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Education Committee  
January 30, 2012

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[LB996 LB1124 LB1131 LB1144]

The Committee on Education met at 1:30 p.m. on Monday, January 30, 2012, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1144, LB1131, LB996, and LB1124. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Bill Avery; Abbie Cornett; Brenda Council; Ken Haar; Kate Sullivan; and Les Seiler. Senators absent: none. [LB1144]

SENATOR ADAMS: (Recorder malfunction) ...1:30 and we're going to begin this hearing of the Education Committee. So if you could find a seat, I want to welcome everyone who is here today and go through some preliminary things before we hear the first bill, LB1144. First thing on the agenda is to introduce the people who are up here. To my far right, clear at the end of the counter, is Becki Collins. She's the committee clerk. And for those of you who are new to testifying before this committee, before you come up to testify, I would ask that you fill out the testifier registration forms. You will find them back by each of the doors. Have them filled out and as you come up, if you will hand them to Becki and...before you make your testimony. And then when you do testify, if you would initiate your testimony with a statement of your name and then spell your last name for the record so that Becki can get it straight and so the transcriber can as well, and then we'll hear your testimony. Next to her is: the newest member of our committee, Senator Seiler from Hastings; Senator Council from Omaha; Senator Cornett will be here in just a few minutes. To my immediate right is Tammy Barry. She is legal counsel for the committee. I'm Greg Adams, representing the 24th Legislative District. On my left is: Senator Howard, the Vice Chair of the committee, from Omaha; Senator Sullivan from Cedar Rapids; Senator Avery will be here soon; and Senator Haar, from the Malcolm area, will be here. What I'd like for you to do is to turn those darn cell phones off if you haven't already. No playing tennis on your iPads. If you want to do any of that, get on out of here and come back in when you're done. I want to make sure that everyone's paying attention. And if you are credentialed press, then you are certainly welcome, under those circumstances, to use your computers. We have four bills to hear today: LB1144, to provide for career academies; LB1131, adopt the Innovation, Discovery and Entrepreneurial Act; LB996, change provisions relating to compulsory attendance; and then finally, LB1124, to provide for the designation of priority schools. Given the number of bills that we're going to hear today, we are going to use the lights system and we will go for testimony up to three minutes and then follow up with questions after that. So with that, let's begin with LB1144, Senator Ashford. Used to be that Senator Ashford was a fixture in this committee, then we got him out. (Laughter) Now look, he's returned. How you doing? [LB1144]

SENATOR ASHFORD: I'm good. I'm very good. Congratulations to the committee for its work on the community college matter. That's a major accomplishment, so. And I wasn't even on the committee and apparently it came together anyway, which... [LB1144]

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SENATOR ADAMS: I was worried about that. I'm not going to tell you why, but.  
[LB1144]

SENATOR ASHFORD: But no...let me...Brad Ashford, Legislative District 20 in Omaha. And let me just give a few brief comments and then I'll talk a little bit about the bill itself, LB1144. I think one of the most significant developments in...since I've been back in the Legislature--Senator Howard and I were talking about this earlier--has been that...the collaboration between the standing committees that work with children. The Health Committee, the Judiciary Committee and this committee, beginning, you know, five-and-a-half years ago/six years ago, I think all three committees began the rather arduous task of helping children, finding out what their needs are statewide, and addressing their needs through the various committees. The job obviously is not done, and this year we have great challenges ahead of us to close the loop on some of the issues that affect the welfare of children. I know in the Judiciary Committee, we have struggled with the challenge of finding pathways for young people who for whatever reason are unable to achieve what we'd like them to achieve in the normal educational process. And they get off the pathway and they get into trouble and we see those children and the aftermath of that in many of the bills that we have in the Judiciary Committee. And it's not a small number, it's thousands of children statewide. And it's not just an Omaha issue, either, obviously. It's a statewide issue. This bill, LB1144, is really the culmination of the work of my friend Cliff Levitan, who is here from Omaha, and he's going to talk to you about his passion for allowing a school district or enabling a school district to develop career academies. There are...as we struggled with the Learning Community five years ago and writing that bill, I think we were always thinking: Is there...are there places where we can place children so that we can close the achievement gap? And some of the testing regimens that we've developed and some of the results from the scores that have come in so far have indicated that there is a gap and that learning gap applies not only to children in poverty, but certainly children who are in poverty have...are impacted by some of the obstacles to learning. Across the country, there has been a...from our research, there has been an effort to create...really go back, in some sense. I know Senator Council and I were talking about Tech High School in Omaha. And Senator Council was on the school board when Tech High was closed and was the only lone vote--I believe I'm correct, Senator Council--the lone vote... [LB1144]

SENATOR COUNCIL: Yeah, one or two. [LB1144]

SENATOR ASHFORD: ...one or two votes against closing Tech High. I think Omaha lost as a result of that decision to close Tech. There are young people who would rather go through that kind of a curriculum. I think one of the...and so this bill really is not so much just about Tech High and reopening Tech High or opening a new Tech High, but is really to empower and to enable school districts across the state to develop such a career academy for their students. And under the model that has been applied in other

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states...and I was specifically...I have some information on Massachusetts, which apparently has been nothing short of a miracle, as they have opened vocational schools since the mid-1990s and they've seen dramatic increases in their test scores of...by those students who have attended these schools. I had some...did some work in Seattle in their Pathways program and their...the amalgam or the interface between the community colleges there and some of these programs that Seattle Public Schools have adopted. One of the things that I want to make absolutely clear is that these programs, whether it be healthcare or architecture or construction or computer science, are no less rigorous than any other curriculum. It's the...a different curriculum, in some sense, in that it's creating a pathway earlier in that student's life, but there's no...nothing easy about it. It's not designed to be less strenuous or less rigorous, it's...these programs that I've looked at are challenging to young people, but they apply...generally, across the county, the programs we've looked at, they apply math and reading and science to a particular vocation earlier in that student's career, whether it's...and that's why we designed this bill to talk about seventh grade as being sort of the entry-level grade for a career academy. Obviously, any school could come up with a different set of criteria, but we have found--at least in the Judiciary Committee--and are saddened by the all of the young people between seventh and ninth grade who just drop out of school, who...and have a hard time making it in their communities, so we've said 7th grade is a good starting point, 12th grade is a good end point. The dropout rates and programs in Massachusetts have dramatically decreased, the graduation rates have dramatically increased, and their score...in fact, in the Massachusetts Comprehensive Assessment System, scores for the 26 vocational-technical schools that have been developed in Massachusetts have jumped 40 percent since 2001 and they attribute that to this Pathway concept to great extent and to the curriculum. And in the developing the curriculum, you really have to rely on the experts. I mean, this is not...you just don't throw together a curriculum for vocational-technical schools. It's very complicated. It's very hard. We've asked the department in this bill to develop curriculum and I believe Nebraska already has--and I can stand corrected--different criteria for teachers to teach these specialty courses, I believe. It's not quite the same as certification for traditional education, but again, the department can talk about that issue. I've been asked, I guess in summary, Mr. Chair and members, can you...could a school district do this anyway? I don't know, but what I have...maybe they could. I don't know. But I have found in my 14 years here that if the Legislature gives a stamp of approval to an idea that it believes will help the people of this state, it tends to create a sort of an avalanche of activity throughout the state. I know oftentimes, we are many times criticized for some of our decisions, but it's ironic and funny to me some of the times how we...how critical it is for this Legislature to put a stamp of approval on a new idea. And not that this is a new idea necessarily, because obviously this kind of education has existed throughout the state. So with that, Mr. Chair, I--Chairman--I appreciate the committee's taking this bill on. [LB1144]

SENATOR ADAMS: Thank you, Senator. Are there questions? Senator Haar. [LB1144]

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SENATOR HAAR: What would be the difference between this...isn't it just another kind of magnet school? [LB1144]

SENATOR ASHFORD: Here's what I think--and looking at it across the country--is that when you...when a young person just isn't happy where they are and a lot of it's because they're not being stimulated or they're not being challenged or they just don't like the courses that they're in or the offerings that are there, if they are...if they go to a school of like individuals who are in somewhat the same place in their lives, that it gives them an identity that...and a peer...kind of a peer piece to it that encourages success. That's what these other states are telling us--telling me, at least, as I read through it. And there are, you know, all...many, many states that have gone into this area, so that would be the difference. Not that magnet schools aren't good things and they do offer courses like this, but it's this identity and also, it's the patching into employers that is key to every one of these programs. Massachusetts has a consortium with Ford Motor Company, for example, these "vo-tech" schools, so that...so a young person in ninth grade can see a career at Ford Motor Company evolving out of...with four years from then, and so...or, if it's a tech...community college pathway, they can also do that. That's what I think the difference is... [LB1144]

SENATOR HAAR: Um-hum. [LB1144]

SENATOR ASHFORD: ...not that a magnet school doesn't do some of the same things. [LB1144]

SENATOR ADAMS: Other questions? Senator Howard. [LB1144]

SENATOR HOWARD: Thank you. Senator Ashford, right now at the Tech building in Omaha, they've got a communications laboratory and I think they've got an auto body area. I've toured it and I don't know if it's changed since I went through it a couple of years ago, but that seemed really worthwhile. Is your proposal similar to what they offer there, or how do you...? [LB1144]

SENATOR ASHFORD: Um-hum, yeah. They do have that. [LB1144]

SENATOR HOWARD: What do you envision? [LB1144]

SENATOR ASHFORD: They do have an automotive...and Senator Council is probably more familiar than I am with it, but they...and you have toured it. They do have an automotive curriculum and they have a computer curriculum. I think it's like that. But again, there's something about the...a young person attending a career academy that's been developed for them and that hooks them into employers, into the workforce, and that seems to be what's very powerful. Even though they may do that at...I assume

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they...to some degree they do that at Tech now. I think it's...they're...it's seems to be there are many, many, many hundreds of children across the state that would avail themselves of this kind of thing and probably the...I talked to the people at Westside today and they do have some career programming. It's hard to find teachers. They work with Metro, but it's hard to allocate enough resources to something that's a small part of their overall program. [LB1144]

SENATOR HOWARD: So maybe you tie this in with Metro. Is that kind of...? [LB1144]

SENATOR ASHFORD: I think you do. I think community...and every one of these things that I have read about the community colleges are essential, critical to...and they interface in many different ways, but they're critical to moving forward. [LB1144]

SENATOR HOWARD: What about some of the labor unions that offer...? [LB1144]

SENATOR ASHFORD: I think they're critical. [LB1144]

SENATOR HOWARD: Yeah. [LB1144]

SENATOR ASHFORD: I mean, they're the trades. [LB1144]

SENATOR HOWARD: Yeah. [LB1144]

SENATOR ASHFORD: And it would seem to me that you could find instructors in that group of retired, for example, people who work in the trades who would be excellent, but... [LB1144]

SENATOR HOWARD: To kind of tie it all together as like a career ladder kind of thing. [LB1144]

SENATOR ASHFORD: Right. Right. [LB1144]

SENATOR HOWARD: Okay. Well, thank you. [LB1144]

SENATOR ADAMS: Senator Sullivan? [LB1144]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you, Senator Ashford. You mentioned in your testimony that this is not necessarily anything new, that we've had some experiences with this. I assume you were referring to Tech High, but are there other examples? And also, could you elaborate a little bit more on when Tech closed and why? [LB1144]

SENATOR ASHFORD: I have the expert over here, but Tech High closed when the

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teacher...when the TAC building opened...when the administration at Tech...or from OPS moved into the TAC building, which was Tech. It used be at Joslyn Castle and when Senator Council was on the school board and I was involved with Senator Warner and the state buying Joslyn Castle, we...and Senator Council kept wanting...okay, we had to keep giving...to pay more money because she was hard to bargain with. We...that's what happened. Now, I don't know internally within the administration why that happened, but it seems to me that there...and I'm just not an expert enough in education policy to know why we moved away from technical-vocational education in the lower grades. I just don't know. It seemed like a mistake, looking in hindsight. Of course, hindsight is easy, but... [LB1144]

SENATOR SULLIVAN: Were there other examples of it? [LB1144]

SENATOR ASHFORD: I think there have been other examples of high schools across the state that have been engaged as part of their curriculum, but I don't know of any single high schools like Tech. I think Tech was unique in the state. [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

SENATOR ASHFORD: But boy, I could be...maybe I could...Tammy may know. I could stand...be corrected. [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

SENATOR ASHFORD: It seems like the move...what's happening across the country is there's a sense that vocational-technical career education interfacing with the private sector is somewhat of a new phenomenon because it's not...it's a real direct tie-in and there's a need for these students to find something that interests them and that will cause them to be successful. And there's a huge need in Nebraska for welders, there's a huge need for healthcare professionals. You know, I remember when I was at OHA and we did a tour...we did a...went around and asked, did a survey of all of our residents and the young people who lived there and asked them what they wanted to be and there was a huge number of people that wanted to go into health professions and there just are limited spaces in Omaha to get there. But certainly, a technical-vocational or career-vocational--whatever you want to call it--school could provide that early thing...early training. [LB1144]

SENATOR SULLIVAN: You've cited in one of the instances where it...regarding the business-school relationship, Ford Motor Company. In any of these instances, including Ford, is the business help providing some financial support? [LB1144]

SENATOR ASHFORD: Yes. Yes, they provide significant financial support. They...in Massachusetts, they fund the program that...well, there's several of these

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vocational-technical schools in Massachusetts, but the one that is funded by Ford, I believe, is called...and maybe it's more than one. But yeah, there's a direct funding piece. They fund programmatically. They fund the cost of developing the programs and the curriculum. And the other thing about Massachusetts I think that's a key point: they are public schools. [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

SENATOR ASHFORD: They're public schools, but they have...they do have separate...in fact, each one of the 26 schools in Massachusetts has its own superintendent and each super...and each vocational school has its own board and on the boards of these schools are representatives from the business community and I think that's a great model. And I know Ken Bird is here and we talked years ago about trying to develop something like that, with a board that would develop a curriculum and a school that would serve the needs of low-income students, for example. So I think there's more flexibility, it seems, in looking at these schools and this idea of having flexibility in the...in teaching credentials, to having a board that has experience in the private sector and human resources, for example. What are the real needs of the business community? We hear we need welders. Well, what does that exactly mean? Valmont needs welders. Well, what sort of training? It's not just a welder. You've got to have advanced welding training. I know there may...the U.P. is here. Well, the Union Pacific Railroad is going to be doing...laying all new tracks across the state of Nebraska--a \$1 billion project. That's a huge economic...has a huge economic impact on our state. Well, they're going to need people with skills to be able to lay those tracks. I'm sure they have some, but would probably like to have more. I just think that the world is changing and not all kids are going to go to the same place, you know, go on the same pathway. And in talking to some of the people in the rural parts of the state, the need to have skilled young people that will go into farming and the things that are important to the ag community, so... [LB1144]

SENATOR SULLIVAN: Thanks. [LB1144]

SENATOR ADAMS: You know, if you don't mind, I'm going to deviate from the norm just a little bit. And I will come right back to you, Senator. Senator Council, maybe it would be...could you explain for us a little bit? Help Senator Ashford out on the history with Tech and its move away from its use, if the committee doesn't mind hearing that at this point. [LB1144]

SENATOR COUNCIL: And thank you, Senator Adams, I'll be very brief. If you go back into the history of Technical High School, you know, it's one of the oldest high schools in the state and it was established with more of a vocational-technical bent. I mean, we're talking 1920s/1930s, so it had the physical infrastructure to accommodate that kind of programming and it was one of the largest high school structures in the state. And in the

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early '80s, there were...OPS was experiencing declining enrollments and Technical High School, went from having one of the largest student enrollments in the state to having one of the lowest student enrollments in the state. And that was due in large...as much to the fact that there were attendance zones associated with the high schools in OPS and it sort of was declining enrollment associated with the attendance zone. It was also coupled with the fact that the school districts were operating under spending lids and needed to look to places to reduce costs and operate more efficiently. Omaha Public Schools had no true central administrative headquarters at that time. As Senator Ashford talked about, the more senior levels in administration were housed in what was the former Joslyn Castle, and that was basically assistant superintendents and the superintendents. And you got below that level with instruction specialists or maintenance or just all over the place. And so the board viewed...saw it as an opportunity, in light of the need to cut costs and deal with the declining enrollment, to close Technical High School as a high school and then to renovate it and consolidate all of its administrative functions in that building while maintaining as much of the vocational programming space as possible. So the...basically, three-quarters of the building was renovated and converted into central administration. The remaining quarter of the building stayed as vocational-instructional space. And what occurs now are students who are interested in those programs--auto mechanics, auto body, communications, healthcare/CNA, building construction--they can sign up from their home high schools, be transported over there for those courses, and then transported back to their home schools for the remainder of their instruction. So those courses and that programming continues to be offered, but it takes a significant portion out of a student's instructional day in, you know, being transported over there then transported back to their home school. And one other point. That is certain vocational programs were offered at other high schools at the time. In fact, North High probably had a larger construction and construction management program than Tech had at the time, but all of those hands-on kind of vocational programs are centralized at...in the Tech High building that is not used for administration. And in terms of what Senator Ashford's bill is seeking to accomplish, there has been a recognition of the importance of providing pathways, and that's the...now the common vernacular. And I just wanted the committee to know that the Omaha School Board endorsed last year a Pathways-type program called Careers to Kids--or Kids to Careers--and is doing much of what Senator Ashford is talking about. It's working with identifying youngsters and I...their program starts in the 9th grade, through the assessments of interest to determine, you know, the best pathways. It involves postsecondary institutions, both--well, not...but it's more than two--community colleges, traditional four-year colleges including the for-profit career schools, and a number of major Omaha-area employers who are participating by, you know, providing assistance in terms of those youngsters who, after completing high school, want to go to like a two year or a four year, and also providing intern and employment opportunities. So some of that, of what Senator Ashford's bill is focusing on, is being addressed in a slightly different manner in terms of trying to reach those students at every school that they're at and trying to get them on a pathway. But to do

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the kind of things that I understand Senator Ashford wants to do, you need to have the infrastructure to do that, you know, to provide those really hands-on vocational experiences, because the cost of having an auto lab and a construction lab are quite hefty. So to do it on that scale where they would be able to actually do it while during their regular classroom day, you'd have to be looking at establishing a building or buildings within the district that had the capacity to do that. [LB1144]

SENATOR ADAMS: Thank you, Senator Council. Senator Seiler, now, you had a question. [LB1144]

SENATOR SEILER: Thank you. I have a couple comments on Section 3 of the IDEA Task Force, how it's created. I would just like...I'm not an expert, but I would like to suggest maybe the director of Economic Development and the Commissioner of Labor has its hands full right now, and I'd kind of like to see you maybe substitute a high school counselor in that position, as well as a rep from the community college. [LB1144]

SENATOR ASHFORD: That's a great point. I...you're right, that is a busy person right now. [LB1144]

SENATOR SEILER: And then the other thing is for your information, Hastings High has an auto group of mechanics that they teach in the high school that competes on a nationwide all...every year and does very well. They also have welding in the public schools. I don't know how many other schools do that, but it seems to me like maybe the breakdown would be going back to that high school counselors. Most schools in our area in central Nebraska there are guided only to college. A child leaves the high school and goes to the University of Nebraska, was never intended...doesn't have the ability to go there, flunks out or decides to leave. He doesn't want to come back because he's embarrassed and if he'd have gone out to Central Tech there and started down that path, he'd have been a great contributing citizen. [LB1144]

SENATOR ASHFORD: See, that's a great point. It seems to me that there is a...there seems to me to be a gap somewhere, whether it's at their counselor level or somewhere, in identifying what strengths and weaknesses are for young people at an early age in seventh...sixth, seventh, eighth grade. I think you're right. I think there are schools across the state are mindful of this and there are pieces of it. This whole idea of placing...as Senator Council suggests, having a comprehensive program that puts people together that are somewhat on similar paths seems to be pretty compelling from the evidence in other states, but... [LB1144]

SENATOR SEILER: Thank you, Senator. [LB1144]

SENATOR ADAMS: Are there further questions from the committee of Senator Ashford? Thank you, Senator, for taking your time. [LB1144]

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SENATOR ASHFORD: Thank you. [LB1144]

SENATOR ADAMS: We will now open the hearing to proponent testimony and Becki will start the clock running. [LB1144]

CLIFF LEVITAN: Good afternoon, all. My name is Cliff Levitan, L-e-v-i-t-a-n. I am from Omaha, Nebraska. My business is construction management and owner representation and connected with this, my degree is in industrial arts education. I started out to be a vocational teacher and just kind of repotted myself as I went along. I am here to support LB1144. In 1984, which was the year Tech closed, I got angry and I've been talking to anybody who will listen to me any place. I've talked to educators, business people, parents, and I'm just trying to put a burr in everybody's saddle so we can get back to what I think the market is calling for today. I think we're missing out on the full potential of our young people. I don't believe every child is meant to go to college, although that's the way the schools are directing them in most instances, and I think they should have a chance for a meaningful career without going to college and not ending up with a job where they are...they learn how to say: Do you want fries with that? I think a lot of our kids' potential is being wasted. I want them better prepared to enter the workforce. Quality of labor pool is something...and I don't have the facts and figures, but I understand from chamber people and so forth that statewide and Omaha-wide from my aspect and all the surveys that laud our state and laud our cities, we score the weakest on quality of labor pool, so I don't think the schools are providing the tools and the skills to get ahead. I am not familiar with the program that Senator Council talked about at OPS. I do have a friend who is the program director at OPS and he hasn't mentioned that and we've talked many hours on this subject. I've had many calls of support since the article was in the paper last week from concerned and interested parents, Tech High graduates, and people who say yeah, let's do it. My optimum is a...for a basic general education and career education at the same site--reading, writing, and arithmetic, along with career paths and a football team and cheerleaders. I mean, Tech High students were loyal to that school and I don't think that busing kids to class once a week for a 45-minute pod session is the answer. It helps, it's a start, but I don't think it's the real answer. This...the high school that I envision--whether it's in Omaha or any other city in the state--will not turn out fully-trained skilled craftsman, but it will give them the skills that employers want and need and will also be a pathway into the community colleges that can take them and make them specialists in their particular area. But I want to see them come out with the tools that will make them a little happier and guide them into the job market. I envision a curriculum advisory board to keep the scope fresh and current. I want to see a tie-in with internships with companies. I've had people tell me that they'd be more than happy to jump in and volunteer and offer their time and resources for a school like this. Interest is surfacing at some of these schools in the Learning Community area, but I do not have any specifics yet, but they are sitting up and taking notice. LB1144 is a start. I think we have urgent needs and need to fill some voids out

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there. I thank you all for your interest and your time and I appreciate the opportunity. [LB1144]

SENATOR ADAMS: Thank you, sir. I'll open it up now to questions from the committee members. Senator Sullivan? [LB1144]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you for your testimony. Where do you typically acquire your workers for your business? [LB1144]

CLIFF LEVITAN: I happen to be a one-man company, but I work with companies all over town,... [LB1144]

SENATOR SULLIVAN: Okay. [LB1144]

CLIFF LEVITAN: ...contractors, subcontractors, and so forth, and they're all telling me the people aren't there. The people aren't there to do it. I can walk around a job site multiple times a week, different job sites,... [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

CLIFF LEVITAN: ...and the trade force is graying, just a lot of gray hair. [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

CLIFF LEVITAN: And these people need to be replaced sometime. When, not if, the housing market comes back and the commercial building market comes back, we don't have the people to do it. I don't care how big the demand is for it, the people are not there. They've gone on to other things, they've retired, and I think we need to fill those spots. [LB1144]

SENATOR SULLIVAN: Short of implementing something like what is proposed with this, what role, do you know, currently is being filled--or could be--by community college? [LB1144]

CLIFF LEVITAN: Community colleges give them the advanced training, the polishing up, but a child is not going to go to a community college unless he's guided that way--the pathway, so to speak, in order to get them started down the road. [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

CLIFF LEVITAN: They may not know how to be a heating and air conditioning specialist. [LB1144]

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SENATOR SULLIVAN: Um-hum. [LB1144]

CLIFF LEVITAN: That's for the community colleges. But if they'd had courses that they learn how to measure, survey, plan, read blueprints, that kind of stuff,... [LB1144]

SENATOR SULLIVAN: Um-hum, um-hum. [LB1144]

CLIFF LEVITAN: That's the pathway. [LB1144]

SENATOR SULLIVAN: Okay, thank you. [LB1144]

SENATOR ADAMS: Other questions from the committee? Seeing none, thank you, sir. [LB1144]

CLIFF LEVITAN: Thank you very much for your time. [LB1144]

SENATOR ADAMS: Next proponent? [LB1144]

WELDON SLEIGHT: (Exhibit 1) Senator Adams and the members of the Education Committee, I am pleased to be here today. My name is Weldon Sleight. I'm the dean of the University of Nebraska-Nebraska College of Technical Agriculture at Curtis. My last name is S-l-e-i-g-h-t. We are in support of Senator Ashford's academy concept. However, in rural Nebraska, it's a different place. We have few students and the distances are tremendous, and so I'm here today to tell you of some resources that the University has that could help this venture, even though the academy may look different in rural Nebraska. I've given you a PowerPoint I did a while ago, showing what's happening to rural Nebraska. And while urban Nebraska has a fairly high dropout rate, rural Nebraska does not have that, but we have community dropout rate and it's significant. This past decade, we lost...69 counties lost 27...almost 28,000 residents, but the most important critical factor is 82 of our rural counties lost 22,500 of our youth, ages 0-19. That is a critical thing, especially when you look at the age of our population. Over half of them in most of our rural areas now are beyond the childbearing age, so we...if we don't bring our kids home, we're not going to have more babies to populate our schools and maintain our main streets. University of Nebraska--and particularly the Nebraska College of Technical Agriculture--has developed several ownership programs over the past five years. We emphasize entrepreneurship in all of our curriculum, but the 100 Beef Cow Ownership Program, the 100-acre ownership program, and the Business Builders Program are designed so that they can show students before they...in fact, let me just back up for a second. This new course, the rural community career course that we have developed allows our students then to learn at the high school level what opportunities are in those communities. So it...the community and the schools then use this course to help every senior that wants to return home have a plan to return home, so they'll come home summers. And I've given you several of the

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positions that are available in rural communities. It's critical that we engage the community and the schools in all of the professions that need to be filled at those schools. It's also important that we recognize that the farmers and ranchers are--and main street business owners in our rural communities are--getting old. They need to be replaced, and the best people to replace them are those students who grew up there and love the community, the culture, and have some social aspects of the reason to go home, but they have to be taught how to go home before they ever leave. Thank you. [LB1144]

SENATOR ADAMS: Thank you, sir. Are there questions for this testifier? I guess not. Thank you. [LB1144]

WELDON SLEIGHT: Thank you. [LB1144]

SENATOR ADAMS: Next proponent? [LB1144]

KEN BIRD: (Exhibit 2) Good afternoon, Senator Adams and members of the Education Committee. My name is Ken Bird, B-i-r-d. I've been drafted out of retirement by Senator Ashford to come and tell you a story about a program that I've been honored to be associated with and start after my 38-year career in public education and it's called Avenue Scholars Foundation. And I am going to refer to two sheets--I'm shamelessly giving you some additional information about the program--but if you would refer to the first sheet here, we'll very quickly tell you what we're doing. And this is a program in the Omaha area. We serve three school districts--Omaha Public Schools, Ralston, and Millard. At this time, we're in seven high schools. We serve about 350 high school students. These students are from 100 percent free and reduced lunch. They're the bottom quartile. Average grade-point average on admission is about 2.2 and below. That's our top. We'll go as high as 2.5. This program focuses on just what the mission says: Ensures careers for students of hope and need through education and supportive relationships. When we identify these young people in high school--and understand we're taking a lower quartile--we have a 99 percent high school completion rate with our young people. We're migrating those students at about an 85 percent rate to our community college. We had, last year, 20 students out of this cohort get full-ride, four-year scholarships, another 120 went to our Metro Community College, and we lost a few in there. Our focus is on the career completion and career options and it's paramount to our success in having these options. What Mr. Levitan just referred to, I agree with as far as the need and the job availability in the community. What we're missing is relevance in our curriculum and that's hard for me to say. When we bring relevance to our curriculum for these young people, they learn. And that's what we're doing with the Metro Community College aspect of this, is tying careers and relevant curriculum together, and our young people that were failing at a dramatic rate are succeeding at an even more dramatic rate. And so I think what we have before us is an opportunity to step back, look at career academies in a sense of curriculum reform, as a

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sense of partnerships across community colleges and public schools, and partnerships across school districts, to meet the unique needs of these young people. If you would turn to the back page of this flyer with the little graphic on the front, just very quickly, some lessons learned in here. We operate with a teacher advisory--excuse me--talent advisory system where young people have a person assigned to them in a...what we call an intrusive manner. They're with 40-50 students every day. We work in the schools, in the community college, on the campuses. We work in and on the job sites. One of the things we've found--and you'll see in Lessons Learned--is the academic readiness of our young people coming out of high school for community college is at risk at best. Last year, 96 percent of the students we had go to be admitted at the community college could not get admitted and needed developmental courses. That's across all districts. That's not isolating any district. So as we talk about relevance and we talk about career readiness and talk about career academies, we have to talk about the developmental learning needs of these young people. What we're finding is when you have relevant curriculum--career-rich, relevant curriculum--they do learn. And we have an 85 percent retention rate in our community college year over year, so it's critical. Last really important need--that isn't on this table, but--is the housing need for young people when they go to a community college or any vocational-technical training experience. They must have some alternative living experiences outside of the neighborhoods in which they've grown up in. I've given you a very quick snapshot of Avenue Scholars Foundation. I've given you a wealth of information here that shows some great statistics on our success with young people. We are a young program, we're privately funded, and we're excited about our future and the future for the young people we serve. We just need to broaden that to other young people. Thank you, Mr. Adams. [LB1144]

SENATOR ADAMS: Thank you, Dr. Bird. Are there questions for Ken? Senator Sullivan. [LB1144]

SENATOR SULLIVAN: Thank you, and thank you for your testimony. [LB1144]

KEN BIRD: Thank you, Senator. [LB1144]

SENATOR SULLIVAN: So how much of a buy-in financially do the participating businesses have in this? [LB1144]

KEN BIRD: You know, Senator Sullivan, at this point, we've gone...we've set up a corporate advisory committee--the major corporations in Omaha participating and the smallest. They're 100 percent bought in. Where we asked for internships, for example, they said we want paid internships. We want to offer the young people opportunities. We are not short on opportunities for training and educating these young people in the workforce. We're short of talented young people to get into those opportunities and that's our focus, so I'm--I would say startled, but I shouldn't be--but certainly blessed

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with the corporate support... [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

KEN BIRD: ...and the willingness of everyone to step up and offer the jobs. The challenge is the alignment of the curriculum and that the math and language arts are the biggest shortcomings. These young people just can't do the basic skills to get through the entrance exams in the community college and then into the workforce and we can't leave that out in this discussion. [LB1144]

SENATOR SULLIVAN: Thank you. [LB1144]

SENATOR ADAMS: Senator Council? [LB1144]

SENATOR COUNCIL: Yes, quickly. And thank you, Dr. Bird, for appearing and testifying in support of the bill. [LB1144]

KEN BIRD: Thank you, Senator. [LB1144]

SENATOR COUNCIL: And you and I have been privy to some conversations around this issue and I think you heard me mention during Senator Ashford's opening the Careers to Kids initiative. [LB1144]

KEN BIRD: Yes. [LB1144]

SENATOR COUNCIL: And Clint (sic) wasn't aware of it because it's just getting off the ground. [LB1144]

KEN BIRD: Getting off the ground, right. [LB1144]

SENATOR COUNCIL: But in your opinion, does it...that program and its direction, and Avenue Scholars and its direction, they're compatible. And it's my understanding there have in fact been collaborative discussions around how to expand that. [LB1144]

KEN BIRD: Yes, Senator. Absolutely. [LB1144]

SENATOR COUNCIL: Well, I just want to be sure that that's all new because I don't want it to give the impression that there are these competing types of... [LB1144]

KEN BIRD: No, no. Great point. [LB1144]

SENATOR COUNCIL: ...initiatives going on, that they complement each other, and you're looking to collaborate and expand upon them. [LB1144]

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KEN BIRD: Absolutely, and I think that's what's going to make these efforts even more successful. Now, President Schmailzl's--from the community college--position all along has been no redundancy and to work together and to collaborate. And whether it's a careers program, Avenue Scholars or Workforce Development coming from the chamber initiatives, any of those have to go hand-in-glove. Our business community is ready and able to help. We just have to make sure we have employees ready and able to take those jobs. [LB1144]

SENATOR COUNCIL: Okay, thanks. [LB1144]

SENATOR ADAMS: Other questions? Thank you, Ken. [LB1144]

KEN BIRD: Thank you, Senator. [LB1144]

SENATOR ADAMS: Next proponent? [LB1144]

WENDY BOYER: Chairman Adams and members of the Education Committee, I'm Wendy Boyer, B-o-y-e-r. I'm vice president of community affairs for the Greater Omaha Chamber. We're offering our support today for LB1144 and thank Senator Ashford for bringing this proposal to your committee. Over the last several years, the chamber has worked with a number of our school districts and our community college to promote and develop career academy programs within the high schools. We've served in advisory roles to the school districts in thinking about what career fields, where the high-demand jobs will be, anticipated needs in the workforce, as well as those skills that will be needed for those specific jobs. Our interest, really, at the chamber is twofold. One of those is high school and career academies really are a strategy to help restructure the high school experience, especially for those students who are not being successful in the traditional high school setting, and we also see that as an opportunity to ensure that we have the workforce and talent that we need for economic development. Career academies create an opportunity to restructure the high school experience for students who may or may not see themselves going on to a four-year postsecondary experience. Career academies can be a vehicle for engaging students that are in danger of dropping out, and also increasing their achievement. In career academies, as Dr. Bird said, students learn through relevant, meaningful learning experiences and they're allowed to discover themselves and how they see themselves fitting in the world and also what their future might look like and how they might contribute to that in the workforce. LB1144, I think one of the most important parts is that it actually allows flexibility within the curriculum and also within attracting students or teachers from a variety of career backgrounds. In career academies, oftentimes they can talk about...one, for example, I know that is in the Omaha Public Schools is in construction. Students are able to learn their math through a construction focus. So when you think about geometry and the algebra and the measurement, all of the different tasks, they would be learning their

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math and their math skills through those kinds of experiences and opportunities. So we encourage this committee to consider LB1144 as a means to help students and schools in meeting their diverse learning needs and in helping to grow our future workforce. With that, I thank you and am happy to answer any questions. [LB1144]

SENATOR ADAMS: Thank you, Wendy. Are there questions for Wendy? I guess not. Thank you, ma'am. [LB1144]

WENDY BOYER: Thank you. [LB1144]

SENATOR ADAMS: Next proponent? [LB1144]

CHUCK CHEVALIER: Senator Adams and Education Committee, thank you for listening and taking my testimony. My name is Chuck Chevalier, C-h-e-v-a-l-i-e-r, and I'm superintendent at South Sarpy School District. I'm excited to be a proponent for this innovative idea, this idea. And the first thing about innovation on this idea? Please disregard grease in this proposal. Vocational career academies aren't about grease that much. It's more about technology, math, and science, to be very honest with you. So with that in mind, I have three stories for you that I think will point out why this bill needs to be passed. I'll probably only get through one of them. But, as you may know, I was a superintendent in Auburn before I went to South Sarpy and as you also know, the Brownville nuclear power plant is very close to Auburn. You also may know that since those plants came into existence in the early '70s, a lot of that workforce is ready to retire. A vice president at NPPD and I at one point had an idea to open a training center--which has been opened, by the way--in Auburn. But we would take some of our junior and senior kids and they would spend an afternoon in this training center. The idea would be that these students, when they graduated from high school, could go right into the plant--the nuclear plant--and get jobs at that nuclear plant, as a lot of that workforce is retiring. That was just one idea of...I love the concept in this bill about partnering with a business or with other school districts. I think that's partly what makes it a rural initiative as well. If you think in terms of in the rural area, the consolidation that's going on, there are unused buildings out there that could be turned into a multidistrict career academy and have an interlocal agreement that works with that. And so I think it's not about...although I honor Tech, I was beaten several times by them playing football against them in high school. But I would tell you that it isn't just about Tech. This bill, I think, has a lot to do about our whole state and partnerships that we could have in the state, so I would be a proponent for that...for this bill. [LB1144]

SENATOR ADAMS: Thank you, Chuck. Are there questions for Chuck? Chuck, I might ask--and kind of a loaded question because now I'm going to ask you to put your superintendent's hat on at South Sarpy. How might you see your school district involved in this concept? [LB1144]

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CHUCK CHEVALIER: Well, I think we could be...we could develop a school. We're an example. We have one building we're not using right now as a school building. We've got it leased out, but we're not using that building. We could have a career academy. And again, I like the concept that it's a multi...can be a multidistrict kind of school, so that school would be very close to Louisville, to Plattsmouth, to our school, to Bellevue. It could bring in multiple districts into a career type of academy. The other things, which you've heard already, is this isn't just about the vocational part of it or the career educational part of it. It's also about the core areas as well and putting those core areas into some kind of study, so you kind of need a separate school, you need a building. It is a little bit about infrastructure as well. [LB1144]

SENATOR ADAMS: Thank you. [LB1144]

CHUCK CHEVALIER: But we could look at a partnership like that. [LB1144]

SENATOR ADAMS: Good. Are there questions for Chuck, anyone? Thank you. Next proponent? [LB1144]

BRENDA MAINWARING: Good afternoon. My name is Brenda Mainwaring, M-a-i-n-w-a-r-i-n-g. I'm the director of public affairs for Union Pacific Railroad. There has been a lot of questions from the committee about how the business community might make use of this and I am here to speak in favor of the bill. Hopefully, I can give you a perspective, at least from Union Pacific. This year, Union Pacific will fill about 500 jobs in Nebraska. More than half of those do not require a college degree. If the economy stays strong, we'll fill about 300 jobs that do not require a college degree every single year in Nebraska. That's a lot of employees. That's a lot of potential openings and these are great jobs. The U.S. government has looked at the rail industry and determined that the rail industry salary and benefits rank in the top 10 percent of all industry. For the railroad, our average wage is \$82,000/\$83,000, average benefits \$25,000, for a total compensation of \$170,000--\$107,000. The U.S. average total compensation is \$66,000, so these jobs are tremendous jobs and more than half of them are available for people with a high school diploma. A high school diploma is not always competitive. In the environment we're in right now, just having a high school diploma is likely not to be enough. These are highly desirable jobs. But, there have been times where Union Pacific has found it very difficult to fill jobs, especially in rural Nebraska, especially things like electricians, mechanics, welders, and even train and engine crews. We can usually find lots of applicants for positions that don't require specific skills or that don't require specific education, but the more skill training that's required, the harder it is to find applicants. We use a lot of strategies. We partner with local community colleges, we participate in state workforce development initiatives, we have high school summer internship programs, we go to career fairs, we are becoming involved with Avenue Scholars, nonprofit organizations, all of these things that help a little bit. For the most part, they don't inform high school students of what opportunities might be out there for

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really great jobs with the railroad. During peak hiring periods in the past, our HR staff has tried to get into high schools and we frequently have been told by principals that they just can't allow us in because the students don't have time. They can't allow the time to divert students away from their normal classroom activities. And as we perceive the role of LB1144 is that it kind of redefines what a normal classroom activity is, so the students who want to go straight to work out of high school can learn about and prepare for career opportunities. From our perspective, students who learn trade skills in high school are preparing for careers, not just preparing for jobs, so we hope to be hiring some of those career-minded high school students in the future. Thank you. [LB1144]

SENATOR ADAMS: Thank you. Questions for this testifier? I guess not. [LB1144]

SENATOR HAAR: Yeah, well, I have... [LB1144]

SENATOR ADAMS: Oh, I'm sorry. Senator Haar? [LB1144]

SENATOR HAAR: Yeah, I'm caught by this idea that you're not allowed to go into schools. Is that a frequent thing or are...? [LB1144]

BRENDA MAINWARING: We have...obviously, our hiring has been reduced over the last couple of years with the recession. [LB1144]

SENATOR HAAR: Uh-huh. [LB1144]

BRENDA MAINWARING: But prior to that, when we were really running low--especially in North Platte and western Nebraska--we would ask to go into a high school and it was very, very difficult to convince a principal to give us time in front of a high school student to tell them about career opportunities. [LB1144]

SENATOR HAAR: Hmm. Okay, that should be something we could do something about. I don't know. [LB1144]

SENATOR ADAMS: Are there any other questions? Thank you, ma'am. [LB1144]

BRENDA MAINWARING: Thank you very much. [LB1144]

SENATOR ADAMS: Next proponent? [LB1144]

DENNIS BAACK: Senator Adams and members of the Education Committee, for the record, my name is Dennis Baack, B-a-a-c-k. I'm the executive director of the Nebraska Community College Association, here to support LB1144. We have been working through the issues and other entities out there for a long period of time in trying to promote career education and career academy-type projects. We also would be willing

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to offer our aid and to some of these cooperatives who are going to form in the fact that we already had business advisory committees at all the community colleges. We would also hope that as they look at curriculum and stuff for these career academies, we make sure that those curriculum align very well with the community colleges so there can be a seamless transfer of those students right into our curriculum and make sure that we just move those students right on through. And within two years, hopefully have them have a very good job. I think these...anything that promotes career education, we believe strongly in and I think that once you start making education more relevant by making the education relevant to a career, I think that's helpful to students. With that, I'd be happy to answer any questions if there are any. [LB1144]

SENATOR ADAMS: Are there questions for Dennis? Anyone? Thank you, Dennis. [LB1144]

DENNIS BAACK: Um-hum. [LB1144]

SENATOR ADAMS: Next proponent? [LB1144]

JOHN CAVANAUGH: (Exhibit 3) Mr. Chairman, members of the committee, I'm John Cavanaugh, C-a-v-a-n-a-u-g-h. I am the executive director of Building Bright Futures and I'm appearing today in support of LB1144 and to commend Senator Ashford for his vision and concern about the next generation of students and this committee for the work that you have done and you continue to do to transform Nebraska education into the best in the country. We certainly have that potential. Building Bright Futures is a private philanthropic organization devoted to supporting public education in the two-county area in Douglas and Sarpy County in a whole range of programs, from early childhood...well basically, from birth or prenatal through the 12th grade. What I've supplied to you this afternoon is a brief chart on the last two years, NeSA results for the 11 school districts of the two-county area. And what you see is basic population of about 11,000 students with a fairly consistent pattern, year over year, of about 2,600 of those students, through each of the grades, not performing at grade level. What the career academy approach and early career connection from 7th grade forward offers is the opportunity not just for the students currently that we currently see not performing at state level or at proficiency levels in the state, but for the whole array of students, because what we are...what we see in looking at the school districts across our district is a real shortage of early career awareness and career focus in the educational system. This is a very big gap in terms of preparing students for the real world and preparing the real world for the students that they're going to receive. This is an opportunity to correct that, has strong support throughout the corporate and business community, the labor community, and the education community. This is a very vital missing piece in our comprehensive education system and we urge you to support this and close this gap in terms of the opportunities that we are providing for young people. Greg Emmel, one of our program directors for the reengagement center, is leading our

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effort in Building Bright Futures, together with the Sherwood Foundation and our partners at Avenue Scholars in reengaging students. And this is part of the vital multiple pathways that we must provide so that we're meeting students' needs by identifying what is the best vehicle for them for lifelong success. So this is an important piece of legislation and we're pleased to be supportive of it and have the opportunity to meet with you today. Thank you. [LB1144]

SENATOR ADAMS: Thank you, John. Are there questions for John, anyone? Yes, Senator Sullivan. [LB1144]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you, John. Since you're using Learning Community data in this handout you gave us, what role do you think the Learning Community plays in all this? [LB1144]

JOHN CAVANAUGH: These are the 11 school...this actually was state NDE data, but focused on the 11...combining the 11 schools districts of the Learning Community. [LB1144]

SENATOR SULLIVAN: Right, but what do you think? [LB1144]

JOHN CAVANAUGH: I think there is a great opportunity here for the Learning Community to be a participant in this. The vision of the legislation is multi-school district. [LB1144]

SENATOR SULLIVAN: Um-hum. [LB1144]

JOHN CAVANAUGH: And I think leadership and support from the Learning Community, this is a vital component, because it's focused on that...those populations of students that the Learning Community, I think, by this Legislature was designed to address those in need of different support systems, different pathways to success. So this is...I think the vision would be that the Learning Community should participate in this. [LB1144]

SENATOR SULLIVAN: Okay. [LB1144]

SENATOR ADAMS: Other questions for John? Thank you, John. Next proponent? Hi. [LB1144]

GREG EMMEL: Thank you, Senator Adams and members of the Education Committee, for this opportunity to speak in behalf of LB1144. My name is Greg Emmel, E-m-m-e-l. I'm director of the Building Bright Futures D2 Center/Directions Diploma. I recently retired from the Omaha Public Schools after 33 years. My last position was principal to Central High. At the D2 center in Omaha which just opened a few months ago, we're working with youth ages 15-20 who have dropped out or are disengaging from school.

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Our goal is to reengage them by assessing the causes of their disengagement and by developing an action plan to get them back in the path toward a high school diploma with needed supports. So far, our work has been almost entirely with youth in the Omaha Public school district, but we hope to expand our services to neighboring districts in Douglas and Sarpy County in the future. Two quick points--I think most everything's been said about the bill--but two key points I think are very important. What I like about this bill, it encourages school districts and other educational entities to collaborate to develop career-focused academies. This could have an impact on potential dropouts in our community. This strong focus on career education would lead to more partnerships among school districts, business and industry. This is something obviously that's positive, that we would like to see happen in the educational community. The other thing I really like about this bill is it really encourages, it becomes in itself, a multiple pathway to graduation. It's difficult to meet the needs of these youth who are dropping out and disengaging from school. The career academy is a great first start for districts and entities to work together to develop another pathway for these types of students. [LB1144]

SENATOR ADAMS: Thank you, Greg. Are there questions for this testifier? Thank you, sir. Any other proponents for this bill? All right, then let's move to opposition testimony. Senator Ashford didn't bring any of those along. (Laughter) Is there neutral testimony, then? [LB1144]

KENT ROBERT: Good afternoon, Chairman Adams, Education Committee. My name is Kent Rogert, R-o-g-e-r-t, and I appear before you today representing the Learning Community of Douglas and Sarpy County. We are coming officially neutral today, although we're supportive of the idea and the efforts to align educational and economic interests in the metro area. And we agree with the chamber of commerce that we haven't done enough of that anywhere in the past. A couple of things. We do believe it should be multidistrict. Coordinating everybody in the metro area or multidistricts across wherever you would be, I think, would be helpful to serve more students. Should be...we think it should be connected with community colleges or some type of postsecondary educational institution to design them...help them help us design whatever we'd want the pathway to look like. He mentions in the bill that there would be an additional 10 percent student funding available. We wonder if 10 percent would be enough. There has been a program in the past in Iowa that...similar to what we've worked with...what we're talking about in the bill and it asks for 47 percent extra funding, which might be a little excessive, but maybe somewhere in the middle might be a target to hit. We don't...I definitely think if you're going to go to the efforts to create this, you wouldn't want to underfund it so that you didn't get the results out of it as you totally wanted. It definitely fits in the purview of our legislatively-required diversity plan. About a third of our 18-page diversity plan discusses strategies for focus schools and this definitely fits pretty close along the lines of that. What we would be doing is researching the unmet and high-demand interest program needs within the Learning Community and this

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would definitely fit into there. So, appreciate the bill and Senator Ashford and I'd answer any questions you might have. [LB1144]

SENATOR ADAMS: All right, are there questions for Mr. Rogert? I guess not. Thank you, sir. [LB1144]

KENT ROGERT: Thanks. [LB1144]

SENATOR ADAMS: Next neutral testifier? [LB1144]

RANDY SCHMAILZL: Good afternoon, Chairman Adams and the committee members. My name is Randy Schmailzl, spelled S-c-h-m-a-i-l-z-l. I am president of Metropolitan Community College and it's my pleasure to be here at the request of Senator Ashford. The Metro board will be taking action on this bill in the near future, so today I am neutral in my testimony. I'd like to first of all express my appreciation to Senator Ashford for his tireless support for the youth in our community. Senator Ashford is always looking for a solution to assist students from all walks of life and who find themselves up against barriers that keep them from achieving their dreams. I also know in my regular work with Senator Adams and this committee, that you too are committed to students and improving educational opportunities for students in the whole state of Nebraska. The priorities of LB1144 address some very important gaps for our youth and I'm pleased that the bill considers community college as a potential partner in developing career academies as an alternative to traditional path education. Career academies as we know them have been around for several years at the community college and Metro has developed some excellent career academies in partnership with area businesses and schools in our four-county area. We currently offer academies in the following areas: auto collision technology, automotive technology, certified nursing assistant, criminal justice, data center, diesel technology, digital cinema and filmmaking, early childhood education, electrical technology, emergency medical technician, home maintenance repair, introduction to the trades and manufacturing, theatre technology, and welding technology. We know that the career academies are a proven alternative for students who want to get into the workforce sooner and choose a high-demand career that produces a living wage for them. Although many of the current career academies are focused on some of the trades, we know about the enormous potential to further develop them in areas of math, science, and technology exists within the focus of this bill. I would like to again thank Senator Ashford for bringing this bill forward. Metro Community College is at the heart of what we believe to be dedication to the community and the partnerships that this legislative proposal supports. Thank you very much. [LB1144]

SENATOR ADAMS: Thank you, Randy. Are there questions for President Schmailzl? You're off the hook. Next testifier? I'm not going to ask...there we go, there is somebody. Good afternoon, Marshall. [LB1144]

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MARSHALL HILL: (Exhibit 4) Good afternoon, Senator. Good afternoon, Senator Adams and members of the Education Committee. My name is Marshall Hill, H-i-l-l. I'm executive director of the Nebraska Coordinating Commission for Postsecondary Education. I'd like to stress it's postsecondary education, not university education or anything. We take a broad perspective. First of all, the Coordinating Commission applauds the overarching intent of this bill, which is to help prepare our state's high school students to be productive and thriving members of the workforce. We realize the complexities of the issue and understand the vital role that career academies can play in addressing this challenge as we move forward. Last year, we asked you and then you asked us to study career academies and dual enrollment and other means of students obtaining both high school and college credit while still in high school. We submitted the study's final report to the Governor and the Legislature in December and we've included a copy of its executive summary in the materials we've provided you today. I'd especially point you to page 10, which has our recommendations about career academies. As part of our study, we consulted with an advisory committee that included representatives from public and private high schools around the state and all sectors of higher education. Many of these people had firsthand experience with career academies, both in the high school and college level. We also did an analysis of current national and Nebraska practice for career academies--something which had not been done before. We worked closely with staff from the Department of Education, Nebraska Department of Education, and presented our study results to the State Board of Education earlier this month. Board members there responded very favorably to our findings and suggested working with the Commission to develop potential state policies and/or legislation for career academies and other areas addressed in this study. At the conclusion of our report, we made a series of policy recommendations, including five that dealt specifically with career academies. One of our recommendations addressed issues concerning the cost of funding career academies. Another dealt with a collection of student-level data about career academies. We are encouraged to see that this bill touches on both of those issues, although we would strongly recommend that any data collection go beyond enrollment numbers and grade levels and include information such as student retention, grade-point averages, state test scores, graduation rates, college-going rates. Such data is vital to measure the effectiveness of career academies and inform future policy. We're also encouraged to see an emphasis in this bill on internships, job training, and related work experience. Through our study, we've found this to be a defining element of career academies. Furthermore, LB1144 is right in calling for career academy curricula that include math, science, and technology. These subjects are not only appropriate for a career academy, but essential for a good high-school education in any form. We are concerned with some wording in this bill, however, that appears to make a clear distinction between a career-based education and a college-bound education. Career academies have evolved greatly during their 40-year history and during the course of our study, it became apparent to us that a commonly-accepted national definition of career academies has emerged, one that

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members of our state-level advisory committee acknowledged as well. Whereas in the past, career academies often were dedicated solely to those students deemed unlikely to succeed in so-called college prep courses, career academies now increasingly walk the common ground between focusing on college preparation and career preparation, realizing that in this day and age, they often are one and the same. It's also common practice for career academies to offer courses that award a combination of high school and college credit. In fact, all six of Nebraska's community colleges currently partner with school districts to do just that, and with educational service units as well. These common practices acknowledge the fact that a high school education alone is simply not enough in today's increasingly competitive, global, knowledge-based economy. A recent report from the Georgetown University Center on Education and the Workforce shows that by 2018, 66 percent of jobs in Nebraska will require postsecondary education of some kind, whether that's an associate's degree, a bachelor's degree, or an advanced degree. Even for those students who do not wish to pursue a postsecondary education, a rigorous and well-rounded high school curriculum is essential to being more informed, involved members of their communities and having a chance to succeed in the workplace. In closing, I suspect that Senator Ashford's development of this bill and our conclusion of our study were on parallel tracks that didn't necessarily acknowledge one another. We would like to encourage that you and Senator Ashford consider the recommendations that we had in our study report on dual enrollment and career academies. We'd be pleased to work with Senator Ashford and the committee toward those ends and/or with the Department of Education/State Board of Education as we move forward on these issues. [LB1144]

SENATOR ADAMS: All right. Thank you, Marshall, it's good advice. Yes, Senator Council. [LB1144]

SENATOR COUNCIL: Yes, thank you, Senator Adams. And thank you, Marshall, because I think that the points that you make in your comments kind of points us to how we arrived at where we are today, and that is this distinction between college prep and career prep and unfortunately and regrettably considering career prep to be less than and reserved for those who are unlikely to succeed. And Senator Ashford and I have had these, you know, kind of conversations again, and that's why the need to really enhance career prep. And I shared with Senator Ashford, you know, the unique opportunity I had in 1992 to represent the U.S. traveling to Europe, because if you'll recall, there was an effort from the federal government to bolster school-to-work transition. And, you know, I had the opportunity to tour German schools where, if you know the German educational system, the decision is made upon entry into kindergarten whether you take a career path or a college path. And to walk into a Siemens factory and see 13- and 14-year-olds working machines because they spent half the day in the classroom with the language and math--the language arts, the math, and the science--and the rest of the school day at a Siemens plant, putting those concepts to work. And the talking...looking about...looking at Avenue Scholars--I know

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you're familiar with Career to Kids (sic)--that, you know, the career academies are certainly a need for such programs. But again, looking at a way to spread that opportunity across the board to students while at the same time providing an opportunity with the infrastructure--and I can't remember who testified about the infrastructure--but not every high school will we be able to equip with a construction lab, an auto lab. But to be able to take these interest assessments and develop the...and design curriculum that put us in that direction. And I recall from briefly looking at the summary of your report that that's kind of a direction that the Coordinating Commission was recommending. Am I correct in my recollection? [LB1144]

MARSHALL HILL: Yes. Yes, you are. We think it's important that students not be presented with a fork in the road too early. There are many skills and knowledge of technology and so forth that are going to be required of people whether or not they go on to college or whether they work at a Siemens plant. And today...whereas maybe 30 years ago they were working on a machine that cost \$5,000, now they're working on machines that cost maybe a \$1 million, and so the level of knowledge and skills that are required in a complex manufacturing facility right now are quite different than they were 20-30 years ago. There's been a good deal of attention to this issue. NPR just did a story on that the other day, portrayed it. A woman who found that she had reached a point in her employment where without a better understanding of how and why the machines she was working with were set the way they were and the reaction of metals, she was going to lose her job. It's...the Coordinating Commission does not believe there's a hierarchy of people in our society on the basis of how well they're educated. We believe it's important that people access as much education as they need, want, and can deal with. And we would hope that in passing a bill dealing with career academies that--which is not something you do very often-- that you would try to encompass as much of best national practice as you can. At this point, we knew very little about career academies in Nebraska, and we still do. When we sent out a response to two high schools, only about half of them replied. We don't know how many career academies there are. We don't know all of the disciplines in which they are active, but we do know that at least 7,000 students in Nebraska are active in career academies of one sort or another. From national studies, we do know that students who are active in career academies stay in high school, they graduate at higher rates, and they go on to postsecondary education at higher rates--and we think those are important things to do. We simply are at a point where we cannot waste any student which comes to us educationally. [LB1144]

SENATOR ADAMS: Thank you, Marshall. Questions? Thank you. [LB1144]

MARSHALL HILL: Thank you. [LB1144]

SENATOR ADAMS: We're still on neutral testimony. [LB1144]

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RICHARD KATT: (Exhibit 5) Good afternoon, Senator. Members of the committee, my name is Richard Katt, last name is K-a-t-t. I do work with the Nebraska Department of Education as the state director for career and technical education. I'm here to officially deliver a letter of neutral support for this piece of legislation from the State Board of Education, along with a willingness from the department and the State Board to support the advancement of career education/career academies in Nebraska's schools. In the department, we have done a lot of work, especially in the last five or six years, with the coordination of some career academies as high schools and community colleges have come together, and we certainly would see this as an opportunity to grow Nebraska's economy and our educational efforts, so we stand ready to assist in any way. Thank you. [LB1144]

SENATOR ADAMS: All right, thank you. Neutral support? (Laughter) Okay, all right. I can tell Dr. Breed's been politically working with you, hasn't he? (Laughter) Are there questions from the committee? Thank you then for your testimony. [LB1144]

RICHARD KATT: Thank you. [LB1144]

SENATOR ADAMS: Any other neutral testimony? Senator Ashford, you can close then. [LB1144]

SENATOR ASHFORD: I must just briefly close. [LB1144]

SENATOR SEILER: Mr. Chairman? [LB1144]

SENATOR ADAMS: Yes, Senator Seiler. [LB1144]

SENATOR SEILER: Can I apologize to the Senator Ashford for asking him the wrong questions? It may be my first screw-up as a senator, but it won't be my last. (Laughter) I apologize. [LB1144]

SENATOR ASHFORD: I do it all the time, Senator. [LB1144]

SENATOR SEILER: I was comparing... [LB1144]

SENATOR ASHFORD: No, I didn't know they were bad questions. [LB1144]

SENATOR SEILER: I was comparing LB1144 to LB1131 and I had my questions backwards. [LB1144]

SENATOR ASHFORD: No, those were... [LB1144]

SENATOR SEILER: And one of the questions I did want to ask you, if I may, is...

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[LB1144]

SENATOR ASHFORD: Oh, yeah. [LB1144]

SENATOR SEILER: And I think it was already answered. How do we get away from the college bound, separate from the deal? [LB1144]

SENATOR ASHFORD: And I... [LB1144]

SENATOR SEILER: And when Union Pacific testified, I think anybody that's studying education to be a teacher just left to go to work for U.P. (Laughter) [LB1144]

SENATOR ASHFORD: Yeah, I...thank you, Senator, for that question. I clearly...I heard Marshall's comments. Clearly, there's...and Senator Council's comments, which are right on. There is no intent in this bill to separate those two. It is my belief that the jobs that are...and if the bill says that, it's inadvertent...that the...it is our intent to...that these career academies are rigorous, that they develop educational opportunities for children and students that lead to good jobs at U.P. and where...and anyplace else. And all I think we're saying on that topic is that it's not necessary to go to four years of college to get a \$75,000 or \$85,000 job in this state and there should be no disrespect of any kind on any level anywhere for those kinds of jobs. And I think traditionally in this country, we kind of have done that and it's been...it's wrong, wrong, wrong. [LB1144]

SENATOR SEILER: Right. [LB1144]

SENATOR ASHFORD: So that's the...I...there's absolutely no intent for that and that's a great question, Senator Seiler. But thank you for that. [LB1144]

SENATOR ADAMS: If you want to add anything more to closing then, Senator. [LB1144]

SENATOR ASHFORD: (Exhibit 6) Well, I do want to...I was going to add that, but I just want to make this...and I have a...Grand Island was coming, but they have given me an e-mail rather than...they were unable to be here, but they are creating, in the Grand Island Public Schools, a career academy and they have a need for 7,000 manufacturing jobs in Grand Island. Heavens, I mean, that's just incredible, what's going on. And I guess my last point would be this, Mr. Chair, and is that...is if we don't do...we have the assets in place, here. And Senator Council is right about the great things they're doing with the career...the jobs program at OPS. We have the assets, but we're just at the cusp of this. We really...I think this needs to be kick started. We need to have a focus statewide for career academies, whether they're attached to Grand Island Public Schools or it's a separate building. I thought Chuck's testimony was good. The idea that you have a building that's focused on these kinds of programs is important. If we don't

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do anything, if we just let it lie and continue to study it, then we'll continue to study it ad nauseam. It's...I think this is a crying need. We have kids that need this opportunity in our state and we have employers that will bring them on and the opportunities are there and the assets are here. We just need to put them together and I think the bill will help us get there. Thanks, Mr. Chair. [LB1144]

SENATOR ADAMS: Thank you, Brad. Any final questions for the senator? [LB1144]

SENATOR HAAR: Yeah. [LB1144]

SENATOR ADAMS: Senator Haar has a question. [LB1144]

SENATOR ASHFORD: Yeah. I did something to my back... [LB1144]

SENATOR HAAR: Please be seated, thank you. [LB1144]

SENATOR ASHFORD: ...and I can only get up and down so many times with it, you know. [LB1144]

SENATOR HAAR: Well, this has been talked about a number of times, but I taught at Tech High School back in the '60s and it was...it was really sort of a dumping ground at that point. And so it just seems to me that that can't happen to these. [LB1144]

SENATOR ASHFORD: Right. [LB1144]

SENATOR HAAR: It'll be the death of them quickly. [LB1144]

SENATOR ASHFORD: They won't be. It'll be a terrible tragedy if that happens. [LB1144]

SENATOR HAAR: Um-hum. [LB1144]

SENATOR ASHFORD: Yeah. [LB1144]

SENATOR ADAMS: Any other questions? Thank you, Senator. (See also Exhibit 17) Given the time, we're going to move right on to the next bill. Senator McGill has been waiting patiently. LB1131, Senator, you're up. [LB1144]

SENATOR MCGILL: Well, Senator Ashford had told me his bill would take a half hour. [LB1131]

SENATOR ADAMS: That's what he told me, too. [LB1131]

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SENATOR MCGILL: Oh, dear. Well, I'm very glad that I...well, I'm Senator Amanda McGill, District 26. I'm glad I was here for that, though, because our bills are related, at least in some point, only I bring to you a slightly different spin on the issue and maybe a slightly different emphasis. But they're definitely trying to get at some of the same problems. I know looking at the...well first of all, I don't get to come to the Education Committee very much, so I'm hardly an expert in these areas, so I'd really appreciate feedback and information from the committee. I know Tammy put together some good technical notes on the bill, but, you know, to me, I don't care what this is called or many of the technical aspects. But I bring this idea for this task force to you based on an idea I learned about from an Oklahoma senator who is working on some sort of creativity index for her schools down there and was working with a gentleman named Dan Hunter out of Massachusetts, because we're all concerned about losing that creative, innovative portion of our workforce, moving forward with emphasis on testing to certain tests, when what has made America so great and the leaders in the global economy has been our ability to come up with the next best idea. Maybe it's not manufactured here in America, but we still have the innovators and the leaders here and there...you know, when you talk to other schools around the world, even though you may see statistics about oh, this school in Asia tests so much better than our schools in America, they still ask: How do you get your kids to be creative? You know, what is it that we're not grasping here that America is doing well? And so I bring this bill here to you today to try to encourage the continuance of that strong creative learning, that problem solving that in America we are very proud of in our youth and in our work force. And, you know, studies show that that innovation and that creative thinking is something that employers want in their employees. I...recently, on the advanced manufacturing route--which you've just heard plenty of, so I won't go too far down the line--I had the opportunity recently to visit Lincoln Machine here in town--and these people are creating robots to create machines--and was so impressed by how yeah, that may be a manufacturing job of today, but it takes so much creativity and innovation in order for them to be able to come up with these machines that honestly help create iPads. You know, they'll create something that then goes on to help create the actual bigger manufacturing. Maybe they're created somewhere in some other country, but we create the initial item that sparks that innovation and that ability to mass-produce certain items. I was also moved in the last year by...I attended a conference at the White House with other young elected officials and heard a presentation about how in our growing and our expanding global economy, young people, as they mature into the workforce, are going to increasingly be doing their own jobs. You know, we won't have the companies that hire hundreds or thousands of people, we're going to have people who are their own boss, who are really using their skill set to make a difference in the world. And one of the perfect examples they used was that a young person can make a good living by creating an iPhone app and selling it for \$0.99 a pop and they're set for several years. You know, so how do we continue to encourage that sort of thinking, where our students and our young people are thinking "what if," instead of just memorizing the information that they may need in order to test well in school? Not that that isn't

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important, but how do we also foster that sort of creativity so that we are still a nation of innovators and really using our individual skills in the best way possible and to support ourselves in the long run? So I bring you this idea, this project, that's based again...that I've kind of been working with the folks in Oklahoma on as well. They're actually creating an index where they rank their schools based on, you know, certain creativity standards. And I don't per se want to rank our schools, but I would like a task force of both educators and business leaders--if I really had my say, more business leaders--to be taking a look at what programs, after school clubs, and...not just the traditional theatre and arts sort of clubs, but also the math and science and business and entrepreneurship clubs and more programs like we just heard about and how to connect people to, you know, careers in the future with skills. But to take a look at what's out there so that we have a comprehensive look because every time I go meet with a Cathy Lang or someone here in Lincoln--I learned about a program in North Platte that sounds phenomenal--and, you know, think oh, maybe we could learn from that program or, you know, vice versa. And it'd be great to have a group looking at what's out there, what could we be doing, and then analyzing how we could potentially help to incentivize that, whether it be through the formula...but I'd prefer a grant, grants of some sort to school districts, given out by this task force and...but they could come to us with ideas for how they think we could help incentivize and maybe come back next year when we're in a budget cycle and look at what we can do in terms of providing some grant funding for some of these programs, because I know as I've talked to, you know, LPS here, one of the problems is: How do we fund some of these great programs to help fill this gap? And so I see this as a way to start a conversation and to get the ball rolling and really keep making Nebraska a leader in prioritizing innovative thinking and creating the type of workforce that we will need going forward. I know we've lost some big manufacturers even, because we don't have the people to do those jobs. So it's not even that we have 1,000 jobs in Grand Island that, you know, we don't have employees for, it's that we're losing new businesses as well because we don't have the right type of workforce. So with that, I look forward to working with the committee and maybe fleshing out this idea or...Senator Ashford had a great group of people that, you know, are somewhat related to this...my ideas as well, but I would love to take any questions from the committee. [LB1131]

SENATOR ADAMS: All right. Thank you, Senator McGill. Are there questions? Senator Avery. [LB1131]

SENATOR AVERY: Thank you, Mr. Chair. Did you get the letter from the Speaker about the task force? [LB1131]

SENATOR MCGILL: Yes, about task force? [LB1131]

SENATOR AVERY: Yeah. [LB1131]

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SENATOR MCGILL: And this is my first foray into this, so that's a sort of thing I'm totally open on. [LB1131]

SENATOR AVERY: Yeah, well I...it was my bill in 2008... [LB1131]

SENATOR MCGILL: Oh. [LB1131]

SENATOR ASHFORD: ...that spurred this concern of his and he waited until my bill was on the floor to say anything to me and killed the bill, as a matter of fact. What ideas do you have to meet his concerns about separation of powers and having people from the general public serve in a kind of a policymaking role? [LB1131]

SENATOR MCGILL: I haven't had a chance to read the letter, really, because he told me about it this morning, that I'll be getting it. [LB1131]

SENATOR AVERY: Okay. [LB1131]

SENATOR MCGILL: And so I haven't read it. But, I mean, that's the sort of stuff where I'm willing to work through it and figure out how we can best put people together. [LB1131]

SENATOR AVERY: There are ways to do it. I did it the next year. [LB1131]

SENATOR MCGILL: Yeah. Yeah, and that's where, you know, I'd love some collaboration and maybe you and I can talk about that...but getting members. And I was really impressed to see how many members of the business community in Omaha showed up for the last hearing, because that's...they're the critical piece. And to get them involved in education and maybe, you know, some of the funding for programs like this could be a public partner...public-private partnerships in the future, too. I would really like to see that. [LB1131]

SENATOR ADAMS: Other questions? Senator Seiler. [LB1131]

SENATOR SEILER: I'll ask you the question I intended to ask you. Instead, I asked it to the wrong senator. [LB1131]

SENATOR MCGILL: I noticed. I giggled. [LB1131]

SENATOR SEILER: Yeah, I'll bet you did. On your Director of Economic Development, the Commissioner of Labor, I see those as resources. [LB1131]

SENATOR MCGILL: Um-hum. [LB1131]

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SENATOR SEILER: And the way you described yours is deeper thinking. Not that they're not, but I'm thinking in terms of: Did you really think you ought to go out and find a person that is well done...done well in business and... [LB1131]

SENATOR MCGILL: Um-hum. [LB1131]

SENATOR SEILER: ...or has done really well in the academic world, to put them in there on your task force, rather than state employees or...? [LB1131]

SENATOR MCGILL: I would absolutely want them there, those other types of people you're talking about. [LB1131]

SENATOR SEILER: That's right. [LB1131]

SENATOR MCGILL: I felt it would also be nice to have some state leadership there and it could be a designee. It doesn't have to be Commissioner Lang herself or Breed. [LB1131]

SENATOR SEILER: Yeah. Well, I was just thinking in terms of if you are really going to walk out there on the edge, you may...I think you need different people. [LB1131]

SENATOR MCGILL: Yeah. And...you know, and making sure it is getting different people involved as well, who are willing to think outside of the box. I think... [LB1131]

SENATOR SEILER: Well, I don't like that term. That's why I said walk out on the edge. [LB1131]

SENATOR MCGILL: (Laugh) To push the envelope? I don't know, is that better? [LB1131]

SENATOR SEILER: Yes, that will work, that will work. That was my thought. [LB1131]

SENATOR MCGILL: The other one is too cliché? [LB1131]

SENATOR SEILER: That was my thoughts on your bill when I worked it through with what they're already doing in LB1144. [LB1131]

SENATOR MCGILL: Um-hum. [LB1131]

SENATOR ADAMS: Other questions? Senator, one thought that continued to roll through my mind as you brought this was finally. I don't know that this is the answer necessarily, but finally we put a little weight at the other end of the scale. [LB1131]

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SENATOR MCGILL: Um-hum. [LB1131]

SENATOR ADAMS: Putting my own teacher's hat on, I'd guess that there's about 28,000 teachers out there that would say if I didn't have to spend so much time on assessment, I'll show you what creativity is about. But, that's for another day. Thank you. [LB1131]

SENATOR MCGILL: Well, I... [LB1131]

SENATOR ADAMS: Are there other questions? Guess not. [LB1131]

SENATOR MCGILL: And thank you, Senator Adams. I am not an educator, I don't come from this background, but I see this as a major issue going forward and hope that if nothing else, this starts a conversation and we can get something good. [LB1131]

SENATOR ADAMS: Yeah, and I think you're right. Okay then, we will move to proponent testimony. [LB1131]

JOAN JACOBS: Hi. I'm Joan Jacobs with Lincoln Public Schools. I'm the superintendent of gifted education--I'm sorry, supervisor, not superintendent. Jacobs is J-a-c-o-b-s. In today's economic climate, one of the first changes schools make is to cut curricula that aren't tested. With few minutes devoted to anything except reading and math, teachers often find it impossible to imagine where they'd teach creativity. Unfortunately, this kind of thinking will not create the leaders or businesses of the future. While many citizens still believe that we are the creativity leaders, that is no longer the case. According to Measure of a Leader by Daniels and Daniels, Japan now submits three times as many patents as the United States. Likewise, Japan has an employee suggestion rate 981 times higher than that here. Meanwhile, Robinson and Stern have found that 98 percent of the innovations in this country are the result of accidents. We find what we're looking for and currently, neither educators nor businesspeople are looking carefully enough for the creative ideas that could alleviate our problems and moving...move us forward to creating something better. The use of lecturing classrooms is less effective than other methods in creating thinkers and users of information. For these reasons, educators must consider a wide range of ways to encourage thinking at high levels, using information effectively, thinking critically, and interpreting data, not just how to select the best choice of four options on a test. Economic development requires creative thinking because it seeks answers to questions that haven't yet been posed. Creativity encompasses much more than drawing or standing on a stage. It is the systematic process by which we problem solve effectively, particularly when we are working at the edge of a known field of study. Transformative thinking requires us to take risks with our thinking and this is currently not a process embraced by No Child Left Behind. Being able to think about the possibilities inherent in a new idea is requisite to capitalizing on opportunities. One of the students this year at Mickle Middle School is responsible for

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implementing Braille lunch menus for blind students. In East High School, a girl created the first-ever, student-created/student-led day of volunteer service. These kinds of efforts are the direct result of creative thinking processes--problem finding, generating many solutions, choosing one that is likely to be productive, planning, and evaluating the outcomes. Whether our goal is to reduce the carbon footprint of our workplace, increase revenues by 10 percent, or increase client satisfaction, creative thinking processes are key. Ironically, finding the one right answer, the skill we require for tests is in direct opposition to this school, which requires people to think about many right answers and then prioritize which of them is most likely to result in a good outcome. The argument that we can't teach creativity because kids already have too much to learn is a false trade-off. Creativity isn't about freedom from concrete facts. Rather, fact finding and deep research are vital stages in the creative process. Even as long ago as 1983, the average person who completed college had taken 2,600 tests, quizzes, and exams. This was before the current accountability measures. It takes a great deal of effort to counteract the effect of forcing children into this one right answer way of thinking. Neil Postman remarked of this process: Children enter school as question marks and leave as periods. According to Strom and Strom, helping students perform well in the realm of creative behavior requires change in the rules that guide educational policy and teaching practice. They recommended that teachers assign a high priority to creative thinking. For these reasons, I urge your support of LB1131. [LB1131]

SENATOR ADAMS: Thank you. Questions for this testifier? Anyone? Thank you, ma'am. [LB1131]

JOAN JACOBS: Okay, thanks. [LB1131]

SENATOR ADAMS: Next proponent? [LB1131]

MELANIE WILLIAMS-SMOTHERMAN: Good afternoon, Senators. I actually came to...well, my name is Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams-S-m-o-t-h-e-r-m-a-n. I'm here actually to speak to Senator Adams' bill LB996, but I couldn't pass up the opportunity to...is that correct today? Oh sorry, I'll go back and look at the number. [LB1131]

SENATOR ADAMS: I don't think...I can't keep track of my own bill numbers, so. [LB1131]

MELANIE WILLIAMS-SMOTHERMAN: Okay. (Laughter) I'll look at the number. But I couldn't pass up the opportunity to speak to Senator McGill's very innovative bill that addresses the enrichment of children's lives and in the individual opportunities that exist. In my capacity as a citizen I have...before moving back to Nebraska, I had established a children's magazine for and by Des Moines area children that the school districts were desperate to get into the schools because it increased literacy and

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reading and participation in many various areas of practical living. Experiences such as journalism, photography and, you know, interview skills, writing, and reading. And I think that that speaks so highly to why a one-size-fits-all approach does not always work for individual children's development. And I, in my capacity as executive director of the Family Advocacy Movement, I am always looking for ways to advocate for and promote individuality that provides more choices for families, more choices for students. And currently, I am a volunteer teacher for an enrichment program at Wilson Focus School in Omaha, which is...our subject matter is chess. But, you know, seeing the opportunities for children to be able to explore their world, to develop their own personal interests, cannot be understated--how important that is in their development. And I'm afraid in this age of No Child Left Behind, that gets lost, so. [LB1131]

SENATOR ADAMS: Thank you. [LB1131]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. [LB1131]

SENATOR ADAMS: Are there questions? Thank you, ma'am. [LB1131]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. [LB1131]

SENATOR ADAMS: Next proponent? Any other proponents? If not, we'll move to opposition testimony. Is there opposition testimony on this bill? Seeing none. Neutral testimony? Neutral? [LB1131]

SENATOR MCGILL: All right, I will just waive. [LB1131]

SENATOR ADAMS: You're going to waive the closing? [LB1131]

SENATOR MCGILL: Yeah, why not? [LB1131]

SENATOR ADAMS: All right. Thank you, Senator. [LB1131]

SENATOR MCGILL: I'm making up some time from Brad. [LB1131]

SENATOR ADAMS: Yeah, take it out on him, Amanda. With that, we'll move on to our next bill, which is LB--here we go--LB996, which is being introduced by Senator Wightman. Senator Wightman, the stage is yours. [LB1131]

SENATOR WIGHTMAN: Thank you. Good afternoon, Chairman Adams, members of the Education Committee. For the record, my name is John Wightman, spelled W-i-g-h-t-m-a-n, and I represent District 36. Nebraska law establishing the maximum age for compulsory education was changed from 16 to 18 in 2004. LB996 simply repeals an exception that allows children who have reached the age of 16 to drop out of

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school if the child has the written consent of their guardian or parent. Perhaps allowing a 16-year-old with their graduation...with their guardian or parent's consent to drop out of school was acceptable 50 years ago when we were primarily an agrarian society, but the era in which a school dropout can earn a living wage has pretty much ended in the United States. Dropouts significantly diminish their chances to secure a good job and a promising future. The U.S. Census in 2010, American Community Survey reports that among Nebraskans aged 25 or older, the poverty rate is one in four persons for those with less than a high school degree. It is clearly in the best interest of the child to stay in school and earn that high school diploma. Our current law provides for the opposite. It allows a 16-year-old to walk away from school to a lifetime of lower earnings. The parent may stand to gain in the short term from the child's earnings by granting consent to the child dropping out of school. In many cases, the culture in which that child is being raised may not value an education. The parent is not acting, however, in the long-term interest of the child and their future, where the education is a key to success. The Nebraska Department of Education does not keep data on the number of children that drop out of school at the age of 16. The information available, however, does show that for three consecutive school years, 2007 to 2010, nearly nine times as many 16-year-olds dropped out as 15-year-olds. So I think it's fairly clear that because of our current law, that's the time if they're going to drop out, they do drop out. Not only does the dropout suffer, but each class of dropouts is responsible for substantial financial draining on the community, the state of Nebraska, and our nation. Over the course of a lifetime, statistics show a high school dropout earns on average about \$260,000 less than a high school graduate. Lower-paying jobs typically do not provide health insurance. If dropouts from the class of 2006 had graduated, it was estimated that our nation could have saved over \$17 billion in Medicaid and expenditures for uninsured healthcare over the course of the dropouts' lifetimes. Research shows a relationship between high school graduation rates, crime rates, and the likelihood of incarceration. A 2006 study by the Alliance for Excellence in Education reported that 5 percent increase in male graduation rates in Nebraska would result in an estimated crime-related savings of \$16.5 million, an additional \$16.5 million in additional earnings being created by those same persons who would now have had high school diplomas. From this, I think it is fair to conclude that all Nebraskans have a vital interest in keeping 16-year-old children in school to earn that high school diploma. And finally, if we're to use graduation rates as a fundamental indicator of how schools are ultimately performing at a state and national level, Nebraska law must support keeping a child in school. Schools should not be held responsible for actions that are out of their control, such as this exception. The best public policy is to keep the child in school, send the message that the state believes children should be in school working toward graduation, and at least until the age of 18. Struggling students should get the support they need. Although it may be argued that disciplinary problems may increase, the educational environment can be protected. We have a Student Discipline Act which is in place, in which the schools can expel students if they are continually creating discipline problems within the school and to preserve the rights of other students to pursue an education. The compulsory education law does not

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apply to students who are expelled from school for disciplinary purposes. In conclusion, allowing a 16-year-old to drop out of school, even with a parent's consent, should not be permissible for these reasons: it is not in the best interest of the child; it is not in the best interest of all Nebraskans; it is not in the best interest of school to rate...for that school to be rated for acts of a parent that are outside the school's control; and Nebraska's law should send a clear message that children should stay in school and get that high school diploma, at least until the age of 18. I would ask you to advance LB996 from this committee to General File. Thank you. [LB996]

SENATOR ADAMS: Thank you, Senator Wightman. Senator Council? [LB996]

SENATOR COUNCIL: Thank you, and thank you, Senator Wightman. I guess I need to preface my statement by saying I don't think there's any one of us who doesn't dispute the fact that a high school diploma is essential for success. I mean, it's clearly one of the factors that is considered in determining your likelihood of living the remainder of your life in poverty, so certainly appreciate that. But when you were talking about the data that the state has available--correct me if I'm wrong--it said the data shows how many students have dropped out at age 16. But do we have the data of...on how many of these notarized statements parents are signing? Because I think there's a clear distinction between a child just simply dropping out at age 16 and a parent...although I wouldn't. If my child hasn't completed, I could see no reason why I'd sign a statement allowing them to do so unless they were leaving the country and completing their education in a foreign country. But how many such notarized statements? Is there data that shows how many parents are actually signing statements allowing their child to drop out of school? I didn't think that those numbers were significant at all. I mean, do we...? [LB996]

SENATOR WIGHTMAN: Senator Council, I think that because the exception is on the books, that a lot of superintendents and a lot of administrators may very well allow them to drop out rather than require them to get the notarized statement. That's probably unfortunate, but I think a lot of them do drop out because they say their parents are not requiring them to stay in school or the parents actually come by and orally say that. But I think there are many instances--as you suggest--that there probably is not a notarized statement, and I've talked to school administrators that would support that, I think. [LB996]

SENATOR COUNCIL: Okay, so...and with that being the landscape that the probably...the greater likelihood or that, you know, children are just dropping out of school and then their parents aren't pressing it, some of the things that we're doing on the juvenile justice side...and I know there's disagreement. But on the truancy, for example, it's designed to get at exactly the kind of concern that you're expressing. These youngsters who are supposed to be in school because of the mandatory attendance who are not in school and the efforts that are being made in terms of

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increasing attendance and reducing--I'll just use the term, although it's now becoming a rather controversial term--truancy, those efforts are designed to address this issue and the LB...the first bill we heard today is designed to address that issue. I guess I'm just really...I'm questioning how much of an impact eliminating that provision is going to have on increasing school attendance for youngsters between the age of 16 and 18. That's... [LB996]

SENATOR WIGHTMAN: Let me tell you, Senator Council, what I understand in that regard, and that is that many of the county attorneys--particularly outstate but may very well be in other communities as well--have failed to enforce that because there is this exception and they said...I think they are saying that with this exception being in place, unless the parent backs them up, they're not going to enforce the truancy laws. [LB996]

SENATOR COUNCIL: Yeah, but if the parent...I mean, but what this...having this in place does is forces that--and rightly or wrongly--forces that parent to make...to take a conscious step to say I'm...it's okay for my kid not to...my child not to attend school. And I just don't know that there's...you're going to have a significant percentage of parents who are going to be willing to sign a statement saying, you know, it's okay for my child who hasn't completed his or her high school education to stop attending school. [LB996]

SENATOR WIGHTMAN: That may be true if you can enforce this through a requirement that every superintendent have in their possession the sworn statement, but I think a lot of times it's not happening and the county attorney of the particular community--county--is not enforcing it because this exception is in the books. [LB996]

SENATOR COUNCIL: Okay, well, I think that the work that's been done on the attendance side/truancy side, I think, moves us quite a distance forward in addressing the concern that you are attempting to address through your bill, that...like I said, in those instances, either the parent is going to be subject to prosecution or they're going to sign a notarized statement. [LB996]

SENATOR WIGHTMAN: But part of my position is--and you'll hear this from later witnesses--is that parents frequently come in, particularly in a community with a high immigrant population, we'll take them out--maybe January is a common time in the meat packing industry because it's fairly slow--take them out and remove them for three weeks and then frequently the student does not come back. But three weeks almost gets them to their full 20 days, so just the existence of this exception, I think, creates a lot of problems for law enforcement. [LB996]

SENATOR COUNCIL: Okay, that's all I had. [LB996]

SENATOR ADAMS: Other questions? Senator Avery. [LB996]

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SENATOR AVERY: Has your telephone been ringing a lot? [LB996]

SENATOR WIGHTMAN: From what? [LB996]

SENATOR AVERY: I just wondered if it was similar to mine. I have a stack of messages here you could return if you'd like. (Laughter) [LB996]

SENATOR WIGHTMAN: I may have talked to some of them already, Senator Avery. [LB996]

SENATOR AVERY: What is your answer to the charge that this is an inappropriate interference in the rights of parents to control their own kids? [LB996]

SENATOR WIGHTMAN: I really think...of course, taking that to its ultimate conclusion, Senator Avery, we could say they could drop out at 12 or 10 or whatever other age we wanted to say if we're going to leave it entirely up to parental consent. We've decided on 16. I think 18 would be a better and we'll have some testimony following mine that will tell you why they think 18 would be a better grade, because that is about the time that people would normally graduate. There are probably going to be situations where if the students themselves are unruly, that they may be expelled under the expulsion process, so I think some of that's going to happen. But a lot of it is culture, I think--not all of it, but certainly some of it--in which they don't value an education. And a lot of times, that child's not working and I've had some people tell me that they spend most of the extra time when they're out sleeping. [LB996]

SENATOR AVERY: And I can tell you that eventually, those kids that do drop out, don't finish high school, are going to find themselves underemployed or unemployed and they're going to be angry. But they're not going to be angry at themselves or their parents, they're going to be angry at you and me and society and there will become problems, and that is what worries me about this group. [LB996]

SENATOR WIGHTMAN: I agree. I agree with that. [LB996]

SENATOR ADAMS: Are there other questions for Senator Wightman? Yes, Senator Seiler. [LB996]

SENATOR SEILER: I have a problem with it in that, you know, you rope a colt, you can drag him along from 14 to 16 years old, and maybe he'll learn to walk. But if you rope a 4-year-old, he's going to drag you along, and I'm wondering how much effect keeping people in a classroom that don't want to be there will have effect on the other children. [LB996]

SENATOR WIGHTMAN: And I...probably that would be better answered by some of the

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administrators that are out in the community and perhaps would be able to answer that better than I. [LB996]

SENATOR ADAMS: Other questions? Thank you, Senator Wightman. [LB996]

SENATOR WIGHTMAN: Thank you. [LB996]

SENATOR ADAMS: Proponent testimony. First proponent? [LB996]

TODD CHESSMORE: (Exhibit 7) Thank you. Chairman Adams, the Education Committee, my name is Todd Chessmore. I am the superintendent of Lexington Public Schools and I am here to testify in favor of LB996, which strikes the language from the 79-201, which states that if a student has reached the age of 16 years, the child's parent or guardian has the right to sign them out and to--I believe the word is--discontinue the enrollment of the child. One of my beliefs is that working in a school that has a significant number of poverty children--I would go so far as to say potentially the highest poverty rate in the state of Nebraska--I believe this bill will impact those students that are most disenfranchised right now. It will help those students that are struggling in education. Also, I believe, as Senator Wightman said, the bill does not give a clear message, I think, to school administrators or to county attorneys. I applaud, actually, the Justice Committee and the truancy bills that have been out there. I know for Lexington, anyhow, we have taken that seriously. We have worked with our county attorney. We have established truancy hearings where we have students come in when they actually reach three unexcused absences and we've worked very aggressively to try and head off the 20 absences. However, I believe that when we look at students that are 16 and older, there is a...I think there's a mixed message on does the state want them in school or doesn't it. And the final thing is, is if the state is going to establish a core graduation rate, it needs to give the schools the tools to help keep all students in school. I believe that research would show that the adolescent brain is not typical of making the decision that we are asking them to make as 16-year-olds and I would venture to say that it's a life-altering decision. And these decisions are really made in many families by the 16-year-old, not by the parent. And if we allow those 16-year-olds to make that decision, I believe that they don't have the ability to make those decisions. I would also say, as Senator Wightman did: Why are we arbitrarily setting the age of 16? If it really is a parent's right, why 16? Why not 12? Why not 10? Why not 8? We have a provision in the state of Nebraska that parents can homeschool their kids if that is what they so wish to do, under certain stipulations. I believe the education of our students is really important. I see my red light, so I will adhere to that. Are there any questions? [LB996]

SENATOR ADAMS: Are there questions for Todd? Yes, Senator Cornett. [LB996]

SENATOR CORNETT: Following up on--a little bit--on Senator Seiler's question, how do you propose to keep a 17- or 18-year-old in class and force them to be there without

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disrupting the other students to the point that you make an unwelcoming environment for the students that want to be there? [LB996]

TODD CHESSMORE: First of all, I would say that we do have a student discipline law, which allows us to remove unruly students from school, so we do that anyhow. And the student discipline law is such, as I was talking to someone else, that many times those unruly students come back. We...you know, at the most, we can expel a student for a year and so we're required to bring disruptive students back anyhow and we're required to still provide them an education. I believe...I guess my question is, is: Why or how can we make a determination that we are willing to let a 16-year-old throw away their lives? I have heard and I believe that that's truly what's going on. Or, what gives the parent the right to make a decision that is potentially not in the best interests of that student? I...we have avenues, we have alternative schools that we work with kids in. I mean, there are different avenues to work with kids that are disruptive. I believe this also gives the parent a tool to say no, you do need to stay in school. What we are finding in using our truancy hearings is that by being more aggressive and keeping kids in school and by informing them that they are going to go to the county attorney, many of those students, their behavior changes and I think it will be the same way. I think that when students...many of the students, when they know that they have to be in school because it's the law...because truly right now, they don't have to be in school. After they turn 16, they do have to have a notarized statement. However, I believe the county attorneys are looking and saying...and everybody is strapped for cash, I think, in the state and in the nation. And if I'm a county attorney and I look at a 17-year-old and I say: Am I going to go through all this work to prosecute this parent and this child when all the parent has to do is come in and sign this child out? Is that really the best use of my resources? And all of us have to look at what's the best use of our resources. And I think...and we have a great working relationship with our county attorney, but I think that that is part of what's going into the decision on whether they're going to enforce attendance laws. [LB996]

SENATOR ADAMS: Other questions? Senator? [LB996]

SENATOR SEILER: Mr. Superintendent, have you or any of the other counties that find...or school districts that find themselves in the same position you are--like Schuyler, Madison, Hastings is coming up pretty quickly on it--worked with the industry to try and convince them to work with the parents and keep them in a job, instead of the first snowstorm headed south? Have the schools worked with your industry there? [LB996]

TODD CHESSMORE: We have actually worked with and talked to the Tyson's officials on many...on some of these issues. However, the reality is, is they're going to give their employees a vacation and they're going to give them the vacation at the time that they need them the least. They need them the least in January and February because that's when people quit buying steaks, I guess. And so we...I guess we have worked with

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them, but at the same time, they do have those stipulations that this is when we can let them off, this is when we have to have our work force. You know, one of the ways we have worked real aggressively to address this is we, you know, we have summer school now. I'm going to say one of the more extensive summer schools in this state because our students will be going seven weeks this summer, many of them. About... [LB996]

SENATOR SEILER: Is that basically to make up for what they missed? [LB996]

TODD CHESSMORE: Right, but it will have 75 percent of our elementary students that will be in a seven-week summer school this year or right at that, so we have tried to work with them. I believe that many people are...I'm going to actually say most people. I'm a kind of a perpetual optimist. I think most people try to obey the law and if the law says that your child has to be in school until the age of 18, I think the majority of our parents will work really hard to make that happen. However, if the law says yes, you can drop out at the age of 16 and no, we don't have a lot of the notarized statements and if that would be a route that we could go and that we would force that issue, that may help. But my fear is that the parents, when you have your back up against the wall and it's like you're going to be in school or you have to do these things or this is what happens, the signing of that notarized statement is an easy out and I truly believe that the students are making a lot of those decisions. [LB996]

SENATOR SEILER: Thank you. [LB996]

SENATOR ADAMS: Senator Council, did you have a question? [LB996]

SENATOR COUNCIL: Yeah, I was going to ask about the experience in working with the county attorney when they do have situations where the child has missed more than the allowable number of days and the parent is summoned into court. I mean, are you experiencing situations where if it's a 16-year-old, 16-and-4-month-year-old student, that...who's running the house, apparently, that, you know, moms and dads are saying I'll sign the statement to avoid prosecution? [LB996]

TODD CHESSMORE: Senator Council, I don't know that we are right now. And one of the things that has benefitted us greatly is our attendance hearings--what's we call them--and I just recently sent over some students to the county attorney and all of them were under the age of 16 and the...interestingly enough, the rest of them that hit that over 20 were actually over the age of 18, and so I'm not sending them. I mean, I send them over to him, but I understand that we have, you know, kids that dropped out at 16 are now coming back at...we actually have one student that's 20 wanting to come back with 70 credits, which we know he's not going to graduate. And one of my concerns as I...and we have implemented a lot of other strategies to try and solve these problems. But, we were losing 40 kids a year out of our sophomore class, which is about when they turn 16, and we weren't getting those notarized statements. They were just, I'm

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going to say, going away. And a lot of this transpired before the new juvenile justice bill came out with truancy and before we made some changes in our high school. I mean, I understand we also have a responsibility to try and make school as engaging as we can and to do those things to help kids stay in and we've worked really hard to do that. I guess I don't see the downside of taking this out. And I guess that would be my question to anyone, is: What is the downside of it? If it's a parental right issue, parents truly have those rights to educate kids on their own through the homeschool law. They can take those children out and they can homeschool them if they want. But for a parent to say that at the age of 16, for whatever reason, that I think that they no longer need an education, I believe that is...that puts a burden on...first of all, it...well, it puts the burden on society. We're either going to pay now or we're going to pay later. Those students are going to be jailed. We know that 70 percent of males in particular are high-school dropouts. They're going to be on the social services programs. And I just...I don't see the downside of this going away. Do I think this is happening significantly? I don't, but I don't know why we would not do it. [LB996]

SENATOR ADAMS: Senator Cornett? [LB996]

SENATOR CORNETT: We have a law in place that says you miss more than a certain number of days, your parents get turned over to the county attorney. Parent has an uncontrollable 16- or 17-year-old, which I saw frequently on the police department, parent is faced with going to jail if a kid doesn't go to school. And matter of fact, I worked with a family before the truancy law that came into effect where the child had 30 absences, but the...and multiple arrests and by the end, he was tasered by the police department for trying to stab his mom. Sixteen years old, ended up in Boys Town. Do you see parents giving up their rights to the children and having more wards of the state between 16 and 18 because the parents can't control them and they're going to go to jail if they can't drop them out? I'm not talking about like... [LB996]

TODD CHESSMORE: Right. I don't know that I have an answer to that. I guess if I'm...go ahead. [LB996]

SENATOR CORNETT: There is...I mean, there is a fairly significant population of youth that have some behavioral issues that are attending our school system and a lot of those issues are why some of them don't go to school. [LB996]

TODD CHESSMORE: You know, and I would agree with that. Let me tell you a story that's...relates to that a little bit, that I'm not sure how it fits in. But I had a 19-year-old come back to school this year that was a two-time felon, was violent, we had expelled for a year--which is as long as we can expel him, for a year--and I told him he couldn't come back to school. Well, the state constitution would tell me different and as would the Department of Education, which they did. And he contacted a lawyer, his lawyer...or, I believe it came through the probation, probation contacted NDE, NDE sent me a letter

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and said you will let him go back to school. He went and told all of his buddies that were on probation and we had a flood of 19- and 20-year-olds all of a sudden back in school. Now, to be really honest with you, many of those kids have now been expelled again because of some of their past behaviors. But I guess my question is, is: If we're going to be required to try and educate the very disruptive 18-, 19-, and 20-year-olds, shouldn't we try to deal with those kids when they are maybe a little younger and a little more malleable at the age of 16 and try and get them before they hit that age when they're now on probation and the probation officer is saying you don't have a choice, you're going to go to work or you're going to go back to school? And we as a school system are now required to bring 19...I can tell you that I sent over to the county attorney eight kids that are in violation of the attendance...of the 20 absences and all of those kids were 19 or older and they're in our alternative ed programs, so I would rather...you know, you did the analogy of the colt. You know, I'd rather have them back there as 16-year-olds, when we still...we can still deal with sophomores. And I'll tell you sophomores are just a little bit beyond freshman. That's when they're turning 16. [LB996]

SENATOR CORNETT: I think my question was, though, if you have them back... [LB996]

TODD CHESSMORE: I don't...yeah. [LB996]

SENATOR CORNETT: If you have them back there at 16, are you going to have them as ward of the state? [LB996]

TODD CHESSMORE: And I don't know and I would say if that's what it takes to help them to get an education, then so be it. They need an education. [LB996]

SENATOR ADAMS: Other questions? Thank you, Todd. [LB996]

TODD CHESSMORE: Thanks. [LB996]

CHAD DENKER: Senator Adams and members of the committee, my name is Chad Denker. That last name is spelled D-e-n-k-e-r and I'm the high school principal in Seward. I'm here today representing the Nebraska Council of School Administrators and we support the idea of LB996, introduced by Senator Wightman, and we thank him for his efforts. As high school principals, we want all students to graduate and in theory, a compulsory attendance bill such as this would help us achieve that goal. We continually talk to parents and students and try to convince them to not drop out and give them other options such as attending part time, work experience opportunities, attending alternative schools, career academies, and on-line courses. And as a last resort, we also discussed the GED route. However, there are times when none of these are an ideal solution. For example, when students have a child or when their income is needed

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to support the family, school and graduation is a secondary need. On occasion, we also have students who have attended high school for two or three years, but have accumulated very few credits, even though we have tried to provide additional assistance such as free tutoring in the evenings. They attend classes, but refuse to do any of the work required. At some point, they become in-school dropouts and a distraction to the learning environment. While a compulsory attendance policy does help in some cases, it does not account for all situations. This past week, I met with a parent who could not get her son to attend school. He was reported to the county truancy program and we had an officer visit the home, but the student still refused to attend school. My colleagues have talked about their own frustrations when they report students for being truant and the family decides to "home school" their children. That would be an okay alternative, but currently there are not enough checks and balances in place to ensure they are receiving a proper education and not just finding a way of meeting compliance of the law. Again, I'd like to reiterate, though, that schools want students to receive a high school diploma at the very least--hopefully more--and we understand the number of doors that that opens for them in the future. But there are times, I must tell you as a high school principal, that graduation is not a realistic expectation given their circumstances. But as a goal for our state, the NCSA believes LB996 is on the right course. And with that, I thank you for your time and would welcome any questions you may have for me. [LB996]

SENATOR ADAMS: All right. Thank you, Chad. Are there questions for Chad? Yes, Senator Sullivan. [LB996]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you, Chad, for testifying. [LB996]

CHAD DENKER: Sure. [LB996]

SENATOR SULLIVAN: What's been your experience? Why do kids drop out of school? [LB996]

CHAD DENKER: I think that's a difficult question to answer. I think sometimes, they don't feel engaged in school and so I think things like the career academies and alternative schools and on-line courses have been ways for schools to hopefully reengage some of those students. But I also think in some cases, families, it's...education is not a priority. [LB996]

SENATOR SULLIVAN: Um-hum. [LB996]

CHAD DENKER: And so unfortunately sometimes at home, the role models are not there and so it's our job as a school district to be there for them. And I can tell you for me personally, when a student drops out, I feel like a failure as much as they do.

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[LB996]

SENATOR SULLIVAN: Um-hum. Um-hum. [LB996]

CHAD DENKER: I mean, I'm constantly wondering: What else could I have done to help keep that kid in school? What else can I do to make sure they get a high school diploma and understand the importance? Because it's one of the few things in life that once you earn it, nobody can take it away from you. They can take your wife, they can take your family, your kids, your car, your home, but that high school diploma, once you've earned it, it can never be taken away from you. [LB996]

SENATOR SULLIVAN: True, but if that diploma is there because the child has come kicking and fighting, what does it really mean in terms of the quality of education? And do we stand the possibility of actually skewing our graduation rates with students that have that diploma but have not really succeeded? [LB996]

CHAD DENKER: I can tell you that every student that graduates from Seward High School has succeeded. They have met the same criteria as any other student who's walked across that stage. I have three boys of my own and at times at home, they kick and scream when I ask them to do things too, but it doesn't mean they get their way. I continue to work with them and find ways for each one. They're all different. They all have needs that are different. I think the kids in our buildings are the same way and it's our job to find what that is to make a difference. [LB996]

SENATOR SULLIVAN: But as I listen to your testimony, I also have heard that try as you might, you haven't been able to change some people's minds, whether it be the student or the parent. [LB996]

CHAD DENKER: There are a handful, but I can also give you just as many success stories. And the one thing this would do is it would get rid of one crutch that parents can use right now, and that is they can sign their kids out of school. And I think kids see that at the age 16, they know there's a law in the books that says all I need is a note from my parents to drop out. You get rid of that exemption, I think it helps parents because that's no longer an option. [LB996]

SENATOR SULLIVAN: Thank you. [LB996]

SENATOR ADAMS: Any other questions? Senator? [LB996]

SENATOR COUNCIL: Chad, thank you. And with all due respect, unless somebody's doing a PSA, I don't know too many kids who know that their parents can sign a statement and get them out of school. I mean, in the litany of things that you said when you're working with kids who are on brink of dropping out, at no time in your discussion

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did you say: And then finally, we tell the parents you can sign a statement to allow them to drop out, you know. And I appreciate the concern about the fact that this provision is on the books, but I'm really questioning and doubting how often it's used, how many people are actually aware of its usage. I mean, all I knew was I had to be in school until I graduated or until I was 18. Period. That was the end of conversation. Nobody told me oh, by the way, if you can convince your mother to sign this statement, you can get out of school. I mean, I just don't know how many people actually know that this option exists, because when...I know my parents were notified and it just...they were sent a notice, a thing that said, you know, these are the, you know, compulsory school things. I don't remember the asterisk being: And oh, by the way, you can sign them out at 16. And believe me, I appreciate your concern, but I'm just not convinced that, you know, the existence of this is creating the amount of dropouts or unintentionally increasing the number of dropouts. And then one of the things you said was that...so if a parent says okay, I'm going to homeschool, well, they're going to do that with a 16-year-old, they're going to do that with a 17...if they've got a belligerent 17-year-old, I mean, they may not sign the statement because a lot of these are caring, concerned parents who for whatever reason, have lost some control of their children. They're not going to show that they're, you know, totally irresponsible by saying okay, I'm just...I'm going to sign a statement to let you drop out, but they're going to maybe turn to some other avenues like what you just said. Well, you know, I'm going to home school them to avoid the consequences of violating the compulsory education requirements. I guess I just don't...I'm having trouble balancing the interest. I...don't get me wrong, I want every youngster to receive a high school diploma. And for those who for whatever reason leave and then come to have a...have an epiphany and come back, you know, if they can't get a high school diploma and are given a general equivalency diploma...but I just don't know that this, the existence of this provision, is exacerbating our dropout problem. I mean, I'm just not convinced of it, I mean...and maybe somebody can show me some data, but I'm just not convinced of it. [LB996]

SENATOR ADAMS: Senator? [LB996]

SENATOR COUNCIL: I guess it wasn't a question in there. [LB996]

SENATOR SEILER: Mr. Superintendent, are you finding the county attorney is also reluctant to prosecute between the sea of 16 and 18 because of this law? [LB996]

CHAD DENKER: I have actually had very good luck with our county attorney and our truancy program. They're very quick to act when I report a possible truancy to them. So no, I haven't had any issues with our county at this time. [LB996]

SENATOR SEILER: My follow-up question, then, is: Are you finding parents, then, that sign the affidavit to get out from under the law when the county attorney...or are they being cooperative? [LB996]

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CHAD DENKER: So far, we've had mixed results. I can tell you right now with the exemption on the books, kids will use that against their parents. They know it's an option. In fact, I will tell you that in my case, a lot of the parents of these kids were high-school dropouts themselves, and in fact, they're surprised that they even have to notarize anything in order to allow their child to drop out. They thought it was like when they went to school. At age 16, they could drop out and no questions asked. And so we actually find just the opposite, that they're shocked that they even have to come in with a notarized form. [LB996]

SENATOR SEILER: Thank you. [LB996]

SENATOR ADAMS: Other questions for this testifier? Thank you, Chad. [LB996]

CHAD DENKER: Thank you. [LB996]

SENATOR ADAMS: Other proponents? You're up. [LB996]

ROGER BREED: (Exhibit 8) Senator Adams, members of the Education Committee, I'm Roger Breed, B-r-e-e-d. I'm the Commissioner of Education for the state of Nebraska and I'm here representing the State Board of Education and the Nebraska Department of Education, speaking in support of LB996 from Senator Wightman. And, you know, I can answer all your questions to some extent. Basically, we're in favor of this particular initiative because it does support the P-16 goal of a 90 percent graduation rate for every high school in Nebraska. We presently have data that is just this year on four-year cohort graduation rates and for a state, we're at 85.77 percent, which is very good. So we start talking about one or two kids per high school, which may be all that this law affects, that makes it up to the 90 percent, which is better for all of us as a state. The mission for schools today--and that is different than the mission when Senator Council was in school and I was in school and we might have had a select and sort mission at that time--but the mission today is all students, high school graduates, college and career ready. So we ask parents to support us in this situation, we ask the legislators to support us in this, and we offer schools a corresponding responsibility, that if students are engaged through age 18, that schools have an obligation to provide the engagement, to provide the avenues, the pathways to graduation, and this includes those kids that are obedient and those kids that are not. So that's basically my statement. I would be glad to address any of your questions. [LB996]

SENATOR ADAMS: Are there questions for the Commissioner? Roger, do you know? The question came up earlier about data on students who do drop out under this compulsory attendance. Do you know anything about numbers? [LB996]

ROGER BREED: We do not collect the affidavit students. [LB996]

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SENATOR ADAMS: Okay. [LB996]

ROGER BREED: It's just strictly by age, but it would be my experience...I was 20 years as a superintendent. My experience is that at age 16...and the reason that you don't hear PSAs or things about this is it...everybody thought age 16, you can walk away. Nothing is done and county attorneys won't act. And in fact, county attorneys in juvenile proceedings will give up at age 15 because they know at 16 kids can drop. And you know, schools are not very good about following up with the affidavit and required...now, that is changing in the last year and we're going to get better about keeping track of attendance and the impact of attendance on students as we go forth, thanks to the actions of this Legislature in the past two years. But we do not have that data now and Senator Council, I wish I had it for you, because I think it would be important for this discussion. [LB996]

SENATOR ADAMS: Roger, do you suppose--neither one of us are old enough to know, but I thought I'll start with that--do you suppose a discussion similar to this occurred X number of decades ago, about compulsory attendance law as it exists today? [LB996]

ROGER BREED: Well, my experience...absolutely, because if you remember, we used to have an eighth grade county examination to determine whether or not a student was worthy and qualified to go to high school. And my mother-in-law was a person who took that examination in Filley, Nebraska, down in Gage County, did well on it, but chose not to go on to high school and regretted that for the rest of her life. But we were allowing people...and that would have been age 14, okay? Up until 2004, the age was 16. So if, Senator Council, you were convinced you could...you were forced to being...stay until you were 18, somebody was pulling your leg, because it was only 16 at that time. Sounds like what my mother would tell us, too. [LB996]

SENATOR COUNCIL: My mother said I was there until I finished, period. I was 22. (Laughter) [LB996]

ROGER BREED: Yeah. Yeah, the option was you finished or you're going to be plotted out there where the honeysuckles are and that was pretty clear. But...so I think there is a progression now, and the question is: What does society have for kids that are 15? Because this is when this starts, by the way. It's not 16. It starts at 15 because kids see the deadline ahead of them. What does society have for kids at 16 and 17 years old, in terms of work or future? And I would say nothing. The best opportunity we have is to try to reengage those kids in school. And I think I have many, many administrators and teachers that reflect the attitude that you just heard from Chad, that it's incumbent upon the schools to take that task on. And, you know, I think we're prepared to do that and ought to be expected to do that in the schools. [LB996]

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SENATOR ADAMS: Thank you, Roger. Are there other questions? Yes. [LB996]

SENATOR HAAR: Yes, as I have been listening to this, I really can't see any downside. It's almost like this should have been taken out years ago. Schools can still expel kids, right? [LB996]

ROGER BREED: That's correct. [LB996]

SENATOR HAAR: From what we've heard, if... [LB996]

ROGER BREED: Right, and remember...let me define expulsion for you, because you know most of us, when we were in school and a kid got kicked out, the school had to have no interaction with that student for the period of the expulsion. Now, you can only expel. You can only remove a student from school if you provide them with a program from which they can gain education benefit. [LB996]

SENATOR HAAR: Hmm. [LB996]

ROGER BREED: And so there are still connections to students that are expelled. And a lot of times, expulsion now serves the purpose of helping kids and schools come together to accomplish education goals, as opposed to I just use it as a punishment. So that in itself has changed, but that's different than an attitude that we had 10 years ago. [LB996]

SENATOR HAAR: Thanks. [LB996]

SENATOR ADAMS: Other questions? Thank you, Roger. Appreciate it. [LB996]

ROGER BREED: Okay, thank you. [LB996]

SENATOR ADAMS: Do you want to run the show for a minute? I've got to run. [LB996]

SENATOR HOWARD: Okay. Welcome to the Education Committee. [LB996]

JON HABBEN: Good afternoon. Senators, this...oh, excuse me. Jon Habben, J-o-n H-a-b-b-e-n, executive director of Nebraska Rural Community Schools Association. I have to tell you that I'm testifying as a proponent of the bill because I believe this is what we should do. This is where we should be. This should be what we're all trying to accomplish and I don't think there's a person in this room that would disagree with that. We know that. Now, I'm also a teacher of many years, a principal of many years, and a superintendent of many years and had to...and had a number of these experiences with kids. I will tell you that I always thought age 16 sort of left us an out for the kid that was a real pain. Then, it became having to sign the kid out and by golly, we're going to make

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mom and dad step up to the plate here and we're going to look them in the eye and we're going to tell them that they are responsible. Now, we're to a point...in fact, we've been at this point for quite a while. No Child Left Behind started us on this path of No Child Left Behind. I would suggest to you that A Nation at Risk in 1983 started us on this path even sooner. But, the point of the matter is schools will be there to do this, but we will be asking for help. I think everybody has to understand that component is critical to this. You know, Senator Cornett's question about that individual, oh my, how difficult can it get in that kind of a circumstance. We need help. Schools aren't law enforcement. Schools aren't the judicial system. Schools aren't HHS. Schools will need help and my testimony would simply be to you that yes, we support this, it's where we ought to be, but we also need the help and want to be a part of designing the help. I hope everybody goes forward with eyes wide open on this circumstance. Thank you. [LB996]

SENATOR HOWARD: Thank you. Do we have questions? [LB996]

SENATOR COUNCIL: Right here. [LB996]

SENATOR HOWARD: Senator Council. [LB996]

SENATOR COUNCIL: Yes. Thank you, Jon. And you kind of drove home a point and almost a theme and that's what I'm...we've been kind of complicit in the creating the situation that we're now seeking to address. You know, by your own words, you were like...you've got some folks...you've been around some folks who say god, I can't wait until this kid gets to be 16. Previous testifiers said that a lot of people just, you know, if the kid was 16, they said okay, they're gone, without ever forcing the parent to make that definitive statement that I don't care whether my kid graduates from high school and I don't care whether they drop out at this point in time, I'm signing this statement that...we weren't doing that and so it became the rule that yeah, once you're 16. And that's the word that gets around to the kids: Once I'm 16, I don't have to go to school anymore. And what I hear you're saying is all we're going to do now by this bill is move the bar so that the word that goes around is well, once I reach 18, I don't have to go to school anymore. But it appears to me that we've been kind of complicit in creating the situation that we're seeking to resolve by not really aggressively holding parents' feet to the fire with regard to the compulsory education requirements. [LB996]

JON HABBEN: I think we've taken an old, old standard that kids could leave school at some point. You know, go back before World War II. My dad and his brothers all left school at the eighth grade. Economic reasons, whatever they might have been, but there was this standard that there was always a point at which you could decide that you were going to do something else and some kids went on in school and others didn't. Sometimes, it might have been in those rural schools that had the test to see whether you should go on. Others, it was economics. Other was I just don't like doing this. I want to be my own boss. You know, you can imagine all the reasons that occurred. Well, I

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think what we did is over time, we took this ability to leave school and we simply began to institutionalize when that was and we got to age 16. And then we got to age 16 with parents, you've got to sign them out, and I think here we are now with okay, we're not satisfied with letting kids go at 16. We believe yes, the bar ought to be higher. We believe that we ought to be pushing kids further. We believe that we can do better with kids. If we talk about kids needing to have a post-high-school educational experience, that indicates that we got them through high school. So we really...it's noble and it's right, but I guess that I go back to it's going to take a lot of cooperation and a lot of work among groups of people to have the supports in place to be able to do this. [LB996]

SENATOR HOWARD: Senator Sullivan. [LB996]

SENATOR SULLIVAN: Thank you, Senator Howard. So Jon, if I understand you correctly, it's like okay, we can change this, but it's really not going to do any good unless you give us the resources to make a difference. [LB996]

JON HABBEN: I think resources are a part of it. I think training on different ways to handle it are a part of it. You know, schools have in-service hours every year and a lot of times when my school was having in-service hours, we were dealing with the topics of struggling students. That was part of our learning and our training and we were continually trying to figure out: Why is it like that? Why is that student? Why is that family? What happens when it appears to be generational? How do we break through those cycles? And teachers and administrators and board members really working at trying to understand what this thing is about, because nobody in the schools I was at wanted to see any kid fail. [LB996]

SENATOR SULLIVAN: Um-hum, um-hum. [LB996]

JON HABBEN: And I think that's the common piece, is nobody wants to see any kid fail, because failure begins a whole bunch of downward spiraling kinds of circumstances that all end up being far more expensive and certainly of real damage to the individual and everybody that that person is connected with after that. It will take some resources. [LB996]

SENATOR SULLIVAN: Um-hum. [LB996]

JON HABBEN: And I'll tell you, Senator Sullivan, the thing that kind of worries me more than anything is as you get to that smaller and smaller and smaller school, the flexibility to move in those directions...in order to do that, your smaller school has to almost operate more in a familial way. [LB996]

SENATOR SULLIVAN: Um-hum. [LB996]

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JON HABBEN: The larger school can't do that and so you tend to have larger numbers, so you tend to have more official programs. [LB996]

SENATOR SULLIVAN: Um-hum. [LB996]

JON HABBEN: But half of our state...half the schools in our state are small enough that creating special programs with specialized teachers to come in and...I mean, that may not connect at all. It's going to take different solutions for different geographies and different populations. But, is it worth it? Well, if we're serious, yeah, it has to be worth it. I don't think anybody likes turning on the news at night and seeing young kids just in trouble for who knows why. Nobody wants to see that. If you go ask...if you were able to say okay, how many of you that are in this kind of trouble, how many of you didn't finish high school, I'm afraid the number would be awfully high. It's a...well, the statistics show. Even if you look at those old earning curves, if you get a high school diploma, you can earn this much more. Well, that tells you where the nongraduates are at. They're at the bottom of the scale and difficult economics begets all kinds of other difficulties. There's no question about that. [LB996]

SENATOR SULLIVAN: Thank you. [LB996]

SENATOR ADAMS: Thank you, Jon. Are there other questions? Senator Seiler? [LB996]

SENATOR SEILER: Jon, were you here when they gave testimony on LB1144? [LB996]

JON HABBEN: Um-hum. [LB996]

SENATOR SEILER: The career academy? [LB996]

JON HABBEN: Um-hum. [LB996]

SENATOR SEILER: With your experience and looking at that bill, do you think that would be a very influential part of saving some of these 16- to 18-year-olds? [LB996]

JON HABBEN: Well, I can tell you my experience with learning academies. In the last school I was at, we were setting one up in the healthcare fields and we spent a lot of time looking at the learning academies in a couple of other places. ESU 6 runs a rather large one for area schools, and then there's a couple of schools up in the northeast that run...and health careers is only one of the ideas there. I think they have some potential, but I doubt you would find...when a student is fighting you for being in school no matter what you have to offer, I'm not sure just the existence of a learning academy is the magic pill. [LB996]

SENATOR SEILER: Okay. [LB996]

JON HABBEN: I'd love to tell you that it could be one of the alternatives that might, but I don't think that you could look at that as a panacea, and one of the reasons might be as a student, you might have to qualify to get in to the learning academy because the special nature of its learning environment. [LB996]

SENATOR SEILER: Okay, thank you. [LB996]

JON HABBEN: Um-hum. [LB996]

SENATOR ADAMS: Other questions for Jon? Thank you, Jon. [LB996]

JON HABBEN: Thank you. [LB996]

SENATOR ADAMS: Are there other proponents? [LB996]

JOHN BONAIUTO: Members of the committee, John Bonaiuto, J-o-h-n B-o-n-a-i-u-t-o, registered lobbyist representing public school governing boards. My legislation committee, being elected officials, asked a lot of the same questions that you have today before we became proponents. And when they decided to be a proponent of this bill rather than opponent--and they didn't say negative proponent--they said this is a discussion about public policy. And do school boards want to be encouraging public policy that would allow 16-year-olds to make the decision--or the parents of 16-year-olds to make the decision--to drop out of school? And they did not feel that they wanted school boards to endorse what we have in law right now because it may not be where we really need to be, now and into the future. However, if we change public policy, their belief is we do create a new set of challenges. And you heard about that and I have to say I believe the previous two bills that you heard play very much into what we need to do to rethink how we create a high school experience for students in the future, if we're really serious about educating all students, because the students that feel disenfranchised or disengaged may be the students that believe I am not going to get that many credits going to class every day, doing what they're being asked to do. And maybe those students need to work part of the time and have that experience through a different type of education setting, but it may not result in a traditional diploma and that is where...you know, my folks are talking about...board members are saying: What are we doing with independent learning? What are we doing with on-line learning? What are we doing with partnerships? And how does a GED fit into this? And if a student is working toward a GED, then are they going to be in violation of compulsory attendance rates? I mean, there are a lot of questions before we make this shift. It's probably the right shift, but we have to rethink how we serve the students that may not be fitting into this particular niche. I think that the truancy, as we ramp up truancy and enforcement of truancy, if we move the compulsory attendance without having the right

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types of options for students, then we're going to throw those students and parents that might need a different type of an environment in conflict with this new enforcement and the new laws. And then the last thing I would say is that one of my board members had looked in the Department of Defense site and I think the DOD still allows a parent to sign for a 17-year-old that wants to enlist. And there was a question, is: If a parent would allow a 17-year-old to enlist, would they then be in conflict with our compulsory attendance? And I just raise that as one of those issues that may need to be looked at a little differently, as the GED may be looked at a little bit differently. With that, I will conclude. You've heard a lot on this. [LB996]

SENATOR ADAMS: Um-hum. Are there questions for John? John, I can't dispute anything that you've said, but what I'm wondering is this. As your board members were saying this will create new challenges, the question I would have to them: Haven't these challenges always been there? [LB996]

JOHN BONAIUTO: Yes, and it's difficult. It...you know, we're having this discussion. It's: Do we know better? And why can't we get from here to here? How many times have you heard, you know, we are no longer an agrarian society that needs to follow the calendar that we follow? We know better, but we...boy, it's like the third rail when you start talking about changing the school calendar. But we know better and I think this is one of those things where we know better, because not all students fit into the niche that we've put them. That's the square peg in the round hole thing. We need to figure out how to reach more of these students and maybe if we talk about this long enough, we're going to get to where we need to be, but... [LB996]

SENATOR ADAMS: Maybe what this does is to force policymakers... [LB996]

JOHN BONAIUTO: Yeah. [LB996]

SENATOR ADAMS: ...to have the very discussion that you're describing. [LB996]

JOHN BONAIUTO: Absolutely, it does. It will, and... [LB996]

SENATOR ADAMS: Not just for the kids that could otherwise check out. [LB996]

JOHN BONAIUTO: No, for all students. [LB996]

SENATOR ADAMS: Yeah. [LB996]

JOHN BONAIUTO: It is, and for all students, regardless of where they live. I think the State Board is having the right discussions. I think we're having these discussions. It's...there are going to need to be some fundamental changes. We're talking about rethinking this high school thing and it needs to happen sooner rather than later. I know

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that you're going to cringe when I say this, but you talk about resources and yes, resources are part of this. You know, I know you're going to hear a bill probably tomorrow that deals with health and it talks about lottery funds and when we were checking how much of that money is not being used. There's money sitting there and maybe that's a good use for some of these funds, is to help high schools and help school districts rethink how they're delivering some of these services. [LB996]

SENATOR ADAMS: Other questions for John? Thank you, John. [LB996]

JOHN BONAIUTO: Thank you. [LB996]

SENATOR ADAMS: Next proponent? [LB996]

GREG EMMEL: (Exhibit 9) Greg Emmel, E-m-m-e-l, director of Building Bright Futures Directions Diploma Center, former principal of Central High School. Just like to go over a couple of points in the handout that's going around. One, is that I think it's time to close the loophole. With the passage of this bill, Nebraska would join 21 other states and the District of Columbia in our country that have a compulsory attendance law set at 18 years of age. Going down to the third bullet, some of the youth that we're finding as we're working with them in a D2 center--in particular teen parents I would say, but also some other youth that we've worked with--they're getting up there, 19-20 years old, the light's going on, they're realizing they need a high school diploma. But what happened? They dropped out when they were 16 or 17, they don't have enough credits, it's not realistic to think that they'll be able to get a high school diploma by age 21. I really don't like it when that happens. Another thing...and I have some comments there about a GED diploma, which I feel is truly inferior to a regular high school diploma for many reasons. But going to the bottom couple points there, many school districts, especially larger ones that have significant numbers of youth not graduating from high school, are developing Multiple Pathways to Graduation or alternative schools and pathways that better meet the needs of high-risk youth. The goal is to provide nontraditional options so they can achieve this critical life milestone and move on to the next level, whether it be a four-year degree, two-year degree, apprenticeship, certification program, formal employment training, or military service. With the support of the state closing this loophole, it will encourage our Nebraska institutions in education, business, and government to work together to find viable educational options leading to a high school diploma, postsecondary education or training, and careers. We'll be sending the message at an early age across the state of what the expectation is--18 or a diploma. For youth who may be viewed as discipline problems that are forced to remain in school rather than drop out at age 16 or 17, an investment in these youth through Multiple Pathways to Graduation and quality alternative options needs to be made. And yes, that will involve resources. This could be done much in the same fashion as LB1144 and career academies, this type of option for our youth that encourages this type of option in our state, that provides incentives for people to collaborate and share resources to meet

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the needs of high-risk youth who are not successful in a traditional high school. [LB996]

SENATOR ADAMS: Thank you, sir. Are there questions for this testifier? Yes, Senator Council. [LB996]

SENATOR COUNCIL: Quick question, and I guess I'm going to need to preface every question I ask or every comment I make that...and someone else said it. I don't think anyone in here--myself included--doesn't want to see every youngster receive a high school diploma, so I need to lay it out that...lay that out there. But the questions I ask are designed to help us drill down to what the real issues are and where we ought to be focusing our efforts and our resources and Mr. Emmel, you made the statement about closing the loophole. Others have made a statement about closing the loophole, but from what I've heard, the only people who use the loophole are the schools themselves and the kids and it appears that the schools rely on it or use it or defer to it more often than anyone. Your program works with youngsters who have dropped out between age 15 and 20. I'd be curious to know: How many of those do you have signed, notarized statements from their parents saying it's okay for Johnny or Jane to drop out of school? [LB996]

GREG EMMEL: I was afraid you were going to ask that question, Senator Council, but I was expecting it. [LB996]

SENATOR COUNCIL: Well,... [LB996]

GREG EMMEL: You know, when I was principal of Central High, there were parents who were signing that affidavit. Now, I wasn't tracking that personally as a principal,... [LB996]

SENATOR COUNCIL: Um-hum. [LB996]

GREG EMMEL: ...but I know...whether that was a handful every year or 30, 40, or 50, I couldn't tell you, but there were a number of parents who were signing that affidavit to avoid having to go to court and that kind of thing. I know that one of the youth--you know, we've had about 60 youth that are active in our program--one of the youth, it happened to come up specifically. The parent was reluctant to sign a consent form for the youth to begin services with the D2 center because she, when she had been turned in to the county attorney when her son the previous year had gone to the county attorney and had gone through the court system or whatever, it came out that she was addicted to drugs and that this was a part of the home environment and she was not happy about that and she of course did not want to see a repeat performance by having this young man become involved in the D2 center and then, in a sense, get back into a pathway to high school, so we really struggled with that one. The young man is not engaged. So again, it's not especially a question...I think it's a question that needs to be

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asked. I think the data is out there with school districts, maybe in the guidance centers. Placement Office, like in Omaha, the student personnel assistants usually are involved in that process of signing them out. And so again, I think there is data out there that someone could get their hands on it, that someone has knowledge on a school-to-school basis of how many are actually doing that. Again, I would just go back to let's set an expectation across the state that it's 18. You either have a diploma or you're going to remain in school and let's close the loophole. [LB996]

SENATOR COUNCIL: All right, thank you. [LB996]

SENATOR ADAMS: Other questions? Thank you, sir. Other proponent testimony? If not, we'll move to opponent testimony. [LB996]

MELANIE WILLIAMS-SMOTHERMAN: (Exhibit 10) Good afternoon again, Senators. My name is Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams-S-m-o-t-h-e-r-m-a-n. I am cofounder and executive director of the Family Advocacy Movement, a grass-roots collaborative advocating for families and children who have been inappropriately caught up in the child protection and juvenile justice systems. I am also a member of the Nebraska Family Forum, which is focused on strengthening Nebraska families by advocating for laws and policies that respect the inherent rights and responsibilities of parents to raise our own children according to our unique understanding and care for our children's needs. Whenever our Legislature creates more laws that widen the net and sweep up evermore innocent children and their families into systems that strip them of autonomy and treat them as delinquent, criminal, neglectful, or generally unable to make the best decisions for their own lives given their individual circumstances, then we oppose them. The anecdotal benefits prescribed in this law which restrict choices simply cannot outweigh the potential harms that may be cause to inflict on real-life people who need more legal flexibility--not less--to act in their own best interests and responsibly address their own individual needs. These are the realities that consume the focus of the Family Advocacy Movement, because Nebraska's practice of routinely invading the private realm of the family and interfering in the decision making of parents for their own children is notorious on a national scale. How is it that our state continues to lead the nation in these areas that cause so much harm to Nebraska families? We believe it is due to broadly-defined and overreaching laws. I'm going to divert briefly from my written statement and then I'll end up summarizing, since I know that I won't have probably enough time to go through it all, but you have it for you to read later. I want to make note of our concern with the motivations driving this particular bill at this particular time. Given the controversial ramifications in developments surrounding Nebraska's new attendance law and Senator Ashford's public pronouncement that lawmakers would close what he unfortunately defines as a loophole in the prosecution of older teens as truant...but Senator Ashford earlier today also said something that I think is very important to take note of, and that is that the world is changing and not every kid will follow the same path. We agree, which is why we urge this committee to oppose LB996.

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I personally dropped out of school when I was 16, and for significant personal reasons that I doubt many others would understand or relate to but were nevertheless uniquely relevant to my life. And I did take GED classes and I was amazed at how well written the study books were and how accessible the subjects were presented. In some cases, I finally understood subjects that I had never before and that felt empowering. My children, by contrast, have all graduated from high school. I have never once thought of signing them out so that they can somehow skip out on an education. I care about my children very much, as I believe most Nebraska families do. My daughter is 16 and she's graduating out of the IB program here at Lincoln High School and she's already enrolled in the honors program at UNL. She will be graduating at the age of 16. And I know this law doesn't specifically speak to her, but I want to emphasize how important it is to respect the fact that children are different, situations of families are different, and there are many reasons other than parent disrespect for education or irresponsibility for why some parents may need to consider the dynamics and situation in their own families' lives, so. [LB996]

SENATOR ADAMS: Are there questions for this testifier? Seeing none, thank you. [LB996]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. [LB996]

SENATOR ADAMS: Other opposition testimony? Neutral testimony? Good afternoon. [LB996]

SARAH FORREST: (Exhibit 11) Good afternoon, Senator Adams and members of the committee. My name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I'm the policy coordinator for both child welfare and juvenile justice at Voices for Children in Nebraska. I don't often get the chance to be here, so thank you for having me, and it's my work with the child welfare and juvenile justice system that has sort of shaped our testimony today. At Voices for Children, we agree that education is a crucial part for a child's success and that it's imperative that children have access to quality and supportive education that paves the way for their future success. That being said, we also know and data shows us that all children don't have the opportunity to fully seize their education. Whether it be due to economic, social or medical challenges, these factors just make it harder for children to learn, more likely that they'll struggle to succeed in school. And struggling to succeed in school is correlated with behavior challenges, later disciplinary action, and involvement in the juvenile court system. You know ideally, schools and social services work together to create supportive environments for children and families to really thrive and grow and aren't punitive. But sometimes, we know that when children get caught up in the juvenile justice system, it ends up hurting them more than it ends up helping them. And so while we completely support your efforts as a committee to move so more children graduate or have alternative options that put them on the road to success, we would just ask that as you craft this going

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forward, you pay specific attention to ensuring that as few children as possible are pushed into the juvenile court system unnecessarily. We know that both truancy laws and school discipline policies, nationally and in Nebraska, can move children into the juvenile court system. And while sometimes that gets them the services they need, sometimes it also leads to further involvement, detention, alternatives that can be harmful to children and families, and out-of-home care. So it's a balancing act and it's a delicate one and we appreciate you looking at these issues. And if you have any questions, I'd be happy to answer them. [LB996]

SENATOR ADAMS: All right, thank you. Are there questions? Seeing none, thank you. [LB996]

SARAH FORREST: Thank you. [LB996]

SENATOR ADAMS: Any other neutral testimony? Senator Wightman to close? [LB996]

SENATOR WIGHTMAN: I'll waive. [LB996]

SENATOR ADAMS: And Senator Wightman waives his closing. Thank you, sir. (See also Exhibits 12 and 17) We still have another bill to hear, so we will immediately move on to the last bill of the day. Senator Council, you're up, LB1124. [LB996]

SENATOR COUNCIL: Thank you, Mr. Chairman. Brenda Council, last name spelled C-o-u-n-c-i-l. I have the privilege of representing the 11th Legislative District in the Unicameral. And I'm going to try to be brief in recognition of the hour, and moreover, because the bill I'm introducing is a bill that presents a concept for this committee's consideration--a concept that is not new to the committee. And if you'll recall when Senator Adams introduced his LB870, I advised the committee that I had filed a bill that addressed many of the same concepts set forth in LB870, but went a little further. And in going a little further, it also does not present entirely new concepts, because some of the concepts reflected in the bill were reflected in a bill that Senator Adams introduced last year, LB635. So in a nutshell, what LB1124 is designed to do is to build upon the concept of developing an accountability system and one that provides us with performance indicators and a performance index, but in developing those performance indicators and performance index, with the eye towards being able to measure growth and improvement by districts. That Senator Adams' LB870 went a step beyond where he was on LB635 in terms of multiple measurements, LB1124 goes even a few steps further in terms of identifying other indicators of school performance. And if you look at LB1124, in addition to some of the measurements that you'll find in LB870, you will find additional measurements such as student attendance rates, kindergarten readiness rates, parental involvement, suspension and expulsion rates, college and career-readiness rates, postsecondary enrollment rates--all of these being indicators of how well our schools are doing in preparing our children and would provide for a

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broader index in terms of measuring growth. And that's what LB1124 does, is add some of these measurements. And I understand and appreciate that there are going to be some who say well, there's still some measurements that should be included, but the language is written to defer to the expertise of the Nebraska Department of Education because it says that these measurements should include but not be limited to. So, if we haven't included everything in the language of the bill, the door is open for the Nebraska Department of Education if they identify other sound measurements that need to be included. The bill provides them with the flexibility to do that. One of the concerns that has been expressed in my conversations with those who are involved in education and are concerned about seeing educational improvement, and particularly, those who are concerned and interested in closing the achievement gaps that exist in our state, particularly those between students of majority and those in minority, is that when we...even if we use some of the multiple measurements, if all we look at is what the school or the school district as a whole does in terms of growth, we may be missing an opportunity to see how the schools and the school districts are doing addressing particular segments of the student population. For example, if you have a school that has a low percentage of students on free and reduced lunch and the bulk of their students are not on free or reduced lunch and if the measurement is how does the school do, perform from year to year, and if the school in the aggregate performs better, then we'll say oh, that school is showing growth. But if the students in the lower quartile are still performing poorly, is that school really addressing improvement issues? So one of the additions that you'll see in LB1124 that's not in LB870 is that in looking at developing the performance score for the schools in considering the growth that has occurred, LB1124 requires that you look at how the top quartile is performing and as well as how the lower quartile is performing and not just aggregate performance of the school or school district. The other difference between LB1124 and LB870--which again is not new or novel, gets us back to LB635--is: What do you do when schools aren't showing growth, aren't showing improvement? And I know there are concerns about labeling, and so rightly or wrongly, LB1124 picks the term priority school, which means we're going to focus attention. It doesn't say low performing, low achieving, it says a priority. And we're going to focus attention on those schools who are not showing the kind of growth that the NDE, based upon the performance index that they developed, believes that they ought to be performing. One of the other concerns that was raised in response to LB635 was that in terms of once identifying those schools that weren't showing the kind of growth that needed to be reflected, was that it was viewed as being a punishment to intervene. And what LB1124 attempts to do is to show that it's not a punishment, it's assistance, and that if the school is not performing at levels that we believe they should be performing and not showing the growth that we believe they should be showing with regard to student achievement, is that it provides for intervention. And in LB635--and Senator Adams, you can correct me if I'm wrong--it's like after five consecutive years of not meeting the standards, I mean, something bad could happen to you under LB635. Well, it's like well, wait a minute. Why do we want five consecutive years before we do something? In LB1124, it provides that if you

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haven't shown the kind of growth that NDE, based upon the performance index believes you ought to be showing, that's the point in time where we...that we say the intervention team approach is available. And in LB1124, again recognizing...now let me state this first that this is a work in progress. We know there are language issues that need to be addressed, we know there are jurisdictional issues that need to be addressed. In LB635, Senator Adams provided that the Nebraska Department of Education would provide...they establish and provide the intervention teams. LB1124 says the ESU, what the intent is, is that we use the resources that are available in our ESUs, and so the bill would have to be amended to recognize that only the NDE could mandate the intervention and the assignment of the team. But what we're urging is that the team be made up of individuals from the ESUs within the district where a priority has been identified and that those resources be brought to bear in terms of addressing the various types of intervention that our children need, because not all children require the same types of intervention. What may need...we find that the index indicates that the kind of intervention that is needed is more curriculum and instruction focused, while in other schools, it may be the type of intervention is more wraparound services for the youngsters. And that's what LB1124 contemplates and recognizes in developing the types of intervention teams that are being recommended to be established. I know there are some who believe no, you shouldn't identify the kind of intervention teams that should be established and just let the ESUs recommend what course of action should be taken--completely open to that type of discussion. But again, let me emphasize the reason LB1124 is before you is I believe that this is a great time for this committee to develop the kind of accountability system that everyone believes needs to be in place, as well as providing the kind of assistance and intervention in those schools that aren't performing well and recognizing that this is going to be something that needs to occur over time. For example, LB1124 says one of the measurements should be kindergarten readiness rates. Well, somebody says well, how do you assess kindergarten readiness? Well, we recognize that that's going to be a complicated process and so LB1124 recognizes that and says that by December 1 of this year, the Commissioner of...that the NDEE shall...NDE--why I'm going to add another "E" to that--shall develop the assessment tool for kindergarten readiness. Now, in my conversations with Commissioner Breed, he's been very forthright and candid that they have some of that type of assessment mechanism developed and the implementation of it would be...it appears would be rather costly. Well, I believe that we need to have that information before us so that we can make a determination of whether or not that's where we should be focusing our resources. So there may be some cost associated with implementation of a kindergarten readiness assessment, but we need to know what that cost will be and we need to know what role improving kindergarten readiness could have on potential future school performance. So with that, I'm going to conclude my opening because we have people here and I want to thank them. They've been involved in this process. I've had conversations with Commissioner Breed. I've had conversations with the executive director of the ESUs. I've had conversations with others--excuse me--in the educational community--NSEA, NASB--so I think you'll hear from some of them today. But again,

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the intent of getting LB1124 before the committee is that when we begin to look at the best way to develop an accountability system to measure growth and performance, that we also take this opportunity to put in place, if we can, a system to assist those schools who aren't showing the kind of growth, in terms of improving student achievement, that all of us want to see for all of the children in the state of Nebraska. And with that, I'll conclude my opening and answer any questions. [LB1124]

SENATOR ADAMS: All right. Thank you, Senator. Are there questions for Senator Council? Yes, Senator Sullivan. [LB1124]

SENATOR COUNCIL: I hope you have one of those little portable fans to put on me. I don't know about the rest of you, but I'm burning up in here. [LB1124]

SENATOR SULLIVAN: Yeah, it's warm in here. Thank you, Senator Adams. Thank you, Senator Council. Appreciate your testimony and your introduction of this legislation, but you say that it goes a bit further than the legislation that Senator Adams introduced this session. But I would venture to guess that it goes quite a lot farther and I guess I'm wondering how you arrived at--which to me is--the whole nine yards, as opposed to a more incremental approach, maybe somewhere in between what is being proposed with Senator Adams and where you are right now. [LB1124]

SENATOR COUNCIL: Okay, I...because Senator Adams, in LB635, went about as far as I'm going now. [LB1124]

SENATOR SULLIVAN: Yeah. [LB1124]

SENATOR COUNCIL: And I believe, from my conversation with Senator Adams, that the kind of pulling back in LB870 was a recognition of resource issues, both financial and human resource issues. And that's why, in LB1124, you see bringing in the ESU and the ESUs and the financial resources as well as the human resources that are available, if we utilize the ESU, that I don't think--in fact, I know--under LB635, it would have been providing resources to the Nebraska Department of Education that they didn't have. [LB1124]

SENATOR SULLIVAN: Um-hum. [LB1124]

SENATOR COUNCIL: But ESUs, I believe, have and that there are more financial resources that we can bring to bear if the ESUs are actually being the intervention teams. [LB1124]

SENATOR SULLIVAN: And you also say that it's not a punishment, that we're here to help, but it almost...to me, it says step aside, local people, we're here to take charge. Where is the school board in all this? Where is the concept of local control? It's almost

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like okay, you haven't risen to your responsibilities, so we're going to take over--and that bothers me a little. [LB1124]

SENATOR COUNCIL: Okay, and I appreciate that, Senator Sullivan, but I think that there's more local control aspects in LB1124 than in prior, because of the involvement of the ESUs and particularly, in those districts where the ESUs and the school districts occupy the same geographic area. But I think that by involving the ESUs, you bring in more local control. [LB1124]

SENATOR SULLIVAN: But where...what role do you see for the local school board and the local administrator in this whole process that you're outlining? [LB1124]

SENATOR COUNCIL: Well, if you look at the...for example, in the multiple measurements. I mean, you're bringing in more of the things that the local school districts and the local boards can have more input and more control in--and I want to say manipulating, but--providing for. If it's just that the NeSA--okay--the results, I mean, that's only one thing that school districts and school boards can address in terms of curricular instruction. But if you start looking at attendance rates and what school boards and school districts can do to improve their attendance rates, if you start looking at parental involvement and how the school boards and the school districts can have more impact on improving those, I guess that's where I see the more local involvement and more local control. [LB1124]

SENATOR SULLIVAN: I haven't read the fiscal note in detail, but it carries quite a price tag of...so I guess that's got to be one of the barriers. [LB1124]

SENATOR COUNCIL: Well, and reason why...and I think it carries a price tag, Senator, because it's assuming that the kindergarten assessments would be conducted under this bill. All this bill provides for is that the Nebraska Department of Education develop the kindergarten readiness assessment by August of this year. It doesn't say implement them, and I think that that's where that fiscal note comes from. [LB1124]

SENATOR SULLIVAN: Well, but also the intervention teams. We're looking at an \$850,000 cost for the intervention teams. [LB1124]

SENATOR COUNCIL: Right, and with...and that's where I'm saying I think that there is money available under the Innovation Fund...if you look at it...somebody mentioned lottery dollars a minute ago. I think there's greater opportunity for those resources to be made available to the ESUs from sources other than just a general appropriation. [LB1124]

SENATOR SULLIVAN: Okay, thank you. [LB1124]

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SENATOR ADAMS: Other questions? Thank you, Senator. [LB1124]

SENATOR COUNCIL: Thank you. [LB1124]

SENATOR ADAMS: First proponent? How many proponents do we have for this bill who plan to testify? Thank you. Welcome, John. [LB1124]

JOHN CAVANAUGH: Mr. Chairman and members of the committee, my name is John Cavanaugh, C-a-v-a-n-a-u-g-h, 1004 Farnam Street, Omaha, Nebraska. I am the executive director of Building Bright Futures, a private, not-for-profit organization which is focused on improving educational outcomes for students in the two-county area of Douglas and Sarpy County in our public school system. We have a wide range of commitments in support of students in public education. Our largest commitment is to early childhood programming and Fawn Taylor, the director of that program, is here this morning. That's our largest commitment from the Building Bright Futures board and the most ambitious vision going forward. I think Fawn will describe the program, but it's been increasing rapidly over the first three years of implementation, focusing on serving teen parents and their children and on serving families with children in childcare...receiving child-care services with low-income state subsidies. So, those two large pockets of populations that are high risk and we're attempting to change the dynamic that occurs, both in terms of the parenting skills and the developmental opportunities of those children, primarily in the first three years, but continuing into kindergarten. And I'm here in support of Senator Council's bill, but within the context of supporting the committee's longer-term effort going back two years, to address the questions of: Now that we are embarked on an ambitious process of state assessment, how do we build in an effective accountability system? The most critical component to that...and earlier, in my testimony on Senator Ashford's bill, I did hand out the NeSA assessments over the last two years for the Learning Community. And I just want to reference you to that because the most important point to make is we see this consistency across each of the grades in the numbers of students that are not performing to the state standard. We hadn't been able to see that before two years ago and that was a great change that the Legislature and the state of Nebraska have made, to be able to see that. What is missing is: What is the kindergarten population proficiency quotient? So we miss the first three years and in order to develop policies, programs, educational responses that are going to change these outcomes, we have to see that population. We have to know how many students come to kindergarten with significant deficits in terms of their readiness, preparedness, and comparability with the other students. What we believe is happening is that that population that comes at kindergarten with probably 25 percent of the vocabulary of the rest of the cohort here, of the other 8,000, is very close to this number. It's probably in the range between 3,500 and 2,600 per year. Seeing that population then allows teachers, principals, administrators, community providers such as ourselves, to address those needs with effective programming and effective teaching. So, as you look at this opportunity to

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add...and we agree with Senator Council that the intervention needs to be not punitive as the federal policy has dictated. We're not talking...we do not believe that closing schools, firing principals, firing teachers is the answer to addressing the proficiency problems. We believe identifying the needs of the students who are underperforming and not performing is the way to go and in order to do that, you have to be able to see them, so we do need a kindergarten assessment system. We do want to talk about...and I think the fiscal question is an important question, but it's the cart before the horse. Having the department develop the plan should occur before the department develops a fiscal note on what the plan would comprise. So we urge very great attention to the fact this is a discussion that we must have in this state. How do we measure kindergarten proficiency? If we're going to have an accountability system in this state that's going to hold people accountable for the outcomes, in order to hold them accountable, you have to know if...what did they start with? Are these third graders actually...is that an improvement of 1,000 or did they regress by 1,000? Do we have a problem in the instruction that we're giving in the first three years or are...we actually do have a system in place where we're making improvements, we just have to make them more consistently across the entire system? So thank you very much, Mr. Chairman. [LB1124]

SENATOR ADAMS: Thank you, John. [LB1124]

JOHN CAVANAUGH: We want to work with this committee as you go forward and grapple with this issue. [LB1124]

SENATOR ADAMS: Are there questions for John before he gets up out of that seat? All right, thank you, John. [LB1124]

JOHN CAVANAUGH: Thank you. [LB1124]

SENATOR ADAMS: Next proponent? [LB1124]

FAWN TAYLOR: Good afternoon, Senator Adams... [LB1124]

SENATOR ADAMS: Good afternoon. [LB1124]

FAWN TAYLOR: (Exhibit 13) ...and the Education Committee. My name is Fawn Taylor, F-a-w-n T-a-y-l-o-r. I'm the executive director of Early Childhood Services in Omaha, Nebraska, an initiative of Building Bright Futures. Early Childhood Services is an organization in Omaha, working to ensure that every child has a bright beginning and a promising future. The development and introduction of a kindergarten readiness assessment, proposed in LB1124, will aid our mission by establishing a baseline to measure student growth and to assess the performance of early childhood education systems that receive public funding. A large part of our work at Early Childhood

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Services happens inside the classrooms of local child-care providers serving children through the state's Title XX childcare assistance program. We work with these programs to support continuous improvement without increasing costs for families by encouraging peer-to-peer growth, providing free training opportunities, and improving access to additional quality improvement and community resources. Our efforts are targeted specifically to improve the health and educational outcomes for children living in at-risk situations and build upon existing public investment. Currently, we are having an impact on over 1,000 children and their families. An undeniable achievement gap exists for low-income and minority students, but we are failing to identify and eliminate these gaps early on. The achievement gap is measurable and apparent by 18 months of age and kindergarten assessments can inform efforts to close this gap. Such assessments can inform instruction in the early elementary grades, screen or identify for early intervention, and improve services and inform instruction for children prior to entering kindergarten. They can also move us toward a more integrated system of aligning programs and practices of early learning professionals and kindergarten teachers, strengthening the involvement of families as partners in their children's education, and providing data to inform policy, programming, and funding before and after kindergarten. As an example, Maryland has implemented a kindergarten readiness assessment called the MMSR, which is the Maryland Model for School Readiness. Over the past 10 years, this model has increased the percentage of kindergartners fully ready to start school by 32 points. African-American kindergartners fully school ready rose 39 points and the percentage of kindergartners from low-income households entering kindergarten fully school ready also rose 39 points. The data also show a strong link between kindergarten readiness and grade three reading and math scores on the Maryland School Assessment. Children entering kindergarten fully ready are eight times more likely to be proficient in both reading and math by grade three. To achieve this type of incredible outcomes Maryland has seen, we must target our limited resources to prioritize early childhood investments that are cost-effective, productivity promoting, and inequality reducing. Kindergarten readiness assessments are precisely this type of investment. Early Childhood Services encourages the Education Committee to fully consider the potential benefits of LB1124 and advance the bill to General File. Thank you. [LB1124]

SENATOR ADAMS: Thank you. You must have timed that out. (Laughter) That was just, just right. And you've been so patient all day long waiting for your chance, I was going to let you go a little bit more. Are there questions for this testifier? Yes, Senator Sullivan. [LB1124]

SENATOR SULLIVAN: Thank you, Senator Adams, and thank you for your testimony. [LB1124]

FAWN TAYLOR: Thank you. [LB1124]

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SENATOR SULLIVAN: I'm curious to know about Maryland's kindergarten readiness assessment because obviously, it has revealed some issues that...what have they done, then, to boost the readiness? [LB1124]

FAWN TAYLOR: They start early. It's...they give this assessment between the ages of birth and five, so they are able to determine and intervene prior to entering kindergarten. [LB1124]

SENATOR SULLIVAN: So, it's fair to say that they have put more financial resources into early childhood education? [LB1124]

FAWN TAYLOR: Exactly. [LB1124]

SENATOR SULLIVAN: Through the school systems or...? [LB1124]

FAWN TAYLOR: It's...you know, I'm not quite sure about that. [LB1124]

SENATOR SULLIVAN: Okay. [LB1124]

FAWN TAYLOR: You might be able to help me with that, too. [LB1124]

SENATOR SULLIVAN: Okay, that's fine, that's fine. [LB1124]

FAWN TAYLOR: I'm not sure. [LB1124]

SENATOR SULLIVAN: Okay, thank you. [LB1124]

FAWN TAYLOR: Thank you. [LB1124]

SENATOR ADAMS: Other questions? Thank you, ma'am. You're up, Jay. [LB1124]

JAY SEARS: (Exhibit 14) Good afternoon. For the record, I'm Jay Sears, J-a-y S-e-a-r-s. Senator Adams, Senator Council, thank you for bringing LB1124. And members of the committee, NSEA supports many of the concepts in LB1124. In fact, the NSEA has testified in support of the development of an accountability system three times now in the past two legislative sessions. Should be no surprise to the committee members except for our newest one, I'm sure--welcome--that the NSEA supports a fair and broad system of accountability that leads to the improvement of instruction and improvement in student achievement. Our testimony on LB635 last session, LB870 this session, and now LB1124, has been consistently in the support of an accountability system. The key word in that testimony has always been system and I think Senator Council laid it out pretty well today, as we're trying to develop a whole system and there's lots of pieces to that. And it's late in the day and I have three pages of testimony,

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so I'm going to hit 11 bullet points that I think we need to be considering as we're looking at how we develop that system. LB870 came to you a couple of weeks ago and it had the vision of the State Board of Education and developing that...what I call the mathematical formula to give us the early warning system. That's not the only piece of the accountability system. Senator Council has brought to you a more extensive piece and so, you know, we need to be looking at all those. But I want to hit the bullet points before the red light comes on and Senator Adams knows that social studies teachers can do 50 minutes anyway, so...but I don't get that time. [LB1124]

SENATOR ADAMS: That's why I'm going to stop you if you go too long. [LB1124]

JAY SEARS: That's right. I know, so. So the 11 bullet points, just to think about and be concerned about. The nine additional indicators of performance are important but are difficult to measure, collect, and quantify into a meaningful performance index. Those nine indicators, plus others--and as we heard from Senator McGill, maybe we need to have in the index a creativity index also--are probably impossible to put into an index and give us that system that we want. But I think it's important that those pieces of data are available for the intervention teams as they're looking at how we, you know, improve schools. Just ask the State Board and you can ask Pat Roschewski, if she gets to talk to you today, about setting cut scores for what...high-performing and priority schools. That's not an easy measure to do and to get it technically right, but we have the expertise, I'm sure. That's probably down the road. One of the important bullets is the authority for intervention teams, I believe, should be in the hands of the State Board of Education. They are the constitutional body, but the ESUs do have personnel that would be very helpful on the intervention teams, as well as those classroom teachers and principals--and I think Senator Sullivan brought up school board members. It is a local issue, also, so the intervention teams have to look different, but we need to think about that. And then you can look at the other eight bullet points that are there and ask questions, if you'd like. But as I said, I have three pages of testimony trying to think about...through the process of how do we develop a fair accountability system that gets us to where we want to be in Nebraska so that our children are learning at the rates that we need them to happen. So, thank you very much for the opportunity and for spending the time in this late afternoon, so. [LB1124]

SENATOR ADAMS: Thank you, Jay, for recognizing that social studies teachers do tend to be a little long-winded and summarizing so quickly. Senator Council? [LB1124]

SENATOR COUNCIL: Thank you, from one social studies teacher to another. You...one of the 11 bullet points that you... [LB1124]

JAY SEARS: Um-hum. [LB1124]

SENATOR COUNCIL: ...didn't get a chance to address--and I just want to be sure that

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it's recognized--that NSEA also sees the importance of including some way of showing the growth of the top quartile and the bottom quartile. [LB1124]

JAY SEARS: Yes, and I know that's a mathematical piece and Senator, one of the issues is I've...my job at NSEA is to monitor the State Board of Education, and so I've been watching and listening as they've been developing their vision of an accountability system and spending 16 years watching you all as legislators, also in the process. But, what I think we need to look at is we don't even know if the formula right now identifies what we want to know. That's why I call it an early warning system. And as you point out very well, it may mask the kids that aren't performing well. And so I think it's important that we look at how we do that, but it doesn't skew the whole formula so that we identify schools as priority schools when they aren't and when they are. And I don't know how we do that, because I only have a master's degree in ed-psych that didn't take me very far, so. [LB1124]

SENATOR COUNCIL: Thank you. [LB1124]

SENATOR ADAMS: Any...? Yes, Senator Sullivan. [LB1124]

SENATOR SULLIVAN: Thank you, and thank you, Jay. That's probably my biggest concern is that, you know, first of all, it's much an art as well as a skill to have a valuation and suitable accountability. And this is a major task and I know it can't be put off, but I also know that it can't be accomplished, done the right way overnight. So, what's a realistic timetable? [LB1124]

JAY SEARS: I would leave that to the experts and that's one of the things...I know in Nebraska, we do have the psychometric experts and the pieces that can get the formula correct. It's: How do we then put together the intervention teams and the ability to do the school improvement and the staff development that we need and put together what I'm trying to call the whole system? [LB1124]

SENATOR SULLIVAN: Um-hum. [LB1124]

JAY SEARS: And I don't want us flying the plane without all the parts, but there are gliders out there and maybe we need to do a little pilot of what we have there, so. [LB1124]

SENATOR ADAMS: Any other questions for Jay? Thank you, sir. [LB1124]

JAY SEARS: Thank you. [LB1124]

SENATOR ADAMS: Other proponents? [LB1124]

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JEN HERNANDEZ: (Exhibit 15) Good afternoon, Chairman Adams, Senator Council, and members of the Education Committee. My name is Jen Hernandez, H-e-r-n-a-n-d-e-z. I'm with First Five Nebraska. And first, I just want to thank you for the work that you all have done regarding struggling schools, low-performing schools, priority schools, whatever you want to call them. Finding solutions that put young Nebraska students on the path to success in school and later in life is a critical issue for the future of our state and we appreciate your service on this committee and on this issue. As you wrestle with how to measure school performance, I urge you to consider the importance of the first five years of a child's life. Conservative estimates show that there are more than 47,000 children, birth to five, at risk of failing in school in Nebraska. That's about one-third of the 24,000 kindergartners who start school each year. They're located in every district across the state and the rate of growth in this at-risk population is faster in Omaha and--I mean, excuse me--faster in rural Nebraska than it is in Omaha and Lincoln. As you already know, failure in school is a statewide issue. It's also an issue that begins long before a child ever enters the kindergarten classroom. I am not an expert on school performance or K-12 accountability systems, but I do know a little about brain development. We know that children arrive at kindergarten at very different levels and we know how challenging that is for kindergarten teachers, for schools, and for districts. There's a graph in front of you that looks like this that offers a brief explanation of how and why that happens. We know that learning is sequential; so is brain circuitry. The brain is always building on what came before, which means the foundation and the sturdiness of the foundation is critically important. The first part of brain architecture to be built is the sensory pathways. You can see on that graph that the circuitry, the brain circuitry for sensory pathways, peaks around five to six months of age before it starts pruning itself. Then, the foundation for language is built on top of that sensory pathway circuitry. That peaks around 10 months of age before it starts pruning. And finally, the brain builds its foundation for higher cognitive thinking by the time a child is three years of age, so all future learning in both the K-12 system and any learning that the child is going to do later in life will rest on the foundation built in these early years, so I want to just suggest that discussions of school performance and accountability include a component on kindergarten entry assessment. There's more points in the testimony, the written copy that you have in front of you. But the only other thing I want to point out is that when it comes to kindergarten readiness rates as proposed in LB1124, I want to be very clear that they should only be done for the purpose of improvement of instruction. One of the pitfalls of school entry assessment is the tendency of adults to use it as a measure of readiness for kindergarten--labeling a child who is behind as not ready and then deciding to hold that child out for a year while in fact, being in a good learning environment would be the best place for that child. So in conclusion, I just want to remind you that the development of the brain in the first five years literally shapes the learning capacity for the rest of a child's life, so as you weigh this bill, LB870, the previous work you've done on LB635, please remember the early childhood piece. It...schools will have a very difficult time living up to the expectations of an accountability system without that early childhood piece. [LB1124]

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SENATOR ADAMS: Thank you, Jen. Are there questions for this testifier? Anyone?  
Thank you. [LB1124]

JEN HERNANDEZ: Thank you. [LB1124]

SENATOR ADAMS: Other proponents? Familiar face. [LB1124]

MATT BLOMSTEDT: Good afternoon--almost evening, I suppose. I'm Matt Blomstedt, the executive director of the ESU Coordinating Council. Blomstedt is spelled B-l-o-m-s-t-e-d-t, and I figure if I'm the last proponent, that puts me in the position of torn. (Laughter) And quite frankly, we're...we had a conversation among our ESU administrators about the topic, and so I'm really going to narrow my focus on the role of ESUs, what we kind of discussed, and where we think things may go. And we certainly have focused primarily on assisting school districts when they needed it and I've discussed a dynamic within ESUs that there's somewhat of a tension between service and leadership. I asked our staff development folks to say hey, look, you know where schools are struggling. What are we doing about it? How are we addressing it? Quite often, you don't need data to know that; sometimes, that's just the sense of that. So I think primarily what we're looking at is going hey, look, we want to assist the Department of Education and we want to be able to assist school districts in doing this. Ultimately, we want to improve how schools are doing, what the climate for education is in schools, and see some role there. The ESUCC has adopted accountability and communication and partnerships with stakeholders. So again, when I talk about tension between things and if the department is going to be opposed to this, hence I'm torn about these dynamics. What I really want to offer to the committee is this. ESUs are there to try to be helpful relative to this topic. We've had conversations with the Department of Ed already. As we structured our futures and what they look like, we're really much more interested in continuous school improvement models that were already working in the schools and that if you go down the path of intervention teams, you're in a position to have people that are somewhat familiar with the schools. And I won't say that the intervention teams are absolutely the way to go. I think you really have to begin to focus on: What's the data telling us? How do we get to a point to where we understand what's really going to work in these places and how do we move that forward? Ultimately, when you look at school accountability, I think it's become a difficult topic, I mean wherever you go, because it is viewed as punitive quite often when...and I can tell you that it is not the hope of our ESU folks. What do we do in order to go in and assist them? And the same, really, is true relative to our working relationship with the Department of Ed. We want to assist the Department of Ed as they move this forward, so. [LB1124]

SENATOR ADAMS: Thank you, Matt. Are there questions for Matt? [LB1124]

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MATT BLOMSTEDT: I was going to say to...you know, basically, I'm limited because I never took a Senator Avery class when I was a political science major. (Laughter)  
[LB1124]

SENATOR AVERY: You're a smart guy. [LB1124]

SENATOR ADAMS: Thank you, Matt. Is there other proponent testimony? Then we'll quickly move to opponent testimony. How much...how many testifiers will there be? Okay. [LB1124]

ROGER BREED: That are still with us? [LB1124]

SENATOR ADAMS: Yes. [LB1124]

ROGER BREED: (Exhibit 16) Hello again. I'm Roger Breed, Commissioner of Education, here representing the State Board of Education and the Nebraska Department of Education. It's Breed, B-r-e-e-d. The State Board has reviewed, considered, and taken the position in opposition of LB1124 not because of the value of the ideas contained within, but because of a commitment to LB870 and a commitment to a stairstep process to enter a field that is fraught with--and a future that is fraught with--many unknowns at this time. The basic objections to LB1124 are these. First of all, costs. We've already hinted at the cost of the kindergarten readiness that can range upwards of \$100 per kindergartner. That's \$2.5 million per year. Then, there's the cost of developing, identifying, accumulating, and analyzing parental involvement, whatever that entails. College and career readiness, we have a definition for college and career readiness but the collection of data on college and career readiness and its eleven standards would be quite complex. Going to a quartile score system, again, I think is premature until we have data to show that there are clear distinctions between the quartiles, because when you draw a line, the schools right above that line right/below that line, there may not be any difference whatsoever, except in the public perception. The second reason, in addition to cost, is that LB1124, whether intentionally or not, greatly constrains local control and the response of local school boards. By definition, when...you know, and I, you know, am more than willing to take on the issues with the State Board of Education. But by definition, when we do that, we do diminish the role of our local school boards and we hear about it. The third concern is focus. We have tried to narrow the accountability system for schools and school districts to simply those things that are based on state standards. In other words, student learning with regard to state standards. The other focuses, as presented in LB1124, are important and significant focuses, but are not necessarily tied to our standards and student learning on the basis of those standards. And the fourth reason is that the intervention and support process is again, at this time in our opinion, premature, that until we have good, collected data that informs the processes of what is growth, what is acceptable growth, what is unacceptable growth on those measures, that suggesting a process is probably

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premature because we don't really know what the need is at this point. So with that, I'll conclude and respond to questions. [LB1124]

SENATOR ADAMS: Are there questions? Yes, Senator Avery. [LB1124]

SENATOR AVERY: I'm reluctant to ask questions at this late hour, but you did say something I found of interest. There are elements of LB1124 that you like and you didn't exactly specify what they are. Do you see the possibility that you could help us identify those elements in LB1124 that we could perhaps use in crafting a better version of LB870? [LB1124]

ROGER BREED: Okay. [LB1124]

SENATOR AVERY: Or were you saying that everything in LB1124 is inferior to everything in LB870? [LB1124]

ROGER BREED: Yeah, I'm not sure it's as clear as that--you know, one way or the other--but the purposes of LB870 at this time match the purposes of the State Board of Education with regard to an identified accountability system, so that is the preferred process. Now, that does not mean that there are not things of value in LB1124, because I think there are. But our board has not picked those out, so I'm going to be speaking as the Commissioner, not as the representative of the State Board of Education, and I would speak in favor of a kindergarten readiness measure. I don't see that as being necessary in an accountability system. I think it is being necessary in terms of furthering the purposes of early education in Nebraska and that's something that I would like to see the State Board, the department, individual school districts, this committee, the Legislature, step forward and assist in that process for all the reasons that Fawn and John and Jen related very eloquently. But yeah, you know, Senator Sullivan, you raised the issue about local control in school boards. When we go to define parental involvement, to measure it, we will define parental involvement for all schools, all school boards, all school districts, because it has to be a common definition. And so what might be good and well and work in one school district at this time may have to be changed because it does not fit the definition of what we would define as parental involvement. And that's true for college and career readiness standards, which vary across our state at this time. And I'm not opposed to taking that on, but we need to understand every time we do that, we diminish the local school board's role in those processes. [LB1124]

SENATOR ADAMS: Other questions for Dr. Breed? Thank you. [LB1124]

ROGER BREED: Thank you. [LB1124]

SENATOR ADAMS: Are there other opponents to LB1124? Is there neutral testimony? Senator Council, do you want to close? [LB1124]

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SENATOR COUNCIL: If I could make a few statements from here, Senator Adams, in closing, or do you want me at the...? [LB1124]

SENATOR ADAMS: I'd prefer it, please, so that we get for the record. [LB1124]

SENATOR COUNCIL: Thank you again, Senator Adams and members of the committee. First of all, I appreciate your patience. We've been here a long time and as I stated when I advised the committee that this bill would be introduced and as I stated in my opening, the primary objective for me is to consider all of the various components and concepts reflected in LB1124 as a part of our consideration of LB870 and where we're prepared to move at this time in terms of moving a little further than LB870. I appreciate and respect the position taken by the NDE, although I don't necessarily agree. One of the concerns that I have is when we talk about accountability based solely upon the state assessments and one snapshot without taking into consideration impacts such as attendance rates, such as expulsion and suspension rates, such as kindergarten readiness and all of the data and information that has been provided to you by Ms. Taylor and Ms. Hernandez, that those are factors that we somehow need to take into consideration when identifying and understanding where schools are and where schools need to be. I hope I made it clear that I'm perfectly willing and prepared to work with NDE, the State Board of Education, the ESUs, to address many of the concerns. I think I indicated that this is not a process that can occur overnight and while there may be some aggressive deadlines in LB1124, a lot of times we put things in bills that we intend to have that spur the kind of discussion that I think needs to happen with LB870. And so with that, I trust that we will, when the committee begins to look at LB870, look at some of the provisions in LB1124 and see how they can be incorporated and begin to move us in the direction of we...I think we all agree we need to go in. Maybe not as fast as LB1124 may indicate, but we need to be moving aggressively in those directions. And with that, any concluding questions, I'll be... [LB1124]

SENATOR ADAMS: All right. Are there questions for Senator Council? I would ask that committee...originally, I had intended for us to Exec on LB870 and LB1124 today, but I know I will be reprimanded severely by you if I say let's stick around and work on it. [LB1124]

SENATOR COUNCIL: Flogged may be an understatement. (Laughter) [LB1124]

SENATOR ADAMS: We will try that tomorrow and I would extend the invitation to Commissioner Breed and any of his staff to join us in that Exec Session tomorrow so we can talk about both these bills at the same time with them as a resource. With that, we will conclude the hearings for today and thank you all for your patience. [LB1124]