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Education Committee
February 16, 2016

[LB868 LB1062 CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Tuesday, February 16, 2016, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB868, LB1062, and a gubernatorial appointment. Senators present: Kate Sullivan, Chairperson; Rick Kolowski, Vice Chairperson; Roy Baker; Mike Groene; Bob Krist; Adam Morfeld; Patty Pansing Brooks; and David Schnoor. Senators absent: None.

SENATOR SULLIVAN: Welcome, everyone. This is the public hearings for the Education Committee. My name is Kate Sullivan of Cedar Rapids, I represent District 41 in the Legislature. I'd like to have you meet the other members of the committee, a couple of them are still in Executive Session in Judiciary, but those who are here. I'll start with the Vice Chair.

SENATOR KOLOWSKI: Rick Kolowski, southwest Omaha, District 31. Thank you.

SENATOR SCHNOOR: Dave Schnoor, District 15: Dodge County.

SENATOR BAKER: Roy Baker, District 30: part of southern Lincoln, part of southern Lancaster County and all of Gage County.

SENATOR KRIST: Bob Krist, District 10.

SENATOR GROENE: Mike Groene, District 42: Lincoln County.

SENATOR SULLIVAN: We also have some people helping us today as far as staff. To my immediate left is LaMont Rainey, who is the legal counsel for the Education Committee; to my far right is Mandy Mizerski, who is the committee clerk and will make sure that we have an adequate and accurate recording of this hearing. We also have two pages helping us: Brook Cammarata from Omaha, who is a student at UNL, majoring in advertising and political science; and Caitlin Welty, also from Omaha, and a student at Wesleyan, majoring in political science. There are a few housekeeping details that I'm going to go through. Just perchance we might be interrupted by a telephone call because our first order of business today is to hear for a reappointment to the Board of Educational Lands and Funds. And that individual will be calling in from Valentine, which is what we're doing right now. Yes, Mr. Ward, do we have you on the line? [CONFIRMATION]

CHARLES WARD: You do. [CONFIRMATION]

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SENATOR SULLIVAN: Hi. Thank you for calling in. [CONFIRMATION]

CHARLES WARD: Well, thank you for doing it this way. [CONFIRMATION]

SENATOR SULLIVAN: Absolutely. The majority of the Education Committee is here and I was just explaining to those in the audience that you are a reappointment to the Board of Educational Lands and Funds. Is that correct? [CONFIRMATION]

CHARLES WARD: Correct. [CONFIRMATION]

SENATOR SULLIVAN: So could you tell us just a little bit about not only your background, but your experience on the board thus far and why you'd like to be reappointed? [CONFIRMATION]

CHARLES WARD: (Exhibit 1) Okay. My background is I've been born and raised in Nebraska, served in the military, taught school, ranched--in fact our family had a ranch that Ted Turner bought eventually, I ran a cow/calf operation of 120 cows for awhile, I've been an electrician, I was in a plumbing and heating business...and we did all of our own electrical work and we drilled wells and that type of thing. So I've been involved in agriculture one way or another for most of my adult life, and right now I still...I have property that I lease and I take cows in on pasture ground. [CONFIRMATION]

SENATOR SULLIVAN: Is that what led you to being interested in serving on the Board of Educational Lands and Funds? [CONFIRMATION]

CHARLES WARD: Well, I've always been interested in education, even when I taught, you know, because it's always good to try and give back...hopefully I'm giving back to the state, you know, more than I ever have taken. Because, you know, the reason why I even joined the military was because I like the country I grew up in and the only way you could defend it...everybody was leaving because of Vietnam and I said the only way I could defend the country was to actually join the service. So I volunteered for the draft in 1968, and that was right in the middle of Vietnam, and I wanted to perpetuate the society that I grew up in and other people so that they have the same type of society if we could. [CONFIRMATION]

SENATOR SULLIVAN: You said that you wanted to support education and certainly these funds--the income received from educational lands, goes to education. Could you talk about that a little bit more? [CONFIRMATION]

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CHARLES WARD: Sure. We've tried to maximize the amount of income from our renting of our properties. I say our, which is the people of Nebraska. And I think we've done a pretty good job of getting a good return on the investment in the land. Everybody on the board, not only myself, but everybody on the board is pretty civic-minded people and we've capitalized I think on that and tried to do everything to the best of our ability to get the maximum amount of returns for the school kids that we can. [CONFIRMATION]

SENATOR SULLIVAN: As you well know, property taxes are a big concern in this state right now, and could you explain also a little bit about the school lands and property taxes?
[CONFIRMATION]

CHARLES WARD: Yes, we pay taxes on the land. If you own some property and you pay taxes on it, we pay on the land just the same as anybody else that owns a property. So at one time back east nobody owned any school land, so consequently all the property taxes from the western part of the state went to the eastern part of the state because they didn't have any school lands. And when the Legislature passed the bill that enabled us to be paying taxes just like anybody else, so the revenue that comes when you lease, which that basically it would be to say the profit after expenses and everything, goes back to the school fund and is redistributed out of the state there.
[CONFIRMATION]

SENATOR SULLIVAN: Very good. Any other questions for Mr. Ward? Seeing none, would you like to make any final comments, Mr. Ward, before we close your appointment hearing?
[CONFIRMATION]

CHARLES WARD: Oh, I'm glad to do what I've been doing and I feel honored to have been able to serve the state. I hope I'm doing what you people want us to do. And if there's any questions or anything, gosh, I'd sure like to address them if I could. [CONFIRMATION]

SENATOR SULLIVAN: Okay. Well, thank you very much. It doesn't appear that there are any questions, so again, thank you for your service and thank you for calling in on this reappointment. [CONFIRMATION]

CHARLES WARD: Yes, and thank you for listening to me I guess ramble on here.
[CONFIRMATION]

SENATOR SULLIVAN: No, you weren't rambling on. Thank you very much.
[CONFIRMATION]

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CHARLES WARD: Okay, bye-bye. [CONFIRMATION]

SENATOR SULLIVAN: Bye-bye. All right. Well, that closes the hearing...oh no, excuse me. Would anyone like to testify on this reappointment? Okay, seeing none, then that closes the hearing on this appointment. And I'll go through a few more of the housekeeping tools and rules for today. If you are planning to testify, and we have two bills before us, it's LB868 and LB1062, and for either of those bills, if you're planning to testify we ask that you pick up a green sheet that's at either entrance and fill it out in its entirety. 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 separate form for doing that as well. Regarding the green sheet, we ask that you fill it out completely and then give the sign-in sheet to the clerk, Mandy, when you come up to testify. If you have handouts, please make sure you have 12 copies for the pages. And when you come up to testify, please speak clearly into the microphone, tell us your name and spell both your first and last name to again ensure we get an adequate record. Just to make sure, please if you've got a cellphone or a pager, please make sure that it's set off or at least on silent. The introducers of the bill will make the opening statement, followed by proponents, opponents and anyone in a neutral capacity. Closing remarks are reserved for the introducing senator only. And we do have a relatively light day today, even so though, we'll be using the light system. And this is not for the introducer, but anyone testifying will be limited to five minutes. So when the yellow light goes on that means you've got one minute and the red light means you need to wrap up your comments. [CONFIRMATION]

SENATOR SULLIVAN: So I think that is a covering of all the details, and we will then start with LB868. Senator Krist. [LB868]

SENATOR KRIST: (Exhibit 1) Good afternoon, Senator Sullivan and members of the Education Committee. For the record, my name is Bob Krist, B-o-b K-r-i-s-t, and I represent the 10th Legislative District in northwest Omaha, along with north-central portion of Douglas County, which includes the city of Bennington. I appear before you today in introduction and support of LB868. As members of the Legislature, each of us is privy to the benefits that civically engaged constituents bring to the debate. We have on all issues heard from engaged and knowledgeable citizens. Without citizen engagement, our roles in the Nebraska Legislature would look quite different and, in fact, would drastically reduce our capability to make decisions on behalf of our constituencies. When voters reach out to us and share their opinions on issues, they are displaying engagement in policies that impact their lives, their families' lives, and their businesses. The foundations for this type of civics engagement began in school. I know it will not come as a surprise to you, many of you, that we are facing a quiet crisis in our schools today in regards to civics education and the impact that has on future students. It is for this reason that I have introduced LB868, a proposal that is also known as a civics education initiative. The proposal is simple. If passed, LB868 would require every high school student in Nebraska to

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pass a 100-question civics test, the same test I might add that new citizens must take to enjoy the citizenship of this great nation. The content of the questions on the test range from how many years does a U.S. Senator serve when he's elected, he or she is elected, to how many amendments are there in the U.S. Constitution? And while many of you in the room may be ticking off the correct answers to yourself, students across the country and in Nebraska fail at an alarming rate to correctly answer these basic questions. If you're not familiar with the subjects covered by this test, I would highly suggest that you and your staff create a friendly wager and take the test that I have passed out to you. I can honestly say that I barely passed the first time I took the test. Studies have found that only 4 percent of high school students in states like Arizona and Oklahoma were able to successfully pass this examination. I hope I'm not alone in feeling that this is truly an alarming statistic we must intervene to fix. If students do not understand how government works at the most basic level, I might add, then how can we expect them to grow in the knowledge and the importance of voting and being civically engaged and active in our democratic process? Currently 9 states have passed legislation like LB868 and more than 20, including Nebraska, are currently considering such legislation. Knowing that Nebraska is certainly not the first state to consider the cost of implementing a civics education initiative, I draw your attention to the fiscal note. I understand that Brian Halstead will be testifying in a neutral capacity for the Board of Education so I hope you'll ask him the question of how that fiscal note was derived. But I am here to say that LB868 can be and has been put in place without cost across this nation. The 100-question test and accompanying study materials are offered free of charge by the Joe Foss Institute where students can take the test as many times as necessary to achieve a passing score of 70 percent. Once they've reached the passing grade, they can print the test and the guidance counselor, civics, or government teacher, etcetera can record that passing exam grade. It's as simple as that. And that's why I think states like North Dakota have given this proposal a zero dollar fiscal note. I hope you will stand by the voters of the future and show them that the state values their participation in civics. This test is not simply memorizing 100 questions as some would suggest, which I will cover in my closing, but also encourages students to seek new knowledge and to get 100 percent on these tests. I'd be happy to answer any questions at this time and would encourage your support of LB868. [LB868]

SENATOR SULLIVAN: Thank you, Senator Krist. You indicated in your opening something to the effect that there is a crisis of civics education among young students. Can you elaborate and give some indications of how you consider that to be a crisis? [LB868]

SENATOR KRIST: Well, I think I said quiet crisis. And I think the only time it becomes public is when a show host, night show host on some of our nightly programs goes to the street and asks basic civics questions of citizens in this country and how alarming it is when adults who passed through our education system can't answer some of those most basic questions. [LB868]

SENATOR SULLIVAN: Senator Morfeld. [LB868]

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SENATOR MORFELD: Well, first off, thank you, Senator Krist, for actually trying to address this problem. I think that a lot of people talk about the lack of civic education, awareness, education, all those things but very few people actually do something about it. As you know, I started a whole nonprofit that employs about 30 full- and part-time staff that are dedicated to getting young people engaged in really substantive ways in their community identifying issues, critically thinking, civil discourse and then going out and doing something about it and then learning about the governmental processes as a whole. What I'm trying to get at is one of my concerns with this, and I haven't looked at the fiscal note--and it's kind of large--one of my concerns with this is does this get to the substance? And I don't even feel as though our current citizenship test is sufficient for new citizens nor do I feel as though our current civics requirements are really sufficient for our own citizens right here. But my problem with mandating this is that it doesn't really get to the critical thinking and civil discourse aspect that's so critical in a civic society. And that's where I think we're really missing the ball, particularly with youth today. And we see some of that play out in our politics and our media. So could you just respond to that a little bit and... [LB868]

SENATOR KRIST: Sure, I'd be happy to. I think you have to teach or allow a child to say ga-ga before he's able to tell you what's in the First Amendment of the Constitution. So this is not by any means a solve-all. This is a first step to try to emphasize the fact that before you graduate from high school you, a U.S. citizen, should be able to answer the same questions that a person who goes through the test and becomes a U.S. citizen should ask or should be able to answer. To your second point about actually getting into civil discourse, you'll notice that each one of these test questions--and I'll just give you an example--question 6: What is one right or freedom from the First Amendment? Now you only have to say speech, religion, assembly, press, or petition the government. One of those questions answered correctly will answer that question...one of those answers will answer that question correctly. Now I would think that any educator would use this as a teaching tool and say, what are the other ones? Let's talk about the other ones. Let's read about the other ones. Let's find out how important it is for freedom of the press. Let's find out how important it is for freedom of speech. And I'm going to cover in my closing how I believe that...I spent 21 years defending this nation, and I know its history well enough to know what's worth defending and it is worth defending. But this is a starting step, a steppingstone moving forward. And the remark about the fiscal note, I ask you to ask Brian Halstead that one because in essence the fiscal note that I see is based upon the state having to actually come up with questions, validate questions. And in fact, the Joe Foss Institute have validated and have the questions and they come pretty much from our own naturalization test. [LB868]

SENATOR MORFELD: Okay. Thank you, Senator. [LB868]

SENATOR KRIST: Thank you. [LB868]

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SENATOR SULLIVAN: Senator Groene. [LB868]

SENATOR GROENE: What do they do now? I mean, is there any in the State Board of Education, Rule 10 or anything, is there anything that says you have to teach civics or what defines civics or government class? [LB868]

SENATOR KRIST: Senator Groene, I think I could answer that; but I'd ask you to ask that same question to Mr. Halstead because I think he can elaborate. I would say that my own alma mater, Creighton Prep, several years ago initiated not just a civics test but a true civics test in terms of state and federal government as well as economics and how we pass a budget and how we go forward. So some school districts and some private and parochial have gone the extra step and put emphasis on that. But as far as what we're doing I think best answered by Mr. Halstead. [LB868]

SENATOR GROENE: This test: Do the questions change or has it been pretty set questions for over the years? Do you know, (inaudible) test? [LB868]

SENATOR KRIST: This test...the test...the questions have been validated and Joe Foss continues to validate it. The questions that you see here are part of our own naturalization test. [LB868]

SENATOR GROENE: But do you know if the naturalization, immigration department changes the questions over time or are they pretty much (inaudible)? [LB868]

SENATOR KRIST: They do change the questions over time when we have constitutional changes or we have issues so... [LB868]

SENATOR GROENE: But you really don't care if the teacher uses this as a teaching tool because...to know that the ideal of self-government starts with "We the people"? Who cares if they memorized it, right, and knew the answer to the question before they took...they took? [LB868]

SENATOR KRIST: I'd prefer they memorize all of these questions... [LB868]

SENATOR GROENE: I do too. [LB868]

SENATOR KRIST: ...because then they could talk legitimately and get to Senator Morfeld's point, the next level of the discussion. [LB868]

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SENATOR GROENE: To understand how rare this country is and it's just not a given what we have here. [LB868]

SENATOR KRIST: Yes, sir. [LB868]

SENATOR SULLIVAN: Any other questions for Senator Krist? Senator Kolowski. [LB868]

SENATOR KOLOWSKI: Thank you, Madam. Senator, thank you for bringing this forward. I think it's an excellent discussion to have. And my first question is if I know who Joe Foss is do I get bonus points? [LB868]

SENATOR KRIST: Absolutely. [LB868]

SENATOR KOLOWSKI: And what branch of service he was in? [LB868]

SENATOR KRIST: Absolutely. [LB868]

SENATOR KOLOWSKI: And also what medal he achieved? [LB868]

SENATOR KRIST: Absolutely. [LB868]

SENATOR KOLOWSKI: Thank you. [LB868]

SENATOR KRIST: And the fact that he won the Medal of Honor and walked through an airport and was challenged on continuing to wear his medal is one of the reasons that the Joe Foss Institute exists so, yeah, absolutely. [LB868]

SENATOR KOLOWSKI: Thank you, appreciate it. From a teaching aspect having taught civics in high school, history, and government, the application of what you're asking, I mean, it's one of those things you'd have a hard time arguing against: motherhood, apple pie, flag. I mean, everything is right all mixed in this whole thing and you look foolish saying, no, this shouldn't happen or we shouldn't do that. And I don't disagree with you. I always cringe at the Jay Leno set of answers that people come up with on the street like, where do these people come from, one of those kind of things. [LB868]

SENATOR GROENE: America. [LB868]

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SENATOR KOLOWSKI: But the aspect of doing this in a district I can have a long discussion with you of different ways we could implement this, tying it back to the textbooks that you're using in either your American government class, which is probably required in most high schools, or it's associated with an American history class and you get the credit out of one of those two experiences. That could be sophomore level or junior level usually and many times government is a senior level class. I would hope we would be able to work with the textbook publishers over time that would even take these 100 questions or however many there are and align them to their textbooks so there would be question 7, turn to page 18, for example, or something of that nature to better hone it down so students would use it as a tutorial in their own mind and the teacher then could emphasize that also as they were going through the background on things. So I know you're open for that. Anything you'd like to add to that as far as possibilities of how do we make it easier upon districts? Because it's a mandate to be able to do this and have meaning behind it, which is my goal, your goal, Senator Morfeld's goal. Anything that we could do to heighten the awareness to civic participation? [LB868]

SENATOR KRIST: Just two things and thank you for allowing me to answer. The first is that I see these questions simply as discussion points and a grade on whether or not at the end of the day you understand that the civics principles of this country is founded on and know enough to ask questions about the, as I said, the Second Amendment and what it protects or the First Amendment. But the other thing I would say right up-front is that if this happens by statute it will be the first time that we mandate curriculum from on high in terms of a statute going down. I understand that. But I think this discussion is worthy of talking about being the first if that's the case. I would welcome that the Board of Education or each individual district does as I suggested Creighton Prep did in terms of initiating their own programs. But we have to start the discussion someplace because I think the quiet crisis as I've described it is an abysmal reflection on what our students understand upon graduation about how this country works. [LB868]

SENATOR KOLOWSKI: Thank you, appreciate that. [LB868]

SENATOR SULLIVAN: Any other questions? Thank you. [LB868]

SENATOR KRIST: Thank you. [LB868]

SENATOR SULLIVAN: We will now hear proponent testimony on LB868. Welcome. [LB868]

DEAN TICKLE: (Exhibits 2, 3) Thank you. My name is Dean Tickle, D-e-a-n T-i-c-k-l-e, and I'm the superintendent of schools at Elm Creek Public Schools. And at Elm Creek Schools, we believe that "An informed, loyal, just, and patriotic citizenry is necessary to a strong stable, just, and prosperous America. Such a citizenry necessitate that every member thereof be fully

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acquainted with the nation's history and that he or she be in full accord with our form of government and fully aware of the liberties, opportunities, and advantages of which we are possessed and the sacrifices and struggles of those through whose efforts these benefits were gained. Since youth is the time most susceptible to the acceptance of principles and doctrines that will influence men and women throughout their lives, it is one of the first duties of our educational system to conduct its activities, choose its textbooks, and arrange its curriculum in such a way that the love of liberty, justice, democracy, and America will be instilled in the hearts and minds of the youth of the state." What I just read was Nebraska state statute 79-724 and it expresses perfectly our district's beliefs. I first became acquainted with the United States citizenship test when I was principal at Lexington Middle School. And I helped Reyna Munoz, who was the 2007 Nebraska paraprofessional educator of the year, study to become a U.S. citizen. In that year, in addition to Ms. Munoz, I had two other middle school teachers, Ms. Adriana Carnes and Ms. Maria Santos, also become U.S. citizens. The idea of all students taking the U.S. citizenship test occurred when I did a walk-through in Ms. Santos' classroom--it was a sixth grade classroom--and had her students when I walked in gleefully challenge me to pass the U.S. citizenship test. And as a former English and social studies teacher, I'm like, I could do this and they started to grill me: How many representatives in the House of Representatives? I'm like, ooh, that's a tough one. I know it's 435 now. But several of them, a majority of them were proud that they had a perfect score on that citizenship test in the sixth grade. They were also busy reenacting the citizenship ceremony that their teacher had participated in only a few weeks earlier. Later that year I was asked if I'd like to sit on the stage at the Lexington Middle School as part of the U.S. citizenship swearing in ceremony. And I was moved by the tears and utter joy people from around the world demonstrated as they became U.S. citizens. It was a rare opportunity, one I relish. Last year in Elm Creek, we challenged our fourth, fifth, and sixth graders to take the U.S. citizenship test. They studied during one 18-minute period per week for 9 weeks. We had 84 students in those grades and 17 passed the test by scoring an 80 percent or better. These are 10-, 11-, and 12-year-olds who had no formal U.S. government class. We have a new policy at Elm Creek Schools which you now have that requires a 60 percent next year and a 70 percent every year thereafter. So Elm Creek Public Schools does have the policy. Our board adopted it last February 8. I would also admit that of the elementary students passing the test one of them was a third grader who wanted to take it to see how well she would do. Additionally, this young lady also ran a lemonade stand to raise funds for a presidential campaign when she's old enough to run at 35 (laughter) so you may want to remember the name Ashley Carlton (phonetic). With a minimum amount of preparation, 20 percent of our elementary kids passed the test. You'll hear from Anna, Audrey, and Sydney from Elm Creek Schools as part of their FCCLA project have also spotlighted this issue. While we're interested in our students being able to read, write, and understand math concepts and demonstrate creativity and problem solving, we're also interested in them being good citizens, their civic participation, volunteerism, community service. Do they give blood? Do they vote when they're old enough? Are they engaged in their community, state, our nation, and globally engaged? Citizenship is indeed a

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huge part of our educational charge. I think the test costs us nothing. The policy is in place. And it's our commitment and duty, as is the law outlined in Nebraska statute 79-724. I'd quote Ronald Reagan, whose quote is at the top of the Nebraska social studies standards: Since the founding of this nation, education and democracy have gone hand in hand and the founders believed a nation that governs itself, like ours, must rely upon an informed and engaged electorate. Their purpose was not only to teach all Americans how to read and write but to instill the self-evident truths that are the anchors of our political system. Thank you. [LB868]

SENATOR SULLIVAN: Thank you, Mr. Tickle. [LB868]

DEAN TICKLE: You bet. [LB868]

SENATOR SULLIVAN: So the test that your students take, is that the one that is being recommended in this legislation? [LB868]

DEAN TICKLE: Yes. We pulled it straight from the...it's the United States citizenship test. [LB868]

SENATOR SULLIVAN: How do you...you mentioned our Nebraska standards for social studies. How do you think this test relates to those standards? [LB868]

DEAN TICKLE: This test is a basic facts test, but contained within that are a lot of concepts. This is a really good starting point. What gets assessed is what gets done. We really have bigger plans beyond the citizenship test as far as, you know, having our kids create citizenship portfolios and demonstrating through service learning that they're in tuned with citizenship...what's required to be a citizen, a good citizen in our country. [LB868]

SENATOR SULLIVAN: Do you know, in visiting with your colleagues in other schools, are other school districts doing things similar to this? [LB868]

DEAN TICKLE: We have struggled to get buy-in. We've tried. I've worked with the University of Nebraska-Kearney to try to create a dialogue. We've talked about is there something we can do. Every school district is required to have an Americanism committee. Can we get this on the agenda of Americanism committees? Can we sit down and talk? Can we go to the state school board conference and have a booth that says what are you doing at your Americanism committee meetings? We didn't have a lot of luck. I didn't as an adult. It's grown legs now, ninth grade legs, as our students are the ones that have really shined the light and they're getting some leverage with it, which is gratifying to me. I mean that's the way it should be. That's actually the epitome

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of what good citizenship and civics is about, and they're leading the charge on this in Elm Creek. [LB868]

SENATOR SULLIVAN: Very good. Any other questions for Mr. Tickle? Senator Baker. [LB868]

SENATOR BAKER: Thank you, Senator Sullivan. Mr. Tickle, good to see you again. [LB868]

DEAN TICKLE: Yes, good to see you. [LB868]

SENATOR BAKER: Thanks for being here today. [LB868]

DEAN TICKLE: Thank you. [LB868]

SENATOR BAKER: So you folks are already doing this so did you just see LB868 and say, that's right on or were you involved at an earlier stage? [LB868]

DEAN TICKLE: We have...actually our policy is patterned after North Dakota's, which has the citizenship test as law already. You know, our three ladies who you'll hear about here shortly really picked up this movement and had contact with the Joe Foss Institute, but really have had a lot of support from all over from our U.S. senators and our congresspeople. But we were, you know, working on it and we found out, man, there are really a lot of positive movement towards this and made us feel even better about what we were doing. [LB868]

SENATOR BAKER: May I follow up, Senator Sullivan? [LB868]

SENATOR SULLIVAN: Um-hum. [LB868]

SENATOR BAKER: Have you had any conversations with the State Board or NDE? [LB868]

DEAN TICKLE: We have not with NDE. The State Board we've talked about, hey, can we do something at the State Board conference about Americanism committees and what's on your agenda? Most people have a tough time producing their last three agendas of their Americanism committee (inaudible). This would be a great way to engage board members and superintendents to get them to talk about it. So NDE, no. The State school Board we've had some conversations with. [LB868]

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SENATOR BAKER: So this requirement could come in Rule 10 or as proposed in state law. Do you as a school administrator, do you have any preference? [LB868]

DEAN TICKLE: You know, that's a good question. I don't as long as it, you know, people understand that it's a worthy and important part of what education is about. If it were a requirement in Rule 10 and everybody had to do it, that would be great. What happens is if you look at 79-724, there are a lot of things in there that most superintendents and school board members would be surprised exist. We're supposed to be doing that? They would really be surprised. They would be further surprised to find out if you don't it's a Class III misdemeanor. I don't know the last time somebody was cuffed for not following 79-724. But it's one of those things that if we could make sure that it gets done it will be the first step, a foundational piece to an important revitalization, rebirth of what our schools are for. [LB868]

SENATOR BAKER: Thank you. [LB868]

DEAN TICKLE: You bet. [LB868]

SENATOR SULLIVAN: Senator Groene. [LB868]

SENATOR GROENE: You do the Pledge every day? [LB868]

DEAN TICKLE: Yes, we do. [LB868]

SENATOR GROENE: In every class... [LB868]

DEAN TICKLE: Yes. [LB868]

SENATOR GROENE: ...or assembly? [LB868]

DEAN TICKLE: Yes. [LB868]

SENATOR GROENE: Correct me if I'm wrong, that's a state statute, wasn't it? [LB868]

DEAN TICKLE: Yes. [LB868]

SENATOR GROENE: So we do dictate the state does some things over Rule 10. [LB868]

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DEAN TICKLE: Correct. [LB868]

SENATOR GROENE: And have you noticed more pride in some of those students who have taken this class and understand why they're doing that Pledge? [LB868]

DEAN TICKLE: You know, we have had...and I've done it at Elm Creek and at Lexington. And Lexington was interesting because I had some students that refused to say the Pledge. And it's important for you to know they're middle school students and they just wanted to say, hey, what type of rights do I have? And generally when we've had the conversations and, you know, mom and dad come in they're like, what? And this is important. It's important that you respect and honor our country. It's interesting to me that once we start the conversation about civics and what student rights are they're interested in that. They're interested in our handbook. They're interested in rule of law. I always say nobody knows the Bible better than the devil. If you're violating a rule or you're not applying it fairly, they want to know about it. And I think that's important. I think it's important that we model the democratic process in our schools. And our kids want to know about First Amendment. Why can't I have this shirt on? You know, it doesn't say anything wrong. And I'm like, well, it's disruptive to the educational process and if you'll go to the...oh, okay. So when we engage them or when they feel slighted, boy, then they want to know about civics. So, you know, it's... [LB868]

SENATOR GROENE: Have you ever had an instructor that you know of that wouldn't stand up during the Pledge of Allegiance or resisted? [LB868]

DEAN TICKLE: No. No, not in the schools I've been in, no. [LB868]

SENATOR GROENE: It has happened in this state. [LB868]

DEAN TICKLE: Yeah, I'm sure. [LB868]

SENATOR GROENE: Thank you. [LB868]

SENATOR SULLIVAN: Senator Kolowski. [LB868]

SENATOR KOLOWSKI: Mr. Tickle, on my own work with the citizenship/civics aspect of school curriculum and all the rest, we kind of...we solidified our thoughts toward the end result being participation in the community. Do you have citizenship or volunteerism hours within your graduation requirements (inaudible)? [LB868]

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DEAN TICKLE: No, not yet. But that's the next piece of this. We have organizations like the FCCLA and FFA. We have students outside of school through scouting and 4-H and, you know, we really promote that. The school administrators through Prudential have spirit of service awards and we highlight that. And some kids, you know, to be honest with you, if they could text or play games or goof around all day they would choose to do that. And we're like, okay, let's take a serious look at having a conversation with students. What can you do within our community, our state, our nation to improve to put all of the things that you've learned into action? And I think that's an important part of it too. How is your learning relevant to anything that you're going to experience outside our school? And to that service learning project, what these young ladies are doing here today at the Legislature, unbelievable learning experience that they're going through today. And that is through the type of project that we're really advocating as the next step of our citizenship at the citizenship test. It's going to be amazing I think when we get it going. [LB868]

SENATOR KOLOWSKI: Thank you. [LB868]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB868]

DEAN TICKLE: Thank you. [LB868]

SENATOR SULLIVAN: Welcome. [LB868]

AUDREY WORTHING: (Exhibits 4, 5, 6) Hello. Good afternoon. My name is Audrey Worthing, A-u-d-r-e-y W-o-r-t-h-i-n-g. And these are my freshman classmates, Anna Hoffman and Sydney Hubbard from Elm Creek Public Schools. We want to thank the Education Committee members and everyone else who has come here to discuss civics education for taking time to listen to the students of Nebraska. Speaking of civics education, if we were to ask you what the supreme law of our land is, I'm sure that you would all correctly answer, the constitution. But when we asked this question to Nebraska's juniors and seniors, only 4 out of 200 can answer correctly. If we were to ask you who your current U.S. Secretary of State is, you would probably all answer John Kerry. When we asked the juniors and seniors of Nebraska, we received answers like Bill Clinton and Curious George. If we were to ask you who your current Nebraska Governor is, I'm very sure that you would answer correctly. When we asked Nebraska students, however, only less than 15 percent of students knew that it was Mr. Ricketts. And finally, if we were to ask you who your local state senator is, we are certainly hoping you would know. (Laughter) That is a question we did not ask. Based on the answers to our previous questions, we were frankly scared of what the answers might be. Our local senator, Mr. John Kuehn, presented us with a quote from Eleanor Roosevelt that reads, "Our children should learn the general framework of their government and then they should know where they come in

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contact with the government. It must not be a distant thing or someone else's business." I think we can all agree that we are a long way from accomplishing this quote. Indeed, many adults think that this is because our generation is apathetic, self-centered, and disconnected. We are not. Many believe that the bar of education must be lowered so that graduation is something everyone should achieve easily. Many people believe that the focus should only be on reading, writing, math, and science; but learning about our history and our government is not a priority. Certainly the hours we spend in standardized testing that is mandated on both a national level and by you seem to indicate that. We hope, however, that you are not part of the many that seem to believe these things because we are here to tell you that the students of Nebraska do not share in these beliefs. We do care about our country. We don't want to be disconnected from the realities of the world. We want to be challenged. We want to make a difference. We want your help. Requiring students to be able to pass the U.S. citizenship test, the same test we ask of all immigrants, is the first step in showing us that you believe that civics knowledge should be a priority and that it is as important for us to know as how to read, write, or compute. Indeed, it is simple to us as two plus two equals four. Civics education plus your support equal a changed world. We want to thank you for your service to Nebraska, and we ask that you support LB868. [LB868]

SENATOR SULLIVAN: Thank you, Ms. Worthing, great job. I think it was mentioned that your being here today is part of an FCCLA project. [LB868]

AUDREY WORTHING: That is correct. [LB868]

SENATOR SULLIVAN: What all does it involve, the whole project? [LB868]

AUDREY WORTHING: Our project is pretty much based on citizenship being spread throughout all the schools in Nebraska. We have a primary goal and in our primary goal we have three components. In the short term we wanted to create a resource to assist schools in building a basic foundation of knowledge within their students, which we have completed and we personally think that it has been a success. Our intermediate goal was to advocate to the Nebraska schools and to ask that they incorporate the citizenship test and civics education into their curriculum. And our long-term goal is pretty much what we're doing here today, advocating to the Unicameral to have this mandated for all students to graduate to pass the U.S. citizenship test. [LB868]

SENATOR SULLIVAN: Very good. How have you reached out to the other schools? Have you used technology or mailings or what have you done? [LB868]

AUDREY WORTHING: With the help of our principal, Mr. Tickle, we were able to present our project at the Nebraska state conference in Omaha. We talked to over 150 school representatives

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and we distributed more than 200 leave behinds. And not only did we receive a lot of positive responses from the school board members, but we also received a lot of enthusiastic responses from the students that were there. So we know that not everyone, not every student is against this test. [LB868]

SENATOR SULLIVAN: Thank you. Any questions? Senator Groene. [LB868]

SENATOR GROENE: You implied that you took a survey and you threw some numbers out there, 4 out of 200. [LB868]

AUDREY WORTHING: Um-hum. [LB868]

SENATOR GROENE: What was your study sample? Did you...did your group do that poll or is that a study that you seen somewhere? [LB868]

AUDREY WORTHING: We did this as a group together. When we received the tests back from the schools, we all graded them together. It was our little after school project. [LB868]

SENATOR GROENE: So what was your pool? I mean how far out did you send the test to schools? [LB868]

AUDREY WORTHING: We kept them within a district level. We sent it to a few of the Fort Kearny Conference schools that compete together so. [LB868]

SENATOR GROENE: So this was rural kids that can only name...4 out of 200 could name... [LB868]

AUDREY WORTHING: Um-hum, correct. [LB868]

SENATOR GROENE: Thank you. [LB868]

SENATOR SULLIVAN: Senator Pansing Brooks, is that... [LB868]

SENATOR PANSING BROOKS: Yes, thank you. Thank you for coming today. We appreciate your advocacy. I just was interested, number one, can you just tell me what FCCLA means or stands for and how you got involved again, just how your group became involved with this organization and... [LB868]

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AUDREY WORTHING: So FCCLA stands for Family, Career, and Community Leaders of America. And what this organization does, it empowers teenagers to make a difference within their communities. So it really started out in seventh grade is when we...when Anna, Sydney, and I started doing projects together. And we decided to do a school-related concern about tornado safety. And so that's where we started. And so we took the knowledge from our school and that project and we made it into more of a community project the next year. And we focused on literacy within our community. And we were very successful with that, creating mini libraries that were spread out throughout the community. And so we took the knowledge from the previous years' projects to then apply to this year's project to advocate on a state level. [LB868]

SENATOR PANSING BROOKS: So thank you. Well, it's really admirable. So is that a group, the FCCLA group, is that something that is just at Elm Creek or is it a statewide group? [LB868]

AUDREY WORTHING: This is a national-like group. [LB868]

SENATOR PANSING BROOKS: (Inaudible). [LB868]

AUDREY WORTHING: We have a state conference coming up in March and the national conference will be held in July. [LB868]

SENATOR PANSING BROOKS: That's great. And can you speak a little bit just to your thoughts because I know that having just had a daughter that graduated from public high school in Lincoln, I know that testing and the amount of testing was a problem for them, that they were spending so much time teaching to the test and that they felt they had little time to learn and to have some creativity. So could you speak to that a little bit in light of this one additional test that we're placing...we would be placing upon the students? [LB868]

AUDREY WORTHING: Personally, I think sometimes the tests do overwhelm students. But in the long run, they will be helping you in everyday life. Things that you see on standardized testing right now can be seen throughout the work force within your own community wherever you decide to go after high school. This one test we hope that even though it might seem just like another test to students that when they're finally out in the world they'll use the knowledge from that test to become active citizens and hopefully to vote. [LB868]

SENATOR PANSING BROOKS: Excellent answer, Ms. Worthing. Thank you very much. [LB868]

SENATOR SULLIVAN: Senator Kolowski. [LB868]

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SENATOR KOLOWSKI: Ms. Worthing, thank you, ma'am. Ms. Worthing, well done on your presentation. But it really struck me that your...what you're asking for and the direction this could be heading, when you look at it the mere fact that I'm born in the United States doesn't mean I have osmosis that I understand all 100 questions and that I'm operating in that venue and applying those as far as my citizenship. In the same way, if I come from a foreign country, we require them to take the test. And they need to pass that at a successful passing rate in order to become a citizen. The classification I think of either born here or coming from a foreign country here to become a citizen I consider both of those categories as containing citizenship immigrants because they haven't passed a certain level of proficiency yet. And we think that having that proficiency is what you're telling us is extremely important for their adjustment as a citizen in our country. So you've opened up a different kind of attitude of thinking about things. A citizenship immigrant is either...could be and is both born here and comes here from a foreign country. [LB868]

AUDREY WORTHING: Correct. [LB868]

SENATOR KOLOWSKI: And we have to meet a certain goal along the way. And just was my pickup from what you were talking about so thank you. [LB868]

AUDREY WORTHING: Well, thank you. [LB868]

SENATOR SULLIVAN: Senator Baker. [LB868]

SENATOR BAKER: Thank you. Just a quick question. I see the Elm Creek board adopted policy a week ago. How do you think that's going to play out? Is this going to be embedded in a civics class or government class or is it going to be a special event in your school district? Do you have an idea of what's going to happen? [LB868]

AUDREY WORTHING: I do not. That is a very good question. I'm sure Mr. Tickle would know more about that than me. [LB868]

SENATOR BAKER: Thank you. [LB868]

SENATOR SULLIVAN: Ms. Worthing, thank you for your testimony. [LB868]

AUDREY WORTHING: Thank you. [LB868]

SENATOR SULLIVAN: Welcome. [LB868]

LUCIAN SPATARO: (Exhibits 7, 8) Thank you. Good afternoon, Senator Sullivan and members of the Education Committee. My name is Lucian Spataro, L-u-c-i-a-n S-p-a-t-a-r-o. I'm here to offer the support of the Joe Foss Institute for LB868. I'd like to take this opportunity to thank Senator Krist for introducing this important legislation. LB868 was introduced in Nebraska to address what former Supreme Court Justice Sandra Day O'Connor has often termed "the quiet crisis" in education, but I really believe it's the quiet crisis in America. After 30 years in education and the private sector as both a STEM educator and an administrator, I joined the institute where I served as CEO from 2011 to 2014 and now serve on the board of directors. The institute is the enduring legacy of the late Joe Foss, a World War II Medal of Honor recipient who founded the institute in 2001. Since then, JFI has served nearly 2 million students nationally through its VIP program which trains veterans to make classroom presentations in schools across the country. We bring educational materials, a flag to mount on the wall of the school, the Declaration of Independence, the Constitution, the Bill of Rights in the classroom for teachers and students to work with. It's an inspiring program that serves veterans and teachers and students here in Nebraska as well. Before I begin, let me take a moment to ask you a question: Here in my hand I have a penny. What percentage of American high school students do you believe could identify the president on this coin? According to the National Assessment of Educational Progress, only 9 percent of fourth graders can identify a picture of Abraham Lincoln and tell us anything that he did that was important. Wait. The results don't improve. In eighth grade, just 7 percent of students could correctly identify three branches of government. Overall, only 24 percent of high school seniors scored proficient or above on the NAEP civics test. Recognizing this problem, the institute launched a civics initiative with the goal of putting civics back on the front burner in all 50 states. Since the launch of the initiative last year, 9 states: Arizona, North Dakota, South Dakota, Utah, Indiana, or excuse me, Idaho, Tennessee, South Carolina, Louisiana, and Wisconsin have all passed this legislation and 24 more states are considering the legislation this year alone. One of the primary purposes of establishing public schools was to infuse in our youth the civic virtues that would sustain our fledgling republic going forward. Generations of American leaders from Jefferson to Roosevelt knew that informing and engaging the next generation on basic civics was critical to the survival of our republic. Unfortunately, 228 years later, few American students understand basic facts about our government, its creation, or how it works. And in fact, before we began this initiative, only eight states required students to pass this test in social studies to graduate from high school. Before a new immigrant can become a citizen, they must pass a test of basic facts of U.S. history and government; and over 91 percent of those new immigrants pass that test on their first take. It is important to note that this should not be considered just another standardized test. Working to learn the most basic foundational facts about our nation and being exposed to the same test all new immigrants must take is really a learning experience. At a time when states across the country are taking a step back and reevaluating their curriculum needs, this is an ideal moment to

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ensure that the principles of our republic, the founding framework that allows America to flourish, is not forgotten and lost. This legislation was specifically designed to provide schools, teachers, and students with maximum flexibility to make the civics initiative a meaningful and achievable goal with little or no cost to the schools and districts. By using this well-established test and study materials that are readily available on-line, several states have passed this legislation with zero fiscal impact. The Joe Foss Institute has also developed an on-line test portal teachers can use to access the test and give the test. Our job at the institute is to enable schools to offer this test in the easiest manner possible. In closing, the passage of LB868 would help us put civics back on the front burner where it belongs so our students graduate as actively engaged and responsible citizens. Thank you very much for your time and your service to the state of Nebraska. I'm happy to answer any questions you may have. [LB868]

SENATOR SULLIVAN: Thank you, sir, for your testimony. Do you have any longitudinal data to give you any indication that these civics tests are making sure that young people are more engaged in the civic process? [LB868]

LUCIAN SPATARO: So that's a very good question. We have quite a few tests. I don't have any here but I can give you those later on from our database of resources that we have. But it's a well-known fact in education that if you can anchor assessment in the classroom, if you can anchor assessment via legislation or some other means that curriculum will be developed around that assessment requirement. And then in turn, teachers will teach and kids will learn. And I want to leave you...there's an old adage in education, the adage is--for you educators you'll probably remember this--if it's tested, it's taught. And what I mean by that, if it's tested, it's taught with emphasis. And today, civics isn't tested with...on a test that matters. So it's not emphasized in the classroom. It's marginalized. There's one really piece...this one really, really nice anecdotal sort of, I call it real but some people call it anecdotal data point. What is the one question, the one question a student will ask an educator in every single class that educator teaches, every single lecture, what's the one question they will always ask? [LB868]

SENATOR KOLOWSKI: Is this on the test? [LB868]

LUCIAN SPATARO: Is this on the test? And if the teacher answers that question yes, the entire class leans forward physically and starts taking notes as engaged. If the teacher answers no, the class leans back, they're disengaged, disconnect. And as this pertains to civics in our country today, put this on a test that matters so kids will learn it and teachers will teach it. That's what I ask today so put this on LB868. [LB868]

SENATOR SULLIVAN: Thank you, sir. Senator Baker. [LB868]

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SENATOR BAKER: Thank you. Mr. Spataro, I'm musing, I wonder if there was a time when people would have done better on this test. Do you have any data on that, like 50 years ago? Of course, 100 years ago a lot of 18-year-olds were people who graduated in eighth grade. We talk in terms of this being a crisis, talk in terms about putting it back on the front burner. Do you think it was on the front burner? [LB868]

LUCIAN SPATARO: Yeah. [LB868]

SENATOR BAKER: Do you think 18-year-olds did better at some point in history than they do today? [LB868]

LUCIAN SPATARO: Yeah. My gut...we have no tests of this years ago, but my gut tells me that when we were growing up as kids we learned all this material. What's happened is civics has suffered because of the swing in the pendulum towards STEM: science, technology, engineering, and math. If you recall back in the day, we had government, we had debate, and we had all these things happening around civics and history in our schools. Today we have science and we have reading and math. It's important stuff. I'm a science STEM teacher and professor at the University of Arizona, research one institution; but I also know that civics is important. We don't have a level playing field in the classroom today because most of the questions that are on the standardized tests focus on STEM content. So civics and history teachers, which I talk with all day long, don't have the oomph in the classroom to really get the credibility they need with the students. I'll give you one more data point in addition to the one I gave you earlier. What really happens in schools today a lot is that the principal will walk into the classroom, the civics or history classroom, and tell the teacher today sideline the civics and history. We need to focus on studying for the standardized test that's coming on. And what's on the standardized test is by and large STEM-related questions. So the teachers hear this and the students hear this and so civics is marginalized and history is marginalized. It's just not on a level playing field. The whole history behind this initiative came as a result of our institute talking with Justice Sandra Day O'Connor. Justice O'Connor has termed this "the quite crisis" in education. She's been fighting for decades, and she tells us and I believe that this happened on our watch. This didn't happen a hundred years ago, this backsliding and the sort of slippery slope where the emphasis and pendulum have moved toward STEM has all happened in the last couple of decades. And what we're trying to do basically is shine the light back on civics so kids will be interested in the subject and excited by it and teachers will teach it and kids will learn it and there's a curriculum and it necessarily needs to be on a level playing field again in the classroom. [LB868]

SENATOR BAKER: Thank you. [LB868]

SENATOR SULLIVAN: Senator Groene. [LB868]

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SENATOR GROENE: So have you done a national study how many students are mandatory, have to take a civics or a U.S. government course? Is it even mandatory in this curriculum? [LB868]

LUCIAN SPATARO: Well, yeah, that's a good question. Before we started the initiative, only eight states had a requirement that social studies was a test that was given prior to graduation. [LB868]

SENATOR GROENE: I'm talking about the class. [LB868]

LUCIAN SPATARO: In the class, we've not done that study. We've not done that study. [LB868]

SENATOR GROENE: I mean, do some students go through their whole career without ever stepping foot in a U.S. government class or a civics class? [LB868]

LUCIAN SPATARO: Yes. I know that as a fact in a lot of districts in Arizona for sure and across the country, but we've not done that study. [LB868]

SENATOR GROENE: Well, it seems to me that civics class has turned into taking part in food drives or wearing a certain color shirt and feel that you helped somebody. [LB868]

LUCIAN SPATARO: Yeah, what's missing is the... [LB868]

SENATOR GROENE: I don't think that's the definition of civics, do you? [LB868]

LUCIAN SPATARO: No. [LB868]

SENATOR GROENE: Thank you. [LB868]

LUCIAN SPATARO: And what's missing really and Justice O'Connor talks about this, it's analogous to this test as a floor, a requirement to the multiplication tables in math, the periodic tables in science, and the alphabet in reading. You need to know the basic facts before you can move to the next level and do the conceptual things that you want to do and the exciting stuff you want to do around civics. These are basic facts and philosophically I don't know a more important test in the United States of America today than the INS test. It is the most important test because people become citizens based on their results from that test. Our students need to be able to do this and the results are that they can't do this. [LB868]

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SENATOR GROENE: Have you...does any state...you said how many states now do this? [LB868]

LUCIAN SPATARO: Nine states have passed this legislation, this exact legislation. [LB868]

SENATOR GROENE: Have you correlated that to youth voting turnout? [LB868]

LUCIAN SPATARO: We've not done that yet because the nine states passed it last year and the results are that those states will start implementing that this year and next year. Now many have raised the bar from 60 percent to 70 and 80 percent because they think the bar is too low. So, you know, there is some minor deviation among the states. But primarily it's this legislation that you're looking at today, and 24 more states are considering it. [LB868]

SENATOR SULLIVAN: Any other questions? Senator Pansing Brooks. [LB868]

SENATOR PANSING BROOKS: I just...I'm just interested, and after reading through all of this it's an interesting test. I think it's fairly war centric, which is sort of interesting. It's a matter of who creates the test, of course. There's one question about women and the history of women in this entire test about our entire history in the United States. I think that's interesting. So how do we determine who gets to create the test? [LB868]

LUCIAN SPATARO: Well, thank you very much for that question. The legislation that you're looking at today is basically emulating the INS test, which is the test you have in front of you there. [LB868]

SENATOR PANSING BROOKS: And who creates that? Do you know, just the people at INS or just...? [LB868]

LUCIAN SPATARO: The people at INS, yeah. Now those questions change, as testimony had mentioned earlier, depending on who becomes President and if we have a congressional change and that sort of thing. But it basically is the test so that will change. Now some states are adding state-specific questions like when was Nebraska founded as a state so you have some flexibility. We have set this up so it has zero fiscal impact and maximum flexibility for the schools. I think that by keeping it at the school level 99 percent of the cost of a standardized test is when you roll up the results to the district and state level and report those results out. It's not taking the test; it's in the roll up of the data. That's where all the costs are associated with standardized testing. So this allows you as a state to say let's add ten questions that are Nebraska-specific on top of this. You can modify this. You can do whatever you'd like to do with it, but we want it to be a

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graduation requirement, again, primarily because the old adage in education is if it's tested, it's taught. And today, that means a test that matters. And a test that matters today is one that's tied to graduation or money. So it has to be a test that matters. And again, the question the kids always ask, is this going to be on the test? I mean, they're the perfect (inaudible). [LB868]

SENATOR PANSING BROOKS: I like the idea of having it able to be customized to the state and so I think that's a really good idea to be able to have it flexible enough to do that. Again, one Native American question that just lists the tribes when, you know, basically Native Americans were given human rights in our state so that's a huge issue that's totally missing in these questions that are asked. So again, it's just...it's interesting to see these questions. So many are very important and consistent with our constitution and people understanding that. But then again, some of the questions are completely missing complete populations of our society. So anyway, it's interesting. Thank you so much. [LB868]

LUCIAN SPATARO: Thank you. [LB868]

SENATOR SULLIVAN: Senator Morfeld. [LB868]

SENATOR MORFELD: Well, first off, thank you for coming today. And again, as I thanked Senator Krist, I want to thank you for trying to emphasize more civics education because I've seen, much like what you've talked about, more of an emphasis on STEM, which is very important field, but sometimes less emphasis on civics and social studies. I guess my concern as a person that runs an organization that is in dozens of Nebraska classrooms every year and reaches about 2,000 or 3,000 kids a year utilizing substantive civics education, which I think this is more teaching to the test personally, which Senator Krist did bring up a good point: Perhaps that could spark other types of civics activities and other things like that. But my concern with it is, is that as it stands right now with our substantive service learning programs which take a lot of time in the classroom. Teachers are stretched and hard-pressed and have to really be dedicated to substantive civics education to take a chance with our programs and to even utilize our resources. If they're now teaching to a test and spending all their time getting students ready for a fairly critical test, particularly if it's required to graduate, that may take away from the time that they do substantive service learning and civic engagement where they're learning those things; but they're learning it in a way that is youth driven, where youth are tackling issues in their community. Now I wish more schools, whether they work with us, my nonprofit, or another nonprofit or they just do it on their own, I wish more teachers would do that in those schools; and that's another conversation for another day. My concern though is that this test will actually take away from good, substantive service learning civics programs that are currently going to schools. And you can feel free to respond. [LB868]

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LUCIAN SPATARO: Well, that's a really good question and a really good comment. But I think that if you anchor again assessment in the classroom, the curriculum we build around that assessment requirement, teachers will teach and kids will learn it, and I think that will help the organization that you work with. Because right now, without having that anchor in the classroom, you're working against a tsunami of nonsupport in the schools because it's marginalized. But if it's not marginalized and it's emphasized, I think it's much more powerful and it's not a zero sum game. So I think that anything you're doing in the classroom and any of these facts that you learn, again, the basics before you can build on the concepts, is really, really critical to becoming an engaged and informed citizen and doing all of the conceptual and exciting civic-minded sort of things that you do when you become civically engaged. All of that works together. And I think it's really important for that to start in the schools. Again, if we emphasize it in the classroom, kids will become comfortable with it. And civics teachers and history teachers will feel the oomph and the credibility they need to really make an impact in the classrooms. Right now civics is really sort of boxed out of the playing field. [LB868]

SENATOR MORFELD: But, sir, do you think that there is a danger though that this will take away from time that teachers are currently spending, some teachers are currently spending, on really substantive civic engagement opportunities? [LB868]

LUCIAN SPATARO: Well, no, because I think what will happen is those teachers who are involved in that civic engagement and those opportunities will probably begin focusing on this as the basic first and then do those on top of this. I think it all really works well together. [LB868]

SENATOR MORFELD: Okay. [LB868]

LUCIAN SPATARO: And I think it's important again to anchor it with emphasis in the classroom. Because if we don't anchor it in the classroom and show that emphasis, then it's marginalized and it doesn't have the oomph it needs down the road. [LB868]

SENATOR MORFELD: Thank you very much. [LB868]

SENATOR SULLIVAN: Senator Kolowski. [LB868]

SENATOR KOLOWSKI: Thank you, madam. Thank you, sir, for your presentation. You could have this test taken at any time during ninth through twelfth grade. Is that correct? [LB868]

LUCIAN SPATARO: Correct. [LB868]

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SENATOR KOLOWSKI: So your mode of testing could vary as much as a district would want it to have variability. You could have computers in the library set up; a student ID card; I put my ID card in and I pull up the test and I take the test there as a freshman (inaudible) or I take it as a senior in a civics class or American government class and take it at that time or as a junior or sophomore in American history class. So it's not totally dependent upon that teacher and that particular class at that time, a burden upon that class and the parameters of that class. So you do have flexibility in how you can do that. [LB868]

LUCIAN SPATARO: Correct. [LB868]

SENATOR KOLOWSKI: My concern with that flexibility is the lack of anchorability. How am I applying this then to my life or my classwork or requirements of a class if I took it within a class? And how do you respond to that from having fluid number of ways that you could take the test compared to the actions within a specific classroom? [LB868]

LUCIAN SPATARO: So that's a really question. So from an accountability standpoint, we've seen states that have enacted this legislation, they leave it at the school level so that the schools can maybe even parcel the test out into three disciplines: geography, history, and civics. And so they couple those three together and the kids pass those tests in those three disciplines. And then they roll those up internally at the school level and say you've now passed and you can graduate and you've got a little flag on your transcript. Or you can do it in one class, American history and government, and take it that way. So I hope in answering your question that fluidity gives the schools the maximum flexibility they need to do it at zero cost with no fiscal hit essentially because they can break it up and do it. The alternative to that is to roll up the data to the NDE level, you know, Department of Ed level, and then produce that data in a real standardized fashion out and report it. That's a whole other ball of wax. And what we're trying to do is leave it at the school level to give the schools the maximum flexibility they need to do the test and make it, you know, effective, but at the same time leave it at less cost. [LB868]

SENATOR KOLOWSKI: Okay. And a student is not hampered by the number of times they have to take the test. [LB868]

LUCIAN SPATARO: They can take it as many times as they like to graduate. And some states have said you can take it four or five times. Now on our site, if you take it two or three times and you don't pass, we're building a course around that and the kids will automatically flip to the course and take the course on-line. And then they can flip back to that specific area in the test and continue the test. So we're building that out right now. We'll have that available probably within the next six months for school districts who are...or states who are passing and we'll implement that in 2017. [LB868]

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SENATOR KOLOWSKI: But I look at the bottom line as one of how do I apply this, whatever I've learned now, if I want to be active and desire to be active and you have a groundswell of student activity raising its head. That would be a nice problem to have in our country that we have youth involved and youth participation... [LB868]

LUCIAN SPATARO: (Inaudible). [LB868]

SENATOR KOLOWSKI: ...(inaudible) at a high level. So that would be one of the hopes I would have the end result. It's not a bunch of factoids. It's about application in your community as a civic body and what you're doing with it. [LB868]

LUCIAN SPATARO: I think it's about becoming excited again about our country and civic pride and citizenship. And, you know, as you probably heard, I don't know if any of you have been to a citizenship celebration when someone passes the test they go to essentially a celebration. And they have veterans there, they say the Pledge of Allegiance, take the oath, they do all of that there. It's a big celebration. And interestingly enough, in North Dakota, Arizona, South Dakota, and South Carolina they're actually giving out a certificate to the kids who pass and they're having a celebration. So it's really exciting. It actually is driving the excitement in that discipline that has been lost over the last couple of decades. And again, that pendulum has moved to science and technology, engineering and math, which I'm a professor in, and how important that is. But we also need to be excited about our country, being citizens, and being engaged and actively involved. And I think that will also drive better participation down the road and we can see that right now. When kids graduate from high school, they vote at very low levels because I'm not sure if they know they have the right and the responsibility to vote because it's never really been taught to them in high school. [LB868]

SENATOR SULLIVAN: Any other questions for Mr. Spataro? Senator Pansing Brooks. [LB868]

SENATOR PANSING BROOKS: Just to continue my little tirade about things not being included. And among the American Indian tribes that are listed, not included in this short list are Pawnee, Arapahoe, and Omaha tribes. So again, it's very interesting who decides what's going to be on this test, having one question about women's participation in history in the United States, it just doesn't make any sense to me. So again, I think that it's really important for us to have these tests to know what's going on and to understand the history of our country. But when large swaths are brushed over, it just...I don't know. I don't know who is creating these things. But to put them into law and then when they've been written in a way to exclude certain parts of our history, that's unreasonable to me. [LB868]

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LUCIAN SPATARO: Well, let me address that for a second. So this is a starting point. And I think that if we could pass the legislation in these states and the states have an opportunity to modify the test around state specific needs or interests, that's okay and it's really important. But again, it's just a starting point. And what we have right now, again, is the quiet crisis. We're at a point in time right now in our country where voter turnout at the younger grade levels or high school graduates and older kids is really, really low. Voter participation is low. We don't have that civic engagement that we need. And this is just, again, a starting point. And I believe you can take this test and modify it and use it as you see fit. But if it's a graduation requirement and anchors assessment in the classroom, teachers will teach it and kids will learn it. It's a good starting point. [LB868]

SENATOR PANSING BROOKS: Thank you, Mr. Spataro. [LB868]

SENATOR SULLIVAN: Senator Groene. [LB868]

SENATOR GROENE: To clarify, this isn't a history test. This is a civics test, and the definition of civics is how a government is set up and the rules that govern a nation, right? [LB868]

LUCIAN SPATARO: Correct. [LB868]

SENATOR GROENE: So as to questions about historical events, we have a few in here but they're all related to the start and the formation of our country, right? [LB868]

LUCIAN SPATARO: Correct. [LB868]

SENATOR GROENE: So history, we're not talking history here. [LB868]

LUCIAN SPATARO: It's primarily... [LB868]

SENATOR PANSING BROOKS: There's a lot of history here. [LB868]

LUCIAN SPATARO: It's primarily a civics test and... [LB868]

SENATOR GROENE: Related to civics. [LB868]

LUCIAN SPATARO: Primarily civics test and history related to the formation of the county documents and that sort of thing. [LB868]

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SENATOR GROENE: History plays into civics as how we kept the government stuff. It's a different subject. Thank you. [LB868]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB868]

LUCIAN SPATARO: Thank you very much. I appreciate it. [LB868]

SENATOR SULLIVAN: Welcome. [LB868]

ANTHONY DeCARLO: (Exhibit 9) Well, thank you very much for the invitation. I appreciate it. Madam Chair, members of the Education Committee, I'm Anthony DeCarlo, Colonel United States Air Force Retired and I'll spell that, A-n-t-h-o-n-y D-e-C-a-r-l-o. I'm representing the Mid America Chapter of the Military Officers Association of America. I and the chapter support LB868. I prepared written testimony. You are now receiving copies of it. Rather than read the testimony, I'm asking you to read it. My position is basically that the matter before you today is really about our country's future. It is about our children's future. It is about a matter of national security. I discussed the responsibilities certain people, including you as senators of this great state, have in protecting this wonderful country of ours. That's the end of my introduction. Some of you are glancing at the paper and I will stand by and wait. And if you have any questions, please. [LB868]

SENATOR SULLIVAN: Thank you, Mr. DeCarlo. Does anyone have any questions? [LB868]

ANTHONY DeCARLO: If there are any questions after you read the paper, I'll be happy to answer them by phone, mail, e-mail, or I'll come to Washington to discuss it with you personally. [LB868]

SENATOR SULLIVAN: Thank you. [LB868]

ANTHONY DeCARLO: Thank you very much. [LB868]

SENATOR SULLIVAN: (Exhibit 10) Any other proponent testimony? I would like to read into the record a letter in support of LB868 from Paul Cohen, Military Officers Association of America, Nebraska Chapter. Anyone wishing to speak in opposition? Welcome. [LB868]

JOHN BONAIUTO: Thank you, Senator Sullivan, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing Nebraska Association of School Boards. It seems there's

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a bill every session where I just bring the dog house with me and I'm ready to jump right in. The School Boards Association's legislation committee discussed this bill, and let me start by saying school boards definitely are supporters of civics education, agree with much of what Senator Krist and the proponents opened with. I'm not even going to whine about the fiscal note or mandate or any of that stuff. But I can tell you that Senator Krist and I did discuss something he touched on and that is we oppose putting curriculum and graduation requirements in statute, not that you don't have the authority or the power to do that. But we appreciate you allowing the State Board to do their job. And I've...as you know, many of you know, I've been around for a long time and maybe too long. But I remember sitting in this chair when this room was packed and we were having a heated debate whether phonics should be put in statute or not. And I sat in this chair and opposed a chairman of this committee having a bill that required a specific number of years of math in statute. And so it has nothing to do with civics, but it is that we do have a State Board and I can tell you that I worked with the department and the State Board when they adopted the social studies standard in 2012. And one of the things that I was very, very pleased and very supportive is that Nebraska has in its five strands in social studies a civics strand specific. Now can that strand be improved? I think it is always possible to improve something. And I think this discussion with the State Board would be excellent. And could materials like this test be modified and used as a study guide? I think so. I'm very pleased that the folks from Elm Creek went to the School Boards Association conference and talked to school board members. And I think having best practices continue to be presented to board members and administrators and model policies encouraging this type of behavior to happen at the district level is outstanding. So, you know, we would hope that you would look at this as a very important discussion, just like the phonics discussion and the math discussion. But you're creating that...a need to take a look at what we're doing and having it happen at that State Board level. With that, I will conclude my testimony. [LB868]

SENATOR SULLIVAN: Thank you, Mr. Bonaiuto. Senator Pansing Brooks. [LB868]

SENATOR PANSING BROOKS: Thank you for coming, Mr. Bonaiuto. I was just wondering so with that strand, as you said, of civics that's required is there something like this test that is required? And I know that under like NeSA there are requirements set forth that the students must meet. And why aren't these requirements being placed out there for other schools to follow? These are basic things about our history, most of them. [LB868]

JOHN BONAIUTO: And exactly. And I would think that maybe, whether it's Brian Halstead or someone else from the department has any comments to make, I'm not sure how the...I think the NeSA test and our standards are discussed and how they mesh or work together. Now whether there is any other testing requirements in any of the strands other than that, how the schools or districts perform on the NeSA test, I'm not aware of but there may be something that I haven't heard about. But I think that the attempt is made to have the state test and the standards fit

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together. And so I'm not sure how much on the NeSA is specifically related to civics, but that would be a good question. [LB868]

SENATOR SULLIVAN: Any other questions? Senator Groene. [LB868]

SENATOR GROENE: Thank you, Chairman. You realize we react. The reason you have standardized tests that people don't like is because kids couldn't read very well. You heard from the young lady from Elm Creek. You heard from Senator Krist. Our youth do not know the history of our country and our civics and how we started. So this is a reaction that the schools have not done their job. So how do you answer that? [LB868]

JOHN BONAIUTO: Well, Senator, and I'm not disagreeing with the fact that this is a reaction. And having that discussion is very critical. And then how the next step takes place is what I'm hoping that the State Board and districts might become more involved in if this is an issue that needs more attention and how that attention occurs at the district level. And it may be something that happens in Rule 10, may be something that the State Board can take a look at and say we need to do something different than what we have put in place when the standards were adopted in 2012. [LB868]

SENATOR GROENE: I wasn't in the Legislature, but I remember the debate when somebody brought back up that you were supposed to do the Pledge of Allegiance every day. And there were administrators in highly immigrant areas that said we can't do this. We don't want to do this. The point is those young people are going to be Americans, are Americans. The public schools owes it to them, do they not, to give them the civics background of the great country they are now citizens of and not say we don't want to do this because it might offend somebody... [LB868]

JOHN BONAIUTO: Absolutely. [LB868]

SENATOR GROENE: ...if they don't think of themselves as Americans? [LB868]

JOHN BONAIUTO: Public schools have that responsibility. You know, there's no question about that. And the Pledge of Allegiance debate happened in the Legislature. The Legislature did not put that in statute, but the State Board had that debate at the State Board level and the State Board moved forward with that as a rule, as part of Rule 10. And that's the reason I have faith in the State Board. They're trying to do the right things and given the opportunity, I believe they will. And I think this is a very, very important discussion. I don't want to minimize this in any way, shape, or form that this is the foundation of everything our country is built upon. [LB868]

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SENATOR GROENE: Thank you. [LB868]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [LB868]

SENATOR KOLOWSKI: Thank you, Madam Chair. John, peer pressure is a powerful force. And in your idealized world, you'd rather have the State Department of Ed put together the requirements and the application of whatever we're talking about here as far as charged to the school districts. Would that be right? [LB868]

JOHN BONAIUTO: Yes, Senator. [LB868]

SENATOR KOLOWSKI: And from that perspective, would we be assured that the standards will be met by trusting the districts to be able to do that any more than we would with any other subject matter that we have? [LB868]

JOHN BONAIUTO: Right. Senator, I believe that you put faith in this elected board and the State Board in many instances report back to the Legislature if they're required to report back on issues. I think having a working relationship with the Legislature is essential. So they are a body which you allow to exist and give them their authority, you know. And so they answer to you, and so that's why I believe that if you delegate something to them or ask them to do something or report back to you, you will get the answers and they'll do the work that they're asked to do. [LB868]

SENATOR KOLOWSKI: Thank you. [LB868]

SENATOR SULLIVAN: Any other questions for Mr. Bonaiuto? Thank you for your testimony. [LB868]

JOHN BONAIUTO: Thank you. [LB868]

SENATOR SULLIVAN: Welcome. [LB868]

KAREN GRAFF: Thank you. My name is Karen, K-a-r-e-n, Graff, G-r-a-f-f. I appreciate the opportunity to be here this afternoon. I retired last year after 32 years in public education. I have a doctoral degree in administration, curriculum, and instruction. Currently I'm a member of the Nebraska State Council for Social Studies, a board member. And our board last week had an extensive discussion on LB868 and the ramifications in our public schools. So I would like to

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share some of the information that came out of that discussion last week. We acknowledge that requiring students to take the civics portion of the naturalization test may help illustrate the content and the process that immigrants face in order to become citizens and that's a positive thing. Some teachers currently use the naturalization test or portions of it as a teaching tool in their classrooms and to emphasize the value of citizenship. Having such a test also recognizes the value of civics and government and on par with the NeSA tests in reading, language, math, and science. However, we have several concerns about the testing requirement as well. First, the Nebraska State Board of Education has a statement of purpose that introduces the social studies standards that were approved in 2012. In part it states, "Achieving this purpose requires teaching Nebraska students to become responsible citizens who are prepared to preserve, protect, and defend freedom and democracy in our nation and in the world." If we truly want to engage students in active citizenship, the classrooms need to reflect that ideal and encourage students to engage in critical thinking, performance, assessments, and activities, very authentic activities. A selected response test of this nature is simple to administer and to score, but it really does not encourage deep understanding of civic issues. It's also possible for students to simply memorize the information or to achieve a minimum score of 70 percent, which we don't feel is a very high standard. And will they retain the information in the future? Likewise, allowing unlimited retakes of the test it may appear to emphasize the importance of the test, but in reality it may discourage students from taking the test seriously. The administration's scoring and collection of data at all levels in the classroom, the school district, and the state will be an added cost. Now I've heard several times that there is zero cost. Anything that consumes time and resources is a cost. We think our resources could be better allocated to teaching students to apply their knowledge to real-life situations that they might encounter in their future. Secondly, our state currently has measures in place that require civics education. One is the requirement that schools adopt academic content standards, and again quoting, that are the same as, equal to, or more rigorous than the state academic content standards. We have civic standards that apply to students in kindergarten through grade 12 and there are 2 strands, not merely form and functions of government but also civic participation. Another relevant issue is Nebraska Revised Statute 79-724 which you heard about earlier. It's among the requirements that states that in at least two grades of high school for at least three periods per week class time has to be devoted to the study of the duties of citizenship, including active participation in the improvement of the citizen's community, state, and so on. Well, finally we ask you to consider whether other disciplines within social studies such as geography, history, and economics might also seek similar recognition via a state test and that could increase the testing burden and, once again, redundancy of those requirements. Nebraska traditionally has resisted pressure to conform to national trends in education and has always allowed local control to the greatest extent possible rather than dictating the curriculum and we would like to see that continue. So I thank you for your time for listening to input from the Nebraska State Council for Social Studies. [LB868]

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SENATOR SULLIVAN: Thank you very much for your testimony. Any questions for her?
Senator Groene. [LB868]

SENATOR GROENE: You said some teachers use that. So a mom, a parent and I move to a different town for another job and my child is in a civics class and they learn civics test. They move to the next town and they wear a green T-shirt to save the planet as that teacher's interpretation of civic involvement. Should there not be some kind of assurance to parents that certain standards are met or who owns the classroom--the instructor or the citizens? [LB868]

KAREN GRAFF: Well, we have state standards that are required. And I feel like if those are required then it's up to...we have the Americanism committee that's also required by statute and they should be looking into those things, making sure that the education is provided for the students. Giving them a test, especially a selected response test, does not guarantee that the material is presented or that it's presented in the depth that it needs to be. [LB868]

SENATOR GROENE: Thank you. [LB868]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB868]

KAREN GRAFF: Thank you. [LB868]

SENATOR SULLIVAN: Any other testimony in opposition? Anyone wishing to speak in a neutral capacity? Welcome. [LB868]

BRIAN HALSTEAD: Good afternoon, Senator Sullivan, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, last name is Halstead, H-a-l-s-t-e-a-d. I'm here with the Nebraska Department of Education and the State Board of Education in a neutral capacity. Number one, the State Board wanted to thank Senator Krist for introducing the bill because the conversation about social studies, civics is an important discussion. And what I can tell you is what I have heard this afternoon compares to the same discussion that State Board members had on this very topic. At the same time, the board felt that there are better ways in which to address the issues of our students knowing our social studies standards, of knowing civic engagement and actually involvement. If you remember, some of you from last session, the State Board supported LB101 that Senator Sullivan introduced calling for college and career readiness and possible use of a college admission test. Earlier this session you had LB930 that Senator Scheer introduced that had the same concept, and you heard from representatives of both ACT and SAT. Both of those assessments include a social studies report based off of those tests. Those are tests that have been designed and are valid and reliable. In that regard, the board thinks there is

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probably a better way of promoting our students' knowledge, not only of our history, our geography, our civics, and our roles, and our responsibilities but also in making sure that we get information about where we have gaps, where we need to address those gaps, and how best to address the whole situation. So with that, we are here in a neutral capacity, and I certainly will answer any questions any of you have with respect to the bill or the department's position. [LB868]

SENATOR SULLIVAN: Thank you, Mr. Halstead. Well, per the advice of the introducer, could you comment on the fiscal note? [LB868]

BRIAN HALSTEAD: The fiscal, okay. You can all see the fiscal note. That was created by our social studies consultant. One of the issues that's been raised about this test that the Immigration and Naturalization Service creates to administer to people who are seeking citizenship in this country is the validity and reliability of using that test to measure school children's knowledge. In the sense of this test is not designed necessarily for kids, although it does ask some very basic questions, so if you want to use this as a graduation requirement in the state, his thought was, well, you want to know whether it's valid and reliable for how it's being used and administered in our schools. However, the bill does not have the department having any role in regards to this requirement. So that's why the legislative Fiscal Office is absolutely correct. There is no cost to the department even though the staff person looking at this and looking at other studies that have been done have called into question the validity and the reliability of the use of this test. That's a large portion. Also, he felt that there would need to be a staff person to help school districts in working with this and ensuring the curriculum is better aligned. That in fact when they're administering this test there's a little more uniformity and validity in how it's being utilized. However, as the bill is written, that doesn't require any of that in the bill so and that's why legislative Fiscal and the Governor's budget office is absolutely correct--there is no role of the department. But he felt you should understand the background of anything. Anytime you're talking to people who are doing testing of students, validity and reliability of the results is a key component you need to know in order to make good, informed judgments about what the students do know, how the test was administered, whether it was administered in the same settings and conditions in that regard because that can have an impact on its reliability. But that's a quick explanation of the fiscal note. And the legislative Fiscal Office is absolutely correct. It doesn't really cost the state anything as it's written. [LB868]

SENATOR SULLIVAN: Okay. Very good, Mr. Halstead. Senator Pansing Brooks. [LB868]

SENATOR PANSING BROOKS: Thank you, Madam Chair. Thank you for coming, Mr. Halstead. [LB868]

BRIAN HALSTEAD: Sure. [LB868]

SENATOR PANSING BROOKS: I guess first off I want to look at the Nebraska Department of Education's rules and regulations on civics. And I wish you had run these off because I think it informs us a lot about what you're doing and what the standards are. And let me just read the beginning paragraph that says: The purpose of the Nebraska social studies standards is to teach our children to become young patriots who have an intellectual understanding of the genius of our country's founding principles and who feel an emotional connection to our nation. Achieving this purpose requires teaching Nebraska students to become responsible citizens who are prepared to preserve, protect, and defend freedom and democracy in our nation and in the world. And it goes on and then there are sheets of when which form of civics or government or politics is taught in which grade. So it's quite specific. [LB868]

BRIAN HALSTEAD: Those would be the social studies standards that the board adopted on December 7, 2012, absolutely correct. [LB868]

SENATOR PANSING BROOKS: Yes. And so I know that sometimes in the Judiciary Committee we have issues where law enforcement or various groups do not want us putting into statute things that might change slightly or that might...that a best practices that may not be...and they would prefer to have it in their regulations like through the Crime Commission or something like that. So I can see why your groups would think that it was better to put it within the rules and regulations. So is that something you would consider doing? I don't know who makes this up. You said it's the social studies standard, so it must be all the social studies teachers that represent the departments across the state. [LB868]

BRIAN HALSTEAD: Well, Senator, the Nebraska social studies standards, the process we use on standards, first of all, it's outlined in the Quality Education Accountability Act that this Legislature adopted first in 1998 that required standards in reading, math, science, and social studies. And the act requires testing in reading, math, writing, and science. But this Legislature has never decided to test the social studies that they require the State Board to have standards on. But that's part of that. We are required originally to revise those standards every five years. And I believe it was last session you adjusted that to a seven-year schedule. So those social studies standards will again go through a review and revision process I believe in 2018 or 2019. And that is an ongoing process that, yes, it does involve the teachers in that subject area; it involves some administrators. It also involves the public because we also invite public input commentary. We have public hearings on those standards. I can tell you the social studies standards that were adopted in 2012 there was extensive public participation in those standards. And that process again shows how Nebraskans truly do want to be involved in our school system. And so in that

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regard, this isn't just something staff at the department does. That whole process is what we've utilized, and we'll utilize it again when we go to revise them in the near future. [LB868]

SENATOR PANSING BROOKS: Okay. Well, that's not exactly what I'm trying to get to. What I'm trying to say is that Senator Krist has an issue that he's bringing forward for all of us to consider about having at least a minimum standard that has to be...that students need to rise to a certain standard before they graduate. And so I've heard concerns about placing it within the statutes because it makes it so set. So is there a way that those minimum standards could be placed into the rules and regulations that could be done...go ahead. [LB868]

BRIAN HALSTEAD: No, no, finish your question. I want to make sure... [LB868]

SENATOR PANSING BROOKS: I just think that if we could take a test like this and have the minimum standards be part of the regulations that the Nebraska Department of Education requires across the state and says at least these things must be taught. [LB868]

BRIAN HALSTEAD: Well, that is what the standards are. These are what students should know and be able to do and what teachers should teach. [LB868]

SENATOR PANSING BROOKS: But many of these standards that I'm reading here are quite general. [LB868]

BRIAN HALSTEAD: Well, when you want to get into what the specific curriculum is that would address that, that's when you get into how school districts design their courses to meet the standards in that regard. [LB868]

SENATOR PANSING BROOKS: Okay. [LB868]

BRIAN HALSTEAD: The State Board has never drilled down to the specific level of classroom materials or instructions to accomplish that. You'll find that in the language arts, the math, the science, and social studies. We do, however, require in Rule 10 for graduation from high school you have to have I believe it is 30 credit hours in social studies, history that includes civics, government, geography, United States world history, and economic concepts. And that requires that students have met the highest level of those standards in the subject areas for which there are standards, which would include social studies. There is, however, no state mandated test against the social studies standards, which is one point the board has been well aware of. Tests are costly to do in that regard. You've seen the fiscal note from our staff member. If you were going to do a test that's valid and reliable and you can make that judgment statewide on it, there is a cost to

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that. The test that this bill calls for is not designed to measure the Nebraska social studies standards. It was designed for an entirely different purpose. It does...we actually have...actually I can get you the document where our staff went through the 100 questions on this test, aligned it to our social studies standards and guess what? Every one of the questions on the test does in fact match to one of the social studies standards that's in Rule 10. The level at which these are being measured are largely the fifth grade and also at the twelfth grade because they're both the same concepts in that regard. The depth of knowledge required for these questions is a one on a scale of four. NeSA is generally covering ones, twos, and threes so the depth of knowledge asked on this test is not very high and the people have admitted to that. It's not an in-depth test. If you're asking could the State Board in Rule 10 require this test, that's a possibility. Sure. No one has approached the State Board asking them to make this a test. Senator Krist introduced the bill before the Legislature to have that done. I can't tell you what the State Board would do if they were approached with that, but that's always an opportunity that's available. I know that, let me think, three years ago, maybe it was four years, Senator Avery had a bill that the Heart Association had that was going to mandate that every student had to be CPR certified in order to graduate from high school. That bill didn't go anywhere in this Legislature. They approached the State Board of Education asking for that and the State Board did include in Rule 10 the requirement in physical and health education that students receive on actual demonstration and knowledge of doing CPR. So those are processes. [LB868]

SENATOR PANSING BROOKS: Okay. Let me interrupt you. I'm sorry. [LB868]

BRIAN HALSTEAD: Sure. [LB868]

SENATOR PANSING BROOKS: I'd like to...so do you think there's a problem because we're hearing from people that there's a problem. You don't believe there's a problem with what kids are graduating from high school with, with their knowledge of civics and... [LB868]

BRIAN HALSTEAD: Senator, I don't...we don't have any data at the Department of Education to be able to make that judgment. I certainly heard the students who asked other students in their conference to take the test and how many passed it. That's a sad commentary. It's a sad commentary when I watch the media every night in the news and the people talking who don't have an understanding of civics. The State Board has the same feeling. I was somewhat disappointed to hear if it isn't tested then it isn't taught and kids don't learn it. Well, there's more to education than just tests. Maybe the philosophy we've implied for the last 14 years under No Child Left about all it is is the test if the wrong philosophy. Now I'm not going to disagree with you. I'm a political science major. I love this whole subject area. I'm immersed in it every day. But I also have other people I run into who can't even tell me who their state senator is. Most can't even tell me who their State Board of Education member is, and both of those are

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constitutional officers of the state of Nebraska. So is that the fault of the school system or is that the responsibility of the individual to continually be engaged in this society? And that's a nice philosophical question and it depends... [LB868]

SENATOR PANSING BROOKS: That it is and Senator Krist has come down on the side of... [LB868]

BRIAN HALSTEAD: Oh... [LB868]

SENATOR PANSING BROOKS: Yeah. [LB868]

BRIAN HALSTEAD: And I understand that and it's a great discussion. I will tell you the State Board has been on both sides. Senator Krist, will we need to do something minimally? Absolutely. Whoa, whoa, whoa, but this is narrowing the curriculum. This isn't going to do it. The kids can take it as many...it's a great conversation. That's why they appreciated him introducing the bill. It's a conversation that needs to be had. It needs to be had every day in our society, not just when there's a test. [LB868]

SENATOR PANSING BROOKS: Thank you. [LB868]

SENATOR SULLIVAN: Senator Schnoor. [LB868]

SENATOR SCHNOOR: Thanks, Brian. [LB868]

BRIAN HALSTEAD: Sure. [LB868]

SENATOR SCHNOOR: Does this...does the State Board of Education need to be involved in this at all? Why can't this just be a test done at the local level required to graduate? [LB868]

BRIAN HALSTEAD: That's exactly what the bill that's before you says. The department has no role in this. That's why when somebody said the fiscal note, well, the legislative Fiscal Office is absolutely correct. There is no cost to the state government if you do this. However, if, in fact, you want to know as to how this is being administered in our schools that it's giving you valid and reliable results of what kids really do know and all of that, then you may want to spend some money on that. It is clearly designed for the purpose it was intended--individuals seeking admission to be citizens of the United States that weren't born here or have not gone through our system. That's what it's designed to do. So you could enact this bill and there's no cost to the

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department nor would there be a requirement that you fund a staff person to help the schools or any of that. That's what our staff person felt you would want to know some information about if you were going to go down that road. [LB868]

SENATOR SCHNOOR: You know, because we presently have the Americanism statute, 79-724. [LB868]

BRIAN HALSTEAD: Correct. [LB868]

SENATOR SCHNOOR: Is the State Department of Education involved in that in any way, shape, or form? [LB868]

BRIAN HALSTEAD: Actually that statute is in fact incorporated in Rule 10 as part of the accreditation requirements. And it is also covered in the social studies standards that Senator Pansing Brooks was talking about. And actually, if I remember correctly, it is local school board members who are first liable, then State Board members, then the school administrators. [LB868]

SENATOR SCHNOOR: ...administrators. [LB868]

BRIAN HALSTEAD: So in that regard it's a Class III misdemeanor if you aren't doing it. I'm not aware that any local school board members have been prosecuted by anybody for failing to do their job under that statute. But maybe that's something we need to look at as to whether that's still effective in getting our attention on civics and government and everything else. [LB868]

SENATOR SCHNOOR: Okay. Thanks, Brian. [LB868]

BRIAN HALSTEAD: Sure. [LB868]

SENATOR SULLIVAN: Senator Groene. [LB868]

SENATOR GROENE: Under State Board's definition of social studies, what does that all encompass, what classes? [LB868]

BRIAN HALSTEAD: It doesn't encompass classes. It encompasses the concepts of geography, history, civics, economics, and that's it. Those would be...I didn't read the social studies... [LB868]

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SENATOR GROENE: So that definition of your rule, I mean your standard is pretty broad. [LB868]

BRIAN HALSTEAD: It's pretty broad. Actually the graduation requirement is 30 credit hours of social studies history with courses content that includes civics... [LB868]

SENATOR GROENE: Now that gets me to my next question. [LB868]

BRIAN HALSTEAD: Right. [LB868]

SENATOR GROENE: Your expert said the test development, validation, implementation, how a student graduates is that teacher teaches and that teacher develops that test. The teacher validates that test and implements that test. Is there an expert that looks at every school teacher's test to make sure it fits the right of your so-called expert? [LB868]

BRIAN HALSTEAD: As to the individual classroom... [LB868]

SENATOR GROENE: He's concerned about this test. What does this guy know what's going on in the classroom? [LB868]

BRIAN HALSTEAD: Well, he does work with our educators across the state, so he does have some knowledge. Is he there in every classroom every day? No. [LB868]

SENATOR GROENE: And as far as your hours. [LB868]

BRIAN HALSTEAD: Right. [LB868]

SENATOR GROENE: If they graduate it's that teacher, that administrator, that school board decides if they pass that class and achieve those hours. It makes no difference what grades they got on your NeSA test, does it, to graduate? [LB868]

BRIAN HALSTEAD: It does. NeSA does not tie to graduation requirements. They are required at the local district level, right, that is correct. [LB868]

SENATOR GROENE: So what Elm Creek did, that's legal? [LB868]

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BRIAN HALSTEAD: Yeah, absolutely. Elm Creek could do that. [LB868]

SENATOR GROENE: Put it in as their standard to graduate? [LB868]

BRIAN HALSTEAD: They certainly can. There's nothing that prevented them from doing that. They've already done it. They don't need this bill. [LB868]

SENATOR GROENE: So as a Legislature if we dictate this to the local school boards, you're out of it. [LB868]

BRIAN HALSTEAD: As the bill is written, we have no role in it. You're absolutely correct, Senator. [LB868]

SENATOR GROENE: All right. Thank you. [LB868]

BRIAN HALSTEAD: Sure. [LB868]

SENATOR SULLIVAN: Senator Baker. [LB868]

SENATOR BAKER: Thank you, Senator Sullivan. I have no desire...we've gone almost two hours, I have no desire to make this thing longer. But just a quick question. Mr. Halstead, do you remember the minimum competency test? [LB868]

BRIAN HALSTEAD: Help me out. [LB868]

SENATOR BAKER: Or was that before your time? First time we're required to have all students pass a minimum competency test and I'm wondering without department's involvement if this will devolve to the same way where a student could punch out any time they wanted to as a freshman, get done at any point they wanted to. Without department involvement, wouldn't it probably become that? [LB868]

BRIAN HALSTEAD: Senator, I'm not familiar with the test you're talking about. I graduated from high school in 1978 so maybe it predates that or I never had to take the test to graduate from York High School. [LB868]

SENATOR BAKER: You should have. (Laughter) We'll look at your diploma and make sure it's valid. [LB868]

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BRIAN HALSTEAD: I do know the work I did in 1998, 1999, and 2000 when this Legislature did away with the county superintendent of schools office there was a lot of archived information that dealt with the records that office used to keep that took tests in the '40s, '50s, and '60s that I had never heard of. So obviously I'm not old enough to know that or I'm not smart enough to know that, Senator. [LB868]

SENATOR BAKER: Thank you very much. [LB868]

SENATOR SULLIVAN: Any other questions for Mr. Halstead? Thank you for your testimony. [LB868]

BRIAN HALSTEAD: Sure. [LB868]

SENATOR SULLIVAN: (Exhibit 11) Anyone else wishing to testify in a neutral capacity? Would like to read into the record a letter in that capacity by Jay Sears, the Nebraska State Education Association. To close, Senator Krist. [LB868]

SENATOR KRIST: Thank you, Chairwoman Sullivan. I just wanted to put a few things on the record and address not point counterpoint with what has been brought before you, but some clarification on some issues that I feel very strongly about. Twenty-one years in the military service I was a teacher/instructor/evaluator in all but my initial two years and since retirement in 2000 have continued to teach in the area of aviation. Most of those years were spent as a formal instructor both classroom and in the cockpit or in a simulator. In the cockpit we used to call that life or death instruction. This includes developing coursework and validating test criteria. After I earned my master's degrees I taught for UCLA in their extension programs overseas. I'm not telling you this to blow my horn. I'm telling you this to say there are many ways to look at education. All the FAA testing that is done, is done just in this way. A master question file is adopted. That master question file can be reviewed. All thousand questions for the commercial pilot, all 500 questions for the engineers test, all 750 questions for the commercial test. It can be reviewed over and over and over again. But when you decide to take the test and push the button, that's where, as one of our testifiers said, it becomes about graduation and money or both. That gives you the license to practice. To answer Senator Morfeld's concerns, and I would love to work with him and his nonprofit, what I gained from doing the way that I taught in using the master question file and teaching all those years was, for example, a very basic knowledge question which you have to learn and you learn it by repetition--VFR is defined, visual flight rules, are defined by having 1,000 foot of ceiling and 3 miles of visibility. I want you to know that because when I sit down with you in the classroom, I'm going to tell you why and why the instrument approaches are designed around those criteria. But I expect a basic amount of information to be understood and absorbed. That's what this test does. It establishes a baseline by

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which then philosophically we can build upon all of those concepts that would come forward. The bill was written exactly as Mr. Halstead described, and that is putting it at the local level. I'm a local level kind of guy, local control kind of guy. Put it out there so that you can develop the criteria as best for you. I think we end up getting to your point, Senator Pansing Brooks, making it the Nebraska way. I think that master question file could be developed over years into more than 100 questions, maybe 200 questions, emphasizing how unique it is to have a Unicameral; how unique it is to have the kind of representation that we have in the state of Nebraska. And I just, for the record, want to correct Mr. Halstead. I don't often try to call people out. But three weeks ago sitting in a round table in my office I asked the commissioner and Mr. Halstead if they could do this without us getting involved or the board could do this without us getting involved. So the question has been asked. It just hasn't been answered. I stand for any questions. [LB868]

SENATOR SULLIVAN: Thank you, Senator Krist. Senator Schnoor. [LB868]

SENATOR SCHNOOR: Senator Krist, you answered a couple of my questions about this test. This is a...and obviously the questions are different, but this is no different than most military exams we take, multiple questions. [LB868]

SENATOR KRIST: Yes, sir. [LB868]

SENATOR SCHNOOR: I think they're all that way I believe. I don't know if they still do them that way, but in my time they were. But I look at this as a basic knowledge exam. But what I guess if you could put a grade level to this, what do you think this would be at? [LB868]

SENATOR KRIST: I think the board and Mr. Halstead are absolutely right. It's a baseline 1, 2 in terms of the testing criteria because from that baseline you're able to build and educators are able to talk philosophically about...and intellectually about carry-on concepts. [LB868]

SENATOR SCHNOOR: Okay. Thank you. [LB868]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [LB868]

SENATOR KOLOWSKI: Thank you, Madam. Senator Krist, thank you for your topic today and really important for all of us. The disconnect, if I may look at this from that perspective, every one of your military exams that you talked about, especially flight exams, are very directly related to I'm going to get in that simulator, I'm going to get in that cockpit and I'm going to fly a plane and hopefully take off and land successfully and bring it down in good shape. The test on this...all the questions on this test doesn't have an application side until the kid is mature enough

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to go out and become involved, applying themselves in volunteer situations or running for offices or helping people run for offices, all those kind of things. So we have a little more disconnect on the application because they're not going to get into the cockpit so to speak, but they have the opportunities to do that in their life. But we hope that they'll have a clearer understanding, I believe is what you're talking about, of our history, our traditions, our welfare, where we are and how we got to where we are that would enlighten their application side more. Is that how you look at it? [LB868]

SENATOR KRIST: No. [LB868]

SENATOR KOLOWSKI: Okay. [LB868]

SENATOR KRIST: The baseline that I would give any course that I would teach would be information that would be used in a professional area, I'll grant that. In the Air Force, there was more than just getting in the cockpit. There was PME, professional military education. There was concepts and history and civics and the history of your branch of service and etcetera. So in that way I consider it to be no different than what I'm doing here. The age of the student may differ, but the ultimate outcome is to teach both retention and applicability and then allow you to go to the next level in terms of the instruction. [LB868]

SENATOR KOLOWSKI: Okay. Thank you. [LB868]

SENATOR SULLIVAN: Any other questions? Senator Groene. [LB868]

SENATOR GROENE: Really appreciate you bringing this, Senator Krist. And what you said earlier I think to the point, the one testifier said, what's the one...is it going to be on the test? The number one question I've always heard from students is why, why. And to get them thinking about this citizenship and that question why as a teacher is very pertinent. But as to the usage, some of these young folks will be voting before they even get out of high school. If they can't pass the civics test, how do they decide who they vote for? So I really appreciate you bringing this. There's more applications here than the test. And the question should be asked, what harm? If you ask a child, do you love your mother, do you like apple pie, do you know what the constitution is, what harm is it to ask those questions? Thank you. [LB868]

SENATOR KRIST: Thank you. [LB868]

SENATOR SULLIVAN: Any other questions? Thank you. [LB868]

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SENATOR KRIST: Thank you. [LB868]

SENATOR SULLIVAN: That closes the hearing on LB868. We'll now move on to the next bill, LB1062. Okay. [LB868]

SENATOR KRIST: Thank you. And this should be brief I hope. And I hope the people who are behind me who want to either support or not support this bill will listen very closely. Good afternoon, Senator Sullivan and members of the Education Committee. For the record, my name is Bob Krist, B-o-b K-r-i-s-t. I represent the 10th Legislative District in northwest Omaha along with north-central portion of Douglas County which includes the city of Bennington. And I appear before you today in introduction of LB1062. Notice I didn't say and support of LB1062. The reason is simple. When I was asked to carry this bill by one of our colleagues, I did something that was kind of, I won't call it freshman-like because that would be a disservice to freshmen. I did something stupid. I didn't really look at the ramifications of what I was being asked to present. Since then, I've had a lot of opportunity. Unfortunately, it was after Senator Sullivan scheduled it, and I apologize for inconveniencing the committee. State law and the Department of Education rules and regulations currently provide a process for issuing provisional administrative permit. That means that the Commissioner of Education can say we have a huge shortage of x and I can provisionally certify you to do the job, but in the next few years you need to get a master's degree or you need to do x or you need to do y. So there's no reason for this bill. And it would be both...it would be discourteous for us to ask the commissioner to waive as opposed to look at each individual. It wouldn't be upholding the standard that we have in the Nebraska school system, and that would be the important thing. So I would ask you, of course...Chairman, you pointed out to me earlier you have to take testimony, but this is going nowhere fast. Thank you. [LB1062]

SENATOR SULLIVAN: Thank you, Senator Krist. Any questions? [LB1062]

SENATOR KOLOWSKI: Thank you. [LB1062]

SENATOR SULLIVAN: All right. I'd like to hear any proponent testimony for LB1062. Anyone wishing to speak in opposition? Welcome back. [LB1062]

BRIAN HALSTEAD: Good afternoon, Senator Sullivan, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, last name is Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. I'm here to note that the State Board opposed the bill because there's already a process in place to deal with this, as Senator Krist indicated. And with that, I will stop talking and answer any questions you might have. [LB1062]

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SENATOR SULLIVAN: Thank you, Mr. Halstead. Senator Groene. [LB1062]

SENATOR GROENE: So you're telling me for a small private school, has ten kids and they need a principal that there's a process that that person can be the principal without having a certificate? [LB1062]

BRIAN HALSTEAD: There is in place right now the rules and regulations to issue certificates or permits to individuals. Yours about a school having only ten kids... [LB1062]

SENATOR GROENE: Yeah. [LB1062]

BRIAN HALSTEAD: Rule 10 or 14 doesn't even require they... [LB1062]

SENATOR GROENE: Christian school is... [LB1062]

BRIAN HALSTEAD: ...have someone with an administrative certificate. [LB1062]

SENATOR GROENE: They don't (inaudible). [LB1062]

BRIAN HALSTEAD: So we've already dealt with that small school setting in that regard. [LB1062]

SENATOR GROENE: All right. That's what I wanted to know. Thank you. [LB1062]

SENATOR SULLIVAN: Any other questions for Mr. Halstead? Thank you. Welcome. [LB1062]

VIRGINIA MOON: Thank you. Senator Sullivan, members of the committee, my name is Virginia, V-i-r-g-i-n-i-a, Moon, M-o-o-n. And I'm here to testify in opposition to the bill. And basically I can just say ditto. There is already a process in place and that if you were going to vary from that we certainly would want that to be a long and thoughtful process. [LB1062]

SENATOR SULLIVAN: Very good. Any questions for Dr. Moon? Thank you. [LB1062]

VIRGINIA MOON: Thank you. [LB1062]

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SENATOR SULLIVAN: (Exhibit 1) Any further testimony in opposition? I'd like to read into the record a letter of opposition from Jason Hayes with the Nebraska State Education Association. Anyone wishing to speak in a neutral capacity? Senator Krist, would you like to close? He waives closing so this concludes the public hearings for today. Thank you very much. [LB1062]