

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

Education Committee  
November 03, 2011

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[CONFIRMATION]

The Committee on Education met at 9:00 a.m. on Thursday, November 3, 2011, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Bill Avery; Ken Schilz; and Kate Sullivan. Senators absent: Abbie Cornett; Brenda Council; and Ken Haar. []

SENATOR ADAMS: ...people who will be phoning in at prescribed times, so let's go ahead and begin, if we could. I'm going to run through the introductory things very quickly. This is a public hearing on several nominees that we have to education-related entities, and we have, it looks like, one, two, three, four, five, six of them this morning, two who are present, and I thank you for being present, and others who will be calling in, as I indicate, at prescribed times. The committee members who are here this morning...we have Senator Schilz who is present. Tammy Barry, legal counsel, is here; Greg Adams, the Vice Chair of the committee; Senator Howard is here; Senator Sullivan; and Senator Avery are all here. Kris Valentin is present at the panel as well. He's research analyst for the committee. What we will do this morning...this is a public hearing, so I would ask that if there is anyone who wishes to testify one way or another on behalf of any of these nominees, that they come forward, that they fill out the registration form and hand it to the clerk, Becki Collins, who is sitting to my far right and state their name and address for the record, and we will hear their testimony. And as we proceed through these names, I will ask that the nominees, either by telephone or in person, come to the microphone, state their name, spell it for the record, give us a little bit of background on themselves, and take any questions that the committee may have. So, with that, let's begin this hearing and Frederik Ohles is our first appointee. Thank you for being present, and if you could come to the microphone, Dr. Ohles, and this is an appointment to the Nebraska Educational Telecommunications Commission. And if you could state your name and spell your last name for the record and give us a little bit of background. [CONFIRMATION]

FREDERIK OHLES: (Exhibit 1) The first name, Frederik, with no c, F-r-e-d-e-r-i-k, last name, Ohles, O-h-l-e-s. I'm delighted to be here and thank the Governor for the nomination. I am president of Nebraska Wesleyan University, where I've served since 2007. About ten years ago, I served for two years as a member of the board of directors of the educational television stations in Springfield, Quincy, and Macomb, Illinois, WSEC, WQEC, WMEC, and found that a very rewarding service. [CONFIRMATION]

SENATOR ADAMS: In this committee, this is a new appointment. This is not a reappointment. This is a new appointment to Nebraska Educational Telecommunications Commission. I'd now open it up for questions, committee, if any of you have any. [CONFIRMATION]

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SENATOR SULLIVAN: Senator Adams. [CONFIRMATION]

SENATOR ADAMS: Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator, and thank you, Doctor, for being here. My daughter is a graduate of Wesleyan. It's a great institution (laugh). [CONFIRMATION]

FREDERIK OHLES: Thank you. [CONFIRMATION]

SENATOR SULLIVAN: I guess it begs the first question, in terms of you being in higher ed, what role do you see Nebraska Telecommunications playing in higher education? [CONFIRMATION]

FREDERIK OHLES: We are fortunate in Nebraska, especially with the television component, to have significant documentary capacity. The station develops...raises funds for and produces documentaries of very high quality. Nebraska Wesleyan has had two experiences recently partnering with NET through our master of forensic science program to develop programs that are in the public interest and that help our students in their learning. So I see that kind of partnership as something that I hope will go on. [CONFIRMATION]

SENATOR ADAMS: Senator Avery. [CONFIRMATION]

SENATOR AVERY: Thank you, Senator Adams. Welcome. It's good to see you. [CONFIRMATION]

FREDERIK OHLES: Thank you. [CONFIRMATION]

SENATOR AVERY: There...from time to time, we hear talk about the need to cut funding...federal funding for CBS, or what is it called? No, the Corporation for Public Broadcasting. And I'm just wondering what do you think you might be able to do to fight back those evil forces? (Laughter) [CONFIRMATION]

FREDERIK OHLES: Well, the federal fiscal situation is larger than I am. And I'm sure that all of us need to be moderate and creative with the national fiscal situation today. I have been an advocate in the arena of funding, for example, for student aid for moderation and fairness across sectors, and I would make the same plea in the case of the Corporation for Public Broadcasting that, as adjustments need to be made, in how we handle public funds, that we should look for equitable solutions, so that no one sector, no one generation, no one expression of the public interest is harmed disproportionately. [CONFIRMATION]

SENATOR AVERY: Thank you. [CONFIRMATION]

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SENATOR ADAMS: Are there other questions? Seeing none, I thank you, sir, for being here and your willingness to serve. We appreciate it. [CONFIRMATION]

FREDERIK OHLES: You're welcome. Thank you. [CONFIRMATION]

SENATOR ADAMS: That will conclude the hearing on the Nebraska Educational Telecommunications Commission appointment of Dr. Frederik Ohles, and we will proceed on now to the appointment of Martin Demuth to the Board of Educational Lands and Funds. This is a reappointment. Mr. Demuth will be calling in, and he is scheduled to call in right now. How about that? Committee, as we're waiting for this, I would hope that when we're done today, we could stick around for just a few minutes and exec on these and decide what we want to do, and try to get them on the agenda upstairs as quickly as possible. No call-in yet? That's what I'm thinking. Mr. Wilson, if you would, and then if Mr. Demuth calls in, we'll just kind of put him on hold until we're done, if that's all right with you. Your time is precious, too, so we're going to move on to Mr. Glenn Wilson, Jr., a new appointment to the Board of Educational Lands and Funds. We'll wait for Mr. Demuth's call-in, and if he calls in in the middle of testimony, we'll put him on hold. Thank you for being here today, Mr. Wilson. And if you would, if you would state your name and spell it for the record and give us a little bit of background on yourself. [CONFIRMATION]

GLENN WILSON: (Exhibit 2) Thank you, Chairman Adams and members of the committee. I'm Glenn R. Wilson, Jr. It's Glenn, G-l-e-n-n R. Wilson, W-i-l-s-o-n, Jr. I appreciate the opportunity to be here. My background is largely in real estate and from '75 to '85, I was the president and owner of Mid-Continent Enterprises in Grand Island. We developed land and real estate, had a construction company as well. In 1985, I was appointed by President Reagan to be president of Ginnie Mae. Following that, I was president of FirstTier Mortgage in Omaha, and that led me, when they sold the company to Minnesota, as CEO of Knutson Mortgage and Banking operations for a good number of years. I did a few consulting jobs and was last employed by Governor Pawlenty as his cabinet member and commerce commissioner in Minnesota. I served that position for eight years, left office in January this year when he left office and came back to Nebraska to be close to family and business in Grand Island. [CONFIRMATION]

SENATOR ADAMS: All right, thank you, sir. Committee, what questions do we have for Mr. Wilson? Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you, Mr. Wilson, for being here and your willingness to serve. I'm sure, since you've returned to Nebraska, you've probably seen that we've got some pretty phenomenal things going on with respect to land values, and I'm wondering what your thoughts are with respect to the Board of Educational Lands and Funds, whether the time is right to sell some of this land, or do

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you think that we should continue leasing it, and what sort of impact are these high values having on those lease rates? [CONFIRMATION]

GLENN WILSON: Chair and Senator Sullivan, I'm privileged to be in a position to be...hopefully, serve on the board, and your question is a good one. Historically, as I understand the 150-year history, some has been sold off. In fact, about half of all the properties have been sold. Real estate, in my opinion, as an investor and a developer, is one of the best investments long term, and if the purpose is to continue to be able to fund education, I know some of the properties are being sold off as they may become less valuable or isolated areas or can't bring the market value that other properties might...they're sold off. And I can understand that. But long term, the rental values continue to go up. If the properties are sold and the money reinvested, I'm not sure that there's a better investment, frankly, than real estate long term. The values may fluctuate a little bit, but less than almost any other investment. And as the values go up, so does the rent value. So long term, I think it's an outstanding...and the forefathers of this country, how they came to the conclusion that this was a good idea, I don't know, but it served the state extremely well for a long time. I hope that answers your question. [CONFIRMATION]

SENATOR SULLIVAN: Sure. Thank you. [CONFIRMATION]

SENATOR ADAMS: Other questions? Anyone? Yeah, Senator Avery. I just knew if I prodded you, you'd have a question (laughter). [CONFIRMATION]

SENATOR AVERY: Well, I have an interest that...I know that, and you probably know this, too, that there was, at one time, an expectation by the Legislature that the Board of Educational Lands and Funds would sell off the land over time, and then that money would be invested in an interest-bearing account that would be used for schools. And my understanding is, that not much of that land has been sold. Where do you stand on that issue? I mean, maybe this is not a good time to be selling anyway, because you can't get much interest off your money and maybe holding the land is better. But would you comment on that? [CONFIRMATION]

GLENN WILSON: Well, certainly. About half of all the land that was...I think it was 1867, was designated as public lands for education. So, 150 years, about half of it has been sold. But there's still a million 200-some thousand acres, which is an awful lot of real estate. The values continue to go up, as Senator Sullivan mentioned, and I don't know of a more stable investment long term than the properties of Nebraska. The values go up; the rental values go up. They pass through to the education fund. I don't know...as I said, there's always properties that their values are marginal, and if they can be sold and the money reinvested, it's probably better. But I don't know a better investment long term than real estate. I think the board, from what I understand, has served this state very well. And the...as I stated, the rental values may not go up quite as fast as the land

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value itself, but they get there, and I think it's been a great investment.  
[CONFIRMATION]

SENATOR AVERY: So you would go...you would be cautious about selling the land.  
[CONFIRMATION]

GLENN WILSON: I would. I think there are circumstances...I'm new (laugh) to this, but having been a real estate developer and mortgagor and been in both, in the business for 30 years. I just think that real estate overall is a very stable, long-term investment for the state that will generate...continue to generate money for the education.  
[CONFIRMATION]

SENATOR AVERY: Thank you. [CONFIRMATION]

SENATOR ADAMS: Senator Schilz, you had a question. [CONFIRMATION]

SENATOR SCHILZ: Thank you, Senator Adams. Good morning, thanks for coming in today. [CONFIRMATION]

GLENN WILSON: Thank you. [CONFIRMATION]

SENATOR SCHILZ: There's a perception in some people and folks in western Nebraska that, okay, we pay all these rents into the board and then all that money goes to more populated areas. I understand, that's not the case in all instances, but as you look at that, is there a responsibility of the board to help to change that and show that that perception isn't the case? [CONFIRMATION]

GLENN WILSON: Chairman Adams and Senator, I don't know. It's my understanding that the board really doesn't have responsibility for where the money goes. It's to manage the funds and to maximize the return on the real estate investment, but I don't think...I may be wrong because I...I'm here because I really don't know the background. But I would be surprised if the board had that much influence. [CONFIRMATION]

SENATOR SCHILZ: Sure. Well, and the only reason I ask is that a lot of times, what I see is, you get into these situations and it just...if everybody can come on board with the message. But I just wondered. Thank you very much. [CONFIRMATION]

GLENN WILSON: Um-hum. [CONFIRMATION]

SENATOR ADAMS: Are there other questions, committee? Seeing none, Glenn, thank you, appreciate it. I'm glad you're back in Nebraska and are willing to serve. Appreciate it. [CONFIRMATION]

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GLENN WILSON: Looking forward to it, thank you. [CONFIRMATION]

SENATOR ADAMS: Thanks for coming in here today, too. Do we have Mr. Demuth called in yet? [CONFIRMATION]

SENATOR AVERY: And the next one is not scheduled till 9:35. [CONFIRMATION]

SENATOR ADAMS: The next one is not scheduled till 9:35. All right, Mr. Demuth. [CONFIRMATION]

MARTIN DEMUTH: Yes, sir. [CONFIRMATION]

SENATOR ADAMS: This is Senator Adams. Welcome. [CONFIRMATION]

MARTIN DEMUTH: Thank you. [CONFIRMATION]

SENATOR ADAMS: And what we're going to do this morning, we have several appointments. The committee is here...the Education Committee, and we have several appointments, and we're going through each one, and your appointment is to the Board of Educational Lands and Funds, and we appreciate your willingness to serve. And what we'll do is ask you to state your name and to spell it for the record, and then the committee will ask you some questions, if they have any, and we'll proceed from there. Does that sound all right? [CONFIRMATION]

MARTIN DEMUTH: Yes, sir. [CONFIRMATION]

SENATOR ADAMS: All right. With that then, Mr. Demuth, if you would state your name and spell it for the record and give us a little background on yourself. [CONFIRMATION]

MARTIN DEMUTH: (Exhibit 3) Okay. My name is Martin M. Demuth and Martin M., and the last name is spelled D-e-m-u-t-h. And I'm from Hastings, Nebraska. I've been in Hastings for 20-plus years. I am a Farm Bureau insurance agent. For the last 20 years, I'm kind of into the farming background a little bit with some cattle and some farm ground. I don't actively, you know, participate in it. I mean, not on a daily basis anyway. And I graduated from Wayne State College, and that's pretty much my history. Married with three kids. [CONFIRMATION]

SENATOR ADAMS: Okay. Thank you, Martin. I think the fact that you graduated from Wayne State in and of itself is worthy of probably (laughter) serious consideration. But I may be the only alum sitting here on the panel this morning. [CONFIRMATION]

MARTIN DEMUTH: Sure. [CONFIRMATION]

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SENATOR ADAMS: So with that, I'm going to open it up, and this is a reappointment, is it not, Mr. Demuth? [CONFIRMATION]

MARTIN DEMUTH: Yeah. Yes. [CONFIRMATION]

SENATOR ADAMS: All right. How long have you served on the Board of Educational Lands and Funds? [CONFIRMATION]

MARTIN DEMUTH: Just over a year. I think I started in January 2009, I believe. I believe. [CONFIRMATION]

SENATOR ADAMS: Okay. I'm going to open it up for questions from the committee right now then, Mr. Demuth. Committee? Senator Sullivan has got a question. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you, Mr. Demuth, for your willingness to serve and having been on the board, and I'm sure, knowing full well what's going on with land values out in rural Nebraska, do you think the board will have a change of heart in terms of maybe looking at some of the lands as being...having an opportunity to be put on the auction block, so to speak or will you continue to lease them? [CONFIRMATION]

MARTIN DEMUTH: I believe that there's always some land available for sale, but I think the mind-set of the board is to gain as much income possible right now, especially from the better ground which is not to say the pasture isn't good ground, but the higher income-producing ground is (inaudible) row crop irrigated. And I think the mind-set is to try and hang on to that ground to get the best return possible. [CONFIRMATION]

SENATOR SULLIVAN: Do you know of the lands currently owned by the state, what percentage is rangeland and what is farm ground? [CONFIRMATION]

MARTIN DEMUTH: I don't. I don't, I sure don't. [CONFIRMATION]

SENATOR SULLIVAN: Okay. Thank you. [CONFIRMATION]

SENATOR ADAMS: Other questions? Mr. Demuth, following up on Senator Sullivan's questions, we do hear all of the time about the need to sell off that land, and at the same time, not only from you today but from the executive director and other appointees to the board, we have heard the argument, and a compelling one, given the market, to your fiduciary responsibility to net the greatest return that you can and the value of land to that fund. In light of all of that, what makes it difficult to sell some of the land that we do have for sale? [CONFIRMATION]

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MARTIN DEMUTH: What makes it difficult? Well, you know, some of it is marginal ground. You know, you're not going to have great income-producing property out of there. That's maybe one of the holdups, but, I mean, I guess, overall, the ag industry is very, very good right now as you all know. And it's a positive to be a landowner, and the positive about being a landowner is that the tenants are reaping rewards as well. So I don't know...I don't know if I can answer if it's difficult to sell it. I mean, I know it...I know that some of this higher-income producing property would not be difficult to sell if you put that on priority land. But I guess that some of the marginal ground possibly might not be getting sold just because it's marginal. [CONFIRMATION]

SENATOR ADAMS: And you refer to a priority list of sale. Can you talk to us about that for just a moment? [CONFIRMATION]

MARTIN DEMUTH: I think we have so much that's on the priority land sell list and whether it gets sold or not, but I believe it is for sale. [CONFIRMATION]

SENATOR ADAMS: So I'm assuming that the marginal land that we refer to is higher on the priority list to sell than the better land. [CONFIRMATION]

MARTIN DEMUTH: Yes, yeah. [CONFIRMATION]

SENATOR ADAMS: Okay, okay. Thank you. Committee, are there other...any final questions? Well, thank you, Mr. Demuth, for taking time out of your morning to call in and most certainly, for your willingness to serve. We appreciate it. [CONFIRMATION]

MARTIN DEMUTH: Yes, okay, thank you. [CONFIRMATION]

SENATOR ADAMS: And our next call-in is at 9:35. Committee, for whatever value it may have to you, the next three appointments, the technical advisory committee for statewide assessment. When we passed the legislation, I forget when, two or three years ago to move away from local assessment to some (inaudible) statewide assessment, in that legislation there was the creation of this advisory board to help the department in the creation of those assessments, and that's who these people are. Good morning, Linda, this is Greg Adams. []

LINDA POOLE: Hi, Senator Adams. How are you? [CONFIRMATION]

SENATOR ADAMS: I'm well. (Laughter) Well, what...it sounds like you're doing all right at that end, too. [CONFIRMATION]

LINDA POOLE: (Laugh) Yeah, I am. I'm doing okay (laugh). [CONFIRMATION]

SENATOR ADAMS You got the students all in their places and smiles on their faces?



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[CONFIRMATION]

LINDA POOLE I do, I hope, anyway (laugh). [CONFIRMATION]

SENATOR ADAMS: So, I'm hoping you're making this phone call with one eye on the phone and one eye on that group, right? [CONFIRMATION]

LINDA POOLE: Actually, I have a student teacher so she's teaching so that's good. (Laugh) [CONFIRMATION]

SENATOR ADAMS: All right, all right. Well, thank you for joining us this morning and, Linda, what we're going to do...the committee is here, not all of the committee, but the majority of the committee is here with me this morning. And what we're going to do is similar to the last time when you were appointed to this, is ask you to state your name and to spell it for the record, and to give the committee a little bit of background on you and maybe some of your work already with the technical advisory group, and then field any questions the committee might have. And then we'll let you get back to your students. Is that all right? [CONFIRMATION]

LINDA POOLE: That sounds perfect. All right. [CONFIRMATION]

SENATOR ADAMS: All right, so if you would begin. [CONFIRMATION]

LINDA POOLE: (Exhibit 4) All right, my name is Linda Poole, and it's L-i-n-d-a and then P-o-o-l-e. And I teach at the Portal Elementary School in the Papillion-La Vista school district. I'm a third grade teacher there. So my role on this committee is I was appointed as a teacher for this committee. I also bring kind of a unique perspective to the committee, because well, I'm not only a teacher but I'm also on the school board at Millard for the past 15 years. So when I was appointed to this committee, the Governor kind of wanted somebody that would have a teaching background but also, you know, a board perspective so I think that's kind of why he had appointed me because I can kind of bring in both of those perspectives to the committee. So I'm able to kind of wear both those hats, so you know, and look at things from both of those areas. And I can say from the teaching perspective, you know, it's (inaudible) all across the state when the state mandated that we all go to one statewide assessment. I think there was a lot of apprehension and, of course, any time you change and something is new, that people are a little bit uneasy about it. But I think kind of as we've gone through the process over the last few years, I think that the Department of Ed and, you know, the TAC committee has, you know, given them a lot of advice on things to do and they've listened and, you know, I think they've done a really good job in implementing as far as we've done so far. You know, we've done...we've had two years of reading data; we've had math data for the year. Next year we'll go ahead and have the second year of math data, and then this year we'll go ahead and be putting science in as well. We actually happened to have

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had our meeting yesterday, so we were down at...all five of us, the TAC committee met at the Embassy Suites yesterday, and we were, you know, kind of given some direction where to go from here. It was kind of recommended from our committee that we, for the 2012-2013 school year, that we recommend that...well, we recommended to the Department of Ed that they push to have it be completely on-line testing. So far we've given districts the choice of doing on-line or paper/pencil, and the TAC committee--the natural experts, the psychometricians on the committee said, you know, it's just kind of hard to run, you know, two systems--paper/pencil and on-line--and make sure that everything is exactly the same. So the Department of Ed already has a policy statement that eighth grade and eleventh grade writing will be completely on-line. And the majority, I would say probably like 65 percent of the districts did on-line for reading and math and science. And now, for this upcoming year, more districts have committed to doing it on-line, so we're just going to try to push those last few districts to do on-line testing as well. I think, you know, from a teacher's perspective, yesterday I saw for the first time there's a new on-line system that we're going to be using, and I don't know if you've heard of it. It's called Check 4 Learning. And, basically what it is, is school districts throughout the state of Nebraska, if they wanted to participate in this process, they submitted questions to the Department of Ed that are similar to what would be on the state test. But basically what they're going to use that for is beginning January 1, the department...well, the department by January 1 will have all these questions uploaded on to this Web site. And as a classroom teacher, I can go in and say, hey, you know, on one of the objectives on the state reading test is synonyms. I know for third grade, you know, after I've taught that, if I want, I can go and click on that, and it will give me a quick check point...or a point in time check on how my kids have done, and I can just pick out the test items kind of that I want to do, so that way they become more familiar with doing the on-line testing. And so, the state will have all this uploaded, and I think that will help take out a lot of the fears of going on-line for those districts that are a little bit more hesitant right now because it's really a user-friendly system. And then the districts, they said could also, besides the questions that the state has uploaded, if a district chooses, for instance, like in Millard where I'm on the board, we have high stakes testing for graduation. If we wanted to then input our questions into that as well and just let the Millard students take them, because you can block out who can see the questions and who can't, that districts can kind of customize that system for them as well, and classroom teachers can do the same thing. So I think that will open up lots of opportunities for teachers and districts across the state, and I think that will really help with the on-line push that I think will be coming forward. [CONFIRMATION]

SENATOR ADAMS: Thank you, Linda. I'm going to open it up for questions now from the committee. Are there questions for Linda? Well, as I'm waiting to see, Linda, I wanted to thank you for your service and tell you that as I travel the state talking to groups of superintendents and I'm kind of about halfway through that again this year right now, there is considerable talk about the state report card and some of the results, and certainly statewide testing and what I am hearing is very positive. Now...

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[CONFIRMATION]

LINDA POOLE: Oh, good. [CONFIRMATION]

SENATOR ADAMS: Of course, if you're a school district that didn't fare very well on the report card, you're...what I'm hearing is what I think we need to hear, not that the test is a bad test, but what do we need to do so that we are better off next year on those same assessments? And, of course, the other thing that I'm hearing is, don't change it on us again... [CONFIRMATION]

LINDA POOLE: Right (laugh). [CONFIRMATION]

SENATOR ADAMS: ...from one system to another, and I tried to reassure them from my standpoint that we're not going to do that. But obviously, any form of assessment is an ongoing thing where we're reevaluating and making sure it's valid and reliable, but the response has been pretty positive to what we're doing. [CONFIRMATION]

LINDA POOLE: Well, that's great to hear, Senator Adams, and that was something I was going to say, too. You know, from a school board member's perspective, you know, I don't think there's any board member across the state who's worried about accountability. I mean, you know, we all want to, you know, we all, you know, want to be accountable and we're not afraid of that. But, you know, we just want to make sure that we know what we're, you know, what the parameters are and things like that. But, you know, the one thing that I think that this NeSA test has done as well is it's, you know, opened up our eyes to, you know, what, you know, what's really directing teachers and things to the state's standards. And I think we've become more familiar with them, you know, just because we know that's what's on there and that's okay, that's good. We still need some local control as well, but, you know, hopefully, you know, the state's standards is what everybody thinks is important, and I think this has really focused us in on that and also has given us lots more information when we break it down by demographics and subgroups and stuff, that it's making teachers aware of (inaudible) so... [CONFIRMATION]

SENATOR ADAMS: Good. [CONFIRMATION]

LINDA POOLE: ...and I think it's a good thing so. [CONFIRMATION]

SENATOR ADAMS: Let me...let me ask you one more question then. It was a concern to me as a former classroom teacher as we were making this move, that we get teachers out of the business of trying to meet quality assessment standards and writing assessments, and more in the business of looking at the results and determining the appropriate instruction methodologies in order to improve. Have we made that shift with teachers? [CONFIRMATION]

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LINDA POOLE: You know, in this whole...the need for process...I mean, there's...I can't tell you, the Department of Ed would have to tell you, but you know, there's been lots of teachers that have been involved, and they're the ones that are actually writing the questions and things. So, you know, they pulled the teachers from across the state. Matter of fact, I was involved as a teacher setting the test scores for math this summer. So they're getting a lot of involvement from teachers across the state to try to get their input, because we believe in local control, you know. You know, our teachers probably a little bit more focused, of course, on the NeSA test than, you know, than before, you know, when each district had their own in reality probably, because we know it's going to get publicized and, you know, schools are going to be rated that way. But, you know, the, you know, school district that I teach in in Papillion, we still do our own local assessments, too, so we're not only doing the states, but we're also doing our local. And I can't speak whether I know that's happening all across the state, but I know that is happening, you know, in some districts. And I think we have to remember, too, that the NeSA test is just one indicator of how a student...there's some kids that don't do good on standardized tests and, you know, we have to allow them other ways to show that, you know, that they're learning and things. One of the other things we did talk about just so you know, yesterday is it was brought up. Dallas Watkins brought it up as superintendent that's on this committee, he said, you know, he's hearing a lot of scuttlebutt from superintendents across the state about why do we make this such a big deal, you know? Why do we publicize this is the day the NeSA scores are going to come out, you know? We're just kind of making a bigger deal over this and so, you kind of talk to the department about it by, you know, maybe we need to kind of tame it down and just say, you know, all of our reports are available; they're on the Web. You know, media can get to it. Whoever wants to can get to it when they want, but do we really have to make such an event out of it that he's been hearing that that's what a lot of school districts are upset over. So I think that's something that the Department of Ed is going to kind of toss around, too, just so you know. [CONFIRMATION]

SENATOR ADAMS: Well, and Dallas is right about that. I'm hearing that from the superintendents as I go around and talk that it's not so much that the assessment itself is a problem. They recognize, some of them, that their scores are going to have to improve and they're doing exactly what they need to. Both school boards and teachers and administrators are saying, we get it; we'll try to do something about it, but the way that the state puts the face on these things, they'd like to see some change in that, and I get that, too. [CONFIRMATION]

LINDA POOLE: Yeah, yeah, and so that is some...and they, you know, were taking notes, and I think, you know, that they're going to look at how they could possibly change that as well. So I think as a group, I think that we're working through it, and you know, we're continuing to make improvements and, you know, hope things continue to go fairly smoothly anyway (laugh) so. [CONFIRMATION]

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SENATOR ADAMS: Thank you. Committee, I'll ask you one more time. Are there any questions from the committee? You sold us, Linda. Thank you. There are no more questions. [CONFIRMATION]

LINDA POOLE: Okay. [CONFIRMATION]

SENATOR ADAMS: Back to your troops. [CONFIRMATION]

LINDA POOLE: Okay. Thank you, Senator Adams (laugh). Goodbye.  
[CONFIRMATION]

SENATOR ADAMS: Bye. Our next appointment is Brian Gong to the Technical Advisory Committee for Statewide Assessment, too, and he'll be calling in any time now, and this also is a reappointment. [CONFIRMATION]

BREAK: [CONFIRMATION]

SENATOR ADAMS: Good morning. [CONFIRMATION]

BRIAN GONG: Good morning. This is Brian Gong. [CONFIRMATION]

SENATOR ADAMS: Brian, this is Senator Adams, Chair of the Education Committee. How are you this morning? [CONFIRMATION]

BRIAN GONG: (Exhibit 5) I'm fine, Senator Adams. [CONFIRMATION]

SENATOR ADAMS: Hey, thank you for joining us this morning, and we'll make this brief unless the committee wants to really rake you over the coals,... [CONFIRMATION]

BRIAN GONG: Okay. [CONFIRMATION]

SENATOR ADAMS: And they...I tried to sedate them a bit before we started today (laughter). Thank you for joining us. What we are doing, your term on the Technical Advisory Committee for Statewide Assessment, as you are already aware, has come to an end, and the Governor has made a reappointment, and it is our obligation to confirm that appointment up on the floor of the Legislature after a recommendation from this committee. So what I'd like to do this morning is to start out by having you simply state your name and to spell it for the record and field any questions the committee has. They have your bio in front of them and if they don't have any questions, we'll move on.  
[CONFIRMATION]

BRIAN GONG: All right. My name is Brian Gong, B-r-i-a-n G-o-n-g. [CONFIRMATION]

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SENATOR ADAMS: And could you give us a little...just a little bit of background, Brian, and maybe a little bit on your work already on the Technical Advisory Committee?  
[CONFIRMATION]

BRIAN GONG: Sure. I'm currently employed, I'm the executive director of a consulting group called the Center for Assessment. We are an unusual group. We provide technical assistance to state Departments of Education primarily around issues of large-scale assessment and accountability design. We don't do any operational work which means we don't write test items or we don't calculate test results for states. We're employed almost exclusively on providing technical advice on how they can make their systems better or how they can deal with meeting requirements of the law, either state law or federal law or things that they would like to do. We're working currently with about 35 states. We've been formed since 1998, so we have a fair number of years doing this. And I am currently on the technical advisory committees for seven or eight states and have been working with Nebraska for a number of years and have enjoyed very much the Technical Advisory Committee work since it was set up as is currently formulated as...Nebraska has gone through quite large changes, as you know, from their previous system to be the evolving current system. [CONFIRMATION]

SENATOR ADAMS: Thank you, Brian. I might start out and then I'll open it up to the committee. I was just speaking with...the committee was just speaking with Linda Poole, and what I told her is that as I have traveled the state speaking with groups of superintendents from one end of the state to the other, the common theme has been regarding assessment that the move has been okay from formative to summative assessment, that what they're seeing so far, they can work with; they don't like some of their results in the recent report card, particularly in the area of math. But we've made the move. They've adjusted to it; some are still using their formative assessment, and I think that's appropriate to prepare for summative assessment. But for the most part, the report card on the work that you've done and your colleagues have done seems to be pretty good. I'm going to open it up for questions. Committee, do you have questions of Dr. Gong? Senator Sullivan does. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Dr. Gong. One thought just occurred to me as Senator Adams was talking is that, you know, superintendents say, well, we know this needs to be done; we don't like the results. Does this commission have a role in not only helping the state set up the appropriate assessment, but then looking at the final result and helping the state move forward from there. [CONFIRMATION]

BRIAN GONG: There were...as you may know, there was a Technical Advisory Committee meeting yesterday, and I think two examples may help address how the committee has been functioning in that role to some extent. I think the most important is the student board is moving towards creating an accountability system or taking the

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results and then compiling them and seeing what is good enough so that it's not just scores in reading and writing and math. But there is a state-sponsored interpretive basis for how to make sense of that and what it should be and then attaching some public reporting to it. And so that has...that design of that accountability system has been something that's come before the Technical Advisory Committee throughout the last couple of years that it's been...being worked on. The other is that we did spend yesterday some time looking at some of the most recent NeSA results and suggesting some types of analyses that might be done. They weren't as much on specific analyses as it were on the type of capacity and processes that the department audit put in place as a general capacity, so it's not just publishing results but actually using that to improve its own process or figuring out where there are strengths and weaknesses from the assessment. [CONFIRMATION]

SENATOR SULLIVAN: Good. I'm glad to hear that. Thank you. [CONFIRMATION]

SENATOR ADAMS: Are there other questions, committee? Senator Avery.  
[CONFIRMATION]

SENATOR AVERY: Thank you, Senator Adams. Mr. Gong, you have a very impressive CV here and a lot of experience in the field. When the scores came out in Nebraska recently, some of us were rather surprised, or maybe not surprised but a little shocked at the results. And the question has been asked several times to me, why was the gap so great between some of the schools, particularly in the Omaha area and how long will it take for us to close that achievement gap? Do you have any thoughts on how long we might expect to wait before we can get some of those scores, particularly up in Omaha, up to where they ought to be? [CONFIRMATION]

BRIAN GONG: I think that you're asking the hardest question that standards-based reform has addressed in the past 20 years or more. And I think what people are assuming is that assessment reports...of measures and reports results, but it is not the silver bullet for making things happen that people thought it was. People (inaudible) if we just measure and report and have some accountability, then schools will...particularly the lowest-performing schools or schools with the greatest challenge. So I think that what you are talking about in Nebraska and some of the urban districts, the other areas, are being faced by almost every state. I don't think that there is a good answer that...on how to do it. There are two things that people are trying very hard. One is that they know that leadership is tremendously important, and so there are a number of things about how to get...retrain and retain great principals, and there's a second one that you know is going on about having teachers who can do that as well. And I think the third is about resources, but I think that there's been an acknowledgment in the past several years that resources alone are not the answer. And so, this is a combination of the leadership and all of the things that have been done in my experience about accountability have not really addressed the leadership question. It's been a

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presumption that even states with a very strong accountability system, that districts would do something about teacher and administrator focus of quality, actually that's been a fairly weak link. So I think they're identifying as a very important question. I'm sorry, I don't have an answer from the measurement side about how to close those gaps quickly. [CONFIRMATION]

SENATOR AVERY: Well, a couple of years ago, we created a learning community in the Omaha metro area, and the purpose of that was to help close the achievement gap, and people are getting impatient. And they're saying that well, maybe the learning community ought to be reconsidered...revisited because it's not working, and they point to the test scores. And we on this committee have to deal with that and my commitment is to protect that learning community until it's had a chance to prove itself. And I'm just...I'm getting a little nervous myself, wondering how long are we going to have to wait before we see some significant improvement? But I appreciate your honesty in answering the question. [CONFIRMATION]

SENATOR ADAMS: Are there any other questions right now? Seeing none, thank you, Dr. Gong, for taking time this morning, and more importantly, thank you for your willingness to help the state of Nebraska in this process. [CONFIRMATION]

BRIAN GONG: Thank you. It's a pleasure. [CONFIRMATION]

SENATOR ADAMS: We have one more appointment to go when the call-in comes which should be any time now, and that is Richard Sawyer also to this Technical Committee. How is that for timing? Good morning. [CONFIRMATION]

RICHARD SAWYER: (Exhibit 6) Hello, this is Richard Sawyer, ACT. I'm calling in for my interview with the Education Committee. [CONFIRMATION]

SENATOR ADAMS: And your timing is perfect and you are speaking to the Education Committee at this very moment. I'm Senator Adams, Chair of the committee, and we have most of the committee here this morning. Thank you for calling in and thank you for your willingness to serve. What we're going to do, Mr. Sawyer, very similar to the first time you were here is ask you to state your name and to spell it for the record. Give us just a little bit of background on yourself and then field some questions that the committee might have. [CONFIRMATION]

RICHARD SAWYER: Yes, sir, be glad to. My name is Richard Sawyer, R-i-c-h-a-r-d S-a-w-y-e-r. I work for ACT, a not-for-profit testing company in Iowa City. We're probably best known for our college entrance tests, but we also do testing in a variety of other areas including work force assessment, which is a growing concern company. Myself, my training is a statistician. I do research for ACT that supports the predictive validity of our tests, and I also work on special projects that management assigns to me.



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[CONFIRMATION]

SENATOR ADAMS: Thank you. We're going to open it up for questions now. Committee, what questions do you have? Let me begin then. As I have indicated to Dr. Gong and Linda Poole, who both have appeared here this morning via the telephone, as I'm talking to superintendents across the state, most of them are feeling fairly comfortable about the move from formative to summative assessment and the work that's been done. They're a little edgy about the reporting of it and how the public interprets the results and how much weight they put into these tests, but I think your work and the work of your colleagues up to this point has been fairly successful.

[CONFIRMATION]

RICHARD SAWYER: Thank you, sir. [CONFIRMATION]

SENATOR ADAMS: Are there questions? Senator Sullivan has a question.

[CONFIRMATION]

RICHARD SAWYER: Okay. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator Adams, and thank you, Mr. Sawyer. Well, I guess I'd just like your feeling thus far on how you think the commission is doing, and what are some critical areas that you feel they need to be working on going forward?

[CONFIRMATION]

RICHARD SAWYER: Well, I think the...Nebraska's testing program from my perspective anyway is proceeding on schedule and the work that has been done is very good. The contractor has met the deadline, has listened to the comments of the advisory committee. I think it's...I don't see any serious problems at this point. [CONFIRMATION]

SENATOR SULLIVAN: What about going forward? Are there...any things that you particularly want to see the committee address? [CONFIRMATION]

RICHARD SAWYER: Well, I...as Senator Adams alluded to, I think communicating the results is something that we're going to have to be very thoughtful about, so that people understand what the results mean, that they not over interpret the results, and if they use them in the context of other measures in addition to the test scores. And that's...it's not strictly a statistical issue. It's a communication issue also. [CONFIRMATION]

SENATOR SULLIVAN: Thank you very much. [CONFIRMATION]

RICHARD SAWYER: Yes, ma'am. [CONFIRMATION]

SENATOR ADAMS: Are there other questions? Senator Avery has a question.

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[CONFIRMATION]

SENATOR AVERY: Thank you, Senator Adams. Welcome, Dr. Sawyer.  
[CONFIRMATION]

RICHARD SAWYER: Thank you, sir. [CONFIRMATION]

SENATOR AVERY: Your committee is advisory. [CONFIRMATION]

RICHARD SAWYER: Yes. [CONFIRMATION]

SENATOR AVERY: Do you have confidence that what you do and the  
recommendations that you make are taken seriously and actually acted upon?  
[CONFIRMATION]

RICHARD SAWYER: Yes, I think Pat Rushefsky takes very careful notes and works  
with the contractor to make sure that they follow up. [CONFIRMATION]

SENATOR AVERY: Are there any things that you would like to see changed to make  
the advisory committee more effective? [CONFIRMATION]

RICHARD SAWYER: No, sir. I don't really have any suggestions for the way the  
meeting is run or how frequently we meet. I think it's working well. [CONFIRMATION]

SENATOR AVERY: Thank you. [CONFIRMATION]

SENATOR ADAMS: Are there any other questions from the committee? Seeing none,  
Dr. Sawyer, thank you for your assistance to the state of Nebraska and your time  
commitment. We appreciate it. [CONFIRMATION]

RICHARD SAWYER: I'm very glad to help you out, sir. [CONFIRMATION]

SENATOR ADAMS: That will conclude the public hearing on these appointments and I  
would entertain a motion from the committee members... [CONFIRMATION]