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Education Committee
January 23, 2012

[LB809 LB895]

The Committee on Education met at 1:30 p.m. on Monday, January 23, 2012, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB895 and LB809. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Bill Avery; Brenda Council; Ken Haar; Kate Sullivan; and Les Seiler. Senators absent: Abbie Cornett. [LB895]

SENATOR ADAMS: It is beyond 1:30 and therefore, we're going to begin this hearing of the Education Committee today. I want to welcome everyone who's here and I will first of all do introductions. First of all, to the far right is Becki Collins, and most of you know she is the committee clerk. And if you choose to testify today, first of all, you need to fill out one of the testifier's forms and you will find one back at each door. And please have those completed and bring them up to Becki when you come up to testify in whatever position you choose to testify in. Next to her is our new addition to the committee, Senator Seiler from Hastings, and next to him, Senator Council from Omaha. Senator Cornett can't be here today from the Bellevue area. Next to me is Kris Valentin, the committee's research analyst. I'm Greg Adams, representing the 24th Legislative District. The Vice Chair, Senator Howard, to my left. And Kate Sullivan is introducing a bill in another committee as is Senator Avery introducing a bill. And Senator Haar--we're not going to let him introduce any bills today, we're going to make him stay right here--from Malcolm. And we may have Tammy Barry in here later--legal counsel for the committee--as well. The rules of the road here are fairly simple. We have two bills today. We have LB895 and LB809 to hear and we will take proponent, opponent, and neutral testimony. We use a light and we'll go three minutes today, and then committee members of course can answer or ask questions of the testifiers if they so choose. When you come up to testify, I would ask that you state your name very clearly for the record and spell your last name so that the transcribers can get all of that. The lights system will notify you when your time is about up. And though I may give you a little wriggle room, once the red goes on, you need to summarize, okay? Also, as far as electronic devices, computers, those dang cell phones and texting and all of that business, unless you are a credentialed member of the press, turn them off. And if you want to use them, go out in the hallway so as not to interrupt the hearing that's going on. So with that, we will begin with LB895. And it was Senator McGill? Is Senator McGill present, or her aide? [LB895]

AMY WILLIAMS: Her designee. [LB895]

SENATOR ADAMS: You're designee, all right. Well, Designee, have at it. [LB895]

AMY WILLIAMS: All right, ready to go? Good afternoon, members of the committee. I am Amy Williams, A-m-y W-i-l-l-i-a-m-s, and I am the legislative aide to Senator Amanda McGill, District 26 senator here in Lincoln, and I am here today to introduce

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LB895 on the senator's behalf. The senator introduced LB895 in an effort to support military families moving into Nebraska. At this time, we know it is difficult for many individuals to find work and the Senator wanted to provide a means to ease this burden on spouses of members of the military. LB895 provides that military spouses can receive a Nebraska teaching certificate if that spouse holds a teaching certificate from another state and that state's requirements are equivalent to or exceed the requirements for a Nebraska teaching certificate. LB895 also provides that a temporary certificate can be issued to a military spouse while that individual is completing the requirements already mentioned. Since the introduction of LB895, however, the senator has learned that Title 92 of the Nebraska Administrative Code--specifically chapter 21--already allows for those provisions listed in LB895. Based on this, there does not appear to be a need to advance LB895 at this time. Thank you, and I am happy to answer any questions. [LB895]

SENATOR ADAMS: All right, thank you, Amy. Are there questions? [LB895]

SENATOR COUNCIL: That answered my question. [LB895]

SENATOR ADAMS: It...I kind of knew that one ahead of time, but I thought we could get it on the record. But you did it for us, Amy, thank you. Are there questions for Amy? Thank you, then. [LB895]

AMY WILLIAMS: All right, thank you very much. [LB895]

SENATOR ADAMS: Are there any proponents to this bill? We would hear proponent testimony now. Welcome. [LB895]

FRANK HARWOOD: Thank you, Committee. My name is Frank Harwood, H-a-r-w-o-o-d. I'm the superintendent for Bellevue Public Schools. And hearing the testimony about the...that there can be a temporary license that's issued, an issue that does come up with that is that we have had several military spouses who start under a temporary or a provisional license, and then that runs out. And with their limited time in the state during that...during their spouse's deployment or assignment to...into Nebraska, they don't go ahead and pursue some of the course requirements that are part of that temporary requirement. And so we have...the issue that comes up is that the temporary or the "provisionals" run out before the three years that they may be stationed in Nebraska. Typically, the "provisionals" are only good for two years. And so what happens is that third year, then, they are disqualified from continuing as classroom teachers and then are often...or just can be employed as subs. So there is a...and again, I'm new to this state as well, so I may not have all of those...all of the facts on that. But, there is a reason to have them be awarded a teaching license as opposed to a temporary or provisional license if they're going to be here for more than three years. And mostly, that...also being new to the state, in order to maintain my superintendent's

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license here, I had to take 12 hours of courses to meet the Nebraska requirements. For me, that's not a problem because I plan on staying in this state for an extended period of time, so that makes sense. For somebody who knows they're only going to be here for a year or two or three years, taking those courses that are only going to apply in one state don't make as much sense. So, I...that would be why I would think that there would be a difference for a military spouse when it comes to the provisional or temporary license as opposed to being granted the full license. [LB895]

SENATOR ADAMS: Okay, thank you, Frank. Are there questions for the superintendent? Frank, I'm curious. And I realize you've been in Bellevue--what--this is your second year, isn't it? [LB895]

FRANK HARWOOD: No, this is six months now. This is my first year. [LB895]

SENATOR ADAMS: Really? [LB895]

FRANK HARWOOD: Yeah. [LB895]

SENATOR ADAMS: What percentage of your faculty would fall into this gap that are spouses of...? [LB895]

FRANK HARWOOD: You know, and I don't know the percentage and all the things I have right now are anecdotal. There are probably three people that I've heard of that are having a problem. One of them was a long-term sub for us because she was told she couldn't get a full license and then decided not to do...pursue the temporary because she wasn't going to take any of the courses. And so she was a long-term sub for us and has with that. I have another example of a person who was a certified behavior disorders teacher in another district--actually came in and did have the temporary and the provisional. And then her husband retired in Bellevue and so she stayed, but those ran out. And she was at a point in her career where she didn't want to take the additional courses even though she was going to be staying here longer. So again, she was...she could no longer be a full-time classroom teacher. [LB895]

SENATOR ADAMS: Okay, thank you. Senator? [LB895]

SENATOR COUNCIL: Yeah, and thank you, Superintendent Harwood. But as I understand the certification requirements...and I appreciate that this is designed to assist people who are here on a temporary basis. [LB895]

FRANK HARWOOD: Um-hum. [LB895]

SENATOR COUNCIL: But if you're planning to stay, as is indicated by your last example, I guess I have difficulty with why they shouldn't be required to go through the

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same requirements as anyone else to maintain their...or to obtain a full certificate. I would understand... [LB895]

FRANK HARWOOD: Right. [LB895]

SENATOR COUNCIL: ...if your assignment is going to be short-term and you may be going back to your home state where your certificate originates, but in those situations like the latter example you gave, looking at the requirements, the only thing that that person would be required to complete would be some continuing education credits that everyone has to do. [LB895]

FRANK HARWOOD: Actually, she came in and got the temporary license because she thought she was going to be here a short period of time, did what we needed to do...be done for that. The provisional license can only be renewed for a specific amount of time. I think when she got here, she wasn't planning on staying. She thought that they would be moving after a three-year period of time. They then retired, and then she decided because of where she was at in her career that she didn't want to do the additional hours to obtain that. I mean, so it was a choice on her part, but it was because of the length of time. She originally thought she was going to be here...and then where she was at in her career. With the need for quality special education teachers, that would be an exception we'd...you know, we'd try to help her do that. But that's, you know, it's also a choice she would make. [LB895]

SENATOR COUNCIL: Okay, I guess as I understand it, if you have a certificate from another state and it's comparable and in addition to having that certificate, you have met all the other requirements for holding a certificate in the state of Nebraska, you would receive a certificate. But if you don't have and you're lacking some of the "comparables," then you'd get a temporary or a provisional until you've completed it. And maybe I'm misunderstanding, but that's how I understood it to work, that you would...if you came from another state and their certification requirements are equal to or greater than, and under that certificate you've completed any continuing education requirements, then you would be granted a certificate. But if you're lacking some of those, then you would get a provisional until you completed it. Now, if I'm incorrect in that, someone would...needs to correct me, but that's how I understood that it operated, so. And maybe we can talk about it afterwards... [LB895]

FRANK HARWOOD: Yeah. [LB895]

SENATOR COUNCIL: ...but that's how I understood...if you had a certificate but, for example, you didn't have the requisite continuing education credits, you could get a provisional that would allow you to teach. But, you would have to complete those continuing education credits before you could get a permanent certificate, I guess. So maybe we need to... [LB895]

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SENATOR ADAMS: I see that...I'll kind of interrupt and kind of bail you out here for a moment. [LB895]

FRANK HARWOOD: That would be good. [LB895]

SENATOR COUNCIL: Is it...am I wrong, there? [LB895]

SENATOR ADAMS: I see that Commissioner Breed is in the room, as is his trusty legal counsel from the Department of Education, so we'll defer that question to them, how about that? [LB895]

FRANK HARWOOD: That would be great. [LB895]

SENATOR COUNCIL: Thank you. Thank you, Superintendent Harwood. No problem. [LB895]

SENATOR ADAMS: Are there any other questions for the superintendent? Welcome to Nebraska, by the way. [LB895]

FRANK HARWOOD: Thank you. [LB895]

SENATOR ADAMS: Next proponent. Any other proponents? Are there opponents to the bill, then? Any opposition? Neutral testimony? [LB895]

BRIAN HALSTEAD: Good afternoon, Senator Adams, and members of the Education Committee. For the record, my name is Brian Halstead. That's B-r-i-a-n H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. We're here in the neutral capacity because as the aide for Senator McGill indicated, Rule 21 already provides for flexibility. Short and sweet, Senator Council is absolutely correct in the sense of there are mechanisms within the rule for which you can initially get...if you don't have the human relations training requirement, the basis skills competency requirement, or the special education training requirement, you first get a temporary certificate. Once you've completed that--and if there are any other deficiencies in the sense of you don't have the current college credit hours for the endorsements you need--then you move to a provisional certificate. And the provisional certificate can be renewed so long as you're showing progress on meeting the educational courses necessary to get the regular Nebraska teaching certificate. So in that regard, a lot of this depends on the very specifics about the educator as to what their background is, where they've gone to college. If in fact you've graduated from a standard institution of higher education that has an approved teacher education program in another state, we will recognize that in Nebraska and you will get the same kind of certificate in Nebraska as you would get in Colorado. So with that, I'll end my testimony and be more than happy to answer any

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more questions you have about Rule 21. [LB895]

SENATOR ADAMS: Senator Council, did you have any further? [LB895]

SENATOR COUNCIL: No, you have completely...I...but thank you for confirming my fuzzy understanding. So let me ask you this: Can I go back now? Since mine expired in '84, is there some quick route for me to reestablish my certification? [LB895]

BRIAN HALSTEAD: Senator Council, if you previously held a regular Nebraska teaching certificate, you automatically qualify for a substitute teaching certificate. All you have to do is pay the fee, fill out the application form and not be a felon, a misdemeanor, or be immoral in your behavior. You'll get your state substitute certificate. [LB895]

SENATOR ADAMS: (Laughter) She's burying her head in the books. What...what is that about? [LB895]

SENATOR COUNCIL: So I can get a substitute...? [LB895]

BRIAN HALSTEAD: Yes. [LB895]

SENATOR COUNCIL: Really, my teaching certificate expired in 19...they were 10-year certificates. [LB895]

BRIAN HALSTEAD: You would still... [LB895]

SENATOR COUNCIL: Don't start adding up how old I am. So... [LB895]

BRIAN HALSTEAD: You would be eligible for a substitute teaching certificate... [LB895]

SENATOR COUNCIL: For a substitute... [LB895]

BRIAN HALSTEAD: ...would limit you to teaching 90 days in one school setting each year. [LB895]

SENATOR COUNCIL: Great, thank you. [LB895]

SENATOR ADAMS: Senator. [LB895]

SENATOR HAAR: Well, 1980 was my last year of...science, math, and chemistry and stuff. Is there any need for a substitute in those areas? (Laughter) [LB895]

BRIAN HALSTEAD: I think there might be some other school people here on the next

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bill. They might be better able to answer that, Senator Haar, than I can. But yes, if you held a regular certificate at one point in time... [LB895]

SENATOR HAAR: Wow, okay. [LB895]

BRIAN HALSTEAD: ...you could qualify for the substitute. There are continuing ed hours you'd have to take to get back to the regular certificate. Usually, if you've been out more than five years, it's 15 credit hours. And generally, we're going to ask you to go to one of our approved institutions because they can set up a better course of study that would probably be more practical and... [LB895]

SENATOR HAAR: Wow. [LB895]

BRIAN HALSTEAD: ...appropriate for what you may need some background training on or getting up to speed on. If it's in science or whatever it might be, particular courses there. [LB895]

SENATOR HAAR: Thirty years ago. [LB895]

SENATOR ADAMS: Are there any other questions for Brian? Thank you for clearing things up, appreciate it. [LB895]

BRIAN HALSTEAD: Yeah. [LB895]

SENATOR ADAMS: Any other neutral testimony? Neutral? If not, would you like to close, Amy? [LB895]

AMY WILLIAMS: I'll waive. [LB895]

SENATOR ADAMS: I thought maybe you would. Okay, thank you, though. That will end the hearing then on LB895 and we will open the hearing on LB809. Another substitute today? [LB809]

BRENT SMOYER: Yes, sir, looks like the... [LB809]

SENATOR ADAMS: It's a busy day. [LB809]

BRENT SMOYER: ...you guys get the second string a couple of times today. The senator does apologize that he is unavailable. He's introducing a bill in Appropriations to give us a little more lakefront property here in Nebraska, so to speak. For the record, my name is Brent Smoyer, S-m-o-y-e-r. I am legislative aide to state Senator Scott Lautenbaugh of District 18. I am here to provide a brief introduction to LB809. Numerous studies have said over the last 40 years...they've all suggested that the

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quality of teachers is the most important factor affecting student performance today. To ensure every child learns from the most effective teachers possible, schools must be able to gauge their teachers' performance fairly and accurately. Now, evaluations of this sort are intended to provide all teachers with regular feedback that helps them grow as professionals, no matter how long they've been in the classroom. Evaluations should give schools the information they need to build the strongest possible instructional teams and help districts hold school leaders accountable for supporting such teachers' development. Most importantly, they should focus everyone in the school system, from the teachers to the superintendent, on every level, on what matters most, and that's keeping every student on track to graduate from high school, ready for success in college, vocational school, or a career. Now, evaluations should do all these things, but in many cases in the state of Nebraska, they don't...they often do not come close. Problems with current evaluation systems include the fact that they are infrequent. Currently, statute only requires probationary teachers to be evaluated annually. Many teachers, especially experienced teachers and tenured teachers, are not evaluated every year and some--in OPS to use as an example--have not been evaluated for over three years. These teachers might go years in between receiving any meaningful feedback on their performance, which is both unfair to the students, to the district, and to the teacher themselves. This bill would address this issue by mandating yearly evaluations. Another issue with evaluations is currently, they are very unfocused. A teacher's most important responsibility is to help students learn. Instead, right now teachers are often evaluated based on superficial judgments about behaviors, sporadic times, and other issues that may not have any impact on actual student learning. This bill addresses the issue by making the classroom observations by a school district administrator, unless otherwise agreed to in a collective bargaining agreement, of course. Basically, requires for a minimum of 90 minutes per semester with no one observation being less than 30 minutes, giving the fairest and greatest time for these teachers to really see--or for the administrators to really see--what the...what's going on in the classroom. Additionally, by allowing the unions and administration to sit down at the table and work this out, it becomes a win-win for both teachers and students. One of the other reasons that evaluations are currently a bit of a hiccup here in the system is they are undifferentiated. It seems every school--for example again, within OPS--performs evaluations differently. Some use other teachers, while others use administrative factors. This bill addresses the issue by making it clear that administrators are the...are those who must do the evaluations. And if that cannot work, they work with teachers to come up with an acceptable process that works on all fronts. Finally, the biggest issue with evaluations is they are essentially, as of right now, inconsequential. The results of evaluations are rarely used to make important decisions about development, tenure, promotion, or retention. Some of the reason is due to the other problems previously mentioned. And of course by making these evaluations, of having this bill make these evaluations associated with performance, with review, etcetera, it adds a little "bite" to the evaluation process. I know a crucial question right now facing the education leaders is how. How can they avoid the pitfall of previous

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evaluation systems and how can you create evaluations that become useful tools for teachers and school leaders that help push students to new heights? And what can they learn from districts in states--that are making progress--other than Nebraska? Well, this bill is designed to bring in experts in the field of education, teachers, administration, and encourage them to work together collaboratively to find a system that works best for the teachers, for the administrators, and for of course, above all, the students. The intent of this bill is to provide a blueprint for an annual review for which school boards can build off of as they see fit. The senator hopes the experts in the field--the teachers, administrators--can do everything they can. And he has no doubt they will do everything they can to develop a rigorous, fair, and credible teacher evaluation system, centered on student outcomes, within this framework. That being outlined, that being said, I will be more than happy to try and answer any of the basic questions on the bill that we can cover. Otherwise, I do believe we have at least one proponent here who is rather expert in the field, so. [LB809]

SENATOR ADAMS: All right, thank you, Brent. Are there questions for the introducer, Senator? [LB809]

SENATOR COUNCIL: Yes. Thank you, Brent, and maybe let me ask if someone from the Nebraska Department of Education will be speaking in an...in any capacity on this bill, because it was my understanding that the issue of both teacher and administrative evaluations is the subject of work being conducted--or that has just been recently completed--by the Nebraska Department of Education. [LB809]

BRENT SMOYER: I'm not aware of any Department of Education studies. I do know recently, the National Education Association has done some work in relation to teaching. In fact, we brought in a study by the Commission on Effective Teachers and Teaching on December 8 of 2011, which actually recommends...well, sends an overarching recommendation that "the need for tenure is replaced by a peer review program that provides opportunities for improvement or when improvement is lacking, ensures due process throughout the procedures by guaranteeing teachers due process rights through a fair and transparent peer review system. Continued employment and performance is..." I'm sorry, "Continued employment is based on performance." So I do know there has been a statement and there's been some national research in regards to the importance of these reviews and importance of the evaluations. [LB809]

SENATOR COUNCIL: Okay, and then just what you read, though, talks about peer reviews... [LB809]

BRENT SMOYER: Yes, ma'am. [LB809]

SENATOR COUNCIL: ...where the bill talks about administrator... [LB809]

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BRENT SMOYER: Yes, but it does give the options, as I stated before, where they can sit down with administrators and make that...set the criteria. The teachers will have input on the criterion of the evaluations and how they should be taken. It's just the evaluators themselves will be the administrators who ideally, in a perfect world--at least in my understanding--were always...they kind of were teachers before they were administrators in many cases. [LB809]

SENATOR COUNCIL: Okay, but the bill says "unless otherwise agreed to in a collective bargaining agreement." [LB809]

BRENT SMOYER: Yes, ma'am. [LB809]

SENATOR COUNCIL: ...so what is exempted through the collective bargaining process? Is it who does the evaluation, how long the evaluation, or...? [LB809]

BRENT SMOYER: My understanding with the intent of the drafting and the way we put it together was that it would be...it would all be on the table. If the...for example, this...the teachers in OPS said we would like, you know, this, this, and this to be the criterion and we would like to create a whole new level of administrator that's half teacher, half administration to do the review. It could be part of the bargaining in the unit. So it's really kind of an open setup. The big impetus here, the big...the ultimate goal is just to try and find the most acceptable evaluation procedure and make sure that that procedure is done on a regular basis as opposed to just kind of every so often when we can get around to it. [LB809]

SENATOR COUNCIL: Okay, well, and perhaps someone... [LB809]

BRENT SMOYER: Sorry. [LB809]

SENATOR COUNCIL: ...from OPS will... [LB809]

BRENT SMOYER: There will be someone from... [LB809]

SENATOR COUNCIL: Well, but it's my recollection... [LB809]

BRENT SMOYER: Yes, ma'am. [LB809]

SENATOR COUNCIL: ...from my days on the board that teacher evaluation was a permissive subject of bargaining, so... [LB809]

BRENT SMOYER: Yes, ma'am. [LB809]

SENATOR COUNCIL: I guess I don't understand the necessity, particularly when it talks

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about extending to all classes of school districts because currently, Class IV and V...
[LB809]

BRENT SMOYER: Right. [LB809]

SENATOR COUNCIL: ...are excluded because they cover it in collective bargaining.
[LB809]

BRENT SMOYER: Right. [LB809]

SENATOR COUNCIL: So, if it's covered in collective bargaining now... [LB809]

BRENT SMOYER: Um-hum. [LB809]

SENATOR COUNCIL: ...for Class IV or V, the intent of the bill is to include Class IV and V but nevertheless allow Class IV and V to address it through collective bargaining, what do we gain by this bill? [LB809]

BRENT SMOYER: Well, you...it will address how the evaluations happen, but it will still mandate that there be yearly evaluations. It will still be...so it will...it will still...because again, right now, I know--again, we go with example of OPS--is that it's a lot of times every three years. This mandates that it's every year, but it helps the collective bargaining set up how, how often, when, etcetera, as long as it's so that...within that yearly framework. Is that kind of the answer I'm...? I... [LB809]

SENATOR COUNCIL: It clears is up a bit... [LB809]

BRENT SMOYER: Sure. [LB809]

SENATOR COUNCIL: ...and maybe we'll get... [LB809]

BRENT SMOYER: Sure, and I'm sure...like I said, there are...will be an expert following me here that's got a little more background and of course has been in the system. I myself was not fortunate enough to be a teacher. [LB809]

SENATOR ADAMS: Are there other questions from committee members? Seeing none, thank you, Brent. [LB809]

BRENT SMOYER: Thank you. [LB809]

SENATOR ADAMS: We would take the first proponent testimony. Good afternoon. Good to see you again. [LB809]

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CHRIS PROULX: Good afternoon. My name is Chris Proulx, spelled P-r-o-u-l-x. I currently am the president of the Omaha Education Association. I speak in support of this bill, although I don't necessarily support all the beliefs that were mentioned previously. At the heart, I do believe there's some very good potential within this bill. I do believe this is the time to address teacher evaluation. There is a lot of talk about it and with the current bill in front of the committee--LB870--this would be a good way to approach it from a systemic perspective, rather than just doing one piece at a time, to look at how the teacher effectiveness does play into an effective school as a whole. I have heard it said that requiring administrators to conduct annual observations would require a need to hire more administrators. To me, that argument rings hollow. I worked in a district previously where...similar-sized district of Millard, similar-sized schools as OPS, Millard, Lincoln, where teachers were evaluated annually. And we didn't have administrative staffs that were larger than what we have currently in Lincoln or Millard or OPS, so I don't believe we need more administrators to make this happen. We just need to make sure we have our priorities in the right order, and ensuring that there is an effective teacher in every classroom should be the number one priority for a school district and for a building administrator. There are other time-tested and very highly-effective models out there for teacher evaluation. As was mentioned, peer review is a kind of a growing trend. It's not widespread, but it is definitely growing in popularity. Very effective, it's a model that does use teachers to evaluate teachers. But there's...the way they're implemented and the fact that they've been implemented through a collective bargaining process versus just one side determining what that process will look like, is why they are very effective in those districts. I will just, in closing, say that I do believe the intent of this bill is to ensure that teachers in the state are being evaluated in a more effective manner. I do believe that this bill makes some changes that are unnecessary and will not overall serve the benefit of teachers. But, I do believe there is opportunity to make some changes in the way the language is currently written to address those concerns and still allow the general intent to be honored, which again, I believe, is simply to make sure that we have a more effective process in place for evaluating teachers, while still being able to ensure that we protect the continuing contract rights that we currently have in the state. So, that will conclude my testimony and I'd be more than happy to answer any questions that you would have of me. [LB809]

SENATOR ADAMS: All right, thank you for your testimony. Senator Howard. [LB809]

SENATOR HOWARD: Thank you, Chairman Adams. You make a good point when you bring up negotiations and bargaining. Is this something that could be a contract issue that you negotiate with Omaha Public Schools? [LB809]

CHRIS PROULX: It could be, but currently it's not. [LB809]

SENATOR HOWARD: But you could do this outside of legislation? You wouldn't need a

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bill passed for you to sit down and bargain with Omaha Public Schools and discuss this? [LB809]

CHRIS PROULX: We could. [LB809]

SENATOR HOWARD: Okay, thank you. [LB809]

SENATOR ADAMS: Other questions? Senator? [LB809]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you for your testimony. Did I understand you correctly, you're president of the Omaha Education Association? [LB809]

CHRIS PROULX: Yes. [LB809]

SENATOR SULLIVAN: Okay, so how has been...how has your experience been, in terms of being evaluated as an educator? [LB809]

CHRIS PROULX: Not necessarily entirely negative, but I taught for four years prior to taking this position in OPS. So during those first three years, I did my...the...every semester, my formal observation evaluation, and then was not evaluated during the year before I got elected. To me, coming from a state where you're evaluated every year,... [LB809]

SENATOR SULLIVAN: Um-hum. [LB809]

CHRIS PROULX: ...it just felt odd that it wasn't important to be in my classroom... [LB809]

SENATOR SULLIVAN: Um-hum. [LB809]

CHRIS PROULX: ...and see what was going on and to make sure that what I was doing yesterday is still happening now. It didn't...to me, that's a problem. [LB809]

SENATOR SULLIVAN: Um-hum. Was the evaluation then focused on seeking some improvement? And then did there...was there a conversation with you after that evaluation took place? [LB809]

CHRIS PROULX: The evaluations came back very positive. My principal thought I was doing a very effective job. But again, I don't think it's important to our...it's good to just let me go for three years before you check in again. [LB809]

SENATOR SULLIVAN: You said there were features of this bill...while you're speaking

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in support of it, that there are features that you don't like. Can you explain that a little bit more? [LB809]

CHRIS PROULX: The manner in which the bill would go about requiring annual observations of teachers, the wording, the way it's phrased, it throws into...it touches on continuing contract law in a manner that I don't believe is neither necessary nor good. That's not good...that we don't need to change that specific provision in that manner to address teacher effectiveness. I think that we honor and respect the continuing contract law that we have and we just...what we're...what I'm looking for is to encourage this committee to work with Senator Lautenbaugh to see if there's a way to change the way he's put it together, to address both his interests and what I believe would be the interests of the NSEA, to maintain that protection of the continuing contract law. [LB809]

SENATOR SULLIVAN: Thank you. [LB809]

SENATOR ADAMS: Senator Haar? [LB809]

SENATOR HAAR: Thank you for coming. Have you tried to get this provision with the Omaha School Board and it was turned down or...? [LB809]

CHRIS PROULX: Yes, yes. [LB809]

SENATOR HAAR: And what were their reasonings? Or did they just say no? [LB809]

CHRIS PROULX: It falls under managerial rights, so they just chose not to go there. Again, it's permissive, but they just chose not to. [LB809]

SENATOR HAAR: Okay. [LB809]

SENATOR ADAMS: Could you be a little more specific for me? Tell me, what...in the Omaha Public Schools, what's the process for evaluation? [LB809]

CHRIS PROULX: The process for evaluation, currently you have for a probationary teacher, is once every semester. [LB809]

SENATOR ADAMS: Um-hum. [LB809]

CHRIS PROULX: And then once you are given a continuing contract beginning in your fourth year, you are evaluated once every three years. So again, in your 6, 9, 12, and so on. During that three-year time, you might have an administrator come in and just pop in, but there is no formal evaluation process in place unless there is a red flag or if they see something that is of a concern, assuming they do come in during that three-year window. Then, there might be a cause to either go down the route of intervention of

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some sort, but again, there is no impetus upon them to do anything more than once every three years. [LB809]

SENATOR ADAMS: Who actually does the evaluation at OPS? You said an administrator. Well, how do you define an administrator? [LB809]

CHRIS PROULX: The formal evaluation, which is different than the observation,... [LB809]

SENATOR ADAMS: Um-hum. [LB809]

CHRIS PROULX: ...the formal evaluation is done by one of the building administrators, so either a principal or an assistant principal. [LB809]

SENATOR ADAMS: Okay. And tell me about the informal observation, then. [LB809]

CHRIS PROULX: There are many teachers who work in the district who are given what I refer to as a quasi-administrative role, so you might have a department head, curriculum specialist, or a dean of students or so on. They are on a teacher's contract. They're given a stipend for the extra duties that they perform, and part of those duties often are to go into classrooms, watch what's going on, and give some feedback in one form or another. And there are times where that feedback is what is given to an administrator and sometimes that feedback is used as part of the formal evaluation that the administrator would write up. Sometimes they would do their own, but again, there's no set criteria or anything that says they can't use the observation data that was done by one of the... [LB809]

SENATOR ADAMS: So hypothetically, you've got a math department chair who also teaches a couple of classes. [LB809]

CHRIS PROULX: Yes. [LB809]

SENATOR ADAMS: And they've been asked to go next door to another math teacher and do an observation. [LB809]

CHRIS PROULX: Yeah. [LB809]

SENATOR ADAMS: And in my opinion, if they're a good teacher, they sit down with that teacher if they see weaknesses and they talk with them about it. But, I guess what I'm really inquiring about is: If they identify weaknesses, do they specify those weaknesses and then give them to the administrator? And does the administrator then include those as part of a file that could then be used against that teacher? [LB809]

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CHRIS PROULX: It could. [LB809]

SENATOR ADAMS: So you've got teacher evaluating teacher and the administrator using it for just cause hearing. [LB809]

CHRIS PROULX: Their own...um-hum, in the current process. Part of that...I guess what bothers me about that the most is if I, as a teacher/administrator role, go to my principal and say this teacher, I believe, has some weaknesses that should be addressed, the principal is coming into the classroom with a preconceived bias. Rather than develop their own opinion and to come to their own conclusion, they're coming into the room looking for a problem. And who is to say that there isn't anything other than a problem that would exist? If there's a personality conflict between me and my department head, is the department head giving good data to the principal or slighted data? Either way, the principal is coming in with a bias. They're coming in looking to prove that yes, in fact there is a problem, versus coming in with an open mind and looking to see what's going on as should be during the observation evaluation process. [LB809]

SENATOR ADAMS: Okay, thank you. Are there other questions for this testifier? Seeing none, thank you, sir. [LB809]

CHRIS PROULX: Thank you. [LB809]

SENATOR ADAMS: Next proponent. Any other proponents? Then we will move to opposition testimony. Good afternoon. [LB809]

NANCY BIGGS: Good afternoon, Senator Adams and members of the committee, I'm Nancy Biggs. I'm the associate superintendent for human resources with Lincoln Public Schools and I am here representing two groups: the Nebraska Council of School Administrators as well as the Nebraska Association of School Personnel Administrators. We are a group of...the second one is a group--you know the first group--of school administrators. But the School Personnel Administrators represent most of the large districts in the state as well as a number of small districts, probably well over half the students in our state. And I'm here because we do agree with some of what the two people before me said. We think evaluation is extremely important. It is what we do as administrators to improve instruction, so we do agree with that. What we would disagree with is that a new law or a new bill is necessary to have that happen. What we believe is current legislation already gives us the power to be in a classroom for a full instructional period, and what I would tell you is that what I know, amongst the colleagues that I work with, is that's a minimum. That's the minimum, and that adding this extra 30 minutes really doesn't improve the quality of what takes place, it improves the time. And, it worries me that we're trying to legislate what I would call a personnel problem--people not fulfilling their responsibilities--by a bill that causes the rest of the state to change

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practice. And what I would tell you is that...a couple other things about it. There is a fiscal impact. When you tell an administrator they must spend, by requirement, an additional 30 minutes or more in a classroom every year, that does take more time out of the work they're doing, and so it's going to come from somewhere. And whether we have enough administrators, I think that's a system that we need to think about. Our current system works, and in Lincoln...and in Omaha we're able to negotiate, if Omaha chose. In Lincoln, we do negotiate and work with our association. We have jointly developed an appraisal process over the last two years, very similar to what other districts I could name have done. We are in every classroom, for probationary teachers, for a full instructional period once a semester. We are in there, required informally, for 20-30 minutes once each quarter. And when the person becomes permanent, we're in there once a year, and in there for a formal observation and two informal required observations a year. So this...we are already taking care of it with our association, hand-in-hand, and we've been able to make that happen. As Senator Council recognized, it does then pull Lincoln Public Schools and Omaha Public Schools into this bill. Again, I do not think it's necessary for us. We already have taken care of it, and... [LB809]

SENATOR ADAMS: Just that quick. (Laughter) [LB809]

NANCY BIGGS: I know, I saw the light go on, and I don't want to talk too long, so. [LB809]

SENATOR HOWARD: So diligent. [LB809]

SENATOR ADAMS: No, no, you get demerits if you do. [LB809]

NANCY BIGGS: That's what I've heard, so. [LB809]

SENATOR ADAMS: Are there questions? Well, one of the questions I would have about LPS: Who does your evaluating? Department heads, people that are part of the collective bargaining unit, or people who are clearly identified as administrators? [LB809]

NANCY BIGGS: Very specifically in our language, it requires it to be an administrator. [LB809]

SENATOR ADAMS: Okay. [LB809]

NANCY BIGGS: And we can...you could have a department head do an observation. But typically, it's more a peer-to-peer support, not to provide feedback to the principal. It's just as a support to help them gain professional skills. If it's a performance issue, then it's certificated administrator has to be in there working with that teacher. They may

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provide other support, but it's not to give us feedback about what the problems are. It's to give the teacher feedback. Our job is to go in and see if it's making a difference. [LB809]

SENATOR ADAMS: Okay, thank you. Are there other questions? Well, you're going to get off the hook. [LB809]

NANCY BIGGS: Wow, thank you. (Laugh) [LB809]

SENATOR ADAMS: Next opponent? [LB809]

JERRY HOFFMAN: Good afternoon, Chairman Adams, Education Committee Members. My name is Jerry Hoffman, J-e-r-r-y H-o-f-f-m-a-n, and I'm here representing the 28,000 members of the Nebraska State Education Association, and we oppose LB809. The statutory changes proposed in LB809 are chasing nonexistent problems with Nebraska's longstanding teacher evaluation system. And when I say teacher evaluation system, I'm referring to both probationary and nonprobationary teachers. This is a system that has worked well. And we do member rights cases throughout the state on a semester basis, it seems sometimes daily, helping teachers and administrators address issues that pop up during an evaluation and look at ways to improve teaching in the course of that process. And as you improve teaching, obviously you help to improve student achievement. That has been NSEA's experience not only across the state, but specifically in OPS and LPS, in which both school districts have very sophisticated evaluation systems that had been put in place to not only meet, but they exceed the minimum standards set forth in statute and in Rule 10, the accreditation standards of the Nebraska Department of Education. Further, let me say that the Department of Education requires that administrators hold a certification for purposes of evaluating teachers, and they go through an extensive training process to do that according to the requirements, both set out in statute--in Rule 10--and whatever additional requirements are set forth by the local school board. And I think that's a feature of Nebraska's evaluation system, that while there's this statutory and regulatory framework, that it is also built around the idea which we hold dearly in Nebraska, and that is the one of local control so that school boards are able to go beyond what is the minimum requirement in statute and regulation. Documentation of classroom observation--I see I have a yellow light. I'll wrap it up, then. LB809 finally seeks to permit someone other than a school administrator to evaluate teachers and have that identified in collective bargaining agreement, and it's already been stated that that's a permissive subject of bargaining--it can be done right now. And in a nutshell, these are reasons why LB809 is not necessary legislation. I would answer any questions that you may have of me at this moment. [LB809]

SENATOR ADAMS: Senator Council has a question. [LB809]

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SENATOR COUNCIL: Yes, thank you, and thank you, Mr. Hoffman. And my question goes to the Rule 10 requirement. And you may have been in the room when I asked the question earlier about what the Nebraska Department of Education requires in terms of the teacher evaluation, and Rule 10 does contain a requirement that school districts file their evaluation plan with the Department of Education, is that correct? [LB809]

JERRY HOFFMAN: That is. [LB809]

SENATOR COUNCIL: And under Rule 10, the person performing the evaluation must be an accredited administrator unless that has been changed through collective bargaining. [LB809]

JERRY HOFFMAN: That is correct. [LB809]

SENATOR COUNCIL: Okay, so if the parties haven't entered into a collective bargaining agreement to allow someone other than a certificated administrator to perform the evaluation under the current rules of the Nebraska Department of Education, it must be a certificated administrator? [LB809]

JERRY HOFFMAN: Yes. [LB809]

SENATOR COUNCIL: Okay, and with regard to the observations...and Mr. Proulx alluded to it. I mean, I was aware that these observations go on periodically throughout the school year where the curriculum specialist comes in or the department head comes in. Now, to your knowledge, are those observations just routinely provided to the administrator to form the basis of the evaluation or is it...or must the administrator conduct the required observation and then make reference to what's been reported through the observations? But can they be...solely form the basis for a teacher's evaluation? [LB809]

JERRY HOFFMAN: Senator, my understanding is that the administrator needs to be the evaluator, the one who's conducting the observation. And I think Ms. Biggs from LPS identified that...how it works in Lincoln Public Schools. I've not heard how that is done in OPS, other than what testimony was provided by Mr. Proulx. But that's absolutely right. The administrator, who really is in a management position, is in the role and responsibility of observing an employee--in this case, a certificated teacher. And the role and responsibility of the administrator is to see the extent to which that teacher is performing sufficiently to meet the needs of every child in that classroom and/or that school building and where they are deficient, to improve upon that. And where the improvements are not made, over whether it's a progressive disciplinary or improvement plan, then it leads to a termination of that employee, that certificated employee, whether he or she is probationary or so-called nonprobationary or tenured teacher. But that is the proper role of management of employee-employer relations, and you see that

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being...or at least "Fantasy A" sees that being carried out in school districts across the state, to the extent to which there is no...has not been any glaring problem with the current system of evaluating teachers. [LB809]

SENATOR COUNCIL: Okay, and this is the question that I have. If, during the periodic evaluation, let's say it's a...I use the word tenured, although people get...have different views on it. [LB809]

JERRY HOFFMAN: Um-hum. [LB809]

SENATOR COUNCIL: A nonprobationary teacher... [LB809]

JERRY HOFFMAN: Um-hum. [LB809]

SENATOR COUNCIL: ...and the evaluation shows need for improvement in particular areas to improve student achievement. Now, it's my understanding...because the implication in some communications is that there's...that teachers aren't put on improvement plans, and is that a correct statement? [LB809]

JERRY HOFFMAN: Teachers are put on improvement plans all the time. [LB809]

SENATOR COUNCIL: Okay, so if the evaluation shows the need for better communication with children or better class management... [LB809]

JERRY HOFFMAN: Um-hum. [LB809]

SENATOR COUNCIL: Classroom management is one of those that periodically shows...it wouldn't have shown up on mine, but it periodically shows up on a teacher's evaluation. And there are...and in particular, if it's kind of been a continuing problem, that there are improvement plans put in place, and I think Ms. Biggs referred to it,... [LB809]

JERRY HOFFMAN: Um-hum. [LB809]

SENATOR COUNCIL: ...that over the course of time, if you don't see any improvement or compliance with the terms of an improvement plan, that termination could result. That... [LB809]

JERRY HOFFMAN: Yes, that's... [LB809]

SENATOR COUNCIL: Is that your understanding? [LB809]

JERRY HOFFMAN: Absolutely, yes, absolutely. [LB809]

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SENATOR COUNCIL: Okay, that's all I have, Mr. Chairman. [LB809]

JERRY HOFFMAN: Okay. [LB809]

SENATOR ADAMS: Senator Sullivan. [LB809]

SENATOR SULLIVAN: Thank you, Senator Adams, and thank you, Jerry, for your comments. [LB809]

JERRY HOFFMAN: Thank you. [LB809]

SENATOR SULLIVAN: If, as you said, you believe and the NSEA believes that we have an appropriate and effective means of evaluating teachers, why do you think someone thought it was necessary that we needed this legislation? [LB809]

JERRY HOFFMAN: Well, Senator, it's been my observation that oftentimes there is a local political issue that comes to your desk to solve, and I think this is that situation, whereby the OPS school board and/or administration, and either OEA as a large unit or members of OEA, have found it difficult to negotiate an alternative form of teacher evaluation in the collective bargaining agreement and have come to loggerheads on that conversation and have therefore sought your...at your discretion, a review of a piece of legislation that would not only impact OPS but would impact all 251 school districts across the state, a majority of whom are operating quite well and have been for quite some time. So frankly, I think that's probably a large part of why this bill has been brought forward to you. [LB809]

SENATOR SULLIVAN: You indicated that in many instances the local boards go beyond the minimum requirements for evaluation. Could you be a little more specific in how they do that? [LB809]

JERRY HOFFMAN: Well, they adopt in their evaluation plan the frequency with which evaluations are conducted, both for probationary and nonprobationary teachers--or tenured teachers, as you have alluded to, Senator--to where they could be on an annual basis. Perhaps it's every semester so that there are more, if you will, rigorous evaluation systems in place in school districts across the state that exceed those minimum requirements. I was speaking, for example, to the NSEA president this morning, who was a 35-year teacher in Wilber who was evaluated every year after she received her permanent status at the Wilber public schools. So that gives you an example of the school district that at least is nearby to Lincoln, whereby they've sought a annual review of teachers as a way of not only improving the instruction, the content of...the knowledge content and the pedagogy of the classroom, but seeking that as a way of looking at student achievement. So, that is just one example that I could spout off right

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now; otherwise, I'd have to do a little bit of research and see what other districts have done. [LB809]

SENATOR SULLIVAN: No, that's fine. Okay, thank you. [LB809]

JERRY HOFFMAN: You're welcome. Thank you. [LB809]

SENATOR ADAMS: Other questions? Senator? [LB809]

SENATOR SEILER: Thank you. Have you done any studies on how many school districts are in collective bargaining on this issue, or do you have any idea? Is it common or is it uncommon to have collective bargaining over this issue? [LB809]

JERRY HOFFMAN: Well, I think Ms. Biggs indicated that it is part of the collective bargaining agreement now with LPS. I might have misinterpreted her... [LB809]

SENATOR SEILER: No, I think that's... [LB809]

JERRY HOFFMAN: ...and she can correct me--if she's still behind me--on that. Beyond... [LB809]

SENATOR SEILER: I'm talking about across the state. [LB809]

JERRY HOFFMAN: Beyond that, Senator, that really is the only school district that I'm aware of whereby an alternative or some form of evaluation has been placed into the collective bargaining agreement. [LB809]

SENATOR SEILER: Thank you. [LB809]

SENATOR ADAMS: Jerry, if...and I am going to assume that NSEA is going to take the position that it ought to be bargained between school boards, administration, and teacher--however the evaluation is going to work. Do you know, does your organization take a position on having nonadministrators do evaluation? [LB809]

JERRY HOFFMAN: The resolutions in NSEA--NSEA has a series of legislative resolutions that are adopted annually at our delegate assembly, and one of the legislative resolutions is for evaluations to take place by the school...certificated administrator. [LB809]

SENATOR ADAMS: Okay, thank you. Any other questions? Thank you, Jerry. [LB809]

JERRY HOFFMAN: You're welcome. Thank you. [LB809]

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SENATOR ADAMS: Next opponent. [LB809]

JOHN BONAIUTO: Senator Adams, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, registered lobbyist representing public school governing boards. I appreciate being last because...or possibly last, because I can capitalize on the good testimony of the other opponent testifiers and not repeat what they said. My board members at the legislation committee meeting question that a bill like this has sometimes unintended consequences, in that when you start putting a time as your requirement, that becomes a new legal standard. And we're not going to focus on quality, we're just going to make sure that we're in the classroom for the required amount of time. And really, possibly, the perception that some districts aren't doing evaluations comes from the fact that they're doing evaluations, but they...for the staff that is not probationary--your permanent staff--they could be on a cycle. It may not be every year. It could be every other year, it could be every third year. But, there may be a policy, there may be a plan where it fits with what the school is doing in a bigger picture. So, this does take the board's prerogative away to how this might be done in a district. We feel very strongly that NDE and the State Board is focusing on this and will help districts be better at evaluating. And there has been a task force that has been working on teacher and administrator standards for accountability and evaluation and someone from the department may speak to that, but we believe that that's moving in the right direction and it elevates the importance of accountability and evaluation to help improve performance. Lastly...and I would say that my members, we as an association are constantly saying to school board members your role as a school board member is to hold the person that is responsible to you accountable, and that's the superintendent. And make sure the superintendent is having the conversations with the people in his or her district that are responsible for evaluation, that they're following the law, they're following Rule 10, they're following the local policy, and that the evaluations are being done the way that they should be done. So with that, I'll conclude my testimony. [LB809]

SENATOR ADAMS: Thank you, John. Senator? [LB809]

SENATOR COUNCIL: Yes, and thank you, John, because I was a little fuzzy, but I thought there was work being undertaken at the Department of Education to develop--hate the use of the term standard--but basically, standards for administrative evaluation--what the administrator is looking for, what the teacher is expected to demonstrate. So, I was correct in my fuzzy understanding that that's something that the NDE is looking at through a task force that I presume is statewide and has input from various classes of school districts on it. [LB809]

JOHN BONAIUTO: Yes, Senator. And I know that they have spent a considerable amount of time, there have been reports to the state board, and it's a process and it continues. And we realize that there is much that can be done to improve the quality of how we evaluate both administrators and classroom teachers, and I think there's a real

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desire to see us get better. [LB809]

SENATOR COUNCIL: Well, and that's...and I guess I want to make it clear that that's at least my perspective, too. I don't disagree that the front line of our offense in improving student achievement is the classroom teacher, but as I harken back to my days as a student teacher, where I would get observed on a weekly basis during student teaching...and they may come in on a day where I was popping on the lesson and my observation looked good, and two weeks later, they'd come through and I wasn't popping on that lesson and it wouldn't look, you know, that good. And I don't...and I think we need to look at this whole issue of teacher effectiveness much broader than one 90-minute, you know, peek into what's going on in the classroom, because that may or may not give the complete picture of the level of effectiveness of the teacher. So I'm looking for a really...a broad-base method of determining teacher effectiveness, not just, you know, the one-shot, 90-minute...an evaluation based on the one-shot, 90-minute observation by the building administrator, because that may or may not be a true indicator of how effective that classroom teacher is, if there has to be other...just like we're looking at other indicia of performance by schools, it has to incorporate something like the observation, the peer observations, all of those help to improve the delivery of instruction by classroom teachers. So I don't want us to get too circumscribed in how we determine effectiveness, because I think I can speak for everyone on this committee and everyone in this room that we all want to see the best teachers delivering instruction to our children in the classrooms across the state of Nebraska. The question is: How do you best measure that? And I'm looking forward to see what comes out of the NDE. [LB809]

JOHN BONAIUTO: Excellent. [LB809]

SENATOR ADAMS: Other questions for John? John, this is probably more of a statement than it is a question. But in addition to what Senator Council was saying, a broader way to look at teacher effectiveness, there's no argument. I'm wondering, too, about a broader indication of administrator effectiveness at evaluating. [LB809]

JOHN BONAIUTO: Um-hum. [LB809]

SENATOR ADAMS: I think Mr. Hoffman indicated--if I heard right, and maybe I didn't--that understandably he's not sure how many schools out there of the 249 have collective bargaining agreements that outline the process for evaluation. But whether it's 90 minutes in a classroom or 60 minutes in a classroom, how do we ensure that the administrator is doing an evaluation? [LB809]

JOHN BONAIUTO: Well, it... [LB809]

SENATOR ADAMS: Well, I walked by your classroom door today, Adams... [LB809]

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JOHN BONAIUTO: Um-hum. [LB809]

SENATOR ADAMS: ...and you didn't see me, but I saw you. (Laughter) Okay, now, how valid is that? Now, I suppose as a teacher I could say that just suits me fine, because I was having a bad day that day--or every day is a bad day, but I was having a bad day that day. But I'm not sure that improves on teacher effectiveness, even for good teachers. But you also have to feel as a teacher that you're comfortable with the person doing the evaluation, that they know what the heck they're looking for. Has your organization thought about those kinds of things? [LB809]

JOHN BONAIUTO: Um-hum, exactly. Very much so, Senator. And we realize that, you know, in talking to our members, that there's some...a certain amount of discomfort with the fact that the Department of Education is looking at these standards. And although these standards for teacher/administrator accountability or evaluation may be voluntary, they're going to shine the light on here are the things, here are the elements that a quality accountability system will be looking at. Here are important indicators. And we're hoping that we can stress and really work hard to have our members measure their districts. Are you doing these things? What is your form and what does your form look like? And so I think there's room for growth and the work that's being done will move us, I think, in the right direction, so we're on the right path. [LB809]

SENATOR ADAMS: And the research, as Senator Council correctly points out, the teachers are the frontline. But then there's got to be a building leader and the research indicates that, too. [LB809]

JOHN BONAIUTO: Absolutely. [LB809]

SENATOR ADAMS: And you know a big part of that leadership is helping the teacher be a better teacher. [LB809]

JOHN BONAIUTO: Yes. [LB809]

SENATOR ADAMS: Okay. [LB809]

JOHN BONAIUTO: And the building principal plays a huge role in that, in being an instructional leader for that building and helping the teachers in that building be the best possible teachers they can be. [LB809]

SENATOR ADAMS: Thank you, John. [LB809]

JOHN BONAIUTO: Thank you. [LB809]

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SENATOR ADAMS: Are there other questions? Anyone else on the opposition side on this bill? Anyone else? Then we'll move to neutral testimony. Is there neutral testimony? [LB809]

BRIAN HALSTEAD: (Exhibit 1) Good afternoon, Senator Adams, members of the Education Committee. For the record, my name is Brian Halstead. That's B-r-i-a-n H-a-l-s-t-e-a-d. I'm here with the Nebraska Department of Education in a neutral capacity. The State Board of Education wanted me to come over this afternoon to remind the committee about the work that the state board has been doing and lo and behold, Senator Council asked before I could even speak, so they have in fact been involved in dealing with teacher and principal performance. It has been an issue they undertook a year ago, for which, in November of 2011, they for the first time adopted teacher and principal performance frameworks. I only brought one copy, but you can find this front and center on the Nebraska Department of Education's Web page and you can look in it to see what the state board has put together. This was developed largely through a task force of about 45 educators from not only our schools, classroom teachers, our building principals, our superintendents, but also our institutions of higher "ed" that have teacher education programs, because the framework is designed to be a guide for all of us to use as to how do you produce effective teachers. Teacher colleges, what should they be focusing on? Not only for teachers, but also principals, because it includes both of that. So with that, the State Board wants to continue working with the Education Committee and senators because we're all aware. The main focus? Student achievement. And the most direct driver of that is going to be the effectiveness of the teachers we have in our classrooms and it is going to require leadership in our schools and that's something an effective principal needs to be able to do. So with that, I'll stop and answer any questions you might have. [LB809]

SENATOR ADAMS: Thank you, Brian. Are there questions for Brian? Guess not. Thank you, sir. [LB809]

BRIAN HALSTEAD: Thank you. [LB809]

SENATOR ADAMS: Is there any other neutral testimony? Any other? Then we'll move to closing. [LB809]

BRENT SMOYER: Just briefly, Senator. [LB809]

SENATOR ADAMS: If the senator's representative would like to close. [LB809]

BRENT SMOYER: (Exhibit 2) Just briefly, Senator. Also, I wanted to present the committee with some testimony from Justin Wayne of the Omaha Public School Board. He was unable to be here today and wanted us to include his letter in the record if possible. Just briefly to touch on all this, I know the senator would like me to point out

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again that the expertise of the Education Committee is going to be kind of the backbone behind this bill. You know, we've got a bunch of eggheads who are interested in this to put this bill together, myself included, and we are not the experts. We decided to try our best to put in a floor. That's of course where we went out of our way to put in the language about collective bargaining as it already is included. We wanted to emphasize that it's going to remain included as an option. And of course, the yearly review was something and 90 minutes of course was something where we decided, at least from the input we had, that 30 minutes was too little, 60 may not have been enough. But again, it's all kind of out there as options and that's again where we decided to give a floor and give over to the experts in the Education Committee to improve on it as they see fit. And I do hope, as does the senator, that you will find this acceptable and hopefully find a way to make it even better and we can all work together to make things better for the students here in Nebraska. [LB809]

SENATOR ADAMS: Thank you, Brent. Are there final questions? Seeing none, thank you then. [LB809]

BRENT SMOYER: Thank you. [LB809]

SENATOR ADAMS: Ladies and gentlemen, that will conclude the hearings for today. And, Committee, we need to Exec, so... [LB809]

SENATOR HOWARD: Can I make a motion? [LB809]

SENATOR ADAMS: Let's make a motion and let's have the room be vacated so we can Exec. [LB809]