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Education Committee
February 24, 2014

[LB789 LB834 LB958 LB1009 LB1081 CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Monday, February 24, 2014, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1081, LB958, LB834, LB1009, LB789, and gubernatorial appointments. Senators present: Kate Sullivan, Chairperson; Jim Scheer, Vice Chairperson; Bill Avery; Tanya Cook; Al Davis; Ken Haar; Rick Kolowski; and Les Seiler. Senators absent: None.

SENATOR SULLIVAN: Welcome, everyone, to the Education Committee. I am Senator Kate Sullivan, Chair of the committee and I represent District 41 in the Nebraska Legislature. We have some of the members here. I think I'll have them introduce themselves. Senator Haar, would you like to start?

SENATOR HAAR: Ken Haar, District 21.

SENATOR COOK: Tanya Cook, District 13.

SENATOR SULLIVAN: Our Vice Chair.

SENATOR SCHEER: I'm Jim Scheer, District 19.

SENATOR KOLOWSKI: Rick Kolowski, District 31.

SENATOR SULLIVAN: Some of the other senators are still in either some Executive Sessions or other meetings. Senator Avery from Lincoln will be joining us, Les Seiler from Hastings as well as Senator Al Davis from Hyannis. To my immediate left is one of the legal counsels for the Education Committee, LaMont Rainey. And to our far right is Mandy Mizerski who is our committee clerk and will appropriately record all the proceedings of the hearing. We also have a student helping us, Nate Funk from Norfolk who is a student at UNL. And he'll be joined by another student page, Tyler Zentner actually from my hometown of Cedar Rapids. He's also a student at UNL. We have a full agenda today. We have two appointments...or one reappointment and an appointment to a commission and as well as five different bills that we will be having a public hearing on. And those bill titles are I think posted on either entrance just in case you want to make sure you're at the right place. And if you are planning to testify, I'd ask that you pick up a green sheet. They should be on the tables at both entrances. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there's a form on the table to do that as well. Regarding the green sheet, I'd ask that you fill it out in its entirety and bring it up with you before you testify. Please print. And when you do come up to testify, give that green sheet to the committee clerk. If you do not choose to testify, you may submit your comments in writing and have them read into the official record as well. If you have handouts, we ask that you have 12

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copies for the pages to had out to the committee. And when you come up to testify, please speak clearly into the microphone. Tell us your name. And please spell both your first and last names, again so we have the adequate record. I'd ask that you please turn off all your cell phones, pagers, anything that makes noise so we don't detract from the testifiers. The introducers of the bills will be making their initial comments. They will not be bound by the lights, but we will be using the light system today. So for all testifiers, you will have 5 minutes to give your testimony. At 4 minutes, the amber light will come on. And then when the five minutes is up, the red light will come on and we'd ask that you'd wrap up your comments. So I think with that...we've had Senator Avery, who is just about to sit down, join us and also Senator Seiler. So with that, we will...

SENATOR SCHEER: And Senator Davis.

SENATOR SULLIVAN: Oh, and Senator Davis. I didn't even see you come in...(laughter)...stealthy character that you are.

SENATOR SCHEER: He turned sideways.

SENATOR SULLIVAN: All right, we will start with our appointments. And the first one is a reappointment to the Technical Advisory Committee on Statewide Assessment. So that reappointment is Mr. Frank Harwood. Please join us, Mr. Harwood.
[CONFIRMATION]

FRANK HARWOOD: Good afternoon. [CONFIRMATION]

SENATOR SULLIVAN: Good afternoon. Thank you for your service and interest in being reappointed. Can you tell us a little bit about yourself? [CONFIRMATION]

FRANK HARWOOD: My name is Frank Harwood. I'm a superintendent in Bellevue Public Schools. This is my third year in Nebraska, so I actually very quickly got appointed to a committee because this a reappointment. I filled out...I finished the last year of a different appointment. I don't know whose appointment I took. Being appointed to the Technical Advisory Committee for Statewide Assessment I've had quite a bit of experience with assessment from coming from Kansas. Was a high school...I was a science teacher for nine years. I was a high school assistant principal for three, a junior high principal, I was the director of technology and then the chief operations officer in Lawrence, Kansas. And now in my third year as superintendent at Bellevue Public Schools. [CONFIRMATION]

SENATOR SULLIVAN: Well, assessment certainly is receiving a lot of tension here in the state. Can you outline specifically what the group does? [CONFIRMATION]

FRANK HARWOOD: This particular group looks at the, for the most part, NeSA testing

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and gives advice or at least feedback to the department on the process that's going on. The committee is made up of five members...I think is the actual committee. Three of the committee members are psychometricians, so they are national experts in assessment. Then there is myself and then Linda Pool who is a teacher in Papillion and a board member in Millard make up the committee. I see my role on the committee as getting input from the other superintendents I work with and then from also what's going on in my own district with how the tests are running. You may or may not have heard that last year there was a particular issue with the testing platform or the computer program they used for the writing assessment. When students were doing their essays, it reformatted things on its own and caused quite a few problems. So then some of that is how you take that information and then fairly hold, you know, the students and then the districts and buildings accountable for those results if there are anomalies in the way that the testing was going on. So that was a lot of the last one. At the last meeting we had we spent a lot of time talking about NePAS which is the ranking system. Actually, when I leave this meeting I get to go over to the Holiday Inn and serve on a task force for the state department that's coming up with how to work with LB438 and how that would change the accountability system that is currently in place statewide and moving it into it moving forward. [CONFIRMATION]

SENATOR SULLIVAN: So this particular committee, in terms of what consensus or conclusions you may draw, goes back to the department head or commissioner. [CONFIRMATION]

FRANK HARWOOD: Right, yeah. The committee itself...you know, really I don't know that we've actually taken a vote on anything. Basically what it is is that we meet twice a year, the state department does presentations and then asks questions about just the different things going on. For example with the writing tests last year, this last time we spent quite a bit of time with NePAS and looking at the appropriate size of subgroups. You know, you have the federal No Child Left Behind law that talks about subgroups of one size. In Nebraska, there are a number of very small school districts. And so they almost never have subgroups. That's going to be one of the topics for today is, you know, how does that work? And the problem with that is, is that you have very small groups. You get wide swings in rankings, specifically in graduation rate. If you were in a small district that has ten graduates, one year you could be at 100 percent and be tied for first. The next year if you have 10 graduates and 2 people don't graduate, you could be almost 249th. And that swing...and how do you account for that? [CONFIRMATION]

SENATOR SULLIVAN: Okay, very good. Any other questions for Mr. Harwood? Senator Kolowski. [CONFIRMATION]

SENATOR KOLOWSKI: If I may, just a comment. Superintendent Harwood, thank you very much for your dedication to your district and to the Metro area and the excellent cooperation and input you've given to the Learning Community over these last three

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years as well. It's very noted and greatly appreciated. Thank you. [CONFIRMATION]

SENATOR SULLIVAN: Okay, any other...Senator Scheer. [CONFIRMATION]

SENATOR SCHEER: Just for technical information for the rest of the committee, this commission was part of the legislation that started the statewide assessment program. So this is...the Governor...based on that statute, the Governor appointed the five members which were specific as he had stated. And so this is an ongoing system going back to the assessment legislation. [CONFIRMATION]

FRANK HARWOOD: That's right. I think I...with that, I think the role I'm supposed to bring is the practical part of what that looks like in districts. You have the three national experts on assessment that can be pretty theoretical in the things they're talking about. And I really feel like my role is to keep it more grounded in what's actually...how is that really going to look when you get into a classroom. [CONFIRMATION]

SENATOR SULLIVAN: Very good. Any other questions? All right, thank you for your service. [CONFIRMATION]

FRANK HARWOOD: Yep, thank you. [CONFIRMATION]

SENATOR SULLIVAN: Anyone interested in speaking in behalf of this appointment? All right, we will next move on to a new appointment to the Board of Educational Lands and Funds, Mr. Jim Hain. Welcome, Mr. Hain. [CONFIRMATION]

JIM HAIN: Good afternoon. Thank you for your time. [CONFIRMATION]

SENATOR SULLIVAN: Can you tell us a little bit about yourself? [CONFIRMATION]

JIM HAIN: Yeah, I live in David City. I'm married, and I have three sons, two in high school and one in college. I grew up on a farm in Butler County where I farmed with my father. I rented my first farm the year I graduated from high school and farmed for 17 years. At that point, I got out of production agriculture and got into real estate where I specialize in farms and ranches and been doing that for the last 11 years. I have expanded. I do deals all over the...across the state of Nebraska and throughout the Midwest. In the last, oh, about three years I probably...my deal value has been about \$200 million in 10 states throughout the Midwest. Other than that, why I have value to the board, to the BELF board, is I see things that are happening throughout the whole state both in pasture grass and row crop and throughout the surrounding states of Nebraska. And so I have a working knowledge of what Nebraska is doing and how we compare to all the rest of the surrounding states in the Midwest as it relates to agricultural real estate and rental rates and the such. [CONFIRMATION]

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SENATOR SULLIVAN: And so what do you see? Are land values continuing to go up?
[CONFIRMATION]

JIM HAIN: Well, in real estate we don't predict the future. We talk about trends. But it appears like we've stabilized our land prices. We aren't going up on the...appreciating on the trends we were for the last five years. There have been some sales, a little bit lighter. But there's some sales that have certainly sustained the trading range we've been in for the last--oh, about nine months or so. [CONFIRMATION]

SENATOR SULLIVAN: So do you think that land is still a better investment as a opposed to the school land being sold? [CONFIRMATION]

JIM HAIN: For the purposes of what it's used for absolutely. I don't...if a person wanted to look at like other types of investments or other asset classes in real estate, farmland is the most stable real estate that there is as far as an asset class. You know, you can look at financial wizards. Like Warren Buffett says, he'd rather own farmland than all the gold in the United States or all the gold in the world. He'd rather have farmland, equal value, because it's very stable and very liquid. If you want to sell it, you can sell it in almost any market--an up or down market--as long as you're willing to accept market price. And a lot of other real estate you can't do that with. And a lot of other investments, whether you're in stocks or bonds or, you know, some type of securities, they vary in...due to things that are out of a lot of Nebraska's control. You know, you can have a stock company that has a very good year because of some information, the potential sales information, whatever; or very poor and it has nothing to do with the investor. Whereas farmland, if you do a good job of owning and managing your land, you'll have pretty much the same income year after year. And there isn't a lot of outside forces that affect that. So because of the stability, I think it's a great investment. [CONFIRMATION]

SENATOR SULLIVAN: Thank you. Any other questions for Mr. Hain? Senator Avery.
[CONFIRMATION]

SENATOR AVERY: Thank you, Madam Chair. Welcome, sir. [CONFIRMATION]

JIM HAIN: Thank you. [CONFIRMATION]

SENATOR AVERY: From time to time we hear that the bureau struggles with or at least debates the issue of whether we should be selling this land or we should be continuing to lease the land. I know at one time the Legislature took a position on that. And I believe our position was that we ought to be selling more of the land. What do you think about that issue? [CONFIRMATION]

JIM HAIN: Well, as far as selling, I guess there's a...it depends. What are you going to do with the money? Do you have an opportunity to do something with the money that

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you feel is better than farmland or ranch ground? [CONFIRMATION]

SENATOR AVERY: The stock market is doing pretty well right now. [CONFIRMATION]

JIM HAIN: You know, the stock market is doing well right now. And there's times in the last 20-25 years where the stock market has done tremendous. And there's times when it's done very disappointing. It's my belief that for the BELF board, stability is one of the most important things that we need. We need that steady check year after year. And in the stock market, the dividends go up. The dividends go down, and we have no control over that. And for that reason, I think stability being one of the most important things that we look at, for the BELF board, I'm not in favor of that. But...now should we be selling some of the assets? Yes, if there's a better investment. And I think that one of the things that I see that has happened in a recent trend and I think it should continue is they've looked at the lower producing assets and tried to sell those off and replace them with higher producing assets. Some of the pasture grass that was low quality in recent years has been sold and replaced for high-quality farmland. And they've doubled or tripled the income off of that same dollars. That I think is a great...you know, to trade off the bottom and replace off...with the top. I think that trend should continue.
[CONFIRMATION]

SENATOR AVERY: Another issue that's come up from time to time is whether or not the bureau should allow hunting on those lands. Do you have a position or an opinion on that? [CONFIRMATION]

JIM HAIN: I don't know what the liability that the state is assuming with that. So I couldn't answer without knowing what the liability is. If there is a liability issue then I think no, that we should not. If there's not then it would be subject to the leasehold interest, what they would want to do before we could make a unilateral decision of letting public access to it. So that's, you know, two questions that I'd have to answer first. [CONFIRMATION]

SENATOR AVERY: All right. Thank you. [CONFIRMATION]

SENATOR SULLIVAN: Any other questions for Mr. Hain? Well, thank you for your interest in serving. [CONFIRMATION]

JIM HAIN: Thank you. Have a good day. [CONFIRMATION]

SENATOR SULLIVAN: Is there anyone wishing to speak on behalf of this appointment? All right, we will close that appointment hearing and move on to our first bill, LB1081, being introduced by Senator Karpisek to change provisions relating to school-sponsored activities. Welcome, Senator. [CONFIRMATION]

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SENATOR KARPISEK: Thank you, Senator Sullivan and members of the Education Committee. For the record, my name is Russ Karpisek, R-u-s-s K-a-r-p-i-s-e-k, and I represent the 32nd Legislative District, and it's odd to see LaMont here on my maiden voyage. [LB1081]

SENATOR SULLIVAN: I'm glad he is. [LB1081]

SENATOR KARPISEK: I am too. I'm here to introduce LB1081 because I am concerned about parity in high school sports. I believe that high school students should have opportunities for success inside and outside of the classroom. For many students, extracurricular activities such as sports play an important role in their development and enhance their high school experience. While some students may continue sports in college, for many, high school will be their last opportunity to play on a team competing with friends and fellow classmates. Before introducing LB1081, I did reach out to the NSAA and spoke with its executive director. I felt it was important to share with her my concerns and my intentions with this bill. I must say that I was very impressed with her professionalism and her willingness to listen. While I would prefer that the NSAA be proactive with these types of issues, I also understand that such organizations tend to resist change and sometimes they need a nudge. My hope is that, at the very least, LB1081 will get people talking. And based on the mainly nasty e-mails and phone calls my office has received, I would say it worked. I wanted to say again that she listened and wanted to talk where everyone else was not so good, and I'll be interested to see further testimony on this bill. I originally planned to introduced a bill on multipliers where a private school's enrollment number would be subject to a multiplier that would then determine the school's enrollment number for reclassification purposes. This is not a new concept and has been utilized in other states. Tennessee for example has the highest multiplier at 1.8. They are classified each student as 1.8 students. A multiplier usually will bump a private school up at least one class. After discussing this proposal and listening to the NSAA's executive director's concerns, I decided to try a more nuanced and focused approach called the success factor which is similar to what Indiana does. Based on e-mails and phone calls my office received, it would appear that this bill has struck a nerve. I've been accused of being anti-Catholic and have been informed the private school parents just care more about their kids, that their kids simply work harder than public school kids, and that private school coaches are just better coaches. Well, if that's all true and it's settled, I guess we can all go home. But if you're not satisfied with that explanation as I am not, I've got a proposal. Keep in mind the success factor outlined in this bill is simply that, an outline. There is nothing magical about the point system, and if it made sense to alter it, it would be fine with me to do so. My intent was to focus on traditional team sports like football and basketball, but since introducing this bill I've heard similar concerns regarding wrestling. There is nothing to say that other sports couldn't be included in the success factor. In an ideal world, the NSAA would take steps to address the issue of parity, and if the NSAA were to consider adopting the success factor system, I would fully expect that they would tweak it.

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Reporters have asked me which schools would be impacted by this bill. When I introduced this bill, I honestly didn't know which schools would be impacted because this bill isn't intended to target or single out any specific schools. I can tell you that it would only be a handful of teams as the point system is currently structured. As for being anti-Catholic, this bill applies to public and private schools. And by the way, there are other private schools in the state that are not Catholic. I've been asked about which schools I thought were recruiting. I think the issue of recruiting is too nebulous to be able to point your finger at. If a coach builds a successful program and good players from other schools transfer in, most would say that that is not recruiting. But unless you are there and heard the conversations between coaches and players and their parents, you never really know. What I do know is that it seems like everyone has a story of recruiting which makes me think that there is way too much smoke not to be a fire. The NSAA looks at undue influence which seems to be very difficult to prove. For example, this year there was a situation with the Parkview Christian boys basketball team involving international students in which the NSAA declared two Lithuanian students ineligible to play varsity high school sports for Parkview Christian. There were a total of four Lithuanian students who happened to play for the same European club team and all landed in Nebraska high schools. They were 6' 10", 6' 7", 6' 5", and 6' 4", with the 6' 10" player committed to play basketball at Wayne State College. Of the four students, one transferred to a C-1 school, one to a D-1 school, and two to D-2 Parkview Christian. This situation is an example of what could become a trend where international students aren't being randomly placed in high school schools but recruited. Regardless of where these student athletes transfer from, the point is that such transfers may disrupt the parity in high school sports, especially in the lower classes where one or two exceptional players mean competing for a state championship. Not only are such transfers arguably unfair to competing schools, but it can be unfair to the athletes at the school that they received the transfers from. This is because it could mean a lesser high school experience if they find themselves playing behind such transfers if playing at all. Keep in mind that I've only been talking about transfers and haven't even touched on the decision-making process of a junior high athlete deciding which high school to attend. I can only imagine the difficulties the NSAA might have determining undue influence whether it be a junior high athlete or a high school transfer, especially since transferring has become much easier for student athletes. As far as for the transferring issue goes, the bill does contain two other provisions that attempt to make transferring a more serious decision by providing the student with a window of 14 days to change his or her mind and doubles the ineligibility period for late transfers. However, all the communications I have received deal primarily with the success factor provision. Now before I get a bunch of questions about the point system within the success factor--having trouble with that one--please keep in mind that it is a concept that I wanted this committee to consider and discuss. Honestly, I don't know if a success factor is the answer. I just don't want this committee or the NSAA to stop asking the question of how to improve parity in high school competitions. Maybe a multiplier would work better; maybe forming a separate parochial league makes sense; perhaps

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requiring NSAA members schools to accept all special needs students, which is a bill I brought last year; what about letting high schools petition to move one of their teams up a class rather than the entire high school. I don't know, but just because the answer doesn't come easily doesn't mean we should ignore the question. At the very least, my hope is that the NSAA will take a serious look at parity in high school school sports, and I would like to see the NSAA conduct a performance audit to statistically review and evaluate parity in high school sports. I would hope that such a performance audit would produce a comprehensive proposal since such a systemic issue as parity can rarely be adequately addressed with a piecemeal approach. I apologize that that was a long opening, but I'm host of the bill. Thank you. [LB1081]

SENATOR SULLIVAN: Thank you, Senator Karpisek. So if you indicated that this was a sort of a nuanced approach and you've talked with NSAA, do you think perhaps that if you had your choice in the ideal that maybe would it be that NSAA would make the changes as opposed to legislating them? [LB1081]

SENATOR KARPISEK: Absolutely, and that's where it should come from, but I have records dating back to 2003 where they took this up and...kind of the fox in the chicken coop when you have these schools trying to regulate themselves, nothing was done. [LB1081]

SENATOR SULLIVAN: Okay, all right. Questions for Senator? Yes, Senator Seiler. [LB1081]

SENATOR SEILER: Did I hear you say the one point was to have different classes within the school? [LB1081]

SENATOR KARPISEK: Yes. [LB1081]

SENATOR SEILER: They do that now. Hastings wrestles A, but is a B school. [LB1081]

SENATOR KARPISEK: And you're right, Senator, but what I'm asking for is if they could ask to stay up. I think we have a situation now where Omaha Benson is dropping to B in boys basketball. They've asked to stay at A, and they were denied. It seems like many other schools are trying to stay at B rather than go A so they can do better. [LB1081]

SENATOR SULLIVAN: Senator Davis, did you have a question? [LB1081]

SENATOR DAVIS: Aren't we in some respects penalizing success by having this success factor? [LB1081]

SENATOR KARPISEK: In some ways we are, Senator. And as I said, I don't know that this is the best way to go about this. But other states have done this. The other states

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have parochial leagues which I don't think would work in Nebraska. There's not enough of them. Other states have done the multiplier system. I don't think that any kids are worth more than another kid. But I think we have to do something because the private schools don't have to take special needs students which are about 15 percent of the population average. So in 100 students, that's 15 more students that could probably be playing. The other point is about recruiting. Obviously, parochial schools have to recruit to get any students. But my question is about scholarships and about who comes and who doesn't come and if they try to keep their numbers down to stay in a lower class. And I'm sure that we'll hear that that isn't the case, but Pius went up to Class A for two years and now are going to be back in Class B. And I really have to wonder how that sort of thing works. [LB1081]

SENATOR DAVIS: And I can see...I know where you're coming from with this bill, and I can see what you're trying to do. But obviously whatever you do with this is not just going to affect sports programs. It'll affect every other extracurricular activity at a particular school. [LB1081]

SENATOR KARPISEK: Which is another good question to see if they give scholarships or recruit for band and choir and those sort of things... [LB1081]

SENATOR DAVIS: I guess what I'm trying to say is to be careful what you're trying to do. [LB1081]

SENATOR KARPISEK: And I agree, Senator, but I think something needs to be done. And again, I don't know that...I don't even agree that this is the place to do it, but anytime we want to bring an idea up the only way to do it is through a bill. [LB1081]

SENATOR DAVIS: And that's true, but just so I can get this on the record. It's always nice to brag about your own school and you take every opportunity that you can. But our speech and drama teacher in Hyannis has been an exceptionally good teacher. He's been there for about ten years, and this year they won the state championship in one act. And they have done that for many, many years. So the way I see this is eventually they'd be moving up into the next class up. [LB1081]

SENATOR KARPISEK: Well, I don't think that this would take that into consideration. [LB1081]

SENATOR DAVIS: Why wouldn't it? [LB1081]

SENATOR KARPISEK: We're just after sports. I don't think any...again, I don't think anybody is recruiting to do those things. I think that's your homegrown talent. It's your homegrown talent. [LB1081]

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SENATOR DAVIS: But I don't see it specifically carved out in here that it says, this only relates to sports. [LB1081]

SENATOR KARPISEK: And you... [LB1081]

SENATOR DAVIS: You refer to sports through the bill. [LB1081]

SENATOR KARPISEK: Yes, that is the intent. [LB1081]

SENATOR DAVIS: Thank you. [LB1081]

SENATOR SULLIVAN: Senator Kolowski. [LB1081]

SENATOR KOLOWSKI: Senator Karpisek, thank you very much for bringing this forward. As you can imagine I have more than a little experience witnessing these things taking place in the metro area. And I just wonder how you'd go about controlling the aspect of coaches seeking out students when they hold a multitude of camps of all age categories, male and female, boys and girls. There is a spotting of students, and you can't deny the recruitment that goes on as they're brought to summer camps from wide areas, whatever the camp might be, from soccer through football. And how would you go about trying to manage that and to say that coach unduly influenced or really put the press on the student because he was the next Eric Crouch or whatever you want to come up with? [LB1081]

SENATOR KARPISEK: Well, I think first, and there may already be a list if a student plans to transfer, be it on the Internet...part of this bill would give that athlete two weeks to "decommit" if you will. So I think that way the school they're transferring away from would at least have a chance to say, hey, is this, you know...give me a chance to try to have you stay. Again, I think it'd be the NSAA that has to patrol some of that, and I know they are now. These two...well, the four Lithuanians were found not eligible. However, there's a lawsuit...or was a lawsuit over the two at Parkview. I don't see this bill as a whole lot different from NCAA, how they change parity in college football, so many scholarships, so many athletes on the team, so many coaches, that sort of thing. Now that was the NSAA doing it...or NCAA, I apologize. Again, sometimes I think they need a little bit of a push. And to know that someone else is watching this...I do have the meetings and everything from 2003. About half the people on that committee were private schools, and I do know one of the people that was on that committee. And he said, well, they just absolutely shut the whole thing down and weren't going to do it. They wouldn't turn in the numbers that were asked for. They just balked at everything. So here we are. [LB1081]

SENATOR KOLOWSKI: So your concentration is on only sports as you're saying, rather than all the other activities that take up the all-activities trophy for example. [LB1081]

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SENATOR KARPISEK: I would like it to be on everything, and I guess if the NSAA could seek their way to do it. That way I would be more than happy to. [LB1081]

SENATOR KOLOWSKI: Having built and being a principal of a high school that won the all-activity trophy probably, I think five or six times out of the last seven or eight years, it looks at the entire spectrum of student participation which is a very important piece of student connectivity with the school and hopefully staying in school and completing their work. That...I'm just kind of really curious as to...and maybe the metro area is different, but that outreach...and we were...Millard West was a closed school because of the growth we had in our area. So we had a double handicap in the sense that you're not supposed to be recruiting, and then students couldn't transfer to your building even within your own district or from OPS or Bellevue or anywhere else. But we had coaches raiding our kids when they saw a good student, and all these camps in the summertime took place. And those kind of behaviors were prevalent at all times in our school and with our students. But I'm just kind of feeling this out as to the range and breadth of what you're trying to put a hold... [LB1081]

SENATOR KARPISEK: And I understand in the bigger schools maybe you can afford to lose a kid or two here or there. A small school, a Class C or D, one or two kids leave there who are really good and maybe end up playing you later, it really makes a big difference. [LB1081]

SENATOR KOLOWSKI: Understand, thank you. [LB1081]

SENATOR KARPISEK: And I hear often that's it's not all about winning, and I agree. So I think that if it's not all about winning then we should quit some of these practices. [LB1081]

SENATOR KOLOWSKI: Or not keep score, right? [LB1081]

SENATOR KARPISEK: Tried that when my kids were in tee ball. They tied every time, but that didn't work either. [LB1081]

SENATOR KOLOWSKI: Thank you. [LB1081]

SENATOR SULLIVAN: Senator Scheer, did you have a question? [LB1081]

SENATOR SCHEER: Yes, thank you, Senator. Senator, granted, I perceive this to be an exception to the rule, but for example, community of Elkhorn did have a Class A high school. And as a community, they decided they didn't want to be Class A. They wanted their high schools to be no more than Class B offering more kids the ability to be in those activities. So how do we penalize a community because they want kids to be

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more involved? I mean, had you thought about...and again, that's the exception. I don't know a lot communities that will go to the expense of doing that so that kids can have more opportunities... [LB1081]

SENATOR KARPISEK: I guess I'm not following you, Senator Scheer. They were big enough to be... [LB1081]

SENATOR SCHEER: Well, Elkhorn was...turned into their high school...turned into Class A. I mean they're a growing area. And as a school district, they determined that they didn't want to be in Class A because it funneled the kids in activities too much. So they literally built another high school. They had capacity. But they built another high school to sort of disseminate those children into two different buildings thus going back down to Class B giving twice as many kids the opportunity to play football or volleyball or softball or whatever it might be, and one acts and choir. They thought it was important to make sure that those children in that area had a lot of opportunities. And by doubling that, you know, were able to do that. But, rests say I'm sure those kids, they're very competitive. And I think they're both in the hunt about every time. There's a specific...it wasn't necessarily coaches trying to recruit. It was a community trying to bring itself back down to offer more of those experiences. [LB1081]

SENATOR KARPISEK: And I think that's great, and if they didn't stack one over the other... [LB1081]

SENATOR SCHEER: No, they didn't. [LB1081]

SENATOR KARPISEK: ...then they shouldn't even find themselves in this situation. But if they did, then one would move up to Class A. Again, this isn't the perfect way, but I don't think what we're doing now is anywhere near perfect. [LB1081]

SENATOR SCHEER: Fair enough. Thank you, Senator. [LB1081]

SENATOR KARPISEK: Thank you. [LB1081]

SENATOR SULLIVAN: Senator Avery. [LB1081]

SENATOR AVERY: Thank you, Madam Chair. I think I know what you're trying to do. I've had my time dealing with the NSAA, and I think I understand some of the mail that you have received because I had a stack of that mail too. And some of mine was coming from old coaches. [LB1081]

SENATOR KARPISEK: I got some of that. [LB1081]

SENATOR AVERY: And I mean old coaches who were running the NSAA. I don't think

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they're there anymore. Providing a truly fair system of competition in our schools seems to me to be a worthy objective. So really what we're talking about is how do you get there. And you and your staff apparently have done a lot of research on this. Do you have direct evidence of recruiting athletes from one school to another? [LB1081]

SENATOR KARPISEK: I don't have any direct evidence because of course no one wants their name used. But I've talked to quite a few people who have said, oh, yeah, they've talked to my kid, or that I've talked to the kids. And they've been recruited by a neighboring bigger school. [LB1081]

SENATOR AVERY: So it's one of those things where everybody knows it's going on, but almost nobody is willing to provide the direct evidence. [LB1081]

SENATOR KARPISEK: Correct. Sometimes kids will want to go, and they won't get recruited. And those are usually the best tattletales because they don't like that. But... [LB1081]

SENATOR AVERY: And they use scholarships that are labeled academic scholarships? [LB1081]

SENATOR KARPISEK: That I don't know, Senator, how they label them or how this works. But I think there's a way that it does work. Again, I... [LB1081]

SENATOR AVERY: Maybe we'll have other testifiers. [LB1081]

SENATOR KARPISEK: Again, my kids weren't recruited because they're my kids. [LB1081]

SENATOR SULLIVAN: Any other questions for the senator? Will you be here for closing? [LB1081]

SENATOR KARPISEK: I will. [LB1081]

SENATOR SULLIVAN: All right. Very good. Thank you. [LB1081]

SENATOR KARPISEK: Thank you. [LB1081]

SENATOR SULLIVAN: We will now hear proponent testimony on LB1081, proponent testimony. How about testifiers in opposition to LB1081? Welcome. [LB1081]

PATRICK SLATTERY: Good afternoon. My name is Patrick Slattery, P-a-t-r-i-c-k S-l-a-t-t-e-r-y. I am the superintendent of schools for the Archdiocese of Omaha and most recently served nine years as the president of Skutt Catholic High School. So I

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thank Senator Karpisek for raising the issue. I was taking some feverish notes, and I'll try and quickly address some of the points that were shared. First and foremost, I fully agree that this a conversation that should take place on the NSAA level and with those member schools. That is my understanding of how that organization was designed and certainly would not object to any conversations of these levels occurring in that regard. Nasty e-mails, I know all about them. Being at Skutt Catholic for nine years, I'd like to compare piles of nasty e-mails that I would receive every time our team won a state championship accusing us of everything under the sun from buying houses to buying cars to giving away scholarships based on athletic prowess, which couldn't be farther from the truth. But I know all about that as well. For me a lot of it's perception versus reality. At Skutt Catholic, we're often accused of controlling enrollment. Student size is 700. Over the last 4 years, the school averaged about 210 applicants per year. So even if every single student enrolled in that school, the school would still fall far short of moving up to Class A. I'd also like to share that at Skutt Catholic, at best in any given year, only 1 percent of applicants were denied admission. Across the archdiocese and through a lot of Catholic schools I think there is a misperception that students are turned away in droves, and that couldn't be farther from the truth. Even though Pius here in Lincoln is not within my archdiocese, 99 percent of their student enrollment is Catholic. And their superintendent has recently informed me in recent years they have not denied admission to a single student. Looking at the fact that 99 percent of those students are Catholic, just perhaps, just maybe those Catholic students and those Catholic families are choosing Pius because it's a Catholic school. On the special ed issue, that 15 percent statistic is interesting, and I understand that conversation. But the majority of that 15 percent are students with learning disabilities and speech impairments coincidentally, who our Catholic schools do accept time in and time out. Within that conversation, you know, our Catholic schools would love to be able to cater to students with greater special ed needs and certainly if funding were ever to accompany that--I know that's a whole nother conversation and debate for another day--but our Catholic schools would be absolutely excited to have an opportunity to work with more students. It would be in line with our Catholic mission. Again, in terms of the implications of scholarships, as the former president at Skutt, if anybody was giving out scholarships for athletics it would be me. And I tell you and assure you, you know, all scholarships were need based or based on the admissions test. And in most schools that would be about 10 percent, top 10 percent of those test takers. Beyond that, need-based grants...vast majority of our schools use an outside company, FACTS based right here in Lincoln, to help assess that need as well. And I would agree, Senator Scheer. You know, your comment that...the Elkhorn example, great example. A lot of Catholic schools are choosing the size. Skutt Catholic was built for a max capacity of 800. I've already had people tell me, you did that on purpose to stay in Class B. And, you know, the argument that 23 years ago in the design of that school they were thinking about athletics just doesn't stack up. And the penalizing success, there are many public and private schools and coaches that have done a fabulous job through hard work, great coaching, and that reality that success breeds success. And again I think the latter part

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of LB1081 is a challenge to that concept. So I'd come back to my original point. I agree this is a conversation for the NSAA and our member schools. [LB1081]

SENATOR SULLIVAN: Thank you, Mr. Slattery. Any questions for him? Senator Davis. [LB1081]

SENATOR DAVIS: You talk about the number of students in your system that are Catholic and that are non. Do you have that in statistical...can you provide that statistic for us? [LB1081]

PATRICK SLATTERY: System wide in the archdiocese of Omaha I would say that about 90 percent of the students enrolled are coming from...are Catholic students and the other 10 percent non-Catholic. [LB1081]

SENATOR DAVIS: What about your teams? [LB1081]

PATRICK SLATTERY: We have not done that assessment. [LB1081]

SENATOR DAVIS: Is that something that you could provide for us? [LB1081]

PATRICK SLATTERY: We could probably look into that. [LB1081]

SENATOR DAVIS: I think that would be helpful. [LB1081]

PATRICK SLATTERY: Absolutely. But certainly at a school like Pius with 99 percent, I think they said, you know, 12, 13 non-Catholic, so... [LB1081]

SENATOR DAVIS: You know, my point being if Pius is 99 percent Catholic... [LB1081]

PATRICK SLATTERY: A preponderance of non-Catholics were... [LB1081]

SENATOR DAVIS: ...and the teams are 99 percent Catholic, I don't think you've got a problem. [LB1081]

PATRICK SLATTERY: Absolutely. [LB1081]

SENATOR DAVIS: If you've got 70 percent Catholic on the teams, maybe you do have a problem. [LB1081]

PATRICK SLATTERY: Yep, absolutely. [LB1081]

SENATOR SULLIVAN: Senator Avery. [LB1081]

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SENATOR AVERY: Thank you, Madam Chair. I'm going to confine my questions to Catholic schools because you're representing a Catholic conference. Are you saying to us that you don't recruit students to your schools? [LB1081]

PATRICK SLATTERY: Every single student in our school is marketed to, and I don't see that any different than what I see OPS doing. I have OPS sending letters to my Catholic eighth-grade students encouraging them to transition over to public school. So we market to every student the same way I see OPS marketing to our students. [LB1081]

SENATOR AVERY: Do you ever market directly to athletes because they are athletes, because they are exceptionally good athletes? [LB1081]

PATRICK SLATTERY: They should not be, and if anybody does I certainly hope they are held to the same standards that the NSAA has outlined. [LB1081]

SENATOR AVERY: So you're saying then that your recruiting efforts are for just the best students you can find who want to go to your schools, right, regardless of how they may perform on the athletic field. [LB1081]

PATRICK SLATTERY: Sure, sure. And again, every student is recruited. The word "recruit," I think, I use it differently than other folks use it. And it's clarifying that definition. A lot of folks...the word "recruit" has such a negative connotation. You know, every Catholic school markets to the band student, to the chemistry student. You know, we have a lot of programs that we speak to, and again, we are going to market our entire program to any and all students who may be interested. [LB1081]

SENATOR AVERY: Well, I have information here straight from a flyer prepared for Creighton Prep that says we award \$1.8 million to 45 percent of our students. That's a lot of money. [LB1081]

PATRICK SLATTERY: There are a lot of families in need. [LB1081]

SENATOR AVERY: And Creighton Prep never wins football championships. [LB1081]

PATRICK SLATTERY: They haven't recently. (Laughter) Don't have the Prep folks hold that against me, but there are a lot of families in need. I think a lot of families would be surprised, too, at the preponderance of students on free and reduced lunch that are within our Catholic schools. You know, we have some schools that are upwards of 80, 90 percent. And again, I think that's a perception versus reality issue. [LB1081]

SENATOR AVERY: Let me ask you this then, you say that the recruiting takes place, but it doesn't include athletic recruiting. So why do we have these rampant rumors and people who are just absolutely convinced that recruiting takes place, and athletes tell us

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that recruiting takes place and you tell us it doesn't? [LB1081]

PATRICK SLATTERY: I'm not naive...go ahead. [LB1081]

SENATOR AVERY: Where is all this coming from, people just making it up? [LB1081]

PATRICK SLATTERY: I'm not naive to think there are not cases that do occur, but as rampant...and I guess I should clarify, are you speaking only to Catholic recruiting in that regard or is to suggest to that public schools are not included in that conversation? [LB1081]

SENATOR AVERY: No, I'm not limiting that to Catholic recruiting; Southeast in swimming, Southeast in football, Southeast in whatever. (Laugh) [LB1081]

PATRICK SLATTERY: Yeah, I can just use... [LB1081]

SENATOR AVERY: And that's where my kid went to school, that's why I know what goes on there. [LB1081]

PATRICK SLATTERY: ...I can use anecdotal stories. I have a student that might drive ten miles across town to come to Skutt Catholic, and they are a Catholic family. And that local public school feels that student should be there because they live in the backyard of that high school. And people are minimizing the fact that perhaps they want a Catholic education, and they're willing to make that drive. And, you know, that's not a complete answer to your full question, but again I go back to the years that I've been at Skutt Catholic. It's...to say that we give out scholarship based on athletics is to say that...here I am in a public forum...is to say that I am purposely doing that. And I can assure you that those dollars don't go that way. [LB1081]

SENATOR AVERY: Do you turn away special ed students? [LB1081]

PATRICK SLATTERY: The vast majority have been accepted. [LB1081]

SENATOR AVERY: The vast majority. [LB1081]

PATRICK SLATTERY: One percent of students in my tenure at Skutt Catholic, one percent were denied admission. And I'll give you the example of a student that we would love to work with. Had a young man two years ago that came in, had about 80 percent pull-out time through his IEP with one on one, and that's what the family wanted moving forward. I don't have the resources to serve that student. If I had the dollars, I would absolutely accept that student, and I would absolutely work with that student. The family was Catholic. They wanted a Catholic education for that child. I can't in good faith as an educator have a student in a system if we're not best going to support them. But I would

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love the opportunity if we ever had the resources to do so to work and educate those students. [LB1081]

SENATOR AVERY: Well, we hear again from the public that Catholic schools tend to shy away from special ed students because they count against your total, and that might bump you into a competitive sports class that you don't want to be in. [LB1081]

PATRICK SLATTERY: I'd invite you into any one of our schools, and you can watch how the process unfolds. It's that perception versus reality. [LB1081]

SENATOR AVERY: And you're certain that you know the reality? [LB1081]

PATRICK SLATTERY: I would sure hope after nine years at the school that I'm well invested in what occurred at Skutt Catholic and certainly what I hear from our other administrators. [LB1081]

SENATOR AVERY: Okay, thank you. [LB1081]

SENATOR SULLIVAN: Senator Kolowski. [LB1081]

SENATOR KOLOWSKI: Thank you, ma'am. Patrick, thank you for your testimony today, and we served as leaders of our individual schools in the southwest area. And when I talked about Millard West being a closed school because we could not have students transfer to us, that does not mean that we didn't recruit. We tried to keep our kids in our school by not having them move to Elkhorn...or transfer to Elkhorn, or South Sarpy as they have, or anywhere else as well as all the Catholic schools in town: Prep, Marian, and of course Skutt. And congratulations for your new wrestling tournament championship, again, as you've run the table on that just about over the whole history. And we're proud of that in the southwest area as well. The fact remains though that these camps have a lot of influence on kids. Any way you do that it's a recruiting camp that is specifically designed to try to find out what the qualities of the kids are and where they might fit into your program. And so I'm...for those out there sitting and not knowing about this or not understanding that, you have to understand the under workings of all these experiences in the summer for kids. And I hope we can...I don't know what we can do about that, but decisions have to be made by families and by students as to where they want to go and what they want to do. But it's much more pervasive than we're talking about here, and I...as Senator Avery, I know many stories of many students over many years and the pressures that were brought to bear for the recruitment that was taking place across the border. But I am also saying, we recruited to keep our kids in the zone that was closed and tried to make sure that they came to our school at Millard West. [LB1081]

PATRICK SLATTERY: Sure. [LB1081]

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SENATOR KOLOWSKI: But it's a difficult situation. [LB1081]

PATRICK SLATTERY: Sure, and I don't think that's a lot different than our trying to look at who our Catholic school 8th graders are and ensure they go on. Frankly, I think Millard West probably has more Catholics in it that Skutt Catholic did at the time. [LB1081]

SENATOR KOLOWSKI: I'm sure we do. [LB1081]

PATRICK SLATTERY: And so, you know, certainly we could have that conversation. Why are the Catholics going to Millard West? It's... [LB1081]

SENATOR KOLOWSKI: It's a huge parish. [LB1081]

PATRICK SLATTERY: You know, to the point of the club side, the public schools have them just as much as the private schools. And I come back...that's a great conversation for the NSAA and the member schools to have. [LB1081]

SENATOR KOLOWSKI: I would agree. [LB1081]

SENATOR SULLIVAN: Senator Scheer. [LB1081]

SENATOR SCHEER: Thank you, Senator. In reference to the...you made the comment that you were providing...you had enrollment of special needs students, would it be safe to say that those special needs services would be...the students would have the services...that were receiving those services from the public school district in large relationship to either reading or speech and so forth? I mean, that's what we're really talking about as far as the special needs students. Would that be a correct assessment? [LB1081]

PATRICK SLATTERY: That are enrolled? [LB1081]

SENATOR SCHEER: Yes. [LB1081]

PATRICK SLATTERY: Yeah, yes. Public schools have been great to work with in that regard. There's certainly a lot of other students that will be on 504 Plans that are not necessarily utilizing any public school resources, but our schools will still go ahead and create those 504s and work with them. [LB1081]

SENATOR SCHEER: Okay, thank you. [LB1081]

SENATOR SULLIVAN: Any other...Senator Avery. [LB1081]

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SENATOR AVERY: Thank you, Madam Chair. I have another question. Do you know what percentage of the total number of schools in the state of Nebraska are private? [LB1081]

PATRICK SLATTERY: I do not. [LB1081]

SENATOR AVERY: Do you know how many would be parochial? [LB1081]

PATRICK SLATTERY: As a percentage of the entire population? [LB1081]

SENATOR AVERY: Um-hum. [LB1081]

PATRICK SLATTERY: I do not. [LB1081]

SENATOR AVERY: Do you know how many are Catholic? [LB1081]

PATRICK SLATTERY: I have 70 in my district. I am also, you know, a little...eight months on the job here as superintendent, so I'm still gathering and learning. But the Pius...or the Lincoln and Grand Island dioceses, I don't have their numbers off the top of my head. [LB1081]

SENATOR AVERY: Where I'm going with this is that we know that parochial schools or private schools win about 25 percent of the state championships which seems to me to be a little high. I mean it seems to me to be way high, not just a little high. And I'm not so sure you can make the case that Catholic athletes are that much better than others, non-Catholic athletes. So there's something not fitting here. And if I knew those numbers it would be a better point than I actually made, but nonetheless, I think there's something there. I'd like to know the answer to it. [LB1081]

PATRICK SLATTERY: As I would be curious with the propensity of awards won on the nonathletic extracurricular front by the public, who absolutely dominate the private schools and the Catholic schools, and they do a fabulous job. And all we've said at Skutt Catholic is, we're going to have to buckle down and see what we can do to try and address it. [LB1081]

SENATOR AVERY: Well, you're not recruiting enough non-athletes. (Laughter) [LB1081]

PATRICK SLATTERY: Marketing to all students. [LB1081]

SENATOR SULLIVAN: Any other questions? Thank you, Mr. Slattery. [LB1081]

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PATRICK SLATTERY: Thank you. [LB1081]

SENATOR SULLIVAN: Any other testimony? Any other testimony in opposition for LB1081? Anyone wishing to speak in a neutral capacity? Welcome. [LB1081]

RHONDA BLANFORD-GREEN: Welcome. Thank you. My name is Rhonda Blanford-Green. [LB1081]

SENATOR SULLIVAN: Okay, and could you hand the green sheet to the... [LB1081]

RHONDA BLANFORD-GREEN: Oh. And I think the organization I represent as well as my name has probably been brought up a few times in this discussion, so I wanted the opportunity to introduce myself to you and be able to answer any questions you may have regarding maybe the senator's bill. But first of all, I want to say... [LB1081]

SENATOR SULLIVAN: Can you spell your name, too, please? [LB1081]

RHONDA BLANFORD-GREEN: Oh, I'm sorry. [LB1081]

SENATOR SULLIVAN: It's all right. [LB1081]

RHONDA BLANFORD-GREEN: It's Rhonda, R-h-o-n-d-a, Blanford-Green, B-l-a-n-f-o-r-d-G-r-e-e-n. [LB1081]

SENATOR SULLIVAN: Thank you. [LB1081]

RHONDA BLANFORD-GREEN: Thank you. I wanted to first of all say thank you to Senator Karpisek and several of the senators that have reached out since my tenure here. I'm just beginning or I'm into my 20th month as the executive director of the NSAA; 16 years in Colorado and had a very, very close relationship in the educational proceedings of our legislators and am very open to the concerns of the constituents out there. I always say, obviously, the face of the NSAA has changed, but also the philosophy and really being in touch with some of the things that are happening within the state of Nebraska that, you know...I hear it too. You know, we've been talking about public and private for years, and you know what, 51 other states are talking about public and private, and 51 other states are dealing with competitive advantages. But what I'm seeing with the NSAA membership is we have legislation currently moving through to address some of the issues that were brought up through Senator Karpisek. And again, I say thank you in the way that it did generate conversation just like everybody's phone was ringing off the hook. Our phone was ringing off the hook and numerous interviews and questions about what this meant overall. And the number one thing I say is that we're 309 schools, public and private. And legislation that would come forward that would put any division between those 309 schools is not the way we should be

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operating as a state. And so with Senator Karpisek bringing up those questions, we had the opportunity to go to our 309 schools and say, what can we do to start to address the concerns that are out there. As Senator Avery said, those aren't rumors. And you know, there is perception out there and there is reality out there. And so I wanted to come to you today to say that in any of these things or any of these conversations, the ability of the NSAA and 309 members to address these concerns through our legislative process helps it to be driven by the membership. And for once...I don't want say that for once, but as a leader of the NSAA, I hear those concerns. And when we address it with our membership, we have legislation that has not come through probably in the last 20 years that really did address this. This wasn't adversarial where it was public and private, or the haves or the have-nots, or who gives scholarship. This is actual legislation that will start to address the issues whether it be for transfers, whether it be domestic and international students to make sure that we're providing equitable opportunities for in-state, out-of-state, and international students. Those conversations are happening within the NSAA. So again, I'm testifying neutrally or just coming to speak to you first of all to introduce myself but to also say, allow us as an organization to address these concerns. And the only thing I can say is our actions will speak too. So you don't have to sit here five years from now and say, we brought it to the NSAA, and they didn't do anything about it. Legislation is moving pretty quickly, and we're looking to even introduce some things off the floor in April which is unprecedented to a certain extent to address some of these concerns. So I wanted to just thank you for your time and know that the face has changed, the philosophy has changed, the opportunity to really reach out and build a relationship in this building is something that I'm committed to doing. And so I appreciate your time. [LB1081]

SENATOR SULLIVAN: Thank you very much for your testimony. So you indicated that there is legislation. I assume that means changes in your rules and regulations that's coming before your board in April. Is that what you meant? [LB1081]

RHONDA BLANFORD-GREEN: Yes, our...I will give you just a little bit. We have a process through the NSAA in which our...and I won't go into a whole bunch of details, but it's divided into six districts across the state. It represents geography as well as, you know, sizes of different populations in schools. And legislation came through the districts to look at maybe...and really truly the bylaws are there, but what we're trying to do is tighten those bylaws so those loopholes aren't there that maybe would discourage maybe some of the transfers that are out there and maybe support staying in your home district. I mean we're tied in some ways because there's state legislation that allows for a one-time transfer 9-12. There's nothing that the NSAA can do to stop that from happening, nor can we ask the question of why you're transferring. So we have to live within the Department of Education and so we've accepted that there's going to be one transfer between 9th through 12th grade that we don't ask why a student transfers. And so we do have some things already in place that we have to try to work around. But legislation will come through. It's already gone through two stages, I guess you would

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say, of our legislative process. And so the final vote would be in April. But so far they've gained support across the state just to maybe look at tightening our loopholes. And the nice thing about it is sometimes you hear stories like, well, this happened in Kansas, or this happened in...this happened in Nebraska. I mean, we're possibly going to look at where...people who shop kids would find that we have some areas that we're weak in. And so we're just trying to tighten those up through legislation. But it's...so far our membership has embraced that. And so that's the direction we're going right now. So that would happen in April. [LB1081]

SENATOR SULLIVAN: Okay, thank you. Senator Kolowski. [LB1081]

SENATOR KOLOWSKI: Thank you, ma'am. Rhonda, thank you for your work and for your testimony today. Do you see the potential of what your organization is looking at this spring that would answer most of the senator's questions on what he's trying to do? [LB1081]

RHONDA BLANFORD-GREEN: I like what you said, most. [LB1081]

SENATOR KOLOWSKI: Most. [LB1081]

RHONDA BLANFORD-GREEN: Yes, I do. I think that the senator had some valid points. And the thing is it was in line with some of the questions that were brought forth by several of the districts. And so it's not out of the box. It's just basically saying, you know what, some of these things you can't take baby steps on. But I think what he put forth in a few of his areas probably is in line with our membership. [LB1081]

SENATOR KOLOWSKI: Well, you have a very... [LB1081]

RHONDA BLANFORD-GREEN: Not all, I need to say, not all but... [LB1081]

SENATOR KOLOWSKI: Well, you have a very difficult job in the sense that the range of schools and size of districts that you're dealing with across the state and caring about every student and all those activities. And those are all very important. And I'm just a total supporter for all of the things that we do and reaching out to kids to keep them in school, to keep in contact with their peers and to graduate. So I commend you on that. But I hope we can come up with some very sound and reasonable answers. And there's a lot of pressures, and I know your coaches from all levels and all the things that go on. And I would wish you well on all that. I hope it works. [LB1081]

RHONDA BLANFORD-GREEN: Thank you. [LB1081]

SENATOR SULLIVAN: Senator Cook, did you have a question? [LB1081]

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SENATOR COOK: Yes, I did. Thank you, Madam Chair. And thank you for joining today. [LB1081]

RHONDA BLANFORD-GREEN: Thank you. [LB1081]

SENATOR COOK: OPS as you're probably aware is the state's largest district. However, with there is a high school Omaha Benson which will move to Class B come next school year. And my understanding is that they applied for a waiver and that...a waiver to remain competitive among the Class A schools, and that was denied. Can you shed any light on what the organization's thought process was in making that decision of not granting the waiver to continue to compete at Class A, especially since, as Senator Kolowski just said, it's a great way to keep students engaged in a positive way? And that's very important at Omaha Benson. [LB1081]

RHONDA BLANFORD-GREEN: Yes, okay, so I know that there's politically correct answers, and then there's the answer I'm going to give, okay? (Laughter) [LB1081]

SENATOR COOK: Okay, I prefer the latter. [LB1081]

RHONDA BLANFORD-GREEN: So you know, again, learning the system and learning about different schools, I pulled the numbers for Omaha Benson. And there's been a steady decline in enrollment even with them being in Class A. So what happens, every year there's a classification of numbers. And so each year they look at where everybody lands within like 28 schools or 32 schools. And Omaha Benson was very close to being a B school last year. And this year they are a B school. So I...what happens is that they land in the B area, and so in order to move one up you now have an inequity within one classification, which impacts the others. And so in all fairness, there was an opportunity for them to come to our board. It was a part of the board agenda. The board adopted a policy because we want to make sure, based on how our membership has put together the district placement, that there is equity in there. So you just don't get to move up one school and then leave another school down, and it doesn't affect 28 other schools or everybody within that district. And so just so you know what we've done, what I've done is Omaha Benson will come to our board at the next board meeting in member comments and have the ability to voice their concern about, you know, why they see or what this does to their community and so that our board has a chance...and then one of board members who represents the metro area has already asked for a reconsideration of the vote. So we address this immediately, but what my question was is when you see a steady decline over five years, and then you finally do get in the B classification, the NSAA can't effectively fix one part of the problem or help you fix your problem without impacting other schools that are now saying, wait a minute. If we're moving up here, who's going to play down here? And now you've got a potentially Class A school playing in Class B, and where's that equity? So it's a bigger picture than just moving someone up. But we are going to make sure that Omaha Benson has an opportunity to have a

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voice in front of our board at our next board meeting. And then it is already an agenda item to have the vote reconsidered. To me, however the vote may go...but at least our school who did not speak at this meeting feels like they had a voice, and they had the opportunity to speak for their communities. And I think the principal...I met with her at state wrestling. So we carved out time to make sure that we met, and I think she feels good that if she has a voice and is able to come no matter the outcome of the second vote, that she spoke for her community. [LB1081]

SENATOR COOK: Great. Thank you very much. [LB1081]

RHONDA BLANFORD-GREEN: You're welcome. [LB1081]

SENATOR SULLIVAN: Senator Avery. [LB1081]

SENATOR AVERY: Thank you, Madam Chair. I have more a comment than a question. Back in 2009, this committee conducted at my request an interim study on the NSAA. And we found just an appalling mess I'm sorry to say. A refusal to abide by open meetings, a refusal to abide by public records, hiding behind a 501(c)(3) designation, I made the observation this is an organization that only exists for a public purpose. How can you hide behind this legal designation? We found that the Board of Control is what you called it then--I hope you've changed that name. [LB1081]

RHONDA BLANFORD-GREEN: Yes. [LB1081]

SENATOR AVERY: But we did find that the leadership of the NSAA seemed to be quite content to be abiding by rules that were written a hundred years ago. In fact, it was exactly 100 years ago at the time. It was 1910 when the rules were put in place, and they were still following the same old rules...thought these were fine. You know, they've worked a hundred years. So why would we want to change them? And things have changed for the good. You've been an important part of that. And I just want to thank you... [LB1081]

RHONDA BLANFORD-GREEN: Thank you. [LB1081]

SENATOR AVERY: ...on behalf of at least myself and maybe some of the members of the committee. [LB1081]

SENATOR SULLIVAN: Senator Scheer. [LB1081]

SENATOR SCHEER: Thank you, Senator. And I guess I just wanted to comment that I'm empathetic with what you're dealing with because the bill deals with schools winning championships. And in relationship to Senator Cook's question about Benson, if you leave Benson in Class A and they, by size, should be in Class B, unfortunately that

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means that there is a larger school in Class B that should be Class A and so consequently will be participating in an activity basis with those smaller schools. And it would not come as a surprise that they might do better then worse with additional numbers of students that other districts don't have. So it truly is not just a question of keeping one school district in one area because if one is going down, one has to come up. And if you don't move the one up that is getting larger, you're setting yourself up for a lot of disputes to the extent that...and I'm not sure whatever school district that might be. But if they win one or two championships that year, well, of course they won. They should be in Class A. And how are you able to defend that because you've allowed somebody that is too small to maintain...and it really doesn't make any difference if it's going from C to B, or B to A, or D to C, you still run into those same problems because it is based on numbers. [LB1081]

RHONDA BLANFORD-GREEN: Right, I think that the proposal that the board adopted that looks at numbers is black and white. And so you're not making decisions based on anything other than the numbers. So if you're B, you're B. If you're A, you're A. You're not allowing someone that should be B to be A, and you're not, you know...there's always going to be the top of the A's or the top of the B's, and there's always going to be the bottom of the A's and there's always going to be the bottom of the B's. But if your number represents your classification and you have a bylaw that basically states that whatever you are classified as, that's what you participate in. It's a lot easier to speak to that than to have gray areas in a bylaw that says, well, they were really B but we let them go to A, you know. It just allows things to stay equitable across the board, and there's no...you know, if you have certain people that speak pretty well for something then that school gets moved up, but someone over here didn't have representation. And that school didn't move up. So I think the policy that the board adopted allows that to be a black-and-white decision. If your numbers place you in B, you are B. If your numbers place you in C-1, you're C-1. The nice thing about this is you have the ability within your scheduling to still schedule schools in your classification. And so you don't lose the rivalries and the history that's out there. So I think when you say, how would we handle this? You know what, the numbers and the ability, Millard, to keep your numbers where they're at...it becomes an accountability institutionally, not for athletic purposes but what are we talking about educationally. And so that's where I'm standing is that we're the other half of education. We are the activities portion of it. And the numbers are what the numbers are. And so we have to be able to be...speak the same language to Mitchell that we would Omaha Benson or Lincoln High or anyone else. And I feel like the current policy that was adopted will allow there not to be gray areas in where you land with your numbers. [LB1081]

SENATOR SCHEER: Thank you. [LB1081]

SENATOR SULLIVAN: Any other questions? Senator Davis. [LB1081]

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SENATOR DAVIS: You have made references to something coming up in April to sort of solve some of Senator Karpisek's concerns. Is that in flux so much that we don't know what it is, or can you kind of share some of the ideas? [LB1081]

RHONDA BLANFORD-GREEN: Well, it's informational, and it's in its infancy stages. It's only been just a conversation. And again, I always want to say this, is the NSAA is 309 schools, public and private. And so our goal is to make sure that that relationship is intact. And we're not going to do the public-private game, you know, in ours. So the legislation that we've introduced looks at the bigger picture. Definitely one of the things we discuss is 180 days. We're talking about equitable transfers. If you're transferring from out of state or you're transferring from Germany and you don't transfer with your parents and you're not on the May 1 list by the state department, what does that look like? So that would be one of the questions that would be out there. Definitely looking at what I call equal protection. There's equal protection laws out there. So we don't want to have a stricter standard for a kid from Germany than we would from a kid from Kansas. And so we want to make sure that all of those things are...you know, that we...I keep telling everybody there's some states that are going stricter than us, but I don't know that we want to be the pilot state to litigate equal protection. So we'll try to keep it the same with domestic as well as international. We're also looking at supporting the state department's decision to have the May 1 transfer and how do make sure that if it's about the state department, it's about Nebraska, then those students are transferring from Nebraska with the (inaudible) May 1. I can give you this stat. We had 44 international students on our May 1 list. And when you're talking about a Department of Education statute that says that this is about Nebraska schools getting an opportunity, how do we justify 44 international students on that list. So we're tightening up that a little bit. But as always, the NSAA allows anyone with unique circumstances to come forward and have the ability to have their situation looked at individually. But just making sure that the bylaws are equitable across the board and then unique circumstances are looked at. So the two main ones right now would probably be domestic and international transfers, to look at 180 days, and then also to look at maybe being more in line with the state department criteria for students that would transfer within the NSAA and be a part of our list. And our list is May 1 because we found that there is a little wiggle room on the Department of Education side, and we were holding...you know, digging our heels in. No, it's March 15. And then we were the only ones doing that. And so we extended our deadline to make sure that if there were changes by kids or anything out there with schools and superintendents signing off that we were not allowing kids to be a part of the transfer process. And we also looked at the Learning Community and their time lines for when they could transfer. So the May 1 encompasses all of those kids, so we didn't have a stricter standard than the state. [LB1081]

SENATOR DAVIS: So if your school...if a foreign exchange student comes into a school then and they're going to participate, they will need to notify the district by May 1? Or how is that going to work? [LB1081]

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RHONDA BLANFORD-GREEN: No. Okay, so those are two things together. So foreign exchange transfers...and actually we're looking at terminology changes to say, international students because what we've all known for the last 15 years is CSJET and J-1 and...they're all educationally based programs. Now we know that there's F-1 and B-1s and, you know, the federal standards that are out there. And we learned a lot about that in the last 6 months. And what we also learned from the federal department is that they went from 6,000 to 100,000 F-1 direct-placed students in the last 2 years. So like you said, Senator Avery, our bylaws were written a hundred years ago, and they didn't know about F-1 and B-1 students. And so we are looking to put some things in place that basically says, if you're part of an educationally based program which is CSJET with J-1 visas, we are saying those students have automatically eligibility because that's done by the State Department. They vetted those students. We know that it's educationally based, and you cannot be placed. So you may put down that you want to go to Colorado, California, and Texas, and you may wind up in South Dakota. And so...I don't mean it like that. (Laughter) I'm just thinking if you thought you were going to the beach, you've got another thing coming, right? So this way, as long as it's still CSJET, J-1 visas, you can't direct where you're going to go, 100 percent eligibility in the state of Nebraska. If you're on F-1 visas where you get direct placed and conversations could have occurred, or you're on B-1 visas that actually say "summer basketball" on your...just trying think of your...passport, those are red flags for us. And so we're going to try to make sure that we are just keeping track of that. And we're even looking at 180-day sit out for the first year. And then it just gives an opportunity to just make sure it's not athletically based. [LB1081]

SENATOR DAVIS: Thank you. [LB1081]

SENATOR SULLIVAN: Senator Scheer. You're fine. [LB1081]

SENATOR SCHEER: Okay, thank you. One more question as you brought this up, and I don't want to try to beat a dead horse, but in relationship to the bill the NSAA is a membership organization and is not school districts totally. It is also schools. And in the parochially realm of schools, a high school belongs but not necessarily a middle school or a grade school. So consequently I guess my point would be, how are you going to define if a child that is going to school at a junior high or a middle school in Lincoln or Omaha...you know, they're not transferring, but they could still be recruited. And that's not going to hit your rule because they're just moving from one institution to another. They're not necessarily transferring...where going back to the difference between a school building and a district, if a child is going to the public schools in Blair, if they decided they were going to go to Omaha or Bellevue or someplace else, that indeed is a transfer. So how will your rule tighten that type of participation? [LB1081]

RHONDA BLANFORD-GREEN: Okay, so earlier I said about the nuances that are

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already department...state department laws, which is schools of choice. We can't change schools of choice. So a ninth grader or an eighth grader that chooses to go to public or private school will always have the ability to choose whether or not they go to school A and they live in school B, or school C and they go to school A. And there isn't any bylaw in 51 states or anything that would... [LB1081]

SENATOR SCHEER: Well, understand but based on what you've told me, a child from a middle school, a parochial middle school would not necessarily have to make its intentions known by May 1 because it's enrolling in another district. So this rule truly does not stop what the senator's bill is trying to accomplish. So from that vantage point, your rule is still not inclusive. I understand where you're coming from as far as the department, but you still have a...you still, under your new rule, have the ability of a child going to a parochial grade school or middle school and deciding July 15...and why July 15? The day is immaterial, but it's certainly after May 1. Have they been recruited? I don't know. It doesn't make any difference. And if they enroll in a parochial school or even a public school, they are now eligible to participate in all activities. But a child that would do the same thing from a public entity doesn't have that same type of reverse. It would lose its eligibility. [LB1081]

RHONDA BLANFORD-GREEN: I think...and maybe I'm not hearing this because we absolutely don't have anything to do with eighth graders. And so his bill wouldn't address it either. [LB1081]

SENATOR SCHEER: That's my point though. Well, it... [LB1081]

RHONDA BLANFORD-GREEN: His bill would not address a middle school student with the schools of choice. [LB1081]

SENATOR SCHEER: Well, ma'am, they're talking about...I'm talking about going from eighth grade to ninth grade. [LB1081]

RHONDA BLANFORD-GREEN: Right. [LB1081]

SENATOR SCHEER: And certainly that's exactly what the Senator's bill is trying to get to is the recruiting of people into high school activities. So if you're not thinking that this bill has anything to with that, I'm...from my perspective, it has everything to do with that. [LB1081]

RHONDA BLANFORD-GREEN: Okay, because I...the NSAA is a high school organization. And what happens between K-8 grade, conversations that would happen in summer soccer or summer basketball...once our bylaws take effect...and I don't know how...just reading his I didn't see anything that would be able to stop it because I don't know that there's any investigatory agency out there that... [LB1081]

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SENATOR SCHEER: It does not stop it, ma'am. I understand that. [LB1081]

RHONDA BLANFORD-GREEN: Right. [LB1081]

SENATOR SCHEER: But what it does do is if they are continuing to do that as would win more and more championships then they would be pushed to a new level. And I... [LB1081]

RHONDA BLANFORD-GREEN: Oh, you're talking about the success factor. [LB1081]

SENATOR SCHEER: Yes, well, I would love to talk to you more... [LB1081]

RHONDA BLANFORD-GREEN: Sure. [LB1081]

SENATOR SCHEER: ...because truly, from my vantage point, your rulings do leave a pretty gaping hole that I can see. [LB1081]

RHONDA BLANFORD-GREEN: Right. We're not even addressing the success factor. We're taking some direction on things that we feel like we can control. And one is transfers... [LB1081]

SENATOR SCHEER: And that's... [LB1081]

RHONDA BLANFORD-GREEN: ...and the other one is... [LB1081]

SENATOR SCHEER: ...and I apologize. [LB1081]

RHONDA BLANFORD-GREEN: Yes. [LB1081]

SENATOR SCHEER: I don't want to belabor it, but that is where is there is a blatant hole from my perspective... [LB1081]

RHONDA BLANFORD-GREEN: Sure. [LB1081]

SENATOR SCHEER: ...on that transfer. And I would truly...don't want to waste anybody's time. [LB1081]

RHONDA BLANFORD-GREEN: Sure. Sure. [LB1081]

SENATOR SCHEER: I would love to talk to you about that. Thank you. [LB1081]

RHONDA BLANFORD-GREEN: Yes. [LB1081]

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SENATOR SULLIVAN: Thank you very much for your... [LB1081]

RHONDA BLANFORD-GREEN: Thank you all. It's a pleasure. Thank you. [LB1081]

SENATOR SULLIVAN: Any other testimony in a neutral capacity? Senator Karpisek. [LB1081]

SENATOR KARPISEK: Thank you, Senator Sullivan. And I apologize for taking up so much time today but... [LB1081]

SENATOR SULLIVAN: No problem. [LB1081]

SENATOR KARPISEK: ...I am very happy about the discussion. Like I said, this isn't the perfect bill. Again, I don't know that it should be a bill. But I think you've heard and as Rhonda said, they're working on things. And I have been more than impressed with her in her willingness to listen and to try to make some changes. Senator Scheer, I agree that that is one point that needs to be looked at by the NSAA. But again, that's why I brought the bill. I also want to thank Mr. Slattery for coming because I know that it's not easy to do. He has talked about that it's just perception, but in our world perception is reality much of the time. And until that perception...I know it won't go away completely and I do have to say, I guess I never thought about the e-mails that he gets, and I do apologize from the other side of the fence because anyone doing that is ridiculous. He talked about...it was smart of them to send him though because, just...he hadn't been this job very long so he couldn't answer many of the questions. We've been...we see that in government quite often. He said, Skutt 23 years ago wouldn't have thought of keeping classes down. That would have been what, 1990. Come on. I'm out 30 years. It definitely was going on back then too. That's just not true. I don't know about Skutt. I shouldn't say that, but people were thinking about this long before now. Also the 90 percent of Catholics in the schools, I'd like to know how many were Catholics going in and how many had to become Catholic to go there. I don't know that, and I don't have any facts on that. But I really have to wonder. Again, I just think there's an unlevel playing field here. I talked about the study in 2002 and 2003 and then 2004. They talked about doing a 1.35 multiplier. The board moved 5-1 to formulate the committee. At that time there were 324 schools in the NSAA, 39 of which were nonpublic, 12.04 percent. Research also showed that during the years of '97-98 through '03-04 nonpublic schools won 25.85 percent of state championships. Again, something...there's some smoke there. What's going on? I think that it's an unfair playing field, and I appreciate if the NSAA would look at it and try to make some recommendations. But again, you're putting it in the hands of the people who make the rules, and I wish them good luck. But I don't expect to see much done unless everybody comes clean. Thank you. [LB1081]

SENATOR SULLIVAN: Thank you, Senator Karpisek. [LB1081]

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SENATOR SEILER: May I make a comment? [LB1081]

SENATOR SULLIVAN: Senator Seiler. [LB1081]

SENATOR SEILER: Hastings St. Cecilia has probably won more state champions than any other Catholic school in the state. This year is the first time there wasn't a Kindig since 1960 on that football team or basketball team. The Trausch family...you can go down about 10 families that supply 90 percent of the athletes. How does your program address that if they get cheated for being a family that are great athletes? And they all are because they've all gone on to play college ball. Sterup here at Nebraska is playing tackle for them, came out of Hastings St. Cecilia. I consider your bill may be running a little too far with it as far as Hastings St. Cecilia is concerned. [LB1081]

SENATOR KARPISEK: And like I said, this doesn't mean to be the perfect bill. But my bill does not target parochial schools. There's a lot of other schools; Seward girls' basketball, same thing. Now they... [LB1081]

SENATOR SEILER: Same thing. [LB1081]

SENATOR KARPISEK: ...they did have girls come from other schools and transfer in. Where I work, Exeter-Milligan has been... [LB1081]

SENATOR SEILER: Well, some of the best ones...like the girls playing at North...Colorado State this year. Their family moved from Hastings. So they did move in there, but that's because the dad and mother had different jobs, moved to Lincoln. [LB1081]

SENATOR KARPISEK: Well, I know some that moved on purpose to play at a different school, and that's where I... [LB1081]

SENATOR SEILER: I don't have that experience at St. Cecilia. That's what I wanted to bring up. [LB1081]

SENATOR KARPISEK: And again, although a lot of my focus is on parochial schools, it's not completely on that because I do know people that have transferred one school to another specifically to play sports and I know what happened. And that was public schools. I'm not saying that they're not guilty of some of this, but I think everyone should stop it because it's not fair. [LB1081]

SENATOR SULLIVAN: Any other questions? [LB1081]

SENATOR KARPISEK: Thank you for your time. [LB1081]

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SENATOR SULLIVAN: Thank you, Senator Karpisek. All right, that closes the hearing on LB1081. We will now move on to LB958 introduced by Senator Cook; provide for appointment of a student achievement coordinator. Hello. [LB958]

SENATOR COOK: Hello. Good afternoon. Senator Sullivan and members of the Education Committee, my name is Tanya Cook, T-a-n-y-a C-o-o-k. I am the state senator representing the 13th Legislative District and the introducer of LB958. LB958 is legislation that arises from discussions and hearings that this committee had during the interim regarding reforms to education funding in our state. Specifically, LB958 addresses thoughts and concerns about the way we are funding poverty initiatives supporting students with limited English proficiency and addressing the needs of highly mobile students in the public schools. This legislation recognizes the challenges that school districts across Nebraska face in providing education to students in poverty, limited English proficient students, and those highly mobile students. LB958 achieves this by reinstating the position of the student achievement coordinator within state statute. The position previously existed and was eliminated in the budget reductions in the 2011 Legislative Session. Under the language of the bill as introduced, the legislation will create a duty for the State Board of the Education to appoint a student achievement coordinator and outline specific duties for that position. Recreating the student achievement coordinator will ensure greater accountability with that state's limited resources. Passage of this bill will encourage best practices among the state's various school districts in addressing poverty, LEP, and mobility. The bill outlines the duties of the student achievement coordination to include: evaluation and coordination of existing resources for programs targeting the achievement of low income, LEP, and mobility students; on a rolling basis, reviewing poverty plans submitted to the department to ascertain successful practices being used by school districts; and to assist school districts in improving their poverty and LEP plans. Importantly, when reviewing programming of school districts and advising on best practices, the student achievement coordinator shall include evaluation components. Schools districts need to be evaluating their use of state and local funds where targeted to alleviate the impact of poverty through specific programming. LB958 achieves this. The preliminary budget report from the Appropriations Committee includes a line item that would fund this position. This line item is the result of a deficit budget request by the Department of Education. If the department passes with that line item included, I believe that's a good thing. However, putting the language of LB958 in statute will put the department's budget request to even better use. The Legislature and especially this committee should expect more specificity for the position and ask for clear responsibilities to be defined. This legislation achieves that. The department's fiscal note points out that the word "achievement" is missing on line 8 after the word "increase." I agree that this is a drafting error and that the word "achievement" should be added. I am open to any additional suggestions and input to amend this legislation to make the bill represent the collective will of our committee. I look forward to discussing this legislation with you and

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thank you in advance for your sincere consideration of LB958. Thank you. [LB958]

SENATOR SULLIVAN: Thank you, Senator Cook. As you indicated, we certainly heard about this in our studies...our interim study this last summer and that the poverty rates are increasing. You mention in your testimony that this position would not only provide an evaluation component to help schools evaluate what they're doing but also to identify best practices. [LB958]

SENATOR COOK: Yes. [LB958]

SENATOR SULLIVAN: Is there a mechanism then for sharing with member school districts what those best practices are? [LB958]

SENATOR COOK: My idealized vision of the person in this job would include someone who would be...act as a resource to all 249 school districts. In reviewing the plans, whether they're poverty plans, LEP, or other ideas, to know that oh, in South Sioux City there's a very successful program. And wouldn't...that would be a match for the schools in Dunning. And wouldn't that be a great opportunity to have a centralized person act as a resource among the 249 districts because as I learned over the...serving...the year serving on this committee and certainly during the interim, while a larger district will have separate human beings to take care of different purposes within the district, whether that be reporting or educating or doing some of the other things that are necessary to run a building or a district, in the smaller districts there just may not be a person. The willingness may be there to provide the best programming possible, or maybe that...but that person doesn't have the time necessarily to reach out for ways to innovate and maximize the impact on those students in their school buildings and districts. [LB958]

SENATOR SULLIVAN: Okay, thank you. Any other questions? Senator Scheer. [LB958]

SENATOR SCHEER: Thank you, Senator. Senator Cook, from a historical standpoint I just want to share that I was on the State Board in 2011 when we jettisoned this. We jettisoned several positions. They were all important at that point in time. But the department was hurt as well as a lot of other entities within state government at that time. And I'm glad to see you bringing forward...this back. And I just wanted to give you an opportunity to sort of clarify that this is not something that's going to be exclusively used for larger school districts. This is something that...poverty goes throughout the state of Nebraska. And those plans are from every district, and that this is truly something that's going to be able to be utilized by all 249 school districts in the state. [LB958]

SENATOR COOK: Absolutely, and that is my vision. That was my primary takeaway as we went among our interim hearings and had our executive input sessions is that the

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issue of poverty and the issue of mobility and certainly limited English proficiency, those are evident in all different school sizes, in all different sizes of school, all different school districts. And the resources...a resource that might be working or a program that might be working in a smaller district...let's use that example. I distinctly remember the testimony of a gentleman who was representing a school with more than 50 percent poverty, but he had a Blue Ribbon school. I think that was at the hearing that we had up at the reservation. So I would love to identify some practices from that plan and have this position identify those resources and see how they might be offered and apply and leveraged and maximized across the other 248 districts. [LB958]

SENATOR SCHEER: Thank you, Senator. [LB958]

SENATOR COOK: Thank you. [LB958]

SENATOR SULLIVAN: Senator Davis, did you have one? [LB958]

SENATOR DAVIS: I just was going to ask you a little bit about the fiscal note, Senator Cook. And maybe...I guess the question is I think I know what you're trying to do, and I think all the committee was essentially thinking that this ought to be refilled. And now I see they've added another half-time person. Was that something that you recommended or was that something that they recommended? [LB958]

SENATOR COOK: I did not recommend an additional half-time person. My proposal was this human being... [LB958]

SENATOR DAVIS: The one person. [LB958]

SENATOR COOK: ...the one human being to go back. And the suggestion came back from the agency of the half-time person. [LB958]

SENATOR DAVIS: Thank you. That's really the only thing. [LB958]

SENATOR SULLIVAN: Thank you, Senator Davis. Do you remember, Senator Cook, in kind of piggybacking on Senator Davis' comment, did they tell us from the department that this previous position simply accepted the plans and didn't really do much to review them? [LB958]

SENATOR COOK: Thank you for bringing that up. I don't want this bill to put a person...and this is not a put down to anybody who would work in any agency in this state. But the intent with this bill proposal is not to fill a seat or fill a position within this agency. The inspiration for this role is to have the person review for example the poverty plan, not just to do postcard compliance--okay, this box is filled in, that box is filled in, that seems like a reasonable response--but to analyze and apply that analysis

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to the contexts and the situations that they would see as they're reviewing other LEP poverty plans and to become a true resource to all of the districts across the state. So certainly not putting a person back in there just to...great, you handed it in, and you handed it in on time. Here's your money. That's not the intent. [LB958]

SENATOR SULLIVAN: Senator Kolowski, did you have a question? [LB958]

SENATOR KOLOWSKI: Yes, ma'am. Thank you very much. Senator Cook, I...the delivery of this two-way street, not just compliance, checking off the paperwork coming in, becomes a crucial issue back into the schools because when I look at counseling services, who's going to be doing what when this comes back to the schools? And with our rising rate of poverty across the state which has gone up considerably in the last five years, we have not increased the numbers of counselors for example. So I hope we'll have...there will be a discussion or a push of advisor/advisee programs, especially at the higher grade levels, middle schools and high schools so they can break down a larger body of students into smaller units and then have a caring person, a teacher--which I think every teacher should be an advisor--working with the students in their homeroom or whatever the name they would give it to deliver the services as they would become available and needed by those particular students. So I hope it grows beyond just compliance as you're talking about it. [LB958]

SENATOR COOK: Absolutely. That is...that would be the ultimate, that it would...the person would act as a resource in identifying ways for each district to leverage what they have in creative ways because just, as you said, even in the larger districts we don't have the kind of counseling parody or social-work parody or even delivery of some of the coursework that we might need. That would...I would love to see this position make the most of that opportunity also. [LB958]

SENATOR KOLOWSKI: Thank you. [LB958]

SENATOR SULLIVAN: Senator Scheer, did you have a question? [LB958]

SENATOR SCHEER: Yes. Getting to some information first, we are looking at a half-time position to augment this director. And some people...and you may be fully aware of this but for the record, approximately seven out of ten of the employees for the Department of Education are funded from the federal government. So just because they're sitting there doesn't mean that they get to do...you now hired AI. And so I'm the administrative aide for Senator Sullivan, so now I'm going to do his as well because if I'm being paid the federal government, I don't have that luxury to do his as well as hers. I have to do specifically only the areas that I'm being funded for from the federal government. I think too often we forget that funding from the federal government requires that those participants that are being funded from those dollars work only exclusively on those programs and those programs alone. And so if...I guess my

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question is if you are intent on wanting this to work, we can't have somebody out there answering the phone, doing all the secretarial work and the administrative work and try to expect them to be able to make any type of substantial difference. And so although perhaps the additional half-person staff is not there, I think we've got to look at the forest besides one of the trees. If we want something to be done, they have to have some support staff in order to accomplish that. And I guess I would end that with, don't you agree? (Laughter) [LB958]

SENATOR COOK: Absolutely. I am of the philosophy that good government does cost money. And this is a good way to keep ourselves accountable to the taxpayer for those expenditures. But certainly, thank you for the reminder that seven out of ten are indeed federally funded. And an answer in responding to the question about the additional FTE, I was merely being as direct as possible about what I'd requested versus what the agency's response was. Thank you. [LB958]

SENATOR SCHEER: Absolutely, absolutely. [LB958]

SENATOR SULLIVAN: Any other questions? Thank you. [LB958]

SENATOR COOK: (Exhibit 1) Thank you. I have a letter of support from the Ralston School District that I would like distributed. [LB958]

SENATOR SULLIVAN: Okay, very good. Okay. We'll now hear testimony in support on LB958. Welcome. [LB958]

BRIAN HALSTEAD: Good afternoon, Senator Sullivan, members of the Education Committee. For the record, my name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. I'm here on behalf of the State Board of Education in support of LB958. I also want to thank Senator Scheer for his advocacy about the department and how we are sometimes limited by federal funds in all of the things we can and can't do in that regard. But we certainly support Senator Cook and the bill that she has brought. It does in some way mirror the deficit request we had. But the deficit request was just about poverty plans and LEP plans. And I didn't pull the numbers before I came over today, but about 190 school districts file poverty plans, and fewer school districts file LEP plans. We looked at this position as being for all school districts which is 249 at the moment. So in the sense of as you're looking at the fiscal note, the staff member who wrote this looked at this as bigger than just reviewing poverty and LEP plans because there is more to deal with on student achievement than just those two features of the TEEOSA formula that you have to have in order to generate the allowances that go with that. So I'd be more than happy to answer any questions. We are here in full support of the bill. [LB958]

SENATOR SULLIVAN: Thank you, Brian. Senator Cook elaborated on it a little bit. But

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do you see this person, this position, when they identify best practices that are being conducted by different school districts developing a mechanism for sharing or communicating these best practices to other districts? [LB958]

BRIAN HALSTEAD: Absolutely. I mean, in the same sense, you know, one person at the department isn't going to do all of this. This is going to take our teams working with this individual. But it at least has somebody focused on this all the time and accessing our teams, whether it's an accreditation for school improvement, whether it's federal programs, whether it's special ed, whether it is poverty or migrant education, federal funds in that regard, those are all people who do have bits and pieces of it. This person can bring some of that together, have the time to actually sit down, read through and analyze as opposed to somebody who's reviewing poverty plans. Did they put in all of the statutory requirements and all of that? So this is certainly a starting point, and I think it's part of a bigger system of ensuring that we're getting best practices everywhere in the state for all of the students who may not be achieving as high as we think they should be. [LB958]

SENATOR SULLIVAN: Okay, thank you. Any other questions for Brian? Thank you for your testimony. [LB958]

BRIAN HALSTEAD: Thank you. [LB958]

SENATOR SULLIVAN: Welcome. [LB958]

JAY SEARS: (Exhibit 2) Thank you, Senator Sullivan. Good afternoon, Madam Chair, members of the Education Committee. For the record, I am Jay Sears, J-a-y S-e-a-r-s, and I'm here today representing the 28,000 members of the Nebraska State Education Association. NSEA supports LB958 and we thank Senator Cook for introducing the bill. As you've already heard from Senator Cook's introduction of the bill and the questioning and Mr. Halstead's explanation of how the department would use this person or persons, I think it's important that the department be given the resources to have someone in the position to actually review, analyze, and then get back out to districts the best practices that are going on. It kind of brings to mind the Omaha World-Herald article on Sunday about the Wasmer Public School in Grand Island Public Schools and what they're doing to raise the achievement of students who are more than 70 percent in poverty. I'm sure they have a poverty plan and an LEP plan. And the fact that we would have someone in the department to review those and then send out the information to get it disseminated to our 249 school districts might be a very useful piece of legislation for us. So I thank you for the opportunity to testify and urge you to pass the legislation to the floor. [LB958]

SENATOR SULLIVAN: Thank you, Mr. Sears. Senator Haar. [LB958]

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SENATOR HAAR: Yes, thanks for being here. [LB958]

JAY SEARS: Sure. [LB958]

SENATOR HAAR: I taught high school for four years in an inner-city tough school where the average reading level of my physics and chemistry kids was 4th grade. Okay, and as I look back, I sort of fled from that school. I mean, I went back to graduate school and I...but what kind of...I mean, the things that she's describing here, what kind of pressure does working in a school with high poverty, ELL, so on, highly mobile, what does that put on teachers? What do you hear? [LB958]

JAY SEARS: It's very difficult. As we see more and more poverty in schools, teachers don't have the ability to deal with all of the students and come up with a plan for every student, especially as we start to increase the number of kids in the classroom. So for example when you go back to your example of teaching and the 4th grade reading level in a science class because science is not easy. It wasn't easy for me. What strategies can we help a new teacher or even an experienced teacher that deals with...I've got to also teach reading and I've got to teach reading concepts that are academic language. We have the same issues when we have people who come into schools that are English Language Learners, and we know that learning on another language takes a long time. And so it takes even longer to learn the academic language. And when you get at the high school level, it becomes frustrating that, you know...I've got a sophomore or a junior in a physics class that can't read the text. What strategies do I need? And so that's the piece that we look at from, you know, having someone at the department that's able to look at some other plans that are out there and share that information and help build strategies for educators because then it takes the stress off because you know. You wanted to do well too. [LB958]

SENATOR HAAR: Oh, yeah. [LB958]

JAY SEARS: Yeah, so. [LB958]

SENATOR HAAR: Thank you. [LB958]

JAY SEARS: Thank you. [LB958]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB958]

JAY SEARS: Thank you. [LB958]

SENATOR SULLIVAN: Any other testimony in support of LB958? Anyone wanting to testify in opposition? Or in a neutral capacity? All right, Senator Cook for closing. Senator Cook waives and so this will close the hearing on LB958. We will move on to

LB834 by Senator Avery to change provisions relating to funding for school breakfast programs. [LB958]

SENATOR AVERY: Thank you, Madam Chair. Good afternoon, committee. My name is Bill Avery, B-i-l-l A-v-e-r-y. I represent District 28 here in south-central Lincoln. Last summer, I introduced LR206 that called for an examination of Nebraska's usage of the school lunch program. The result of that study led me to meet with...or in the process of that study I met with a number of superintendents across the state, a number of child advocacy groups, many of whom will probably be here to testify today. We talked about the successes and the failures of school breakfast implementation and participation in our state. The outgrowth of that interim study is LB834. This bill creates the Student Wellness Fund with the purpose of providing schools with a one-time incentive grant if they implement an alternative flexible breakfast program in their school. You will hear more on alternative models later on, such as the program at Westside school. They call it grab-and-go which is a sack breakfast with healthful items in it. Kids like to be able to grab the bag and not have to sit in the cafeteria with a tray and all the traditional accoutrements that go with the traditional breakfast. They like to be able to grab a bag of fruit and various things like yogurt, take it maybe even to the classroom and eat in the early minutes of class. What we're trying to do is to see how we can improve participation in breakfast programs by creating alternatives to the traditional cafeteria-style breakfast. Where does the money come from, is a good question. Several nonprofits in the state have already come forward including Midwest Dairy, The Sherwood Foundation, and ConAgra Foods. They've expressed interest in providing seed money to Nebraska schools with the explicit purpose of increasing our students' participation in the school breakfast program. This fund will be a pass through for these public-private partnerships. These one-time incentive grants that I am proposing here can be used for start up supplies including breakfast carts, coolers, garbage cans for classrooms, marketing health and wellness activities, and things of that sort. Schools already implementing alternative breakfast models would not be eligible for this one-time incentive money. The fund would sunset in 2017. While I'm talking about funds, I noticed that the fiscal note is \$400,000, not chump change. It's expensive. If you are interested in this idea and doing something about participation in breakfast programs, we might be able to scale back the amounts that I'm about to talk to you about. And it would be cheaper. The schools that wish to participate would sign a memorandum of understanding. And in return they could be eligible to receive, based upon their student enrollment, these grants. If the school has less than 200...fewer than 200 students they would qualify for a \$2,000 grant. If they have fewer, or say between 200 and 500 students, a \$3,000 grant. If they are over 500 students, they could be eligible for a \$5,000 grant. Those could be adjusted if you're worried about the fiscal note. It is of course a well-established fact that eating breakfast has numerous positive benefits for kids. A 2012 report commissioned by Save (sic--Share) Our Strength's No Kid Hungry campaign, and it was funded in part by the Kellogg corporation, that study showed that school breakfast has a profound impact on student achievement. Students

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who eat breakfast attended class one-and-a-half days more frequently than kids who did not participate in the breakfast program. Students had math scores that were 17.5 percent higher than nonbreakfast participants. And students were 20 percent more likely to graduate from high school if they participated in a breakfast program. However, the unfortunate reality is that only half of the 21 million children eligible for reduced price or free lunch across the country...only half of the 21 million children in this category are taking advantage of a school breakfast program. We know this, that in Nebraska more and more of Nebraska's students are qualifying for the federal poverty determined school lunch...free lunch or assisted lunch program. It's growing as...probably faster than ever. Between 2000 and 2010, the number of Nebraska children who qualified for free and reduced lunches jumped to over 120,000 students. My own school here in Lincoln has over 40 percent of its students eligible for free or reduced lunches. And that is the standard that we used of course--you know this--to measure poverty in our schools. According to the Nebraska Department of Education, 89 percent of schools currently offer some kind of school breakfast program. It's primarily a traditional breakfast. But only 31 percent of children who are eligible for this participation actually do it. That...this makes Nebraska 49th in school breakfast participation. Think about that, 49th. The reasons are numerous: limited time, limited resources. But Nebraska is trying to improve our participation, and I believe the Department of Education has set the goal at 35 percent participation. This however is not just about numbers and rankings. We want to be sure that our kids are not missing out on this opportunity to have a nutritious start every morning because we know it contributes to greater success in the classroom. We want our kids to be successful, and we want them to achieve their potential and have meaningful lives. We also want to make this easy for the schools. Together in a public and private partnership, our schools and local businesses can work together in this effort to find innovative ways to offer our children healthful and nutritious start in the morning. So with that, I would be happy to take any questions you may have on LB834. [LB834]

SENATOR SULLIVAN: Thank you, Senator Avery. You may need to correct me on this. You mentioned that according to NDE we've gotten 89 percent of the schools participating in some sort of breakfast program... [LB834]

SENATOR AVERY: Offering it. Yes. [LB834]

SENATOR SULLIVAN: ...offering it, but only 31 percent of the kids participating. So they just don't want to? They...what's the break? [LB834]

SENATOR AVERY: It's...I think a lot of it is time. Kids are rushed when they get to school. They're maybe running late, or maybe they're just barely getting there on time. They come skidding in. If you've got a grab-and-go, that's a big advantage. If you have to stand in line in a traditional cafeteria setting, get your tray, go sit down, eat, then take your tray back, it takes more time. And it's not as attractive to kids, sitting down and

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eating scrambled eggs. But maybe a bag with an apple and some yogurt is a more attractive alternative. And it's something about a bag. You don't know what's in there, you know? (Laughter) It's a surprise. [LB834]

SENATOR SULLIVAN: Okay. Senator Haar. [LB834]

SENATOR HAAR: So would you include sugared soda drinks in that? [LB834]

SENATOR AVERY: I would not. (Laughter) [LB834]

SENATOR HAAR: Okay. [LB834]

SENATOR AVERY: At any rate, I would tax it. [LB834]

SENATOR HAAR: But my serious question is, and it would not be your intent that these grants would be included as receipts in school's funding formula, right? [LB834]

SENATOR AVERY: No, these would be...well, I don't know. If I...I may not have...I might have misspoken. I haven't considered that. And I probably should. [LB834]

SENATOR HAAR: Okay. Probably...because we don't want schools to be getting money that they...okay. [LB834]

SENATOR AVERY: But I do believe that we do have some way of calculating other receipts in the TEEOSA formula. And I don't know if this would qualify or not. [LB834]

SENATOR HAAR: But your intent would be that this not be considered a... [LB834]

SENATOR AVERY: Right. [LB834]

SENATOR HAAR: ...a receipt. Okay, thank you. [LB834]

SENATOR AVERY: And it's not a lot of money anyway, I mean, per school. In this bill it couldn't get more than \$5,000. [LB834]

SENATOR SULLIVAN: You're advocating...or one component of the bill is this...these private donations. Do you have any idea or will somebody be talking about how breakfast programs currently are being funded and if there are any nonprofits contributing? [LB834]

SENATOR AVERY: I hope so. [LB834]

SENATOR SULLIVAN: Okay. [LB834]

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SENATOR AVERY: But I know...these are the three foundations or private groups that I know are interested in participating. [LB834]

SENATOR SULLIVAN: Okay. [LB834]

SENATOR AVERY: And that is Midwest Dairy, The Sherwood Foundation, and ConAgra. [LB834]

SENATOR SULLIVAN: Okay, thank you. Senator Davis. [LB834]

SENATOR DAVIS: Thank you, Senator Sullivan. Senator Avery, you talked about, I think we were 49th in participation. Do you know if that figure came...is that by districts because if we're...if 89 percent of the kids...of the schools are offering this already, how can we be 49th? [LB834]

SENATOR AVERY: Because of 31 percent participation rate. [LB834]

SENATOR DAVIS: So it's based on the participation rate. [LB834]

SENATOR AVERY: Yeah, and I don't know who that...what state is 50th. I'd guess Mississippi. [LB834]

SENATOR HAAR: Maybe not. [LB834]

SENATOR DAVIS: How many schools in the state are offering a grab-and-go type of package now, do you know? [LB834]

SENATOR AVERY: As far as I know, it's a Westside innovation. And I don't know if any other schools have used their model. But it's a pretty clever idea. [LB834]

SENATOR DAVIS: And the contents of this bag will meet school breakfast requirements? [LB834]

SENATOR AVERY: Yes. [LB834]

SENATOR DAVIS: Thank you. [LB834]

SENATOR AVERY: It would be nutritious, no cookies, no sugar-sweetened beverages, you know. [LB834]

SENATOR SULLIVAN: Do we have any indication of how many children come to school having had breakfast? [LB834]

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SENATOR AVERY: I think we know more about the other side of that question, how many come without breakfast. And I think that there would be a large number of free and reduced lunch students that don't get breakfast maybe because of working parents don't have time to prepare it or perhaps they don't have the resources to purchase it. Or maybe they don't have somebody, an adult in the home to prepare it for them when they get up and leave for school. [LB834]

SENATOR SULLIVAN: Okay, thank you. Senator Scheer. [LB834]

SENATOR SCHEER: Thank you, Senator Sullivan. Senator Avery, I guess I was just going to add in relationship to the percentages, the 31 percent utilization rate and so forth, you know, I think part of that can be attributed to the fact that maybe a district that provides it, but they may provide it for the elementary buildings. They don't provide it perhaps for the high school or the middle schools. And so consequently, you know, sometimes...and if they do a lot of the high school and more middle school age kids are not going to find that as attractive as the younger kids when there are more of them that are doing it and so forth, and it's more universal. So I think that might attribute to some of that but, you know, certainly our percentages shouldn't be any worse than any other state's... [LB834]

SENATOR AVERY: That's right. [LB834]

SENATOR SCHEER: ...in relation to that. [LB834]

SENATOR AVERY: You're absolutely right. And there are a multiplicity of reasons perhaps why we rank so low. [LB834]

SENATOR SULLIVAN: Okay. [LB834]

SENATOR AVERY: In this case, 49 is a low rank. [LB834]

SENATOR SULLIVAN: All right, thank you very much. [LB834]

SENATOR AVERY: Thank you. [LB834]

SENATOR SULLIVAN: We'll now hear proponent testimony on LB834. [LB834]

SENATOR SEILER: This guy is out of order. [LB834]

JOHN BONAIUTO: I know. It's amazing. Senator Sullivan, members of the committee, John Bonaiuto, J-o-h-n B-o-n-a-i-u-t-o, representing Nebraska Council of School Administrators, Nebraska Association of School Boards testifying as a proponent of

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LB834. I think Senator Avery has brought a good idea to the committee. It's kind of the sign of the times. And, Senator, you asked a question about the breakfast and how they work. Now I think the breakfast program and the lunch program pretty much follow the federal guidelines, and they have to be done a certain way. And there are certain things that have to be served so the reimbursement is available for those meals. And so doing something that is a little bit different, that may meet the needs of some students that are not participating I think is an interesting approach. And time may be it...that these students are getting up and just barely getting themselves to school on time and having a way to have something nutritious that will help learning in the classroom is very important. And so I like the idea of the grants. The grants would help a site get something started and possibly then be able to find that partnership knowing that it would not be ongoing. But it is something that's different and may be a way to reach more children. Senator Avery has had a great interest in nutrition. And I just think back to...I remember there was a bill that had something to do with Happy Meals at one time. So there were a number of...this one I think will be a way to make some children happy and better learners. Money is always the problem. And I looked at the fiscal note. And if there's a way to pare it back or a way to deal with it in a different way, I think it would be great. [LB834]

SENATOR SULLIVAN: John, you mentioned the breakfast program that schools might currently be offering has to follow federal guidelines. Is that correct? [LB834]

JOHN BONAIUTO: Yes. If there's any subsidy, that is correct. [LB834]

SENATOR SULLIVAN: Okay. So if they participated in this, they'd either have to adhere to the menu so to speak, or forgo the federal reimbursement. [LB834]

JOHN BONAIUTO: On this portion of the service. For a grab-and-go, I think that would be the case. And, you know, they could do the traditional where there might be lower participation, and they may have an offering where students could have something nutritious. But that's where the private-public partnership would come in. [LB834]

SENATOR SULLIVAN: Oh, so that's kind of the... [LB834]

JOHN BONAIUTO: Yeah. [LB834]

SENATOR SULLIVAN: ...that sometimes the menu to capture the federal reimbursement kind of gets in the way of participation, maybe. [LB834]

JOHN BONAIUTO: Senator, it really does. And for years that was the discussion we had about...you know, the lunch programs were nutritious, but were they healthy? And so it took a while for the federal government to start thinking about maybe expanding what the traditional menu was and allow students to participate in that program in a

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different way. So Senator Avery is pushing the envelope here but is moving in I think the right direction. [LB834]

SENATOR SULLIVAN: Okay, thank you. Any questions for...Senator Haar. [LB834]

SENATOR HAAR: Yeah, a couple of months ago I got to visit Park Middle School here in Lincoln, and they offer breakfast, lunch, and supper for kids. Are there any other schools in Nebraska that do that, do you know? [LB834]

JOHN BONAIUTO: I believe there...from just conversation, I know that there are programs. And I don't know how the dinner or the supper program works. But I think that serving students that need to be served in a different way is the bottom line, Senator. [LB834]

SENATOR HAAR: I know many at Park Middle School are kids who stay for the CLCs, the after school programs, and then they stay for supper as well. [LB834]

JOHN BONAIUTO: Exactly. You know, it's those types of programs and if you look at summer programs where schools are opening up their buildings during the summer to have summer lunch programs because the students need to come back to that building to have a nutritious meal every day. So it...we're doing things differently than we had in the past. And I think that's a good thing to serve these students. [LB834]

SENATOR HAAR: Yeah, it's necessary. Yeah, thanks. [LB834]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB834]

JOHN BONAIUTO: Thank you, Senator. [LB834]

SENATOR SULLIVAN: Welcome. [LB834]

DONDI KILGORE: Good afternoon. Thank you. My name is Dondi Kilgore, D-o-n-d-i K-i-l-g-o-r-e, and I'm a nutrition supervisor for Lincoln Public Schools. I am here representing the Nebraska School Nutrition Association, and I've been in school food service for 23 years so I think have the answers to some of your questions. We are definitely a proponent to Senator Avery's bill. We do really need to focus on how to get the breakfast into the students' hands. Here in Lincoln, we offer breakfast in all of our schools. That doesn't always mean that the students actually participate in the program. When they're younger, yes, they do. They all come through a little bit better. But as they get a little bit older into the middle and the high school levels, one, you have classes offered at different times. Southwest has zero hour. Southeast has, you know, first hour. Some it starts at 7:00. Some of those older students, they're not just quite ready to eat yet. You know, half the time they're kind of like one eye open. But thinking outside the

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box is going to get these students to actually eat some these breakfasts. And a grab-and-go breakfast, it can be a reimbursable school breakfast. You can have all the components. One of the things you do have to be careful of is to make sure...right now we have offer versus serve. And what offer versus serve in the school breakfast program and in the lunch program means that the student has the opportunity to turn down certain portions. There's a minimum amount they can take to qualify for reimbursable breakfast or lunch but once you take away the offer versus serve, you have to offer the full qualifying reimbursable breakfast or lunch. So that bag then...if you give them the bag already packed and they take it with them, it has to have that full reimbursable breakfast. And this is highly doable. It's not difficult at all. You just have to find things that are low in sugar, whole grains. You can offer fruit. You can offer juice. You can offer proteins on the go too. I'm excited about this. I really am. Right now we're working with the Dairy Council to set up a grab-and-go at Lefler here in Lincoln. And Park I believe right now is the only supper program in Lincoln and the surrounding area. I'm not sure, but I think there might be one up in Omaha. But I'm not sure which school district. I was part of helping to put together the Park supper program. And the numbers went up. The numbers went down. But the students that participate in that, they can bring their brothers and sisters. Where there is a need, you have to fill that need. And from the Nebraska School Nutrition Association...I don't represent just Lincoln. I represent the whole state of Nebraska. And where we might have some kind of concerns, Omaha metropolitan might have other concerns. I work with a lot of the rural Nebraska school districts and they would love to think outside the box, bring in these different kind of breakfast programs. But there's just not the funding nor the direction. That's why this is so important that we give them the funding so they can do this because even if you do 1 breakfast or 20 or 200, you still have to pay the employees to come in and put that breakfast together. You have to have the refrigeration to put the food. You have to have...if we want...you can do a grab-and-go hot breakfast even, but you have to have the facilities. And some of these little small schools, they just don't have it. So that's what this bill will help. So thank you for your time. [LB834]

SENATOR SULLIVAN: Thank you, Mrs. Kilgore. As I read the proposed legislation...and with you, LPS already offering a breakfast program, you wouldn't be eligible to apply for these grants, would you? [LB834]

DONDI KILGORE: I don't know if we would or not, but that's not why we're here. [LB834]

SENATOR SULLIVAN: Okay, all right. [LB834]

DONDI KILGORE: We're here representing all the Nebraska children. I see what breakfast has done for our students. And we've offered it in a variety of ways. We've turned the lines around offering it backwards just, you know, to get the students through. We've been outside a few times where, as the students come...when we're

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remodeling, the students come off the bus. That's part of the problem with breakfast if you're bussing. They get there just in time to get off the bus and go to class. So when we were off site, when we were remodeling, we had to do a grab-and-go kind of breakfast simply to have the children be fed. And we had to figure out how to feed them in classrooms, how to get the teachers on board because they thought it would be disruptive, make sure that you have garbage cans where the students can reach them otherwise...it's all those little things. And so it can be done. And it made our off-site experiences very successful. [LB834]

SENATOR SULLIVAN: What sort of relationship and support are you getting from the Dairy Council? [LB834]

DONDI KILGORE: Over the years, grants. Right now, I'm not personally working with them. I know our director Edith Zumwalt is. They help us with logistics. And like for Fuel Up to Play 60, we do get grants from them to provide yogurt and protein and make it accessible to the students as an alternative choice of breakfast. And you can offer the yogurt and cheese sticks as part of a reimbursable breakfast and sell it a la carte. [LB834]

SENATOR SULLIVAN: Thank you. Senator Haar. [LB834]

SENATOR HAAR: Well, when we talk about compassion and hungry children my mind fills with sort of dark humor. So I just have to ask you, does ketchup still count as vegetables or not? [LB834]

DONDI KILGORE: Not in our book it doesn't. [LB834]

SENATOR HAAR: Good, okay. [LB834]

DONDI KILGORE: It never has for LPS. It never has across Nebraska that I know of but... [LB834]

SENATOR HAAR: So there won't be ketchup in those bags, probably. Okay. [LB834]

DONDI KILGORE: I'm not going to say there's not ketchup. But I'm just saying we're not going to qualify it as a vegetable. [LB834]

SENATOR HAAR: Thank you very much. [LB834]

DONDI KILGORE: Thank you. [LB834]

SENATOR SULLIVAN: Any other questions for Mrs. Kilgore? Thank you for your testimony. [LB834]

DONDI KILGORE: Thank you very much for your time. [LB834]

SENATOR SULLIVAN: Yes. Hello, John. [LB834]

JOHN SKRETTA: (Exhibit 1) Good afternoon. Senator Sullivan, senators on the Education Committee, great to be here. I am here today to talk to you for a few minutes about LB834. My name is John Skretta, J-o-h-n S-k-r-e-t-t-a, and I'm the superintendent of the Norris School District. I am here today to speak to you on behalf of Norris and also as a representative, the delegate for STANCE. And STANCE is a coalition of about a dozen midsize districts that are working together to advocate for best practices in schools. And I'd first of all just want to thank Senator Avery for proposing LB834. There's some written testimony that's circulating around that's got a few pictures of the grab-and-go program that we've got at Norris right now kind of in action to give you a couple shots of the kids having breakfast there. Look, based upon prior submitted testimony on other bills today, it's obvious that Norris is just going to have to beat Pius on the field of play. So the least we could do is get a good breakfast for every kid, right? (Laugh) I'm going to go off script a little bit here and just talk to you. I want to share with you some specifics just about our experience with grab-and-go in the Norris School District. And then, you know, certainly if there's any questions, defer to those questions. And obviously you've heard from some very knowledgeable people about what's occurring right now in Nebraska to promote this. I just want you to know that my take personally is that breakfast is actually...breakfast is the biggest opportunity realm in school student services to enhance academic achievement by increasing student health and engagement. I think it's...there's an opportunity here where we can leverage some resources and accomplish some things together that could be really exciting for kids. And as you've already heard, participation is low nationally. It's not just, you know, in Nebraska schools but across the country. You see that a lot more students who participate in school lunch, they'll get their school lunch but they don't eat school breakfast. Some of it's a time-of-day delivery method which is one of the reasons why the grab-and-go thing works so well. Some particulars for the Norris context: a school breakfast costs \$1.30, we had 400 kids today. We have 2,100 kids in the district. We had 400 kids do breakfast today which is a pretty average day for us now. And what I want you to understand about that as I disaggregate that, break it down just a little bit for you, the participation percentage in the intermediate school serving grades 3, 4, and 5, our participation percentage is 57 percent and as high as up to two-thirds of our kids eating breakfast every day. And in the middle school it's 40 percent as high as 55 percent of kids every day, and that's grades 6 through 8 eating breakfast. In the elementary K-2, it's only at 12 percent. And in the high school it's under 10 percent. Question to ponder: well, what's going on? Well, the middle school and the intermediate school have in the last two years adopted a grab-and-go program. And we've had to be selective in our innovation. We've had to work through the logistics within each school, but I want you to know that I think that reflects the sort of phenomenon and the success

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if we can get behind LB834 and Senator Avery's ideas here that are well informed by research and well informed by best practices that are occurring in a number of Nebraska schools that can make a big difference. The grab-and-go menu piece is a part of it that really appeals to kids. A couple examples: today was a bagel with sun butter. That's not peanut butter. That's a sunflower butter product because you have to be sensitive to the food allergy issues, and there are so many kids with severe nut allergies now. We've also served muffin with cheese cubes, a homemade muffin with yogurt. To give you just a little bit more on the logistical challenges that schools encounter with this, it's waste management and trash. If you really want to see a custodian get irate, tell him that you're starting breakfast in the classroom tomorrow without the necessary preplanning. The portable, fast, easily consumed stuff, and then time-of-day delivery, helping schools figure that out; we've been able to do some of what we've done through the cooperation of Midwest Dairy and Fuel Up to Play 60 grants. It would be great to be able to roll that out in our other schools and for other Nebraska schools to benefit as well. Thank you. [LB834]

SENATOR SULLIVAN: Thank you, John. Senator Haar. [LB834]

SENATOR HAAR: Just to throw in another good thing for Norris, you're also working with Midwest Dairy to do composting of food waste, right? [LB834]

JOHN SKRETTA: Yes, we are. That's been really exciting. Another local provider there is Prairieland Dairy. That's... [LB834]

SENATOR HAAR: That's the one I was thinking of. [LB834]

JOHN SKRETTA: ...yep. And one of the things that they rolled out this year...this was kind of funny. Okay, they got the milk bid from us. They were the low bid. So they get the milk bid. And they said, all right, here's how this works. And they showed us pouches of milk. Okay, it's like a Capri Sun juice thing where you puncture it with a straw. Yeah, our principals were a little bit skeptical about that one going in. Imagine that in a lunch room with hundreds of kids, you know, puncturing their milk. So it's not a carton, but it's a reflection of Midwest Dairy's focus on being ecosustainable in all their practices. And actually the kids have been great with it. And it reduces waste very dramatically from like the regular paper cartons but that's...yeah, they've been great. [LB834]

SENATOR HAAR: Yeah, I appreciate that. Thank you. [LB834]

SENATOR SULLIVAN: Thank you. Any speculations...I can understand the lack of participation at the high school level. But those little kids, do you think they're just uncomfortable getting used to the school situation? Is that why they're not...? [LB834]

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JOHN SKRETTA: Yeah, I think it's really simple. It's that school...there's so much inertial force in schools behind just perpetuating doing things the way we've always done them because, like it's a rationale. That's the way we've always done them. And so school breakfast is typically only before the start of the regular instructional day. And with that, kids' arrival time...it doesn't really permit them...you know, if I'm a 4th grader and I know my 4th and 5th graders, they want to go out and play football in the playground for 12 minutes if they can rather than sit in the cafeteria and eat breakfast. And so you've got to find some other way to offer it that doesn't really eat up a lot of instructional time. And it can be done, but you've got to puzzle through some of the challenges within schools. [LB834]

SENATOR SULLIVAN: Thank you. Any other questions? Thank you for your testimony. [LB834]

JOHN SKRETTA: Thanks a bunch. [LB834]

JASON HAYES: Good afternoon, Senator Sullivan and members of the Education Committee. For the record, my name is Jason Hayes, J-a-s-o-n H-a-y-e-s. I am here today representing the 20,000 (sic) members of the Nebraska State Education Association. NSEA supports LB834 and believes the proposal introduced by Senator Avery is a good way to incentivize schools to adopt better alternatives in the way they provide breakfast to students. Research indicates that children who regularly eat breakfast have better standardized test scores and are less hyperactive. We believe these alternative school breakfast programs will help make breakfast more accessible to students and that such changes will ultimately be reflective in the students' ability to learn and retain scholastic content. And I thank you for your time today. [LB834]

SENATOR SULLIVAN: Thank you, Jason. Any questions for him? Senator Scheer. [LB834]

SENATOR SCHEER: Thank you. Just for purposes of record, either you had a massive decline in membership in the last half hour or you may have misspoke because you have 20,000 members and Jay had 28,000. So I'm... [LB834]

JASON HAYES: Did I say 20,000? [LB834]

SENATOR SCHEER: Yeah. (Laughter) [LB834]

JASON HAYES: Well, may the record be changed to show 28,000 members. [LB834]

SENATOR SCHEER: I just wanted to double-check to make sure. [LB834]

JASON HAYES: Okay, thank you very much. [LB834]

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SENATOR SCHEER: Thank you. [LB834]

SENATOR SULLIVAN: I missed that. Any other questions or comments? [LB834]

SENATOR SCHEER: Somebody is listening to you. [LB834]

JASON HAYES: Well, thank you. [LB834]

SENATOR SULLIVAN: Thank you for your testimony. [LB834]

JASON HAYES: Thank you. [LB834]

SENATOR SULLIVAN: Welcome. [LB834]

STEPHANIE MONTGOMERY-LODER: (Exhibit 2) Good afternoon. Thanks, Senator Sullivan and the rest of the Education Committee. My name is Steph Montgomery-Loder, S-t-e-p-h M-o-n-t-g-o-m-e-r-y-L-o-d-e-r. I'm the director of Hunger Free Heartland, and I'm here representing Hunger Free Heartland and the Food Bank for the Heartland in support of LB834. I'm not really going to go into much in the line of statistics because some really important information has already been presented. But I did want to touch on the impact that this bill could have on low-income kids in Nebraska. One in five Nebraska children is food insecure, and that's terminology that we use to describe kids that don't have consistent access to food. They can't be healthy. They can't be active. And they can't be productive. And school breakfast has been shown to have a dramatic impact on low-income kids' lives and their ability to access the food that they need. We know that kids aren't accessing breakfast at home because national research shows that kids skip breakfast; 33 percent of elementary school kids, 50 percent of middle school kids, and 64 percent of high school kids skip breakfast at least once per week. So we know that they're not eating breakfast at home, and they're not eating breakfast at school. And because of the relationship between school breakfast and improved health and educational outcomes, we think it's really important that we get creative and we try to offer a model that works both for the schools and for the kids to make sure that they get the nutrition that they need. As I said, kids are skipping breakfast. This is really alarming for students that are living in poverty because we know that they get most of their daily nutrients from school meal programs. So I'm going to say that again. If they don't eat at school, they don't have access to food at home. And so we want to do what we can to encourage schools to offer school breakfast that works to get kids in the seat. We know from the statistics that Senator Avery shared that the traditional school breakfast model doesn't work. And part of that is timing, getting kids up and ready for school, getting kids on the bus for a 40 minute bus ride in some of our rural districts before they get to school, but also from stigma because as I know from when I was in high school and junior high and qualified for free and reduced lunch, kids

know. When you go in for breakfast, other kids know that you're poor. And when you implement a grab-and-go model, everyone grabs and goes and nobody knows. I did share with the committee a nice little outline of some of the really cool alternative breakfast models that are being implemented right here in this state. We are working in partnership with several school districts around the state including Norris. And we're working in partnership with those schools to find a method of delivering breakfast that really works for the kids, really works for the school. Somebody asked earlier about grant programs and other funding sources. Most of these breakfasts are fully reimbursable under federal guidelines. But what isn't reimbursable is the cost of the extra garbage cans or the cooler or the marketing materials to let kids know and parents know that school breakfast is available and that grab-and-go is the model that they're implementing. So Hunger Free Heartland currently offers small grants, but we have very limited resources. So we'll get grant requests from several schools to buy garbage cans or buy coolers or train their staff on how to implement grab-and-go. And we can fulfill some of those grant requests but not all of them. We currently have the opportunity to work with ConAgra Foods Foundation and Omaha Public Schools to offer an incentive grant program for OPS schools. And it has worked. Since September, we've increased the number of elementary schools in OPS that offer grab-and-go breakfast from 11 to 24 just by offering an incentive grant for participation. And that's through the generosity of ConAgra Foods Foundation. We believe that LB834 could significantly increase breakfast participation in Nebraska and help ensure that all kids, especially our low-income kids that might not have access to food at home, have the fuel that they need to succeed. And we urge the committee to advance the bill. [LB834]

SENATOR SULLIVAN: Thank you, Steph. Any questions for her? Senator Haar. [LB834]

SENATOR HAAR: Yes, I was just thinking of the stigma thing. But in a complete grab-and-go, kids who can afford it would just pay for it, right? I mean, so it could be anybody. [LB834]

STEPHANIE MONTGOMERY-LODER: Yep, it could be anybody. And some of the schools that offer grab-and-go, every kid slides their card and you don't know if that kid is qualifying for a free or reduced breakfast or is paying for that breakfast when they slide the card. [LB834]

SENATOR HAAR: So some parents who can afford it would enjoy this. [LB834]

STEPHANIE MONTGOMERY-LODER: Absolutely. [LB834]

SENATOR HAAR: Yeah, thank you. [LB834]

SENATOR SULLIVAN: Are you aware of any schools that are trying these other

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models, the second chance breakfast or breakfast on the bus? [LB834]

STEPHANIE MONTGOMERY-LODER: Absolutely. There's currently an elementary school...actually one of my colleagues will talk about his experience there...Lakeview Elementary on the Rosebud Reservation, that does breakfast on the bus with really great success. A lot of our middle schools around the state offer the second chance breakfast or breakfast after first because they just...they simply can't get kids in the seats for breakfast before school. So they have kids go to first period and then they take kids to get breakfast after first. [LB834]

SENATOR SULLIVAN: Okay, very good. Any other questions? Thank you for your testimony. [LB834]

STEPHANIE MONTGOMERY-LODER: Thank you. [LB834]

SENATOR SULLIVAN: Welcome. [LB834]

JULIA TSE: (Exhibit 3) Hi. Thank you, Senator Sullivan and members of the Education Committee. My name Julia Tse, T-s-e, and I'm here on behalf of Voices for Children in Nebraska. Voices for Children supports LB834 because it provides for an expanded approach to improving health and nutrition for more of Nebraska's children so that they are better prepared as students. We believe that academic performance is inseparable from other aspects of a child's life and that it is important to ensure that we are maximizing available resources proven to help children succeed. Decades of research supporting the importance of breakfast for young children have shown links to academic, cognitive health, mental health, psychosocial, and behavioral outcomes. We know that although many are eligible for it, most of the children who come from families who may need it the most are not starting the day off right with a nutritious breakfast. Over the interim, Voices for Children and Hunger Free Heartland worked with Senator Avery on LR206 to further examine the issues related to Nebraska's poor ranking on school breakfast participation. During the process, we had the opportunity to consult with superintendents from around the state and examine what other states are doing to better leverage the federal school breakfast program. We learned of the importance of utilizing alternative models of providing breakfast and also that many states were making policy changes to incentivize higher participation rates. We also learned about the promising changes happening at Omaha Public Schools with Hunger Free Heartland providing incentive funds for increasing breakfast participation. LB834 is in part based on changes made in West Virginia as well as the promising work happening at OPS. West Virginia's Feed to Achieve bill partners public and private funding to provide universal free breakfasts across the state and ensures that the meals reach every student through grab-and-go options or in-class delivery. LB834 is intended to provide funds for any real financial barriers related to serving alternative breakfast models such as trash cans or additional equipment and as well as to provide an

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incentive for schools to switch to alternative models. Some of the difficulties that families face with a traditional model is work scheduling and being able to get the students to school early enough if they have an early job to get to. This bill is a first step in removing the barriers that prevent students from receiving the nutritious breakfast that they need to reach their full potential as students. We believe that this bill would allow for greater flexibility in meeting the various needs of Nebraska's children while also providing our schools with the additional resources that are necessary to best serve their students. We respectfully urge the committee to advance this bill to be considered by the full Legislature. Thank you. [LB834]

SENATOR SULLIVAN: Thank you, Julia. Any questions for her? Thank you for your testimony. [LB834]

JULIA TSE: Thanks. Thank you. [LB834]

SENATOR SULLIVAN: Welcome. [LB834]

ASHLEY CARROLL: (Exhibit 4) Thank you. Good afternoon. My name is Ashley Carroll; that's spelled A-s-h-l-e-y C-a-r-r-o-l-l, and I'm here representing Hunger Free Heartland as well as a concerned private citizen. I urge you to advance LB834 for many reasons. First, my work as a breakfast program consultant for Hunger Free Heartland gives me the opportunity to travel to schools all over the state of Nebraska. I see schools of all shapes, sizes, demographics, and socioeconomic profiles, but one thing is consistent across all of them. Breakfast participation is highest when the school adopts an alternative model like grab-and-go, breakfast in the classroom, or second chance breakfast. In this capacity, I've had the privilege of seeing what a dramatic change something as simple as moving breakfast out of the cafeteria and into the classroom can make in the culture of a school. Comments I regularly hear from an enthusiastically supportive staff are: the hallways are much calmer now than they were before; even though breakfast is part of the school day, my instructional time has actually increased because students are ready to learn much faster after sitting at their desk and eating breakfast; we see less students in the nurse's office complaining that their tummy or head hurts because they didn't eat breakfast in the morning; and I've gotten to know my students better because they come in and greet me right as they walk into the classroom. They sit down and we have the opportunity to chat about what is going on at home. It's a great way to start the day. A key to these programs' success is the fact that they operate within regular school hours so children who arrive by bus or those who simply cannot get to school early enough for traditional breakfast still have a chance to eat. The second and most important reason I support LB834 is because I'm a parent of a school-age child myself. Even though I know full well the importance of eating a nutritious breakfast, it's a struggle every morning to provide that for my child given daily time constraints. I would take advantage of grab-and-go breakfast if it were offered at my daughter's school because I know that that breakfast must adhere to USDA nutrition

standards. The breakfast I serve on the way out the door is undoubtedly nutritionally inferior. It would not constitute a complete meal according to the USDA school nutrition standards. Additionally, it would cost me less to purchase the complete meal the school serves than what I currently offer because I don't have the buying power or economies of scale a school district does to keep costs low. In summation, I support passing LB834 because it would increase the number of schools in Nebraska who offer alternative breakfast models. These models have been shown to boost school breakfast participation, a win-win for everyone. Some benefits of grab-and-go, breakfast in the classroom, and second chance breakfast programs include: it ensures all students can start their day with the nutrition they need, teachers see fewer behavioral issues in their classroom and more attentive students, parents have the peace of mind that their child gets a nutritious breakfast at a low cost, and higher breakfast participation can even lower costs and increase revenue for struggling school food service programs. A growing yet already well-established body of scientific research shows that school breakfast eaters perform better academically and miss fewer days of school. According to Ending childhood hunger: A social impact analysis, conducted by Deloitte and the No Kid Hungry Center for Best Practices, if just 70 percent of Nebraska elementary and middle schools students who receive a free or reduced price lunch also receive breakfast at school, there would be 37,922 fewer school absences per year and 25,282 students would score higher on standardized math tests. I urge you to do what is best for Nebraska's children and advance LB834. It incentivizes what's already been proven to work in the struggle to feed our state's future leaders. Thank you. [LB834]

SENATOR SULLIVAN: Thank you, Ashley. Any questions? Thank you for your testimony. [LB834]

ASHLEY CARROLL: All right. Thank you. [LB834]

BETH BRUCK-UPTON: (Exhibit 5) Good afternoon. My name is Beth Bruck-Upton, and I am with...I'm the health and wellness director with Midwest Dairy Council and also a mother of two children who are not hungry first thing when they wake up in the morning. So for the record, my name is spelled B-e-t-h B-r-u-c-k-U-p-t-o-n. You've already heard us referenced several times here this afternoon. So creating a healthy school environment I think is one of the very best ways to make schools into better learning environments. And encouraging school breakfast participation really does improve student health and in turn has significant impacts on learning as we've heard already today. Alternative breakfast models such as grab-and-go, breakfast in the classroom, and second chance breakfast really have been identified as gold standard serving models for ensuring that more students participate in breakfast programs. And as part of our commitment to school wellness and student success, we at Midwest Dairy Council have encouraged and provided grant funding for the expansion of alternative breakfast offerings which have resulted in great success across the state as you've heard today. At the end of the day, really our goal is to ensure that all children have access to a

healthy breakfast at a time and a place that makes the most sense to them. And you've heard several people talk about grants that they've received. All the grant dollars that we provide go for startup funding. So if the school is in need of a cart to, you know, make something accessible at a doorway; if they're in need of a garbage can, you know, to again, get rid of some of the waste; if they're in need of a point-of-sales system to make typing in your PIN number connected to your account easier; those are the things we provide so that schools can get started and then make it a successful program. Healthy breakfasts play a very important role in allowing our students to perform at their best. Tons of evidence exists demonstrating that students who eat breakfast have higher intakes of key nutrients including vitamin A, vitamins C and E, iron, calcium, potassium, and dietary fiber. And they also have significantly less likely...children are less likely to be overweight which is something we are very focused on, too, as we look at the health and wellness of the children in our schools. Evidence also demonstrates that children who regularly skip breakfast don't typically make up for those nutrients that they missed at other meals throughout the day. So when we look at the critical age for child growth and development, if we look at early elementary, we look at secondary and even high school students, these are really times of tremendous growth and these kids need adequate nutrition. So school breakfast participation has been linked with fewer visits to the school nurse as you've heard, particularly in the morning when kids are coming in with the common headache or the tummy ache because they haven't had anything to eat yet that day. The physical benefits of eating a nutritious breakfast translate into improved academic performance and the evidence demonstrates that children who eat breakfast have improved attendance, behavior, and academic performance, as well as decreased tardies. As we've heard, breakfast is the most commonly skipped meal. I think we could equate that as we look at young children all the way up through high school and even probably adults. It's the most commonly skipped meal. So one of the number one goals that I have as a registered dietician is to ensure that breakfast becomes a habit that children learn at an early age and then they continue through adulthood. And I think creating a healthy school environment supportive of breakfast is one of the best ways to help form this habit early. And a recent report titled *The Wellness Impact: Enhancing Academic Success through Healthy School Environments*, it demonstrates the science behind the impact of both proper nutrition and physical activity resulting in improved academic performance for students. And with a growing number of children in our state of diverse backgrounds who don't always know where their next meal is coming from, school breakfast can really offer the relief that they need to get through their morning and retain key information that's presented to them to perform at their best. And I can recall from the time that I was in elementary and middle school and high school, every year during national school testing week my family would receive a letter home talking about the importance of breakfast. We would have breakfast provided for us if we didn't have it at school. We would have snack breaks. We would have water breaks all throughout the day because we knew breakfast was important for achievement. So I think the best thing that we can do is make sure that kids have that opportunity all throughout the

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school year by ensuring that they have access to a healthy breakfast at a time and a place that makes the most sense to them. So thank you. [LB834]

SENATOR SULLIVAN: Thank you, Beth. Now this legislation is proposed to have private donations as part of it. And so is the council going to buy into this if this legislation were passed? [LB834]

BETH BRUCK-UPTON: I'm not the person that can speak exactly to that as I can't make those decisions. But we have, as you've learned or heard, we currently provide grant funding to schools for expansion of alternative breakfast models. So like I mentioned, there's no set dollar amount that we provide. We look at each school's situation a little bit differently and what their needs are and what they're requesting. And then we have a committee who basically makes that decision upon that request. And we work very closely with Hunger Free Heartland as they have grants as well that are offered so that we're not duplicating. But certainly, you know, we want to see this further success of alternative breakfast programs in Nebraska. So it's definitely something that we will entertain. [LB834]

SENATOR SULLIVAN: Thank you. Any other...thank you for your testimony. [LB834]

BETH BRUCK-UPTON: Thank you. [LB834]

SENATOR SULLIVAN: Welcome. [LB834]

JAMES GODDARD: (Exhibit 6) Good afternoon. My name is James Goddard; that's J-a-m-e-s G-o-d-d-a-r-d, and I'm the director of the Economic Justice Program at Nebraska Appleseed here to testify today in support of LB834. I think you've already heard a lot of really great arguments already this afternoon. And so I will abbreviate my comments. I do just want to share a few brief remarks. And it's something you may have heard already this session, but a lot of folks are working hard and still falling behind and having trouble earning enough to support their families. And part of that is facing hunger and food insecurity. Unfortunately, it's...a stat is about 22 percent of children in Nebraska are food insecure meaning their families struggle to put food on the table. And there are a lot of different solutions to that. But one of them is the school breakfast program. It's a proven method to combat food insecurity and ensure children begin their day with a healthy meal. Across the nation the program has been successful. And unfortunately we're not doing quite enough to emphasize participation in Nebraska where we rank poorly nationally. We can do better. We have to do better for children, and LB834 would help us move toward that goal. With that, I'll conclude and urge the committee to support the bill. [LB834]

SENATOR SULLIVAN: Thank you, James. Any questions for him? Thank you for your testimony. [LB834]

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JAMES GODDARD: Thank you. [LB834]

SENATOR SULLIVAN: (Exhibits 7 and 8) Anyone else wishing to speak in support? I would like to read into the record two letters of support for LB834 from Sarah Kotchian from the Holland Children's Movement and Wendy Rau from the Nebraska School Nurses Association. Anyone interested in speaking in opposition? Or in a neutral capacity? Senator Avery for closing. [LB834]

SENATOR AVERY: I think that's the first time in my whole eight years here when I didn't have an opponent. (Laughter) [LB834]

SENATOR SULLIVAN: Senator Avery waives closing. We will now move on to the next bill, LB1009 by Senator Haar to establish a pilot program relating to problem-based learning. Welcome, Senator Haar. [LB834]

SENATOR HAAR: Chairwoman Sullivan and members of the committee, first of all we know that this is not ready for prime time. This is the beginning of an idea. And early on when I met Senator Davis and we started talking about small schools, the question comes up, are there some other models that might work better or, you know, with the resources we all have? In my teaching career, for a numbers of years I worked with open classrooms, first with the university on a program they had called the TTT project, and then actually in some open classrooms. And they were...the ones I worked in were small private schools. And it was really great because all the kids, whatever age, worked together, and they taught each other and that was only with a couple teachers in the room and so on. So with this idea in mind, I approached the education department at the university in Lincoln. And I said, are there some other models out there that might work well, especially for small schools? And so today we're going to hear some testimony about that. And again, I hope this is the beginning of an idea that can eventually wind up in some schools trying this. The legislation creates a pilot program to establish problem-based learning as a strategy to strengthen rural schools. The bill defines problem-based learning: teachers and students working together to identify problems in their community that they can work on together to solve. The participation...it would be a pilot program. Participation would be voluntary limited to four school districts under 900 students. And I asked that question a number of times during the summer hearings, whether there would be any schools interested in trying some pilot things. And I usually got a nod of the head. The department would work with schools to develop learning indicators. Just a brief story here, a friend of mine that I worked with on open classrooms, and this was right out west of Lincoln when we still had the small schools, and she was the best teacher I've ever known. The kids were having so much in that learning situation. After two years, she got fired because the kids were having so much fun at school. So there has to be an assessment to show that the kids are actually learning. And then the program would include the technology to back it

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up: books, professional development. And then working with the university to, you know, provide a model as a result of these pilot projects. So with that said, I'd like you to listen to this and think of this as one possibility. We try some pilots and see how they work. Thank you. [LB1009]

SENATOR SULLIVAN: Thank you, Senator. Senator,... [LB1009]

SENATOR HAAR: Yes. [LB1009]

SENATOR SULLIVAN: ...are we going to hear some examples of problem-based learning from the testifiers? [LB1009]

SENATOR HAAR: Yes. [LB1009]

SENATOR SULLIVAN: Okay. And I'm just curious too. What was your rationale in just limiting it to rural schools? [LB1009]

SENATOR HAAR: Well, one of the things as we--at least as Al and I had talked about things--you know, there are some things that big schools can do just because they're so big and they have so many different varied resources. But sometimes with small schools, you have a smaller staff, smaller number of kids. I went through 8th grade in a two-room school, and it was great experience. And so it wouldn't have to be limited, but just as a start the idea is, how could we do more with sometimes the limited resources you have in a smaller district? [LB1009]

SENATOR SULLIVAN: Thank you. [LB1009]

SENATOR HAAR: Yes, thanks. [LB1009]

SENATOR SULLIVAN: We will now hear proponent testimony on LB1009. Welcome. [LB1009]

KATHLEEN WILSON: Hello. Thank you. I'm Kathleen Wilson. I'm on faculty at the University of Nebraska-Lincoln in the College of Education and Human Sciences. I'm in the department of teaching, learning and teacher education. I'm a literacy professor. [LB1009]

SENATOR SULLIVAN: Could you spell your name, please? [LB1009]

KATHLEEN WILSON: Oh, I'm sorry. [LB1009]

SENATOR SULLIVAN: That's all right. [LB1009]

KATHLEEN WILSON: K-a-t-h-l-e-e-n W-i-l-s-o-n. And I'm also a founding director at the Schmoker Reading Center at the university. I'm here not representing the university, but I'm here as a very concerned and informed citizen of the state of Nebraska, very interested in what's happening in the rural schools. Problem-based learning...I want to hit a few things, and then I'm going to give you some examples that may...that could happen in rural schools in Nebraska. But I think it's important that certain factors are really emphasized with this. One real advantage of problem-based learning is that it can engage all students in the classrooms, not just the students who are high performers who usually have opportunities like this. But this could be something that could engage students who are having struggles with reading and writing because of the motivation and relevance of what's happening. Students who engage in problem-based learning are really examining deeply content that is significant to them, that is relevant to them and their community. And it's engaging because of those factors. One of the things that is a real positive about problem-based learning is that you can incorporate so many of the different academic disciplines as you're examining a problem. For example, let's say we are looking at water issues in the state of Nebraska in the rural areas. You could be looking at the science of it, the geology of it. You could be looking at the economics of it. You could be looking political elements of it. You could be looking at the math of providing the water that their farm needs. You might look at businesses in small communities. What kind of business would their local small community need, and what kind of design might these students develop with it? Because you're looking at these issues across disciplines, you have transfer that's supported. And this is transfer of these skills, these reading and writing skills, these math skills in different areas which is something that doesn't normally happen to schools. Many times these disciplines are taught in almost a silo kind of area where kids don't make those connections across the curriculum. It's very purpose kinds of study, and it's study in depth which again, doesn't always happen. Many times in the classrooms you get kind of a surface area of understanding. With this you would get depth because you're going to the community who are experts. You could be going to the higher ed institutions across the state who are experts. The other thing that's a very positive thing about the idea of having problem-based learning in the rural schools is those students are then learning twenty-first century skills. They're learning to critically think about issues that are important to them. They're learning to use the Internet in a really purposeful way for research. They're learning to work collaboratively as everybody does as an adult in college. So they're getting those college and career ready skills. And they're working to present their findings and their projects to real audiences instead of just the teacher which again, engages them very much. There are examples of project-based learning. The Buck Foundation is one example. CORI, which is the work of Dr. John Guthrie at the University of Maryland, is another example. So there are examples of this happening across the country. One last thing I want to say because people think about assessment. And assessment happens continually across a project-based learning because the teacher is always thinking about the standards base that they need to be addressing. And they're always fine tuning what's happening in the classroom. I believe

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because of the intense amount of reading and writing that's done in project-based learning, this is going to make a big difference in the NeSA scores too. It should raise it just because they're having additional practice with this. [LB1009]

SENATOR SULLIVAN: Thank you, Mrs. Wilson. So does project-based learning replace the sort of the standard mode of operation with the classroom? [LB1009]

KATHLEEN WILSON: Yes, and because it does that the professional development that has to happen with the teachers is so incredibly important. I think when you're thinking about the funding of this, you really have to think about ongoing professional development because it is such a sea change from the standard operating procedure. And if you're going to get really increased achievement in students, things have to change from the status quo, otherwise we might as well just keep doing the same thing. [LB1009]

SENATOR SULLIVAN: How has...if you have seen this take place in communities, how has the school or the classroom engaged the community in determining what the project is going to be? [LB1009]

KATHLEEN WILSON: Some of the project choice comes from the students. Some of it is very topical. They're not living in a vacuum of what's happening within their own community and what they're hearing at the dinner table with their parents discussing. So it really is important to have that choice element with the students involved in it because that adds to their engagement. It also gives them voice into what they're learning. [LB1009]

SENATOR SULLIVAN: Okay, thank you. Any other questions? Senator Davis. [LB1009]

SENATOR DAVIS: This is kind of a new concept for me, so just bear with me a little bit. [LB1009]

KATHLEEN WILSON: Sure. [LB1009]

SENATOR DAVIS: As I see what you're talking about and the way you've explained it, is this something that can be applied in elementary grades, or is this more of a high school...? [LB1009]

KATHLEEN WILSON: Actually, yes. It can even go a little bit lower than elementary too. What changes developmentally as students have this approach to learning is the level of concreteness going to more on the level of abstractness that they're able to handle. So let's say that for some reason the human body is something of interest because of something that's happening with the community. If you are working with kindergarten students, you would be doing...you would be exploring books. You'd be exploring Web

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sites and other materials that have to do with the human body that they see, whereas you go up the grades you can get into more mechanics. You can get into the internal systems. So developmentally your approach would be different at the different grades. But you could do this in such a way that you'd have such synergy within a school because everybody is really focused on what's happening. [LB1009]

SENATOR DAVIS: So then the methodology...and we'll take the human body for example. This will be a project that they work on for a semester or... [LB1009]

KATHLEEN WILSON: The cycle time can be different, okay, depending on the grade level, depending on the element of depth that needs to be covered, depending on what the standards are requiring for the different grade levels. Some of it can depend on the questions that the students are asking and the interest that is shown in it. So teachers can make that decision about whether they want a smaller grade size...smaller cycle time or a larger cycle time. [LB1009]

SENATOR DAVIS: Thank you. [LB1009]

SENATOR SULLIVAN: Any other questions? Thank you, Mrs. Wilson. [LB1009]

KATHLEEN WILSON: You're welcome. [LB1009]

SENATOR SULLIVAN Welcome. [LB1009]

BETH DOLL: Senator Sullivan and committee, my name is Beth Doll, B-e-t-h D-o-l-l. I am a professor of educational psychology at the University of Nebraska-Lincoln and associate dean for academic affairs. And as Dr. Wilson, I am testifying on behalf of myself and not on behalf of the University of Nebraska-Lincoln. I think that I would like to depart from some of my planned comments and provide you a clear example of what project-based learning looked like in a school where I was doing some research 15 years ago. This was a middle school. There was a team of four teachers. One taught math; one taught science; one taught literacy; and one taught social sciences. And the project that the students in their 7th grade classroom took on had to do with waste disposal in their community. There were two problems that the community was facing. One was that their waste disposal site, their town dump, was starting to run out of room. And so they were trying to decide how to stretch out the lifetime of the dump. And they also had some real problems with litter in the community that was accruing. And so the activities that the students engaged in with their teachers were pretty diverse. One activity was that they gathered some samples of various kinds of trash and they buried it. This was part of the science curriculum. And the standard that they were learning had to do with the scientific method and how you would pose a hypothesis and test a hypothesis. And so they would bury different kinds of trash, dig it up at different intervals, and they were examining which kinds of trash and waste was composting and

essentially going back into the land, which persisted. And within that, learning how you set a hypothesis and test a hypothesis. But they also learned quite a bit about the challenges of waste disposal. And so what kinds of trash were particularly damaging, detrimental to the community. They also had within their math lesson, they had to figure out what it was going to cost the town if they had to expand or open a new dump. So they had to look at the cost of land, how much land might be needed, what might that cost over time, what other materials might they need if they had to close one dump and open another. What would be the cost to the local waste disposal trucking companies if they had to transfer the trash over additional miles. So that became a part of their mathematics lesson, had to do with proportion, with certainly multiplying, to some extent geometry because they had to figure out the area. And then of course they wrote a report on the work that they were doing which became a literacy activity because they had to learn to write for professional science. And they also presented their work to some of the local town leaders and to their parents and the community leaders. So while it was a very defined problem, it was a problem that included the work of all of the various subject matters that were part of that team. So that's an example of what project-based learning might look like. It's particularly attractive in rural communities because rural communities are so connected with their schools. And it's leveraging that strength that makes it possible for the communities and the teachers and the students to come together around a problem. For the students, it really reinforces the meaning and relevance of the learning. And what they've learned by doing a project like that really persists with them over time. Children didn't forget those lessons. I'm...as an educational psychologist, I've done a lot of my work on school engagement and student persistence in school. And this kind of meaningfulness of learning, this kind of context really creates an engagement for the students that magnifies the impact of the teaching. And in the project as Senator Haar has proposed it, it's also taking advantage of the strengths of those rural teachers because teachers will be...it will be their innovation, their creativity, and their skill that will lead these projects. So that is the summary of my comments. [LB1009]

SENATOR SULLIVAN: Thank you, Dr. Doll. Would it be possible to do problem-based learning in addition to just the regular curriculum, I mean, kind of on a smaller level? [LB1009]

BETH DOLL: Certainly. I think one of the advantages of having a project like this--it would flow through teachers and teachers with this kind of specialized training--is that the teachers could make the decision about how to fit this best into their curriculum. [LB1009]

SENATOR SULLIVAN: Thank you. Any other questions? Senator Kolowski. [LB1009]

SENATOR KOLOWSKI: Thank you, ma'am. Dr. Doll, thank you for your presentation and the connectedness of content both with you and Dr. Wilson as you talked about

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that. It brings out a whole new perspective of training as you've touched on, and she did also, of the staff development needed by the teachers. Unfortunately, not all teacher preparation institutions think that way or deal with it. We're all in silos and compartments. And it's unfortunate. But you're bringing together as we're looking at the Common Core potential of what's in the curriculum for the future, you're tying strings together that have never been touched very well. And that is like the workplace that all these students will be working in the future. And they don't realize that right now. But we've got to do that in order to help prepare them better. And I thank you for your presentation in that way that will help make that happen. So I hope we can make strides to spread this across the state, not just in just four schools a certain size over time. The better schools are doing this by seminars and other things at the current time. Thank you. [LB1009]

BETH DOLL: Yes. [LB1009]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB1009]

BETH DOLL: Thank you. [LB1009]

SENATOR SULLIVAN: Any other testimony in support of LB1009? Anyone wishing to speak in opposition? Or in a neutral capacity? Senator Haar. [LB1009]

SENATOR HAAR: Great. Thank you very much. And I want to thank those who came from the university to wait this long to testify. I want to say a couple things here because this gets me excited, okay. So often in education and having been a teacher for many years when you have a whole big classroom full of kids, you sort of at times feel like kids are vessels to be filled. You know, and as the teacher I'm there to fill them. Well, with this kind of learning, the kids are the motivation. And I think you'd see some really excited children and some really exciting results. And the reason I related it to you is because often we think of really small schools as being at a disadvantage. They can't have swimming pools or, you know, a youth orchestra like the Lincoln Youth Symphony where my grandkids get to go. But there are some real opportunities for very small schools where you could do things that you couldn't do if you had a classroom full of 23 or 24 or 25 kids. The whole thing of assessment is really important, like that thing I told you earlier. The parents were seeing their kids having fun, but their question was, are our kids learning, you know, because our normal concept of learning in school is learning isn't fun? So you know, the kids ought to be struggling like they do in South Korea. We hear that all the time. So the whole thing of being able to say to parents, you know, up front that this is going to be a different kind of model, and we're going to follow it and make sure that your kids are getting a good education. I think that would be really important. And that's why I like what I hear from the folks who testified. It takes professional development. The person I worked with seemed to be a natural at this. But instead of teaching out of a textbook or out of a curriculum, it's really a challenge for a

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teacher, a good teacher but it...you know, because it's a different kind of education. How do you flow with the kids instead of filling them up with knowledge? And then this whole thing of being real. You know, kids can...when you see children, your own children or children you know who engage with something that's real to them, you know, they just flourish. And so I hope we can think about this. And next year I'd like to put together a more concrete example of this so that maybe we could do some modeling. I wanted to talk just a little bit about the fiscal note which is \$2.4 million for 4 schools. That makes some assumptions that there would be no local investments in computers or anything, that everything would be provided by the grant, and that there would be 4 schools of 900 and all 900 kids would get, you know, laptops and stuff like this. So the fiscal note could be much lower when you get schools to participate on a voluntary basis because they'd be using a lot of their resources. Again, I would like to see...what I saw and when I was working in this for example, at one point I was teaching filmmaking and photography to five-year-olds, and that was...I wish I had kept those films. But the kids got so interested that--and this was in Omaha--at one point we worked with the Metropolitan Area Planning Agency and we were drawing maps of the city and where we needed more transportation and stuff. So the kids were really involved with real issues. And they were learning. And they were learning. And they were having fun. And they were enjoying it. So even though I think it would be easiest to do some modeling in small schools, I'd like to see things like this happen in other schools as well. But I think in particular it might be something that Senator Davis, where you could find four schools that would jump on this opportunity. So thank you very much. [LB1009]

SENATOR SULLIVAN: Okay, very good. Any questions? Yes. [LB1009]

SENATOR DAVIS: Just one. And I am intrigued with this idea. [LB1009]

SENATOR HAAR: Yeah. [LB1009]

SENATOR DAVIS: As I looked through the fiscal note, Senator Haar, I thought, a lot of these schools already have all this stuff. So I think the fiscal note is going to be small. I guess the one thing that I would think might be necessary would be mentoring for the staff... [LB1009]

SENATOR HAAR: Yes. [LB1009]

SENATOR DAVIS: ...so that they have a way grasp on to this new idea and this new mode of teaching. [LB1009]

SENATOR HAAR: And I would see part of the mentoring coming from the university's staff. And you can see how excited they would be to work on this as well. Yeah. So at the beginning there would probably have to be workshops and stuff like this because, you know, this would be quite a change. It would be uncomfortable at first. But I think it

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would be exciting and not only working with the university on a regular basis but then maybe in ESUs or something like this you know. Yeah, if you could cluster these projects so they could work with each other, I think that would be really helpful. So let's work on it. [LB1009]

SENATOR DAVIS: That's good. [LB1009]

SENATOR SULLIVAN: All right. Thank you, Senator Haar. [LB1009]

SENATOR HAAR: You bet. [LB1009]

SENATOR SULLIVAN: All right, that... [LB1009]

SENATOR SEILER: For \$600,000 per student you won't have any trouble. [LB1009]

SENATOR SULLIVAN: That closes the hearing on LB1009. We'll now move on to our final bill for the day, LB789 by Senator Bolz, to provide for a survey relating to paraeducators. Welcome. [LB1009]

SENATOR BOLZ: (Exhibits 1 and 2) Thank you. Good afternoon, hardworking Education Committee members. We've been watching for our turn from across the hall. Pleased to have an opportunity to come speak with you about a bill that my office has been working on for several months now. And it relates to information about the paraeducator workforce in our state. This committee knows as well as anyone that a lot has changed in the last 30 years in the area of education ranging from No Child Left Behind to trends toward streaming, special education students into mainstream classrooms to even implementation of the TEEOSA formula has happened in the last 30 years. Over that period of time, paraeducators have played key roles in our school systems and have had a special role in many classroom working with special education students. So of course paras have played a special role in helping schools respond to the pressures and dynamics of changing schools and classrooms. However, we could learn more about the roles and skill sets of these particular folks who are participating in our children's education. The last collection of data on paraeducators was completed in 1981 by the University of Nebraska-Lincoln's Project PARA. They later used the data to develop a guide for education administrators to facilitate the use of paraeducators in public schools which was released in 1991. I have a copy here if anyone is curious to look at it. It's got the old-school computer fonts and some typewritten pages in here that I kind of got a kick out of. So you know, in other words our data about this workforce is about 30 years old. The particular guidelines are about 20 years old. And I think perhaps the most important piece about the fact that we have somewhat outdated information is that we have statutory rules concerning the use of paraeducators in the classroom. The Nebraska Department of Education has rules about supervision of paraeducators. It has rules about paraeducators in Title I schools coming in with

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appropriate education. And it has rules about the education and experiential background of paraeducators who serve early education settings. So providing new research and new data will help us to improve our guidelines and our curriculums for this important educational workforce. Paraeducators and students will both benefit from improved skill sets. A couple of final notes on the bill, one is that I'm handing out an amendment that just addresses a drafting error. The original version of the bill states it's K-8, I believe. And the intention is K-12. And the second is that LB789 would use a one-time allocation from the Education Innovation Fund. And the reason I think that that is appropriate is that the idea behind gathering the information and updating the guidelines is to help us understand how paraeducators can respond better to the current circumstances of today's classroom and also to help us think about how we could leverage paraeducators in new and more innovative ways such as creating new certificates or helping paraeducators who have an interest in becoming certified teachers in doing so. So I appreciate your attention and support at this hour of the day, and I'm happy to answer any questions. [LB789]

SENATOR SULLIVAN: Thank you, Senator Bolz. So is it safe to say that neither the Department of Education or the College of Education and Human Sciences has the capacity to do this survey without extra funding? [LB789]

SENATOR BOLZ: That's my understanding. We have...if anyone in the committee is interested in it, we have a very detailed budget outlining exactly what would be required to implement this survey. But there have not been available state or federal funds to do it in the meantime. [LB789]

SENATOR SULLIVAN: Okay. And so then do you anticipate that this survey would identify not only what is but more needs to be done? [LB789]

SENATOR BOLZ: I think that's the idea. I think we need to understand current practices better. I think we also need to understand what the current skill sets and educational backgrounds of our paraeducators are. Doing so will help us understand how they can better serve kids with special needs, whether that's kids in a special education classroom, kids who...are English as a second language learners, kids with behavioral health needs, all of those kids that I know you hear about every day. [LB789]

SENATOR SULLIVAN: Okay, very good. Any other questions for Senator Bolz? Okay, will you be here for closing? [LB789]

SENATOR BOLZ: Thank you. I'll stick around. [LB789]

SENATOR SULLIVAN: Okay, very good. All right, we'll hear proponent testimony for LB789. Welcome. [LB789]

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ALLEN STECKELBERG: Hello. My name is Allen Steckelberg; it's A-I-I-e-n S-t-e-c-k-e-l-b-e-r-g, and I'm a professor at the University of Nebraska in the Department of Teaching Learning and Teacher Ed. And I'm also the director of Project PARA. I just wanted to reinforce a couple things that Senator Bolz has said. One is the really significant role that paras play in the state of Nebraska, particularly in special ed, Title I, and early childhood programs. Much of the services that we deliver in those areas are done substantially by those paraeducators. Their roles are also...the actual roles they do are also not trivial. They may spend up to 80 percent of their time supporting direct instruction or doing things like classroom management, behavior management, working on the security and well-being of the students in those programs. And that's part of what makes proper supervision and proper training so critical. If we think about just putting another body in a classroom without those kinds of training and supervision policies, what we're really talking about is glorified babysitting, and that's not what we want to do with these students who are particularly vulnerable. So we have a...you know, you can see that we've been working on this since 1980. So we have a particular passion for looking at what the...how these people can contribute to our programs and do it in a positive and appropriate way. So one of the things this bill is doing is trying to get a grip on some of data on how paras are being used and supervised and trained now. And we really don't have much of that kind of data since the 1980s when we originally collected this data. So with that, I would be open to any kind of questions. [LB789]

SENATOR SULLIVAN: Thank you. So Project PARA is a project currently within the College of Education, is that right? [LB789]

ALLEN STECKELBERG: Yes, and Project PARA has a fairly long history. In the early '80s we received a series of federal funding from the U.S. Department of Education. And those fundings in large part were a result of that data we collected in 1980 and '81. So we were able to leverage that kind of data into additional funding and programs that developed training for paras. In the middle '90s, we took a lot of what had been developed in the those programs and with the support of the Nebraska Department of Education developed some Web-based training programs that help support schools, provide that kind of training in Nebraska. So the Project PARA name has carried over from those early federal projects into now a state project that provides a significant amount of training for paras in Nebraska. We have about 5,000 registered paras in Nebraska that have in some way participated in those training programs. [LB789]

SENATOR SULLIVAN: And typically how do they access those training programs? [LB789]

ALLEN STECKELBERG: These are training programs that they can access through a Web site. It's a Web-based training, but it's done in partnership with the school. So the school helps deliver that training program. There are people locally at the school that

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help them participate and use those training programs. [LB789]

SENATOR SULLIVAN: And I presume the training relates to what is required under current statute. [LB789]

ALLEN STECKELBERG: Yes, it's that, but it's about delivering instruction. It's about special education programs. It's about students with disabilities. [LB789]

SENATOR SULLIVAN: Okay. [LB789]

ALLEN STECKELBERG: It's about behavior management. So it's more about trying to help them do the best job they can in their roles. [LB789]

SENATOR SULLIVAN: And you don't feel that you have the capacity right now to do the survey without these additional funds? [LB789]

ALLEN STECKELBERG: No, we would not. [LB789]

SENATOR SULLIVAN: Okay. Any other questions? Senator Avery. [LB789]

SENATOR AVERY: Thank you, Madam Chair. I'm looking at the fiscal note and this part-time faculty position, if I look at the salary associated with that suggests that a full-time, FTE would be about \$100,000. Is that starting salary at the university now? [LB789]

ALLEN STECKELBERG: No, I would have to add that up. I don't know the calculation on that. But no, it would be about...for a position in my position it's about \$75,000. [LB789]

SENATOR AVERY: Things have improved a lot since I was there for starting salaries. [LB789]

SENATOR SULLIVAN: Senator Haar. [LB789]

SENATOR HAAR: Well, I ask this not to put you on the spot, but some people have said to me about some of the things I would like the university to do. Since we give the university millions of dollars, why can't we just say, do it, and the university does these studies for nothing? Just talk about that for a minute because...(laughter) [LB789]

ALLEN STECKELBERG: To be honest, I have more than enough to do at this point. I mean, I already have a full-time job as being a faculty person. And this would be sort of beyond the scope of doing that. It also requires resources to make this a statewide effort. This is kind of a complex set of data to collect. We have so little data on where

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paras are and who they are that we don't...there's nowhere we have a census that's a list of who are the paras in the state, and what's their e-mail address. So a lot of this effort is in finding out who those people are and where they are and who they work with and how they're...and who they're supervised. So it's a statewide effort, and it's an attempt to do this in a way that's accurate and meaningful. [LB789]

: []

SENATOR HAAR: Okay, thank you very much. [LB789]

SENATOR SULLIVAN: Senator Davis. [LB789]

SENATOR DAVIS: Tell me what it is we're going to do with this survey. [LB789]

ALLEN STECKELBERG: We're going to find out a little bit about who the paras are in the state and where they work. We're going to look at their roles and responsibilities and what kind of things they're actually doing in the classroom. We're going to look at what kind of...how they're supervised and who is doing that supervision. And then last we're going to look at what kind of training is provided for them as they're carrying out their roles. And that leads then from the survey data or the data collection to hopefully putting together some kind of a document that's going to help work in a cooperative way with the Department of Ed to look at what kind of policies we should be looking at in terms of that roles and responsibilities, supervision, training for paras. [LB789]

SENATOR DAVIS: And so then that leads me to...my question is, do we know what best practices are in this field? And if we do, do we need to do a survey in order to get the word out? [LB789]

ALLEN STECKELBERG: We have probably a pretty good idea what best practices are. What we don't have an idea is if those are actually getting implemented and if the systems that we're using in Nebraska to help schools do that are there and are working. I mean, I can pretty much tell you what I think good supervision would be, but we don't know yet how schools are implementing that. [LB789]

SENATOR DAVIS: Do you think that through the service units that might be already available, some of that information? [LB789]

ALLEN STECKELBERG: Not that I'm aware of. [LB789]

SENATOR DAVIS: Okay, thank you. [LB789]

SENATOR SULLIVAN: Does the department, the Nebraska Department of Education collect any of this information, or do you know that? [LB789]

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ALLEN STECKELBERG: What they collect is very minimal and that's part of what I think we're trying to address here. [LB789]

SENATOR SULLIVAN: All right, very good. Any other questions? Thank you for your testimony. Welcome. [LB789]

GERALD HOPP: (Exhibit 3) Thank you, Senator, very much. Members of the committee, good afternoon. My name is Gerald Hopp; that's spelled G-e-r-a-l-d H-o-p-p, and I am an educational support professional working as a paraeducator at Falls City High School. And I am also chair of the ESP committee of the NSEA. Support professionals include administrative assistants or secretaries, food service workers, custodians, transportation and maintenance personnel, skilled trades services, health and student services, security, technicians, and paraeducators. The work of all of those support professionals benefits our schools and students. Paraeducators instruct students in an individual or group environment teaming with a certified instructor. It is with a student instruction mission and being part of a youth's learning experience that I am testifying today in support of LB789 principally introduced by Senator Kate Bolz and cointroduced by Senator Rick Kolowski. Shortened to para, the current profile of this job description for administrative purposes relies on data collected from the early 1980s. The question might be raised--obviously enough--will citizens get a net return from the \$236,500 appropriation asked in the bill? I truly believe that citizens will get this valuable and long-term return. In my fairly brief employ of five years as a high school para with special education students, I have come to understand the balance of carrying out the certificated teacher's mission and helping to ensure students are in the right attitude to get the value of learning. Believe me, after those years I understand the relationship of trust and confidence students place in a para and that the para needs to supply to help the students and the teacher. Developing that relationship comes from working one-on-one or with groups of students. It is my experience that the traditional classroom can be overwhelming for some of these students. However, when working with a para, that same student population can achieve various degrees of success. I believe and have witnessed that paras are essential to achieving successful educational outcomes as defined by a school district's goals. A new statewide survey provided by this bill also scores big for the future. With proper resources, a para can become an even more valued member of a school district. Paras can benefit professionally by taking coursework to improve effectiveness in their current job or, if they choose, to acquire the education, skills, and training to be qualified as a certificated teacher. How to deliver and receive such professional development can come from this survey. The baseline of information about paras certainly is outdated. What does a 21st century para bring to the table? How do school administrations use paras? What avenues are there for continuing education for paras? Where might paras have the highest and best use? Such questions and more can be answered by your support of LB789. I encourage you to advance this bill to the full Legislature. Thanks for this opportunity to speak, and I

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stand for any questions. [LB789]

SENATOR SULLIVAN: Thanks, Gerald. Nice to see you again. [LB789]

GERALD HOPP: Thank you, Senator. [LB789]

SENATOR SULLIVAN: Senator Haar. [LB789]

SENATOR HAAR: Yeah, thanks for being here. Do you...are you like a member of NSEA or anything like that or are you sort of...are paras out there on their own? [LB789]

GERALD HOPP: Both. Paras can part of the NSEA as dues-paying members. So it's just all optional as it is for certificated teachers. Currently, I am a member of NSEA. But several of the paras where I work are not. [LB789]

SENATOR HAAR: Okay, thank you. [LB789]

GERALD HOPP: You're welcome. [LB789]

SENATOR SULLIVAN: Thank you for your testimony. [LB789]

GERALD HOPP: You're welcome. Thank you. [LB789]

SENATOR SULLIVAN: Welcome. [LB789]

CONNIE KNOCHE: (Exhibit 4) Thank you, Senator Sullivan and members of the committee. My name is Connie Knoche; it's K-n-o-c-h-e, and I'm here to provide some written testimony for Theresa Brown who was not able to make it today. My name is Theresa Brown, and I currently work for Lincoln Public Schools as an early childhood special education para. I work at Cavett and Adams Elementary Schools. This is my 4th year as a para. I am submitting the following testimony in support of LB789. First of all, I'd like to tell you about my role as a para. It is to assist the teacher in the classroom. And this includes assisting and supervision during instruction and large group activities where students might need reminders about keeping quiet, raising a hand, keeping hands to self, sitting crisscross, etcetera. I also help lead small groups and work with students on a one-to-one basis as directed by the teacher to focus on certain skills not yet mastered or to give additional support to those needing just a little bit more work. We are always teaching at the school, and keeping kids safe is always a top priority. We have an adult schedule so that we know what is expected of each team member on a daily basis, and this also gives the students a chance to work with all adults in the room. I think that the paras are essential to successful educational outcomes. In terms of special education students, that they help to facilitate inclusion in the general classroom. Para support can ensure that students with special needs receive an

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appropriate level of attention that might not be possible with 1 classroom teacher and 18 or more students. Paras facilitate instruction in diverse classrooms and help to intensify one-to-one interactions with students. I've had the extensive training to help and formulate summative assessments, and I am continually helping to take anecdotal notes on the students. I help carry out programming and collect data specific to the IEP goals and objectives as well. I truly love my job and feel very lucky that I get to work with these precious children each day. I've thought about what it would take for me to go back to school and get a degree in teaching if only to help myself be the best para I can be. I love learning and since my degree is not in education, I feel there is much that I can learn. I feel that access to on-line accelerated teaching certificate programs would fill that need. I have been out of school for a while now and with a busy family of my own, this sounds like a perfect fit for me and countless others in similar situations. The value of this bill is that the data collected and the reevaluation of the guidance on training, supervising, and evaluating paras will benefit not just the paras and the teachers and the school that they work with, but ultimately the students who are our greatest assets and the reason we do what we do in the first place. [LB789]

SENATOR SULLIVAN: Thank you, Connie. Do you want to field any questions? [LB789]

CONNIE KNOCHE: I can try. [LB789]

SENATOR SULLIVAN: Do you have any idea how many paras are employed at LPS? [LB789]

CONNIE KNOCHE: I was just thinking that as I was sitting there. I can provide you with that information. [LB789]

SENATOR SULLIVAN: Okay, okay. That would be fine. [LB789]

CONNIE KNOCHE: Okay. [LB789]

SENATOR SULLIVAN: Any other questions for Connie? All right, thank you for bringing that testimony. Welcome. [LB789]

LARRY SCHERER: (Exhibit 5) Good afternoon. Thank you, Senator Sullivan, members of the Education Committee. For the record, my name is Larry Scherer, L-a-r-r-y S-c-h-e-r-e-r, and I'm here representing the Nebraska State Education Association and Project PARA. We have about 800 members of NSEA who are all sorts of nonteacher variety in K-12. And probably half of those are paras. We don't have an exact count because our records don't mandate that they specify what their role is, but most of the time they do. We support the idea of laying a good research base, so finding out where the paras are used, where they're not used and what roles they're fulfilling now. Are they being asked to do some things that put them at risk or that put students at risk? Are

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they filling a proper para role. In Greek I'm told para means to be akin to or alongside of. And so that's what paras are. They're alongside a teacher. And so we're very cognizant of the role that teachers have as supervisors of the paras and ultimately responsible for what happens in the classroom. But without paras, many of our teachers would face an almost impossible task in some classrooms. Part of my testimony I've attached a document from the NEA that talks about para roles and responsibilities. And one of the things you'll see under the little handprints there is the licensed educator, the certificated teacher, still remains responsible for overall conduct and management of the classroom; design, implementation, evaluation of the instructional program and assessment of student progress. But then getting down underneath, recognizing the benefits--I mean, this is a benefit for the school board. They can save money sometimes by having classes that are little bit larger but not too large by adding a para. Benefit for students and education in general when you can have a para that offers individualized instruction; as Mr. Hopp was talking about, a 1 to 1 relationship rather than a 1 to 25 or 1 to 30 relationship. And differentiated instruction: While some students are on one track learning a curriculum one way, a para can work with a different student, especially in special ed and teaching it a different way, in a way that helps them succeed in the classroom. There are...it has been mentioned today that there are some federal requirements for paras. The department has some guidelines there. I think it's either an associate degree...and these are for the federal programs, Title I primarily. Either associate degree or 24 college credit hours, or they can do the modules, the on-line modules through Project PARA that were mentioned earlier. And those have proven to be more convenient for people out in the field rather than going to a college. These are not high-paid people by and large. And spending the money for college credit just doesn't make sense frankly. So the training that's provided by the university is very good and very to the point of what they're facing in the classroom. One of the things we encourage the committee to think about as it's doing its visioning this summer and fall is, what is the role of the noncertificated, the paraprofessionals, and the others in the school? Somebody mentioned we really don't have a good idea of how many are out there, what they're doing, where they're at. There department does collect some information on paras. I'm not quite sure what stage that is, but it has started to grow somewhat, a little more detail. But we really just don't have a clear picture right now, and this would help a great deal in establishing the research base, the database for what they're doing and, you know, how they can become more effective and how our schools can become more effective. So thank you. I'll try to answer questions. And appreciate your being here all day. [LB789]

SENATOR SULLIVAN: Okay, Larry. Thank you. Thank you for your testimony. Any questions for Larry? Okay, thank you. [LB789]

LARRY SCHERER: Thank you. [LB789]

SENATOR SULLIVAN: Any other proponent testimony on LB789? Anyone wishing to

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Speak in opposition? Or in a neutral capacity? [LB789]

BRIAN HALSTEAD: Good evening, Senator Sullivan, members of the Education Committee. My name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d. I'm here in a neutral capacity on behalf of the department. Just some background history, the department has been funding Project PARA for several years. We've been using federal IDEA dollars to do that with. One of the benefits of this bill is it would be able to expand beyond what we can use the federal special ed dollars from the department here to have Project PARA at the university. We've got a good working relationship with them. But again, we have no other source of funding at the department to pay for that. We've been using federal funds. And we collect very little information about paraprofessionals right now. I can't give you all the details. But they're largely aligned to federal requirements under IDEA for special education and for instructional paras under No Child Left Behind. But the federal government doesn't provide us the funding to do those studies. What we've done for instructional paras, we've leveraged about all the federal funds we can to just deal with that data collection. So with that, I'll stop. And if you've got more questions about what data we collect, I can get you that. [LB789]

SENATOR SULLIVAN: All right. Thank you, Brian. Any questions? Senator Haar. [LB789]

SENATOR HAAR: Yes, I would like to see that. [LB789]

BRIAN HALSTEAD: Sure. [LB789]

SENATOR SULLIVAN: Any other questions? All right, thank you. Anyone else in a neutral capacity? Senator Bolz. [LB789]

SENATOR BOLZ: I'll be very brief. But I wanted to say that lest Senator Avery feel underappreciated, I have a broken-down budget for you that shows that the funding is for graduate assistants and a principal investigator. And the salary section is at \$51,000. So I'll have the page run that to you first. But I just wanted you to know that we have put together a reasonable budget. The other thing I want to say briefly is that I serve as a member of the Developmental Disabilities Oversight Committee. And this summer we had an interim study regarding the intersection between developmental disability, mental health, and behavioral health. And we were trying to understand better who slips through the cracks, why kids escalate and become greater challenges, why they succeed or fail. And Dr. Bill Reay from OMNI Behavioral Health came up to testify and articulated that the direct personnel who work one-on-one with kids are underappreciated and need to be paid greater attention to. In the developmental disability field, that's the direct support professional. In the education field, that's the paraeducator. And I think that his insight was valuable. Those folks can understand strengths and weaknesses, can escalate or de-escalate a kid, can help identify

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problems before they become crises. So I just appreciate your consideration of this piece of legislation. [LB789]

SENATOR SULLIVAN: Thank you. Senator Haar. [LB789]

SENATOR HAAR: Well, first of all Senator Avery is just upset that he got paid less than the football coach when he was teaching. [LB789]

SENATOR BOLZ: Welcome to the club. [LB789]

SENATOR AVERY: It's injustice. [LB789]

SENATOR HAAR: It is injustice. Is this a priority bill right now? [LB789]

SENATOR BOLZ: No, no. [LB789]

SENATOR HAAR: Okay. [LB789]

SENATOR SULLIVAN: All right, thank you, Senator Bolz. [LB789]

SENATOR BOLZ: Thank you. [LB789]

SENATOR SULLIVAN: This closes the hearings today of the Education Committee. Thank you all for attending. [LB789]