs, whether you're public or private, whether you get a bulk of the money, whether you get none of the money. Obviously, sometimes, as we know, even state reimbursements don't pay for all of the costs for special education. And that's something you all been

working very hard to create more equity there. But I mean, again, we're taking a significant number of kids who have special education needs. You know, sometimes you're going to get in a situation where the need outpaces the resources that we have in a particular school. And I think that's obviously what you see in the public schools as well, 5% of the students who apply for option enrollment are denied because of a special education need. So even in the public school environment, you know, I think they're trying to look at their resource needs as well to determine whether they can take a student or not take a student, particularly when they're coming from a different district. And so I think that all plays out. I think also in Senator Hansen's bill that will come up next, there, there's a component of his bill that would provide, I think, additional funding if that child does have a special education need, which would increase the amount of funding they can take with them, and that also might make it easier or ease the burden on being able to take those students as well into a nonpublic school.

CONRAD: OK. And then the, the very last question I had in this regard, and it is perhaps consistent with some of the other measures we have today, but we know that there's a lack of religious or private schools in many counties in Nebraska. And so I'm just trying to kind of sort out, you know, if a, a kid or a family is denied option in one of those counties where there isn't an alternative, how does that really help them or does it or what is, what's the contemplation there or is it mainly focused on kind of a solution for metro areas or--

TOM VENZOR: Sure. So I think, in general, if we take a step back from some of the data we were able to research in the past on this issue, I think there's a student in 89 counties that goes to a nonpublic school. So nearly every county has at least one student going-- attending a nonpublic school. There's some counties where there's not. Every legislative district-- for what it's worth, every legislative district has at least one nonpublic school, but not every county has a nonpublic school. Right? So there are going to be difficulties in situations where, you know, maybe you're denied option enrollment from one public school to another. And-- but even in those scenarios, if you're in the more rural communities being denied option enrollment, I mean, you might be talking about going another 30 or 40 or 50 miles, so. Again, we're not everywhere, but we're, we're spread across the state. Nearly every county has kids going to a nonpublic school. So, again-- and I think also the focus of Senator Armendariz's bill, you're looking at those schools that are performing in that sort of bottom 25%. And, and I don't know exactly what that heat map looks like, but I'm assuming that those locations are probably a little bit

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more in rural communities or, sorry, in urban communities, but I'm sure they're also spread across other places in the state, so.

TOM VENZOR: Thank you. Thank you.

TOM VENZOR: Yep.

HUGHES: I guess now I'm back. Any other questions for Mr. Venzor?

JUAREZ: Yes.

HUGHES: Yes. Go ahead.

JUAREZ: So I'd like to know, and I don't know if you can answer this, but when you have public school students coming, let's just say Catholic school, for example, do, do the schools honor a parent's wish, like, if they don't want them to participate in religion class? What are the, the rules, I guess, of the Catholic schools when it comes to accepting a public student and do they have that option?

TOM VENZOR: Yeah, so I honestly don't know if I've even ever heard of that scenario where you have a family coming to a Catholic school, for example, but the parents don't want the child participating in, let's say, theology or religion courses. I don't know if I've even heard that actually being a situation. I can tell you in-- I mean, you have some schools where the Catholic population of the school is 90%-plus. You have other schools like, let's say, Sacred Heart in north Omaha, where eight students are Catholic. I mean, like 90-plus percent of that school is non-Catholic. Obviously, we're Catholic schools, we're not going to shy away from our, our faith-based identity. We're going to communicate what we believe about how we see the world. I think everybody is doing that, whether they're public or private schools. Everybody's got a particular worldview that they're communicating to their students or, you know, we're presenting a biblical worldview, a Catholic worldview to our students. But I don't think I've ever come across a scenario where the parents are saying, we'd love to come to your school, but, but we want to opt out of all of your theology courses. Those parents know that in coming to our schools, and they work with us, and they want to be with us, even if they're non-Catholic or even if they have no faith at all, they come to us knowing that that's going to be a part of the, the formation, the educational and spiritual formation of their children.

JUAREZ: So is what you're saying then, is that, no, they don't have the option to sit outside, everybody participates in all of the programs?

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TOM VENZOR: Yeah, what I'm saying is I've never actually heard that be an actual issue for any parent coming to our school, so.

JUAREZ: OK. Thank you.

TOM VENZOR: Um-hum.

HUGHES: Other questions? All right. Thank you, Mr. Venzor.

TOM VENZOR: Thank you very much.

HUGHES: Next proponent? OK. Do we have any opponents? Go ahead.

TIM ROYERS: Good afternoon, Vice Chair Hughes, 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 Nebraska State Education Association. I'm here on behalf of our members to speak in opposition to LB557. This bill would have a profoundly negative impact on our ability to serve students for several reasons. First, this bill prevents districts from taking capacity into account when reviewing option enrollment applications. A 2024 study that analyzed data from 21,000 schools across 80 countries found that increasing either the school or class size beyond ideal levels consistently resulted in decreased academic performance, and that policymakers must prioritize maintaining ideal student to teacher ratios. LB557 would make that impossible. The school I taught at was closed for most, most of my career, in fact, because we were approximately 400 students over capacity just from residential enrollment. So I can tell you firsthand the profound challenge a teacher faces when their classes are too large. The fiscal note for this bill recognizes this concern, noting that school districts would have, quote, additional significant expenses related to facilities and staffing, end quote. However, I fear that that actually won't be the case and just class sizes are going to go up because, candidly, I don't know where we would find the additional teachers to resolve the concerns that the fiscal note refers to. This is especially true for the highly structured special education programs that have incredibly low student to staff ratios. Allowing unlimited option enrollment into those programs threatens our ability to meet the needs of some of our most vulnerable students. Schools would potentially honestly be at legal risk of being out of compliance with IEP requirements, because it's often tied into a certain amount of minutes. You have to provide a certain amount of services, and if their caseloads are too large, we simply can't meet those legal obligations. Finally, LB557 provides access to a backdoor voucher that can be easily gamed. While we appreciate the clarity

that's proposed in AM173 that Senator Armendariz mentioned in her opener, we still have concerns because there is no oversight on how that money is used. In fact, the bill specifically states that the parent or guardian has full discretion on its use. There is zero accountability baked into the program. We believe that the option enrollment program has provided the families of Nebraska with publicly accountable choice for decades. And that we do need to take steps to strengthen the system so that as many families as possible can exercise that option. However, this bill does not attempt to solve the underlying issues, which should candidly come to no surprise. The sponsor of this bill has made her disdain for our public schools very clear. During floor debate last year, she said, quote, we aren't cultivating the best and brightest in our public schools, end quote. While we share the senator's dissatisfaction with the status quo, we just fundamentally disagree on the direction. And I'll let her words explain the difference. She said on the floor last year, quote, I know if I have a child in a classroom and the classroom is constantly disruptive, I want to get my kid out of there so they can be there to learn. If there are kids that are disrupting classrooms, they need to be immediately removed and sent home. It's not my problem that their parent works three jobs, end quote. And therein lies the difference. We want to improve schools to serve the needs of all students and all families. Our education system should work for parents who can be active, visible participants in schools, and it should work for the parents who can't because they're struggling to make financial ends meet. LB557 does not share that vision. And for that reason, I urge you not to advance this bill.

HUGHES: Thank you, Mr. Royers. Do we have any questions? Yes, Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. And thanks for your testimony, Mr. Royers. So if a school is 100% capacity, they can deny an option enrollment student if they want. Correct?

TIM ROYERS: Presently, yes, but not under this bill.

LONOWSKI: Well, I think they still can. I mean--

TIM ROYERS: No, and, again, even the fiscal note referenced the fact that this bill changes it so that capacity can no longer be taken into consideration for an option rejection.

LONOWSKI: OK. All right. Thank you.

TIM ROYERS: Um-hum.

HUGHES: Other questions?

JUAREZ: Yes.

HUGHES: Yes.

JUAREZ: I just wanted clarification on the \$2,500. Is this a one-time fund that's going to be provided under this bill?

TIM ROYERS: Yeah, you'd have to ask the author. I don't want to speak for-- I don't want to misspeak for their intention, especially given that there's a pending floor amendment.

JUAREZ: OK. Because based on what I thought I understood her saying versus what you're saying is that the parent here has full discretion on how the funds are used.

TIM ROYERS: Correct. That is the, that is the language that's written in the bill currently.

JUAREZ: So it makes it seem like the funds are going directly to the family and they're taking these funds with them.

TIM ROYERS: Correct.

JUAREZ: OK. Thank you.

TIM ROYERS: Um-hum.

HUGHES: Other questions? Yes, Senator Conrad.

CONRAD: Thank you, Vice Chair. Thank you, Mr. Royers. Good to see you. My, my question is-- I, I appreciate the concerns you addressed in regards to this measure. And I know we do have other solutions before the Legislature this year, as well, that maybe we could find more common ground on and move forward. But it's just-- it, it seems quite unacceptable to me that Nebraska taxpayers, parents are seeking to utilize the option program, which is a good program, and it's working well for most families. But there's a consistent denial for kids with special learning needs. And so if they're not able to utilize the option, they're not able to have what the parents deem best in their home district, where do we go?

TIM ROYERS: It's a great question. I don't want to-- like Mr. Venzor, I don't want to get ahead of myself. That's how I tried to focus more

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of my LB633 testimony is what would, from our position, be an acceptable alternative to-- because I fully agree with you, we're unhappy with the status quo. We just disagree with the proposed solution here. But, yes, my goal in the next bill is to speak to, here are some things we think that would help address the situation without running into other concerns we have with the present bill.

CONRAD: Very good. OK.

TIM ROYERS: Yep.

CONRAD: Thanks.

HUGHES: Other questions? Oh, yes, go ahead.

LONOWSKI: I did have one more. Thank you. Sorry about that, Vice Chair.

HUGHES: That's all right.

LONOWSKI: Mr. Royers, do you have children?

TIM ROYERS: I do.

LONOWSKI: And are they option enrollment children or are they not in school yet?

TIM ROYERS: No. I have a freshman and a fourth-- and a fifth grader.

LONOWSKI: And they go in your district?

TIM ROYERS: They do.

LONOWSKI: OK. Just curious.

TIM ROYERS: Yeah.

LONOWSKI: Thank you.

HUGHES: So I just have one question, you-- the, the concern with the \$2,500, how it's just allocated to the family. If that were-- if the verbiage was changed to be allocated, I don't know, to-- as a scholarship to go to another, to go to a parochial school, would that be more agreeable or--

TIM ROYERS: I wouldn't say I would agree with it. It would certainly be more agreeable. How about that?

HUGHES: Got it.

TIM ROYERS: Yes.

HUGHES: Yes. Thank you. Anything else? All right. Thank you for your testimony.

TIM ROYERS: Thank you very much.

HUGHES: Next opponent? Go ahead.

ED SWOTEK: Thank you. Good afternoon, Chairman Murman, members of the Education Committee. My name is Ed Swotek, E-d S-w-o-t-e-k, and I'm here today speaking in opposition to LB557. I currently serve as vice president of the Board of Directors of the Nebraska Association of School Boards, and also serve on the Board of Education for Malcolm Public Schools. There are many proposed changes called out in LB557 that have a detrimental impact on Nebraska's option enrollment program. However, in the interest of time, I wish to focus on two very key components written into this bill. First, ignoring the physical and economic reality of school capacity. And secondly, the creation of a taxpayer-funded cash voucher system that can (a) likely funnel millions of dollars away from our Nebraska public school system as tax free bonus checks to recipients, and (b) lend itself to be ripe for abuse. After taking care of kids in our own district first, which is required by law, my school district, Malcolm, like many other option-positive districts throughout the state, make their empty desks available to option students to maximize efficiency of current staff, programs, and facilities. This is testament to strong fiscal discipline by properly managing fixed costs and utilizing fixed assets to their fullest potential. Once these empty seats are filled to capacity, option-positive districts do the right thing and wisely turn down additional applicants to avoid excessive, unmanageable class sizes, overburdening existing teaching staff and support services, limiting opportunities for students to actively participate in selected programs or activities, and preventing the need to add temporary portable classrooms or spending countless dollars on expanding existing building facilities to accommodate overcapacity students. LB557's dismissal of the physical and economic reality of capacity will indisputably lead to the negative consequences I just mentioned. Secondly, public tax dollars should be invested in public education, not in \$2,500 tax free cash vouchers. In an era where you, as legislators, are seeking ways to leverage public tax dollars to keep property taxes from continuing, continuing to climb, issuing cash vouchers under this bill will ultimately dilute state funds intended

for public education. Likewise, nothing in this bill prevents a parent from submitting an option enrollment application to a school district, knowing full well that that district is not accepting additional nonresident option students in order to collect a tax free \$2,500 cash voucher. Once it becomes known as specific district, or even as LB557 permits, an individual school building within the applicant's home district is no longer accepting option students. Others may choose to abuse the system to collect their \$2,500 cash voucher. This voucher system is administratively burdensome, wasteful spending, and a backdoor approach to funneling public tax dollars out of our nationally recognized Nebraska public school system. On behalf of the NASB, I strongly urge you to oppose LB557.

HUGHES: Thank you, Mr. Swotek. And I'm sure I speak for everybody, thank you for serving on the Malcolm Public School Board. Questions for Mr. Swotek? You got off easy. Thank you.

ED SWOTEK: Thank you.

HUGHES: Next opponent?

JACK MOLES: Good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Jack Moles, that's J-a-c-k M-o-l-e-s. I'm the Executive Director of Nebraska Rural Community Schools Association, also referred to as an NRCSA. On behalf of NRCSA, I'd like to testify in opposition to LB557. This bill would severely overhaul the option enrollment program in a manner that does not take into consideration the ability of individual school districts to properly plan. It would also place undue financial issues on the taxpayers of the local districts. Some reasons why NRCSA does not support LB557 include: by changing the defined times in which the option enrollment is available for a student from once at each level of elementary, middle school, and high school to any time prior to graduation creates a situation in which students would be allowed to jump from district to district on a whim. There is something to be said for consistency. The current guidelines do provide for consistency. The ability of students to option at any time prior to graduation also could work to limit the ability of both the resident and the option district to properly plan for staffing needs. Having deadlines for option enrollment allows for districts to more properly prepare for staffing needs. It is important to recognize that schools, especially our smaller schools and some of the suburban schools may be faced with capacity issues. LB557 does not allow for capacity to be taken into consideration. Capacity for special education services is limited-- eliminated as a standard for denial of an application for

option enrollment. This does not recognize that there are situations in which the option school is not up-- not set up to provide specific special education services. And, again, this would most often be the case in our rural schools. And the bill provides for a \$2,500 stipend for a student who is denied option enrollment. The option could be used at the parent's discretion. In the current bill, which is amended by the-- in current law, which is amended by the bill, the Public School Board of Education may not set standards for denial of an option request that include previous academic achievement, athletic or extracurricular ability, disabilities, proficiency in the English language, residential address, any capacity measurement of the school district, any measure that discriminates based on race, ethnicity, socioeconomic status, or any protected class or previous disciplinary proceedings. It is NRCSA's belief that if a student's parents want to use this stipend to enter a private school, then that private school should also be prohibited from denying enrollment under those same standards that are listed above. So we encourage you not to advance LB557 out of committee.

HUGHES: Thank you, Mr. Moles. Do we have any questions? Nope? All right. Thank you.

JACK MOLES: Thank you.

HUGHES: Next opponent?

JOSH McDOWELL: Good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Josh McDowell, J-o-s-h M-c-D-o-w-e-l-l. Thank you for allowing me to testify today in opposition to LB557. I'm the proud Superintendent of Crete Public Schools and the President of STANCE. Today, I'm representing the Nebraska Council of School Administrators and STANCE. STANCE stands for Schools Taking Action for Nebraska Children's Education and consists of 19 mid-sized school districts, free of lobbyists, representing 25,000 school children. STANCE is unique in the fact that we have districts represent-- representing the entire state from Chadron to Plattsmouth, levies that range from \$1.05 to 50 cents, and enrollments ranging from less than 900 to 4,000. And we don't take that lightly. One of the most concerning aspects of LB557 is the creation of the \$2,500 education support payment for families whose option enrollment applications are denied. This payment essentially acts like a voucher and the potential-- and potentially sends tax dollars outside of the public school system. There's no clear oversight of how these funds are spent. And we believe that we should not be using public money in ways that do not directly support

Nebraska's public education. LB557 also undermines local control and stability, and would eliminate important safeguards like annual deadlines and limits on how many times students can option to different districts. Our current enrollment option program allows school boards to plan teacher assignments, budgets, class sizes, and special education caseloads responsibly. Doing away with firm timelines would force districts to handle abrupt mid-year transfers, causing budget uncertainties and staffing challenges. Ultimately, that instability could negatively affect students' learning experiences. When school districts cannot accurately predict enrollment from one semester to the next, it can become more challenging to maintain important programs such as reading interventionists and special education services. Students who already face additional hurdles, including those with IEPs, frequently may be the first to feel the effects of these changing resources. Our goal is to ensure that every school district is equipped to meet the needs of all students, so they are, so they are-- aren't confronted with yet another layer of uncertainty. LB557 also changes how districts assess whether they have the capacity to serve students with special education needs. While this is important to consider, broader, unclear capacity rules may create legal disputes and delay special education services for students. The current system ensures that children with IEPs are, are respected, and the districts can responsibly say yes or no based on their existing resources. And while we do appreciate the higher reimbursement rate for special education, the higher rate has not addressed the special education staffing shortages many districts are experiencing. I can tell you in Crete Public Schools, I have six special education openings today. One is a carryover from a year ago. LB557 also offers the transportation. I'm going to skip over that. Senator Hughes asked a great question about the cost of transportation and those additional costs to districts, both for option students and students with special education needs. So with that, I respectfully ask that you oppose LB557. Our state's tradition of strong public education, thoughtful local control, and the careful use of taxpayer dollars should guide us to focus on improvements that truly help all students. And we believe that LB557, as written, simply poses too many risks. Thank you.

HUGHES: Thank you.

JOSH McDOWELL: I'll gladly answer any questions.

HUGHES: Do you have any questions for Mr. McDowell?

CONRAD: I have a question.

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HUGHES: Yes. Go ahead, Senator Conrad.

CONRAD: Thank you, Vice Chair. Good to see you.

JOSH McDOWELL: Yeah.

CONRAD: Thanks for being here. Do you know, did either you individually or did your organizations take a position on Senator Murman's bill, LB653, that sought to address some issues with option enrollment and students with disabilities and didn't raise any of these other issues that are present in Senator--

JOSH McDOWELL: I do not, I do not remember. I'll have to go back and look to see if we did.

CONRAD: Yeah, I don't-- I-- the committee statement is not up, not up yet because we haven't execed and I don't have a, a list of all the testifiers that day. But I guess my question to you and other members of the education lobby would be if you oppose Senator Murman's measure that sought to address some of these issues and didn't raise any of these other voucher-type entanglements that are present in the bills today, what's the answer?

JOSH McDOWELL: I'll defer back to the, the response, it's a really good question.

CONRAD: No, I'm, I'm asking you, you're a superintendent that gets paid to manage educational policy in your district every day.

JOSH McDOWELL: So what's the, what's the answer to--

CONRAD: To kids that get denied option enrollment when they have disabilities.

JOSH McDOWELL: What I think about-- I don't have a good answer for you, Senator,--

CONRAD: OK.

JOSH McDOWELL: --only because--

CONRAD: That's, that's all you need to say then, I guess.

JOSH McDOWELL: OK.

CONRAD: Or complete your sentence if you want to or not.

JOSH McDOWELL: Sure. Again, I think a lot of it, it's not that we-- we, we certainly do not go out to deny kids, right? We don't-- I don't want to do that. But in my particular district at this time, as well as many other districts, there's a special education staffing shortage. It is, it is very challenging to meet the needs of the students who reside within the district with IEPs. So to continue to add to that is an incredible challenge when, again, the 80% reimbursement has been much appreciated, but that hasn't fixed my six FTEs that are open right now for special education.

CONRAD: Right. And-- but you have a legal obligation for the kids that are in the district to figure out how to provide the services and you do.

JOSH McDOWELL: We do. Correct.

CONRAD: So why can't you figure it out when other families want to option in?

JOSH McDOWELL: I think eventually it just simply becomes an economy of scale. Right? There are certain minutes that have to be provided, and we're able to do that with the staff that we have now. But if you continue to add to those caseloads, the minutes that are required by law to provide those special education services will just simply become impossible to meet with the staffing in the time that we have.

CONRAD: That's not 100% right. Why couldn't you pivot to contract services?

JOSH McDOWELL: If those contract services are available, we, we certainly could.

CONRAD: Right.

JOSH McDOWELL: Typically, those contract services also come at a much higher cost than a, a staff member.

CONRAD: Right. But if that's the option that's the option, right?

JOSH McDOWELL: Could be.

CONRAD: Yeah. All right. Thanks.

HUGHES: That lends me thinking of another question then. And, and I just, I just don't know it. The state gets a filling up to 80 with the fed money and whatnot, 80% of a special ed funding. If a district is

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needing contract services, I know a lot of districts use contract services for speech or whatever,--

JOSH McDOWELL: Yeah.

HUGHES: --is that part of the cost that's-- is that the real cost? Like, if I'm using a contract and it's maybe double if, if I had my own sped teacher, but I don't have a sped teacher, I'm having a contract out. Is that-- is the real cost then because with the contract-- I'm trying to say this. Do you know what I'm saying?

JOSH McDOWELL: I, I, I think I understand your question and--

HUGHES: Like, if I'm getting services here from the sped teacher, let's say it costs \$100, but I contract it out for this kid for \$200,--

JOSH McDOWELL: And it's \$200.

HUGHES: --do I get reimbursed for \$200 for this person and \$100 for this person?

JOSH McDOWELL: The 80% of that I believe so, yes.

HUGHES: OK.

JOSH McDOWELL: I'll confirm and get that to you.

HUGHES: So, yeah. So if that's the case, then you would argue that 80% is helping, even if it does cost more money to contract out, it will help cover it.

JOSH McDOWELL: Sure.

HUGHES: OK. Thank you. Other questions? Yes, Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. Thank you for being here. A long-time teacher from Adams Central so familiar with Crete. First of all, I'm sorry to tell you you're here as a lobbyist since you're for STANCE. I know a lobbyist,--

JOSH McDOWELL: Sure.

LONOWSKI: --just not making the pay. Can you, can you tell me how this bill would affect Crete? Do you have a private school close to Crete?

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JOSH McDOWELL: We, we do. We have a, we have a K-6 private Catholic school.

LONOWSKI: But not a high school?

JOSH McDOWELL: Not a high school. Correct.

LONOWSKI: OK.

JOSH McDOWELL: So let me, let me elaborate on that, too. I, I was going to try to squeeze that in there. Crete built a, a brand new high school in 2016. You've probably seen it. Capacity of 680, there are 725 kids in that building right now. So, again, those-- capacity certainly becomes an issue, too, outside of special education.

LONOWSKI: OK. What's the closest high school you have near you?

JOSH McDOWELL: Probably Dorchester.

LONOWSKI: Yeah. OK. So, so I guess my final point was, does this bill really pertain to the Adams Centrals and the Cretes? Is there any way we can use this to help us?

JOSH McDOWELL: I don't see it helping us.

LONOWSKI: OK. All right. Thank you.

JOSH McDOWELL: Yep.

HUGHES: Thank you. Any other questions for Mr. McDowell? No. Thank you.

JOSH McDOWELL: Thank you.

HUGHES: Next opponent?

JASON BUCKINGHAM: Good afternoon, Chairperson Murman and members of the Education Committee. My name is Jason Buckingham, J-a-s-o-n B-u-c-k-i-n-g-h-a-m, and I'm the Superintendent for the Ralston Public Schools. I testify today on behalf of the Ralston Public Schools and the Greater Nebraska Schools Association. And I appreciate the opportunity to appear before you in opposition of LB557. As you're aware, the public education system in Nebraska provides a program known as option enrollment, which gives families the ability to seek the best educational opportunities for their students. The program currently allows families to option students once during elementary, once during middle, and once during high school. Essentially, this

allows families the opportunity to pick the best learning environment for their students at three different steps along their progression from kindergarten to graduation. We believe the program as it is currently legislated strikes a good balance between honoring the desires of the families applying for option enrollment and the capacity of school districts to be able to provide educational services. We're greatly concerned by several of the propositions in LB557 that would diminish the ability of school districts of choice to continue to provide the best educational opportunities available. One of the concerns we have with LB557 is the abandonment of the current option enrollment deadline. The current deadline of March 15 allows school districts the ability to determine with more certainty how many teaching positions are needed, and how many may remain unfilled for the next year. As you may be aware that we are currently experiencing a shortage of teachers in Nebraska and if the deadline was removed, we would struggle to add staffing for option enrollment applicants after March 15. Coincidentally, March 15 is also the date in statute when a school district can first require staff members to sign their letter of intent to return. Another concern with LB557 is removing the provision to give siblings of a current student preferential status in option enrollment. This change would impact the ability of families to keep their children in one school district, as it would call for a random system of accepting students. We strongly disagree with this change, as it could put families in a position where it has children in several different school districts. Another concern we have regarding LB557 is that the change disallowing the use of, of disability as a criteria for selection, and I'm sure I'll have some questions here at the end. We receive and accept special education option enrollment students every year, but we're also mindful of our capacity to serve our students. Some programs may have greater capacity than other students, and we define our capacity based on our ability to serve our students. As an example of why this is critical for school districts to establish capacities for special education, the most recent teacher vacancy report for the Nebraska-- from the Nebraska Department of Education places special education as the endorsement area of the greatest number of unfilled positions. The data reported in December of 2024, states there were 149.5 special education positions unable to be filled by qualified candidates statewide. Of those positions, 50.5 went unfilled by anyone for this current school year. The proposal to take away a school district's discretion in determining their capacities for programming may put school districts in a position where unsafe and overcrowded classrooms become more prevalent, and it may diminish the ability of the school district to remain-- to be effective in serving their students. I have

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got more testimony, but I see I'm out of time and I would take any questions you may have.

HUGHES: Thank you, Mr. Buckingham. Questions for Mr. Buckingham? Yep.

JASON BUCKINGHAM: Hi, Senator Juarez.

JUAREZ: Thank you for coming.

JASON BUCKINGHAM: You bet.

JUAREZ: So I have a question about you mentioned this March date. March 15 is the first date staff members are required to complete their intent to return. Is there an ending date? I'm not familiar with what the timeframes our teachers have.

JASON BUCKINGHAM: Yeah, April 15 is generally the requirement of when we-- and we have to notify staff if they're not returning. But March 15 is the first date by statute we can require that return. So we have a good idea of which, which staff members are going to return and which ones are looking at other options.

JUAREZ: OK. So in regards to this bill that we're discussing today, do you feel that if we had some deadlines and-- that would ensure how another school district could evaluate people wanting to come in, that that would really help a lot in your, you know, in managing your schools?

JASON BUCKINGHAM: It very much does so. And that's why we're supportive of keeping those deadlines in place. If we open it up to allow for option enrollment students at any time throughout the course of the year, we could, in theory, because of our position in a metro district have more option students during the course of the year when we don't have staffing, necessarily, to serve them.

JUAREZ: OK. And then I don't know if it was you or someone mentioned that somebody could use this in elementary, middle school, and high school, and is it just one time at each level?

JASON BUCKINGHAM: Correct.

JUAREZ: OK. Thank you.

HUGHES: Other questions for Mr. Buckingham? Nope? OK.

JASON BUCKINGHAM: Oh, wanted to answer Senator Conrad's question.

CONRAD: No need.

JASON BUCKINGHAM: All right. Thank you.

HUGHES: Next opponent?

CONNIE KNOCHE: Good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Connie Knoche, C-o-n-n-i-e K-n-o-c-h-e, and I'm a senior fellow for OpenSky Policy Institute. We're testifying in opposition to LB557 as introduced with two concerns. First, the potential impact to schools and their ability to serve students if the school district cannot deny enrollment option applications. And second, the overall cost of the program given the state's current fiscal situation. Current standards allow school districts to deny, to deny applications due to building capacity, grade level, program, or ability to meet the needs of students receiving special education services. These standards ensure adequate resources are available to meet student needs and adhere to the education best practices related to class sizes, building capacity, safety, and meaningful teacher-parent interactions. They also ensure the district has the resources necessary to meet the needs of each student with an IEP is entitled to, including paraprofessional support, therapy services, and nursing support. LB557, as written, prescribes a completely random lottery-based system which may result in inadequate resources to meet the needs of students. It also allows students to change buildings or even districts at any point during the student's education, which could not only interrupt instruction but create a significant administrative burden for schools with no new funding from the state to support the additional workload. This bill provides for an educational support payment of \$2,500 for each student that has been denied option enrollment. The system seems to open the door to abuse, where families intentionally apply for it at school districts that are at capacity, and then collect their \$2,500 from the state without any intention of using it for educational purposes. The \$2,500 amount appears to be arbitrary. It's about half the average private school tuition in Nebraska, but also more than the state currently pays for net option students. The state currently pays approximately \$2,200 per student for net option funding, so this would be more than what the state is paying for option enrollment. And if all-- in 2024-25, there were 330,136 public school students and 37,107 students in private schools. If all private school students applied to a school district for option enrollment and were denied because of capacity, it would cost the state approximately \$92.8 million in the first year. And that's assuming each private school student applied to and was denied option enrollment. Given our current financial

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situation, Nebraska's General Fund cannot accommodate these kind of expenses.

HUGHES: Thank you for coming in, Ms. Knoche. Questions? Yep, Senator Conrad.

CONRAD: Yeah. Thank you. Good to see you, Connie. I just wanted to state for the record that I appreciated OpenSky's advocacy in regards to fighting back against Attorney General Mike Hilgers' attack on LB504. And I, I hope that the other folks involved in education advocacy and these issues were equally as voracious and clear in their advocacy. If we all care about kids with special learning needs, we shouldn't be trying to undermine them in the court. So I just wanted to say I appreciated that.

CONNIE KNOCHE: Thank you. I appreciate that.

HUGHES: Any other questions? Comments? All right. Thank you. Next opponent?

RITA BENNETT: Good afternoon. Thank you so much. My name is Rita Bennett, R-i-t-a B-e-n-n-e-t-t, and I'm here today to testify, both as a citizen and on behalf of the Nebraska State Education Association. And I appreciate the chance to do this. I'm a retired Nebraska public school teacher who can't retire from caring about Nebraska's children, and about the resources that we rely on to educate our children. And I'm here today to express some concerns about the bill. I'm proud that in Nebraska, we have a system of option enrollment. I've attended plenty of our local school board meetings where option enrollment is on the agenda, so I know how important this is to Nebraska families. But LB557 would create more problems than it purports to solve. In '23-24, there were 6,726 applications for option enrollment, which represents about 1.84% of students in the state. I carefully studied the '23-24 Option Enrollment Rejection Report [SIC] and, unfortunately, it does not include data about how many total apps were from students who have an IEP or disability. Nor is the data in that report disaggregated by income level. So even with the senator's amendment to limit the support payments to those just meeting those certain definitions, there's really no way to know how many students this might affect, nor no way-- nor any way to assess the true fiscal impact. But I will add the original fiscal note, fiscal note indicated an impact of \$2.4 million. This adds to the financial strain that we're already facing with revenue shortfalls. Fewer dollars in the state's revenue pie certainly will mean fewer dollars available for other state expenditures, including general state aid to schools.

Support payments under the bill are not restricted to those who attend public schools. I have already heard of intentions by some that you've heard alluded to earlier who, you know, might use this to purposely flood districts with apps, increasing the likelihood of receiving rejections and, therefore, those \$2,500 payments. Also, private schools are not prohibited from discrimination in their choice of students, and so there's no guarantee that any student would be granted admission to any other school of a choice, including those for whom this bill is intended. Not only that, but it does circumvent, even with indirect payments, the manner of using state funds for the benefit of private schools that are not controlled under a government subdivision. According to a Nebraska Examiner article from November 7, 2024, one concern is whether or not special ed needs are unfairly used as a reason to reject option enrollment. Senator Murman was quoted as saying the goal is there wouldn't be any discrimination because of disabilities. As a parent of two Lincoln Public Schools graduates who both had IEPs and who receive special ed services, I wholeheartedly agree with that statement and with that goal. From the rejection report, I noted that about 3.4% of the apps were rejected because the district said they lacked sufficient capacity space or otherwise to serve students in special ed programs. A district's goal is to fully meet the needs of students, and certainly as a parent, I would not expect a district to be able to meet my student's need if they don't have the capacity, don't have sufficient resources. So that is a valid reason, in my opinion, for rejection of an option enrollment application. And I know that my time is getting short, but I will simply say that if we really want what's best for children, one of the things I would suggest is rather than looking at these funds, perhaps we could use those to remedy some of our capacity issues so that we could better serve children so that no option enrollment applications would have to be rejected. So I think that's something that we could work on together. Thank you.

HUGHES: Thank you for your testimony, Ms. Bennett. Questions? Yes, Senator Meyer.

MEYER: Thank you, Vice Chair. Just a question. Do you see any educational value, any positives in this particular bill? And by extension, what would you do to improve it?

RITA BENNETT: Oh, gosh, how much time do we have? Actually, within this bill certainly I admire and, and I think it's great if, if interested parties and all of those of us who really care about kids can come together. If there are concerns about the way option enrollment applications are being dealt with, I do think there are

other ways that, that that could be resolved. And, certainly, I didn't prepare all of my list of, of ideas for today. But, but-- so the bill in and of itself, its overarching goal is great in that trying to meet all students' needs in the best way possible. But I think it does, as I said earlier, create more problems than it, than it solves. I certainly think that the payments having no limits on them, and some of those things are concerns that you've already heard heard several of the other testifiers mention, which is why I didn't get into all of them as well. So, so, certainly, the overarching goal of wanting to make sure that our current option enrollment system is working as best as it can is a good one, but I think there are ways that we can go about that it would-- could be even better than what this bill is trying to do. And I think the harm to districts trying to meet the needs of kids and wanting to say yes to option enrollment applications, isn't going to be answered by this bill.

MURMAN: Thank you.

RITA BENNETT: Thank you.

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

RITA BENNETT: I'm honored you came back just to tell me that. Thank you.

MURMAN: Any other opponents for LB557?

MELANIE KNIGHT: Ready?

MURMAN: Good afternoon.

MELANIE KNIGHT: All right. Hi. My name is Melanie Knight, M-e-l-a-n-i-e K-n-i-g-h-t. I'm changing my testimony a little bit, so bear with me here, so. I live in Clay Center, Nebraska. Senator Murman's district. I am a former stay-at-home mom, homeschooled my youngest from fifth grade up, and I am opposed to this bill primarily because of the, the voucher part.

MURMAN: Excuse me. Sorry. Could you spell your first and last name?

MELANIE KNIGHT: Yeah. M-e-l-a-n-i-e K-n-i-g-h-t.

MURMAN: Thank you.

MELANIE KNIGHT: All right. Did I not do that?

MURMAN: Yeah, sure. Thanks. Sorry to interrupt.

MELANIE KNIGHT: Sorry. I am opposed to this primarily on part of the voucher part of it. I volunteered on the other petitions that we had for the stand for our schools, for the-- all the different vouchers. And I can just tell you that Nebraskans do not want their public taxpayer dollars to go to private schools in any way. I didn't have to beg for signatures. I didn't have to search for signatures. People came to me. It was easy. It was actually kind of fun. I got to meet neighbors. I got to meet my people in my town because people were opposed to it. And so the second time around was even easier than the first time because people were actually pissed. It was like, why are you not listening to me? So anything that has money tied to it, they're not going to be happy with. Second of all, I guess I want to address, and this is I do not have scripted, so living in a small town, our school actually closed, so we consolidated with a town with a school 7 miles down the road. I was not happy with that choice and so I did opt in my oldest to a school 7 miles the other direction. I did not opt in my youngest because he needed services. That school initially would have accepted kids with IEPs, but I honestly, I knew they couldn't afford to do him. It's a small school, less than 70 students total K-12. Their IEP-- their, their special services were already full. But to hire a whole nother teacher to be able to take my one kid, it would have bankrupted the school. Rural Nebraska doesn't even have the contract services like Senator Conrad mentioned to find OTs, SP. I mean, they're just not available out there. We do not have the people available to go into schools. I know Adams Central was closed for quite some time and I don't, I don't blame them. If we could prove that they were discriminating, yes, but a lot of times it's they do not have the resources. And to force them to take them if you don't have the resources, I think you're just doing a disservice. My, my personal opinion, so.

MURMAN: Thank, thank you.

MELANIE KNIGHT: Any questions?

MURMAN: Yeah. Any questions for Ms. Knight?

MELANIE KNIGHT: Yeah. Thank you.

MURMAN: Thank you for testifying. Other opponents for LB557? Good afternoon.

DANIEL RUSSELL: Afternoon, Chair Murman and members of the Education Committee. My name is Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l, and I'm the Deputy Director of Stand for Schools, a nonprofit dedicated to advancing public education in Nebraska. Stand for Schools is here today in opposition to LB557, which makes changes to the option enrollment program and provides payment to students whose option application is denied. We oppose LB557 today for two reasons. First, because as written, LB557 does not give schools clear guidance in operating an option program and does not define key terms. And second, because LB557 includes a payment component with no oversight, no cap on spending, and no demonstrated relation to the needs of option students. A lot of my testimony has already been covered today, so I just want to skip to the parts that maybe haven't been and specifically about maybe some, some clarity that is still required about how the option enrollment program works. So, specifically, LB557 outlines that schools may only consider the interest of the student and the student's parent or legal guardian, and a random selection process when determining acceptance or rejection of applications for option students. It's further codified later in the bill, which disallows any capacity measurement as a basis for evaluating option enrollment applications. It's unclear how the random selection process and the interests of the student and the student's parent or legal guardian should interact under the bill. LB557 doesn't define what would qualify as an interest of the student or the student's parent or legal guardian. Language currently in statute giving a priority to siblings of option students is eliminated under the bill, so presumably the interest must be more compelling than a sibling relationship and the efficiencies gained by educating multiple family members in the same district. And then further as, maybe, has been pointed out before, it's unclear how the interest of the student and the student's parent or legal guardian should interact with the standards that school districts are prohibited from using, particularly capacity. And while we recognized to Senator Conrad's earlier points about capacity limitations, I think that it's important to also point out that students and parents are concerned or are interested in classroom overcrowding and may base decisions around enrollment on capacity. So if a school district cannot serve the students who apply for option enrollment, whether because of the special education program capacity, general classroom capacity, or simply the fire code, it does Nebraska students no good to require their option enrollment into such a district. So for those reasons, we oppose LB557, and I'm happy to answer any questions.

MURMAN: Thank you. Any questions?

JUAREZ: I have a question.

MURMAN: Yes, Senator Juarez.

JUAREZ: Do you know on this amount of the \$2,500, is that truly all just state funds, or are there some federal funds that help us to provide this kind of--

DANIEL RUSSELL: Yeah.

JUAREZ: --option?

DANIEL RUSSELL: So my understanding from the bill is it would be state funds. But I can look into that and get back to you. And maybe we need some extra clarity in the bill to answer that question.

JUAREZ: Well, I just think that, you know, the reality is in our environment right now, especially what's going on at the federal level. I mean, we're all looking at an issue that's, you know, important for our state and looking at these options for our students. But, you know, next week the Department of Ed might not even be there. You know, so there-- I don't think that we should be ignoring that reality, nor should we ignore who knows what kind of funds that will be provided to the department in the future. And I think that that reality is just something that should be mentioned. Thank you.

MURMAN: Any other questions? Senator Conrad.

CONRAD: Thank you. Thank you, Mr. Russell. And I think you were in the audience when you heard my exchange on the other, you also testified against Senator Murman's measure to try and improve access to the option program for kids with disabilities. So if you're against Senator Armendariz's and Senator Murman's bill, which didn't entangle any of these voucher issues, what, what is the solution?

DANIEL RUSSELL: Yeah. So as you, maybe, recall from our testimony on Senator Murman's bill, our main concern in that bill was the elimination of the capacity requirements. I certainly think a lot of the components of Senator Murman's bill, such as increased transparency, some of that is reflected in here, additional reimbursement for special education provisions for public school students. We support all of that. We just don't support the elimination of a capacity standard in the option enrollment program.

CONRAD: And I, I just can't remember, did you have a chance to reach out to Senator Armendariz or to Senator Murman before you came in, in opposition to their measures?

DANIEL RUSSELL: We did not, and I apologize for that.

CONRAD: And why is that? Do you lack capacity or it's new to lobbying or what, what's the reason?

DANIEL RUSSELL: Some of it is capacity. Some of it is just I didn't think to do it and I-- that is unfortunate.

CONRAD: Yeah. It makes it hard to work on the bill.

DANIEL RUSSELL: Yeah.

CONRAD: OK. Thanks.

MURMAN: And I have a question. Talking about capacity, how does a school determine whatever the special ed program is that they are capacity? I mean, it's, it's-- they do have-- they're tempted, I guess, to say our special ed programs are at capacity so they won't have to take special ed, you know, certain special ed students. How, how can they determine that?

DANIEL RUSSELL: Yeah. And that might have been a better question for some of the superintendents, but my understanding is that they look at how-- what their full-time employees, what their FTEs are, how many students they can fit in the building. So a variety of different measures. And, you know, to the extent that we could increase transparency, like I believe your bill does around how schools set capacity standards, I think we would be in favor of that.

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

DANIEL RUSSELL: Thank you.

MURMAN: Other opponents for LB557? The chair.

JOSEPHINE LITWINOWICZ: In the old chair, I got to pay you back, you know, the emotion. [INAUDIBLE], there's guilt and I got a spiral fracture when my chair failed. Anyway, my name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And I have a concern, I appreciate all the com-- I mean-- and thank you, Senator Juarez, for your questions, in particular. What about so-called trends? I call them non-cis females. So can they make use of these

options and go to a private school? Let's say, you know, if, if they really would do well being there. You know, I don't, I don't know how well that would be received. And I, I, I would support, you know, bussing, paying the bussing, any public money, you know, to get to the school. But any public money use-- private money used for public education-- I mean, private education, state money. And that just has to be said. Yet, you know-- and yesterday, you know, reappropriate had a bill I was unforgivably refused to speak at, where they're filling up the gas tank right now with \$10 million next year, and then another 10. And so, you know, I, I, I know the way we're going, you know, we're splitting it up now. We're going to see, you know, splitting, splitting the issue up into pieces. And so I went to a parochial school, and I had a good experience. And-- but I would have had a good experience anywhere, I'm sure. And so I really-- and I, I, I agree with, you know, being able to be shipped-- go to a different district because of the school. It's got a better school. I, I would do that for my kid in a heartbeat. I would, you know, even if I had, had a way to drive them there myself. But then-- yeah, class sizes, you know, I'm, I'm also concerned about people with disabilities and IEPs. I mean, it's, it's going to give lip service to it. Are, are we really going to talk about the capacity? And, and then it's so, it's so dynamic, and it's also quick. How do you have those-- because they're, they're going to get messed over because they're, they're, they're not-- it's not going to be adequate, just like it isn't now, especially in the rural areas. And so, you know, in a sense, you can get an indication of what schools are better or not by how many leave. And maybe something can be done about that, too. And so-- but trans students, right? Can they go to-- from, from Lincoln High to Pius and let them be who they are because that is who they are, because that is how I am? And that's just the way it is. Because I don't know why, but that's the way I am. OK. Thank you.

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

JOSEPHINE LITWINOWICZ: Thank you, Senator Murman.

MURMAN: Any other opponents for LB557? Any neutral testifiers for LB557? If not, Senator Armendariz, you're welcome to close.

ARMENDARIZ: Thank you. Thank you, everyone for listening. Thank you, everyone, for the thoughtful testimony that I'm sure many of us have heard over the years. It's a recurring theme. I want to, I want to make sure that I address that if we're not forcing it-- we're not forcing school districts to expand or create more capacity, or have

more professionals on staff that they'd have to hire at a high cost. They can use this option to say no. The child would get the \$2,500 to find a school that would accept them. That's as simple as the bill is. I know there's a lot of well-meaning opponents of anything that creates an option outside of the public school system, but there is a, a deep reason that I have that I want to address in this bill. And I tried to be very specific and surgical about who this was going to address. I'm going to read you a few stories from a compilation of stories called: Prickly Penny and the Walls. When "Penny" was 6 years old, she had a new friend in her neighborhood. "Sherry" was the little girl's name, and she was a year younger than Penny. Sherry had a younger sister "Sandy" also. Penny spent a lot of time at Sherry's house. They had a nice house with a second floor. Sherry's mom stayed home with them and Penny really liked that. Sherry's mom was very attentive to Sherry and Sandy. Sherry's dad was "Bob" and her mom was "Mary." They had a nice big garage and a second outbuilding as well. Penny lived in a neighborhood very inner city, poor, and a lot of one-bedroom homes with some transient residents and some, and some families. Mary and Bob tended to a very large garden and also had fruit trees. Mary would gather all the fruits and vegetables they grew and canned them for their food that lasted well into the winter. Sherry's house was always clean and her mom did all the cleaning and cooking. This was such a comforting idea to Penny as Penny's mom and dad both worked, and Penny and her older siblings were to do chores as soon as they arrived home from school and were to start dinner. The only bed that was to be made for sure was Penny's mom and dad. Then there was vacuuming, cleaning, and breakfast dishes and cleaning the bathroom every day after school. And Sherry's dad, Bob, spent a lot of time with Sherry and Sandy. Penny liked this as her dad seemed to be very bothered by her and her siblings, even enraged at times. Unlike Sherry's dad, who had Sherry and Sandy with him all the time, almost always without Mary. They would clean the garage together, pick fruits and vegetables. He would play with them. In Sherry's yard, there was a horse tank that they would fill with water to swim in. This was very exciting to Penny. No one in their neighborhood had a swimming pool, and they'd usually just hose off to get cooled off in the hot summer days. Penny and her siblings were not allowed to go in and out of the house with the window air conditioner running. One particularly hot day, Bob invited Penny to swim in the horse tank with Sherry and Sandy. Penny was so excited. Yes, yes, she wanted to swim on this hot day with her best friend. What a nice dad Sherry had. Penny excitedly said she would run home and get her swimsuit and be right back for a cool jump in the pool. Bob suggested that Penny didn't really need a swimsuit. Bob said all of the girls could just take off their clothes

and wear their underpants. No big deal. That felt wrong and weird to Penny, but Penny really wanted to swim, and this man was so much better of a dad than Penny's dad. He must know if this is really all right. So Penny agreed, and the three girls frolicked in the horse tank with their thin underpants all wet as Bob sat in his lawn chair and watched attentively at the girls with their little friend. After the swim, Bob took the three girls in the basement bathroom and dried each one of them off with towels, and he gave Penny a pair of underpants that Sherry had to wear home. Penny wondered where Mary was. That evening, Penny was invited for a sleepover at Sherry's. Penny's mom agreed to let her stay. It was always a challenge to ask to spend the night somewhere when Penny was growing up. But Penny always loved the excitement of being able to be a part of another person's family, even for just one night. She loved to see how different things were, how the parents interacted with each other, and especially with the children. So Penny and Sherry were to have a sleepover this night. About an hour before they were to head upstairs, Sherry's dad ask Penny if she wet the bed. She looked puzzled, as Penny didn't know anyone who wet the bed. Penny thought that would be very weird for a girl 6.5 years old to wet the bed. Penny told Bob no with a slight puzzled look. Penny and Sherry continued playing games until bedtime, then headed upstairs that had been set up in the unfinished attic. Penny and Sherry settled in and giggled and sang and finally drifted off to sleep. Something woke Penny up the sun-- as the sun was coming up that morning. It was the height of summer and the sun would rise around 5:30 in their city. Someone was over her from behind. She could tell it was Bob. She laid very still and pretended to be asleep. His hand went under the covers and over the-- over her bottom and slid his hands between her legs. He rubbed his hand there for a few moments. Penny stayed very still as to not let him know she was there. She was nervous. She wondered if Sherry laying behind her, knew he was there. Then, almost as quickly as he was there, he stopped and left. Once Penny felt it was safe to open her eyes, she could see the sun was just beginning to peer through the window shade. What a beautiful summer morning. The sun was promising. It was not dark anymore. Sherry was not awake. Penny laid in the bed, thinking of how long it would be before her friend woke up. Finally, after a short time, Penny stirring around enough to wake Sherry. This was very early for both girls to be awake, but Penny was all ready to go home and go back to sleep in her own bed. Penny made an excuse to leave and went home, making her mother rise early to let her in. Penny went back to sleep in her bed, brushing off what Bob had done. He must not have believed her when she said she didn't wet the bed. Penny began to build the walls. She realized she was not safe sometimes when she

slept. Penny and her siblings received a box of hand-me-down clothes from her cousins in another state. Penny didn't fit many of the clothes, but there was this one vest she was fond of. It had flowers on it. It fit her just perfectly. Unfortunately, Penny was wearing that vest on another particular incident where her dad decided to whip her and "Sam," her brother, and stand them in the corner again. Penny was crying from the whipping and sniffing from her nose. Her dad became furious of the sniffing and grabbed her beautiful hand-me-down vest and ripped it off of her, tearing all the buttons off, then making her continually blow her nose on that vest for several minutes, demoralizing her. It was heartbreaking for Penny. She had never had such a nice vest and she knew the buttons would never be sewn back on. She was 8 years old. By the time Penny was 10, her walls were so strong she did not cry anymore. I bring this, this up, oftentimes abuse is subtle, abuse is disguised as care and love. We find it in our own families and in a close community we wrap, we wrap ourselves in. When those very environments are abusing a child's trust, even if the child doesn't know it yet, it becomes built into that child's psyche and makes the child even more available to abuse by others. They cannot begin to build new relationships on the examples provided them through their own upbringing, and the destructive cycles continue. Generational poverty, exposure to another way, exposure to healthy families and parenting, exposure to environments where people in them are not making desperate decisions, this is the opportunity before us. This argument we are having should not be about public money going to private schools. This argument should not be about how much money is spent opposing that access. This argument should be about the public school-- should not be about the public school or the private schools as institutions, or the teachers and the administrators and the unions. This argument is about how many little girls like Penny can we help rise to the top? How many shy little 7-year-old girls that have the weight of the world on their shoulders beyond their young years? How many 6-year-old boys that have begun to build their walls, brick by brick, to protect them from the harsh realities they live in? This is about them. This is about how many of them we can show that life for many children is different than their own. This is about using the tools we have to expose these very children to a different way than what they know. Maybe, just maybe, that shy little 7-year-old will listen closely to a teacher she feels safe with. Maybe when she turns 15, she will closely watch how another family is gentle and encouraging with their children, and she decides that day that she will never hit her children. Maybe through her exposure outside of her home, outside of her community, she will understand that having a baby as a teenager is not her destiny, but

she strives to get married, get a degree, raise a happy family, and learn and learn and learn. I would like to, I would like to ask you to forgive me for my words last year that Mr. Royers mentioned. I do not often have fancy words or straight together eloquent sentences like many. My-- Penny is my story. There are many more Pennys out there, tenacious, full of grit and resolve and determination, eager to learn and ask questions and understand. Are we resigned to let those kids just get lost in the shuffle? With the right, with the right exposure to something different, we might have a loving mother or father. We might have another senator or President. We might have an opportunity to build a loving neighbor with a sense of strong community, and the desire to leave a positive impact on this world. One thing I do know, we have an opportunity. We have an opportunity to do the right thing for that 1 child or 5 or 100. We have this opportunity and we have the power. Thank you very much for listening today.

MURMAN: Thank you, Senator Armendariz. Any questions for Senator Armendariz?

CONRAD: Thank you.

MURMAN: If not, appreciate your closing very much. And on LB557, online, we had 3 opponents, 8-- or, excuse me, 3 proponents, 89 opponents, and 1 neutral. So we will close the hearing on LB557 and open the hearing on LB633. That is Senator Hansen.

HANSEN: Good afternoon, Chairman Murman and members of Education Committee. The, the bill that I have in front of you is somewhat similar to Senator Armendariz's bill, but different. I think this might be, I want to say, a simplified version of it. But it's-- it has to do with option enrollment and how we can give the children in Nebraska options maybe they didn't have before. And so all the opposition that came for Senator Armendariz's bill, they don't have to come for mine. So they can just-- they don't have to worry about it. You don't want to hear it all again. Thank you for the opportunity to present my bill, LB633, which creates the Nebraska Option Enrollment Tuition Account Program. In 1989, Nebraska passed what they called free choice legislation and created the option enrollment program for children in our state. The goals spelled out in the hearing and during floor debate were very specific. Parents would be able to make academically orientated choices for their children. The intent was to increase parental involvement in the education of children, and make public schools more responsive to the concerns and needs of the families, improving the quality of education. It was the general consensus that if a student wasn't served well in their school, they

should be able to go to another school that meets their educational needs. The foundation for the option enrollment program is the thought that each student is unique, and should be provided an opportunity for an effective and successful education. More than 35 years later, we still use option enrollment. This year, there were over 24,000 students that were optioned into another district. This next section, Senator Juarez, I think, had a couple of questions about this initially. For each option enrollment student, a district receives a statewide basic funding per student formula, which is approximately \$11,000. The total funding used for the program this school year was around \$122 million. Keep in mind that funding for equalized districts reduced their equalization aid by the exact same amount. So it doesn't cost the state anything extra for the schools. Unfortunately, even though the state acknowledges that the ability for a student to request a transfer is important, not every kid who applies for option enrollment is accepted. Because of legislation recently passed by Senator Conrad, the state is now required to record how many students are denied option enrollment. For this school year, there were 6,727 student-- new students who applied and 971 of them that were denied. When a parent sees their child would benefit by going to a different school, we give them the option to enter a better situation. However, when the students are denied option enrollment, they are forced to return to a situation the parents and student already decided wasn't adequate for their educational needs. LB633 is written for these students to create options within option enrollment, guaranteeing that there is a path forward for students who have been denied. One concerning aspect to the option enrollment application is that the first question on the forms is, does the child have an individualized education plan, also known as an IEP? This year alone, 367 students with IEPs were told that they had been denied and sent back to the original school. As it sits now, a student may be struggling for a variety of reasons. Perhaps the school is too big or too small. Perhaps they moved recently but have roots in their old district. Maybe there's bullying, or maybe they see a specialized program at another school that would work for their particular IEP. Or, and we have to be honest about this, maybe there's a better sports team they'd like to join for their future goals. If the school reviews, if the school reviews and accepts a student's application, money will follow the student to their new school. If the school denies the application, they must provide a written notification to the parents stating the reasons for their decision and the instructions on the process of appealing the denial to the State Board of Education. The parent has 30 days to file a written repeal request along with the rejection notice. The Board determines the proper procedures have been

followed and, if so, the student must return to their assigned district and the situation they were trying to leave. I have brought LB633 to help students who have been placed in these unfortunate circumstances. When I brought this same bill 2 years ago, I was moved by the testifiers who came in support. We all know every kid who-- only has one shot at their K-12 education, and we have to make it count. If our public schools can't make room for these kids, Nebraska needs to provide another route. With this bill when a student is denied option enrollment, the school would send the rejection notice, the appeal information, and the instructions on how to request an Option Enrollment Tuition Account to the parent. Account to the board-- tuition account to the Board of Education or, yeah, sorry, the parent then has 30 days to make a request for an Option Enrollment Tuition Account to the Board of Education. If the Board finds their student eligible, they will create an account and deposit option enrollment funds within 15 days. As before, the money will follow the student to their new school. To be eligible for the Option Enrollment Tuition Account, one must agree to comply with all the requirements of the program and only use the funds for tuition and fees at a private, denominational, or parochial school approved or accredited by the state. We must also be honest that just like public schools, not every nonpublic school can take every child. With a universe of learners, we need a plurality of schools. That's why LB633 isn't about making every school fit every kid. It's about every kid having the chance to find the school that best fits them. It will open up more opportunities if and only if the public schools are willing-- unwilling to allow optional to take place. During their opening, during their opening for floor debate for the option enrollment conversation in 1989, the Education Committee Chair Senator Withem expressed the importance of option enrollment. He said that the Legislature discusses funding, districts, and issues that affect institutions. With this piece of legislation, though, they actually dealt with the students, the quality of the education, and the parents' right to get their kids quality education. He challenged the body to consider where their concerns stem from. Was it about individual student needs or the educational system? We should prioritize the student. LB633 does just that by expanding their options when the state validates the need to transfer through the option enrollment program. It simply takes a program already in place with funds that are already set aside to get a student who has, for some reason, isn't thriving in the learning environment provided at their school a chance to enter a different school that is able to support them in a way that is best for their needs. I appreciate the time you have taken this afternoon to consider this important piece of legislation, and I ask that you advance LB633

and I want to mention just a couple other things. This bill is right up Senator Conrad's alley, and I am willing to work with you on this as well for the very concerns that you brought up on testifiers in opposition to the previous bill. How do we get those children who have IEPs into a school that might be best fit them? Right now, my bill expands it to all kids, but if we even need to change it just for IEP kids, I think that's something I'm willing to discuss with you. Maybe bridge that small gap between public and private education of 12-15%, allowing them to follow the student-- allowing the funds to follow the student. One of the concerns I also had, and this is just some, some of the testimony I've heard the previous bill, in '23-24 budget year, we're, we're spending \$246 million in IEP students. We're expected in '26-27 to spend \$300 million. That's up 22%. So providing these kids, specifically, options, I think, is crucial. And that's what this bill does. And the testifiers that come in opposition, I want you to carefully listen if their concern is about the educational institution or if, or if it's about the quality of the education of the child. And almost all the testifying I heard in the opposition of the previous bill, they never mentioned the children once. STANCE mentioned, we don't want to spend taxpayer money that doesn't directly fund public schools, doesn't mention the children. We got to be careful with taxpayer dollars, which I agree. I don't have the answer to children who have an IEP and are denied option enrollment. This is the answer. And we're not, we're not forcing schools either to take them, maybe like the previous bill did. Someone from the NSEA also said they don't have the data to which denied enrollment were IEP, I think I mentioned that in my opening, and the previous bill causes more problems than it purports to solve. But it doesn't cause problems for the students. That's my contention. It might cause some mild problems for the institutions because they might have more paperwork, or they might decide, you know, the option enrollment process more, but it helps the students. And I think that's the end goal. And Senator Armendariz was exactly right on her closing that we do have an opportunity. And I think the bills that are in front of you today are that opportunity, and they don't have to be perfect, but we can make them perfect. We can try. I'm willing to work with anybody on anything on these bills. Thank you, Mr. Chair.

MURMAN: Thank you. Senator Hughes for a question.

HUGHES: Thank you, Chair Murman. Thanks for bringing this, Senator Hansen. OK. And I, I did not do my research prior to today. I'm digging into it. Just walk me through. So I'm a student-- or a mom, my child has been denied option enrollment, this-- a savings account is set up-- because the only cost to the state is the cost of the

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management of it, if you will. Where does the money-- how much money is it then that goes in the account? Is the account for Jana Hughes kid "A"?

HANSEN: Yes. Yes, into --

HUGHES: Just walk me through this.

HANSEN: --an option enrollment fund-- Option Enrollment Tuition Account.

HUGHES: Right.

HANSEN: This would be used-- we're not taking money from public education per se, we're actually using existing funds that are in TEEOSA that they have for option enrollment currently. It has \$122 million.

HUGHES: And is it the same, like, about 13,000 kids goes with-- \$13,000 per kid goes to the school where they option enroll, is it that same amount?

HANSEN: Right now, the way the bill is written, it has it based on how much we spend per child in the state of Nebraska.

HUGHES: Just as an average across the state. Right?

HANSEN: Yes. Yep, but I'm willing to use just our current option enrollment tuition as well.

HUGHES: OK. So-- OK.

HANSEN: Which would be about \$11,000.

HUGHES: Yeah, it's about \$11,000.

HANSEN: And then the kids with IEPs would get more.

HUGHES: And then that goes into account for Hughes kid "A".

HANSEN: Yes.

HUGHES: And then Hughes kid "A" can access that money to go to whatever Lutheran School.

HANSEN: Yeah. Well, they have to list off the school they're going to first of all, and it has to be--

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HUGHES: Because it has to be a qualified school, which helps handle some of the issues.

HANSEN: Yes, and it's specific for--

HUGHES: Yeah, it's not just-- it's not going to go to Jana to pay for the school. It's going to go to--

HANSEN: No, that's the agreement that they sign into--

HUGHES: Right.

HANSEN: --and that's the form the State Board of Education will form and it has to be specifically for fees and, and costs to enrollment.

HUGHES: And it's only if you're denied.

HANSEN: You're denied by a public education school first.

HUGHES: And-- OK. OK. Thank you.

HANSEN: Yep.

MURMAN: Any other questions?

JUAREZ: Yes.

MURMAN: Senator Juarez.

JUAREZ: OK. So I'm assuming that there's going to be a dollar limit that's in this fund, right?

HANSEN: It's what we appropriate. Yes.

JUAREZ: So is that an amount that would change every year? How often does it change?

HANSEN: Well, it'd be up to us as the legislative body and the Appropriations Committee to determine how much should be appropriate to the-- how much you're going to use for option enrollment fund. I mean, yeah.

JUAREZ: So that's probably yearly?

HANSEN: Every 2 years.

JUAREZ: Every 2 years?

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HANSEN: Every 2 years.

JUAREZ: OK. So, again, is this going to be used on a first come, first serve basis. Do you know?

HANSEN: I would assume so, yes. Yeah, just like how we currently do it. I'm not changing the option enrollment program at all. I'm just changing who, who is eligible for it or what they can use it-- what the eligibility is for it.

JUAREZ: OK. One thing that I want to mention in regards to any bills that are coming before us that are dealing with these options, is to make sure that you're providing documentation that's bilingual. So that way all people are having access to the information.

HANSEN: Of course.

JUAREZ: That is a huge concern of mine. That's why I'm asking about the first come, first serve because, you know, there will be families that English isn't the primary language. And I want to make sure that these families are also aware of what their options are.

HANSEN: Sure. And we're leaving a lot of that up to the State Board of Education who are-- be in charge of a lot of that.

JUAREZ: OK. I would appreciate it if you mentioned that to them for me.

HANSEN: All right.

JUAREZ: Thank you.

MURMAN: Senator Hughes has another question.

HUGHES: Yeah. Thanks. So just thinking through this. So one of the things prior to Senator Armendariz bringing her bill, we talked through some stuff a couple months ago. I mean, right, you just try to button down all the-- you don't want this to be taken for not the intent that it was. How would you-- just for example, let's say there's a school that's, that is full, whatever, with their-- because we're-- maybe if you're narrowing it down to the IEP issue, which I think is a good start, right, with something that, oh, it's, no, I'll apply there because I know they're full. And now-- you don't want to use nefariously or just, like, I'm going to use it to try to get scholarship to go to whatever, you know, how could we--

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HANSEN: Well, eventually, if, if, if they're-- see, I'm, I'm even willing to put in, like, if we need to, to address that concern. You could put--

HUGHES: Well, I don't know, maybe it wouldn't be a concern, but.

HANSEN: You could put it in, like, you, you know, you have some-- within so many miles of a school you have to, to then option enrollment in so you don't have people from Omaha--

HUGHES: It has to be kind of consistent--

HANSEN: --applying in Seward like you said.

HUGHES: Exactly. That's like-- her and I use that same example. I'm, like, OK, so then Seward school and your--

HANSEN: I know all the kids want to go to Seward, Senator Hughes.

HUGHES: The best district.

HANSEN: Next to Blair Public Schools.

HUGHES: It's the best district, right, Senator Conrad? We're both Seward High graduates. OK. And that's just-- I'm getting in the weeds now, but.

HANSEN: Well, it's good to get in the weeds for this.

HUGHES: Yeah, right.

HANSEN: I think we need to.

HUGHES: Yeah.

HANSEN: I think if we're going to come up with something that's specific and some of the concerns that Senator Conrad raised from testifiers, I think we need to be specific and I'm willing to do that. It's a good point.

HUGHES: Thank you.

MURMAN: Any other questions? Senator Conrad.

CONRAD: Yeah, thanks Senator Murman. Thanks, Senator Hansen, I appreciate your opening and, and I think I've always found you willing to work with anybody at any time to try to advance important policy

goals. And this would be a continuation of that approach, which I appreciate. You know, it's beyond perhaps the immediacy of the measure before us, but related to the concept. Both Senator Murman and I had interim studies to try and figure out how we can improve option enrollment for kids with different learning needs and kids with disabilities, and we had really good interim studies on those topics in 2024. And I know his legislation and some of the legislation that we're hearing today, you know, kind of builds on that and kind of tees off of that because we, we also I think-- while we need to get into the weeds a bit, we also have to be kind of realistic about what the numbers are telling us in the report. Option enrollment is working really well for most families that are utilizing it. It's not working well for a very small amount of families that want to utilize it. And that's-- so it's these kind of like, you know, woodwork kind of arguments, like, if we make this change, like, oh, everybody's going to run away from their current school district or whatever it is. I just-- I don't quite buy that. I mean, I think Nebraska parents are fully capable of finding whatever school is best for their kids. Most parents choose public schools in Nebraska north of 90%, right? You know, there's beyond the other 10%, some homeschools, some private schools, some religious schools, what have you. And the option program is working really good for most, but we've just got to figure out how to unlock the opportunities for the kids that are being denied. And some kids with special learning needs have really modest accommodations needed, right? It's not like every kid under the sun needs--

HANSEN: That's a great answer. Yes.

CONRAD: --you know, a really significant amount of accommodations on capacity. And I was, I was thinking as, as our friend Tim Royers was talking before about, you know, in his home district it was closed to option, but they were a couple hundred kids over capacity already for just their residential needs in that district. But they-- my point is they figured it out within the district. They were hundreds of kids over capacity, but they still figured out how to provide programs and services to kids in all different kinds of learning. So I just-- I don't understand why we're so stuck with the educational lobby and being able to make our option program work better for a couple hundred families who are being denied. I don't understand it.

HANSEN: I could, I could give my perspective, but I won't.

CONRAD: Well, feel free.

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HANSEN: Yeah, no, that might be a long conversation--

CONRAD: OK.

HANSEN: --I think I'd probably rather have off the microphone. But the, the point is, like, I think when, when, when the fellow from STANCE came up and said we don't really have a good answer on what to do with the, the with the questions that you were asking with a specific set of students. Does that mean we don't do anything? Like we just-- OK, well, we just won't do anything. Right? I feel like this is a good start for something. OK, you get denied public education, maybe we can try somewhere else. A private school might have-- they may have actually better facilities for the student, Madonna or some other kind of, you know, parochial school. Right? And they may actually want to provide it, but they don't have the funding for it. Like a previous testifier said how much an actual-- IEP children can actually cost the school system? So now if we can provide some sort of funding, we go to the school and say, hey, look, we're willing to take care of these children now we have some funding, now we can actually have some of these-- the facilities in order to take care of some of these children. It's a win-win for both, I think, public and private education, and it's a huge win for students.

CONRAD: Right, which is where this, I think, really needs to be.

HANSEN: Which is where we need to concentrate this conversation on, I think, from all the testifiers.

CONRAD: Yeah. And I will be following up with leadership in the educational lobby to see if they had veracious advocacy in regards to the Attorney General's litigation on LB504 as well, because that would speak volumes, I think silence or, or a commitment to seeing that, that case move forward or not. Thanks.

HANSEN: OK.

MURMAN: Any other questions? Senator Lonowski.

LONOWSKI: Thank you, Chair. And for the record, if you have to keep telling people you're a good district--

HUGHES: Oh, my gosh.

LONOWSKI: --dot, dot, dot. I'm Senator Lonowski and I have a question for you. I did teach at Adams Central for 30 years, but. So when-- Senator Hansen, thank you for bringing this-- when a person first goes

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out to try and enroll in another school or to an option enrollment and they're denied, do they have to wait a year before this educational account kicks in or is the account, you know, we're talking years down the road, would it already be there for kids or--

HANSEN: No, there's a timeframe, I believe. If the Board finds the student eligible, they create an account and deposit option enrollment funds within 15 days.

LONOWSKI: OK. OK. Thank you.

HANSEN: Yeah, it'll be for that year.

LONOWSKI: Gotcha.

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

HANSEN: Thank you.

MURMAN: And we'll take proponents for LB633.

CLARICE JACKSON: Hello, everyone. I'm Clarice Jackson, and I have come before the Education Committee many, many times. I appreciate you, Senator Conrad. I appreciate Senator Hansen for introducing this bill. I wear many hats, but my most important hat is mom.

MURMAN: Excuse me. Could you please spell your name?

CLARICE JACKSON: Oh, C-l-a-- sorry about that-- C-l-a-r-i-c-e, last name Jackson, J-a-c-k-s-o-n.

MURMAN: Thank you.

CLARICE JACKSON: So as I was saying, I wear many hats. One primary-- the primary important one is mom. But I am a special education advocate. I represent Moms On a Mission, which is a national initiative to raise and amplify the voices of moms in the advocacy and educational choice of their children. I am the president of the Learning Disabilities Association of Nebraska as well. And I own a tutoring center that works with children who have dyslexia. So my daughter, who I've come down here and talked about many, many times, she was in special education for literacy, which, by the way, there's 13 disability categories under IDEA, which the school systems here address. Of those categories, the largest population of children in them is under specific learning disability, which is encompassing reading, writing, math, which includes dyslexia and dyscalculia. So my

daughter fell in, in that pool and she attended the public school system, who I had the pleasure of having heated fellowship with Mr. Royers a couple of years back about this conversation about my daughter, who struggled to read from pre-K to fourth grade and could not read at all. And so I had no options at that time. I was a young mother and my daughter struggled, and it started to impact her socially and emotionally, and she began to hate school. And then the target became for most people was why she was behaving and not why she couldn't read. And so that began a thing of her getting kicked out of school all the time. When the real issue was, is they weren't addressing her dyslexic needs. That was back in 1999. So that was over 26 years ago. Fast forward, we are just now tapping into structured literacy and how we improve that. What I would ask you all to think about for me, what is good parenting? And if you are parents, I think that you would think about your child coming home, telling you how dumb they are and hitting themselves in the head and telling you how stupid they are and how they hate going to school because they cannot read, write, or spell. And if you were that parent seeing your child in that way and what do you do? And when I asked Mr. Royers that, because he just said that we should just keep these kids in the school system. Would you really do that? It's your child. You would try to find another option for them. And so I believe that this particular bill is an answer to parents who are always getting this response when we talk about school choice. Well, we have school choice because we have option enrollment. Well, if that choice is not open for special education students, then really, is that a real true fact? And so I would implore you all to think about this not from the written perspective, but from the personal perspective of being a human being, and more so being a parent and putting kids first and telling us, realistically, what would you do if it were your children or your child? And if this option would help your child, would you support it? Thank you.

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

CONRAD: Yeah, thanks, Chair Murman. Thank you, Clarice, good to see you again.

CLARICE JACKSON: Good seeing you.

CONRAD: I think you actually said it far better. I've been dancing around it all day. But I, I, I think-- I'm a strong supporter of public schools.

CLARICE JACKSON: Me too.

CONRAD: And I, I think that they, you know, have such an important role in society and have been a real point in pride in our state. And I know they don't work for every family,--

CLARICE JACKSON: Absolutely.

CONRAD: --and it's good to have options for families for whatever reason if the public schools aren't working for them or the neighborhood school isn't working for them, whether that's private or religious or homeschool, and parents get to decide what's right for their kids. Right? But--

CLARICE JACKSON: Yes.

CONRAD: --it was very-- it is very problematic to me that we keep hearing in these debates, we, we have option enrollment in Nebraska. Your kids can go anywhere. But it's kind of like we're crossing our fingers or putting an asterisk when the numbers tell us it doesn't actually work like that for kids with disabilities. So maybe we'll never have a meeting of the minds across the political spectrum on about your question. But maybe, maybe we can fix this part, because I think that there's a lot of common ground here. And at this moment in time, it's either a lack of political will in the policymakers' arena, because the education lobby hasn't fixed it on their own. They haven't brought forward any solutions for it, and here we are.

CLARICE JACKSON: Yes.

CONRAD: Yeah.

CLARICE JACKSON: And I agree with that. You know that, that was my question to, to Mr. Royers, not to put him on the spot, but we, we literally had this conversation. It kind of went viral on social media at one point. But that was my question to him, what is your answer to a parent who was in my situation, whose child needs something different? And the school system at that time was unable to offer it. Do we just leave these kids, they don't mean anything? I mean, their lives, their educational lives don't mean anything? And we know that if a child does not have the education they deserve, particularly-- let's, let's just be frank, with minority children, you know, they get talked about a lot in these sessions, they talk about them being poor and that they don't have a parent at home most of the time because they're working several jobs or what have you. But education is the gateway that, that draws that line for them turning into school-to-prison pipeline, if you will. We know that 85% of all

inmates are functionally illiterate. So if we open up access to education in any way we can so that we create a pathway of learning and opportunity for them to do better, just like Jayleesha who came up here and testified in support of Armendariz's bill. Look where she's gone because of education. Education crosses out and creates a barrier to prison, to teen, to teen pregnancy, to poverty, to high health care costs. All of the things that we as taxpayers take into consideration. And so we need to be thinking from that lens when we're talking about children and, most importantly, what Senator Hansen said. Any opponent, if your lens is the system, the bureaucracy, and we're not talking about the very reason why schools exist, if it's not about children, then schools wouldn't even be open. So we have to make sure that in everything we do in these conversations, we are putting children first and understanding that their parents, whether they are college educated or not, whether they are rich or poor, they are the best advocates for their children, and they love their children and they're putting them first in anything that they do, including the choice of school that they feel is best for them. And we've got to trust them when they do that.

CONRAD: Thank you.

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

HUGHES: Thank you.

CLARICE JACKSON: Thank you, guys, so much.

JUAREZ: Thank you.

MURMAN: Other proponents for LB633?

BRANDON VILLANUEVA SANCHEZ: Hello, everyone. My name is Brandon Villanueva Sanchez. That's B-r-a-n-d-o-n V-i-l-l-a-n-u-e-v-a S-a-n-c-h-e-z, and I come today to testify in support of passing LB633. As someone who attended private Catholic institutions throughout their K-12 education, but also as someone who has received financial help through private donor scholarships to attend these institutions, I can firsthand speak to the power that education has in changing the trajectory of lives of the students that have these opportunities to attend these, these institutions. And the reason that I attended Catholic schools or Catholic private schools was because of my parents lived experiences in that when they grew up in Mexico, they found themselves in similar situations where they were forced to drop

out of seventh and eighth grade in order to help their family meet ends financially, depriving them of a basic education. And when it was time for them to enroll myself and my two older siblings into schools, they had decided that they wanted to provide us the best education possible, that was the best fit for us. And they thought that would be private and Catholic schools. And because of that, they had decided to take on the mantle of the financial responsibility. You know, working multiple jobs. My job-- my dad worked two full-time jobs as a janitor for 20 years, my mom full-time janitor, maid, and a full-time mom. But it was because they believed that these schools were the best fit for me. And it turned out to be right. Because of the education I received, I was able to go on and graduate college as a first-generation student with my bachelor's in neuroscience from the University of Nebraska at Omaha, and subsequently, I've been recruited to multiple top-tier research institutes across the U.S. because of my knowledge, expertise, and potential to contribute to neuroscience, research. And everything that I have, everything that I have accomplished in the realm of academia and education has been because of that foundation that was established for me in my K-12 education, because of the perfect fit that that institution was for me. And while I understand that here in Nebraska, students have the option to potentially to try and enroll in a different public school, some of them get denied that opportunity. And this bill will allow them to have the opportunity to, to pivot institutions and attend something that might be a better fit for them. And I'm asking you today to-- when it comes time to vote on this bill, to think about the students that will be benefiting from this and how this will change their lives.

MURMAN: Thank you.

BRANDON VILLANUEVA SANCHEZ: Thank you.

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

JUAREZ: Thank you for coming.

MURMAN: Other proponents for LB633?

ERYKAH DRUMMER: Hello, my name is Erykah Drummer, E-r-y-k-a-h D-r-u-m-m-e-r. Chairman and members of the Education Committee, thank you for holding this hearing for LB633. And thank you to Senator Hansen for introducing this important legislation. My school choice-- my education journey starts in public schools where I was thriving,

but I felt I wasn't being challenged enough. My parents didn't want me to go to the middle school I was zoned to. So they began to search for other options. Fortunately, I was able to receive a private donor scholarship through the Children's Scholarship Fund to attend the private school of my, of my choosing. I felt that the smaller class settings allowed me to reach my full academic potential. The smaller classes provided me with the attention I needed, and my teachers helped-- held me accountable because they cared about me not only as a student, but also on a personal level. I thrived so much that I wanted to continue my high school education in a private school. I was in honors classes that fit the need for, for a challenge. I knew I could count on my teachers to help me one on one if I needed help with anything. Even with my IEP, they always found ways to accommodate me to make sure my education fit my needs in relation to my health. My mom and I took multiple tours, and I shadowed at a few different schools until one stood out to me. I ended up attending Roncalli Catholic High School. But my parents were unable to afford the full tuition, so I was put on a payment plan. Even with that payment plan, the scholarship-- and the scholarship, it was still not enough. To make up the tuition difference, I had to participate in the school's work study program. I would have to take out the trash in classrooms and the hallways just to be able to afford to go to the school I wanted to go to. I would have to miss the beginning of my musical rehearsals just so that I could still stay there. Students should not have to miss out on extra-- extracurricular activities to help pay tuition to go to the school they want to go to. They should-- they shouldn't have to go through what I did just to attend a school. This bill will help that kid who gets denied by a public school and wants to go to a private school. It will help their families not have to worry about, not have to worry about helping to pay tuition like I did, especially those who have IEPs just, just like me. If this was-- if this bill was introduced during my K-12 education, my parents would not have had to worry about my tuition or me doing work study. These kids would be able to go, to go to do their extracurricular activities they wanted to do without worrying about having to work to pay for their tuition.

CONRAD: Great job.

MURMAN: Oh, thank you. Any questions? Senator Lonowski.

LONOWSKI: Thank you, Chair. Thank you for your testimony, I appreciate it. And, and I'm not making light of the fact that you had to do work study, but I also think that doing those kind of things made you appreciate your, your education there better. And I think they helped

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you form the good person you seem to be today. Would you recommend still having some work study if people are receiving some sort of scholarship or do you think that would be better to do away with it totally?

ERYKAH DRUMMER: I feel like it takes away from, like, the education. I, like I said, I was doing musical, I had student government, I was doing a lot of different stuff, but also I had to help pay my tuition, which was, like, my main focus trying to stay there. So I was kind of putting that ahead of me being a high school student.

LONOWSKI: So you're also doing that, like, during the day?

ERYKAH DRUMMER: No, I would do it after school. I would have to take out-- do my work study after school or before school. But I also had my clubs and meetings before and after school, so it would take away from that.

LONOWSKI: OK. I get that. All right. Thank you.

ERYKAH DRUMMER: You're welcome.

MURMAN: Senator Conrad.

CONRAD: Thank you, Senator Murman. Thank you for being here. And, and just to clarify, I mean, I think we can probably all agree that there's some value in work study, particularly on the collegiate level or higher education, but it's pretty out of step with what we consider a normal part of the educational day and process for kids in K-12. My kid-- I went to school. I didn't have to mop the floors then and empty the garbage and my kids don't have to do that in their public schools. Of course, they're happy to help out with their schools as all kids are, right, but. While there, of course, can be benefits to building character and overcoming adversity, it's also important that we don't make students feel less than, and that we recognize that there's a pretty significant power imbalance with a situation like that that's foisted upon a young child, particularly a, a vulnerable kid who is maybe coming from a working-class background. So I really appreciate the, the courage that you had to share that story and, and just wanted to provide the greater policy context there, so we didn't miss the point of the story. Thank you.

ERYKAH DRUMMER: Thank you.

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

ERYKAH DRUMMER: Thank you.

MURMAN: Other proponents for LB633?

TOM VENZOR: Good afternoon, Chairman Murman, members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm Executive Director of the Nebraska Catholic Conference. Something I didn't mention in my earlier testimony, but for Catholic schools, we have about 112 Catholic schools around the state, with around 30,000 students, just shy of that, that we're educating. So I wanted to talk a little bit about what Senator Conrad asked earlier. I was going to talk more about kind of the, the special education component of this and kind of what goes on in Catholic schools, since this bill has a provision about kids who were denied option enrollment for special education reasons, that they would have the ability to take those funds to a nonpublic school. So, again, like I mentioned earlier, in our Catholic schools, about 12% of kids are kids with IEPs. Again, contrast that with about 16% in the public schools. You know, I, I would mention that we have a couple of schools specifically dedicated to serving children with special education needs, Villa Marie in Waverly, and then also in the Omaha area, we have Madonna schools or what's now called Madonna Ability Alliance, which tries in creating inclusive learning environments for kids. And they're doing a lot of work with the Metro Omaha Catholic Schools to provide the support system so that those children can be educated within the just sort of the everyday context of a Catholic school setting. Notably, earlier, I talked about a constitutional provision in our state that doesn't allow funding to go directly to nonpublic schools. But there's actually an exception for when public schools contract with a private entity, and that, that exists largely because of the work Madonna did. That happened in 1976, where that carve out was created so that public schools could contract with organizations like Madonna to provide special education services. So, again, I just wanted to reiterate, you know, when it comes to special education funding, all of that funding runs through the public school, and then they have the responsibility of providing those services. And just to break that down, when you look at what does it look like for a child in a nonpublic school to get those services, first you have the child find from the public school to figure out, you know, who are the kids in the district who have special education needs. Then they determine basically what's the proportionate share of those kids, what kind of equitable services should those children receive in a nonpublic school setting, so maybe it's to resource teachers who go over to the nonpublic school to provide certain minutes of instruction to those children who have special education needs, etcetera. So there's a whole process, NDE has

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a very long document on it. It kind of go through those things. But I just wanted to kind of talk about those aspects in the short amount of time in support of this legislation. Also, I just want to briefly touch on this concept of you kind of hear it a lot from the opponent side, which is we don't want to have public funds going to private schools or private entities, etcetera. And, again, always what I find problematic about that or incoherent about that, is that we do provide public funding in the early childhood education segment, and we also provide it in the postsecondary, private college, and university segment. So I don't know why K-12 is magically different. But anyway, so I'll end there and take any questions if there are.

MURMAN: Thank you. Any questions for Mr. Venzor? Senator Hughes.

HUGHES: Thank you, Chairman Murman. Thank you, Mr. Venzor. So my, my children went K-8 to a Lutheran school, so not a Catholic school, but a Lutheran school. And I had a, a child that needed-- he needed speech. He-- I only have one son so we now know who that was-- needed speech services, have an IEP, and also needed speech. Those were 100% covered by Seward Public Schools who came over, set up the IEP, took care of it all. I was still, you know, I paid my tuition-- we paid tuition to Saint John. But all the-- it was all 100%, those IEPs were covered by Seward Public Schools. In my opinion, if we do something like this and we're targeting just the kids that were denied IEP, and then we'll have a scholarship fund of \$12,000, \$13,000, it, it seems like some of that-- it seems like some of the Saint John should have to pay for providing those services, not now still through the public school. Do you see what I'm saying?

TOM VENZOR: Yeah. So, basically, if that child is going to receive-- if I'm hearing you right, if that child is going to receive, let's say, this option enrollment account.

HUGHES: Yeah, if they fall under this cat-- like,--

TOM VENZOR: Yeah.

HUGHES: --we were denied going to a neighboring district.

TOM VENZOR: Sure. Um-hum.

HUGHES: So now I am enrolled in a, a private entity in-- where I live.

TOM VENZOR: Um-hum. And then if they're going to come over to the, you know, Saint John's with that fund, with that, with that funding in hand,--

HUGHES: Right, with that scholarship.

TOM VENZOR: --how does that look with equitable services and other things of that nature? I think that's a, I think that's a policy conversation that we can kind of hammer out. What does it look like? You know, what are the duties, responsibilities of the public school to continue providing the equitable services? How does that conflict or not conflict with federal laws and federal obligations? But I do think that there can be a conversation around what that looks like. I would also note that the education of that child, right, is a shared responsibility in that circumstance between the public and the nonpublic school. And I go back to the fundamental notion that it is-- again, it's the legal requirements of that public school to provide that education, which is why the money follows to the public schools to provide all of that education. You know, we've often argued if you, if, you know-- but that's mostly federal law and state law that, that dictates that. If we want to have broader conversations about how that works, we can. But I don't think we're changing any of that stuff, you know, today. But, but I do think that there's more conversations that can be had about what does it mean when that child comes over from the nonpublic--

HUGHES: Just because of the amount, then.

TOM VENZOR: --school. Sure. Um-hum.

HUGHES: Yeah, for reasoning, so.

TOM VENZOR: Yeah.

HUGHES: OK. Thank you.

MURMAN: Thank you. I would like to reiterate that this year 80% of special ed funding is covered by state and local funding. Is that correct?

TOM VENZOR: Yeah. Yeah, right. And I think as Senator Hansen mentioned that in his opening, I think 20-- '23-24 school year, I think the funding was around \$245 or \$265 million. And I think by the end of this upcoming fiscal year, I think the Appropriations Committee preliminary report was something just over \$300 million that would be in funding for that 80% reimbursement.

MURMAN: Yeah, so at least most of it is covered now by state and federal funding.

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TOM VENZOR: And including, I think, \$80 million from the federal government, so.

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

TOM VENZOR: Talking to a small crowd today.

HUGHES: Wow, you, you turn people away.

LONOWSKI: They're trying to tell you something.

TOM VENZOR: Exactly. And we're, we're good schools, too, Senator Lonowski, so.

LONOWSKI: Right.

TOM VENZOR: I'm kidding. All right. Thank you.

MURMAN: Any other proponents for LB633? Oh, sorry. Any opponents for LB633?

RITA BENNETT: Good afternoon again. Thank you for allowing me to be here. My name is Rita Bennett, R-i-t-a B-e-n-n-e-t-t. I'm here today to testify, both as a citizen and on behalf of the Nebraska State Education Association. And I appreciate this opportunity. A rose by any other name would smell as sweet is a quote that comes to mind primarily because it refers to the fact that the essence of something remains the same, regardless of what it's called. And in the case of LB633, I will say that a voucher bill by any other name smells like exactly what voters have told you repeatedly that they don't want. Through two different petition drives and by majority vote last November, a clear majority of voters declared they do not want public funds diverted to private schools. Yet, LB633 does exactly that. And the reason they don't want that is because they and I and we as the NSEA, care about the quality education available to all students in the state. Despite one senator recently declaring that voters were wrong about this issue, I submit to you they were not wrong in understanding the straightforward language of our constitution. And they weren't wrong when they recognized that most of Nebraska's children are and will be educated in our public schools. And that it's vital to protect our state's ability to deliver on its promise to families and children. Diverting millions of taxpayer dollars will ultimately harm support for our public schools. Tangling up voucher schemes with option enrollment issues may be a strategy that muddies the waters, but voters do have pretty clear vision. As a retired teacher of 30 years and as a volunteer, I personally spoke with

hundreds of Nebraska voters over the past couple of years. While some senators like to claim petition signers and voters just didn't understand what they were signing or voting for, I assure you that it was easy to get signatures and votes against vouchers, because Nebraskans do understand. Voters most often sought us out about signing a petition and voting because they were adamant about sending you the message of no public funds for private schools. While there are claims by proponents of this and other voucher bills that no harm is going to come to public school funding, we know from the disastrous and hard lessons in other states with vouchers diverting public dollars to benefit the few means fewer dollars to meet needs we already have. The tuition account proposal isn't a benefit for most of our state. Most rural areas have no access to, to multiple schools or buildings, and certainly don't have private schools anywhere within perhaps hundreds of miles. Perhaps these funds could better be spent to make sure students can have their enrollment requests granted. The assertion that we care more about the institution than about the children is represent-- reprehensible, and it's wrong. No one cares more about all children than our dedicated educators, myself included. There's more than enough documented evidence from other states that once public funds are funneled to private schools, it has led to waste, fraud, and misuse of funds, as well as a failure to perform to their promises. That evidence also makes it clear that public schools in those states have suffered greatly, no matter the false promises made at the time vouchers were put in place. Ignoring the evidence of your eyes and ears doesn't magically mean we would escape those same dangers. I know my time is running out. Nebraskans understand this and that's why we remain one of few states without vouchers. Support for all students, classroom resources, teacher recruitment and retention, all of those will do more to serve Nebraska children and help us to grant option enroll requests. Show that you respect taxpayers, respect what the voters have already said, and do not put forward LB633. Thank you.

MURMAN: Thank you. Any questions? I've got one.

CONRAD: Yeah, go ahead.

MURMAN: It's my turn finally.

CONRAD: Yeah, go for it.

MURMAN: No problem. Am I reading the, the bill wrong? I, I read that the funding goes to the student, not to the school. Is that correct?

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RITA BENNETT: Under the-- well, essentially it is if it's to be used for a private school or other school enrollment, including could be private schools, then, ultimately, is going to the private school.

MURMAN: Yes, but it's going to the student, not to the school.
Correct?

RITA BENNETT: Right, it's, it's-- and even with indirect, it is still a way of funneling those funds in my reading of it and certainly I'm no expert, that-- but that's how I read it. So that's why the concern exists that we have.

MURMAN: OK. Senator Conrad.

CONRAD: Yeah.

RITA BENNETT: Thank you.

CONRAD: Thank you, Chair Murman. And thank you, Rita, good to see you.

RITA BENNETT: Good to see you.

CONRAD: Thank you for your dedication to kids for so long.

RITA BENNETT: Absolutely.

CONRAD: And thank you for just clearly stating and putting a finer point on kind of your experiences with direct democracy and the referendums and the petition campaigns. I, I will tell you, it's an, it's an issue that I've been trying to raise during the course of our legislative session. And that I've heard frequently from voters in my district and voters all across the state that are very upset by how this Legislature is reacting to the will of the people. Whether it's abortion or medical marijuana or sick leave or minimum wage or vouchers, either the will of the people matters and election matters or they don't. And I'm hopeful that we'll be able to find a solution to some of these ongoing issues, which, of course, don't-- aren't going to end in one election cycle, right, but do--

RITA BENNETT: Wishful thinking, though.

CONRAD: Yeah. Right. But, but do provide us with a pretty clear indication of where Nebraskans are with those decisive votes. And then we have to work from there. But I, I really appreciate you putting a fine point on that in context of this. And it lifts up a lot of other challenges we have in the Legislature this year so thank you.

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RITA BENNETT: Well, thank you. And, and, again, thank you for all the work that you do because I know no single day is easy navigating all those things either. And that's why educators want to work with you, not against you, in finding what the best solutions are, even for concerns regarding option enrollment as well.

CONRAD: Yeah.

RITA BENNETT: So.

CONRAD: Right.

RITA BENNETT: Thank you.

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

RITA BENNETT: Thank you.

TIM ROYERS: Hello again, Chair Murman, 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 Nebraska State Education Association, and I am here on behalf of our members in opposition to LB633. I certainly do appreciate that Senator Hansen has set up stricter guardrails in his proposal compared to the preceding bill. And I want to make sure to acknowledge that. But we nonetheless continue to have concerns behind both the intent of the bill and how it would operate in practice. The only qualifier for this program is that an option enrollment application is rejected. I want to reiterate that this could be easily gamed by families who have no intention of attending a closed enrollment school, but who wish to use it as a means to access funds to subsidize an educational decision they've already made. When programs like this have been established in other states, we continue to see an overwhelming majority of beneficiaries be families that never attended a public school. You could look at Iowa, New Hampshire, Indiana, Florida, Arizona, Wisconsin, the list goes on. Furthermore, the bill is written in a way to prevent us from ensuring that public dollars do not go to schools that deny admission or limit participation based on an element of a student or parent's identity. Section 8 of the bill prevents greater oversight on schools receiving these funds, and it also prevents any requirement of continued admission of students in this program. This reinforces one of the greatest objections that we have when measures of, quote, school choice come up. These bills do not allow greater capacity for parents to choose. They simply expand the capacity of nonpublic schools to choose the students that they want. Now let's get to the meat of, of

what I want to address. We've said in several hearings that we, we share the desire to improve in the option enrollment program. We just disagree with the proposed solutions. And, Senator Conrad, you kind of beat me to the punch of your, of your understandable frustration if you just hear no all the time, then we still go back to the fact that 14% of applicants were rejected. And even if this is the inadequate solution, the status quo also remains unacceptable. So I want to spend the remainder of my time talking about two things that I think we should highlight that could potentially solve the problems that we have. First, we need to meaningfully tackle the educator shortage that we're experiencing. There are a number of bills that would do this, including some that we've partnered with you on. But we also need to be willing to have harder conversations and study why folks are leaving. There are hundreds of Nebraskans who have active certificates who have left the profession, and we have been met with resistance on investigating what (a) why they've left and (b) what would encourage them to return to the profession. So there are literally hundreds of folks who could immediately return to the classroom to potentially resolve the capacity concerns that we're resolving. And, furthermore, we also need to increase our support for future educators at a time when, sadly, the federal government is scaling back. There are 16 future educators at UNL right now whose futures are in doubt because of a callous, vindictive decision by the Trump administration. And Nebraska should step up where the federal government has chosen to abrogate and serve those students. And, finally, while we agree that capacity should be considered for the reasons I mentioned in my preceding testimony, services should be provided for families with a rejected application. So right now, for example, you're just told no. I think it's certainly within the possibility for the Department of Ed and for the districts in the state to provide alternate schools that are open that have the capacity and services. That right now, that's a step that doesn't happen. Right now, it's just no. So, for example, if I wanted to option my daughter into Gretna East, I think it's entirely reasonable to say we're at capacity, but here's four neighboring schools of similar scope and sequence that you could choose to attend that is open enrollment. So I think there are things like that that would potentially be a short-term measure to resolve concerns while we tackle the larger issues of capacity. So thank you for your time and consideration. I'm happy to answer any questions that you may have.

MURMAN: Thank you. Any questions for Mr. Royers?

CONRAD: That's helpful. Thank you.

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MURMAN: I have one. You mentioned something about the Trump administration. I missed, missed what--

TIM ROYERS: Yeah, so, unfortunately, there's a grant program that's both in partnership with K-State and UNL to try and tackle the issue of recruiting teachers, specifically teachers of color in, in districts that are having a hard time retaining staff. Unfortunately, they were notified that they have lost that federal grant. So there are 16 Nebraskan students at UNL right now who are training to be educators, who have been told they no longer have a full ride to complete their education after this semester. And so, unfortunately, that is yet another challenge that has fallen to the Nebraska Legislature, because the Trump administration doesn't share in our goals of expanding our education-- our, our educator workforce.

MURMAN: OK. Thank you for clarifying that. Any other questions for Mr. Royers? Senator Hughes.

HUGHES: Thank you, Chair Murman. Thank you, Mr. Royers. Does-- so the bill as introduced with any denied option enrollment discussion on scaling back down to IEP denied option enrollment. Then, I mentioned that if you have an IEP that's actually paid by the public school district, but yet you've got this fund with \$13,000 in it or whatever. If there is something that, OK, then we'll make a contract that we're contracting with that parochial school to provide those services, does that change the game at all?

TIM ROYERS: Well, I, I think, my preferred--

HUGHES: Because that would, that would take the burden off the Seward Public or whatever public school, they didn't have enough staffing to do it. This other entity is taking it on, now you're contracting them to, to pay for it.

TIM ROYERS: Yeah, I, I, I certainly appreciate trying to find other policy alternatives to address it. My concern is, given the fact that we already have a number of special ed vacancies, I'm not sure who they would find that, that could provide the services, but I guess I would fundamentally return to what I tried to address at the end of my testimony, which is, I think right now for a lot of parents, when they're choosing who they even apply to for an option program, they're kind of shooting in the dark a little bit. There's not really a lot of publicly available information on, for example, where a skilled behavior or special needs program exists. And so it's a lot of word of mouth. I heard that my friend, student is attending. So that's why, to

me, if we can provide greater access and-- not just transparency for you all as lawmakers, but greater access of information for parents seeking specialized services and where those services are provided. I think that would get to the heart of it because, candidly, I've come across parents who have been denied, but they were unaware that there were schools literally within a mile or two of where they applied that they could have optioned into that were-- that actually were accepting students. And I think that, candidly, to, to return to Senator Hansen's concerns about are we prioritizing students? Are we prioritizing institutions? I do think as institutions we can do a better job of providing better information for families to help make them-- help them make a better informed decision on where they want to option their students into.

HUGHES: Yeah, I love that point. If you're denied, then you-- here's a list of-- now our rural areas have a different--

TIM ROYERS: Sure.

HUGHES: --aspect. Right?

TIM ROYERS: Sure.

HUGHES: But--

TIM ROYERS: Yep.

HUGHES: Yep. Thank you.

TIM ROYERS: Um-hum.

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

CONRAD: Thanks. Thank you.

TIM ROYERS: Yep. Appreciate it.

JOSEPHINE LITWINOWICZ: My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And I approached you in the hallway and I wanted you to come over, the officer opened the door where Senator Spivey is, he looked and says it's full. That's never happened like that, I mean, to speak there. And I was just wanting you to verify if this is the case, because I'm not putting up with this kind of crap from anybody. And we'll just-- so we'll see, we will see. Because what I said the other day was perfectly acceptable in the context. Now, I wouldn't have done it if-- it just came off my, my

tongue. I didn't even know she was sitting there, I forget, when I get up here, I don't even know where's where. And, you know, I'm passionate about that because-- and the old broad, they're gone now, right, that-- and they're white nationalists, Stephen Miller-- anyway. And before I get started, the Trump administration, oh, my God, this is freaking nuts. I can't-- you know, all the thoughts jumble up at once because my mind races like that. But this guy's got to go. And-- but we got to stand up. And all the Republicans on this committee and everybody, open letter, you have it ready. I would write it, but it's-- there's so much and I don't know how to condense, and I used to be, you know, assigned to write technical papers that was good. But, you know, there's so much. You got to, you got to fit everything in, both anecdotes and [INAUDIBLE] and-- anyway. But I, I just want people with individual education programs, and I want to state that, again, kids with disabilities, that they get the kind of care they need to in this kind of system, and they should if they want to go to another public school, because I do not-- I, I, I support bussing to, to the private school, but not the tuition. And so I just-- well, maybe, maybe, you know-- that's good enough. Hey, thanks.

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

JOSEPHINE LITWINOWICZ: I'm going to go over there and see.

JACK MOLES: Good afternoon, Senator Murman and members of the Education Committee. My name is Jack Moles, that's J-a-c-k M-o-l-e-s. I am the Executive Director of Nebraska Rural Community Schools Association, also referred to as NRCSA. On behalf of NRCSA and STANCE, that Schools Taking Action for Nebraska Children's Education. I'd like to testify in opposition to LB633. My first point would be very similar to the previous bill. The bill provides for a scholarship account to be made available for a student who is denied option enrollment. The stipend can be used or the scholarship can be used at the parent's discretion for the educational support of the student, which could include the tuition in a private school. In current law, which is not amended by, by this bill, a public school board of education may not set standards for denial of an option enrollment request that include previous academic achievement, athletic or other extracurricular activity, disabilities, proficiency in the English language, or previous disciplinary proceedings. It is our belief that if a student's parents would want to use the scholarship to enter a private school, then that private school should also be prohibited from denying enrollment under the same standards listed above. Another point is that NRCSA and STANCE believe that LB633 could create a situation in which an application for option enrollment might be

submitted to a school district that is known to be at capacity in order to qualify for the scholarship account. And one question that we have, is the program capped? I don't see that. Are students who are currently enrolled in a private school eligible for a scholarship if they would make an option enrollment application if they know they are likely to be denied? If this is possible, what will, what will the cost be to the state? For those reasons, we encourage you not to advance LB633 out of committee.

MURMAN: Thank you. Any questions for Mr. Moles? If not, thanks for your testimony.

JACK MOLES: Thank you.

CONNIE KNOCHE: Good afternoon, Senator Murman-- Chairman Murman and members of the Education Committee. My name is Connie Knoche, C-o-n-n-i-e K-n-o-c-h-e. And I am the-- a senior fellow with OpenSky Policy Institute. We're here today to testify in opposition to LB633. And first of all, I'd like to state that every school board member, every administrator, every teacher cares about all of the kids that are in their school building and the education of those students. A school district has a legal responsibility to educate the students that reside within the boundaries of their school district. They also have a legal responsibility to stay within levy limits. They have to stay within spending limitations and now revenue limitations. So they're operating under all of those things. And they also have, have a responsibility to the taxpayers that live in their school district. So with option enrollment, a student can opt to attend a school district outside of their own residential school district if the one that they're going to has the capacity and has the program that's able to educate the student. If they don't have the capacity, they can deny the option enrollment. So if they are forced to take students that they don't have a program for, they don't have the staff for, then it costs them more money. So then they would have to levy more in property taxes. Or if they have more students coming into the school district than opting out of the school district, they get what's called net option funding, which is the, the basic funding, statewide average basic funding per student, less the foundation aid to students. So that ends up being approximately \$2,200 a student. So a school district will get this for net option funding. What LB633 is proposing to do is to give students the statewide average per pupil cost per student, which is \$17,205 per student to go to a nonpublic school to get services that they are not able to get in an option school district that they want to go to. So if, if they-- if the state cares about the education of all the students in the state, they

should provide additional state funding to school districts. Perhaps more equalization aid, look at the formula, try to get more funding to the schools. And they need to, you know, if, if you're going to give \$17,205 to a student to attend a nonpublic school, perhaps that option funding should be that same amount that they get that amount of money for the student to attend the school. So you need to look at the big picture of what a school district deals with when they're, they're preparing their budgets. Happy to answer any questions.

MURMAN: Thank you. Any questions for Connie? So you're advocating for the state to make sure they give the money to the school rather than to the student. More money to the school than the student.

CONNIE KNOCHE: Yeah, because of the, you know, what it would cost the taxpayers to educate the students. You need to look at, you know, what it is the cost. And maybe instead of-- I know there's additional funding for special ed, but it's based on costs that were previous being reimbursed. Maybe you just need to upfront give so much money for a student to be educated if they are a special needs student that has-- is going to require more services than what the school can provide.

MURMAN: I've got a bill to do that.

CONNIE KNOCHE: Yeah.

MURMAN: So any other questions for Connie? If not, thanks for your testimony. Other opponents for LB633?

DANIEL RUSSELL: Afternoon. My name is Daniel Russell, D-a-n-i-e-l, and I am the Deputy Director of Stand for Schools. We are a nonprofit dedicated to advancing public education in Nebraska. I am not handing out testimony today because I want to freestyle and address some of the concerns that were raised first-- raised previous. But first, I do want to make a point about, about IEPs and special education students and LB633. So we are concerned about the impact of LB633 on special education students. LB633 requires that a parent agree not to enroll their student full time in a public school district, although it does remain silent on part-time enrollment. But it's unclear if this promise would constitute a waiver of certain rights under IDEA, even if it's not a waiver. The U.S. Department of Education, and this maybe clarifies some of what was previously testified by Mr. Venzor and the proponents, so the U.S. Department of Education has recently clarified that parentally placed private school children with disabilities attending private schools through a state-funded voucher or

scholarship program must be considered for equitable services in the same manner as any other parentally placed private school children with disabilities. So essentially what that means is should LB633 become law? It seems likely that federal law would, would direct that local public school districts continue to provide the services that we talked about earlier. However, what is unclear is whether or not the requirement in LB633 that parents agreed not to send their children to a public school constitutes a waiver of IDEA rights. So that, that I, I, I hope can be clarified before the bill, should the bill advance. Finally, I just wanted to make two more quick points. We talked about whether or not we are concerned about the outcomes of students who participate in, in both public and private schools. And, indeed, we are concerned about those outcomes. And I think, as you've heard from Stand for Schools on previous bills, voucher programs do not guarantee better academic outcomes for students. And then, finally, I did want to make the point, and Ms. Knoche made this just now, but I think it bears repeating, that the public school system does provide institutional or framework level differences from the private school system, and we think those differences are important. Most importantly, democratic accountability. And so when you've heard the testimony about how Stand for Schools is here principally in favor-- principally opposing private school vouchers, that's what that refers to as we like the public school system and it's democratic accountability and so favor public funds remaining within that system. So that's what I have, and I'm happy to answer any questions.

MURMAN: Any questions? I have one. So the Democratic-- how did you say--

DANIEL RUSSELL: Oh, accountability.

MURMAN: --accountability is, is even more important than parental choice?

DANIEL RUSSELL: Well, I think that that's a real question. And, you know, I would say that the option enrollment program tries to really balance those two-- the public school option enrollment program really tries to balance those two things. And, and you can see some of the problem-- or not problems, but some of the debates that that causes the-- those two competing values.

MURMAN: Yeah. Thank you. I think we're all trying to do what's best for the students.

DANIEL RUSSELL: Absolutely. Couldn't agree more.

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

DANIEL RUSSELL: Thank you.

MURMAN: Other opponents for LB633? Any neutral testifiers for LB633? Senator Hansen, you're welcome to close. And while he's coming up, online, we had 6 proponents, 68 opponents, and zero neutral.

HANSEN: All right. Thank you, Chairman Murman. This is like the first school choice bill, quote, unquote, school choice bill. I've heard the word, the opposition actually came and gave ideas. They actually came and said you know what, I think this can make the bill better. This is something I think I would like to see in this. I, I was-- that was refreshing and encouraging. So I'm glad, I'm, I'm glad for the testifiers, obviously, for the testifiers in support because that's what this bill is about. You listened to the people who came in support of this bill. That's what this is about, the parents, the children. We're not reinventing the wheel with this bill. We already-- options are already in place, an established option enrollment program. This does take a denial from public school, which is what I think-- I know they use the word voucher a lot, but in my, in my opinion, a voucher is here is a voucher, go to a school that you want to go to. This actually has some stipulations put in place in order for you even to get the funding for a school, a denial process, State Board of Education has to review it. So there's a process, it's not just a straightforward, here's money that you can go like other states have. I know some people-- and I read through all of the opposition, actually, and, and the, the, the opposition letters, and a lot-- the common theme was they felt like-- I can get their sentiment. This felt like this went against the will of the people. I think Senator Conrad mentioned this a little bit, too, about what happened with the ballot initiative. I think this bill is fundamentally different from what was on the ballot initiative. This has to do with option enrollment. I know that one had to do with creating a fund that the taxpayer could donate to, which is one of the main concerns I had heard about that bill was they were concerned about how this is benefiting rich people, right, because they can donate to this, they get a tax write off. This has nothing to do with that. And I'm, I'm glad Mr. Royers was here. He's always very enthusiastic. So, you know, you know, I, I, I appreciate his passion for the schools and, and for what he believes in. You know, I'm not going to deny him that. I mean, that's-- I think that's great. He did provide some ideas about maybe there's some-- OK, let's provide, here are some alternate schools, public schools that you can go to. Senator Hughes had a good question about, you know, what happens then now if they end up going to a private school, then

the funding goes back to the public school. He still kind of denied that. I don't think he agreed with that or felt like that was what was going to happen. I, I, I appreciate Mr. Royers' testimony, but it seems like he's viewing this really from the, the lens of what is most important for public education, and maybe not so much a student first, but I understand maybe that's kind of where he's coming from. That what he represents. So Mr. Moles from, from NRCSA and STANCE, he talked about capping the program, school funding. I, I-- it's not so much about capping the program because I think that's-- that was what I was trying to explain earlier. We're not taking money from public education. The option enrollment program is already there. So if a child leaves a public school and decides to go to a private school, the private school no longer has to fund that child. They don't have to take, you know, they-- that's less resources for the child they have to have because now it goes on the burden of the private school. And so it's not we're taking funds from public education because there'll be less children in public-- if they decide to go to private schools, there will be less children there for them to have resources for. So it balances itself out. So, like, TEEOSA might come down a little bit, but then option enrollment goes up. I mean, so in the end we're appropriating the same amount of money in my opinion. And, oh, and I'm sorry I missed the gal's name that came up testified here. I think she might have been thinking about the previous bill, she talked about if a school is full, we're going to force them to take the child. That's now what this bill is about. I think it was the previous bill. And, again, I am willing to change the option enrollment cost. Not so much the cost of the student, I think Senator Hughes asked that. It's not the cost to the student, but we can actually talk about going to what we provide for option enrollment for that student, which is around \$11,000. And I, I got to repeat this, she's-- the last line of her testimony was: you have to look at the big picture of what the schools are dealing with. This is the point I was making before. We need to think about the children first. And I have tons of data and tons of research that shows the more options you provide students, especially those with IEPs, the better the public schools do and the better the private school does and the student, ultimately. So this helps the student. And, lastly, Dan from Stand for Schools, again, he gave some good ideas. Maybe we need to clarify that along with this Mr. Venzor, about some of the federal funding language that Senator Hughes asked. I think that's something we need to kind of work on, maybe, possibly, make sure all the ducks are in a row there. And he's right, vouchers do not guarantee better outcomes. Nothing does. Nothing guarantees better outcomes, it's behooved upon the parent and the student to do the work and the schools to provide the education.

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And I think we do, but nothing that guarantees outcomes, so. That's all I had in response to some of the testimony, so I'll do my best to take any questions if anybody has any.

MURMAN: OK. Thank you. Senator Hughes.

HUGHES: Thank you, Chairman Murman. The-- I think it was Mr. Moles said something about capping, I just want us to remember, if you-- you don't get option enrollment money unless you're a net-- it's a net, right? So for example, I'm going to bring up that best district. Just joking. OK, I think I'm not joking. But when I was on the school board at Seward Public Schools, we had more kids option out than option in. So even if Seward took in five kids, you didn't get extra funds for those five kids. It's only if you're taking in more than-- right?

HANSEN: OK.

HUGHES: OK. So my point is it potentially could cost more money, but we can figure that out, so. I think the biggest thing is if you're doing this, and if we're focusing in on the IEP kids that were denied option enrollment, not all option enrollment kids that were denied, we've got to figure out, and you're going to have a big-- a decent chunk of money, you've got to figure out that it's still not the public schools providing all the services while they're at that-- you know.

HANSEN: Yep.

HUGHES: We had that discussion,--

HANSEN: Yep.

HUGHES: --so. And whether it's saying you're contracting that school now to provide whatever, we can figure it out.

HANSEN: I think that's something we'll-- those are the weeds we'll have to go through.

HUGHES: That's the weeds.

HANSEN: But I'm willing to work with--

HUGHES: The devil is in the details, so.

HANSEN: --I'm willing to work with the committee because you guys are very knowledgeable in this subject as well. And so I think this, this is something I think we can actually do.

HUGHES: Thank you.

MURMAN: Any other questions? Senator Lonowski.

LONOWSKI: Thank you, Chair. And thank you again, Senator Hansen. So, first of all, a little perspective so, so we're not misunderstood, my brothers went to a Catholic school and they both did work study to pay their tuition and my father worked at the school as a second job just to pay that off. And so I, I guess I never like to see something for nothing, and even in, in college I did work study. But my, my question to you is, do we see-- this almost seems like an eastern Nebraska issue just because of the, the space between schools, you know, Seward on west, and do you see it helping those schools, as well, or maybe, yes, to a lesser degree or--

HANSEN: You don't know until you provide the opportunity.

LONOWSKI: OK.

HANSEN: There might be some schools who have shut down because they don't have the funding sometimes, and we haven't provided the option for students, right, especially in western Nebraska. So there may be schools that open up or stay open, because now a student has the ability to afford to go to that school. The school then actually get some kind of funding for it. And the student does better, or at least they get the choice to do better. So, like I said, if you, if you don't provide the option, you don't know what can happen, so.

LONOWSKI: I hear you. Thank you.

MURMAN: And I could just comment, I have been a little bit surprised by the number of schools that are actually popping. There's new schools popping up in greater Nebraska, K-6's and, ultimately, hope to be K-12. So there, there will be more opportunity going forward, I think. Senator Conrad had a question.

CONRAD: Yeah, thanks, thanks, Chairman Murman. And thanks, Senator Hansen. You know, the other thing I think that probably impacts my thinking in regards to option enrollment is that even though I have some disagreements with LPS, in general, I'm grateful to be a part of the LPS family and be a LPS parent, and they don't deny people based on capacity. It works here. Somehow or another, Lincoln's figured out

how to make it work. And it does. And I, I guess that's also part of my frustration beyond the boundaries of my district is if we can figure it out in Lincoln, why can't other districts figure it out? Which doesn't-- so maybe there's some peer learning there somehow or another. And, obviously, we have more resources and more kids and more buildings than some really, you know, small schools, and that provides a little bit of flexibility, but, nevertheless.

HANSEN: Yeah, and this isn't a problem that's going to go away.

CONRAD: Yeah.

HANSEN: In 2020, we had 54,000 kids classified with IEPs, 54,331. In 2023-24, we had 59,699. That's a significant jump in 4 years. 54,000 to almost 60,000. And so, like, this, this is something I think we need to address and what kind of options can we give them.

CONRAD: Yeah. And perhaps as we see a rise, there's perhaps a lot of drivers on those numbers, but maybe it's good that more kids are getting tested and getting the services they need so they can be successful. I mean, it could be a lot of different things. The other thing that I just don't think makes sense, it's kind of divorced from reality in this discussion, is that there's almost an arrogance from the school towards the parents, wherein, if I'm a parent and my kids have special needs, and I show up at another district that I want to option into and it's filled to the brim, I-- I'm a parent and going to go, wait a minute, this isn't going to work out for me, right? Like, I don't, I don't think that parents don't think through those capacity issues as well. I think they do. I think that the parents that I talk to who have kids with special learning needs, think really deeply about all of those different dynamics. So I just-- that part I think is kind of divorced from reality as, as well. I don't think that a parent is going to force the situation that's bad for their kid.

HANSEN: We heard that from the testifiers in support of this bill. It's exactly what they just said. They just-- I won't say feel lost, but they feel left behind, maybe from the state where they know their child might be able to flourish better somewhere else for various reasons, or there's dyslexia or something else. And now they don't have that option like maybe other kids might. And so this is what this bill is about, is giving them options.

CONRAD: OK. Thanks.

MURMAN: Any other questions? Senator Juarez.

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JUAREZ: OK. I have a clarification on the figures that-- the dollar figures, because I wrote down in my notes \$17,205. And now I just heard you say \$11,000.

HANSEN: Yes. This is what I mentioned earlier, like the way the bill is written-- I think that might have been one of the questions you asked initially. The way the bill is written, we have it written the average cost per pupil, I believe, and I was willing to change that to option enrollment funding. So what we typically give for option enrollment right now in Nebraska, which is around \$11,000, we would use that number. So it would be the same.

JUAREZ: OK.

HANSEN: Yep.

JUAREZ: So the other thing that I was going to tell you in regards to talking about ideas when the taxpayers who have repeatedly said that they don't want public dollars going to private schools, right, and we talked about that that was a tax credit that somebody was going to get in, in those, in those voucher programs, I call it. Why is it that we're not going to offer someone a tax credit who can donate that money to our public schools? What about that idea?

HANSEN: I'm not going to expound on that too much. I think it's kind of getting a little bit separated from the bill. Right?

JUAREZ: Well, it's just another idea for you to consider.

HANSEN: Yeah.

JUAREZ: You know, when you're talking about these bills and all of these options, you know, I thought off the bat, why don't they-- why don't we give a tax credit for somebody to donate to public schools? Because I'm not so sure that we're talking about the focus is on the students. You're not going to tell me that somebody is not motivated by getting a, a tax credit on their tax bill?

HANSEN: I'll give my personal opinion on that. I don't think too many people are motivated to donate to public schools and are already being forcibly, you know, forced to donate through property taxes that was way too high in the state of Nebraska.

JUAREZ: But you don't know that if they get a tax credit. Just throwing it out there. Thank you.

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HANSEN: Yep.

MURMAN: Any other questions? If not, thanks a lot for bringing the bill.

HANSEN: Thank you, committee.

MURMAN: And that'll close the hearing on LB633 and we'll open the hearing on LB427. Senator Andersen.

HUGHES: You got three of us. You know how to clear a room.

ANDERSEN: I've heard that.

MURMAN: Welcome.

ANDERSEN: Thank you, Chairman Murman. This is 2 nights in a row. It should be good evening as opposed to good afternoon, and the members of the Education Committee. For the record, my name is Senator Bob Andersen, spelled B-o-b A-n-d-e-r-s-e-n, and I represent District 49, which includes northwest Sarpy County and part of Omaha. I've been asked why I'm bringing the school voucher bill. Quite simply, we need to put the control of children's education back in the hands of the parents. LB427 is a bill which creates educational savings accounts that does exactly that. After Iowa implemented their ESA Program, I contacted a good friend who lives in Iowa who has multiple children in high school. I asked him if he was using the ESA Program. He said that he was and was very complimentary of the, the positive effects on his children and his family overall. I am grateful his wife, Tracy, is here today to testify before this committee. LB427 creates a Student Savings Account Support Fund, which would be operated by the state treasurer. From this fund, the state treasurer would deposit \$1,500 into the educational savings accounts of any K-12 student attending an approved or accredited public, private, denominational, or parochial school who applies for these funds. The funds can be used for several specific educational expenses, with the primary focus being on tuition and fees. Other qualified educational expenses include textbooks, fees or payments for educational therapies, educational materials, and support services for children with special education needs or other materials approved by the State Board of Education. In short, this bill is about funding students rather than funding systems. It does so by allowing the students foundational aid to follow them to any approved or accredited school of their choice. Using the Iowa ESA as a benchmark, we can extrapolate and project the impact in Nebraska. As a frame of reference, Iowa has 502,000 K-12 students in the student year

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2023-2024. In contrast, Nebraska had only 367,549 students, which represents 27% less students in Nebraska than Iowa. Of note, of all the students in Iowa, only 3.3% chose to pursue these options. For Nebraska, 3.3% of the student population equates to only 12,129 students. So the misperception that this is a sweeping change and that it would have monumental changes in the funding structure and all that, and so far based on Iowa, it's only about 3.3% participation. LB427 is a win-win proposal. It provides, provides a framework for an educational savings account here in Nebraska. This is not a new concept, but it's one with a proven track record in Iowa. More importantly, it gives the parents the ability to have greater control over their children's education. Both parents and children benefit by attending schools that suit them best. The state saves money and the public schools face healthy competition, which ultimately improves the quality of education for all of our state's children. We have an opportunity to do what's right for the kids and parents in Nebraska this legislative session by advancing LB427. I look forward to working with you to advance this bill, and thank you for your time and attention, I'm happy to answer any questions. And real quick, the handout I gave you is an analysis from the first year of the ESA Program over in Iowa. Apparently, it's great and it's deep on numbers and statistics.

MURMAN: Thank you.

ANDERSEN: I'm happy to answer your questions.

MURMAN: Thank you. Any questions for Senator Andersen at this time? Senator Hughes.

HUGHES: Thank you, Senator Murman. I always have a question.

MURMAN: You've got to wave at me. Can't go like this.

HUGHES: Can go like this. It's getting punchy and it's not even 5:00 yet. Thanks for coming, Senator Andersen. Iowa has been running 1 year, so, and you said it's at 3.3%, students that are using it.

ANDERSEN: The numbers on here are from 2023-24. I believe they implemented it--

HUGHES: So this would be probably their second year.

ANDERSEN: Yes.

HUGHES: So--

ANDERSEN: Yes.

HUGHES: --I'm imagining that's going to grow exponentially, right? I mean, every time you start a program, nobody knows about it and it'll gain footing as it goes. So I see it's for parochial or public or whatever. So if my kids are in public school, but maybe I wanted to send my kid to a tutor for probably for the ACT or something that I could do with that funding for that? Is that kind of how that works?

ANDERSEN: Yes, the, the, the intent is really whatever is best for what the parents think.

HUGHES: So here's my question. Why wouldn't everybody do this, like all 330,000 students in Nebraska? We'd totally do this, right?

ANDERSEN: I hope they would.

HUGHES: Yeah.

ANDERSEN: I mean, it, it puts the power in the parents' hands.

HUGHES: I want some math on that, but I'll come back.

ANDERSEN: Math and follow up.

HUGHES: Thank you.

MURMAN: Any other questions?

ANDERSEN: And that's kind of my point of, of putting out the number of 3.3%. You would, you would think naturally you would be, oh, 100% enrollment, but that's not what happened.

HUGHES: Well, but that's just because that was the first year. I mean, I agree it will never get to 100% because some people won't take advantage, but.

ANDERSEN: Right.

HUGHES: I mean, the math, 300-- I mean, 330,000 students times \$1,500 is \$495 million. It's a lot. Thank you.

ANDERSEN: Yeah, well, I was researching what is the total budget that the state of Nebraska pays for at all levels of school for a school for these children?

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HUGHES: Yeah, but the, the \$1,500 doesn't cover all the school. I mean--

ANDERSEN: Agree. And that's just establishing the framework.

HUGHES: Correct.

ANDERSEN: But, as you know, we've had a briefing on TEEOSA and everything else. Very complex, right? This is not an inch-to-inch deep subject. So we got to peel it back, look at all the money, but, ultimately, the end goal is let the, the children go to the school that's best suited for them.

HUGHES: Let me ask you one more question, if you don't mind, and I could, I could ask you, Senator.

ANDERSEN: Absolutely.

HUGHES: Did you consider-- I thought maybe a bill would come back this year that would be more like the-- and I didn't take advantage of this with my kids here. Is, is it the NEST program where I could save money for, like college for my kids? I thought maybe there'd be a-- so it wouldn't cost the state anything, but you could save tax free money for a parochial school, or whatever, K-12.

ANDERSEN: Are you talking the 529?

HUGHES: Oh, yeah, 529. That's what it's called. Right.

ANDERSEN: Yeah, I, I don't think-- I don't know if that applies to high school. I'd, I'd have to find out.

HUGHES: No, it doesn't. It's only for college, I think. I'm acting like I know what I'm talking about, but I'm pretty sure it's only for college. I kind of figured something like that would come back this year, but I don't, I don't believe it did, so. Anyway.

ANDERSEN: So it is kind of the incremental approach, right, how do you eat the elephant one bite at a time? It's established the framework. And then there's a whole lot of money things going on with, with public education or education at, at large in our state that we need to peel back the onion and figure out where we're at and how we're going to redo it. Because what we're doing right now doesn't work, right, we, we don't have the scores to back up the amount of money that we're putting into education.

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HUGHES: I'm not going to say what we're doing now doesn't work. There's, there's always issues with everything, but Nebraska has pretty darn good schools, public and private.

ANDERSEN: I know my district is great.

HUGHES: Well, so don't-- everybody always does that, my district is the best, which you've heard a million times, it's the other guy's district.

LONOWSKI: Thank you.

HUGHES: It's his. Thank you.

ANDERSEN: Thank you, Senator.

MURMAN: Other questions? If not, thanks a lot. And we'll ask for proponents for LB427.

TRACY HICKMAN: Good evening, committee. My name is Tracy Hickman, T-r-a-c-y H-i-c-k-m-a-n. I've never done anything like this before. I'm a parent of six children. I have children ranging-- in ages ranging from 27 to 9. My children have been in school since 2002. I'm a military spouse and I've lived all over the country, and I've lived in two different states of school choice. I also have been a PTA president and I've substituted in the schools. We currently live in Iowa and our kids are taking advantage of school choice. We moved to Iowa and lived in a small town, and this small town had great administration, great school. They don't have good management in the superintendent and they don't have safety on the playground. They don't have enough money to put cameras out. And so we moved our 9-year-old, who has high-functioning autism, to a different school that was a half an hour away. We live in rural Iowa. We drive her because, of course, the state doesn't provide that. That was my only concern when we started doing this. And I have to be honest with you as a parent, I've learned to love it. I thought I would hate it, her and I spend half an hour every morning talking, listening to audio tapes, having a good time, and I hear more about her school day than I ever have before. I would tell you that I've subbed in schools. I love kids. This is about the kids. And it's, it's disheartening to me, and I know people all have vested interests, but it's very disheartening to me to hear this talked about as if it's just about the teachers or just about the institutions. And really it isn't. I mean, there's such a push in our country right now to put money back in the taxpayer's pocket, and this would be a huge win for taxpayers and children all

across Nebraska. I-- I've seen it, I've seen the competition of school choice to be incredible. We lived in Florida and we had our, our third child, our daughter went to high school there, weren't sure what to expect when we showed up, they had-- what did they call it-- opportunity scholarships. Kids competed for them all over the district. It created healthy competition, especially in a very incredibly diverse group of students. It was fantastic. Our daughter flew in a Cessna as part of a program with Embry-Riddle as part of her high school experience, all because of the competition that came because of school choice. I believe in this program. Nebraska should pass it. I think there's probably, I don't know how many, 20 to 30 states that use school choice, and there's a reason why more states are signing it into law.

MURMAN: Thank you.

TRACY HICKMAN: I'm happy to answer any questions.

MURMAN: Yes. Any questions? Senator Lonowski.

LONOWSKI: Thank you, Chair. Thank you for your testimony.

TRACY HICKMAN: Oh, sure.

LONOWSKI: It's kind of a, a, a different approach by bringing someone that's living it, and I appreciate that. So do you have-- do you put in a certain percent to start with in Iowa?

TRACY HICKMAN: No, the process is really easy. I went to the school district where we wanted to go, submitted the paperwork, and at the first board meeting, they approved us to come there. And then they said you're going to provide your own transportation and any other terms of what you do. And then we enrolled her in school and it was just that easy. And I, I don't know, I think behind the scenes, the schools have to let go of her enrollment and then transfer it. And I believe in Iowa, I'm, I'm not sure exactly how it plays out with taxpayer dollars, I don't know that they switch schools, but I think there is something-- I know if you start an education savings account in Iowa, I believe it's something like over \$7,000 can go towards that, and I think \$1,200 stays at the school.

LONOWSKI: OK. Can you tell me what school that is? Like, I want to give a call and see how this is working.

TRACY HICKMAN: Sure, sure. So my daughter did go to Sidney Elementary. Loved, love their staff, they're fantastic. She now goes to Glenwood. Well, it's actually in Glenwood, Iowa, it's called West Elementary.

LONOWSKI: OK.

TRACY HICKMAN: They're a great school. They're a blue ribbon school. Fantastic. And, I think, nationally recognized a couple of years ago.

LONOWSKI: OK. Thank you. And thanks for being a military spouse.

TRACY HICKMAN: Sure.

LONOWSKI: [INAUDIBLE] and I know how much--

TRACY HICKMAN: Sure, we loved it.

LONOWSKI: --my, my wife had to put up with when I was gone, so.

TRACY HICKMAN: It's a lot.

LONOWSKI: Yeah. Thank you.

TRACY HICKMAN: It was worth it, but it was a lot. Any other questions?

MURMAN: Yes. Any other questions for Tracy? So you've seen school choice programs in both Florida and Iowa?

TRACY HICKMAN: Yes.

MURMAN: How do they compare, do you, do you have some ideas on that?

TRACY HICKMAN: Well, Florida had been in place for quite a while, and we were in Florida in, gosh, 2018, 2017, 2018. And, yeah, it'd been in place there for a while. And I think people thought at first that it would be a big deal where you'd have all these parents scattering and that you'd have schools closing, and, and none of that happened. I think what it did do was open the doors for parents to have more say over their kids' education, because you do have places like especially in Pensacola, where it's not affluent and parents felt empowered. And students-- it was interesting-- I-- students that I would never think, you'd never look at them and think they're going somewhere. These kids have plans. They've got college plans, they've got things they're working on. But the diverse group of students that was in the International Baccalaureate Programme at this, at this other school where our daughter had gone, just incredible, incredible that they're able and they do it based only on merit. Doesn't matter-- it's not--

it was-- you know, a few years ago before wokeism became such a big thing and the color of your skin. And it was just-- it was wonderful to see. Our daughter loved it. She's talked about that, I mean, all through college that, you know, once she got to go up and fly a Cessna, thank heavens she didn't get to take off and land, but she did get to fly it and flew it and got to fly it over Pensacola Beach. Embry-Riddle partnered with the school because there was competition, and, and it opened the doors for people to get creative.

MURMAN: So you were there when Florida started?

TRACY HICKMAN: I don't think I was there when they started. I think it was a couple of years before, but I remember the same concerns of, like, yeah, school choice, what if people leave? Well, they, they didn't, so.

MURMAN: And, and you are in Iowa when it started.

TRACY HICKMAN: I was in Iowa when it started and was glad to see that and tried to make a go where we were, but felt like the smaller school didn't have the ability to really-- our daughter doesn't need special ed services intensely, but I feel like she needed a lot more structure. And because they're a smaller school district in a small town, they just didn't have that to give with the resources that they have. Right? And we definitely tried to make a go there, but felt like now she's much happier. She's, she's gregarious, she's in everybody's business. She knows everyone, she's happy and smiley, and her friend base is now huge in southwest Iowa, so. And there's so many different people, it's really neat.

MURMAN: So empowering students and families is really important, even though there may not be a lot of changes as far as, you know, the number of people, like you said, schools didn't close because everybody left a certain school or anything like that.

TRACY HICKMAN: Right. I think it has to do more with the attitude. If you're going to empower parents, it really does make a difference. I mean, they're going to feel like stepping up, vice being in a system where we've been places before where school choice didn't exist, and in the military you end up in poor school districts and you are kind of stuck. You're just stuck. You only have what you have at the school where you're at, and there's no choice. I mean, we, we were lucky enough to go through in the military and only be there for a few years, but other families, that's just-- that's everything you have, and there's no way to do anything different. You know, and I have no

problem-- I know this is going to sound cruel-- I have no problem with schools closing if they're not meeting student's needs. There's no reason for them to stay open. If kids are getting babysat-- I have an older son that's special needs, he's 25, and advocated for him a lot in North Carolina because he was getting babysat and did force the school to come through with some extra services because he wasn't, he wasn't getting his needs met. So I can't honestly say I'd be sorry if schools that are not serving well or teachers that are not working their hardest if that goes away.

MURMAN: So, so in short, you're saying healthy competition is good?

TRACY HICKMAN: I think so. I absolutely think so.

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

TRACY HICKMAN: Yeah, no problem.

MURMAN: --your different perspectives and testimony.

TRACY HICKMAN: Thank you very much.

AIDAN SASH: Hello. My name is Aidan Sash, A-i-d-a-n S-a-s-h. When I was born, I had a tube around my neck making it impossible to breathe. Luckily, I survived. However, I had speech issues. My dad left my family before I was born, and my older brother's dad was in and out of jail. But our single mother who had worked two jobs and wanted the best for us. My brother, who is 5 years older than me and had ADHD, attended public school. However, he was bullied and picked on every day. Some days he would even come back with bruises. My mom eventually had enough of it and took him out of that school. She didn't know where to send him. She ended up at a church where she prayed and cried for an answer. The priest came out and asked what's happening and found us a solution. Through scholarships from a Catholic tuition organization, the priest helped me and my brother attend the school that was attached to that church. The school was a fit and had accommodations for my speech and my brother's ADHD. However, in fourth grade we lost our home. During that time, my mom was more concerned about our education than finding us a home. She was more concerned about our education than finding a place. But eventually we found a place and everything seemed to fit right again. But a few years later, I started to get bullied again. My mom took me on tours of other schools and many didn't fit me. However, we found one that made me feel like I was at home. It made me smile when I struggled to smile. I was happy. Unfortunately though, I could only stay there for a year

because I had to move. I felt like I didn't fit in again. Luckily for me, there was a high school where most of my friends were going. My mom struggled to make sure I could attend all 4 years. She had to work two jobs and I had to work as well to help make up bills. Then the junior-- in my junior year, Iowa Governor Kim Reynolds passed the state's Education Savings Account Program, and in my senior year, I received a scholarship. And, finally, I got to spend time with my mom, and she didn't have to work two jobs, and I got to see her. I finally got to see my mom more often, and I was able to cherish my time with her. Last year, I graduated my high school with honors and now I attend Iowa State University for mechanical engineering. I was able to, to grow in education. I took a 4-hour car drive down here from Iowa, because I feel Nebraska students deserve the same opportunity as Iowa students. Lastly, because of school choice, my mom gets to see me grow through my education and that her sacrifices were worth it.

MURMAN: Thank you. Any questions for Adam [SIC]? So you give a student's perspective, which we really appreciate. And the earlier testifier, we talked about, you know, empowering students and families. So you, you give the perspective of empowering the student. Did, did that make you more appreciative maybe of the school you were attending and more motivated to study hard? You've been very successful.

AIDAN SASH: Yeah, absolutely. It helped me a lot. As I kind of said, I had to work a job as well. One high school, and I-- it-- I found it hard to study and work and juggle extracurriculars. So when that, that bill passed, I was so much more thankful of the school I was able to attend, because I was able to put my work in and my mom put in a lot of work for me as well. So I was just appreciative, not only my mom, but also the governor helped pass that law as well. It really helped, empowered me to push myself forward in education. I wouldn't have chosen mechanical engineering if I didn't get the right education for it.

MURMAN: Sure, and, and I appreciate you giving a lot of credit to your mom also. Any other questions? Senator Lonowski.

LONOWSKI: Thank you, Senator Murman. And, and thank you for your testimony. How's Iowa State going?

AIDAN SASH: It's going great.

LONOWSKI: So far so good?

AIDAN SASH: A lot of hard classes, but.

LONOWSKI: All right. Good. Thank you for your testimony.

AIDAN SASH: Thank you.

JUAREZ: Yeah.

MURMAN: Senator Juarez.

JUAREZ: I just wanted to say the same thing to both of you who came and, and testified. I appreciate that you were willing to come and spend some time with us today and offer your perspective. And I want to wish you both continued success. And don't hesitate to, to keep involved in providing government, you know, your feedback. I think it's really important, those times when you can't come in person for your state where you're living, wherever it is, that you have the option to provide online comments. So I encourage you guys to stay involved. Thank you.

AIDAN SASH: Thank you.

MURMAN: Thank you. Any more questions? If not, thank you for your testimony.

AIDAN SASH: Thank you for your time.

MURMAN: Good afternoon.

BETZY SANDOVAL: Good afternoon. Hello. My name is Betzy Sandoval, B-e-t-z-y S-a-n-d-o-v-a-l. I am where I am today because of my mother's fight, not just for herself, but for her children and for my siblings. She made it her priority to give me and my siblings a better future than the one that she has. I am a school choice beneficiary, and I can personally attest how important education is and being able to choose and play in that part. I grew up having a lot of challenges in my school environments, and my mom, as a para educator, knew that our zoning district could not fully be able to help us as much as I needed and other children needed. So when my parents got a divorce, she enrolled me in a private Catholic school where I was able to flourish. I was able to have access to educators who were able to help with my needs and have my best interests at heart, and sometimes even help with one-on-one work. And I was able to be more caught up with math and other subjects than I was when I was in elementary school. And in this new environment, it helped me a lot. And-- but, however, even this change didn't fully actually help my academic needs, which

is why I begged for my mother to be able to let me attend a private Catholic school that was 40 minutes away. And if it weren't for my mother being able to change my school environment, I wouldn't have been able to be here, have the opportunity to be a first-generation college student at all, and have the multiple other opportunities I was able to receive through the ability to have access to this opportunity. And switching schools really changed my life and changed the trajectory of my life, and allowed me discovery for a multitude of other things. If it weren't for this and my mom to this day still continues to fight for me and my siblings despite the challenges. As a low-income family, me and my mom and my mom, just as a sole provider, as a single mother, she had the burden and financial burden of having to pay for education. And although we were able to have the opportunity of scholarship grants through a tuition organization, it wasn't fully-- it-- we weren't fully able to afford our-- my private Catholic school. So sometimes it was a struggle even to just meet our basic needs. And through these-- through the past 2 years with the Iowa ESA, my mother doesn't have to worry about a car payment or her children's tuition. And which is why I really urge you to vote on this bill because-- and move forward with this bill because educational choice can be transformative. It can help offer opportunities, help shape futures in so many different ways that lives could be changed. I mean, again, I, as well, drove 4 hours and my mom is also here to be here with just-- for it to be able to have-- and help Nebraskan students just be able to deserve this, such as I, in Iowa, was able to have this opportunity with the ESA. So thank you so much.

MURMAN: Thank you. Any questions? I see when you-- school choice allowed you to discover your knack of arguing to join the debate team, are you thinking about becoming a state senator someday?

BETZY SANDOVAL: Maybe one day.

MURMAN: Thank you.

BETZY SANDOVAL: I mean, I would really like that.

MURMAN: You don't have to answer that question.

LONOWSKI: Don't do it.

MURMAN: How about any other questions, any other questions? If not, appreciate your testimony. Thank you. Other proponents for LB427?

TOM VENZOR: Good afternoon again, Chairman Murman and members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the

executive director of the Nebraska Catholic Conference. And we support Senator Andersen's bill. And, again, for just the fundamental reason, right, that parents are the primary educators of their child and they need to be able to make the educational decisions that are best for their kid. And whenever there's a right, here, there's a fundamental and moral right for the parent to educate their child as they see fit. Rights come with duties, and the duty is on the state to ensure that families have the ability to choose an education that's best for their child. So for us, it's a matter of-- it's a fundamental moral issue, a fundamental justice issue. One thing, I want to kind of diversify all of my different testimonies today so I wasn't saying the same thing every time. But on this one, I want to talk a little bit about the accountability of nonpublic schools. So oftentimes in these school choice debates, there's the argument that somehow nonpublic schools are not accountable. Somehow it's the wild west of education or in a, in a recent hearing, we heard that, you know, to be an approved school all you have to do is fill out this piece of paper or something like that, and that's just simply not the case. And so what's going around to you right now are the checklist. And this is just a checklist, this isn't the actual rules and regulations for Rule 10 or Rule 14. But under this bill you have to be a Rule 10 or Rule 14 approved or accredited school to be able to qualify to receive the children who come with the scholarship. So Rule 14 is the, the rule for approval. OK, so in, in Rule, Rule 10 is the rule for, for accreditation. And so you'll see-- on one list, you'll see all the schools that are approved. You'll see on the other list all the schools that are accredited. And then, as well, you-- again, you'll see the checklist. And I'm not going to go through all the checklist, but they include things like teacher and administrator certification, student-to-teacher ratios, testing and examination, norm-referenced testing, criterion-referenced testing, curriculum, hours of instruction, graduation requirements, technology and resources, health and safety, security plans, fire and other drills. I mean, the list goes on about all the check-- you know, all the check boxes that nonpublic schools have to meet to be approved or accredited schools. So I just wanted to hand, you know, have-- for you to have that in place so that when you hear that argument, somehow the nonpublic schools are not accountable, first of all, they're accountable to parents. Second of all, they're extremely accountable to the state through rules and regulations. I also want to kind of echo what you heard from some of the previous student testifiers, and these are stories that we were hearing, too, after this last year when parents were able to get school choice scholarships. I mean, I was hearing just from my own friends, but I was also hearing from a lot of our

school administrators and teachers across the state in our nonpublic schools about families, families didn't have to take out that bank loan to pay tuition. They didn't have to work those multiple jobs to be able to cut tuition. They could be at home in the evening with their kids to help with homework, to go to activities. They could get-- they could afford the food to put on their tables, and had extra money to buy those tires that, you know, they needed when, when those times inevitably blew out. So those scholarships were very critical for giving those families financial stability. And those families were in tears when they heard they were getting school choice scholarships. So we're very much in favor of Senator Andersen's bill and some of the other proposals you've seen, but just wanted to cover those bases. So thank you very much.

MURMAN: Thank you. Any questions for Mr. Venzor?

JUAREZ: No. I have a comment, though.

MURMAN: Senator Juarez.

JUAREZ: So I wanted to share with you my personal story, like I've been listening to everyone else's because all of us have different experiences as students. And I grew up in a low economic neighborhood also. My, my dad was the sole breadwinner, and my mom actually got a part-time job in a Mexican store when I thought about going to Catholic high school. And I went to Catholic grade school, and so she took that job so that I could go to a Catholic high school. But my experience was the opposite in that I was unhappy there. I didn't like it. I didn't like their methods of teaching. And so I just stayed there one semester and I switched to public school. And I never had any regrets that I did that. And so it was a positive experience for me and great opportunities. And when I was in high school, I was the girls state rep for my high school. So I came here to learn about state government. And I also at the-- in my senior year, my dad even lost his job. So then the college savings, what little that they did have for me, it was spent immediately. So then I went to college on a need-based scholarship to UNL, and I was very fortunate to have that opportunity. So I just want to share, you know, everybody has different experiences, right, and it doesn't always revolve with public school being a negative. I wanted to bring out something positive.

TOM VENZOR: Yeah, and I think I would--

JUAREZ: Thank you.

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TOM VENZOR: Yeah, I would agree, I think, with those comments, as well. School choice is about helping families and kids find the school that's best for them. Sometimes that's a public school setting, sometimes that's a nonpublic school setting. A bill like Senator Andersen's gives that opportunity. So thank you for sharing your story, Senator. Appreciate that.

JUAREZ: Thank you.

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

TOM VENZOR: All right. Thank you very much.

MURMAN: Other proponents for LB427? Any opponents for-- oh, do we have a proponent? Proponents for LB427?

NICOLE FOX: Chairman Murman and members of the Education Committee, Nicole Fox, N-i-c-o-l-e F-o-x, and thank you for the opportunity to testify in support of LB427. And also, I want to thank Senator Andersen for promoting education choice in Nebraska. For the past several years, the Platte Institute has been committed to expanding education choice for one simple reason: Every child deserves the opportunity to receive an education that best fits their needs, giving them a chance to succeed. Interest in education savings accounts has increased over the last several years after starting in Arizona in 2011. 13 states have ESAs, including our neighbor Iowa. Over the past 4 years, in particular, student participation has skyrocketed from approximately 50,000 students to over 326,000 students, with the average account value of about \$7,500. Before 2021, ESAs were largely limited to students with IEPs or students with-- from low-income households. In 2022, Arizona became the first state to offer the universal ESA eligibility, and that expansion is reflected in recent trends in ESA proposals. The National Council of State Legislatures reported that in the previous biennium, 36 states considered ESA legislation. In such programs, states put money into accounts for children that families can use to pay for things like tuition, tutoring, therapies for special needs, online education programs, education software, and more. LB427 proposes the establishment of an education savings account by the state treasurer in the amount-- the modest amount of \$1,500 per school, per school year-- I'm sorry-- for any student enrolled in a public or a nonpublic school whose application for an education savings account has been received. According to a 2024 national poll conducted by the yes. every kid. foundation, 53% of Americans overall and 68% of K-12 parents specifically, believe that if access to ESAs were expanded, public

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education would be improved. Additionally, among supporters of ESAs, 71% believe that they should be universal. This indicates widespread support and the importance of programs being designed for all families. If adopted, an ESA Program combined with a more robust option enrollment program as LB557 proposed that we discussed earlier today, they could be synergistic in meeting the growing demand for more personalized education. This has been seen in Arizona. In lessening financial and geographic barriers, more families may explore educational opportunities once deemed inaccessible. This could lead to a more vibrant education marketplace with a wider array of schooling options flourishing to meet diverse demands. For these reasons, the Platte Institute encourages this committee to advance LB427. And with that, I'm happy to take any questions.

MURMAN: Thank you. Any questions for Nicole? I have one. I realize there would have to be some kind of guardrails, but you've got some good statistics here on different states with different ESA Programs. Are there any states that have ESAs for homeschool students at all?

NICOLE FOX: I do not know that. I would have to look that up and get back to you.

MURMAN: Didn't mean to put you on the spot.

NICOLE FOX: No, that's OK.

MURMAN: Thought you might know that.

NICOLE FOX: Nope.

MURMAN: Any other questions for Nicole? If not, thanks--

NICOLE FOX: All right.

MURMAN: --for your testimony.

JUAREZ: Thank you for this.

MURMAN: Other proponents for LB427?

JOHN GAGE: Good afternoon. My name is John Gage. That's J-o-h-n G-a-g-e, and I am the state director for Americans for Prosperity. I'm here on behalf of our thousands of activists across the state of Nebraska to testify in support of LB427, which establishes education savings accounts for students in K-12. We believe every child is unique and that their education should reflect that. But too often how

kids learn are decided by a system, not the people who know them best. That's where ESAs come in. There are three key reasons ESAs can be a transformative tool for Nebraska families. First, ESAs allow family decision-making in education. In many states, including Nebraska, decisions about educational funding are made by bureaucrats rather than families. ESAs and power families decide how their child's education funding is spent. Second, ESAs allow for equal opportunities. Every child deserves a fair chance to succeed, regardless of their family's wealth, background, or unique learning needs. Third, ESAs allow families to create a customized education for their child. ESAs allow families to tailor their child's education to meet their specific needs, providing a flexible approach to support individual learning styles and combat learning loss. This is especially needed since we've been seeing this year the continued struggle of our public schools to meet basic standards of excellence and the dropping of proficiency scores. It's for these reasons that ESAs routinely poll as one of the most popular options for school choice nationwide and in Nebraska. ESAs in Nebraska received 68% from support from all adults, and 70% support from parents with kids in a school. These results are not surprising. The public supports ESAs because they want the ability to be in charge of their child's education without being hindered because of lack of money or options. Despite what we know about the popularity of school choice, especially ESA-style legislation, Nebraska continues to fall behind the country on this issue. We are only one of two states that does not have any form of school choice through either an ESA, tax credit, charter school, etcetera. Continuing to fail to act on this issue only makes our state less welcoming to new families and students wanting to come to our state and actively hostile to students and families who live here already. Every child deserves a fair shot at success, and every family deserves the right to decide how their education dollars are spent. I urge this committee to support LB427. Thank you.

MURMAN: Thank you. Any questions for Mr. Gage? If not, thank you very much for testifying.

JOHN GAGE: Thank you.

MURMAN: Other proponents for LB427? Opponents for LB427?

TIM ROYERS: Greetings again, Chair Murman, members of the diminished Education Committee. For the record, my name is Tim, T-i-m, Royers, R-o-y-e-r-s. I am the president of the Nebraska State Education Association. I am here on behalf of our members in opposition to LB427. I want to frame the rest of my testimony based on kind of

Senator Juarez's comments earlier about, you know, we all have our stories and our experiences that really frame kind of how we view our educational journey individually. I think as policymakers, the fundamental question we need to ask is, are those stories, are those stories going to be consistent on a large scale, on a policy that you seek to advocate? And on this bill, LB427, sadly, the supporter testimony you heard today is the exception, not the rule. Because if we look at what's happening in Iowa, the data plays that out. All, all that Iowa's program has done on a large scale is subsidize families of means who have already decided to attend private school. So in Iowa, for example, only 12% of ESA holders have ever attended a public school. And Governor Reynolds herself was forced to admit in her own press release that for those families that did move from a public school to a private school, the average income for those families was over \$128,000. And in a brief in April of 2024, it showed that the first year that program actually led to a net cost increase to the state. And that report was done by EdChoice, which is a school choice advocate. So these programs have actually led to an increased cost to the state of Iowa, and it's led to an increased cost on the families that choose to attend a private school because, unfortunately, the data also shows that since Iowa's program was implemented, private school tuition has increased by roughly 25%. When we raised those concerns last year about Iowa's program during that session's version of this bill, Senator Hansen said we should not use Iowa as a guide. Instead, the senator said we should look to Arizona to judge the efficacy of ESAs because, in his words, quote, they have a bit more experience with ESAs than Iowa, end quote. So let's talk about Arizona. In 2023, Arizona's program was described as a, quote, \$1 billion failed experiment with ballooning costs and no accountability by the Arizona Mirror. Last year, the Arizona Republic reported that Arizona's program was used by wealthy families because the amount put into the ESA was too low for low-income families to take advantage of. And in December, even the Heritage Foundation acknowledged that the program needed improvement. Most importantly, given the current fiscal climate, is the fact that in Arizona ESAs created an ever-widening hole in the state budget of Arizona. Because most participants never attended public school, the state is now paying for education that it was never responsible for previously. So, as a July 2024 report noted, Arizona's ESA Program has forced massive cuts, including reducing funding for their water infrastructure by more than \$300 million. Proponents will argue that these concerns are not applicable here because of the modest scale of LB427, but that is exactly what they said about Arizona's bill, initially, it was only supposed to be a bill that cost in the tens of millions, and now it's costing the state

billions. Senator Murman, you know, you and I have had many of these conversations. I do genuinely believe that you want to do what's best for kids. I think you and I just necessarily disagree on the outcomes. Unfortunately, there's a number of organizations that don't share our agreement and are truly trying to take advantage of this to undermine public schools. And for that and other reasons, we are opposed, and I'm happy to answer any questions that you may have.

MURMAN: Thank you. Any questions for Mr. Royers? I have one, you talked about reduced funding for infrastructure on water projects. How did that happen?

TIM ROYERS: The, the cost escalated several hundred dollars-- for, for Arizona's ESA Program that came in for that fiscal year, several hundred million dollars above expectations. So when they had to do their appropriations decisions, the \$300 million for water was one of the things that was cut in order to-- they did not reduce the increased funding to ESAs. So they, they kept the increase of several hundred million dollars for the ESAs, but they cut other critical programs to make that fit when they had a fiscal shortfall like we do currently.

MURMAN: Do you have any figures on school funding for public schools in Arizona? How, how did that--

TIM ROYERS: Yeah, that was also impacted. And, in fact, one of the things that's happened in the last few years in Arizona is a, a massive increase in the amount of school districts that have been forced to do property tax levy overrides. Because they have seen such a decrease in state-level funding in Arizona, they've had to resort to almost yearly elections to go above the established levy cap to try and make ends meet.

MURMAN: How about student numbers in public and private each, I guess?

TIM ROYERS: Yeah, I, I, I didn't go into that in probably enough detail as I should have. But like Iowa, the, the vast majority of Arizona's participants never attended a public school, so you haven't really seen a significant shift in movement. It's-- that's why it's cost the state of Arizona so much more money is because you have people who weren't at a public school previously now seeking the ESA funds. So now you kind of have a parallel cost obligation in addition to the public schools.

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MURMAN: Because one reason I'm asking, I was in Arizona, I think, probably about 7 years ago, because I, I think it was before I was in Legislature, but I was running and trying to get on the--

TIM ROYERS: Sure.

MURMAN: --Education Committee. And I asked a lot of-- had a pretty wide group of people to ask about public schools there, and it was pretty universal that public schools in Arizona weren't very good at that time, the people I've talked to. So, you know, that's why I'm wondering what, you know, what the outcome is for both public and private schools with the [INAUDIBLE].

TIM ROYERS: Sure. And I think that goes back to, Senator Murman, the philosophical disagreement that you and I have-- respectfully have, because, again, I know what your intention is and I respect it. I think, to me, the solution that we need to be looking at here and the solution that they should have been looking at in Arizona is what do you do to improve those outcomes in public schools, rather than diverting funding away to a parallel system of schools? And I think, you know, we can go around and around to that, but I think-- that's, that's my, that's my reaction to that question because I think it's a valid question.

MURMAN: Sure. OK. Thank you. Any other questions? Senator Lonowski.

LONOWSKI: Thank you, Chair. Thanks again, Mr. Royers. So if the money's not, like, directly coming from public schools and bringing it out of another fund to put it in an educational setting now, what, what, what is your-- like, why is that a sticking point for you?

TIM ROYERS: Because of what's happened in Arizona, right? You're right, that on face level is certainly and certainly how this bill is introduced, it's not. But it's about what it-- again, I think, you know, to the vein of we've gone around and around in this debate for a number of years, I think, fundamentally, the concern is not simply the bill as presented. It's what the bill could become. Because I said at the con-- like I said at the conclusion of my testimony, Arizona's bill initially was very similar to LB427, and then the cost kept escalating to the point where they were forced to scale back their public school funding to try and accommodate the cost of the ESA Program. So I, I think if we were viewing LB427 in isolation, I would probably, candidly, have a different response than I have right now. My fear is what we have seen in all of these other states is a very

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predictable pattern of cost creep and, to me, it's about not letting the foot in the door to let that happen. Does that make sense?

JUAREZ: Um-hum.

LONOWSKI: Sure.

TIM ROYERS: Whether you agree with it or not, hopefully, just make sure I'm clear on my argumentation.

LONOWSKI: No, I, I, understand what you're saying. If you had to pick one of these three plans today, which one do you think is the most beneficial to both public and private?

TIM ROYERS: None of them. And, and genuinely, that's not my own opinion. I think there's a broad, I think there's, there's broad-scale research that none of those proposals actually improve academic outcomes. And I would love to have an extended conversation with you later about what that research indicates.

LONOWSKI: OK. Thank you.

TIM ROYERS: Yep.

MURMAN: Senator Meyer.

MEYER: Thank you, Mr. Chair. I just heard you mention cost creep. Isn't that exactly what we have here in our educational system?

TIM ROYERS: Actually, if, if you compare local public school spending to the overall percent growth in the state budget, public school spending has a lower percent increase in cost than what the increase has been at the overall-- at the total state budget.

MEYER: I'd like to see your numbers on that.

TIM ROYERS: I would, I would love to provide that for you. Absolutely.

MEYER: Appreciate that.

TIM ROYERS: Yep.

MURMAN: And that's my next question. How big of a period of time are you talking about?

TIM ROYERS: In Arizona?

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MURMAN: No, in Nebraska, the figure that you just gave.

TIM ROYERS: Oh, I'd have to look back, but I'd be happy to email it to you and provide it to you. Yep. Absolutely.

MURMAN: Yes, appreciate that.

JUAREZ: I, I wanted to--

MURMAN: Yes, Senator Juarez.

JUAREZ: Thank you. I just wanted to say that when I was on the LPS School Board for a little while, I was on the finance committee there. And I can tell you that I learned firsthand about the results of these programs interacting with my finance person, because, you know, when the voucher program was being proposed, he was the first person that I went to, to talk, you know, about these dollars. And he definitely said that it has been disastrous results in states trying, you know, they think it sounds like a great idea and then the, the bill that they end up with was nothing that they expected. And so I think that-- you know, I understand how people were trying to come across today about thinking about the students. And it's not like I don't consider the students and what's good for them, but at the same time, you know, it's like anything, you're trying to balance it, right? The reality is we do have to look at what the costs are. The reality is we need to be extremely careful what we're going to do. And I can't emphasize that enough. Thank you.

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

TIM ROYERS: Thanks, everyone.

MURMAN: Other opponents for LB427?

CONNIE KNOCHE: Chairman Murman and members of the Education Committee, my name is Connie Knoche, C-o-n-n-i-e K-n-o-c-h-e, and I'm a senior fellow with OpenSky Policy, and we're here to testify in opposition to LB427 for a few reasons, including that it would divert General Fund dollars away from public education toward private, fail to improve educational outcomes, and likely benefit the wealthy at the expense of low-income families. LB427 would create a Student Savings Account Support Fund, consisting of an amount equal to \$1,500 multiplied by the total number of students in K-12 in private schools. The total would end up being \$55 million, based on the 37,107 students enrolled in nonpublic schools. This spending would come at a time that the

state is already experiencing a significant shortfall and hasn't been, hasn't been shown to improve educational outcomes in other states. Rather, it has shown the opposite, with several studies showing voucher students experience worse outcomes. There's also evidence of rampant fraud and misuse of funds, as there's minimal oversight over how they're spent. For example, parents in Arizona were found to have spent \$700,000 of ESA money on beauty supplies, while others created fake children in order to claim the funds. Utah is considering ending their ESA Program that passed in 2023 after families were found to have spent the funds on ski passes and lift tickets. The cost to the state also doubled just over the second year, jumping to \$82 million. Additionally, these programs largely fund students who are already attending private schools, as seen in Iowa, Indiana, Ohio, and Wisconsin. In Arizona, three-fourths of the applicants in the first year of the ESA Program had never attended a public school, and nearly half came from wealthy communities. This program also wouldn't cover the full cost of private school, so lower paid families may still be unable to afford to send their kids to a private school, while better-off families benefit. Finally, successful ballot initiatives have shown that Nebraskans oppose privatizing our schools using state dollars, regardless of the mechanism. As such, we would encourage you not to advance LB427.

MURMAN: Thank you. Any questions for Ms. Knoche? If not, thanks for your testimony.

CONNIE KNOCHE: Thank you.

MURMAN: Other opponents for LB427?

GARRET SWANSON: Chairman Murman and members of the Education Committee, my name is Garret Swanson, G-a-r-r-e-t S-w-a-n-s-o-n, and I'm here on behalf of the Holland Children's Movement in opposition to LB427. Senators, for the purpose of my testimony, I want to touch on the inherency of this issue for Nebraskans. Our sister organization, the Holland Children's Institute, conducts a poll at least once a year to gauge interest, attitudes, and opinions of all Nebraskans. Since our polling began in 2021, Nebraskans have never indicated a desire to use taxpayer dollars to subsidize private and charter schools. In 2021, 64% of Nebraskans opposed or strongly opposed giving taxpayer money to private schools, while 28% supported it. In 2022, 67% of Nebraskans opposed or strongly opposed giving taxpayer money to private schools, while 32% supported it. In 2023, 64% opposed, while 34% were in favor. And, of course, in the biggest poll of them all, the 2024 election, voters rejected Referendum 435, with 57% of

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Nebraskans saying no and 42.9% saying yes. Again, I bring these numbers up because it's clear that public funding for private schools is not an issue that Nebraskans want or support. As elected representatives on this committee, you have a duty to represent the will of the electorate. When we conduct this polling, we do not question Nebraskans in Omaha-- not just question Nebraskans in Omaha or Lincoln, we make sure to include voices from every part of the state. Our polling is also representative as most of Nebraskans we poll self-identify as Republicans and either moderate or conservative in their political leanings. This, of course, matches with publicly available voter registration numbers. I understand that the introducer of this bill and its supporters want what is best for children in our state. The concept of education savings accounts, I believe, start with noble intentions, specifically to help students afford the necessities they need to further their education. However, however, we do not need to use public funds for private schools to do that. There is legislation we can pass that will provide a direct benefit to all children, such as a universal breakfast and lunch program or expanding funding for after-school care. Let's work to find solutions to problems within our current framework so every child in the state has a chance to succeed through our wonderful public education system. Thank you for your time, Senators.

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

GARRET SWANSON: Thank you.

JUAREZ: Thank you.

VANESSA CHAVEZ JURADO: Good afternoon, Senators. Thank you, Chair Murman and members of the Education Committee. My name is Vanessa Chavez Jurado, V-a-n-e-s-s-a C-h-a-v-e-z J-u-r-a-d-o, and I am a communications and outreach specialist at Stand For Schools, a nonprofit dedicated to advancing public education in Nebraska. Stand For Schools is here in opposition of LB427, which establishes an educational savings account or ESA Program in Nebraska. We oppose LB427 for three reasons: one, LB427 lacks a vision oversight to ensure that funds are not misused; two, the bill mainly benefits families who can already afford to send children to private school; and, three, state-sponsored ESAs could cost the state's General Fund significantly. First, LB427, as written, proposes a creation of taxpayer-funded education savings accounts, ESAs, that would funnel public dollars into private schools and other educational services with minimal oversight. While the stated goal of this bill is to

expand educational opportunities, in reality, programs like these have been tried in other states and have repeatedly resulted in waste and abuse. Research on the impacts of such programs show that in Arizona taxpayer funds are used for noneducational purposes like theme park tickets, and the program has ballooned beyond projected costs, as many before me stated. Similarly, eligible instructional materials through ESA funds in Florida included televisions and video game consoles. While LB427 includes some provisions to prevent fraud similar-- prevent fraud, similar safeguards in other states have not been effective. The requirement for random audits and self-reporting of expenditures is insufficient to prevent misuse. Experience in other states has shown that once funds are deposited into these accounts, tracking how they are spent becomes a massive challenge. Without robust, proactive monitoring, Nebraska taxpayers will almost certainly see their hard-earned money wasted on noneducational expenses. Second, research on similar programs in other states shows that these programs have failed to deliver meaningful improvements in student outcomes, especially for low-income and special needs students. Instead, they have primarily benefited families that already have the means to send their children to private schools. In fact, these programs in other states have been shown again and again to almost exclusively benefit families who can already afford to send them to-- to send their children to private schools. Nebraska should learn from these failures and rather-- rather than repeat them. Excuse me. Finally, at its core, LB427 is another step toward the privatization of education at the expense of public schools. The bill proposes transferring \$1,500 per student for-- from the educa-- from the Student Savings Account Support Fund. Rather than diverting money to private schools, the state should focus on obligation to best serve the students and public schools. LB427 does not include provisions limiting these funds to students transferring from public schools, meaning that this appropriation will certainly be used by students who never intended to attend public schools, effectively acting as a subsidy to private schools. Moreover, LB427 does not include any income requirements for eligibility, meaning that students would qualify for these accounts regardless of need. At a time when the Legislature must make critical decisions regarding revenue and expenses, we should not be considering proposals that would take funding away from important state services. Just to wrap up, instead of pursuing a risky ESA scheme, Nebraska should focus on proven strategies to strengthen our public schools, such as increasing teacher pay, expanding special education services, and improving classroom resources for all students. I appreciate your time and urge you not to advance LB427. Happy to answer any questions.

MURMAN: Thank you. Any questions? Yeah, I-- you don't think the state treasurer would be able to oversee the program well enough, you're very concerned about fraud?

VANESSA CHAVEZ JURADO: Based on the evidence, we just have seen that there are challenges that has come up even with oversight. And that's a concern that we wanted to share.

MURMAN: OK. Thank you. Thanks for your testimony.

VANESSA CHAVEZ JURADO: All right. Thank you.

MURMAN: Other opponents for LB427? Any neutral testifiers for LB427? If not, Senator Andersen, you're welcome to close. And while he's coming up, online, we had 6 proponents, 62 opponents, and 1 neutral testifier.

JUAREZ: It's been interesting, the number of opponents on this stuff.

MURMAN: Good evening.

ANDERSEN: And good evening again. Chairman Murman, couple of comments before my actual close. For Senator Juarez, I, I get every child's journey is different. They start in different places and end different places and different paths. And yours is different than many. What I would say to you is that what LB427 does is allow the parents to decide where the kids go. It doesn't say you go from public to private or private to public or public to home or anything else. It doesn't do any of that. It really says the parents have the ultimate authority on where the children should be educated. So in your case, you would have been at public school the whole time. For, for Mr. Royers, we're not encouraging any kind of school. We're not saying that, that private is better than the public, or that homeschool is better or worse than private or public. We're not encouraging-- this bill does nothing to encourage anybody to switch schools. Matter of fact, if you listened to the first testifier, she actually-- they moved their children from a public school to public schools. It was just the one that they went to had better programs that helped them, their kids, to excel academically as well as in competition in sports. And one of the things I would also add is that monopolies are always bad for the customer. And what we have now in education is a monopoly. What this does is it says, it allows free choice in the free market system to, to survive. So Chairman Murman, members of the Education Committee, I thank you for your time. I thank the testifiers who spent their time traveling here and their patience in line. It's now almost 6:00 at

night and certainly Senator Hughes is out of candy back there. So we must acknowledge the parents have a primary and fundamental right to determine what is best for their children. LB427 simply reflects that right and authorizes the parents to exercise their right to exert their control over and be responsible for their children's education. The Iowa ESA Program is an active and benchmark program. LB427 is modeled after this program, invites reinventing the wheel or trying something that may or may not work. I look forward to working with the committee to advance LB427 to the full Legislature. And one of the things I would say about the, the various testimonies talking about Arizona and Iowa and saying they're failed programs in Florida. If they're failed programs, why weren't they killed? They're all still going. They're also educating children. And with that, I'll, I'll take any of your final questions.

MURMAN: Thank you. Any final questions for Mr. Andersen-- Senator Andersen? Senator Hughes.

HUGHES: I'm back. Thank you, Chair Murman. And I'm sorry, I was presenting a bill across the way and so missed-- I-- I've heard, like, a second of a proponent and opponent. So I-- when I was sitting over there, I was just thinking the \$1,500 per student. What if, what if we just did a tax credit for anybody that had kids, \$1,500 tax credit, kids 0 to 18 for Nebraska families? You wouldn't have to have a separate body run it. You wouldn't-- I don't know, I'm just-- that just came.

ANDERSEN: I, I think the possibilities are endless and I think everything has to be on the table.

HUGHES: Yeah.

ANDERSEN: What I have encountered in my life is that when we have something that is very complex, as the funding for education is right now, there's oftentimes many redundancies and there's gains that could be made and savings that could be realized that are missed, that aren't. I'm a simple guy, and I would rather have it as flat as possible. And what these ESAs do is they make it very flat. It's very simple. It's a one dimensional. The biggest question is, you know, where do you want your child to go? And then fill out the paperwork [INAUDIBLE].

HUGHES: Except for you have to, you have to prove-- like, I have to use it toward authorized expense, right, the \$1,500. And then, and then it's like-- so then you run into-- I think somebody had

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mentioned-- possible fraud or whatever. I, I don't know, I'm just thinking, like, even cleaner would just be \$1,500 tax credit.

ANDERSEN: So we-- when Ms. Hickman spoke, the first proponent testifier, when she talked about--

HUGHES: I, I-- that's when I got called out.

ANDERSEN: OK. Yeah. So she testified, and these guys can tell you that she spoke about how very simple it was that she just filled out some basic paperwork and she submitted it. And I think the actual transferring of funds, and I'm not trying to quote her, but I believe the transferring of funds, all that happened behind the scenes for her, you know, that wasn't something that she had to worry about. That's all what happened with the Iowa treasury.

HUGHES: Thank you.

ANDERSEN: Simple.

MURMAN: Any other questions for Senator Andersen?

JUAREZ: I know that in Arizona, and I'm not sure if it's true of all the cities, but not everybody pays property taxes to contribute to schools. So that also could be a factor on why the school systems are not as strong there.

ANDERSEN: Sure.

JUAREZ: I mean, I know that obviously our taxpayers are complaining about our property taxes here, but Nebraska does have good schools, bottom line. Whether anybody wants to admit that or not, we do have good schools here.

ANDERSEN: Actually, I stated earlier in my opening that my school district has great, great schools. But, you know, the, the reality is there's multiple ways that the schools get funded. It's not, it's not just property tax. The state pays a little over \$1 billion a year in taxes or in, in revenue for the schools. I think we need, I think we need to break it down and make it as simple as possible. Lower level math. But I'm a simple guy, so.

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

ANDERSEN: Thank you, Chairman and committee.

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MURMAN: Yep. That will close the hearing on LB427 and we'll open the hearing on LB14 and Senator Cavanaugh.

HUGHES: Oh, we switched places.

M. CAVANAUGH: I know. I know.

HUGHES: Hello.

M. CAVANAUGH: I was like, I know exactly where she was.

HUGHES: Isn't it cooler in here?

M. CAVANAUGH: It's way--

HUGHES: Yeah, it's like a whole different-- I'm not kidding, over there, it's like 100 degrees.

M. CAVANAUGH: Oh, my gosh.

HUGHES: And you walk in here and it's freezing.

MURMAN: It's chilly-- cold in here. Yeah.

M. CAVANAUGH: Good evening, Chairman Murman and members of the Education Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I live in Omaha. Where do I live? I don't even know. I have two amendments here to be passed out. One is one that the department requested, a waiver for small rural schools, and the other AM414 is to address the fiscal note. And with that, I will dig into my remarks. I've introduced this bill, this is the fourth time. This is my fourth Legislature biennium and the fourth time I have introduced this bill. I actually introduced this bill for the first time prior to the pandemic. And then, you know, looking for silver linings in bad situations, one of the silver linings to the pandemic is that we basically had a pilot program of universal school meals, so. LB14 maximizes Nebraska's participation in the community eligibility provision, or CEP, a federally funded program that fully pays for meals to all students of eligible schools. For schools of both public and private that do not qualify for CEP, the Department of Education will reimburse public schools for fully paid meals at the same rate as the free program, making up the difference if students-- if a student qualifies for a reduced meal price. CEP participation has increased in Nebraska. In 2021, CEP participation was only 44 schools. Today, its 216 schools in 49 districts. Current CEP eligible districts not participating are 164 districts. Current CEP eligible buildings not

participating are 424 buildings. Total federal funds distributed to schools in FY '23-24 from national school lunch and breakfast programs was \$129,114,562. An eligible school is one where at least 25% of the students are considered part of the identified student population, or ISP. This includes students whose families participate in SNAP, TANF, or FDPIR-- I'm sure it's like the FDPIR-- food distribution program on Indian reservations. It can also include children who are homeless, refugees, or in foster care. Using CEP cuts down on red tape for schools and eliminates the cost of trying to collect school meal debt from families. Over the last interim, you held a hearing for LR419 that Senator Hughes introduced. One of the testimonials from that hearing gave quotes from the Grand Island Principal, Whitney Flower. I want to remind you what her experience had been at Stolley Park Elementary: Providing free breakfast and lunch at Stolley Park Elementary has had a significant positive impact on our school community. Students come to class nourished and ready to learn, leading to improved focus and engagement throughout the day. Meeting this basic need, we see fewer behavior issues, increased attendance, and a sense of equity amongst students as everyone has access to meals regardless of their financial background. This support allows our students to concentrate on learning and fosters a more inclusive, welcoming environment. That's the end of her quote. As I mentioned, I have two amendments. The Department of Education requested a provision-- previous revision of this waiver-- bill, a waiver for certain schools or districts from CEP participation. AM321 is that waiver provision. This usually would be rural schools without facilities to produce their own meals. The second amendment, AM414, is a language change that would lead to a \$30 million reduction, \$30 million reduction in the fiscal note. This language basically expands the number of schools that would claim federal reimbursement. And we will hear from Nebraska Appleseed on that coming up. And I just want to acknowledge Loguen Blazek, who is one of our revisors for getting the second amendment back to my office in record time. We got the fiscal note. We looked at it this morning, and we got together with the wonderful people at Nebraska Appleseed, and figured out that there was clearly a way that we could do this and cost \$30 million less. So thank you to Logan in our Revisors Office. And with that, I'll take any questions.

MURMAN: Thank you. Any questions for Senator Cavanaugh at this time? Senator Lonowski.

LONOWSKI: Thank you, Chair. So the fiscal note is only \$60 million?

M. CAVANAUGH: Yeah, it's a, it's a cool \$60 million.

LONOWSKI: Just making sure.

M. CAVANAUGH: Yeah. Yep, yep.

LONOWSKI: Thanks.

M. CAVANAUGH: Yeah.

MURMAN: Senator, Senator Hughes.

HUGHES: And I'll just-- because I-- we just got the amendment. So it dropped it 30 because now you have to be, you have to be eligible based on those-- the [INAUDIBLE] you mentioned before.

M. CAVANAUGH: Yes.

HUGHES: You're a part of that--

M. CAVANAUGH: Yeah.

HUGHES: --CEP program and OK. Thank you.

MURMAN: Yeah, I have a question. You mentioned we had a pilot program during the pandemic.

M. CAVANAUGH: Yeah.

MURMAN: And our scores have dropped significantly since then--

M. CAVANAUGH: Yes.

MURMAN: --our test scores. How do you explain that?

M. CAVANAUGH: Well, that's a more complicated question than I can answer. What I meant by a pilot program is that during the pandemic, we had free meals for all students, and there was no collection of this. And the previous obstacle to this had always been the resistance that was actually from the schools because they said it was too complicated to go through this process and still get federal funds. And because the-- so school's federal funding is tied to data that they collect on-- for free and reduced lunch. And so if they weren't collecting the data for students that were getting free and reduced lunch, then they wouldn't be getting the federal funding that they were previously getting. But then when we had a universal school meal program for the entire country, that went away, and it ultimately created opportunities to be more creative at a federal and state level. So that it wasn't as cumbersome and that states or schools

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wouldn't risk losing those federal funds that they get based on those other metrics. So that's what I meant.

MURMAN: OK.

M. CAVANAUGH: As far as school outcomes, I don't even know how to dig into those.

MURMAN: Yeah, I, I assume that this program would be similar to what happens during a--

M. CAVANAUGH: Yes.

MURMAN: --pandemic,--

M. CAVANAUGH: Yes.

MURMAN: --it would be funded the same way. But with the amendments, I'm not sure what did the smaller schools do during the pandemic because that the amendment says exceptions not--

M. CAVANAUGH: Well, the schools-- during the pandemic, the schools that didn't have a kitchen, I don't know, I assume they didn't have meals.

HUGHES: Right.

M. CAVANAUGH: I assume the kids still showed up with their brown bag lunch.

MURMAN: OK. OK. Yeah, I'm curious about that, too, but thank you. Other questions? Senator Meyer.

MEYER: Thank you, Mr. Chair. During the pandemic, were the school lunches that were provided, were they fully federally provided?

M. CAVANAUGH: Yes.

MEYER: OK. And-- I thought they were-- and also are there reduced or free meals in our private schools in the state? And that would be a federal program.

M. CAVANAUGH: So there are children in private schools that would qualify for free and reduced lunch. I, I believe they do that as well. They are included in my bill.

MEYER: OK.

M. CAVANAUGH: So they would be, they would be participating in this.

MEYER: OK.

M. CAVANAUGH: I went, I went to private school and we got government-like surplus for our food. And I wouldn't say it was wonderful, but it sufficed.

MEYER: Surplus or a government reject.

M. CAVANAUGH: I mean, yeah, depends on your view.

MEYER: Thank you.

MURMAN: Senator Lonowski.

LONOWSKI: Thank you, Chair. Thank you again, Senator Cavanaugh. Is OPS on 100% free and reduced lunch now?

M. CAVANAUGH: Great question. Yes, they were. I don't know if they are right now, but they are not going to be any longer. Because of the Medicaid unwind, more children were taken off Medicaid than anybody really anticipated. And so because they-- so many children in the OPS school district were taken off of Medicaid, they no longer qualify for the free and reduced lunch and, therefore, not all of the school buildings qualify. So the whole district doesn't qualify, but there are still school buildings that qualify entirely in OPS. So they are doing it to the best of their ability based on the demographics of their students.

LONOWSKI: OK. Thank you.

M. CAVANAUGH: Yeah.

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

M. CAVANAUGH: I, I would like to ask that my friend, this lovely young person behind me, could testify first since it's a school night and she needs to go to Omaha.

MURMAN: Yes, we certainly want her to get her rest--

M. CAVANAUGH: Yes.

MURMAN: --for tomorrow, a school day, so.

M. CAVANAUGH: There you go, Vivian.

MURMAN: Hi.

VIVIAN NEBEL: Hi. My name's Vivian Nebel, V-i-v-i-a-n N-e-b-e-l, and this is why I think school lunches should be paid for. Parents can't afford the school lunches. And from my own experience, they stop kids in the lunch lines and tell them to tell their parents to refill their lunch accounts in front of everybody. Many students don't have access to healthy or enough food at home. If some kids do not pay for school lunches, their families are punished as well by going into debt. It can cause poor health because kids can say they have lunches from home, but really don't because they can't afford the school lunch. It can benefit me by getting school lunch more often and not having to pack cold lunch every day. It can prevent food insecurity by judging how much you pay is how much you eat. Some kids can't control their spending when they get school lunch. There has even been some reports of kids threatened or even going into foster care because of their families cannot pay off the lunch debt. This happened in Pennsylvania and-- in 2019. I talked to Senator Prokop, and he said that he would like ice cream included. But at my school, ice cream is already on the menu, so I think he would consider this. I also have lots of friends who have siblings in elementary school, middle school, and high school who have their parents all pay for lunch, school lunch. For paid lunches, I would give up assistant teachers, extra playgrounds, and Topgolf, and I would not give up community pools, streetlights, sidewalks, and libraries. I would be happy to answer any of your questions.

MURMAN: Well, thank you very much. Any questions? Senator Hughes.

HUGHES: Yes. Thank you, Chair Murman. Thanks for coming in, Vivian. What, what grade are you?

VIVIAN NEBEL: Sixth grade.

HUGHES: Sixth grade. And you go to school in Omaha somewhere?

VIVIAN NEBEL: Yes.

HUGHES: Very good. Well, I appreciate all that you, you said. And so you don't want to give up pools, but you're willing to give up-- what was the--

VIVIAN NEBEL: You want all three of them?

HUGHES: Yeah, sure.

VIVIAN NEBEL: Assistant teachers, extra playgrounds, and Topgolf.

HUGHES: OK. Topgolf is out, playground-- or the pool is in. OK. Thank you. Appreciate that.

MURMAN: Yep, just seeing--

HUGHES: Nope? Anybody else?

MURMAN: --anybody have more questions? Well, really appreciate your testimony. And I appreciate all those notes. I noticed you, you--

HUGHES: Yeah, that was good.

MURMAN: --handwrote those because you were-- kept flipping over your notebook, so you, you did a good job. Thank you.

VIVIAN NEBEL: Thank you.

MURMAN: Yeah.

ANDREA EVANS: Go ahead. It was supposed to be ladies first.

JON NEBEL: Oh, I'm sorry. Bad manners. School's out.

ANDREA EVANS: Just messing with you. You got to get a laugh in here sometimes.

MURMAN: I think he's got to provide school transportation.

JON NEBEL: Yes, I am, I am the transportation. Thank you for the time. My name is Jon Nebel, J-o-n N-e-b-e-l. I'm here on behalf of the Nebraska State Council of Electrical Workers and a very proud father. So the two prompts she had on this, I asked the kids, could you tell me why you would benefit from having school lunches, and what would you be willing to give up? So you heard it. You heard what she's not willing to give up so we can start there. But just wanted to see what it was like for a lunch line point of view for this. As you can see, they recognize what's happening. There's some kids that aren't eating. There's some kids that are told that they can't eat in certain frames and others. So I just wanted to kind of lay out what it looks like for our family to, to have this kind of benefit. Our food budget for our grocery stores, we went from \$300 to \$500 over the last couple of years. So that increased. Our restaurant budget is \$100 weekly, and we estimate about \$60 a month for per student for the lunch, for the school lunch. So working off that budget, we started getting text

messages saying, OK, the lunch account is, is due. It's empty. If you need assistance, you can fill out this form. We don't qualify for assistance, so. But once again we're looking at it going, hey, we should-- we budgeted this much, why are we running out? So we started looking into what was the processes that were happening at the school. Went to-- took, took my daughter to lunch one day. So we're in the lunch cafeteria, and, and this is in grade school, we see kids are asked if anybody wants seconds, throw up your, your finger for seconds. And the teachers would come around and notice if you cleaned your plate, you can go up and get seconds, or if you brought your own lunch, you could go up and get seconds. So there's an added cost that we don't realize is happening when these kids grow up to get seconds. When they're turned away, like she said, they can go over to what's called a share cart. That's something I think the kids notice, oh, this person can't afford lunch. I don't want to get into what happens when people find out that other people are poor when I think we're all a couple paychecks away from being poor. When they get to middle school, there's no more seconds hands going up. It's just if you want to go up for lunch, you can buy it a la carte, you can buy whatever you need. Or if you can't buy lunch, you're just told, hey, sorry, you can't buy lunch. You don't have the account for it or you don't have any money in the account. So these kids end up just going and sitting down in the cafeteria and not eating lunch. By the time you get to high school, as my son will tell you, they just don't even bother going to the line. They just kind of absorb themselves into the cafeteria. So there's a lot of kids that aren't getting fed and they don't qualify. It's a, it's a strain on budgets. The \$60 a month per student isn't a lot, but it's enough to satisfy the cost of whatever eggs cost for the moment. What I'm saying here is we're not going to save this money. It's going to go right back in the budget. It's going to go right back into something that we can spend it for, whether it's gymnastics or piano or whatever. It's, it's an ease of pressure on our budget. So that's the street-level view of it, and thank you for your time.

MURMAN: Thank you. Any questions for Mr. Nigel, is it?

JON NEBEL: Nebel.

MURMAN: Nebel. Senator Lonowski.

LONOWSKI: Thank you, Chair. Thanks for your testimony. Thanks, Vivian. As a former teacher, the one thing I noticed, especially during the COVID when we have meals, is that there was so much getting thrown away. And it's a requirement that the federal government gives you a,

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a vegetable, and gives you a, you know, a grain, or gives you-- so do you see possibilities of altering the menu so that we can at least save if, if we're investing in every kid eating? I don't know, maybe, maybe green brains or brussels sprouts so that they have, you know, have a choice or--

JON NEBEL: Yeah, I think-- I, I think in the grade schools they're all required to take the full lunch first. In the middle school, it sounds like they can go up and pick and choose what they want and buy it a la carte. So I think it's already kind of happening. And as for my house, yeah, we would be comfortable that, we know when they're eating their vegetables and not, and they know when they need to.

LONOWSKI: OK. Yeah, I'm just trying to think, think this through.

JON NEBEL: Sure.

LONOWSKI: Thank you.

JON NEBEL: Um-hum.

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

JON NEBEL: Thank you.

ANDREA EVANS: Oh, I didn't fart, I promise.

LONOWSKI: It happens, it happens.

ANDREA EVANS: Am I going now?

MURMAN: Yeah, go ahead. Thank you.

ANDREA EVANS: Hello. My name is Andrea Evans, A-n-d-r-e-a E-v-a-n-s. I'm the mother of seven children. I'm here today to testify in support of the state's implementation of LB14, and ensuring that all children across Nebraska have access to free school breakfast and free school lunch. What LB14 means to my family and me: ensuring our children won't have to meet any eligibility requirements to receive free school breakfasts and school lunches; ensuring our children and every child has access to free breakfast and free lunch, regardless of how much money they make; ensuring appropriate policies and procedures that will protect the rights of all students to receive free breakfast and lunch. The barrier my family experienced: as a single parent, worrying about whether my child or children would remain eligible to receive free breakfast and lunch in LPS. For Nebraska to compete effectively

in the world, we must have an educated and productive workforce. In order to have an educated and productive workforce, we must prepare our children to learn, and in order to do so, our children must be well-nourished. School breakfast and lunch programs are integral parts of Nebraska's educational system. And every student deserves access to healthy food during the school day. Please make sure that we provide every student with the best opportunity for educational success that our public school systems offer free meals during the school day, at no cost to every student. I recommend the state's implementation of Legislative Bill 14-- LB14. Please vote yes. Thank you. Any questions?

MURMAN: Thank you. Any questions for Andrea?

HUGHES: Thanks for coming in.

MURMAN: If not, thank you for your testimony.

ALICIA CHRISTENSEN: OK. You ready?

MURMAN: Good evening. Yeah.

ALICIA CHRISTENSEN: Good evening, Chair Murman and members of the Education Committee. I'm Alicia Christensen, A-l-i-c-i-a C-h-r-i-s-t-e-n-s-e-n, testifying in support of LB14 on behalf of Together, an organization working to ensure everyone in our community has access to safe, affordable homes, and healthy food. We can all agree that no one should go hungry and, in particular, children should have enough nutritious food to be happy and healthy. Together aims to promote food security in our community by addressing both short- and long-term needs, with a focus on participants', participants' dignity and autonomy. That was a weird plural there. Sorry. At Together's choice pantry, participants may select items from a variety of nutritious food, choosing what best fits their household's dietary needs and preferences. Our pantry operates regular hours 5 days a week, offering consistent and flexible access. To promote long-term stability, pantry services are paired with individualized resource navigation assistance to help them access a variety of community programs and government benefits that are vital to achieving and sustaining food security. However, food security in Nebraska has increased over the past 5 years. The share of households facing food insecurity has grown to 12.9%, which is higher than the national average in nearly all of our, our surrounding states. Together continues to see a high level of need that shows no signs of decreasing. In 2023, our Omaha pantry served 23,760 unique participants, and some of those participants visited more than once.

That number increased by about 5,000 participants in 2024. Put another way, our pantry went from serving 91 participants per day in 2023 to serving 109 participants per day in 2024. This year, to date, we're averaging 167 participants per day. In other words, to adequately meet this need, it is essential to adopt a collaborative approach, pairing the services of emergency food providers like Together with policies like the Hunger-Free Schools Act. LB14 offers the opportunity to reduce hunger and food insecurity for children across the state, ensuring that all Nebraska kids have the nutritious food they need to grow and thrive. LB14 would also create positive ripple effects, decreasing food insecurity for the entire household and relieving stress on the state's emergency food distribution network. Therefore, I urge the committee to support LB14 and advance to General File. Thank you for your time and consideration.

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

ALICIA CHRISTENSEN: Thank you.

TIM ROYERS: Hello again. Before I get started, by the way, Senator Hughes, you stepped out, you had asked previously about whether there would be a bill regarding, like, NEST accounts and so that's, that's this Thursday, LB131. I just wanted to make sure you knew that.

HUGHES: I had, like, some people text me that.

TIM ROYERS: Yep. So anyway-- but salutations again, Chair Murman, members of the depleted 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 Nebraska State Education Association and I'm delighted to be here on behalf of our members to speak in support of LB14. Food insecurity has had a profound impact on the children of our state. From an educator's lens, it seriously jeopardizes their ability to achieve academically, and it also has a contributing factor to some of the behavior concerns that we have been discussing over the past few sessions. When testifying in a number of other bills, we have implored the Legislature to try and focus on the root causes of issues in our schools, rather than the symptoms. We are sincerely grateful for Senator Cavanaugh introducing a bill that we feel would seek to do just that. In 2021, there was a study done by Cohen, Hecht, McLoughlin, Turner, and Schwartz that did what we call a meta analysis. Basically, they looked, basically, they looked at 40 different studies that analyzed the relationship between universal school meals and important things like attendance, academic performance, diets, and more. They concluded that universal meals,

quote, benefit students, particularly those who are food insecure and/or near eligible for free meals in existing means-tested school meal models, end quote. This is important because teachers have observed a wide variety of challenges associated with hunger, including a lack of concentration and increase in disruptive behavior, a reduction in academic performance, and also children getting sick more frequently. Childhood hunger has been described as a, quote, hidden educational barrier that has far-reaching consequences. By making sure that all students are able to receive breakfast and lunch at school, we would be taking a massive step forward in addressing some of the major issues this committee has been attempting to tackle. I fully acknowledge this bill has a \$60 million fiscal note. However, this is a prime example of, you know, an ounce of prevention is worth a pound of cure. This is a far-- this is far cheaper than reactive alternatives that a person would be forced to do down the road if root causes are not addressed. Budgets, as many of you know, are moral documents. And while I acknowledge the limited resources the state has this year, this is the right kind of policy solution we feel we should get behind. Thank you for your time and consideration. I would be happy to answer any questions that you may have.

MURMAN: Thank you. Any questions for Mr. Royers at this time? Senator Hughes.

HUGHES: He said don't do that anymore.

MURMAN: Yeah, nice wave.

HUGHES: It's really getting punchy now, it's after 6:00. Thank you for testifying, Mr. Royers. So we already have a pretty-- a, a foundation of free and reduced lunch system. People can apply for that maybe as of late with how prices are going, but it should handle, I mean, because you've got the free and then you've got the reduced lunch. I-- a, a friend of mine works in elementary and tracking that, you know, a lunch payment, they're behind or they only put \$5 in and constantly tracking down. But to her, the issue was the, the family just wouldn't fill out the form. And she knew if they'd fill out the form, they'd--

TIM ROYERS: Yep.

HUGHES: --more than likely qualify.

TIM ROYERS: Yep.

HUGHES: So is it, is it-- is the benefit because you're not tracking down those folks? Because I think those-- there are folks that just

don't bother-- I don't want to say bother to apply, but they don't apply and they--

TIM ROYERS: Correct.

HUGHES: --could be eligible. So that's a hassle. But then on the flip side, I look at it, my kids went to public school, high school, let me pay for my kids' lunch and use instead of the \$60 million here, let's use it for something else that can help.

TIM ROYERS: Sure.

HUGHES: That's my struggle. Right?

TIM ROYERS: Yeah, no, I--

HUGHES: And then I, I had to think of Senator Lonowski's point, too, because I, I substitute teach and there is a lot of stuff thrown away, which is aggravating as heck that you hate to see. And that's where you like that shared table, because if you don't want to eat it you can put it there or whatever. But I don't know, this is a struggle-- it's a little bit of struggle for me. And, and I like the program now that we've got where if you're a certain high percent, then go ahead and make the whole building--

TIM ROYERS: Sure.

HUGHES: --right?

TIM ROYERS: Yeah.

HUGHES: Because that's-- but when you've got a building that the majority are not the free and reduced lunch, then does that-- does it make sense to do that there? Do you know? I, I don't know. I don't know what I'm asking. I'm just, you know, talking.

TIM ROYERS: They're, they're fair questions. If, if I may, to refer to your--

HUGHES: Yeah, please.

TIM ROYERS: --original point? I certainly serve students who would have been eligible had the folks filled out the paperwork.

HUGHES: Yes.

TIM ROYERS: I guess in my estimation, I don't think-- if we can remove a barrier so that kid gets access and isn't burdened by whether their parents do or do not turn in paperwork, I think that's good.

HUGHES: Right.

TIM ROYERS: If that makes sense? Because, again, for all the reasons that I stated that all the study stated, if it can lead to better academic outcomes, I think it's, it's worthy of the pursuit.

HUGHES: It's almost like, could you come up with something where the handful of kids that are in that situation, if you could almost have this, like, waiver, it's, like, OK, the parents aren't going to fill it out, just they're going to get-- they're going to put them on the free lunch. But then this one, you know, they're going to-- that family is paying. I don't know. I'm just thinking out loud, but maybe that wouldn't work. Anyway, carry on. It's late.

MURMAN: You referred to a study in 2021. I assume that was ahead of the-- before the pandemic.

TIM ROYERS: Correct. Yeah.

MURMAN: So-- and that had to do with attendance and academic performance. There haven't been any studies done since then because there's a golden opportunity?

TIM ROYERS: There, there have been sporadic ones, but what hasn't happened yet is the one I referenced was, like, to try to do a holistic look at a number of studies to see-- because, you know, one study might indicate (a), another study might indicate (b). It's about, you know, do you see consistency across even multiple studies? There are certainly people investigating now that we're in that post-pandemic world. There hasn't been a meta analysis yet of all of those, which I-- like you, I would be very curious to see what that would entail.

MURMAN: Yeah. Thank you.

TIM ROYERS: Yeah.

MURMAN: Any other questions? Glen or Senator Meyer, you got your pen up.

MEYER: Yep, you're, you're right on both, you're right on both accounts. Senator Machaela Cavanaugh had mentioned that this would

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also include private schools. Do we need a waiver for public dollars to go to private schools?

TIM ROYERS: Well, I think-- I, I love to turn back to our earlier discussions. I, I think, you know, court precedent has established when you have programs that serve both, that's permissible. And I think that that's whether-- I mean, that goes back, goes back to textbook sharing. And I think that also, to, to return back to our previous conversations, draws the distinction, you know, with the first two bills, was exclusively to private schools, which is a break from both precedent and constitutionality.

MEYER: You paddled away from that real well. I appreciate that.

TIM ROYERS: Happy to dialogue with you, Senator Meyer.

MEYER: [INAUDIBLE]

MURMAN: Senator Lonowski.

LONOWSKI: Thank you, Chair. Mr. Royers, do you know of any other states that do this 100% free and reduced?

TIM ROYERS: Yes.

LONOWSKI: Can you tell me who?

TIM ROYERS: Minnesota.

LONOWSKI: Oh, OK. That's it?

TIM ROYERS: That's one I know of.

LONOWSKI: I was waiting for a list.

TIM ROYERS: Sorry, didn't mean to disappoint.

LONOWSKI: Thank you.

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

TIM ROYERS: Yep. Have a good night, everyone. Thank you.

MURMAN: Thank you. Other proponents for LB14?

ANAHI SALAZAR: Hi. Good evening. It's been a long day--

MURMAN: Good evening.

ANAHI SALAZAR: --for you all. Good evening, Chairperson Murman and members of the Education Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r, and I am a policy coordinator for Voices for Children in Nebraska, here in support of LB14, the adopt the Hunger-- Hunger-Free Schools Act. Children are Nebraska's greatest resource, and when all children can reach their full potential in adulthood, our state and economy are better off. Hunger during the day means that children are unable to learn, more likely to be absent or tardy, and are more likely to have behavioral issues in the classroom. Voices for Children in Nebraska supports LB14 because it would ensure that every student in our state's public schools, and not just public, sorry, in our state schools is nourished during the school day. LB14 would ensure that every student is going into the classroom in the morning fueled for the day. Achieving student success in the classroom is directly correlated with students having their basic needs met, one of which is healthy and nutritious meals. No-cost meals help students' well-being by decreasing the stressors of having to figure out if they have enough money in their school account for their next school meal. In 2023, there were about 105,400 Nebraska households who were food insecure, which decreased-- increased, sorry, by almost 8,000 in 1 year. Nebraska's highest rate of 112,000 food insecure households was in 2011, 14 years ago. And, unfortunately, it feels like we are moving backwards towards those, towards those high numbers more than a decade later. In 1946, school meals have provided-- since 1946, school meals have provided an effective solution to hunger as a barrier to learning. With the ongoing success of the national school lunch and breakfast programs, LB14 would ensure that every student is ready to learn every day. A student who is hungry cannot learn. And students with food insecurities can have lower math and reading gains, increased risk of poor physical and mental health outcomes, and lower academic readiness. Federal child nutrition programs provide funds for each breakfast and lunch served in participating schools, with higher reimbursement rates provided for meals served to students from low-income households in schools with higher levels of poverty receiving a higher reimbursement per meal. These federal reimbursement levels are referenced in LB14 to offset the cost of providing free meals to every student, and they're listed there, too. With no-cost meals, students will be able to concentrate on their academic in school. Families will not have to worry about the extra financial burden, and educators can feel reassured in knowing their students are receiving meals throughout the day. LB14 eliminates inequity by expanding access to food for every student. School meals should be a

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social time for every student, and LB14 would allow students to joyfully interact with peers, preventing added stressors for themselves and their families. When schools are able to offer no-cost meals, school stigma in the lunchroom becomes a nonfactor. LB14 would allow schools and educators to better focus on providing a quality education to every child, while ensuring that more children are ready to learn. Voices for Children in Nebraska supports LB14 because it would ensure children across the state of Nebraska access to school nutritious meals. Thank you, Senator Cavanaugh, for bringing this important issue forward. And we respectfully urge the committee to advance LB14. And attached are also all of your-- the schools in each of your counties and where they lie in the free and reduced percentages and enrollments.

LONOWSKI: Nice job.

ANAHI SALAZAR: So, yeah, I hope-- I, I, I--

HUGHES: Yeah, very helpful.

ANAHI SALAZAR: --was very thorough in looking for schools, so please let me know if I missed one.

MURMAN: Thank you. What year, I don't think you said it or I missed it if you did, what year is this? Is it-- how recent is it, I guess?

ANAHI SALAZAR: The, the list?

MURMAN: Yes.

ANAHI SALAZAR: From the 2023-24 school year. So last, last school year.

MURMAN: OK. Thank you.

ANAHI SALAZAR: Um-hum.

MURMAN: Any other questions? Yeah, that's very helpful. Thank you.

ANAHI SALAZAR: Yeah. Thank you.

MURMAN: Other proponents for LB14?

MICHAELLA KUMKE: Good evening, Chairperson Murman and members of the Education Committee. My name is Michaella Kumke, spelled M-i-c-h-a-e-l-l-a K-u-m-k-e, and I serve as president and CEO of the Food Bank of Lincoln, where my colleagues and I proudly serve 16

counties in southeast Nebraska to alleviate hunger. I'm here on behalf of that organization and our peer organization, Food Bank for the Heartland, to request your support for LB14. Together, our two food banks, alongside community partners and school partners, serve the entire state of Nebraska. When I'm hungry, I feel tired. When I'm hungry, I get cranky. When I'm hungry, I feel impatient. When I'm hungry, I feel hopeless. Tired, cranky, impatient, hopeless, these aren't your words. These are words from early elementary students who have experienced hunger. As they shared with my team, the lack of meals takes a heavy toll on their well-being, revealing a burden that shouldn't be carried by kids in or out of the classroom. Food insecurity is at historic levels in our state, with an estimated 268,000 of our neighbors facing hunger according to Feeding America's 2024 Map the Meal Gap Report. And of that number, more than 90,000 are children under the age of 18. To offer a point of context, the number of kids facing hunger in Nebraska would fill Memorial Stadium. And that is not a sellout crowd that we should be proud of. For our state's youth, hunger isn't a physical feeling. It's a barrier to educational success. Nutritious meals are foundational to a child's ability to focus, learn, and thrive. When children go without it, it impacts their minds, their moods, and their futures. Consistent access to no-cost meals will ensure that all children in Nebraska can approach the school day ready to learn. As Vivian noted, there-- it can reduce the stigma for students in the cafeteria. As her dad testified, it will offer relief for families working to make ends meet while costs continue to rise. Most importantly, it will ensure no child goes hungry while in the care of our school system. Free meals are not a convenience or a luxury, they're an investment in the health, growth, and job readiness of Nebraska's kids. We have a responsibility to change the narrative for our children in this state so that instead of feeling tired, impatient, and hopeless, they can approach the school day with energy, focus, and confidence. Or, as one student expressed, with a full stomach, they have the ability to experience, quote, joy, freedom, and being present. We fully support the Hunger-Free Schools Act and ask that you do the same. Thank you.

MURMAN: Thank you. Any questions for Michaela? Senator Hughes.

HUGHES: Thank you, Chairman Murman. Thanks for coming in for this. And I don't know if you've got familiarity with it or not. Do you think that the current free and reduced lunch program we have now is just not adequate or--

MICHAELLA KUMKE: I appreciate the question, and I think that is a question better answered by educators.

HUGHES: Yeah.

MICHAELLA KUMKE: That's not our expertise. We really support their work.

HUGHES: OK.

MICHAELLA KUMKE: So I feel out of line.

HUGHES: No, I, I, I knew you weren't, I, I just didn't know if you had any basic--

MICHAELLA KUMKE: Yeah, it's a fair question. Yeah.

HUGHES: --knowledge, and that sort of thing. Thank you.

MURMAN: Senator Lonowski.

LONOWSKI: Yeah, thank you, Michaelaella. I kind of have one comment to start, your, your cousins marry really weird people.

MICHAELLA KUMKE: Yes, I-- it's questionable.

LONOWSKI: So I apologize for that.

HUGHES: I'm sorry.

LONOWSKI: I married her cousin. OK? Yeah, thank you for this. Is there any way that the Food Bank would be part of this that you see?

MICHAELLA KUMKE: Yeah, we have ripple effects to it. Of course, we have child hunger programs in partnership with schools all across the state. So we're helping ensure that kids get meals outside of the classroom time. But we know that it's not just-- it can't be a one-shot effort. And so that's why we are supporting this because we know that they need to have those meals in the school in order to thrive.

LONOWSKI: And do you see it alleviating the food banks? I know a lot of times food banks seem like they're running short, you know, or--

MICHAELLA KUMKE: Yeah. Yeah, in fact, Senator Murman, your question earlier to Senator Cavanaugh about what happened during COVID, they were visiting food banks at incredible records. And so our hope, Senator Lonowski, would be that, yeah, we would see some pressure relief from food banks if we're able to get meals to kids in schools. It doesn't take care of parents who might still be struggling, but it

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certainly reduces some of the pain that they might experience in the household.

LONOWSKI: OK. Thank you.

MICHAELLA KUMKE: Yep.

MURMAN: Senator Meyer.

MEYER: Thank you, Mr. Chair. I, I want to apologize. Senator Hughes and I had an exchange here, and, and I, I, I don't want to diminish the seriousness of this, children hungry in school because I know it's a real problem. But when I'm hungry, I feel tired. When I'm hungry, I get cranky. When I'm hungry, I feel impatient. When I'm hungry, I feel hopeless.

MICHAELLA KUMKE: Yeah.

MEYER: That was us last night at 8:00 in this very room and, and--

MICHAELLA KUMKE: Yeah, it might be you at 6:29 tonight.

MEYER: --no one brought a Snickers or anything.

HUGHES: My stomach's rumbling, so this [INAUDIBLE].

MICHAELLA KUMKE: Sorry, Senator Meyer, you were saying?

MEYER: So we were not inattentive, but--

MICHAELLA KUMKE: I understand. It's relatable.

MEYER: --it did strike a nerve, and, and so I appreciate that very much.

MICHAELLA KUMKE: Absolutely.

MEYER: And it's not to diminish the seriousness of this.

MICHAELLA KUMKE: I appreciate that. Yeah.

MEYER: Thank you.

MURMAN: Well, thank you for what you do to feed everybody. Appreciate it and thank you.

MICHAELLA KUMKE: Yep. Thank you.

MURMAN: Other proponents for LB14?

VANESSA CHAVEZ JURADO: Well, hello again. Good evening now. Thank you, Chair Murman and members of the Education Committee. My name is Vanessa Chavez Jurado, V-a-n-e-s-s-a C-h-a-v-e-z J-u-r-a-d-o, and I am a communications and outreach specialist at Stand For Schools, a nonprofit dedicated to advancing public education in Nebraska. The focus of my testimony is on the positive outcomes of free school meals, and many have already touched on a lot of this. But I just wanted to reiterate and share two other points. Just simply participating in a school breakfast program offered at no cost to all students showed a decrease in tardiness, showed greater improvements in math scores, attendance, punctuality, depression, anxiety, and hyperactivity than children whose participation either remained unchanged or decreased. Moreover, a universal free school lunch also provided regardless of parental income level, also demonstrated to increase academic achievement even in, in higher income students. And so we just wanted to, again, show our support for this bill, and we'd be happy to answer any questions.

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

VANESSA CHAVEZ JURADO: Thank you.

MURMAN: Other proponents for LB14?

GARRET SWANSON: Chairperson, Murman and members of the Education Committee, my name is Garret Swanson, G-a-r-r-e-t S-w-a-n-s-o-n, and I'm here in support of LB14. What an amazing opportunity we have here, Senators, to do something truly revolutionary for the education system. So many of us here have had the experience growing up where during lunch we waited in line and filled up our tray with our classmates, only to get to the cashier at the end of the line and see our PIN rejected for lack of funds. When that happened to me, my tray would be confiscated and dumped into the trash, and I'd be offered a bun with either a slice of cheese between it or peanut butter. Or if you're really lucky, peanut butter and cheese. After a long day of school and then after school sports, a bus ride home could be rough. Exhaustion from hunger brought on headaches, nausea, and moodiness. For me, at that time, it wasn't the lack of effort from my parents who, yes, were responsible for me, it was the Great Recession. Seemingly every family I knew at the time was experiencing job loss or trouble with their mortgage. Thankfully-- excuse me-- that's why I sincerely thank Senator Machaela Cavanaugh for bringing this

legislation forward to make sure no child has experienced hunger due to poverty. As a nation, we require every child receive an education, and due to that, we have a responsibility to ensure they are well cared for. Research, such as from the USDA's Economic Research Service, has shown that universal meal programs significantly reduce food insufficiency among children. Meta analysis published by the National Library of Medicine in 2021 found that nearly all of the 47 studies examining universal free school meals found positive associations with school meal participation. Most studies examining free school meals and-- examining universal free school meals that included free lunch found positive associations with diet quality, food security, and academic performance. Now, Senators, there is certainly a not so insignificant fiscal note attached to this bill. Not \$90 million, \$60 million when we are currently facing a budget deficit. Passage of this bill will require wider conversation about our revenue and expenses and where our values lay. If we value making sure if-- making sure no child in Nebraska goes hungry, we can actually afford this. It may require delaying income tax cuts for high-income earners. It may mean closing sales tax loopholes or cutting redundant spending in another area. Whatever the solution, I have the faith in this Legislature to find a way to pass this if they value it enough. Just real quick, you mentioned studies talking about post 2021 and during the pandemic. The one from the USDA was looking at the years 2022 and 2023 from states that did expand it, including California, Connecticut, Maine, Massachusetts, Nevada, Vermont, and Minnesota. And that study found that the incidence of food insufficiency among school-age children was 1.5 percentage points higher in states that did not extend universal free meals into 2022 and 2023. Compared with the average food insufficiency rate of 15.3% in the, in the period before state universal free meal policies went into effect, the 1.5 percentage point difference represents a 9.8% increase in the food insufficiency rate. So this actually comes up with a few things that even though-- I'm sorry, I'm at the time.

MURMAN: No, go ahead.

GARRET SWANSON: OK. That even though the pandemic, these states did see a overall decline in food and insufficiency compared to other states, that even in states, numbers were getting worse just because that's how bad the pandemic was. When people lose their jobs, it's still hard to become food secure, even if you get a free month-- free lunch at school. So, obviously, this is a multifaceted problem and child hunger is not an easy thing to solve.

MURMAN: So from those figures you just read, food insecurity went up. Is that what you said?

GARRET SWANSON: There are some states where it went up because, obviously, the pandemic, people losing their jobs. But, however, states that did expand it, that rate went up a lot lower than states that didn't.

MURMAN: OK. Yeah, the, the statistics were for the total population that went up and the schools not as much.

GARRET SWANSON: Yeah.

MURMAN: I thought all states went on total free and reduced lunch.

GARRET SWANSON: So these were the seven states that issued state funds in addition to the federal program expanding on it.

MURMAN: OK.

GARRET SWANSON: And then some of them might have different qualifications, like Minnesota is 100% universal. They don't means test anything. A few of the states are like you have to hit a certain income level to qualify. So they're just kind of changing the free and reduced meals program and adding a bunch of state funds on top of it.

MURMAN: So those states kept it all or part of the program going after the federal government.

GARRET SWANSON: Yeah.

MURMAN: OK.

GARRET SWANSON: And sometimes expanded onto it, even like, you know, like Minnesota that was earlier.

MURMAN: OK.

GARRET SWANSON: Actually, that's where I'm from, but. Of course they do it after I leave, but.

MURMAN: OK. Yeah. Any other questions? OK. Thank you very much.

GARRET SWANSON: Thank you.

MURMAN: Other proponents for LB14?

ERIC SAVAIANO: Good evening, Senators. Thanks for your patience tonight. My name is Eric Savaiano, E-r-i-c S-a-v-a-i-a-n-o, and I'm the Economic Justice Program Manager for Food and Nutrition Access at Nebraska Appleseed. We are a nonprofit law and policy organization that fights for justice and opportunity for all Nebraskans, here in support of LB14. In general, I'm going to read from some of this, but also answer some of the questions if I can afterword. Nebraska Appleseed has been interacting with the child nutrition program, school lunches, summer meals for the past 10 years or more. That's included visiting local nutrition directors, talking to them about their issues, meeting people on the ground who use these programs and more. I'll, I'll also mention that our historical system of categorizing people with the free, reduced price and paid categories is actually something that's been built into the system since it was founded, the National School Lunch Program back in 1946. And this-- you can imagine things have changed quite a bit since 1946. And there's-- it-- it's a time to be making updates for things like this. In general, the system as designed is creating harm in certain communities while it is still meeting the needs of some. All right. So the Hunger-Free Schools Act is a, a, a really important goal for us as a state to be moving toward. But there are similar universal free meal options that other states have used with unique ideas that we might be able to capture in the future as well. So briefly, I'll say Arkansas just recently passed legislation to make all, all breakfast in schools free to all students. The fiscal note mentions about 7% of that \$90 million that was originally estimated, that is only what it would cost for the breakfast to move forward. Other states are using that CEP Program and making up the difference between free reimbursements that the federal government provides and adding state income or state, state funds to make up just for those CEP schools. New York and Washington are doing that. Other school-- other states are using state funds to eliminate the reduced price copay, and making it so that all students up to 185% of the federal poverty level get-- receive free, free meals, New Mexico, D.C., and others. In general, I'll answer some questions if I have the time. I feel like school meals are getting quite a, a, a, a beating. In some cases today-- and that might be just from old information, I think the, the meals that we received as we were going through school are very different than the ones today. They have very rigorous standards and, and nutrition requirements that I'd encourage you to visit your local school district and try the meals. I have a few other notes, but I'll stop and ask for any questions.

MURMAN: Well, go ahead if you have some quick notes to finish up on.

ERIC SAVAIANO: Definitely. So food waste is a challenge in school districts across the state and the country. There are options that have made it better in many cases. First of all, in this bill, its offer-- these meals are offered to all students. It is not provided, so all students are not required to take it. So if a student does want a meal, they can take it and, hopefully, it is because they're hungry. There's an offer versus serve option that state-- that school districts can opt into, where they are not required to take every part of that meal. But they're-- they can take certain bits so that they are not wasting food in the end. It also is a matter of time in your seat and time at the end of the day, or when they're eating the lunch, it all goes into how much folks are eating. Senator Hughes, you mentioned that you wanted to know why if, if the free or reduced price system is working necessarily as it is. And, and you also asked, I think, how many folks are--

HUGHES: Eligible but don't apply.

ERIC SAVAIANO: --eligible but maybe don't apply. Yes. So there's a lot of reasons why some, some participants may not be interested in putting their name to paper and giving it to a government organization like a school, even though there are rules about sharing certain data. I think there's certain parts of our community that might not be comfortable doing that, which you might understand as well. And then also the, the stigma that goes away when everybody receives a meal. You think about a school lunch room, there's a lot of social dynamics happening in there. And so free or reduced price students eating lunch is one of those. So kids look at other kids, they see maybe it's the poor kids going into that room. When it's-- even when everybody receives free meals, that is not a, a problem. Stigma goes away. There are eight states that are currently doing free meals with state funds: Minnesota, California, New Mexico, Colorado, Michigan, Maine, Massachusetts, and Vermont. Happy to write those down for you.

LONOWSKI: No, that's fine.

ERIC SAVAIANO: And, in general, happy to talk about the fiscal note as Senator Cavanaugh suggested, if you're interested, but happy to answer questions.

MURMAN: To qualify for the CED [SIC] Program, is that 40% free lunch to qualify or what are-- is that-- what is the qualification?

ERIC SAVAIANO: The qualification is 25% of students using SNAP, Medicaid, TANF, and a couple of other categories. Any means-tested benefits program is how they measure eligibility for CEP.

MURMAN: That's changed in recent years hasn't it?

ERIC SAVAIANO: It went from 40 down to 25. Yeah.

MURMAN: That's what I thought.

ERIC SAVAIANO: Yeah.

MURMAN: Thank you.

ERIC SAVAIANO: Yep. Good catch.

MURMAN: Other questions? Senator Lonowski.

LONOWSKI: Yeah, thank you for your testimony. Thank you, Chair. And thank you for your testimony. I don't want any kid to ever starve, but there's also a risk here that we're, that we're becoming like a nanny state. And there's got to be some responsibility for the parents. And I get that there's a lot of trouble, too, you know, where a single parent with, with several children. I just looked up our, our obesity rate in Nebraska and it's 32%. And, and I don't think that's because of free and reduced lunch, but, you know, somehow we've got to figure out how we're going to monitor such a situation where, where kids maybe don't always need seconds, I guess, or, or what, what the meal, you know, what the meal portions are. And, and I don't know if RFK Jr. is going to make that better or if he's going to make it worse or if-- maybe if the Department of Education goes away, maybe we get \$88 million back that wouldn't be spent to the federal government. It all plays in. But just, you know, somehow we, we have to make sure that we're-- we monitor such a situation, so.

ERIC SAVAIANO: Yeah, if, if I can make a comment related to that, for sure the-- I think there's a difference between, you know, high-fat, high-carb foods versus nutritious foods. And when people eat a lot of high-fat, high-carb foods, of course, and, and lead sedentary lifestyles, they're not going to get the exercise they need, maybe become obese. School nutrition, school meals are some of the most nutritious meals that kids are receiving. There is a recent study that compared it to food at home even, including-- and then food at restaurants and food at entertainment venues. And all of them compared to school meals, just paled because nutrition standards are very high. They have whole wheat standards now. They have salt standards. They

have added sugar standards. And, and, in general, people go toward the cheaper, higher-fat, higher-carb foods when they don't have the money to pay for the nutritious food. So I hope that balances a bit and add some, some insight.

MURMAN: OK. Senator Hughes has a question.

HUGHES: OK. You're clearly very knowledgeable about all of this. Her original bill, \$90 million, was for every school district, 100% free or 100% free lunches. She changed something in it to make it only \$60 million, that was the eligibility profile?

ERIC SAVAIANO: It doesn't take any schools away from receiving 100% free.

HUGHES: OK.

ERIC SAVAIANO: Well, what that changed was the eligibility for federal reimbursement to cover more.

HUGHES: It, it enacted more federal funds coming to help cover it, therefore--

ERIC SAVAIANO: Yes.

HUGHES: OK. That's what I needed. And then just from your-- what you submitted for your testimony, there are some schools that instead of 100% free, reduced-- or sorry, 100% lunches did instead of free and reduced lunch, let's just have the state backfill the reduced lunch so every-- that, that level, they are all free. They don't even have to pay that. And then-- I mean, you still have some kids paying for their lunch, but then anybody that's under that 185%--

ERIC SAVAIANO: Um-hum. Yeah.

HUGHES: --is free. Because-- so I would think that would be a way to make this fiscal note less as well. Like, start there. You know what I mean, incrementally maybe.

ERIC SAVAIANO: Right. So, yeah, this testimony is all about incremental steps that could go toward that end goal of 100% free for everyone.

HUGHES: OK. Thank you.

ERIC SAVAIANO: Yeah.

MURMAN: Thank you. Any other questions? If not-- or Senator Juarez.

JUAREZ: I'm sorry, since I had to leave, I don't know if, again, as I've been in other committee hearings discussing our optimism that the federal funds will be coming. You know, again, bringing up the big unknown, whether or not they will be coming forward to have for lunches, and my only suggestion is that, that gets cut back. I submit that we could use gambling proceeds to pay for the lunches. I rest my case. Thank you.

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

ERIC SAVAIANO: Thank you very much.

MURMAN: Other proponents for LB14? Any opponents for LB14? Any neutral testifiers for LB14? And you waive closing, right, or can you close? I'm not sure.

HUGHES: She waives.

MURMAN: You waive? OK.

M. CAVANAUGH: Waive.

MURMAN: Waives closing. So, let's see, online we had 242 proponents, 4 opponents, and 1 neutral. And that will close the hearing on LB14 and the hearing for the day.