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Education Committee
January 24, 2011

[LB331 LB332 LB333 LB334]

The Committee on Education met at 1:30 p.m. on Monday, January 24, 2011, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB332, LB333, LB331, and LB334. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Bill Avery; Brenda Council; Ken Haar; Ken Schilz; and Kate Sullivan. Senators absent: Abbie Cornett. [LB332]

SENATOR ADAMS: (Recorder malfunction)...time for these hearings, so we will begin this hearing of the Education Committee. Today we are going to hear LB332, LB333, LB331, and LB334. Let me welcome you all here today, and first of all let me introduce the committee to you. And I realize we're short a few people. Transportation from a meeting that we were at was a little unusual, so they'll all...it wasn't horseback or anything but just a little different. So I'm sure that they'll all be here. First of all, Ken Haar--Senator Haar from the Malcolm area. And next to him will be Senator Avery from Lincoln; he'll be here in just a minute; I walked in the door with him. Senator Sullivan from Cedar Rapids, Nebraska, will be here in just a second. The Vice Chair of the committee is Senator Howard, sitting next to me, representing one of the districts in Omaha. To my right is Kris Valentin; he's the research analyst, and he's responsible for a couple of these bills. And after a while Tammy Barry will be here, and she's the legal counsel for the committee, and she takes responsibility for a couple of the other bills that are on our list today. Senator Cornett from Bellevue, I think, will be here after a while. We do have with us Senator Council from Omaha, a new member to our committee, and Senator Schilz from Ogallala--we kind of have east and west represented, we tucked them over there in a corner so they can fight it out over there--to the committee. Becki Collins is our committee clerk. And one of the things that I would ask you--any of you who wish to testify--that you need to do is you have to fill out one of the testifier's forms. And before you testify, leave it with Becki so that we have it for the record. And then when you come to the microphone, the very first thing I want you to do is to state your name and spell it for the record, so that the transcribers will be able to hear that and make it very clear. We're going to use the light system today--we almost always do--and we're going to go for three minutes, which means that you have three minutes for your presentation. Now there may be questions from members of the committee, and that's all fine and good. But for your portion, you'll have three minutes to make your presentation. One of the things I would ask you all to do is shut off your phones and no text-messaging while we're in a hearing; put your computers away, as little as they may have been, or tucked away under your coat or whatever they may be--shut them off. The sergeant at arms has been asked to watch for those things, because it's a legislative rule that we don't have any electronic communication during the hearings, and we're not going to. So I would appreciate that. This is just that; it's a hearing, and I want to make sure that everybody is able to hear everything that's said, both pro and con, on any of these issues. With that, we'll begin with LB332. And, Senator Howard, this is... []

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR HOWARD: You're up. []

SENATOR ADAMS: ...going to be your deal. []

SENATOR HOWARD: All right. Senator Adams, welcome to your Education Committee.
[]

SENATOR ADAMS: Well, thank you. []

SENATOR HOWARD: And you're bringing us LB332. []

SENATOR ADAMS: I'm bringing you this whole nest of things, but we'll deal with each one separately if that's all right with the committee. And it's Greg Adams, A-d-a-m-s, District 24. If I might, Madam Vice Chair, if you'll give me the luxury of, maybe, introducing all four of them, and then we'll more specifically introduce each one again as we get going. All four of these bills today come about as a result of the committee's work during the interim as we were developing our LR542 options list. And as you well know--all of you know, we spent a great deal of time in Exec Session on this, developing our list. And all four of these bills--the first one has to do with educational lands and funds; the second one with the Department of Education; the third, NET; and the last one with higher ed. And what we have done is to take the various options, and we've bundled them into these four bills, and I present them to you today. And I believe that it was prudent that we bring these bills up early and for us to hear the bills, hear the testimony on all sides of these bills, and then for us to take action as soon as we feel comfortable doing it. If we're going to make these cuts, we need to get them to the floor, otherwise they're of little use to the Appropriations Committee if they come late in the session. Hence, they're in front of the committee right now. The first bill that I'll introduce is LB332. The Board of Educational Lands and Funds is under the jurisdiction of this committee. And as we reviewed their budgets and those things in statute that accompany them, the committee's recommendation was a simple one, and that is that we eliminate the \$40-per-meeting per diem for members of this board. It does not eliminate their expenses if they have to drive in to Lincoln for their meeting; it only eliminates the per diem. And, frankly, that's all that this bill does. That's all I have on this bill. [LB332]

SENATOR HOWARD: Oh, I was waiting for more. (Laugh) [LB332]

SENATOR ADAMS: It's just that simple. [LB332]

SENATOR HOWARD: Thank you. Does the committee have any questions for Senator Adams? Yes, Senator Avery. [LB332]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR AVERY: Senator Adams, would you like to indicate for the record how much money we'd save by doing this? [LB332]

SENATOR ADAMS: For the record--let me look at the latest fiscal notes that are out. You know, I don't have that one in front of me. But they meet once a month times the number of board members that there are, and... [LB332]

SENATOR AVERY: So it's a modest amount of money. [LB332]

SENATOR ADAMS: Yeah, it is a modest amount. It really is. But I think you'll find that we have been doing this in other boards and commissions. And I believe that the executive director, Mr. Endacott, is here, who could maybe more specifically answer that question as to an amount. [LB332]

SENATOR AVERY: We're doing this in Government too. And it doesn't save a lot of money, but if you add it all together... [LB332]

SENATOR ADAMS: Yeah. [LB332]

SENATOR AVERY: ...I think it probably becomes significant then. [LB332]

SENATOR ADAMS: I think you're right. [LB332]

SENATOR HOWARD: Senator Adams, let me ask you a question. Do these board members--are they eligible for health insurance through the state? [LB332]

SENATOR ADAMS: I...I'm going to have...I can't imagine that they are. [LB332]

SENATOR HOWARD: Okay. Because I do know that there is one board that's... [LB332]

SENATOR ADAMS: Really? [LB332]

SENATOR HOWARD: ...that's benefited. Well, it's the liquor commission board... [LB332]

SENATOR ADAMS: Okay. [LB332]

SENATOR HOWARD: ...in case anyone might be wondering, but... [LB332]

SENATOR ADAMS: That's news to me. I didn't think there were any of them that were... [LB332]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR HOWARD: But I thought I would ask just to make sure that this... [LB332]

SENATOR ADAMS: Okay. [LB332]

SENATOR HOWARD: ...particular board wasn't either. [LB332]

SENATOR ADAMS: Okay. [LB332]

SENATOR HOWARD: Are there any other questions? Thank you. Proponents on this bill. Are there any proponents? Welcome. [LB332]

RICHARD ENDACOTT: Thank you. Members of the committee, my name is Richard Endacott, spelled E-n-d-a-c-o-t-t, and I'm the executive secretary of the Board of Educational Lands and Funds. And I'll be very brief. On--at our last board meeting on January 13, the board voted to support LB332. So we have no objection to it and are supporting it. [LB332]

SENATOR HOWARD: Thank you. Thank you for your brief and succinct testimony. Does the committee have questions? [LB332]

RICHARD ENDACOTT: I might answer Senator Avery's question. A best estimate is around \$7,200 a year. [LB332]

SENATOR AVERY: Thank you. [LB332]

SENATOR HOWARD: Well, thank you. [LB332]

RICHARD ENDACOTT: Yeah. [LB332]

SENATOR HOWARD: Is there any other proponents--are there any other proponents? Are there any opponents? Is there anyone wishing to speak in neutral on this bill? All right. Thank you. Senator Adams, you are up again with LB333. [LB332]

SENATOR ADAMS: Thank you, Senator Howard. I'll waive closing on that last bill and go on for the introduction of LB333. LB333 is the bill that would make changes affecting the Department of Education and a lot of the programs inherent within it. And you folks as committee members recall the amount of time, particularly, that we spent on the Department of Education, excluding TEEOSA. This is just looking at programs and funding. And what I want to say right at the outset is that though there are things here that are unpopular, the reality is that I think that the committee--and I exclude myself from this--you folks, we all did a pretty good job of trying to hold together as many of the programs in the Department of Ed as we could, using lottery dollars. So let me outline what LB333 does. I'll try to answer questions. I sense that there's a lot of testimony here

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

on this particular bill. LB333--one of the things that it would do is to eliminate the student achievement coordinator; there's one FTE from the department. The other thing that it would do would be to remove the requirements currently in law for the infusion of multicultural education within curriculum, and accompanying that would be the elimination of the reporting to the Department of Ed that accompanies the multicultural education. And if I remember right, I believe that there's 1.5 FTEs that accompany that particular elimination. Going on further in the proposal, aside from those two things, we had several other programs--the Attracting Excellence to Education Program, early childhood, high-ability learner program, student leadership center program. What this bill does is to reach over, by statute--if we were to pass this, it would reach over into the unused lottery dollars. Constitutionally, they're already earmarked for education, but there is some fluctuating balance at the end of each year--where there's some monies in there. It would by statute reach over into those unused balances and pull lottery dollars into these various programs, in lieu of General Fund dollars. Hence we meet our LR542 obligation of finding some savings for the Appropriations Committee; yet at the same time, by going this route, we hold together many of these programs. As an example, the Attracting Excellence to Education Program--that program is twofold. It's a loan program, and what it's designed to do--Attracting Excellence is designed to help offset the cost of undergraduate education for people who want to go into the teaching profession. A year ago--and I was the one that introduced the bill and got it passed--we took some of the lottery monies that were currently used for that and earmarked some for graduate education, for people who are already in the field, in order to enhance their skills. What this proposal would do, if we pass it as is--it would hold in place the Attracting Excellence to Education, the undergraduate program, and it would for two years eliminate the graduate side of the programs. Now, I will tell you that part of my thinking was at the time--and I still wrestle with--that if we have student programs that are on the line and we're trying to find money to hold them together, those need to come before graduate education, even though it was my bill in the first place that created it a year ago. We would not completely eliminate the program; there would be, in effect, a two-year moratorium on the program, and then after that we would bring it back. But it would be the graduate side of the program that would take the biggest hit, rather than the undergraduate. The early childhood grant program, typically funded with General Fund dollars...I think if you will recall, this committee was unanimous and quick in its unanimity at wanting to hold together our early childhood programs. So what we would do here is to reach over into the lottery dollars and take from the lottery dollars--those unused lottery dollars--an equivalent amount of what is currently being used in General Fund for early childhood. And we would do that for two years--for two years--after which time, unlike these other programs, rather than staying on lottery, we'd switch the early childhood back to General Fund obligation. Whereas these other programs that we're talking about would switch over to lottery, if we want them to, and they would stay on lottery. Another program, the high-ability learner program--we would switch it over to lottery, and we would keep it there, using current language. The Center for Student Leadership and Extended Learning--if you remember, that's the FCCLA and FFA within

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

the department that we wrestled with a couple of years ago. Senator Stuthman brought the bill to try to fund it and was successful at \$450,000, and now here we are in this dilemma. Again, rather than to eliminate it, we would reach out, use the lottery dollars to replace the \$450,000, free up the General Fund dollars; and then when this biennium is over, the language would permit the lottery dollars to continue to be used in that program. The other thing that we would do is on teacher certification. Currently the fee to a teacher to renew their certifications or to be certified is \$55, and we would increase that to \$70, which, in effect...it'd be you have a cash fund, and the permitting process, the investigation of the certifications, would be cash-funded by the people who are being certified. That's the essence of LB333. [LB333]

SENATOR HOWARD: Thank you. Do we have any questions? Senator Council. [LB333]

SENATOR COUNCIL: Thank you, Senator Howard. Senator Adams, we've had a brief opportunity to discuss what LB333 is designed to do. And as noted during your opening, I'm new to the committee, so I did not participate in your LR542 discussions. And I appreciate the intent of the committee to try to retain programs of the Department of Education that had been funded out of the General Fund, with lottery dollars. But there are a couple of concerns I have. The most significant is the elimination in the statute of the emphasis on multicultural education as a part of every mandated school district. Having been a member of a board of education at the time that this was added as an emphasis and the state's recognition of the importance of providing multicultural education, the impact it has on young people and their quest for academic achievement, to see themselves reflected in meaningful and relevant ways in the curriculum, I guess I need to know what 1.5 FTE amounts to and what that individual does. I mean, we have reporting requirements under TEEOSA that break down--just as, I think--detail what is going on in the schools in terms of how dollars are being appropriated to particular funds. And I guess I don't understand how the reporting that's associated with a district maintaining an emphasis on multicultural education amounts to that much of a dent--or imposes that much additional work in terms of reporting. And what would be the cost of this 1.5 FTE? [LB333]

SENATOR ADAMS: Fair enough. You know, I can't sit here and tell you what goes on at the Department of Ed as far as how they go through all of the reports to verify the schools are meeting the multicultural requirement. There are folks here from the department that may be willing to testify and may be willing to answer that. In terms of the fiscal note, it amounts to \$114,600. And that's a 1.5 FTE. [LB333]

SENATOR COUNCIL: Okay. Now with regard to the Excellence in Teaching Program... [LB333]

SENATOR ADAMS: Um-hum. [LB333]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR COUNCIL: ...we currently have the Excellence in Teaching Program that's set forth in the statute. [LB333]

SENATOR ADAMS: Correct. [LB333]

SENATOR COUNCIL: Now, under LB333 there is a division, I'll say for lack of a better term, between "attracting" excellence to the teaching program and what has been viewed as the current...I mean, the current Excellence in Teaching Program loans are available to both people who are entering the profession as well as those who are pursuing graduate education. [LB333]

SENATOR ADAMS: That's correct. [LB333]

SENATOR COUNCIL: And as the law currently reads, there's no distinction in the amounts of money allocated to those funds. The current statute just says the specified amount shall be allocated to the excellence in education fund. I guess I need to understand what the committee's reasoning was as to why there had to now be these distinctions between how the money in the Excellence in Teaching Fund is distributed between loans for attracting individuals to the teaching profession and providing loans for postgraduate work. [LB333]

SENATOR ADAMS: Okay. And I can stand corrected on this, but I believe we did segregate the amount that would go into the undergraduate work versus the graduate work. As a matter of fact, it was not fifty-fifty. It seems to me--and, again, I may stand corrected--that we had about \$400,000 of a \$1 million pot of lottery money that was going to the "Attracting Excellence", and then, less some administrative fees on the department side, the rest of it was going to the "Enhancing Excellence"--the graduate program. [LB333]

SENATOR COUNCIL: Okay, is that reflected in some other statute? Because it's not reflected in the portions that are being amended. [LB333]

SENATOR ADAMS: Our legal counsel is shaking her head yes, so I'm going to trust her that it is. [LB333]

SENATOR COUNCIL: And so I need to know how and where in LB333 it takes into account where those dollars are otherwise divided, because just for full disclosure, I have a bill that will come before the committee, LB403, which is to keep the amount that goes into the Excellence in Teaching Fund--keep it at its current levels. [LB333]

SENATOR ADAMS: For the graduate level. [LB333]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR COUNCIL: Well, you see--and that's just the point, that LB403 and the section of the statute that's being amended only makes reference to the...we got the Excellence in Teaching Cash Fund, and then in one of the earlier sections it talks about--and this was for fiscal year '08-09--so much of the fund going to the Attracting Excellence to Teaching Program and no mention to any other portion of the program. And then for 2010-11--this is existing statute--it just speaks to the amount of money going to the Excellence in Teaching Cash Fund. So these distinctions aren't running consistently throughout. I mean, one place all we talk about is how much money goes into the Excellence in Teaching Cash Fund, and in other places we talk about going into the Excellence in Teaching Cash Fund for the Attracting Excellence in Education. So I'm not sure that LB333, you know, makes it clear what's actually occurring here, with regard to how the funds that have been going into the Excellence in Teaching Fund. [LB333]

SENATOR ADAMS: Okay. Okay. [LB333]

SENATOR COUNCIL: And maybe Tammy can answer that question. And maybe I'm not following it. But we jump back and forth between mentioning just the fund and then mentioning particular programs in the fund. [LB333]

SENATOR ADAMS: Um-hum. [LB333]

SENATOR COUNCIL: So I don't know by reading LB333 how much...so for two years, is that the intent that nothing goes to the graduate program? [LB333]

SENATOR ADAMS: Right. Nothing to the graduate. There would still be money for the "Attracting," the undergraduate. [LB333]

SENATOR COUNCIL: Okay. So that's the intent in the... [LB333]

SENATOR ADAMS: Yes. [LB333]

SENATOR COUNCIL: ...going back and forth on the references between "Attracting" and then just the fund. [LB333]

SENATOR ADAMS: Um-hum, could very well be. And, again, I'm going to defer to Tammy, the legal counsel, on that, that drafted the legislation, and maybe she can better answer your questions about the definitive language. But that's the intention. [LB333]

SENATOR COUNCIL: Okay. Because in the current statute, it really doesn't segregate those dollars; it just says it goes into the Excellence in Teaching Cash Fund. At least that's how I read it. [LB333]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

TAMMY BARRY: I usually try not to answer questions during a public hearing. [LB333]

SENATOR COUNCIL: Oh, okay. [LB333]

SENATOR ADAMS: Okay. We'll get... [LB333]

SENATOR COUNCIL: Thank you. [LB333]

SENATOR ADAMS: ...we'll get to... [LB333]

SENATOR COUNCIL: We'll discuss it in Exec Session. [LB333]

SENATOR ADAMS: ...we'll clear it up, though. [LB333]

SENATOR COUNCIL: But I--but that's one concern, particularly since, you know... [LB333]

SENATOR ADAMS: Okay. [LB333]

SENATOR COUNCIL: ...it's clear that we'll have to do some reconciling when it comes to LB403, whenever it's scheduled for hearing. But my central concern is I really don't believe that in the grand scheme of things, and particularly when we're talking about lottery dollars, to eliminate what is actually an expression of the Legislature's view of the importance of infusing multicultural education in the curriculum throughout the state of Nebraska--to eliminate that from this statute, when what we're talking about is what goes on later in terms of how lottery dollars are going to be allocated. And I'm going to need more information from the Department of Education as to the willingness to sacrifice an emphasis on multicultural education to eliminate reporting requirements. [LB333]

SENATOR ADAMS: Okay. [LB333]

SENATOR HOWARD: Tammy, can you get Senator Council that information--the (inaudible) funding? Thank you. Do we have any other...thank you. Senator Sullivan. Sorry. [LB333]

SENATOR SULLIVAN: Thank you, Senator Howard. Thank you, Senator Adams. And some of my questions are more just to refresh my memory from our conversations of this summer. First of all, how stable are the lottery funds, in terms of now where we're slowly identifying some specific uses for them under the umbrella of education? [LB333]

SENATOR ADAMS: We have...I think that one of the things that we've tried to be

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

careful to do--we are reaching over into those unused balances, but we're also making sure that we don't clean those balances out, so that we have--if there's cash-flow issues, we're covering that. You know, just as a sideline, in the year 2015, I believe it is, this Legislature will have to relook at the lottery dollars. The constitution has committed them to education, but in terms of the various statutory divisions of the education pot, those statutes will expire, and it will be up to this committee to take another look and decide how those monies will be expended. I hope that answers your question. [LB333]

SENATOR SULLIVAN: Um-hum, it does. And why did we decide to earlier--return the early childhood funding source to the General Fund rather than extend it like we did the others? [LB333]

SENATOR ADAMS: It--to me, it makes--it's partially a TEEOSA issue; and it solidifies a commitment, also, to early childhood when we go back to that General Fund. [LB333]

SENATOR SULLIVAN: From the state, for the... [LB333]

SENATOR ADAMS: Um-hum. [LB333]

SENATOR SULLIVAN: Okay. What sacrifices do you think will have to be made if--to--as we eliminate the achievement coordinator? Or maybe the Department of Education can... [LB333]

SENATOR ADAMS: I--I...they probably can better answer that. You know, if we eliminate--there will be several places that you can probably see in the summary that legal counsel put together of responsibilities, then, that will have to go away. But, specifically, to say that here are the things that won't get done, maybe the department could better answer those things. [LB333]

SENATOR SULLIVAN: Okay. Thank you. [LB333]

SENATOR HOWARD: Do we have any other questions? I...this really isn't in the form of a question, but I remember when we had our discussions this summer and we very diligently tried to look at what programs we felt were the very best programs for the money that we had to spend. And I think this bill really reflects that. And if you have any observations or anything you'd want to add along those lines, that would be... [LB333]

SENATOR ADAMS: Well, the only thing is...thank you. The only thing is that as the committee worked on this, you all know, we scrutinized every possible nick that we might have to make. And certainly we'll hear testimony today, and on it goes, about things that we may have already thought about or things that we did not think about which may cause us to change our mind. As you all know, we had an obligation under LR542 to put together \$160 million worth of proposed cuts; that was inclusive of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

TEEOSA--cutting that out of it. That still left us with a long way to go. And so we had to put some things on the list that we all kind of had to hold our nose a little bit on one thing or another on any of these bills that we didn't like. And we've laid them out here. But I was--I still, again, generally speaking, am proud of the work of the committee, in that, for the most part, we've held together some things that the department considered important, that are student-oriented, and found a way to deal with them as lottery dollars. That doesn't mean that it doesn't go without some pain. [LB333]

SENATOR HOWARD: And I think it's important to remember, too, that we did put a two-year moratorium on a couple of these things rather than just eliminate them flat out. Okay. Thank you, sir. [LB333]

SENATOR ADAMS: Um-hum. [LB333]

SENATOR HOWARD: Proponents. How many people would like to speak in support of this bill? All right. Welcome. [LB333]

BOB EVNEN: Thank you. Members of the committee, my name is Bob Evnen, E-v-n-e-n. I am here today in my official capacity as the vice president of the State Board of Education. And I'm here on behalf of the state board to support LB333. I'd like to acknowledge some of my colleagues on the board who are here, to my left towards the back of the room, either to support me or keep an eye on me: Lynn Cronk, Molly O'Holleran, Pat Timm, Mark Quandahl, and John Sieler--who are here today as well. We feel that this bill demonstrates a good-faith and a largely effective effort at addressing a very difficult problem. I wouldn't say that we would characterize the bill as the picture of perfection. However, overall, it appears to be a fair resolution of these very difficult issues; it seems to be pointed at what Senator Adams discussed as trying to make difficult decisions in support of some of the best programs that we have to offer in our state. It's quite clear that this bill has--that the committee has taken into consideration the Nebraska Department of Education's budget recommendations, and we appreciate the fact that you gave those consideration. And I would say that we look forward to working with you further to refine this bill to ensure that the improvement of educational achievement in Nebraska is accomplished and to preserve the high educational achievement in our state that we have accomplished thus far. And I thank you for your time. [LB333]

SENATOR HOWARD: Thank you. Thank you for taking your time to come in here and speak to us. Does the committee have questions? Yes, Senator Haar. [LB333]

SENATOR HAAR: Yes. Thanks for coming. One of the things we talked about this summer was, since we have a board of elected people, to what extent should the Legislature mandate? Or to what extent should the board make those decisions? Do you have any thoughts on that? Does the state board have enough flexibility or...?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

[LB333]

BOB EVNEN: Well, we would like to see the state board have the flexibility necessary to establish educational policy in our state, on a statewide basis, to the extent that that's an appropriate way of addressing education. We have, obviously, a very strong local control state here that has really served the people of our state, the children of our state, very well, and we want to be mindful of that as well. I would say, Senator, that on those occasions when we believe that the Legislature may be going too far in terms of exercising control or seeking to exercise control over the educational enterprise, we won't be shy... [LB333]

SENATOR HAAR: Okay. [LB333]

BOB EVNEN: ...about mentioning that to you. [LB333]

SENATOR HAAR: I appreciate that. Thank you. [LB333]

SENATOR HOWARD: Are there any other questions? Thank you. [LB333]

BOB EVNEN: Thank you. [LB333]

SENATOR HOWARD: Welcome to the Education Committee. [LB333]

JOHN THOMSEN: (Exhibit 1) Good afternoon. My name is John Thomsen, spelled T-h-o-m-s-e-n, and I wish to thank the state Legislature for its past support in the funding of high-ability students and to urge your support for LB333. My comments today are scripted to try to maximize my three minutes. They were originally five minutes, so when you look at my print version it won't coincide necessarily with my comments today. But I'm here today at the request of 15 elected board members and 900 members past and present of the Nebraska Association for the Gifted, a nonprofit in the state of Nebraska. Many of those members--being teachers, parents, students, school board members across the state--reflect many of the comments that I wish to make to you today. My comments are to encourage your support for LB333. When I knew that I was to testify today, I asked our membership to send me ideas of how dollars had been spent in the past and they foresee spending in the future. So I have a list of those things I'd like to share with you. Some of those comments came back as above-grade-level content materials that may include multiple copies of off-grade-level textbooks and resources, often at the college level; tuition assistance on on-line specialized classes across the state, both for rural and urban schools; student and school memberships in academic programs and contests in math, science, literature, technology. Some of those programs might even include the UNO/UNL robotics competition. Some of those dollars are used for travel and admission fees for students to attend field experiences across the state. Some of those experiences take place at UNO, UNL, UNK, and many

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

of the other colleges sponsoring academic events in all disciplines to encourage our students to consider staying in the state of Nebraska. Classroom equipment and supplies, like nonbasal reading materials for readers well above grade level; for computers, microscopes, design software, GPS equipment; literature study units to be studied for the entire class, not just high-ability students; independent study mentors; and even classroom furniture. Programs for the gifted provide accelerated enrichment; curricular content with specialized seminars in literature appreciation; math problem solving; leadership training; music appreciation; Nebraska history; student theater production; coteaching, colearning with published authors; creativity and critical thinking strategies as demonstrated in such programs that you might have heard: the Nebraska Future Problem Solving Program, the Destination ImagiNation, Future City, MATHCOUNTS, National Engineers Week activities, Science Olympiad, Math Olympiad, USA Biology, Academic Decathlon, and there are many more. Funds from the high-ability learner disbursement program also support a variety of teacher professional development; a wide variety of specialized teacher training for regular education teachers and gifted education specialists are supported. Training and professional development may include models for instructional differentiation, AP teacher preparation, best practices in a variety of areas. So all of those are areas that we feel that those programs are part. I could just conclude simply by saying that these students exist in all schools. They are in rural schools; they are in urban schools; they are male; they are female students; they are affluent; and they are poor. So my association and its membership really hopes to encourage your continued funding of this particular legislation to help support those efforts. Thank you. If I can answer any questions, I'll be happy to do so. [LB333]

SENATOR HOWARD: Thank you for condensing your five minutes to three; you did a good job. [LB333]

JOHN THOMSEN: Well, it was...and I'm color-blind, so I don't know what color that is. (Laughter) [LB333]

SENATOR HOWARD: Oh, gosh, we put you at a disadvantage. Sorry about that. Do we have any questions from the committee? Yes, Senator Haar. [LB333]

SENATOR HAAR: Yes, thanks for being here. Why isn't this a program that could be just on a shelf for a few years until finances get better? Talk about that a little bit. [LB333]

JOHN THOMSEN: I think they--the resource that we have in these young people that demonstrate some of the most potential that our state has to offer can't be put on hold. We run the risk of losing more high-achieving students to other states; we want to keep those students engaged to the very maximum. In this room today you're probably looking at faces behind me that represent a lot of those folks. To put it on hold, I think

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Transcriber's Office

Education Committee
January 24, 2011

sends a message to not only our stakeholders but maybe even to the nation that Nebraska doesn't take that as a high priority. So I would not encourage at all to put it on hold at all. I think the amount of dollars involved here--although major dollars are still not as large as they might be but can send a really strong message to our state that this is a high priority to the state, and therefore that would be worthy of your consideration. [LB333]

SENATOR HAAR: Well, I'm a supporter of these programs, and at least one of my grandchildren is referred to among her teachers as "severely gifted." And it's a real challenge for schools, that kids like this often don't fit right into the regular curriculum. And so I would like a little more information, on the side, about what your organization does. [LB333]

JOHN THOMSEN: I stopped by your offices today and dropped off some packets of materials. [LB333]

SENATOR HAAR: Oh, that's in the packet. Okay. [LB333]

JOHN THOMSEN: I'll be happy to--I'll send you a cover letter to all of that. I'll be happy to provide that for you. Another thing, too, I'd like this group to consider is that these students that we referred to may be two and three standard deviations to the right of the norm, just as special education students might be two and three standard deviations to the left of the norm. So they, too, need their place and their attention as well. [LB333]

SENATOR HOWARD: Does the committee have any other questions for Mr. Thomsen? [LB333]

SENATOR SULLIVAN: Just one quick one. [LB333]

SENATOR HOWARD: Oh, yes, Senator. [LB333]

SENATOR SULLIVAN: Thank you, Senator Howard. Thank you, sir. How long has the gifted program been in operation in Nebraska? Do you know? [LB333]

JOHN THOMSEN: Well, the original legislation, which provided for Rule 3, provided for the identification of those programs. It varies from school district to school district. The Nebraska Association for the Gifted has been in effect since 1957, and it has hosted conferences, advocacy work since that time. So it will vary per school district. [LB333]

SENATOR SULLIVAN: I see. [LB333]

SENATOR HOWARD: I don't see any other questions, so thank you so much. [LB333]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

JOHN THOMSEN: Thank you. [LB333]

SENATOR HOWARD: Other proponents. Welcome to the Education Committee. If you could state your name and then spell it. [LB333]

JORDYN LECHTENBERG: (Exhibit 2) Thank you. Good afternoon. I am Jordyn Lechtenberg, L-e-c-h-t-e-n-b-e-r-g. I'm from Ainsworth, Nebraska, and I have the opportunity to serve the Nebraska FFA Association as the state president. Nebraska career education student organizations provide leadership and personal development for over 17,000 student members across the state of Nebraska. As we prepare for our careers, we are also developing our leadership skills, civic understanding, and community spirit. Nebraska career student organizations include FFA, FCCLA, DECA, FBLA, SkillsUSA, and HOSA. The Center for Student Leadership and Extended Learning is expanding to include support for FEA, Future Educators of America, an organization new to Nebraska, to help recruit and develop the next generation of teachers. We need sustainable support for the student leadership center to keep the...pride for Nebraska educators and their communities. CSOs strive to develop future generations of leaders for the state of Nebraska and our local communities. We as youth value our experience in these career student organizations, as they help us to explore careers of our interest; they also help us to prepare to be leaders in these respective careers. After only the first full year of its existence, the student leadership center has promoted greater cooperation between Nebraska's career student organizations, resulting in the potential expansion to include FEA, Npower, which is a joint leadership conference that will be held in July of 2011 that will bring together 4-H, all career student organizations, and the Nebraska Human Resources Institute. There is also an effort to provide leadership training for middle and high school students that are children of migrant workers. We are expanding efforts to promote pursuing college education and degrees among career student organization members. There is a greater emphasis on developing career-ready skills for career student members by helping develop Nebraska career readiness standards and making certain that these standards are reinforced in our activities and competitive events. We believe in the future of Nebraska and want to be the best we can to help Nebraska thrive. We are seeking sustained state support for the student leadership center and career student organizations. We also thank you for your leadership in education. [LB333]

SENATOR HOWARD: Good job. You have set a great example coming in before the red light came on. Thank you. Do we have questions, committee, for this testifier? Senator Sullivan. [LB333]

SENATOR SULLIVAN: Thank you very much. You did a great job. [LB333]

JORDYN LECHTENBERG: Thanks. [LB333]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR SULLIVAN: Can you tell me a little bit more and maybe be more specific on exactly what sort of support that the center provides organizations like yours, FFA, and all the ones that you've identified? [LB333]

JORDYN LECHTENBERG: The center will provide more leadership and guidance at a state level. For example, in FFA as state officers, it helps us to provide these leadership opportunities for its members that are in high school, whether that be throughout the summer--events and conferences. The Npower, which will be coming up in July, is an effort to include all career student organizations and to be more cooperative as far as the career student organizations are concerned to--coming together. [LB333]

SENATOR SULLIVAN: So the Npower conference is a brand-new effort? [LB333]

JORDYN LECHTENBERG: Yes. It was previously called PEAK, which stands for "Pursuing Excellence, Achievement, and Knowledge," through FFA; but we'll be including other career student organizations, 4-H, and the Nebraska Human Resources Institute this year. [LB333]

SENATOR SULLIVAN: Thank you. [LB333]

SENATOR HOWARD: Any other questions? I have one. Are you missing school today? [LB333]

JORDYN LECHTENBERG: No. I don't have class today. [LB333]

SENATOR HOWARD: Oh, good. What a relief. (Laugh) Thank you. Thanks so much for coming and testifying. [LB333]

JORDYN LECHTENBERG: Thank you. [LB333]

SENATOR HOWARD: Other proponents. Welcome, Jen. [LB333]

JEN HERNANDEZ: (Exhibit 3) Good afternoon, Mr. Chairman and members of the Education Committee. My name is Jen Hernandez, H-e-r-n-a-n-d-e-z, and I am here on behalf of the Nebraska Children and Families Foundation. I recognize the difficult decisions that have been and still are before this committee, and I first want to just thank you for recognizing the value of investing in the first five years. We know that the first five years are the most critical years for shaping a child's success in school and in life. The Early Childhood Education Grant Program that is proposed in this legislation to be temporarily funded by the Education Innovation Fund serves 3,000 3- and 4-year-old children all across the state, primarily in rural areas, who are at risk of failing in school. With this investment, these young children are developing skills to regulate their feelings, take turns, wait in line, share, and learn how to think before they act on anger

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

or impulse. Research shows that without this kind of experience, children who are at risk enter kindergarten one to two years behind their peers in both academics and behavior and never catch up. Temporarily funding this program with lottery funds instead of cutting it or eliminating it is a smart investment, and the Education Committee is to be commended. I would like to respectfully request that you clarify two things in this legislation regarding the Early Childhood Grant Program. The first is, as Senator Adams mentioned, after fiscal years 2012 and 2013, clarify that the grant program will revert back to the General Fund. And second, in addition to funds being distributed as grants, clarify that NDE may use a portion of the funds for administration of the grants and technical assistance. I do want to briefly mention the student information system that's also included in this legislation. It is a critical piece of infrastructure for accountability of public funds and for evaluation. And to be effective, it really needs to start before children enter the K-12 system, and so I want to applaud the committee for not waiting until a student enters the K-12 system to be included. So I just really am here to thank you for recognizing that the first five years are critically important, and thank you for the opportunity to testify. [LB333]

SENATOR HOWARD: Thank you for coming in. And thank you, again, for not hitting a red light. Do we have questions for this testifier, committee? Senator Council. [LB333]

SENATOR COUNCIL: Thank you, Senator Howard. And thank you, Jennifer. But the question I have goes back to the point you raised about the information system. What is it that is not--what data is it that's not being gathered now that will be gathered with the funds provided from the lottery? [LB333]

JEN HERNANDEZ: I think we have a lot of information that is being gathered, but we have systems that aren't talking to each other or are incapable of talking to each other, particularly sometimes between state agencies. And so it would be really helpful if we did have an integrated system where all of that information could inform other pieces of information that we already do have. [LB333]

SENATOR COUNCIL: Okay. Now, is this student-by-student information? Is it aggregate data? And how does FERPA play into this information exchange? [LB333]

JEN HERNANDEZ: I don't know a lot of specifics in terms of what this is meant to do and how this piece is meant to work. So I can certainly do some checking on that and get back with you, if that would be helpful. [LB333]

SENATOR COUNCIL: Okay. Because if you're talking about longitudinal information, I certainly recognize and appreciate...I mean, because if we're talking about using early childhood education dollars or funds out of an early childhood education initiative, I would think you'd be thinking more about longitudinal information. [LB333]

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Transcriber's Office

Education Committee
January 24, 2011

JEN HERNANDEZ: We are thinking longitudinal, yes. [LB333]

SENATOR COUNCIL: And perhaps you're not the correct person to be asking these questions, and I apologize for that. But I think we need to understand, when we're talking about setting up systems, what those systems are designed to accomplish and whether we're capable of doing it. [LB333]

JEN HERNANDEZ: Um-hum. I don't know what everyone involved is thinking about this, but longitudinal is certainly the way that we are looking at a student information system. And we want to make sure that when we do invest public funds up-front in the first five years that we know how those children do later, to know if those funds have been accountable, if we need to do something different with them--make sure we're spending those dollars wisely. [LB333]

SENATOR COUNCIL: Thank you. [LB333]

SENATOR HOWARD: Senator Sullivan. [LB333]

SENATOR SULLIVAN: Thank you, Senator Howard. Thank you, Jen. Appreciate your information. You mentioned, I think, how many children--4,000 currently being served by these grants? [LB333]

JEN HERNANDEZ: This program serves about 3,000 children statewide, um-hum. [LB333]

SENATOR SULLIVAN: Via how many grants? [LB333]

JEN HERNANDEZ: About 49, roughly. [LB333]

SENATOR SULLIVAN: What's the average size? Or is there an average-size grant? [LB333]

JEN HERNANDEZ: Actually, I have a little bit of information in front of you. I don't know off the top of my head what an average-size grant is. [LB333]

SENATOR SULLIVAN: Oh, okay. [LB333]

JEN HERNANDEZ: But a lot of schools receive \$50,000. [LB333]

SENATOR SULLIVAN: Um-hum. [LB333]

JEN HERNANDEZ: I do know that the average grant serves approximately 16 to 24 students. [LB333]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR SULLIVAN: Okay. [LB333]

JEN HERNANDEZ: And you've got some information there... [LB333]

SENATOR SULLIVAN: Um-hum. [LB333]

JEN HERNANDEZ: ...about the 2009-10... [LB333]

SENATOR SULLIVAN: Right. [LB333]

JEN HERNANDEZ: ...school year and where the dollars went specifically. [LB333]

SENATOR SULLIVAN: Very good. So 3,000 children being served--do we have any idea how many at-risk 5-year-olds there really are in the state, according to your description of parameters? [LB333]

JEN HERNANDEZ: Well, we do know that there are over 48,000 children birth to 5 at risk of failing in school across the state of Nebraska. [LB333]

SENATOR SULLIVAN: How do you define "at risk"? [LB333]

JEN HERNANDEZ: We use the Department of Education's definition for "at risk," which involves a measure of poverty, low birth weight, English as a second language, and children who are in families whose parents have not completed high school or are teen parents. [LB333]

SENATOR SULLIVAN: Okay. And this list that you handed out, is this all of them? All the grants? Or are there more? [LB333]

JEN HERNANDEZ: That's all the grants for the 2009-10 school year. And I think there have been some additional ones. I think Omaha is not on that list. And I believe this year they are receiving an early childhood grant. [LB333]

SENATOR SULLIVAN: So are there those that apply for the grant funds that aren't funded? Is there a waiting list? [LB333]

JEN HERNANDEZ: There are a number of schools that would like to receive these funds--I think probably about 25 school districts that are ready to institute a program and apply for these funds. But we simply don't have the money and have run out of funds before we're able to serve them. [LB333]

SENATOR SULLIVAN: Thank you. [LB333]

Education Committee
January 24, 2011

SENATOR HOWARD: Any other questions? Thanks. Thanks for coming in today.
[LB333]

JEN HERNANDEZ: Thank you. [LB333]

SENATOR HOWARD: Jerry, welcome to the Education Committee. [LB333]

JERRY HOFFMAN: Thank you, Senator. Good afternoon. Good afternoon, Chairman Adams and committee members. I am Jerry Hoffman, J-e-r-r-y H-o-f-f-m-a-n, and I'm with the Nebraska State Education Association, here speaking in favor of LB333, with some concerns that we would like to express to you and work with the committee on as you deliberate this further. First, LB333 shifts support from the Department of Education general funds programs that are important to this state onto the Education Innovation Fund. As we've heard already, these are undeniably important programs for the thousands of students both in K-12 as well as early childhood ed and the vocational and career education programs such as SkillsUSA, Future Farmers, FBLA, and others. The Enhancing Excellence in Teaching program, in our view, is akin to the Nebraska Advantage Act in that it provides financial incentives for the recruitment and retention of quality teachers in Nebraska's public schools. High school graduates are recruited into teaching as a career, with forgivable loans, as has already been mentioned. And classroom teachers seeking to improve their teaching skills and/or mastery in a specific content area--particularly in those where there is a teacher shortage--have access to a forgivable loan program to pursue a master's degree. And there is a claw-back effect in that program in that the teacher must maintain a teaching status in a Nebraska school for a minimum of two years. The second area of concern, which has already been mentioned by Senator Council, is that LB333 removes the multicultural education from core curriculum standards required for school accreditation. We live in a multicultural society; it is essential that the study of the diverse cultures and their important contributions to humankind be included in the curriculum of our Nebraska schools in order to promote mutual respect and understanding of diversity. Such education also provides a sense of pride and self-worth with persons with specific cultural heritage that may not otherwise be reflected in the curriculum. Let me summarize the final two points since I'm being yellow-lighted at this point--is that it shifts funding for teacher professional practice complaints from general funds to teacher certification fees. And we believe such complaint investigations are more appropriately paid with General Fund monies. And then finally, speaking to the issue around the integrated longitudinal student information system, in our review of congressional sources, the Department of Education received a \$3.5 million federal statewide longitudinal data systems grant from the U.S. Department of Education in 2007 to complete a comprehensive statewide data system. And we are just seeking clarification on whether what you are seeking in LB333 is relevant to what that grant was all about or if it is a separate effort. With that, since I now have a red light, let me just say that we are here at the table to work with the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

committee as this bill progresses through your discussions and on to the floor. Thank you very much. I'd take any questions you might have. [LB333]

SENATOR HOWARD: Thank you, Jerry. Does the committee have questions for this testifier? Looks like you summed it up. [LB333]

SENATOR HOWARD: Very good. Thank you so much. [LB333]

SENATOR HOWARD: Thank you. Are there other proponents? Are there people here wishing to speak against this bill? So I see three, four--four opponents, five opponents. Welcome to the Education Committee. [LB333]

THOMAS CHRISTIE: Thank you. [LB333]

SENATOR HOWARD: If you could state your name and then spell it. [LB333]

THOMAS CHRISTIE: Good afternoon. My name is Thomas Christie, C-h-r-i-s-t-i-e. Chairperson Adams and members of the committee, I am the multicultural school/community administrator for Lincoln Public Schools. I am here to testify against LB333--the part that repeals the multicultural education. I'm a 36-year veteran educator in Lincoln, Nebraska. In 1992 I had the privilege of testifying for multicultural education to become statute--LB922/Rule 16. And later, to become part of Rule 10, I testified. Lincoln Public Schools has been on a multicultural journey at least since 1972. Multicultural education became a statute, which gave credibility and teeth to our efforts. LB333 will take that away. We will continue on our journey in Lincoln Public Schools; however, I believe this will not be for most districts. They will not have the very limited state resources provided by the department, therefore it will become even less a priority. It is my professional opinion and observation that this part of LB333 would hinder and prevent the support of best practice and needs for educating our children in Nebraska. The facts in 1992 showed that our school districts were very limited in multicultural education. In 2011 our needs are much higher for support, because of continued change in demographics. We know that that which is required and measured gets done. Eliminating this program in statute and resources will make it very unlikely for most school districts to have access to technical assistance from our state Education Department, who are expected to provide assistance in best practices. Doctor James Banks, who many say is the father of multicultural education, defines multicultural education as the process of restructuring schools so that all students acquire the knowledge, attitudes, and skills needed to function in an ethnically and racially diverse nation and world. Multicultural education seeks to ensure educational equity for members of diverse racial, ethnic, cultural, and socioeconomic groups and to facilitate their participation as critical and reflective citizens in an inclusive national civic culture. The National Association for Multicultural Education and Doctor Banks use Nebraska as an example of a state trying to do the right practice in multicultural education. LB333's

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

purpose, I thought, was to help the budget. I ask, why are you including changing the statute? In all fairness, cutting the total budget program, which is about \$218,000 in savings, is not equitable. This bill will send the wrong message. Just as I asked this body almost 20 years ago: please do not cheat our children, our state, our nation from getting a true education. Multicultural education is needed more than ever if we're going to survive in a global world. Passing LB333 is not a risk we can afford to take if we are serious about closing achievement gaps in our state, nation, and internationally. Thank you. [LB333]

SENATOR HOWARD: Does the committee have questions? [LB333]

SENATOR HAAR: Yes. [LB333]

SENATOR HOWARD: Senator Haar. [LB333]

SENATOR HAAR: Thanks for coming today. Could you tell me what benefit you get from this state funding, Thomas, because you are--your salary (inaudible) is paid for by Lincoln Public Schools, is that correct? [LB333]

THOMAS CHRISTIE: That is correct. The benefits we get is they put on conferences, they make access to resources, information, and so forth. As I stated, we will continue this, but it gives credibility. As I stated: that which is measured, that which is required--it informs our colleagues that this is something that they need to be doing, that it's required of them; and that's why they do it. There are lots of things that we need to do, but if they're not in Rule 10, they don't get the same kind of attention. So it gives credibility. I'm more concerned for the smaller school districts, because they utilize those resources more than we do because they're in greater need. We're fortunate that our district can fund this, and we were doing it prior to this. But as I stated, it gives more credibility... [LB333]

SENATOR HAAR: Um-hum. [LB333]

THOMAS CHRISTIE: ...because it is state statute, and that's important. And I don't understand: that's not funds--the statute; that's the part that is really somewhat disappointing, that you would eliminate the statute. [LB333]

SENATOR HAAR: Well, I think one of the reasons that this was talked about is often we on the Education Committee don't know what's going on in programs. And so your being here to tell us is really important. How do most schools in, let's say, a small district, with one or two schools--how would they deal with the issues that you deal with on a full-time basis? [LB333]

THOMAS CHRISTIE: I'm not sure I'm equipped to address that as well as probably the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

department can, but I'll do my best. From my observation, with many of their school leaders, including administrators, the department provides best practice information at various conferences and so forth, whereas they would not be exposed to that. It provides resources that they can acquire and so forth, so that's one way that they benefit. I have been to conferences that the state department has put on as recent as several months ago in Kearney, Nebraska. There were small school districts from around the state that was there. Without those funds and so forth, that would not happen. [LB333]

SENATOR HAAR: Okay. Well, you and I have known each other--we're both getting older--a long, long time, so I appreciate your coming and sharing that information. Thank you. [LB333]

THOMAS CHRISTIE: Thank you. [LB333]

SENATOR HOWARD: Do we have any other questions? I have a--it's an observation, and you can confirm if this is correct or not. From listening to what you had to say, it sounds like you're going to continue with the program, even without the state sanction, as you put it, because you feel strongly about it and it's a valuable program. So you see it continuing, is that correct? [LB333]

THOMAS CHRISTIE: In Lincoln Public Schools. As I stated, I'm not sure that that will be the position of all school districts... [LB333]

SENATOR HOWARD: Okay. [LB333]

THOMAS CHRISTIE: ...because their plates are--they have to prioritize with their resources and so forth. [LB333]

SENATOR HOWARD: Okay. I appreciate that. Thank you for coming today. [LB333]

THOMAS CHRISTIE: Yes. [LB333]

SENATOR HOWARD: The next opponent. Welcome to the Education Committee. If you can state your name and then spell it. [LB333]

GREG KELLER: Thank you. My name is Greg Keller, K-e-l-l-e-r. Members of the Education Committee, it's come to my attention that you're considering legislation LB333, which would eliminate provisions relating to the multicultural education and the student achievement coordinator. It would also eliminate the statute, as Thomas Christie mentioned, for mandating multicultural education in the curriculum. While I understand that you're all under tremendous pressure to reduce spending and cut unnecessary programs, I cannot emphasize strongly enough that the decision to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

eliminate the multicultural education program or end the coordinator position related to it would not just be detrimental but also catastrophic. I also wonder, as I'm listening today, out of all of the programs that could have been cut, I'm wondering why multicultural education specifically was targeted. I'm a journalism in education English teacher at Lincoln High School, where I've worked for the last 21 years. I was actively involved in multicultural education efforts during the formation of LB922, the legislation that mandated the infusion of multicultural education into the public school curriculum in Nebraska, which this legislation would eliminate. A great number of people worked very hard to get that law enacted, including some of the people in this room and a dedicated group of students from Norfolk, who were actually the ones who got it started. It would be a terrible mistake to wipe out all of their hard work and all the benefits that have come from this program over the years, with the stroke of a pen. I've worked with literally thousands of students from a wide variety of racial, cultural, and socioeconomic backgrounds during my tenure at Lincoln High School. I've also taught a class in multicultural education at UNL through the department of teaching, learning, and teacher education for the past five years. And I can tell you in no uncertain terms that the need for multicultural education is actually greater now than it was when LB922 was introduced. Even with the current statute, the lack of awareness of cultural issues as well as an almost complete lack of knowledge about history that I've seen in my students at the university continues to shock me. And I would argue that we need to redouble our efforts, not terminate them. We need to reaffirm our commitment to multicultural education, not water it down and combine it with other programs just to save a few dollars. Misunderstandings, often ones related to culture and race, are sometimes the sparks that ignite conflicts in and out of the classroom. Anything we can do to minimize them is more than worth the time and money. We need to be able to have civilized conversations about these issues. And if we don't support efforts to make that happen in the classrooms, where is it going to come from? Where are the students going to learn how to discuss these things? From the media? I think we can all agree that's a bad idea. By eliminating this program, we are effectively telling all the students of this state that their race, culture, heritage, and history is not important. We're also saying that race, culture, and heritage and history of everyone else is not important either. Both messages are destructive and the opposite of what we need to be telling students. If you doubt that's the message that they will take away from this, I would invite you to come to my classes and talk to my students, because this is exactly the conclusion that they have come to when I told them about this bill. We're supposed to be preparing children to live, work, and succeed in an increasingly diverse world; we're supposed to be teaching them how to see a variety of issues from multiple perspectives; we're supposed to be teaching them to value and assess those perspectives. This is the time to bring the focus back to multicultural education. We need this program more than ever. In closing, I would say--I would invite you to come to my classroom and talk to my students and look them in the eye and tell them why you made this decision and listen to their responses. Finally I would say, I used to work for a program called Upward Bound at the university, and one of the summer program rules that we made was that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

whenever there was a policy decision or a rule change, we needed to preface the change by the sentence: This decision is good for students because. Otherwise, the change did not happen. I would challenge the members of this committee to finish that sentence for yourselves and to say what is the benefit of doing this, in targeting multicultural education in statute in particular, as Mr. Christie mentioned. Thank you for your time. [LB333]

SENATOR HOWARD: Thank you, Greg. Does the committee have questions? Senator Haar. [LB333]

SENATOR HAAR: Yes. Thanks for coming. I graduated from Lincoln High School; my sons did; and now my granddaughter is going there. And I graduated in '61; I don't know if you were even born then, but (laugh)... [LB333]

GREG KELLER: Barely. [LB333]

SENATOR HAAR: ...so what...and you're very fortunate to have Thomas Christie as a person working in the school system. [LB333]

GREG KELLER: Um-hum. [LB333]

SENATOR HAAR: What benefit do you actually get out of this state funding? And I understand that thing about the mandate and the concern that other schools then wouldn't cover it, but actually what benefit do you get out of the funding? [LB333]

GREG KELLER: In terms of the funding, the programs that the Department of Education puts on, in particular the Native American Education Symposium. That, I believe, is through that office. And there are other conferences that are--staff development conferences as well as student-participated conferences. Then, again, as you say, the main thing is the...the confusion that I have is why the statute is involved in this budgetary decision, because it doesn't seem that there's any budget benefit to removing this statute from the books. And that's the part that--as I echo what Thomas Christie said--that that seems to undermine the entire push for multicultural education, and there doesn't seem to be a cost benefit from that. [LB333]

SENATOR HAAR: Um-hum. Well, you know, maybe it's not a good answer, but I think that very often we get pushback from school districts: If you're going to give us a mandate and no funding, take away the mandate. [LB333]

GREG KELLER: I'm sorry, say that again. [LB333]

SENATOR HAAR: That school boards are saying to us: If you provide us with a mandate and don't give us any money to fulfill that mandate, then just take away the

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Transcriber's Office

Education Committee
January 24, 2011

mandate. And I think... [LB333]

GREG KELLER: And I think maybe that would be something that could be looked at on a case-by-case basis, depending on what kinds of things they were needing the money for to make that statute happen. As Mr. Christie mentioned, you know, especially in school districts--not Lincoln Public Schools--but maybe smaller school districts or less diverse school districts, there's not a lot of incentive for them without the mandate to kind of make those decisions. And, frankly, some of those programs, some of the things that students--that teachers could do in those programs are not terribly costly. What I think the mandate does is it puts the pressure on them to do some things with what they have--that without the mandate, I doubt that those would happen as frequently or if at all. [LB333]

SENATOR HAAR: Okay. Thanks for coming. [LB333]

SENATOR HOWARD: Senator Avery. [LB333]

SENATOR AVERY: Thank you, Senator Howard. When you talked to your students about this particular program and the proposal before us, did you talk about at all the nearly \$1 billion budget gap that we are trying to close and how difficult that is for us? [LB333]

GREG KELLER: Sure, and they understand the need for budgetary constraints. One of my original questions is, out of all of the programs, I didn't hear very many other programs that were cut or statutes that were going to be eliminated. I wonder why multicultural education in particular was targeted. I understand that you have a Herculean task of trying to cut the budget. This doesn't seem to be a huge chunk toward helping that. And, again, as Thomas Christie said, I think it sends a terrible message to students of color and to white students as well in saying: It's not important; it's not something that we value; it's not--your culture, your heritage--this is not something that's important. I think that's the message that they take away. And while I am sure they appreciate the need for cutting the budget and those kinds of things, I guess their question is, why this program in particular, it seems. [LB333]

SENATOR AVERY: I can assure you that was not our intent... [LB333]

GREG KELLER: Sure. [LB333]

SENATOR AVERY: ...to send that kind of message. We wrestled with the question of trying to identify those programs that we could easily identify as desirable. Then we had to decide: All right, which ones of these are absolutely essential core programs that we cannot do without? [LB333]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

GREG KELLER: Um-hum. [LB333]

SENATOR AVERY: And we agonized over these kinds of decisions; and we had disagreements in the committee about what was essential, what was desirable. [LB333]

GREG KELLER: Right. [LB333]

SENATOR AVERY: In my other committee assignments, I'm about ready to be hanged later this week over a similar kind of issue. [LB333]

GREG KELLER: Um-hum. [LB333]

SENATOR AVERY: And it's not fun, believe me. [LB333]

GREG KELLER: And I would say that I think my students, or many of my students, would argue that this is essential, that this is not something peripheral or arbitrary, that it is something that's essential. They see the reality of these kinds of issues every day. And I'm not being rhetorical when I say I would love it if you would come to my classroom. Anytime, I would love it if you would come. [LB333]

SENATOR AVERY: You're in my district. Invite me. I'll go. [LB333]

GREG KELLER: Please. I would love to have you. We'll work it out. I'll talk to your secretary. Because I think it's important for you to see the faces of the students who are directly affected by this. And again I would say, I still don't see how the statute being removed is a benefit budgetarily. [LB333]

SENATOR AVERY: Well, that's something we can work out in committee. [LB333]

GREG KELLER: Um-hum. [LB333]

SENATOR HOWARD: Senator Sullivan. [LB333]

SENATOR SULLIVAN: Thank you. Well, how will your classroom activity change if we eliminate this? [LB333]

GREG KELLER: Eliminating the program, the multicultural education program through the Department of Education--I assume, then, that the conferences and things that they have provided that my students and I have gone to will no longer be available. Directly impacting my classroom itself--you know, we're going to continue, as Thomas said, we'll continue doing whatever we can. Again, it's that statute that I'm really focusing on. But we've had a lot of assistance from the Department of Education, from that multicultural education program, in resources, in letting us know about programs and conferences

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

and materials and those kinds of things and helping put us in contact with speakers. And so they've been very helpful. [LB333]

SENATOR SULLIVAN: Thank you. [LB333]

GREG KELLER: Um-hum. [LB333]

SENATOR HOWARD: Any other questions? Thank you for coming in today. [LB333]

GREG KELLER: Thank you for your time. Appreciate it. [LB333]

JESSIE MYLES: Good afternoon. My name is Jessie Myles; that's J-e-s-s-i-e M-y-l-e-s. And today I'm here representing the local chapter of the NAACP. Mr. Leroy Stokes could not be here today, so he asked me to speak on his behalf in terms of representing the NAACP. [LB333]

SENATOR HOWARD: I'm sorry, could you repeat your name again? Those students were leaving. [LB333]

JESSIE MYLES: My name is Jessie Myles, J-e-s-s-i-e M-y-l-e-s. [LB333]

SENATOR HOWARD: Thank you. [LB333]

JESSIE MYLES: Okay. And so I'm representing the NAACP because Mr. Stokes could not be here. But also, I was one of those persons who were involved with the multicultural mandate in 1992. I've worked with the Nebraska Department of Education for almost 20 years in terms of the implementation of that particular program. And as I was sitting back there--I mean, there were a whole lot of things running through my mind, knowing my time was going to be up. A lot of times...I remember Marian Wright Edelman saying something to the effect that while we're entertaining the idea whether we can afford this, I think the even more significant point behind this is how can we not afford it. I don't know how you put a budget on meeting the needs of diverse populations in this particular state. I want to come from a human relations angle with this, because when the students from Norfolk requested this mandate, they were really concerned about the human relations component and what was missing in their classroom. And so initially, we defined multicultural education as it relates to looking at the contributions of African Americans. Native Americans later on, and other groups said we needed to make sure that we included European Americans as a part of that group. We didn't want to create the idea that multicultural education was exclusive. But I think the human part of this is the other part of the story. I went around to many school districts throughout the state, talking about multicultural education. So we asked a question in terms of what was being provided to different school districts and that type of thing, beyond just having conferences--and so the school districts will have resources in that way. I also had the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

responsibility, and many of us have the responsibility, of traveling throughout the state and talking to students and to classrooms. And one of the things that I remember most when we started the program--I remember going to an elementary school; a little white girl came up to me and said: Can I touch you? Yes, you can touch me; can I touch you? But it was a human touch on that because many of our students had never had face-to-face interaction with someone whose race or ethnicity was different from their own. How can you cut that? How can you put a budget on that kind of education and that type of learning? That would not be measured in any standardized test. It would only be measured throughout time, when someone got a positive response from someone who looked different from them, who allowed them to learn in a very face-to-face contact what culture is all about. I went to another school, another elementary school--went in to read to students. One of the books that I read to the students was How My Parents Learned to Eat. And it was a story about a biracial family--American family and Japanese. And in that story it talks about the utensils that students--that the kids in the family were using. And there was an Asian kid--and a couple were talking about using chopsticks--there was an Asian kid in there, said: I know how to use chopsticks. And the teacher said: That's great; what we're going to do, based upon this story, we're going to allow you to teach the other kids in here how to use chopsticks. And they invited me back at the end of the school year to come and see what this kid had taught the rest of the kids. He taught them how to eat M&M's (laughter) with chopsticks. Now, tell me, how do you put a budget on that? [LB333]

SENATOR HOWARD: And, Mr. Myles, we're on the red, so... [LB333]

JESSIE MYLES: I know we are. [LB333]

SENATOR HOWARD: ...not... [LB333]

JESSIE MYLES: Okay. [LB333]

SENATOR HOWARD: ...at the risk of interrupting a good story. [LB333]

JESSIE MYLES: Okay. Yeah. But the point is there are some things that we cannot afford not to do. And to cut a multicultural...let me...my last work is this. The multicultural mandate was never for those school districts who were doing it. It was for the school districts that were not. And so we should not give anyone a license not to address multicultural education, cultural competency, cultural proficiency in this state, because many will take advantage of that mandate not being there. [LB333]

SENATOR HOWARD: Thank you. Do we have questions? Senator Haar. [LB333]

SENATOR HAAR: Yes. Thank you for those great anecdotal stories. How do...now, we heard already that Lincoln High--not Lincoln High but Lincoln Public Schools has a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

program and will continue to have it. [LB333]

JESSIE MYLES: Right. [LB333]

SENATOR HAAR: How do smaller schools deal, typically, with multicultural education and also in terms of what the Department of Education provides? [LB333]

JESSIE MYLES: Yeah. One of the things that we did, and we continue to do--what they continue to do at the Department of Education is to provide them resources. One of the things that we did early on, when school districts were saying to us: We do not have resources. We made sure that we purchased resources and we put them into every service unit throughout the state. There were times when we had conferences--and Thomas Christie can vouch for this--there were times when we had conferences where we had authors to come in, we purchased materials so that all the participants there could have those resources. We had a lending library--still have a lending library at the state department where persons can request services. But, to me, even greater than that, it was just the face-to-face contact--that a person from the Department of Education can go out to those schools and how many times it validated the children of color that were there. Many of those students in rural districts had never seen a handsome African American male, as myself, (laughter) walk out into those particular schools. So it gave them an opportunity to see a different role model. That's totally different from many of our white students across the state. They see role models every day--every day. How many people of color do we have in the Department of Education? Over the 20-some years that I was there, I was one of two or three. We have a Native American in that position now, and when Carol goes out to these school districts across the state, Native American students can say: I see somebody who looks like me at the Department of Education. It validates the Department of Education and its mission to make equity education available to all of its students, not just a few. And to take this away, as has been said, will send the wrong message. And I don't think that this committee or the Department of Education is about sending the wrong message to our students--all of them. So who is the advocate on this committee? Who is the advocate? Who is the voice for those whose voices have been least heard historically? That's what the students in Norfolk realized, and that's what they wanted. And now to take that away simply because of a budget cut. How much are we cutting from the lives and the understanding of our students that we will never be able to measure within the next one, two, three, four, five, or six years? That's what this is all about. [LB333]

SENATOR HOWARD: Are there any other questions? [LB333]

SENATOR HAAR: Well, I was elected on my good looks too. (Laugh) [LB333]

SENATOR HOWARD: I'm not sure that was the question... [LB333]

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Transcriber's Office

Education Committee
January 24, 2011

JESSIE MYLES: Well, we have something in common, then. [LB333]

SENATOR HAAR: But then we get older. [LB333]

SENATOR HOWARD: ...Senator Haar. [LB333]

SENATOR HAAR: But I'm very interested in this idea that this started with the students in Norfolk. [LB333]

JESSIE MYLES: Yes, it did. [LB333]

SENATOR HAAR: And I don't know if you could provide me with a little more information on that, but I... [LB333]

JESSIE MYLES: One of the things that had happened for the students there--Senator Chambers along with other people from the Lincoln community and other communities was putting on a community forum. And they had each person to talk about their ethnicity and their culture. There were some people who had moved into the Norfolk area at that time from various places, one being from Louisiana. And an incident had happened in Norfolk in which some African-American students--people of African-American descent in Norfolk had been banned from one of the establishments there. And the kids, the students, wanted to do something about that. One of those students stood up in that forum and gave a testimony. He said: Just because I'm an African-American male and just because I'm from New Orleans, it doesn't mean that all of us are in gangs or doing this and that type of thing. When those students left there, they were saying: Why don't we have a better understanding of various cultures? Jim Kubik challenged them to do--Senator Chambers challenged them to do something about it. They had that conversation in Jim Kubik's class, and they wrote a bill. They brought it here; someone sponsored that bill; we went around the state convincing others in terms of the need. But that was student-motivated, student-driven, because those students said: Our needs as it relates to cultural and cross-cultural understandings are not being met. And unless you mandate it, it will never be met. [LB333]

SENATOR HAAR: Thank you very much. [LB333]

SENATOR SULLIVAN: Excuse me. [LB333]

SENATOR HOWARD: Senator Sullivan. [LB333]

SENATOR SULLIVAN: Thank you, Senator Howard. Excuse me. Does the NAACP work with schools at all in this regard? [LB333]

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Transcriber's Office

Education Committee
January 24, 2011

JESSIE MYLES: We work indirectly. There is an education committee that would do. I know that Mr. Christie is on that committee, others that are on that committee. So absolutely. The NAACP is working with the same students that are helping our school system. So, yes, they're working with our students in terms of many things that are going on. Yes. [LB333]

SENATOR SULLIVAN: Thank you. [LB333]

SENATOR HOWARD: Any other questions? I don't see any. Thank you for coming in. [LB333]

JESSIE MYLES: Thank you. [LB333]

SENATOR HOWARD: Welcome to the Education Committee. [LB333]

SUZY SCHULZ: Good afternoon and thank you. My name is Suzy Schulz, S-u-z-y S-c-h-u-l-z. I have had the privilege of serving the state of Nebraska for 33 years as a teacher--teaching kindergarten through seniors in college and every grade in between, as a music teacher, a history teacher, and an art teacher. Having spent the last nine years of my teaching at the Lancaster Youth Services Center teaching youth who were incarcerated, I can say without hesitation, more multicultural education, not less, is desperately needed in our state. We have only begun to infuse multicultural education into the curriculum, reminiscent to Brown v. Board of Education and its "all deliberate speed." The courageous steps taken by this legislative body to require public schools to address multicultural education some years ago and the work that has been done implementing that requirement--work done by many who sit here in this room today--should not be reversed, as it would be under this legislative bill, LB333. Subtractive schooling--that's what you get when you don't infuse the curriculum with multicultural education. Subtractive schooling can go unnoticed by Anglo or white schoolteachers and administrators, because the benchmarks are tilted toward western European history, western European literature, western European art, western European music--all representative of the culture Anglos or white persons are most comfortable with and live in day in and day out. Subtractive schooling alienates students when they don't see themselves and their families represented as making a contribution to the whole. Subtractive schooling blurs the truth and empowers a racist past in the patent office, at the ballot box, in access to education, in our music and the arts, in our laws, in our court system, in our healthcare. Subtractive schooling is subtracting resources from our community when young people drop out of school, disengaged from a curriculum that seems meaningless and irrelevant to their life experience. We change and enrich our community with inclusion and a full story. We know that a school that cares is really a school that cares to infuse the curriculum with the mosaic story that is America. Most importantly, without this infusion of multicultural education in our curriculum, we not only subtract some from the story, we falsely elevate others. There

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

really is more work to be done, not less. This LB333 would be a big mistake for the future of Nebraska. LB333 has social costs as well as economic ramifications, as we live and work in a more and more diverse society. Thank you for this opportunity to speak. [LB333]

SENATOR HOWARD: Thank you. I can tell you're a teacher: you know how to use that light system. [LB333]

SUZY SCHULZ: (Laugh) [LB333]

SENATOR HOWARD: Wait, wait, wait. Wait, in case we have some questions. Does anyone have any questions for this testifier? Looks like you summed it up. Thank you. Welcome to the Education Committee. [LB333]

AMELIA MONTES: Thank you. Good afternoon, Mr. Chairman and members of the Education Committee. My name is professor Amelia Montes. I am a professor at the University of Nebraska-Lincoln, although my presence today is as a citizen. I am the director, though, of the Institute for Ethnic Studies at the university. We... [LB333]

SENATOR HOWARD: And could you spell your name? [LB333]

AMELIA MONTES: Oh, yes. M-o-n-t-e-s, Montes. And Amelia, like Amelia Earhart. So we comprise three different programs: African American and African Studies, Latino and Latin American Studies--when I say "Latino," I mean U.S. Latino--and Native American Studies. We teach an average of 3,000 students per year who come from various departments, and our faculty are joint-appointed. I am here to oppose LB333 due to the multicultural education component--to eliminate it and a student achievement coordinator. Why at the university level am I sitting here today talking to you? Because a number of our students--I would say a majority of our students--come from small areas of Nebraska. And when we ask them: How did you get into our program; how are you getting into these jobs? Many of our alumni get into jobs with the CIA, in business, with the FBI. And they tell me: We started with multicultural education at the elementary, high school levels, especially at the high school level. I think this beginning is very important at the university level. Just last week Marc Warburton and Tyler White, who are part of the Intelligence Community Scholar Program--they are there at the university to recruit students to become CIA analysts, FBI; also to get them involved in more global work. And I think this work that we do at the high school level is key to getting them into the university, because many of our students who come from the high schools, especially the smaller high schools in different parts of Nebraska, come to us, and it's really key that they understand and have that first, primary knowledge of multicultural education for the university level. And that's it. [LB333]

SENATOR HOWARD: All right. Thank you. Do we have questions for this testifier? No,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

I'm not seeing any. Thank you for coming in. [LB333]

AMELIA MONTES: Thank you. [LB333]

SENATOR HOWARD: Welcome. If you could state and spell your name. [LB333]

T.J. SADDLER: Okay. My name is T.J. Saddler, S-a-d-d-l-e-r. I want to first thank you all for the chance to come here today to express how I feel, how I see LB333 would be a step backwards in human togetherness. I challenge us all not to be blinded in budget and deflect the brilliance of our story, not to be focused on funding but to turn our energy to include all of our family. My study of this country's history has been draped with both bigotry and beautiful. LB333 would not only leave out some of the beautiful human stories rooted in hope and love, this will praise war and pain by not allowing the other side of the story to come to life. I pray, one moment in time there will be no more need for any multicultural education and we spend as much as it takes to include everyone. However, right now we are stuck in a western European hierarchy of faulty science. Genetically, we--me and everyone in this room is 99.9 percent exactly the same: human. Don't erase our family; don't make our mothers, fathers, brothers, and sisters invisible in the name of the budget. Budgets don't breathe; policy has no pulse. Thank you. [LB333]

SENATOR HOWARD: Good job. Thank you. Do we have any questions? Senator Haar. [LB333]

SENATOR HAAR: Thank you, Mr. Saddler. Do you come representing a group or as a private citizen with a concern? [LB333]

T.J. SADDLER: A private citizen. [LB333]

SENATOR HAAR: Thanks. [LB333]

T.J. SADDLER: Um-hum. [LB333]

SENATOR HAAR: I appreciate your coming. [LB333]

T.J. SADDLER: Thank you. That it? [LB333]

SENATOR HOWARD: Thank you for giving us your time and your expertise. [LB333]

T.J. SADDLER: Well, thank you. [LB333]

SENATOR HOWARD: Welcome to the Education Committee. [LB333]

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Transcriber's Office

Education Committee
January 24, 2011

LELA SHANKS: Thank you. [LB333]

SENATOR HOWARD: If you can state your name and then spell it. [LB333]

LELA SHANKS: (Exhibit 4) My name is Lela Shanks, L-e-l-a S-h-a-n-k-s, and I'm here as a member of the NAACP and a member of Nebraskans for Peace. And I'm also here to speak for someone who recently passed, Leola Bullock, who worked tirelessly to get this multicultural bill passed. Thank you for this opportunity to speak for an inclusive education and against LB333. I respectfully urge each of you to accept that Nebraska students need multicultural education in order to navigate in this diverse world. For several years beginning in the late '80s, as a member of the Nebraska Humanities Speakers Bureau, I traveled all over the state, from Omaha to Sutherland, from Bassett to Beatrice, speaking to all grades on the historical facts of African-American history. Almost always this was new information for the students and teachers alike. They were incredulous. The libraries in those schools seldom had one book on people of color. When I could afford it, I began buying a book on African-American history and giving one to each school. On one occasion, when I was speaking to about 75 high school juniors and seniors, giving facts from the 1990 census on black doctors and black athletes, the students became so distressed and agitated, loud and aggressive and angry that momentarily I feared for my safety. The facts were too contrary to what our history books and culture had taught them. That incident was so scary--I was then in my 70s--that I resigned from the speakers bureau. How do we best prepare our youth for the future? We give them an inclusive, broad-based education that exposes them to the common humanity that T.J. was talking about and Jessie Myles was talking about--the common humanity of all peoples and all ethnic groups, religions, cultures, speaking in many languages. This enables them to develop self-respect and to develop a respect for other human beings different from themselves, who make up three-fourths of the world's population. The cost of \$1 per lesson--\$1 per year per student for multicultural education is a small price to pay to help our children learn to relate to each other as human to human. Please reinstate multicultural education. Thank you. [LB333]

SENATOR HOWARD: Thank you. Do we have any questions? [LB333]

SENATOR HAAR: Thank you. [LB333]

SENATOR HOWARD: Looks like you addressed it. Thank you for coming in. [LB333]

LELA SHANKS: Thank you. [LB333]

SENATOR HOWARD: Welcome. [LB333]

CHRISTY HARGESHEIMER: (Exhibit 5) Thank you. I'm Christy Hargesheimer, C-h-r-i-s-t-y H-a-r-g-e-s-h-e-i-m-e-r; that used up about half of my time, right? (Laughter)

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

And so many other people have already addressed what I was going to talk about much more eloquently than I could. I was on a committee that helped draft the implementation after LB922 was passed. We were trying to make guidelines for how it would be used. But I also want to invoke Dr. Leola Bullock's memory here. And I did a little bit of research in my files from those days and found some things I think you'll find interesting. As you know, she was the inspiration for the young people's rally--or one of the inspirations for the young people's rally on the event of Dr. Martin Luther King's birthday. And just a week ago those young people were here having their rally. She felt strongly that youth should be empowered and to learn leadership. She put them in charge of developing the rally. And so I found it quite fitting that LB922 was also inspired by young people's actions. The young people in Norfolk recognized that without an inclusive education that would help them understand the contributions of peoples of all ethnicities, races, etcetera, that they would be at a disadvantage when they eventually left Norfolk and moved in a larger, more diverse world. I found a newspaper article dated March 21, 1993, from the Lincoln Journal Star in which Leola Bullock expressed her concerns about that recently passed law maybe not being implemented. And in reference to black students, she said, quote: I think young people are saying to us, you're a failure; you haven't changed things for us. They're angry at us. We've marched; we've preached; we've died. We've done everything we could to try to change this country. And yet the selfishness, the greed, and the insecurity of white people still prevails. I'm afraid what will happen in this country if things don't change. End quote. And her friend Lenora Letcher in the same article said: A lot of people say, my voice won't be heard. I know better. End quote. So I'm here to urge you to hear those voices, to listen to them and honor them by restoring that part of LB333. The...excuse me, I'm talking and not reading this, but the General Fund expenditures apparently would be \$114,629 in fiscal years '12 and '13. How much more would it cost us in terms of lost hope, lost educational gains, and additional costs related to society's failure to inspire and motivate young people of color, who finally saw themselves reflected in the curriculum? And I can only imagine that if she were here, Dr. Leola Bullock would be saying: Shame on you--and shame on us if we don't stand up and address this issue. Can we really afford these so-called sayings--or is this really Nebraska, "The Good Life," for whites only? Do we aspire, maybe, to follow Arizona in some of their recent decisions regarding both immigration and cutting multicultural education--in fact, punishing people if they do teach multicultural issues? Thank you for letting me speak. [LB333]

SENATOR HOWARD: Thank you. Do we have any questions for this testifier? Thank you for coming in. Welcome to the Education Committee. If you could... [LB333]

JOHN KREJCI: (Exhibit 6) Thank you. [LB333]

SENATOR HOWARD: ...say your name and then spell it. [LB333]

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Transcriber's Office

Education Committee
January 24, 2011

JOHN KREJCI: Thank you for having...my name is John Krejci, J-o-h-n K-r-e-j-c-i, and I thank you for the opportunity to speak here. Basically, I'm...this has been a long hearing, and you have a great deal of patience; and the more I heard, the angrier I got. But I'd like to say amen to what Jessie Myles said--we need more; to what Greg Keller said; to what my good friend Lela said. They've said...I got some testimony that I'll pass out to you, but we...this is a symbolic thing that--Nebraska pulling back at this time--it's just unacceptable and unbelievable that you would do that. Secondly, we need more; there's one school in Lincoln that's got 38 different cultures and languages. And we're pulling back? I realize this is a very small thing, but it's symbolic as well as monetary. What is it--\$57,000 a year or something like that? And I ask you, please don't choose fiscal expediency over multicultural education. Please, please, do not walk backwards on that. We just cannot do that. Here's my testimony that you can read. [LB333]

SENATOR HAAR: Let's see if we got it. [LB333]

JOHN KREJCI: No, you didn't. [LB333]

SENATOR HAAR: Oh. [LB333]

SENATOR HOWARD: Do we have any...? I don't want to rush you. Have you finished your...? [LB333]

JOHN KREJCI: I have finished. [LB333]

SENATOR HOWARD: Oh. Thank you. Do we have any questions for this testifier? No. Thank you for coming in. [LB333]

JOHN KREJCI: Thank you. [LB333]

SENATOR HOWARD: Do we have any other testifiers in opposition to the bill? Do we have anyone wishing to speak in a neutral on the bill? I don't see anyone. Senator Adams, would you like to give your conclusion? Senator Adams is going to give us a closing. I apologize for trying to cut you short the first bill, so you'll get twice as long now, if you'd like it. (Laugh) [LB333]

SENATOR ADAMS: Thank you, Senator Howard. Well, committee, I think that what's just been demonstrated is what we're going to face all session--and whether it is a decision on data systems, a decision on multicultural education, decision on Innovation Park; the list goes on. But this is what we're going to be facing--difficult decisions. The other thing that I think that we've experienced is the value of a public hearing. We all know--because of the hours we spend in Exec Session, just us in this room, working through a long list--what we had to put on the list and what we went through. And I don't know that any of us may have fully understood the impact of all of the things we're

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Transcriber's Office

Education Committee
January 24, 2011

putting on the list, not just multicultural education but all of the things. This has been beneficial. And a recommendation has been made that we keep the law in place. That is one option. We can do that--and eliminate the FTE, and there's the savings. However, then the question is the enforcement issue. But that is something to consider. I think something else we have to consider--that if we believe after the testimony that we've heard, if our minds have been changed about this, then I would ask you to also consider, are there other places that we would cut in order to restore? Now, I don't mean to set this particular program up against others, but that is the reality of what we're facing; and we at least need to think about that as we deliberate in Exec Session on where we would go with this piece of legislation. And you know that LB333 is not just multicultural education; we have a lot of other things here. And as we Exec on this, we need to look at each and every part of it. The multicultural education section--and see if it's something that we want to keep in the bill--the student achievement coordinator--do we want to keep them in the bill? The movement of money for Attracting Excellence to Education. The movement of money from lottery dollars to early childhood. The certification dollars--of raising it on teachers. We've got to consider all of those things as part of this total bill. Thank you, Senator Howard. [LB333]

SENATOR HOWARD: Thank you, Senator Adams. LB333...well, I should ask, does anyone have any questions? (See also Exhibit 10) [LB333]

SENATOR AVERY: Yes. [LB333]

SENATOR HOWARD: Yes, Senator Avery. [LB333]

SENATOR AVERY: Senator Adams, is there any possibility that lottery funds might be available also for this? [LB333]

SENATOR ADAMS: There's always that possibility; I guess we're going to have to sit down and weigh where we are at in terms of that ending balance. We dare not draw that total lottery fund down to the point that it can't cash-flow as it fluctuates, but... [LB333]

SENATOR AVERY: Um-hum. [LB333]

SENATOR ADAMS: ...we can certainly take a look at that. [LB333]

SENATOR AVERY: Thank you. [LB333]

SENATOR HOWARD: Senator Haar. [LB333]

SENATOR HAAR: This more just a statement--but as we wrestle with budget decisions and we all are now serving under term limits, we don't have much history in this body, and I just found it very interesting that one of the reasons we have really respected this

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

FFA funding is because students came up with the idea. And now to find out that this was an idea of Fremont students in 1992 is really fascinating to me. [LB333]

SENATOR ADAMS: Jim Kubik and I are good friends. [LB333]

SENATOR HAAR: Good. Okay. I guess it was news for me. So that's good. [LB333]

SENATOR HOWARD: Senator Adams, would you like to begin on LB331? [LB333]

SENATOR ADAMS: I will. Maybe on a less contentious note we move on to LB331, but who knows? (Laugh) As I said a moment ago, all of these cuts may raise the hair of anyone and everyone. LB331 is the other bill that accompanies our LR542 cut list, for lack of a better description. And, very simply, what it does--it deals with NET, Nebraska Educational Telecommunications Commission. And specifically, if you recall, the statutory change that we could make, that we had jurisdiction to make, was the reduction by one of the broadcast origination points. So, in other words, by statute currently there are to be two broadcast origination points; one of them is to be Omaha. This would eliminate that requirement for two. And I believe the fiscal note--I walked away and left it up there--but I believe it's three hundred and some thousand dollars, was the fiscal note. It's all I have. [LB331]

SENATOR HOWARD: Do we have any questions? Pretty straightforward. Thank you. Proponents for LB331. Opponents for LB331. Opponents? Neutral for LB331. I thought she was coming up, but... [LB331]

SENATOR ADAMS: I will waive closing... [LB331]

SENATOR HOWARD: Thank you. [LB331]

SENATOR ADAMS: ...and go ahead and introduce, if you're ready, the last one. [LB334]

SENATOR HOWARD: Yes. [LB331]

SENATOR ADAMS: ..keep all of these straight--LB334 is the last of the LR542 bills to come from the Education Committee. This one specifically deals with the higher ed proposals. And let me remind the committee, not that I need to but for the record, our charge with the LR542 mandate was to look at potential statutory changes that could be made. Hence, if there wasn't anything in statute, it left us with only making recommendations. In higher ed there is very little in statute, other than role and mission. And so what we did, if you will recall, we weeded through those things that we could statutorily impact, which was minimal. And there isn't a great deal of savings. There potentially is. But we did make some changes. What LB334 does is this. It repeals the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

statutory requirement to employ a poultry pathologist, a position that is vacant anyway. It--and this one could probably be a bit more contentious--it does phase out the Optometry Student Contract Program, where we were paying the out-of-state tuition for students to go to optometry school, given that we don't have one in Nebraska, outside of the state of Nebraska; makes participation by the university and state colleges in the business development network permissive rather than required; repeals a requirement for a cooperative extension aquaculturist, again a position that is currently vacant; and repeals the requirement for an ag lab in Box Butte County--that land has already been returned to the county by the university; and makes the university's request for General Fund support for the Nebraska Safety Center in Kearney permissive rather than mandatory. So I think you can see that primarily what we are doing is creating permissive language where we could, which gives the university and/or the state colleges the flexibility when funding is short for them to make the decision how they want to go. With that, I'll end. [LB334]

SENATOR HOWARD: Thank you. Any questions? Yes. [LB334]

SENATOR SULLIVAN: So following up just on what you said, Senator Adams, moving it from mandatory to permissive simply gives the university flexibility, doesn't necessarily mean the program will go away. [LB334]

SENATOR ADAMS: Exactly. And one of the examples we could use is the business development network. It is currently required, and there are places at the university as well as at the state colleges that assist DED. And by making it permissive it doesn't mean that the program goes away. It would leave it to the discretion of the higher ed institutions as to whether or not they could afford to or wanted to maintain the program. [LB334]

SENATOR SULLIVAN: Okay. [LB334]

SENATOR HOWARD: Senator Avery. [LB334]

SENATOR AVERY: Thank you, Senator Howard. Senator Adams, one of the provisions in this bill would provide matching funds for--to leverage some federal dollars, is that correct? [LB334]

SENATOR ADAMS: In some cases, yes. [LB334]

SENATOR AVERY: So we would, theoretically at least, be leaving federal money on the table if we take the matching money away. [LB334]

SENATOR ADAMS: That could potentially happen, yes. [LB334]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR AVERY: So it would be up to the university to decide whether or not they wanted to come up with, say, \$350,000 to continue in a program where there might be a \$1.9 million federal match. [LB334]

SENATOR ADAMS: Exactly. And one would certainly hope that they would see that ratio was one of--that's worthy of the commitment. You're right. [LB334]

SENATOR AVERY: Has the university ever expressed an interest and desire in having more control over their own affairs? [LB334]

SENATOR ADAMS: I'm going to let them speak to that, if they so choose. [LB334]

SENATOR AVERY: (Laugh) Okay. [LB334]

SENATOR HOWARD: All right, any other questions? Thank you for that introduction. Testifiers in support--proponents. Yes, I see one. For any of us that don't know you, could you state your name and spell it, please. [LB334]

RON WITHEM: I would be delighted to, Senator Howard. Ron Withem, R-o-n W-i-t-h-e-m, representing the University of Nebraska in general support of LB334. There are six...and before I begin, we have with us here in the audience--we have our provost, Linda Pratt; our associate provost, Richard Hoffmann, sitting behind me on my left; and we have the dean of the college of business at the University of Nebraska at Omaha here today. The director of the NBDC program was going to be here today, but he had an unfortunate accident shoveling snow over the weekend, which ought to be a lesson to all of us not to do that. (Laughter) Six provisions in the bill. We have absolutely no objection to eliminating the language dealing with the poultry pathologist or the aquaculturist, items 1 and 2. In terms of the optometry program, this is a program that was established several years ago in recognition of the fact that Nebraska does not have a college of optometry. And it was a policy decision of the Legislature at that time to help the students who wanted to study optometry to receive that education. The university position on this one is: we're delighted to administer this program; we think there are quite a number of young people who benefit from this program. So if it is a policy decision of the Legislature to continue that, we'll be happy to continue with that program. On the other hand, if it is the policy decision of the Legislature not to continue this program, then we can certainly understand that. We do have a position strongly in favor of supporting students through scholarships, when the money is available to do those. But in terms of this specific program, it's a matter for the Legislature to decide. The one area where we would ask for a change in the bill, Section 5 and Section 6, talks about the Nebraska Business Development Centers. And, Senator Adams, I agree with your characterization that this section simply makes it permissive as opposed to mandatory. But the more we got into the language with the NBDC relating to federal matching funds, cooperative programs with the Department of Economic Development,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

multiple locations, impact on the state colleges, I think what we'd like to ask you to do is to remove this section from the bill at this point. And if we need to engage in more discussion and further study on what the impact of this language would be, we'd be happy to do that. Reference to the safety center and removing the language requiring us to specify in our budget request funding for that--that's fine in practice; it's part of our lump-sum budget request, as it is today anyway. So that would have little impact. And as you've indicated, the Box Butte property has been--program has gone, through attrition over the years, so we have no problem with that change either. [LB334]

SENATOR HOWARD: All right. Senator Avery. [LB334]

SENATOR AVERY: Thank you, Senator Howard. Mr. Withem, you seem to have picked the things here that you agree with that don't cause any pain and left alone the ones that do. [LB334]

RON WITHEM: Well, I would object that...I'm sure if I were an optometry student--or a prospective optometry student, I guess, the way the bill is drafted--I would see some pain associated with that. I'm sure we have some people in these programs that make these positions more vulnerable to future internal budget cuts--that would consider there to be some pain in this. And I'm not so sure on the thing that we've asked to be removed, if there's necessarily any pain associated with removing the language on NBDC; we're just asking that we spend some time analyzing that. And, again, if there are any questions specific to NBDC, Dean Pol is here to address those. [LB334]

SENATOR AVERY: Well, that's the biggest item in this bill, actually, in terms of savings. [LB334]

RON WITHEM: It may well be. I've not lined up the items item by item to see which one has the most funding to it. [LB334]

SENATOR AVERY: It seems to me that the university would want to have more permissive language and less directive language, let's say, in statutes. [LB334]

RON WITHEM: In most cases, you're correct, I would say. [LB334]

SENATOR AVERY: And this particular program would save, oh, more than--or close to \$500,000. [LB334]

RON WITHEM: Well, it wouldn't save anything if the university would continue it in its current operation. That's the way I read the bill: it would allow us to do that. [LB334]

SENATOR AVERY: Yeah. And that's true. But the Legislature would not be specifically earmarking those funds for that program in the future. You would have to... [LB334]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

RON WITHEM: Yeah. [LB334]

SENATOR AVERY: ...take it out of your allocation. [LB334]

RON WITHEM: Yeah. Correct. [LB334]

SENATOR AVERY: So it would reduce our General Fund obligation. [LB334]

RON WITHEM: Well, it...that's an item that would probably be up to what the university's appropriation is in the appropriations bill when it's finally passed. I don't see that this--removing this language would automatically reduce the budget of the university by this amount. It would just give us more flexibility in that regard. There would have to be a subsequent action, either through the Appropriations Committee or an A bill, before the funding would be reduced. [LB334]

SENATOR AVERY: So the way it works now is that this amount of money would be appropriated in addition to whatever... [LB334]

RON WITHEM: No. [LB334]

SENATOR AVERY: ...additional General Fund monies that you... [LB334]

RON WITHEM: No, we get a lump-sum budget. There are a few earmarks associated with it that are contained in the appropriations bill. [LB334]

SENATOR AVERY: This would be one of them? [LB334]

RON WITHEM: I don't think it is. I'll have to check. And...I tried to get an answer, to respond...we'll find out what the answer to that question is. [LB334]

SENATOR AVERY: If it does not alter your overall allocation from the Legislature of general funds, I don't know why you would object to the language being changed to "permissive." [LB334]

RON WITHEM: Because it's relatively complicated, and we--there's some matching federal funds, and we don't want to do anything that might jeopardize those matching federal funds. There's some language in this section that deals with cooperative agreements with the DED that may or may not be taking place the way they were expected to. This impacts on programs of the state colleges and a number of other locations around the state. So I'm just suggesting caution in moving ahead on this specific one. [LB334]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

SENATOR AVERY: Thank you. [LB334]

RON WITHEM: Thank you. [LB334]

SENATOR HOWARD: Senator Haar. [LB334]

SENATOR HAAR: Since you are a state senator, look in to your knowledge or your wisdom. One of the things, obviously, we're doing this session is to take away mandates that we're not funding. Do you think the university is generally...since they have a board, they have the Board of Regents, that that's a positive thing, or do we still need to mandate some of these things? [LB334]

RON WITHEM: Oh, from a perspective of the university, I think that we are...we operate under an elected governing board; we have a series of administrators, a president, chancellors, vice chancellors. I think in general our preference is to run the academic program, service program, research program with a minimum of outside mandates, so to speak. We did identify, as part of the LB935 process--all state agencies were asked to file a report listing a number of mandates that we have that we think could reduce money. And we're pursuing some of those largely--that list--through administrative as opposed to legislative action. But in...a simple answer to your question is we would prefer the ability of our Board of Regents to set policies as opposed to having those mandated from outside. [LB334]

SENATOR HAAR: More money and less mandates. (Laugh) [LB334]

RON WITHEM: That's--you're singing our song now: more money and less mandates. (Laughter) [LB334]

SENATOR HAAR: Thank you. [LB334]

SENATOR HOWARD: Any other questions? [LB334]

SENATOR AVERY: More permissive language--that's what we're trying to give you. [LB334]

RON WITHEM: Yeah. [LB334]

SENATOR HOWARD: Thank you... [LB334]

RON WITHEM: Thank you very much. [LB334]

SENATOR HOWARD: ...former Speaker Withem. [LB334]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

RON WITHEM: Thank you. [LB334]

SENATOR HOWARD: Are there other proponents? Are there any opponents? [LB334]

DAVE McBRIDE: (Exhibits 7, 8, and 9) Good afternoon, members of the committee. My name is Dave McBride, D-a-v-e M-c-B-r-i-d-e. I'm the executive director and a registered lobbyist for Nebraska Optometric Association, and I'm here on behalf of the association. It may not surprise you to know that I'm here to oppose the provision having to do with the optometry school contract program. We are typically before the Health and Human Services Committee. For those of you who may not be as familiar with who I'm representing, just a quick profile of our membership: Optometrists are primary-care eye care providers--diagnosis and treatment of virtually every kind of eye disease and eye condition. There are about 340 practicing optometrists in the state right now. We are in 49 counties. And in 38 of those counties, the optometrists are the only eye care providers available on a daily basis. We certainly recognize that the committee and the Legislature have a number of very difficult decisions to make in how you come up with the budget numbers that you need to. We recognize that if this is indeed one of the priorities that is deemed essential to cut, we would simply ask the Legislature, at a minimum, to work out a way that we could preserve some of the funding for this program as opposed to losing it all together. Let me outline quickly for you why we think the continuation of the program is important. I've given you a couple of handouts--one that kind of outlines how the program works, another one that contains some of the background to our objection to elimination of the provision. We believe there certainly is a continuing and an ongoing need for getting more optometrists to the state of Nebraska. And you look at the demographics of the population; you look at the demographics of the membership--or the practicing optometrists across the state--many of whom in the next decade will be at or nearing a retirement age, and there is a need for getting more optometrists to the state. The optometric education involves a four-year baccalaureate degree, a four-year postgraduate education. The cost of that education today is averaging about \$122,000 over four years for public schools, \$114,000 over the course of the four years for private schools. The average debt for a student graduating from optometry school and looking to open practice is \$132,000. So this program is important, in our minds, to be able to get students who graduate from optometry school back to Nebraska, in a financial situation where we're minimizing their debt and making it a--giving them an opportunity to set up a practice here in Nebraska. We think there are some ways to restructure the program, perhaps including maybe making it focused on students who come back and, in fact, do practice in the state. And we would welcome the opportunity to work with the committee in finding a way to maintain some level of funding for the program, as opposed to having it go away altogether. With that, I'd be glad to answer any questions. [LB334]

SENATOR HOWARD: Thank you. Are there any questions? I, actually, have one for you. If we do eliminate this program--and you can see it's here as something we're

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

looking seriously at doing--there wouldn't be anything to prevent you--or would you see anything out there to prevent you from coming back in the future with a reorganized program that would require the students to return or pay back the funding to the state? [LB334]

DAVE McBRIDE: The answer to your question is, no, we wouldn't be prevented from coming back. I mean, as I'm sure you can appreciate, it would be harder to get the program reestablished and re-funded than it would be to maintain an existing program even at a lower level. But that certainly would be an option. And if, in fact, the funding does go away, that very likely is what we would try to do, because we believe this is an important program and there are a number of students that have benefited. I would tell you, and I think it's in one of the handouts, that there are--over the last 13 years there are about half of the students who have been funded through this contract program that are, in fact, back in Nebraska and practicing. We have some others, I know, who would like to come back to Nebraska and may very well, given the right practice opportunity. But it has benefited a number of students, and it has been a factor in a number of those people coming back and establishing a practice in Nebraska. [LB334]

SENATOR HOWARD: Thank you. Senator Avery. [LB334]

SENATOR AVERY: Thank you, Senator Howard. Mr. McBride, what would be your position--you may not be able to speak for your association yet--but what would be your position on making it mandatory that recipients of this contract assistance return to Nebraska to practice? [LB334]

DAVE McBRIDE: We don't have an official position, but I will tell you, from the conversations we've had, that we would rather find a way to do that, again, than lose the program all together. I know there are some states that do that. The information I have is that there are 28 other states right now that have some type of a contract program similar to Nebraska's, that provides some tuition help for students going to optometry school. I don't know how many of those require the return to the state. I do know that Kansas does, although I'm not familiar with the details of their program. But it's certainly something that we would be willing to look at. Again, it's a much better alternative, in our mind, than losing the program all together. [LB334]

SENATOR AVERY: Thank you. [LB334]

SENATOR HOWARD: Yes, Senator Haar. [LB334]

SENATOR HAAR: Well, in this kind of budget-shortage year--well, I was trying to think outside the box, and sometimes that leads to silly suggestions, but (laugh) is there any...and probably in the future we're going to be moving more and more toward some kind of fee structure. Is there any way that there's any fee structure within the industry

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

that could provide this kind of incentive for students? [LB334]

DAVE McBRIDE: When you say "fee structure," are you talking about a funding source or...? [LB334]

SENATOR HAAR: Yes. Yeah. [LB334]

DAVE McBRIDE: There is not, that I'm aware of. I will tell you that the profession is certainly continuing to talk about what can be done to minimize the debt of students coming out of school; and that's not unique, obviously, to the optometry profession. And there is some work being done nationally on how to create a loan fund or something like that, but there's nothing in place today that I'm aware of. [LB334]

SENATOR HAAR: Okay. [LB334]

SENATOR HOWARD: Are there any other questions? No? Thank you for coming in. [LB334]

DAVE McBRIDE: Thank you. [LB334]

SENATOR HOWARD: Are there any other opponents? Anyone wishing to speak in the neutral capacity? [LB334]

SENATOR HAAR: I suppose you could tag on 50 cents to each pair of glasses or something. [LB334]

SENATOR HOWARD: Senator Adams, closing. [LB334]

SENATOR ADAMS: Thank you, Senator Howard. And I'll keep it very short. Here again, the classic case. The last bill--it was multicultural; here we have optometry scholarships. And we have tough choices to make. And we weigh one up against the other. And we'll work through all of that. The other thing I did want to point out to the committee, just as a matter of recall--when we worked on the bill, do you remember the several-million-dollar state contribution to research at the university... [LB334]

SENATOR HAAR: Yes. [LB334]

SENATOR ADAMS: ...on their system? And, if you recall, it was on the list, and then we pulled it off. And the trade-off was that the university would review the appropriation language on how the money was distributed. And, you know, that was 20-some years ago that that language was crafted, and our concern was the money being used the way the language described it that it would be used. And the university has done that; they have crafted language and presented it to the Appropriations Committee in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
January 24, 2011

response to our concern about that money. So the money is there, depending on what Appropriations wants to do. With that, I'd entertain another question, and then we need to go into Exec. [334]

SENATOR HOWARD: Any other questions? No. Thank you. [LB334]