

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 19, 2019

**GROENE:** Welcome to the Education Committee public hearing. My name is Mike Groene, Legislative District 42, I serve as Chair of this committee. The committee will take up the bills in the posted agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation for us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off your cell phones and other electronic devices; move to the chairs at the front of the room when you are ready to testify. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks by the introducer. If you will be testifying, please complete the green testifier sheet and hand it to the committee page when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to be distributed. If you are not going to publicly testify or need to leave early, you can turn in a written testimony with a completed green testifier sheet and it will be in the record. We need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that testimony be limited to five minutes. We will be using the light system. Green, four minutes; yellow, one minute; and then wrap up your comments. If you would like your support or opposition to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record and then you can check proponent or opponent. If you are not testifying in person on the bill and would like to be, to submit a written position, a letter-- this is for future reference-- you have to have it in by 5:00 the preceding day, preceding day. And additionally, the letter must include your name and address, state a position for or against or neutral for the bill in question. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. The committee members with us today will introduce themselves beginning at my far right.

**MURMAN:** Hello, I'm Senator Dave Murman, District 38: Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

**LINEHAN:** Hi, I'm Lou Ann Linehan, District 39: Elkhorn, Waterloo, and Valley.

**WALZ:** Lynne Walz, District 15: Dodge County.

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**BREWER:** Tom Brewer, District 43: 13 counties of western Nebraska.

**GROENE:** You can finish, we'll go back to--

**KOLOWSKI:** Rick Kolowski, District 31: southwest Omaha.

**MORFELD:** Adam Morfeld, District 46: northeast Lincoln.

**GROENE:** And as far as I know, Senator Pansing Brooks will be joining us. She might be in another committee introducing a bill. Lastly, we are all well-- got to introduce my staff. To my immediate left is legal counsel Amara Block; to the far right, at the end of the table, is committee clerk Trevor Reilly. Would you pages please stand up? The pages are Erika Llano, and she's got an emergency situation. She's trying to get some tech help. I believe we're having trouble with the recorder. Is a sophomore at the University of Nebraska-Lincoln studying political science and sociology. And Maddie Brown is a junior at the University of Nebraska-Lincoln studying political science. Please remember that senators may come and go during the hearing as they may have bills to introduce in other committees. Lastly, we are electronically-equipped committee. You may see senators on their laptops or on their phones recording notes or doing research so that we can ask accurate questions of you and pertinent questions. So thank you. And we will begin with Senator Walz's LB727.

**WALZ:** Good afternoon, Chairman Grome-- Groene and members of the Education Committee. For the record, my name is Lynne Walz, Lynne Walz and I proudly represent District 15. I'm here today to introduce LB727. Mental health is currently an issue for all Nebraskans. One in five people in Nebraska currently are struggling with mental health-related issues. Schools are the best place to help identify children who need support and provide children and their families the resources they need to function and thrive. In addition, it is imperative that all team members working for the student have ongoing plans, resources, and communication to ensure that students are able to succeed in classrooms and well beyond. If we don't support students in schools research shows that that people who struggle with mental health and don't receive help are more likely to turn to substance abuse later in life as a way to deal with these problems. Having an individual school, individual at a school who can identify warning signs and point someone in the right direction is necessary to help schools provide the most conducive learning environment possible. LB727 would ensure that each school district has at least one or more mental health points of contact for the students. These points of

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contact could consist of an administrator, a school psychologist, or a school employee. This person must be trained in identifying mental health issues and must have knowledge of community services and resources available for students and their families. In addition to this point of contact, NDE and DHHS would be required to create a registry of all state and local mental health resources by geographic area. In return, school districts would provide to the NDE the designate, the designated mental health point of contact. This registry has already been produced and is being regularly updated by the Nebraska Family Help Line at Boys Town through a contract with DHHS. Our intent is also to have the school districts report back to the NDE about the services they have available in the schools. It is my belief that this bill would work well, especially with the NDE's request for a statewide behavioral mental health coordinator. This helps provide an additional resource specific to each individual district for this coordinator to use when they need, when they need. This allows for top-down communication of resources from the state level all the way down to the individual schools. My goal is to make these services and resources more attainable for all people. By having a mental health person of contact in each school district, children have a greater chance of receiving the necessary services they need in order to be as successful as they can. Administrators, teachers, parents, and students would then have greater access to services they need. Children are in school 40 hours a week for more than 12 years in their life. Their time at school greatly affects who they become when they are older, and we should be providing them with the very best resources that we can. This bill is a small step towards that goal. Thank you, and I'd be happy to answer any of your questions if I can. And if I can't, I'm sure there's someone who can behind me.

**GROENE:** Is there any questions from the committee? Thank you. First proponent.

**MICHAEL VANCE:** Good afternoon, Senator Groene and the Education Committee. My name is Michael Vance, M-i-c-h-a-e-l V-a-n-c-e. I'm a licensed psychologist and the director of behavioral health services at Children's Hospital and Medical Center. I'm here today to offer support for LB727 on behalf of Children's. When we look at the gaps of mental health services in our community, there's three areas that we could stand some strong strengthening in. The first one is awareness of all the programs that are out there and available. It's tragic when we've got a great program that's right next door but none of the key people are aware of its existence or how to access it. Secondly, we

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need people to access those programs, to have the resources to access them. Finally, there needs to be communication between the providers in our schools and our providers in our health community, whether that's physical health, mental health, or nutritional health. That communication is essential. The supportive issues around LB727 is that it accomplishes these, or attempts to accomplish these areas. And it does it with importantly obtaining the parents' permission first to execute these services, which is essential because, if we're going to have successful relationships between community mental health and the schools and the children that attend them, we need the parents completely involved in the loop. And this is an essential ingredient in this. The other piece is that it identifies a person within that school district as a conduit. That designee would be a conduit of information that would go back to the school from the child's other services that they were receiving outside of the school. We currently have a community partnership with Westside Schools, and it's been going on for about three years right now. And the very successful component about this program has been we have providers that are in the school but they go in to enhance the quality of what the school psychologists are doing and the school counselors. It in no way takes over their job. They work together, and I think it makes both our situations much, much stronger. So it is very successful. I'd like to take a few minutes to give you three examples of how I see on a higher level this program would help greatly. I'm also the director of an eating disorders program that has a day treatment program. We see kids from all over the state in Nebraska. We do a great job, have great outcome data when we see the child in our clinics. One of our biggest challenges then is when that child goes back to their local community and they're in the schools. We spend a great deal of time trying to contact however many people we need to transition that care. To have one individual conduit in that district that we can send that information to and they could send it back to us would really help in terms of our time but, more importantly, the school system's time. They're very strapped for the mental health services they have and they shouldn't have to be returning four or five or six phone calls to get one important piece of ingredient of information. Secondly, my wife's the director of school psychology program at UNO and she's a lot of students in the schools. And one of the challenges that her students in our community school psych report is after a child has been admitted to a psychiatric hospital and then discharged oftentimes the child shows back up on the school steps and the school has no idea what happened with this child. They have no idea if they were a risk to themselves, a risk to others, if they're on a safety plan. Because

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no one knows who to communicate that to. And with the parents' permission on this, allowing that to go through a designee of the school would be an outstanding outcome. The final piece that I would give is for those kids with chronic medical conditions. We see a lot of kids that have comorbid existing conditions with mental health needs and medical conditions. Diabetes, for example, or cystic fibrosis. When we are successful to be able to engage the school community in a communication around nutrition, educational needs, 504 plans, we lower that child's risk of hospitalization. We lower the risk of compli-- complications for that child. When we summarize what the potential impact of this is, it would potentially reduce duplication of services, reduce recidivism rates to higher level of care, and it would provide for continuity of communication. In conclusion, I would like to thank Senator Walz for introducing this bill and championing the partnership between the schools and the providers and the community. This goes a long way to address the medical home model. I would be glad to entertain any questions if the committee would have any. Thank you.

**GROENE:** Any questions? Senator Murman.

**MURMAN:** Thanks for coming in today. If you work with the parents and the connection with the school why would you need the extra connection at the school, instead of communicating directly with the parents?

**MICHAEL VANCE:** Great question. When the parents are available to come to our office consistently we can get that communication to the parents, whether it's through telehealth or whether it's through face to face. However, with as many school districts as there are in the state of Nebraska and we have large catchment areas of where kids come from us to see, getting that generalization of those strategies communicated from the mental health professional to the school psychologist is often clearer when it's done with the parents' permission professional to professional. Sometimes there's some pieces lost in translation in terms of the detail. It's a lot of information to get that parent when their child is transitioning from acute care or intense care to back to the school district. And we've found that it's quite successful when we're able to do that. And we put forth as much effort as we can to contact those people, but it's often difficult because, as people's role changes, especially in more of our urban districts, there's, there might be a lot of turnover in those positions. So I think one person that then knew about that turnover would assist as well. Does that not answer your question?

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**MURMAN:** There's turnover? Yeah, I don't understand. Wouldn't it be easier just to communicate with the parents rather than a go-between?

**MICHAEL VANCE:** I would say it would complement communication with the parents. The-- most of the parents when we have, when we have had these discussions-- would you like us to communicate with the school and how would you like to do that-- they welcome it because it's a lot of information to transport back and forth. And it's, it's, it's a support or in addition to that communication so that things don't get misdirected. Our parents have a lot on their plates, and more than one child and more than one child to communicate, and we can provide the support. But I think it's, it's, it's not anything that's going around parents. It would really, truly be going through the parents but to support that communication. I think if we asked some parents there, if I had brought some parents along for the ride they would go, no, this made it better, this was easier. But I can understand where some parents might not want that and then that's why it's parental, parental permission-driven.

**MURMAN:** OK, thanks.

**GROENE:** Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Sir, would you-- thank you for your testimony, number one. Would you give us a number of people if you would like to see within a building of-- we have such different variety of sizes of buildings in the state of Nebraska. Say 2,400 kids in a building in a high school in the metro area. What, what number of help would you, would you need for that?

**MICHAEL VANCE:** What I would want is if there is one contact per district that then knew the infrastructure within that district. Because I think that we know school districts have a lot of unique methods of communication and a lot of unique challenges, geographic distances and shared services and then only partial service. So I think it would be very difficult to come up with a formula that would dictate that. But I think that control should be given back to the district to find out what works best for them and that, because of those folks travel between five and six schools that it is now and several hundred miles. So it would be-- we have found that if we have one person in that district, even a district the size of Westside that then can reach out, and that's about 6,000 students. So can reach out then to the individual, whether it's the middle school or whether it's the group of elementary school or whether it's directly to the high

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school. And then they make it their own on that. And we can only tell from what the parents' feedback is if whether it's being successful or not. And our outcome data show that it's, that it's working.

**KOLOWSKI:** We differ so much on psychologists and counselors and numbers in various buildings. I wondered if you had some initial clarity on that.

**MICHAEL VANCE:** I think the key on this would be that the service in the most part would still be provided by the community provider unless that district did have a contract with a, with an in-house provider. But even in those cases, if a child is coming out of a psychiatric hospitalization and you even had a provider in there that was a community provider, not a school provider, if they don't know what was worked on with that child and what strategies were taught and what the coping mechanisms are--

**KOLOWSKI:** Sure.

**MICHAEL VANCE:** --the risk of that child ending back in our emergency room or in their psychiatric hospital is huge. And this would hopefully divert some of that. Great question.

**KOLOWSKI:** Thank you.

**GROENE:** Sir, I appreciate you mentioning parental consent, guardian consent. I see nowhere in this bill mentioning that. That you have to have that first. It mentions work with students and families, access by family to school community service providers and other resource available for students and families. It says nothing in here about getting the parents' consent before the school psychologist even looked at that child sideways. It's not in this bill.

**MICHAEL VANCE:** OK. Thank you for the clarification. From our standards, if we're going from a community provider, when we're providing care we always have the parental consent.

**GROENE:** You have it first?

**MICHAEL VANCE:** Yes.

**GROENE:** As a professional, how many years of edu-- you've got a doctorate, don't you?

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**MICHAEL VANCE:** I do.

**GROENE:** So when somebody says each mental health point of contact shall be trained in mental health issued identification. Do you feel comfortable with that?

**MICHAEL VANCE:** Not if they were providing the service if they weren't qualified. But if they were doing a conduit role, so like if I was calling from our eating disorder program and said, I've got Susie coming back to your district. I need to know who to talk to about what her needs will be in the lunchroom and what her needs will be with first additional support services if she starts to feel stressed around her peer group. And here's her risk for self-harm.

**GROENE:** But that's somebody already been diagnosed and being treated.

**MICHAEL VANCE:** True.

**GROENE:** But we're talking about Johnny hit Susie in the face and starts throwing desk around. Do you think there's anybody competent that just each mental help point of contact goes to an in-service meeting shall be trained in mental health issue identification?

**MICHAEL VANCE:** No, what I would hope that they were able to do is identify those or be aware of those resources that were in that community and use-- and use their school professionals that, whether that was the school psychologist or school counselor at that level or if they had community support work. It's not-- my vision from reading this is not that it would be the person, these people would be providing the care or even doing the triage, but more they would serve as that information conduit.

**GROENE:** Well, it also says each mental health point of contact shall facilitate access to mental health services during the school day at the school. So that means you would come in and they would supply a room for you to do it there or would they be starting to hire psychologists and psychiatrists and doing the services right there?

**MICHAEL VANCE:** No. My take on it would be that would be up to the district's decision because we're in some districts where we do provide that service on the school. However, that's not feasible in most of our districts. And I really think that would be a district decision because some districts are very comfortable with that while other ones would not like that model. Most school psychologists are



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trained in doing the basic therapeutic interventions. And I would hope we would support their role in that and not-- I'm not envisioning community people coming in, at least from my perspective on this, and dictating what they're doing or putting up their shingle in that office and controlling all that.

**GROENE:** So you have a school psychologist that's, that's state, state statute already says that they could-- requirement that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian. So these school psychologists, are they doing this before they do a diagnosis of the child?

**MICHAEL VANCE:** A school psychologist can't diagnose clinical diagnoses, they can do educational diagnoses. So unless they're independently licensed there's the educational diagnosis, just like with autism there's the medical diagnosis and then there's the educational service qualification. So but a school psychologist can do strategies like cognitive therapy or behavioral therapy or those interventions and they can also do the assessment to determine educational diagnoses. Not DSM 5 or our psychological/psychiatric diagnosis. So that is still a separate--

**GROENE:** But there's-- on all of those instances are they supposed to get the written consent of the parent or the consent of the guardian?

**MICHAEL VANCE:** If a school psychologist is doing that level of intervention, even when we do a screening in the schools, you get the parents' consent to be part of that component.

**GROENE:** Before they can screen them, they have to get parental--

**MICHAEL VANCE:** If it's individually targeted to that child, yes.

**GROENE:** So because you're the best person to talk to this, so I'm going to ask you a bunch of questions.

**MICHAEL VANCE:** Thank you.

**GROENE:** So how does this happen? The parent thinks there's something wrong with their child and then they go to the school nurse and say, can you help me? Or does the school nurse called call the parents say, we think your child has mental health issues, which somebody then had

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already done a slight diagnosis, and says, here is some places you could take your child? How does that work?

**MICHAEL VANCE:** So we've done it on all three levels. And we've done it to where the parents have the ability to reach out to the school and say, I'm concerned about Johnny's emotional well-being. What can you do to help me? And then what happens now in most of the schools we collaborate with is that school determines within their setting first, tier 1, tier 2, tier 3, what level of intervention can they do to meet that need. And then if they feel, even if they don't have a partnership with a community mental health center, that that's beyond their scope or that it needs further, then they refer to ours or one of the other community outpatient services. And then we also have situations where the teacher, the nurse, the principal, the school psychologist is concerned about a child and they reach back to the parent. And that's happened different ways for us. A lot of times those parents then will reach out directly to us for contact of service. And then if we're ever going to communicate, like this bill models, back to the school, we get specific information signed that can we talk to the school about these things and what we're going to talk about. We encourage it, but it's not mandated or required for them to receive care. It's just that they give us approval to work with their child.

**GROENE:** So what you're telling me you're already doing it?

**MICHAEL VANCE:** We're doing this--

**GROENE:** But you're doing it the correct way. You're doing it parent to you back to the school.

**MICHAEL VANCE:** Yes, but we're missing kids. We're missing kids.

**GROENE:** But this is going the opposite direction.

**MICHAEL VANCE:** I think, well, I think what it would allow is that communication for the transitions. Because if we think about a lot of the care providers it, no matter which city we're in, we're forced more into a silo where we provide care. And where our volumes are high, our acuities are high. And to communicate all that back to the right person at the school if the parent approves that often probably doesn't happen very efficiently, because you don't know who you can reach out to communicate that back to. And especially in kids that are transitioning for a high level of care, because those kids are really

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sensitive. If they've already ended up in an institution for suicidal ideation or homicidal threat, we know they're more likely to die by suicide. And we know one of the most effective ways is to make them, everybody feel like they have a village around them. And if they feel like they're getting this over here and that over there and the two aren't talking, the likelihood of them ending back in our emergency room at Children's is too high. And we know that once a kid attempts, they're far more likely to die by suicide. And I know I'm being melodramatic about the highest end point here. But we know those rates are going through the roof. And we've got to figure out some stop gaps for them.

**GROENE:** I'm just concerned about amateurs doing mental health evaluations and--

**MICHAEL VANCE:** I don't think that they would be in this case, with due respect. That would not be my intention because I think it would--

**GROENE:** You were clear on that. But, you know, take an in-service and all of a sudden you're trained in mental health issue identification, that kind of concerns me.

**MICHAEL VANCE:** That would be out of practice, out of scope of practice.

**GROENE:** Yeah, they're not a psychiatrist.

**MICHAEL VANCE:** They would have to just be a conduit.

**GROENE:** All right, thank you.

**MICHAEL VANCE:** Thank you.

**GROENE:** Any other questions?

**MICHAEL VANCE:** Thank you for your time.

**ANNE CONSTANTINO:** Good afternoon. Chairman Groene and members of the Education Committee, my name is Anne Constantino, A-n-n-e C-o-n-s-t-a-n-t-i-n-o, and I am here on behalf of the Nebraska Child Health and Education Alliance, NCRCC, which is formerly known as Children's Respite Care Center. I'm the president and CEO of CRCC and come to this role after serving as the interim head of school at Brownell Talbot prep-- College Preparatory School, and the previous 20 years in the University of Nebraska system in various student

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development roles. I'm here in support of LB727. I would like to commend Senator Walz for her leadership on mental health services for children and youth in Nebraska and for introducing LB727. This bill was developed after discussions between the behavioral health and school officials and the need for a strong network all across Nebraska to connect schools, youth, and their families in need of mental health services and mental health providers in their communities. Currently, CRCC works in the Millard Public Schools high schools, as well as the transition program in OPS. In the fall of 2019 we will also serve students in the Bellevue Papillion and Ralston schools. We partner with school staff, administrators, and families in establishing a relationship that offers mental health services during the school day from a CRCC LIMHP. The system we have developed ensures that students that need services get access to mental health professionals. Getting help as early as possible can make a huge difference in the lives of students, and we cannot allow any student who need services to fall through the cracks. As an illustration of the work that we are doing, I would like to share a brief student success story. It is fairly common for a school-based therapy referral to be made following a guidance counselor's meeting with a concerned friend, as was the case for this particular student. A friend met with the guidance counselor worried about her friend who she learned was engaging in self-harm behavior. This led to the parents being contacted by the school counselor who then shared information with the parent and the student about the CRCC mental health therapist that works just down the hall at the school. The referral for services was submitted the next morning, and in a few days of being identified as in-need the student was meeting with the school-based therapist. Initially, the issues and symptoms presented were relatively common amongst the students on the therapist's caseload. Low self-esteem, worried thoughts, some social anxiety, and mild depression. However, over time, more was disclosed which led the CRCC therapist to connect the family with a local psychiatrist for additional treatment. During the period of severe symptoms, the fact that the CRCC therapist was on-site at the school was extremely beneficial as the therapist was able to not only coordinate care with a psychiatrist but also with the school, participate in meetings when needed, and have an understanding of the school environment when talking with the parents and the student. There were weeks when the students had two sessions a week. And while this may sound like several appointments during the school day, the unique benefit of school-based mental healthcare is the therapist's ability to coordinate with the student's school schedule. In doing so, this student never missed a core class for therapy. After stabilizing,

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they moved back down to once a week and have been able to decrease frequency once again just every other week. They've made excellent progress and are successfully managing their remaining symptoms. With therapy occurring in the school environment this student was able to recover from a mental health crisis while remaining in the activities that were important to them. The parents missed work time was kept at a minimum and the relationship with the teachers was preserved through conversations of how best to support the student in the classroom. Not every school and, sometimes, not every district school district in the state has the ability to find a mental health professional. LB727 would set up a network ensuring that students and their families are linked with services in as close proximity to their home as possible. Sometimes those services can be delivered in the school during the school day and sometimes it means going to the office or clinic of a mental health therapist. Whatever the end result, the state of Nebraska can play a key role in connecting the resources to give that child every opportunity at success. Thank you, and I welcome any questions you may have.

**GROENE:** Any questions? I have one.

**ANNE CONSTANTINO:** Sure.

**GROENE:** NCR-- you're the Children's Respite Care Center?

**ANNE CONSTANTINO:** Children's Respite Care Center.

**GROENE:** How are you funded?

**ANNE CONSTANTINO:** So we are a nonprofit and so we are funded through various sources. We have Medicaid; we have child subsidy; some A&D waiver, based on our medical complexity of our children. We also are funded through commercial insurance and also through private philanthropy. So, for instance, we will connect with the families for mental health services. And if the family does have insurance we will work with the family to bill that insurance. However, for those families that are underinsured or uninsured completely, we have gone out as an organization and raised money for a patient assistance fund so that we are not turning anyone away.

**GROENE:** Do you have a physical place of business where families bring their children to you for services?

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**ANNE CONSTANTINO:** We do. We have two facilities in Omaha right now currently.

**GROENE:** Could you define what a mental health therapist is?

**ANNE CONSTANTINO:** So the mental health therapists--

**GROENE:** What's their education level or--

**ANNE CONSTANTINO:** Sure. So that we employ LIMHPs, which is a licensed independent mental health practitioner. So these are therapists that have gone through a master's level training to become a therapist. They are also able to diagnose and provide therapy for this, for the client.

**GROENE:** They're just not quite a psychologist.

**ANNE CONSTANTINO:** Right. They do not have a doctorate in psychology.

**GROENE:** But they can do about everything they do.

**ANNE CONSTANTINO:** They are able to diagnose and treat.

**GROENE:** Isn't that the same thing a psychologist does?

**ANNE CONSTANTINO:** The psychologists, and I would defer to my friend Dr. Vance over here, but the psychologists are going to be able to do more of the testing. So, for instance, we are unable to do some of the educational testing. LIMHPs just don't go through that process. They are really to treat and diagnose.

**GROENE:** Both of you mentioned school counselor. Last time I looked at Title X [SIC], a counselor is an academic counselor.

**ANNE CONSTANTINO:** Correct. So the school counselors that I referred to in my testimony, those are going to be education, academic school counselors employed by the districts. So most of the schools have at least one. Most of the districts that we're in have multiple. And also, we, we also work through and with the school social worker in each of the districts.

**GROENE:** But their training and mission is academics.

**ANNE CONSTANTINO:** Correct. So their scope of practice does not include diagnosis and providing therapy.

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**GROENE:** But there's some of them out there talking to kids about their personal problems?

**ANNE CONSTANTINO:** So what we are seeing is that many times the, the students will see the school counselor for academic reasons and there will be something that will come up in that session that implies that there might be some additional therapy or something that they, more support that they need. That is when they then refer on to a licensed independent mental health practitioner or a school psychologist.

**GROENE:** But they have no training in that any more than a classroom teacher does.

**ANNE CONSTANTINO:** You know, I'm not familiar with what their training is as a school counselor in their school counseling program.

**GROENE:** Thank you. Any other questions? Dave. Senator Murman.

**MURMAN:** Yeah, I'm concerned about the in-school services. If a student is referred to the in-school services, especially if their parents would come in on a regular basis, I would think that would either discourage the student from taking advantage of those services or make that student an object of disdain or ridicule in some way.

**ANNE CONSTANTINO:** Sure.

**MURMAN:** Because their parents are coming in and meeting with the counselor on a regular basis, that type of thing.

**ANNE CONSTANTINO:** And that is something that we from the very beginning we were concerned with. And we actually, you know, I'm referring to them as our therapists because they are licensed therapists, but in our school programs we have-- they are school-based wellness counselors. And so that is the one way that we help to address that. The other component of that is our school-based wellness program is based within the school counseling offices. So when a student walks into the school counselor's office, they don't know really if they're going to see a school counselor, if they're going to see the wellness counselor. We try to be as discreet as possible for those particular reasons. We also have group therapy that is offered before school and after school, as well as family therapy. But to be honest with you, we have had families that have found out about our services and have opted to come to our facilities for their therapeutic needs and their family therapy needs for that reason. And

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so that is always an option. We really are-- obviously the school-based program offers the ability to see the children and the families in the school, but if they choose to they can also come to our facilities to get and receive those treatments as well.

**MURMAN:** I would think in most schools you can only like enter from one entrance and it's pretty visible that the parents would come in. You know, even if, even if it's in an office behind the counselor or whatever, the parents would still be pretty visible if they came in.

**ANNE CONSTANTINO:** And I think that depending on the size of the school as well. You know, for instance, we're in Millard Public Schools and in each of the high schools we have 2,400 students and we have parents that are coming in and out of the school all the time. And so it wouldn't be necessarily unusual to see parents coming and going into the counselors, maybe they're going for college counseling, those types of things. But for smaller school district that, that could potentially obviously be an issue with the school-based, which is why this bill really introduces that what are the resources that's providing that conduit to be able to provide resources in the community that could be available in school or outside of school as well.

**MURMAN:** OK, thanks.

**GROENE:** Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. I just have-- this is maybe a scope of practice question. So the licensed mental health providers that are in the schools or that work for you, do they have to be under a psychologist or psychiatrist? They don't have to have any oversight from somebody with a doctor's degree?

**ANNE CONSTANTINO:** So the LIMHPs do not have to have clinical supervision oversight. If there is a medication management or anything like that, they cannot do any med management or obviously medication prescriptions or anything like that. And so that's where, where we partner with others in the community to get those services that are necessary.

**LINEHAN:** OK, thank you.

**GROENE:** So you're not a school employee, you're a contract worker.



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**ANNE CONSTANTINO:** So we actually, there is not a cost to the schools to have us in their facilities. What they provide, what the schools provide to us is a space. We have access to their Wi-Fi so that we can access our, our electronic medical records and things of that nature. But it is not a cost to the school. We really are there to provide access and support to the children and the families that need us.

**GROENE:** Step us through it. So how does this-- you're off in this, they supply you office space, right? How does the student get from the classroom to you?

**ANNE CONSTANTINO:** That's a great question and I'm happy to walk through that for you. There's lots of different points of entry for that student. So it might be we have, we work with the teachers and we do presentations to the teachers of our services that we offer. The school counseling office is also, we work very, very closely with the school counselors office. We also have worked with the PTAs and PTOs to be able to just say here, here's who we are, this is what we do, this is where you can access the services. So really we are relying on the schools to help, again, get the word out that we are there. So once a referral is made, whether it be from a teacher-- this particular student was actually through a friend. We also have some students that do some self-referrals. They know that they have some, they need some support and so they'll do the self-referral as well. So we actually work with the social worker in each of those schools. The social worker, because of FERPA reasons, the social worker is the one that takes that referral. And the social worker is the one that's reaching out to the parents to let them know that there has been a referral for their students at the school. They then will talk about the services that are available but ultimately, obviously, it's the parents and the student that have to agree to then start to see our therapist. Once we get the, once we get the information and we get the parental permissions and things of that nature, then we have permission to reach out to that family and work directly with that family.

**GROENE:** So you don't talk to the child until you get that written permission.

**ANNE CONSTANTINO:** We-- unless the, unless the student is a self-referral, unless the student comes into, let's say they know that our school-based wellness counselor is there and just walks in the door and says, I need help, obviously we would say OK. First thing, we need to have you go through the social worker and have a social worker

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reach out to your family. So we will direct them back through that process.

**GROENE:** Back through that process with the family. Thank you. Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. At what point-- a child needs help, OK? So at what point do we decide it's just maybe a child reaching out for help or child that has a behavioral or mental health problem? Who makes that decision?

**ANNE CONSTANTINO:** So that is going to be the professionals, the licensed therapists that's going to be the one to sit down and have conversation with that student and or parents. And they will then, based on what they're presenting and the information that they're receiving, they would be the ones to, to say, hey, this is-- these are the services that we offer. It might be that they need, you know, cognitive behavioral therapy. It might need mean that they are needing some adjustment, support, and things of that nature. But it is the licensed independent mental health practitioner that makes that determination.

**LINEHAN:** But what are they diagnosing? What do they diagnose?

**ANNE CONSTANTINO:** They-- a whole host of things. It could be anything from anxiety, it could be depression, it could be OCD. It just kind of depends on what they're presenting. And then the DSM 5 diagnoses that they would apply to that.

**LINEHAN:** So when does it go to the point where they know it's beyond what they should be dealing with?

**ANNE CONSTANTINO:** So all of our therapists, I mean, that is kind of part of their scope of practice is understanding when they need to reach out for additional supports and help.

**LINEHAN:** So could you provide the committee with a list of these are the diagnoses that the mental, licensed mental health providers can do?

**ANNE CONSTANTINO:** Sure.

**LINEHAN:** And then when we get this diagnosis we go back to the psychologist or back to Children's Hospital or whatever?

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**ANNE CONSTANTINO:** Sure, I'd be happy to provide that for you.

**LINEHAN:** That would be helpful. Thank you.

**ANNE CONSTANTINO:** Yeah, absolutely.

**GROENE:** Any other questions? Thank you.

**ANNE CONSTANTINO:** Thank you very much.

**GROENE:** Next proponent.

**ANN HUNTER-PIRTLE:** Good afternoon, Chairman Groene, members of the committee. My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r-P-i-r-t-l-e, I'm the executive director of Stand for Schools, a nonprofit dedicated to advancing public education in Nebraska. Stand for Schools supports LB727 because it addresses the mental and behavioral health needs of Nebraska students, a growing need that teachers and administrators have identified as the most critical unmet need facing our schools. So we thank Senator Walz for introducing the bill and Senator Pansing Brooks and Senator Linehan for cosponsoring it. It is becoming increasingly common and necessary for schools to work with community service providers and social service agencies to promote the well-being of students who are showing up to school with growing challenges. LB727 would help make sure every school building is a safe environment. By designating a professionally trained point of contact. These innovative individuals would be able to not only identify mental and behavioral health needs but also connect students and their families to necessary support within their own community. A small suggestion for the committee to consider with the bill would be to have the community resource lists be electronic and available through an on-line or smartphone application. One such application that you might take a look at as a model is one called My LNK, My LNK, which is available through the app store on your iPhone or Android device. And that's a list of community resources in Lincoln intended for folks dealing with poverty, but it includes mental behavioral health resources among many other things. Enacting LB727 and making sure Nebraskans have the information and resources they need to access mental health treatment is an important step our state can take to help address growing student needs and promote safe school environments. For these reasons we support the bill and urge you to advance it to General File. Happy to take any questions.

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**GROENE:** Is there any questions? Thank you.

**ANN HUNTER-PIRTLE:** Thank you.

**GROENE:** Next proponent.

**STACIE HIGGINS:** Good afternoon. My name is Stacie Higgins, S-t-a-c-i-e H-i-g-g-i-n-s. I'm a school board member for Nebraska City Public Schools. I'm also currently the president elect of the Nebraska Association of School Boards, and today I'm also representing the Nebraska Council of School Administrators and the Nebraska State Education Association. I've served on my local board in Nebraska City for 12 years and during that time I have seen the needs of our student population change dramatically. This change includes a need of, the needs of our students to have access to more career-ready classes, access to technology, but most significantly their access to mental health care. This is a statewide need. As I serve on the NASB board I have seen this as a large school need, a small school need, rural, urban. It is hitting every school in between. And this bill and its coordination of resources would be a huge benefit to every size school. The term mental health is used a lot. Specifically for our district it means that our students have a state of well-being in which they can cope with the normal stresses of life and they can work productively and contribute to the community around them, whether that's the classroom or the larger community. Sometimes factors beyond a student's control can impact their ability to cope with normal stressors and be productive citizens in that community. For example, we know that one in five children will experience the death of a primary caregiver by their 18th birthday. That is just one mental health need that is impacting 20 percent of my daughter's sophomore class. Other mental health needs might be related to living in a violent home, dealing with a significant illness of a parent, managing anxiety, or an eating disorder. The challenge then becomes helping school districts find mental health access in their area. Many would argue that it's not the school's job to be the one to find that care for students, but when the issues prevent themselves at school-- present themselves as school, impact their learning and the learning of those around them, it becomes something that the schools need to address. This bill would give districts the mechanism they need to have one contact per building or district to streamline the process for getting care to our students in a timely manner. Another key component of the bill is that the designated school employee would have some training in mental health care identification. Although it

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won't be all encompassing, it would be a great first step that would help the timeliness of getting the right care at the right time. Our district is located in a community of 7,500. We have limited access to mental health providers that work with adolescents. This bill will help centralize some of that care so that it's more attainable for our rural schools. There are options available for families, but when a family is in crisis they are overwhelmed and it's hard for them to sift through all the information out there and find the best option for their child. Having schools provide that registry will make sense for so many families because often the school is who gets the first call from a family in crisis. This bill will reduce the amount of time our building principals, our guidance counselors, our classroom teachers spend making those calls, tracking down resources, and finding what's available for students. This will allow them to stay focused on their role as principal and teacher. We have to find a way to get students access to quality care before it becomes a crisis and this bill is that first step. If we view mental health care as a preventative practice and make it readily available to everyone that needs it, we as school districts will play that pivotal role in helping students achieve total health, whether that's physical, academic, or mental. Thank you. I would take any questions.

**GROENE:** Questions? So you believe the normal events of life, bereavement is a mental health issue?

**STACIE HIGGINS:** I do believe that. It can lead to mental health issues if you don't have access to care right away.

**GROENE:** So not making a sports team and being depressed for a day is a mental health issue?

**STACIE HIGGINS:** No, I didn't say that.

**GROENE:** Well, that's a normal human emotion.

**STACIE HIGGINS:** The loss of a primary caregiver is very different than not making a sports team. The loss of a primary caregiver, there is a lot of research to back up what that could lead to in the future of that child. So I used that as an example to help us understand that mental health looks very different in many different ways. And it might not always be at the crisis point, it might sometimes be a preventative point.

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**GROENE:** Thank you. Any other questions?

**STACIE HIGGINS:** Thank you.

**BRIAN HALSTEAD:** Good afternoon. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d, I'm with the Nebraska Department of Education and the State Board of Education here to show support for LB727. This is one of these State Board's legislative priorities this session and we're here to support the bill. Happy to answer any questions if you have any.

**GROENE:** Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. OK, so I'm sorry. I think when we did this last year the amendment was that there would be a designee in each building because part of the problem is if the, as the first testifier talked about, having a student in crisis who's been coming out of the hospital or whatever they need to contact that building. So I don't know why we've, why we've decided we're, we're going to just have one person in each school district and then they can decide how it goes from there. Is that a concern for the board? It would seem to be a concern for me because we don't have any real, we're just saying 244 people had to be identified. And then there's no power beyond that, right?

**BRIAN HALSTEAD:** So the bill speaks to a point of contact that each school district shall have.

**LINEHAN:** Yeah, each school district. That's 244 people.

**BRIAN HALSTEAD:** Well, for each school building or other division as determined by the school district. So in the sense of Millard or OPS, far larger, may do school building. When you get to smaller school districts you may have to think through it. Keep in mind, some of our schools have a single building even though we talk about elementary and middle.

**LINEHAN:** I'm aware of that.

**BRIAN HALSTEAD:** So I think the language provides flexibility to the local school districts to do the point of contact.

**LINEHAN:** It's so much flexibility that they wouldn't actually have to have anybody but the one person right? Or am I reading it wrong?

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**BRIAN HALSTEAD:** Well, I think you might be able to read it that narrowly, yes. It gives some examples of who a point of contact may be and then stating the need to have some, I believe--

**LINEHAN:** But it's just one-- the law, if this becomes law, is it's just one person in each district has to be identified, not in each building.

**BRIAN HALSTEAD:** Has to designate one or more. So, yes, they could designate one. OPS could designate a single person and be in total compliance with the law.

**LINEHAN:** OK.

**BRIAN HALSTEAD:** As to that's going to address the needs of the children and all of that is a different question.

**LINEHAN:** OK, thank you very much for being here.

**GROENE:** Any other questions? School psychologists, there's nothing in Title X [SIC], nothing in statute that requires a school psychologist or even recommends one is there? For school to hire one?

**BRIAN HALSTEAD:** There is nothing in the Department of Education regulations mandating school psychologist be hired by school districts, that would be correct. Are there school psychologists out there employed? Absolutely, for a whole number of other reasons.

**GROENE:** But that's always a local decision?

**BRIAN HALSTEAD:** Yeah. Many school districts don't have a school psychologist, they access what the educational service unit has or can provide as a service in the area.

**GROENE:** That's always been a local decision, never by mandate by the statutes of the state or by Title X [SIC] or anything else, right? Mental health--

**BRIAN HALSTEAD:** When you say Title X, are you talking Rule 10, the accreditation?

**GROENE:** Rule 10, excuse me. Not Title X. I've got the two mixed up. We've been talking about both lately. Anyway, thank you for straightening me out.

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**BRIAN HALSTEAD:** No, thank you for clarifying it.

**GROENE:** Yeah, but Rule 10.

**BRIAN HALSTEAD:** No.

**GROENE:** There's nothing in there.

**BRIAN HALSTEAD:** There there's no mandate.

**GROENE:** So when we put into statute a school psychologist that's going to be the first time ever in statute that that word is used.

**BRIAN HALSTEAD:** Oh, I don't know about that.

**GROENE:** Well, it is in, it is in one other one I guess.

**BRIAN HALSTEAD:** The mental health point of contact may be, and then those listings of who that may be. But it does not mandate you have a school psychologist.

**GROENE:** But that language wasn't in there or another designated school employee would cover those districts that have one.

**BRIAN HALSTEAD:** Sure.

**GROENE:** Putting that terminology into statute.

**BRIAN HALSTEAD:** I think the language is trying to give some indication and flexibility, but which words you want in there, I'll leave that to the committee to decide.

**GROENE:** I know it's going to be a long day, but one more question. Am I right about Rule 10, not Title X, excuse me. The definition of a school counselor is academic, purely academic, is that not true?

**BRIAN HALSTEAD:** I don't know that in Rule--

**GROENE:** Ten years since I read it, but--

**BRIAN HALSTEAD:** Right. I don't know that there's a definition and Rule 10 defining school counselor. The school counselor is largely academic counseling. That doesn't mean they don't have other education and training.



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**GROENE:** We should check that out. I believe it's defined.

**BRIAN HALSTEAD:** It is primarily as an academic guidance counselor, yeah.

**GROENE:** By definition.

**BRIAN HALSTEAD:** Yes.

**GROENE:** Thank you.

**BRIAN HALSTEAD:** Sure.

**GROENE:** Any other proponents?

**JACK MOLES:** Good afternoon, Senator Groene and members of the Education Committee. My name is Jack Moles, J-a-c-k M-o-l-e-s, I'm the executive director for the Nebraska Rural Community Schools Association. On behalf of NRCSA I would like to testify in favor of LB727. Our members appreciate Senator Walz helping to address mental health concerns in our public schools. This is a growing issue in which school districts need help, guidance, and resources in order to help their students and their families. NRCSA would like to express, though, one concern, and that is the lack of funding within the bill to cover the costs-- or the requirements of the bill. To provide the staff position and the training for that staff position to meet the requirements of LB727 will result in school district and/or educational service unit funds being used. We believe it would be appropriate that, if this bill were to pass, that the state would devote funds to the program to address the demands on local school districts. Even though this bill contains positive steps in addressing the needs of students, the absence of a funding source does concern us. Normally we would be in opposition to a bill that did not provide for funding but this is just too, too important of an issue to us to be in opposition because of that. So in closing, I would answer any questions you might have.

**GROENE:** Any questions? Thank you.

**JACK MOLES:** Thank you.

**GROENE:** Next proponent.

**JOE VALENTI:** Senator Groene, Education Committee, my name is Joe Valenti, J-o-e V-a-l-e-n-t-i. I don't have the formalized testimony

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that my, the prior individuals have talked about, nor the professional expertise except I'm a parent. I don't have a child in school today, but I find it interesting-- this will probably cause some controversy-- that we're willing to talk about restraint of children in school but not mental health for children in school. So I would strongly encourage this bill to be passed, sent to General File. If it's not a perfect bill, it's a start. Early intervention is critical to our students that are in school today. Even if we make mistakes and the parent is not present immediately, I mean, if we look at all the things that have occurred across the nation the last X number of years, mental health is one of the primary causes of kids in school and what's happening on the negative side. So, again, if we talk about restraining kids in school because they're misbehaving, I would say without the expertise of the individuals behind me, that a lot of this is caused because of mental health. Now, again, that's a broad term. But it is very necessary that we do early intervention into what's happening in our schools with our children, be it at the adolescent age or be it at the high school age, whatever age it may be. Thank you very much. I'll answer any questions you have.

**GROENE:** Questions from the committee? Thank you. Next proponent.  
Opponent?

**LARRY STORER:** Good afternoon. My name is Larry Storer, 5015 Lafayette Avenue, Omaha, Nebraska, 68132, District 6. Some of you heard me last year. I'll probably say some of the same things. But we're talking about a lot of unintended consequences by a very vague law here. And I guess as a taxpayer and an elector I don't expect vagueness. But I can tell you some of the unin-- unintended consequences if these people were not professionally accredited, licensed. They probably haven't been in business very long or educated very long, may not even have a degree, but you've got to put them in the public school system to say, oh, gee whiz, that children-- that child acts kind of funny. He might have a mental ill, a mental illness. Well, my grandson is now 19. He's not in juvenile justice but he's in DD services. He's in what you call a transitions program where, if he understood it properly, he could have graduated last May. But he chose to stay in the system because he needs services. If he chose to get his degree, his high school diploma, then he's out of the system and on his own. But from now until age 21 he can maybe get services as DD and he's out on a college campus. However, being on a college campus, you know, there's nobody that says, oh, that kid could maybe take a class while he's out there. But the laws say otherwise. I want to give you an example of something

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extreme that really makes me mad. I've been as closely involved with him and a single mother as I could be since he was born. At my insistence in about 3rd grade they started evaluating him at school for behavior. At that time, everything was a behavior problem. Yeah, some kids might have ASD. But based on somebody saying, oh, well, we don't really want to spend the money out of our school district funds for special education for everybody. So let's just say that that kid has a behavior problem and let it be at that and send him to a psychologist. Well, the psychologist doesn't necessarily know everything. He certainly doesn't know the patient, particularly when he hasn't ever talked to him. He certainly doesn't know him the first two or three times that they visit for one hour, and he's got things on his mind anyway. But also these professionals do not want input from a grandparent that knows them better than they do. And your privacy laws are misused by so-called professionals. Maybe to CYA. But the federal laws or the special education laws do not say that a person like me cannot be part of that, that kid's team. You refer to them as multidisciplinary teams. Maybe that, maybe that's not the buzzword anymore. I don't know. These people that you're going to put in the school systems, are they part of an MDT? Probably not. That would be formed later when somebody decides they have a mental illness. But maybe it's not a mental illness, maybe it is. But what if it's not a mental illness but you classify it as that? Do these, do those kids not get the wrong therapies, the wrong assistance? And quite frankly, I don't know whether the parents would really have that much input. If that kid is evaluated by public school officials, so-called officials to have a certain disorder, maybe they can't explain, maybe they cannot disclose that to the parent. I know that I'm not entitled to the therapist notes, personal notes, but I'm entitled to be on a team if that child and his mother wants me to be. I'll end up with this. I had a very harrowing experience that I was invited to sit in on a special ed meeting. He's in transition, mind you. He's 19. I'm invited to sit in on it, and I had to listen to an argument about who's going to pay for a school lunch. They were pressing him for his school lunch, to pay for his school lunch. He's in a DD home, what you call an extended family home. How many different homes do you have now? I don't know. But they're also pressuring the mother. But I know from reading some of these things and being involved that particularly kids in those situations don't have to pay for their lunch. But your school districts are fighting each other because they don't want to spend the money. What do you think is going to happen with this? The same thing. And finally, I went to three or four years of three-day special conventions with

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people that are on the autism spectrum and otherwise with brain injuries, autism. I talked and listen and I had lunch and suppers with professionals that worked with the patients that were there and the parents that were there. And I sat and had a private supper with the rain man himself and his father. So I'm not ignorant about these things.

**GROENE:** Sir, we understand.

**LARRY STORER:** OK, thank you.

**GROENE:** Does anybody, want to take a question if anybody has one? Just to quote clarify DD. What's DD stand for?

**LARRY STORER:** Developmental disabilities.

**GROENE:** That's what I thought. I just wanted to be clarify.

**LARRY STORER:** And that might, might or might not be the correct diagnosis. If the experts really wanted to explore it. it might not be.

**GROENE:** Thank you. Any other opponents?

**GWEN EASTER:** Hello. My name is Gwen Easter. I live at 2895 Binney Street, Omaha, Nebraska, 68111. You know, I wasn't planning on testifying pertaining to this LB727. But after listening I'm, I'm not against people or children getting mental healthcare. But I am concerned that they would want to put these, put the school-- put these into schools. I'm worried about parents' parental rights and because there's so much stuff going on in our public school systems, especially minorities being abused and mistreated. I would ask you all to really make sure that there's a strong causes in there to protect parental rights when it comes to this mental health, because there's a lot of abuse within that system. Thank you.

**GROENE:** Want to take questions? Any questions? Thank you. Oh, all right.

**BREWER:** No, I was just saying I'm good. All right, good. Any other opponents?

**PANSING BROOKS:** I had a question but whatever.

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**LEE TODD:** Good afternoon. My name is Lee Todd. For the record, I live at 3900 Pace Boulevard. My name is spelled L-e-e T-o-d-d. I would be against LB727. My concerns are parental rights. I've dealt with these issues in voluminous magnitude here in Lincoln, Nebraska. Schools are not telling parents what's going on. You have to call multiple times, you have to ask them, you've got to go see the principal to tell them I want my kid involved with such and such an activity or not. The parents have a right to know what's going on. And it's just mind boggling to me that every time we turn around, and I too was like Gwen, I wasn't going to testify against this bill. But every time I come down here there's another way to spend more money all in the name of, well, the children have to be protected. The children have to be watched out. It is high time that we realize in this society that is the parent's primary responsibility, and there are people out there in addition to the parents, such as the churches, who will take on this responsibility if we give them the option. If we go to them and say, this is something that we think needs to be done. But every time I turn around we come down here and we see another program going on. We've got to do this, we've got to spend more money, and we throw more money at the problem. We already spend \$11,000 per child roughly for education. Of that \$11,000, let's look at that. You walk into an average class size, let's say that average class is 30 or 30 people. That's \$330,000 per average class size. All right, where does that money go? That business model is already, is already derailed because if I give \$60,000 to the teacher, which it's not that much, where does the other \$270,000 go? For crying out loud, what is happening to our educational system? I don't know what's going on with it. But I think if you look at that paradigm, where does the money go? I want my money to go to the teacher, that's the number one place. And it's not. It's not going there. So I would be against this bill. And please enter that into the record. Thank you for your time.

**GROENE:** Thank you, Lee. Any questions? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. Thank you for coming, Mr. Todd. I just wanted to ask, so if the parents don't get involved and don't want to do anything what do you think should happen next? And which churches are you thinking should be coming up and, I mean, are you suggesting that we direct a child to a specific church and then what church? And I'm just interested in how you see that playing out. I agree that teachers need to be paid more. I'm happy about that.

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**LEE TODD:** Well, but are we also in agreement that the administration should be paid less, that the school infrastructure should be paid less? And Senator Brooks, I don't know that we are. Again, I wonder of that \$270,000, if only \$60,000 is going to the teacher of the \$330. So maybe I digress.

**PANSING BROOKS:** So--

**LEE TODD:** I don't know, back to your question, I don't know that I accept your premise. That therefore, if the parents won't do it, there's nobody else to do it. I guess I would say what you have figured out so far as the solution and throwing more money at the solution, or at the problem, it's not working. It is obviously not working. And this whole idea that we've got to come up with more money to fix the problem, it's not working. It is-- I don't know how to make it more obvious. Gwen is a business person, I'm a business person. We have to run our business so it works. And every dollar you take from the private sector and waste it, if it is wasted, is destroying small business. And it's destroyed her business and she can tell you about that. It is happening. We think we're doing so good with all this stuff and we're not. We're killing private businesses who are willing and the churches who are willing to step up and do the job. And I will bet you if you name a child to me that is not getting help that needs help, I bet you I can find a church if the parents won't step up and do it.

**PANSING BROOKS:** Thank you, Mr. Todd.

**LEE TODD:** You're welcome.

**GROENE:** Senator Brewer.

**BREWER:** Really to track along those same lines, are you going to be around for some of the other discussions we've got here today?

**LEE TODD:** LB161, sir.

**BREWER:** OK. I tell you what, I'll dig in more when we get there and kind of--

**LEE TODD:** Sure.

**BREWER:** --peel back some layers and see if I can understand all the issues that you're talking about.

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**MURMAN:** Thanks a lot. I'm just wondering if, do you have some-- I agree with you totally, but I just wonder if you have some ideas about how parents and the churches or private groups could be more involved?

**LEE TODD:** Half of the people in this room won't like what I have to say. You give the parent the opportunity to pull their children out of the public schools. I would take that \$11,000, give the parents \$8,000 to do with what they want, let the school keep the other \$3,000. You will see a revolution in the caliber of what the school system can do. And I know Senator Morfeld doesn't like this one bit. Give the parents school choice. Let us have the financial capability pull those children if we want. I'm not saying everybody is going to pull their children out of the public school system. But if the public school system is so good they don't have a thing to fear. They have nothing to fear. And I will guarantee you-- well, I will bet, I'll bet, I'll bet that those children that are pulled out of the public school system and the parents get to choose where they put them, whether it's a private school, whether it's a parochial school, whether it's a church school, whether they homeschool them, you will see a revolution as far as higher test scores, better quality of students. And so what, let the public schools compete.

**MURMAN:** OK, thanks.

**LEE TODD:** That's the overall big picture that I see.

**GROENE:** I got a question. I think you're going to find that teacher cost is closer to \$80,000 to \$100,000 by the time you're throwing in \$15,000, \$16,000 health insurance policy, matching retirement, and then their share of the substitute teacher bill. That classroom is properly in there \$80,000 to \$100,000. But do you find it curious that we allow ministers to go into the penitentiary, which are state buildings but we don't allow a minister or religious-- any religion representative and walk into our public schools and talk to kids.

**LEE TODD:** I think we've got a lot of volunteers who are more than capable to do a great job.

**GROENE:** Maybe we give it room for those folks.

**LEE TODD:** I think we should.

**GROENE:** I know some might disagree that somebody is preaching, telling kids that there is an invisible--

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**LEE TODD:** Yes, sir.

**GROENE:** --person in their life that might help them.

**LEE TODD:** I really don't know that the public school system is really it, is interested in good results. Maybe I digress.

**GROENE:** I think they are. They care. They're average people.

**LEE TODD:** I think the teachers do. But I think--

**GROENE:** Any other questions? Thank you, Todd.

**LEE TODD:** You're welcome.

**GROENE:** Any other a neutral? Opponent, excuse me. Any other opponents? I'm sorry. I thought maybe that was the last one. Thank you. Neutral.

**AMBER PARKER:** Hi, my name is Amber, A-m-b-e-r, Parker, P-a-r-k-e-r. I as well did not plan on testifying as this. There are so many bills and senators that want to spend taxpayer money in different areas. And if there was an area of focus, I would say the well-being of a child as well. But the reason I'm an opponent to this is because I believe--

**GROENE:** Opponent or neutral?

**AMBER PARKER:** An opponent, excuse me. An opponent is because mental health, it seems that there's like a different terminology depending upon who you would talk about. And Senator Pansing Brooks, I wanted to tie together, I know she was a co-sponsor of Senator Megan Hunt's bill LB167, which would make the conversion therapy illegal for paid services. And my question with this legislation, it seems to me that the two go hand in hand. And I don't think some senators that have, are co-sponsors on this realize it, but it's paid counselors. So now we have nonprofit organizations who lead to counselors. My question is how many-- if there's even just one that's paid, we now have an open door into the public school system. And with LB167, if it were to pass, which I'm an opponent to as well, and I will fight it as many, as well as many other Nebraskans, in saying that we need to help our students and our children. We really have to understand that there is a foundation principle that's taking place within legislation, and some of the legislation may not at all be what others would say coincide next to each other. They may look like worlds apart, but the reality is we have to look at that common thread. And so that's why I'm against this because I can see it tying to that. 2017, Sherwood



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Foundation came before an Omaha Public School Board meeting, I believe it was 2017. Yolanda, who was on the school board at that time, addressed her concerns of why would-- she don't say this way, but my layman's terms in understanding, they wanted to put money out of their own pocket Sherwood Foundation, for a certain amount of time to provide more social service workers. Now I want to pull back and talk about parental rights. Anytime we're looking at a foundation of a child's mental health, it is not the Nebraska Department of Education job, it is not the state of Nebraska's job. A loving parent needs to take care of those situations. We need legislation protecting parental rights. And I would say let's get legislation protecting parental rights and the mental health in the, in the areas of parents. Because if we get legislation protect, protecting-- excuse me-- parental rights on the strict scrutiny side instead of a rational basis then that means it has to be compelling evidence if a parent was to abuse their child. And this legislation, I'm an opponent LB727 because I look at it as framework as nonprofit organizations again wanting to enter the school system, take over into, into child's in a way that some may not even realize it. But it's a huge open door in robbing parents of their parental rights. And I think that's something that we have to be very, very careful of. The other area I wanted to address on apps on phones. Realize that we live in a generation where some kids, there's such an addiction to their phones that it actually does more harm to get on them where they need to take a break from it. So even though technology can help in those areas and every instance is different, we have to realize that that is an issue. And some of those kids may say to their parents or those counselors, oh, I'm on the app on this but it could be they're looking at pornographic anime or something like that. So I think it's important that we know who wants to fund this with the nonprofit organizations and, first of all, how are parental rights-- and that's, again, why I'm against LB727 because parental rights, to me, there's too much of a question mark of that. And we need to introduce legislation on parental rights in our state.

**GROENE:** Thank you. Any questions? Dave. Senator Murman.

**MURMAN:** Thanks a lot for coming in. I'm just wondering if you have some suggestions on legislation that would encourage parental involvement.

**AMBER PARKER:** Absolutely. I would say first of all that we need to recognize as our straight-- in our state on the strict scrutiny side instead of rational basis. And the difference is on the strict

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scrutiny side pertaining to a senator introducing on parental rights would be that there has to be compelling evidence of abuse. I believe that that legislation will then draw the line in showing respect towards the parents that love and honor their children as well as put-- excuse me-- protective measures for those who sadly would choose to abuse their children. And then that way we are protecting and we're encouraging the parents' involvement. Again, many parents feel that it is the state that's not listening to their voices in the parental rights side. And I've talked with parents who have been concerned in those areas. And even, just to answer your question, that would be the main legislation. And it wouldn't, it should protect in mental health, it should protect in the parents' understanding all the tests that their children would need to take. There are tests that are happening that parent, unbeknownst to parents that their children are to be tested on. And I will tell you quite frankly that there was a family in another state where the child complained that he went to church too much and they got social service workers and they pulled that child out of the parents' care. And they had to go before a judge. And I'm just saying that with parental rights and protecting in these areas, we could be a state that as well shows the parents the respect.

**GROENE:** Any other questions? Thank you. And you were an opponent?

**AMBER PARKER:** I'm an opponent to LB727. Thank you.

**GROENE:** Any other opponents? Neutral? We received correspondence in support of LB727 from Jenni Benson, president NSEA; executive board of Nebraska School Psychologists Association; Donna Roller of Lincoln; Kyle Kinney, program manager of Nebraska Family Helpline; Mo Neal of Lincoln; Mary Bahney, the legislative committee co-chair of School Social Work-- workers Association of Nebraska; Terry Werner, executive director of National Association of Social Workers; Annette Dubas, member of Nebraska Association of Behavioral Health Organizations. None opponents. And there was no neutral. Senator Walz, would you like to close on LB727?

**WALZ:** OK. So I don't understand how this bill went from asking for a point person to communicate information. This bill not about hiring paid counselors. This bill is about appointing a point person to coordinate communication. And I will say that the last thing I want, or I would think that anybody on this committee wants, is for children to fall through the cracks because there was a lack of communication. The intent of this bill is to encourage schools to designate a mental health point person, not a mental health practitioner, a mental health

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point person. Hopefully that will help identify some of the issues that we have before they become a big problem. Coordination both top down and bottom up between state and local officials will be streamlined. This can also eliminate some of the confusion that occurs when schools have to contact parents or when organizations want to get in contact with schools in order to help provide services. And there are kids that need help and they need those services. Sometimes parents get multiple calls from schools, from the teacher, from an administrator, or even the nurse. This will help streamline and put the responsibility in the hands of one person who also may have the solution to the problem at hand. Maybe not, but maybe. This should be an easy measure to implement. We are working on reducing the fiscal note. Senator Murman, again, I just want to emphasize that we are definitely-- the last thing I want as a parent or as a teacher is to take away parental rights or not communicate with them. That would be the last thing that I would want. I think that most parents would want more communication across the board. I would imagine-- me as a parent, I would want as much communication with the school as I could possibly get. And this point person would provide that. We would definitely look at strengthening the language regarding parental rights if that needs to happen. Senator Linehan, I am also definitely willing to work on language to put every point person in a school building as opposed to a school district. The more services that we can provide to kids, the better. The better communication we can provide, I think the more services and, and the better our kids are going to be. And with that, I would try to answer any questions that you might have.

**GROENE:** Any questions? Senator Walz, Do you know if there is a registry now for--

**WALZ:** There is a registry now. It's through the Boys Town Help Hotline.

**GROENE:** About if somebody thinks a child needs dental work or medical work or the school nurse have a referral list to give them for any health issues?

**WALZ:** I would imagine that the school nurse has the health issues, the health information.

**GROENE:** Is there a statute that says that or is this going to be the first time?

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**WALZ:** Well, when you fill out-- before your child can attend school you have to fill out a health record. And so the school nurse keeps a copy of all those things. And that comes from the parent.

**GROENE:** So you would be willing to, some stronger language was put in there about contacting the parents and getting or-- it really doesn't clarify. You just in your closing said somebody is calling the parent and says they believe your child has a mental health issue. Is that what you envision? Or is this where the parent comes in and says-- or the administrator calls and says, you need to come in, we got-- within two days and says, your child has been acting up.

**WALZ:** That person, that point person is not calling a parent and saying your child has a mental health issue. That's not what this person does.

**GROENE:** You said somebody is contacting them, the teacher is contacting.

**WALZ:** Yeah, a point of contact. But they're not saying your child has a mental health issue. They're saying, there's an issue here at school that maybe we need to deal with. Could you come to the school? I mean, they're the contact that's making the phone call. They're not diagnosing. They're just a point of contact.

**GROENE:** But it says in here--

**WALZ:** We're not hiring a mental health practitioner.

**GROENE:** Each mental health point of contact shall be trained in mental health issue identification. It sounds like somebody trained in mental health.

**WALZ:** There would be some training available to those people and I think there should be. Absolutely. But it's not to the point where they're going to be providing mental health.

**GROENE:** I just, I'm having a hard time getting the contact connection between Johnny acting up in the classroom or Johnny sitting on a bench and not playing to somebody contacting the parents.

**WALZ:** And that's OK, but that's not-- you're right, you probably are having a hard time with that. And every situation is different. You

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don't know why Johnny is sitting on the bench or Johnny is not playing with the kids or Johnny is throwing a stool.

**GROENE:** His cat could have died.

**WALZ:** You don't know. Right.

**GROENE:** That's not a mental health issue. But anyway, thank you.

**PANSING BROOKS:** That's trauma-informed.

**GROENE:** Any other questions? Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. I do think some clarification on mental health, behavioral health, what we're talking about here might be good. Not that it needs to be in legislation but just for the conversation. And the two testifiers early on talked about it. I just think maybe for the committee they can provide us with a list of what, what we're looking at here.

**WALZ:** I would agree, Senator Linehan, I think actually we need a, we need to maybe an education on what mental behavioral health is for our committee because I don't think that people understand what it is.

**LINEHAN:** I don't, I don't know if we need a seminar, but we need a couple lists or definitions.

**WALZ:** Absolutely. I would totally agree with that.

**LINEHAN:** OK, thank you.

**GROENE:** You could, so everybody has a lot of respect for the Boys Town program, and we could get some information if you say they have a registry on what they define. We could do that, the committee staff.

**WALZ:** That would be awesome.

**GROENE:** Thank you. Any other questions?

**GROENE:** Senator Walz, you want to introduce LB728?

**WALZ:** You want me to go?

**GROENE:** Yes, they did. We'll try to get through this one.

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**WALZ:** OK. Good afternoon again, Senator, Chairman Groene and the members of the Education Committee. Once again, my name is Lynne Walz, L-y-n-n-e W-a-l-z, and I represent District 15. LB728 is a bill to provide duties to the Department of Education and school districts relating to school meals. This bill states "The department shall promote practices to prevent and reduce student debt for school breakfast and lunches. On or before January 1, 2020, the department-- the department shall create and disseminate a uniform meal charge policy that school districts may implement." This is intended to set a standard for good practice in schools but not create a mandate for local schools. The meal policy is required to include the following. Number one: Each student shall be served a reimbursable meal upon request for each meal during each school day, regardless of whether they can pay for it or have accrued debt. Number two: When addressing unpaid school meal debt, schools shall communicate directly with a parent or guardian of a student to address outstanding debt for school meals, rather than communicating through the students. Number three: School districts should not throw away any school meal after it is served to the student based on the fact that they currently have school meal debt. Number four: School districts shall endeavor to ensure that students who are eligible for free or reduced-price school meals are signed up for this program by certifying student eligibility, reduced-price school-- or encouraging parents and guardians to apply. Number five: Schools shall also evaluate their unpaid meal charge collection policies to determine if collection is appropriate based on the family's circumstance, circumstances and income. This bill came out of a study in conjunction with my office, Nebraska Applesed, and Voices for Children, which found issues within schools regarding each of these previously mentioned policies. I have provided the committee with some of the results of the study and would encourage you to please take a look at some of the examples we have found. One issue we would like to address is that these policies range greatly in terms of treatment of debt, the students, and specific-- I can't say that. I believe that this will help harmonize and encourage best practices between schools in an effort to reduce school meal debt, while simultaneously promoting the health of students. Taking a step forward on this issue can help all parties involved, from the student, the schools, and even the parents. My concern is especially focused on the students. If a family is struggling financially there is already a huge burden on the child. We should not push them for their parents' inability to pay. With that, I would like to thank you and try to answer any questions that you may have.

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**GROENE:** Any questions? Thank you, Senator Walz. Proponents.

**JULIA TSE:** Good afternoon, Chairman Groene and members of the Education Committee. For the record, my name is Julia Tse, J-u-l-i-a T-s-e, and I'm here on behalf of Voices for Children in Nebraska. Hunger is a health issue, and hunger during childhood can negatively impact brain development. Left unaddressed, hunger can permanently affect a child's health and functioning and result in poor outcomes in adulthood. Voices for Children in Nebraska supports LB728 because it takes steps toward ensuring that schools respond appropriately when a student has insufficient funds to pay for school meals. School meals are an important part of reducing child hunger. Over 82,000 Nebraska children, just over 17 percent of all of our kids, do not have consistent access to healthy food. As wages stagnate and the cost of living rises, more and more children rely on school meals as a stable source of nutrition. Today, nearly 45 percent of all Nebraska students are eligible for free or reduced-price meals compared to 36 percent just 10 years ago. To provide some history on this issue, the USDA has studied policies and practices that address unpaid meal debts in schools across the nation, and in 2016, after collecting feedback from stakeholders, the USDA directed all school food authorities, those that administer our federal child nutrition programs, to institute a policy on the issue and to clearly communicate what happens when a student doesn't have enough money in their account. The new USDA guidance falls short of providing standards or directives for schools and how to handle unpaid meal debt, but ensures that communications help parents or guardian, guardians understand the school's policy and the potential implications for their children. In the aftermath of multiple media reports about children being shamed at the lunch line or even refused a meal for insufficient funds, even though the meal was right there in front of them, several states have acted to prohibit lunch shaming. In 2017, New Mexico passed the first of its kind, Hunger-Free Students' Bill of Rights Act, which prohibited public shaming of students or punishing them with meal debts at the-- and the disposal of meals already served. At least nine other states have passed similar legislation, including Illinois and Iowa last year. Last year, Senator Walz introduced LR393 to better understand how widely this issue is affecting Nebraska students. The study found a lack of uniformity across districts and significant amounts of debts from the districts responding. And I believe another testifier will be able to share some details in that study. But LB728 creates a model baseline of standards for Nebraska districts in handling unpaid meal debts, while still allowing districts to craft their own policy. We

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believe that schools should be a place where students feel safe and can focus on learning, not a place where they can be public, publicly shamed for circumstances beyond their control. We thank Senator Walz for her continued leadership on this issue and this committee for their time and consideration, and would respectfully urge you to advance the bill. Thank you.

**GROENE:** Any questions? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming, Miss Tse. I appreciate it. And I just appreciate the testimony because sometimes the parents screw up. You know, there were times when I didn't realize that the count was down and the kids were being warned that they couldn't eat the next time they came. And it was very upsetting to my kids who obviously were probably going to be able to get the next meal. But I, I think about the kids that are in poverty that, that don't necessarily know where the funds are going to come from, let alone the meal. And I appreciate your, your describing it as lunch shaming, because it is that in a way. So we, we shouldn't be blaming or penalizing the kids for some of the activities that for which they have no, over which they have no control. So thank you for coming today.

**JULIA TSE:** Thanks, Senator.

**GROENE:** Any other questions? Next.

**JULIA TSE:** Thank you.

**GROENE:** Next proponent.

**ERIC SAVAIANO:** Thank you, senators. My name is Eric Savaiano, E-r-i-c S-a-v-a-i-a-n-o, and I am a program associate with Nebraska Appleseed. Appleseed is a nonprofit law and policy organization that fights for justice and opportunity for all Nebraskans. This past year we worked closely with Senator Walz to survey Nebraska districts on their unpaid meal debt policies and practices, and found that the policies being implemented, as stated before, were vague and inconsistent, used some practices that harm kids and parents, and administrators are interested in guidance on how to address this difficult problem. To illustrate the problem, I've attached two letters at the back of this packet that describe an incident that happened in Elkhorn, Nebraska from a mother and a son's perspective. I'll read a section from his letter, the son, Bradley's, letter right now. In second grade, at the age of seven, I had just gotten my hot lunch and my optional items. I



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then put in my lunch code and paid for my food. I had already sat down with my friends and was just about to start eating when someone came up to me and told me that I couldn't have it because I couldn't pay for it. When she took my lunch and handed me a different lunch then-- she then took my lunch and handed me a different lunch, which was just a cheese sandwich with a string cheese. I felt so embarrassed and sick to my stomach that I couldn't eat or even talk for the whole lunch. Bobby Joe [PHONETIC], the, the mother of Bradley, explained in her letter, which is also attached, that her older daughter had been buying a la carte items on their shared account, and she only put enough for regular meals at that point. So it was, it was surprising and shocking to her. She was heartbroken her son had to go through the same, and shares her hope that others like her don't have to do the same. They wish they could be here to present to you directly. I've also attached a summary of the findings from LR393 that we worked on with Senator Walz. When you're thinking about unpaid meal debt, there are many components. You have to think about the, what the district will do with that debt at the end of the year; districts and school actions toward parents; treatment of students during mealtime and meal service. What we found was most districts would address one or two of these components but then others would leave others out. Several districts submitted policies that just stated: Prolonged debt results in district intervention. And that was it. This lack of specificity can fail to support parents as they try to anticipate district actions and the students as they prepare for meal time, as well as those districts as they might be making interventions up on the fly which can lead to unconscious bias and preference changes. We also saw practices that were problematic. Eighteen districts, almost a quarter of those who responded, refuse meals to kids who don't have money in their accounts. If these policies are enacted, which we're not expect, specifically sure of, these students, who, by no fault of their own, are having their meals taken from them, not just replaced with an alternative, like they were with Bradley, but actually refused. So LB728 would create that model policy to help districts more uniformly and fairly address problems of unpaid meal debt. These student protections that are included in the bill are there to support the students but other stakeholders would be allowed to input their, their policy suggestions with over the year that NDE has to implement this program. Even after the creation this policy would be optional for districts to take up, but we would do everything we could to get them moving. So for these reasons, we urge the committee to advance LB728, and I appreciate your time.

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**LINEHAN:** Thank you very much. Are there questions from the committee? Seeing none, thank you.

**ERIC SAVAIANO:** Thank you.

**LINEHAN:** Next proponent. Are there any opponents?

**LARRY STORER:** Larry Storer, S-t-o-r-e-r, 5015 Lafayette Avenue, Omaha, 68132. I guess I want to start off with Article III, Section 18 of the Nebraska State Constitution. No, I don't have a law degree. But it says local or special laws are prohibited. And near the end of that section there is a paragraph that says: The granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatsoever provided, etcetera, etcetera, etcetera. In all other cases where a general law can be made applicable, no special law shall be enacted. My understanding from federal laws and special education laws and disability laws that those are general laws and the intent is sort of being overrun here by some of these laws we're talking about today and last week at judiciary. And you have local individuals that have formed corporations and nonprofits. You have locals, local entities that have formed corporations between the city and county for various purposes, mostly not to be transparent for the taxpayers referred to in the State Constitution as the electors. But that's what your constitution, as well as the federal constitution, is for. So think carefully about all this. Again, the unintended consequences you're not aware of. Because I don't see any, I don't see any children here today. I don't see any students. I don't see any counsellors or house parents or DD home supervisors, etcetera. I see people that are business people and people that are profit-- nonprofits. Very few normal citizens like me, who are supposed to be the electors and have the say-so. So this is all covered by laws anyway if you just follow the intent of the law. But you got to train the people in the school systems, etcetera to follow the intent of the law. But they'd like to argue at the citizens about that. I've had many arguments with many professionals and state people, starting with my own senator all the way up to the Attorney General and the Governor about the intent of the special education laws as it applied to a grandson of mine. That I feel, under the intent of those federal laws, his rights, as well as my rights, had been violated. And it costs the state and them a lot of money for an ineffective system under HHS, special education and DD services. Foster homes, how many foster homes do we have? But again, the lunches

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and everything are all covered by existing laws. So why are we spending our money here today? We shouldn't be doing that.

**GROENE:** Thank you. Any questions? Thank you, sir, for taking the time. Any other opponents? No other opponents? Neutral? We received letters of proponents from Jenni Benson, NSEA; Dr. Richard Azizkhan, CEO and president of Children's Hospital and Medical Center; Mark Adler, superintendent Ralston Public Schools; Donna Roller of Lincoln; Mo Neal of Lincoln; Shannon Frink, president of Nebraska Academy of Nutrition and diet, Dietetics; Taylor Givens-Dunn, member of National Association of Social Workers, Nebraska. Opponents, none. Neutral, none. Senator Walz, would you like close?

**WALZ:** Thank you, Senator Groene. I think this bill helps set a great standard. I don't believe that there is a huge problem for every school. But of the schools that we've sampled, a number these issues have come up. Schools are responsible for two things: helping children in Nebraska learn and making sure that they're safe while they're, while we have them in our care. We are attempting to help them with the health and safety aspect of this. It seems simple to me that if a student has already gone through the line and cannot pay for a meal we should not throw away a good meal just because they cannot pay. I have structured this bill in a way to ensure that this would not be an unfunded mandate. It is guidance for good practice at no cost to the state. Thank you. Any questions?

**GROENE:** Any questions for Senator Walz? Thank you, Senator Walz. That ends the hearing on LB728. LB161, I believe is next.

**ERDMAN:** Thank you, Senator Groene. It's good to be here again. My name is Steve Erdman, I represent the 47th District in the Panhandle: 10 counties there. My name is spelled S-t-e-v-e E-r-d-m-a-n. I'm here today, today to introduce LB161. Before I start with my prepared remarks, I want to share a few reasons why I might be involved in Learning Community, which is basically 450 miles from my house. When I was on the Education Committee the first year, I was exposed to Learning Community when we had some hearings and Ms. Ward came in and testified about Learning Community. And that wasn't the first time I heard of the community, Learning Community. One of the things that was peculiar to me, about the time they were putting Learning Community in place, in rural Nebraska we were eliminating school districts. We were merging class 1s and we were eliminating them. And I seen the state was creating a new school district. That was peculiar. Came to my attention more so in '16 when the state gave more money to Learning

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Community than they did in property tax relief to agriculture. So that's how I first became aware of Learning Community. I didn't know there was such a thing before that. So the original purpose of Learning Community was to improve delivery of basic education services to the poor and disadvantaged children in order to accelerate the learning process and to increase academic achievements. The vision statement of the Learning Community's Web site states, I quote, That all children in Learning Community achieve academic success without regard to social or economic circumstances, unquote. Unfortunately, the Learning Community does not focus on its original purpose and goal, but has expanded into areas well beyond its intended scope and purpose. The Learning Community states in its mission that its mission is to: measurably improve, improve educational outcomes. But after being in operation of more than 10 years, the Learning Community has failed to provide public, the public with astainable [SIC], objectable [SIC] measures and evidence of success. Dr. David Payton, CEO of the Learning Community, told The Omaha World-Herald that, in his opinion, the data is crystal clear. However, when the data is examined, it shows sample size were too small to be meaningful, and improvement so slight they were insignificant at best. Moreover, the funding program cited measurable accomplishments and results which were either too vague or impossible to measure, such as emotional support to students and families. When it comes to early childhood education, recent and past studies show that early childhood education programs do not accelerate the learning process after all. For instance, in 2012, an article written by Andrea Mrozek, concluded that the pre-K, kindergarten-- pre-K, kindergarten children need most is playing with the, playing in an environment of adult attachment. In other words, pre-K children learn best at home under the nurturing care of their parents, not by an adult stranger in an educational institution. Perhaps the most egregious example of how the Learning Community has lost sight of its original purpose came last year when the Learning Community board members approved setting up a nonprofit private foundation. The foundation has no defined purpose, no regular members, and its directors are not elected by the public and do not have to live in the state of Nebraska. Its programs and expenditures require no approval of anything from Learning Community board, nor are there any mechanisms set in place to guarantee transparency to the public. Their meetings are not open to the public, nor do they require public notices, nor do they have an agenda. The foundation does not adhere to open meetings or the public records laws, nor has anyone disclosed exactly how they intend to spend, spend foundation money. It is wrong for Nebraskans to be funding a secretive foundation with no public

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accountability whatsoever. It just is wrong for the programs that actually harm children to be funded in secret by a foundation sounding like it is a public body. The Learning Community has engaged in egregious spending, and the Learning Community increased its levy and is levying the amount allowed by the state law. The General Fund expenditures for the Learning Community are projected to increase by 16 percent this year, while its capital projects are expected to raise another 6 percent. The Learning Community communicates, the Learning Community's operating budget is projected to increase spending to \$8.9 million, which is a 6 percent increase over last year. In order to help you see the wasteful taxable, how wasteful the taxable, the tax dollars are spent, consider the way they cater meals for some of their adult learning programs. While the Learning Community kitchen sat unused on June 14, 2018, the Learning Community catered meals from Shields Catering service to \$2,300 and from African Cuisine Catering for an additional \$970. The total costs for meals catered on that day was \$3,270. Many of the Learning Community programs undermine our free market economy, as well as our charity work. For instance, after the Learning Community gave moneys to One World to start a free daycare center, those private daycare centers concentrated primarily east of 42nd Street which already, which were already operating in the community, such as Safe Haven Daycare, Daycare Center in north Omaha, were driven out of business. Moreover, after one year began teaching English as a second language to Spanish-only speakers, the charity programs in which had been teaching English as a second language to speakers of all languages in Omaha were removed. So such programs went away, providing the Literacy Center of Midlands suddenly fell by the wayside because of the Learning Community establishing their programs. Meanwhile, non-Spanish speakers were left with fewer places to assist in learning English. The Learning Community is out of control and needs to be stopped immediately. The bill I enters today is the longest bill I've ever introduced, the bill is 143 pages long. The reason the bill is so long is because the Learning Community has expanded its tentacles into so many different areas of life without ample justification for doing so. Instead of focusing on its original purpose, the Learning Community, the Learning Community has developed into an institution in search of a mission. Douglas and Sarpy, Lancas-- Douglas and Sarpy County householders can do without the Learning Community wasteful, taxful [SIC] burden caused by the programs that are damaging their children. The beneficial programs of Learning Community, the Learning Community can be conducted privately or selected and approved by the local boards and administrated by the staff working with the impacted children daily. Their parents can then

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monitor the results and decide whether they wish to fund these programs, instead of having them imposed on the families required to pay an unexplained and unjustified property tax levy. Many of you received several documents from a lady, a young lady by the name of McCormick [PHONETIC]. Ms. McCormick had done a lot of research on the Learning Community, and it's my purpose today is to explain to you how the Learning Community has run off its track. And if you have specific questions about what the Learning Community does as far as educating and taking care of young people, there will be people that will testify behind me that can answer those specific questions. But as we look back, there were several, several instances that I think are important. For example, in 2006 when the Learning Community was established by LB1024, that bill passed late at night. And my parents always told me, nothing good happens late at night. And they were right about this bill. And so consequently in 2006, that the bill passed was LB1024. And I have, I have a copy of that bill. I printed it off. It's amazing what you can see when you go back and look at the records. In LB1024, the opponents, I thought this was very interesting. The proponent was Senator Raikes only. In 2004, the bill was LB1024 [SIC]. Those opponents were Omaha Public Schools, Omaha Public Schools, the African-American Achievement Council, the Education Service Unit 3, Omaha Public Schools, Westside Community Schools, Elkhorn Public Schools, and seven people testifying for themselves. The bill came out of committee with a vote of 6 to 2 as Senators Howard and Kopplin voted against it. That bill came out, as I understand it, that bill started out narrowly focused and got wider as it went. In 19-- excuse me, in 2013, there was a bill introduced by several senators, Jim Smith was one of them, to eliminate the Learning Community. And that bill did not get out of committee. One of the things that they said in their intent, their statement of intent was the purpose of that bill was to change and eliminate the failed Learning Community experiment which for, for after numerous years of existence has added to the property tax burden of the taxpayers of Douglas and Sarpy Counties without, without having any substantial improvement and more minority academic achievement. So what I'm here to tell you today is the information that you have received by correspondence from Miss McCormick. You received the letter also from Mary Jane Truemper, and she had done some research on the Learning Community. All those letters are there for you to read and look at. You will have to need-- you need to understand also that when you see information in the Omaha World-Herald and it appears that it is a news release, it's a news item, it is nothing more than a paid advertisement by the Learning Community. The Learning Community has

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lobbyists, the Learning Community has a PR group, the Learning Community has a Web site manager. They have a lot of things that learning communities don't need, and they're not doing much to help poor young kids who need help. It aggravates me when I hear people say that our schools are performing well because we have poverty students. I was one of those students, and I made it. And if you think poverty is a deterrent to learning, ask Senator Linehan and Senator Pansing Brooks when they went out to Lexington how they did. Those schools were poverty schools and they were doing quite well. So it bothers me some when people talk about because kids are in poverty or they are poor and in need, they can't learn. That is not true. So those are the things that I have on my mind right now, and I'll wind up with some other information when we close. But I'm here today to ask you to advance this to the floor so we can do away with the Learning Community once and for all.

**GROENE:** Senator Erdman. Any questions for Senator Erdman? Senator Kolowski.

**KOLOWSKI:** Thank you, Mr. Chairman. Senator Erdman, you mentioned in your listing of items that this was a new school district when you talked about the Learning Community. What do you mean by that?

**ERDMAN:** This, the Learning Community was not a district before they formed it in 2006.

**KOLOWSKI:** It is a, is it a school district today?

**ERDMAN:** They have a tax levy. Yes, they have, they can tax, tax-- they can have a levy to tax, tax, yeah. They can?

**KOLOWSKI:** Are they a school district today?

**ERDMAN:** They're in existence today. Yes, they are.

**KOLOWSKI:** That's not what I'm asking. Are they a school district today?

**ERDMAN:** Define district.

**KOLOWSKI:** How do you define it?

**ERDMAN:** I define it as an organization who collects property tax to educate children.

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**KOLOWSKI:** And you mentioned also that the meetings were never, were not open to the public, the general meetings of the council itself?

**ERDMAN:** The foundation meetings?

**KOLOWSKI:** Foundation or of the Learning Community itself?

**ERDMAN:** The foundation meetings.

**KOLOWSKI:** And the regular meetings of the group, are they open to the public?

**ERDMAN:** As far as I know they are. But when you want to get, Senator Kolowski, when you want to get information from the Learning Community about their budget and about their minutes, you have to do a FOIA request to get that information, it's not readily available. That's not, that's not right.

**KOLOWSKI:** You can get the information, though?

**ERDMAN:** When you request it with a FOIA request you can. That's not right. You shouldn't have to do that. They get tax dollars, they should make that available to everybody.

**KOLOWSKI:** You say it's not right.

**ERDMAN:** Yeah, I say it's not right.

**KOLOWSKI:** OK.

**GROENE:** Any other questions? Senator Brewer.

**BREWER:** All right, Senator Erdman I'm gonna have to rely on you for some assistance in understanding some of this. It's all new to me. I did what you said, and I have about 700 pages here, which is minutes of meetings, budget, and all that. And if you don't know, I'm sure there'll be someone who follows I can hit, hit this question up with. My concern is as I look at-- this is monthly, OK? This is not the yearly rollout. Let's just take a look. We look into, well, I've got highlighted November, December, and January here. But just to give an example, this is the month of December. OPS's monthly payment out of their funds was \$1,220,054.60. And if I roll down the list of other schools: Bellevue, \$227,000; Millard, \$240,000; Westside [INAUDIBLE]. So they pay the schools, I mean, the money that goes to the schools is



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for what purpose? I mean, I'm not sure how the marriage works of the money and what it's paid for.

**ERDMAN:** Senator Brewer, Ms. Ward is going to be testifying, she's on the Learning Community board, and she'll be able to answer those questions specifically.

**BREWER:** OK. And then with that, questions on I see here the Buffet Early Childhood Institute is at \$578,361. Again, that's per month. That, that will be part of what she can discuss, because--

**ERDMAN:** The Learning Community has a contractual agreement with the Buffett Foundation.

**BREWER:** All right. Well, I got to tell you I was really shocked. I guess I didn't realize we were spending the sheer amount. I mean, you're talking \$2.5 million a month on this particular given month. It just seems like that's, I mean, and--

**ERDMAN:** Their annual budget is just over \$10 million.

**BREWER:** All right. Well, I'm, I'm not going to badger you on questions, that's not fair.

**ERDMAN:** Thank you.

**GROENE:** Any other questions? Thank you, Senator Erdman. Proponents?

**DOUG KAGAN:** Good afternoon. Doug Kagan, D-o-u-g K-a-g-a-n, representing Nebraska Taxpayers for Freedom. The Learning Community continues to waste taxpayer dollars on ventures that produce poor academic results. Taxpayers have protested for years as its boards have failed to implement and manage programs that demonstrate continued higher academic achievement and refuse to heed public criticism and advice. A recent example is a private foundation established without taxpayer input in order to raise private contributions to fund programs for which the Legislature would not pay. Its meetings are not subject to open meetings or open records laws. One Learning Community preschool readiness skills test assesses measurements of academic readiness, and this is just one example. Young students are graded in areas of colors, letters, numbers, sizes, comparisons, and shapes. The analyzed size of the study involved only 121 kids from only two of the schools. From fall of 2016 to spring of 2017, the percentage of children within the average range increased only 1 percent from only 25 percent to 26 percent. The number of

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children above the average range in the spring totaled only 3 percent up from only 1 percent the previous fall. In assessing preschool executive functioning skills, defined as student ability to control impulses that enable them to plan, initiate, and complete learning activities, only 21 kids selected from only two schools as a testing mechanism. So in fall of 2016, 27 percent of these children fell within the national average here. By spring, only 22 percent. So it dropped. And that autumn, 0 percent of the children scored above average. In spring, only 3 percent. An abysmal failure. Some scores improved but others declined. The Learning Community wastes thousands on Parent University courses and activities; thousands for meals, as you can see in the addendum sheet I gave you, for parents or guardians of children. However, children whose parents attend Parent University do not score significantly higher than other kids in school readiness, social skills, and vocabulary skills. Yet, the Learning Community spends thousands on family liaisons to instruct, instruct parents how to raise their own children. In the past, we have publicly exposed wasteful and unnecessary Learning Community spending not germane to its original purpose. This trend continues. Thousands for its open enrollment policy that failed to improve student performance. In November, 2018, \$43-plus spent on at Lazlo's Brewery, who knows what. And \$30 at Granite City brewery. In December, 2018, \$624 spent on Hy-Vee food, yet more money spent at Lazlo's Brewery, \$5,200 paid to Shield's Catering, and as Senator Erdman said, they have their own kitchen facilities. And \$1,694 spent on a Wal-Mart shopping spree. This January, \$2,000 more for, for more catering, and \$975 at Hy-Vee. These expenditures, despite mountains of evidence and documentation proving that children and Learning Community programs do not retain increased academic achievement over the years by second grade-- doing worse on tests measuring literacy, language, and math. Yet, the Learning Community lobbyist continues to request continued state funding. The Learning Community utterly has failed in its basic responsibility to deliver to poverty children core educational services to accelerate and increase their academic achievement. It deserves elimination. Thank you.

**GROENE:** Thank you, sir. Any questions? I have one. Senator Pansing Brooks did you have one? You mentioned students, how many total students do they service every year? Do you know?

**DOUG KAGAN:** I don't have that number.

**GROENE:** You just have certain programs? All right, thank you.

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**DOUG KAGAN:** Okay.

**GROENE:** Any other questions? Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right, evidently you have done a little homework on this. It was brought up in the opening, and I'm looking at it now, \$4,000, this is a monthly bill on the Omaha World-Herald. So evidently there is some requirements or what what must be perceived as a requirement to put stuff in the Omaha World-Herald. Some of these expenses for restaurants/bars, I mean, that can be perceived either way. Just be, happened to be a place where they ate lunch. But some of the other fees on here, I guess I would put more question to, simply because until we get someone who really understands the layers of this, what exactly it means. Now, when you are looking at the structure, how far back did you go with their budgets and how much they spent and what they spent it on?

**DOUG KAGAN:** We've gone back probably I'd say seven or eight years, but what I gave you in the pink sheet is just the more recent expenditures. But if you go back seven or eight years, you'll see there is very similar expenditures.

**BREWER:** I did go back. I think I've got six years' worth here. And like I said, some of this we will go ahead and address when someone's in the seat that has knowledge of it so that, you know, that the questions are fair and that you can get into the details on that. But as far as the mission as you understand it, if they were to have a mission statement, what do you think that would look like?

**DOUG KAGAN:** The original mission statement, as we understood, it was to take these children in lower socioeconomic groups, boost them up academically so they would have a better chance to graduate from high school and become productive citizens.

**BREWER:** OK, thank you.

**GROENE:** Any other questions? Thank you, sir. Next proponent.

**LARRY STORER:** Larry Storer, S-t-o-r-e-r, 5015 Lafayette, Omaha, Nebraska, 68132. Some of my remarks today I've been making at the Douglas County Board and the Omaha City Council, but by all means, let's do eliminate Learning Community. However, like I've told them, it seems to me as I read through this bill and some of the other childhood education bills, that we have some gigantic multiple shell

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games going here. If we're eliminating the Learning Community, where's my dollars that I've already contributed? I'd like those back. I do not want them shelled out to other people, and probably the majority of it to nonprofits for money-- things they've already spent. Contracts were signed with Douglas County Board way back in 2014 to start this process that we're seeing coming to fruition now, and every day we're hearing about the disparity of everything. It's even in this bill. Disparity, disparity. I recently brought up the question, well, who might be profiting from some of this, because I heard it on the radio? And we had a gentleman down there at the city county building that accused me of being racist for asking the question, who is profiting? Because that money is not being returned. The money spent since 2014 and above at the Juvenile Justice Center studying children to come up with this kind of stuff is money I could have used to pay my property taxes. I'd like some of that back. Because I think there's been a fraud committed on all of us. Why all of a sudden is the Learning Community being eliminated? It was just a couple of months ago that I testified to them in Omaha, along with some of the people that are here today. Maybe they didn't like what they heard, so they decided to run for cover. Another people-- another part of the shell. But we don't want to give back the money, so let's send it somewhere else. That's what this appears to be on first reading. Not being a lawyer, but having testified at many different things and listened to all these do-gooders coming up with: We have to do this now because it's for the children. Excuse me, where have all those programs that we've been doing since 2014 and before that, why were these programs not successful? Where are the children that have been helped successfully? They're not here. They should be. Where are the ones that weren't helped? They should be here. Robbie Hawkins wasn't helped by the system, was he? No he wasn't. And look what that led to. But don't you think that some of these children are mistreated when people come in and say, oh, that child has a problem and I want to identify him to a school resource officer, who now can't be a police officer, as probably having a mental health situation. So that we can spend more of my tax dollars to study the situation. You don't have to be a licensed psychologist or a lawyer to see a kid has problems. I can spot a kid that has some problems but maybe he's just being normal. Spending money on him isn't going to change that. But when you don't ask the right questions and you don't know kids, you're probably going to diagnose them incorrectly. And I, I do know that school districts across the country, particularly in relation to special ed for autistic people and people with brain problems, slow processing, have had to fight their school districts for services because they don't

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want to spend the money. They don't want to give it up easily but yet they dictate to the people usually who is going to evaluate their kids. And a lot of those people will say to you, it's just a behavior problem. But these professionals don't want to get into the matter of what causes the behavior problem. Maybe they don't like the teacher. Maybe they didn't have breakfast, they didn't get the free lunch. Maybe it's that simple. But yet, we ship them off to be assessed, maybe detained. Probably without parents' notification or permission, whisk them off to the Juvenile Center for studies. But then you come along and the city council or Douglas County Board says: We want to get them out of there earlier. They don't need to be there, and there's too many blacks and Hispanics there. We had a Douglas County Board chairman call me a racist for asking the question. And I say, to continually cram disparity down our throats is also racist and we don't need to codify that in state law, city council or Douglas County Board. If it's for the children, it's for the children. It's got nothing to do with that disparity.

**GROENE:** Sir, your time.

**LARRY STORER:** Thank you.

**GROENE:** Any questions? Next proponent.

**GWEN EASTER:** Hi, my name is Gwen Easter. Do I still need to say my address? 2895 Binney Street, Omaha, Nebraska. I'm also appointed by Governor Pete Ricketts to--

**GROENE:** Spell your name.

**GWEN EASTER:** Oh, sorry. G-w-e-n E-a-s-t-e-r. I'm also appoint, appointed by Governor Ricketts to the Early Childhood Interagency Coordinating Council, and I want to say I'm not here on behalf of them. I'm the founder of Safe Haven Community Center and Safe Haven Early Childhood Preschool Education Academy, and I'm requesting that the Learning Community be removed from north and south Omaha. The Learning Community, along with the Omaha Public School system educator early childcare learning centers have collaborated together and has monopolized the childcare industry, and has forced out over 100 in-home childcare businesses and centers, including my own. I'm currently reopened, one of my daycares. Leaving many of our, many of us financially hurt and devastated. I almost lost my home and my business. The Learning Community and OPS uses resources to find children and encourage parents to attend their programs. Some parents

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are even offered free childcare. Right down the street from my business, Seventy Five North will be partnering with the Omaha Public School, with OPS, to open a new early childhood daycare facility, which will also affect our childcare businesses because we cannot compete with rich organizations. Senators, I also want to ask if you know that, and parents and taxpayers, are you aware that the Learning Community has allowed university students in the past to study children by managing them on TV in a separate room? I witnessed this when I went with my own eyes, as I took a tour of the Learning Community center with director Rene Franklin. Watching people write down information as they study these children was disturbing. Only God knows how that data is being used. Before OPS and the Learning Community center was started, my organization and my daycare was a forerunner and provided many holistic services to refugees, Americans who had fallen through the cracks of our education, housing, and social service systems, and was not being served by our community. Omaha, Omaha Public School system, Learning Community duplicated Safe Haven Community Center's adult literacy, GED, ESL programs. My organization and childcare business also provided tutoring, transportation to the children who were dyslexic, those who struggled with reading, and adults. In 2015, after ending our adult education class, my organization created the Early Childhood Parent Network to continue to support parents and childcare providers by providing trainings and conferences. In 2016, the Learning Community again duplicated our program and created a childcare network partnering with the early childhood training institute, excuse me, Early Childhood Training Center, to offer free trainings to north Omaha and south Omaha businesses to undermine our work. The Learning Community has, has no real meaningful measurable outcomes to prove their programs are doing better than the thousands of childcare businesses that are, that are offering educational services. The Learning Community has never provided funding to help any, any parent when, when, when they are in crisis. They have never provided funding to any longstanding black-run organization, such as Minds [PHONETIC] in north Omaha, but has given outside organizations funding to start or continue programs. I am tired, I am tired of organizations coming into our community with the attitude that they can do it better and then duplicate our services. I'm tired of the lack of acknowledgement, disregard and disrespect of our hard work of our, my organization my childcare business and other childcare businesses. Regardless of all the backstabbing that has been done on, been done, we have continued to serve our community. This year, my organization celebrates 20 years of services. Please get my childcare business organization and other childcare businesses the

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opportunity to continue serving children and families. We should not have to compete with the Learning Community, OPS, and these early childhood learning centers who are using our tax dollars to force us out of business. And lastly, I did not appreciate the Learning Community Center staff Andre calling me on the phone and then showing up to my business to harass me about Senator Erdman's press release and the fact we all want to Learning Community Center to be gone. Thank you.

**GROENE:** Thank you. Gwen, Gwen, there might be some questions. Any questions? So since it's, since it began, have they ever reached out to the childcare facilities that existed in your part of the city?

**GWEN EASTER:** The only thing they have done is work with the Early Childhood Training Center that I'm aware of to provide trainings. And the trainings are done by the early childhood, by trainers that are from the Early Childhood Training Center. And I have been told that a collaborative gives them \$2,000 and then that helps support those trainings. All the Learning Community Center is doing is providing the spacing, but yet they try to act as if they're providing, you know, as if it's them. They also do hold a-- for directors, a directors training, which is again is run by a person that works with the Early Childhood Training Center. I can't think of her name. I think her name is Penny. She, she's-- that's what they do. Other than that there is no financial, we've never been given any financial help. Heck, we didn't even know for a long time, a lot of them daycares didn't even know we could even use that center to hold trainings. I mean, I could have held my early childhood program trainings down there or dyslexia trainings. We had no idea, you know? So, you know, they, they service who they want to service. You know, they, they, they collaborate with who they want to collaborate with. And like I said, they have downplayed our businesses, you know, to the point that, you know, a lot, like I said, a lot of people have closed. And there are other daycares that are being pushed out. I mean, across this country, I believe it's 11, 11 percent of childcare businesses are being pushed out, and a lot of this is because there is a wealthy person leading the charge on all this. And these different entities get collaborate with these people and then, you know, small businesses are forced out so.

**GROENE:** So if you wanted to collaborate with them, you, you're not allowed to. But this wealthy individual with her--

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**GWEN EASTER:** Well, I went to them, I asked them.

**GROENE:** With their organization, they do collaborate with them, mingling state money with them?

**GWEN EASTER:** I asked them why, why is it that, you know, my organization had a GED and ESL program. We provided transportation, we helped those parents and those that had dyslexia and all that, why couldn't you all work with us instead of starting your own? Again, they come into our community, they think they can do everything better and they duplicate our programs and then downplay us like we're nothing. You know, it's not right.

**GROENE:** So the, the programs are in the elementary schools in your area? Or where are their programs at?

**GWEN EASTER:** Who, the Learning Community? Well, they had a GED class, they have some ESL classes, you know.

**GROENE:** The children, the pre-school. I'm assuming they're three and four-year-olds. Where are they attending daycare now, if they're not--

**GWEN EASTER:** Oh, they're, I mean, they're in either the learning communities, they are in their early childhood centers, you know, they're all gone, all over the place. I mean--

**GROENE:** The childhood center, is that part of OPS?

**GWEN EASTER:** Yes, the early childhood centers are like a, were a part of the collaborative that is working with Omaha Public Schools. So they're connected to the schools. Kennedy is, is building an early childhood center, you know? But it's a part of Seventy Five North, it's their partnership. So when they're, when it's built, of course every parent is gonna go on and flock right on over there because they're a new facility, you know? You know, I mean they have things to offer that maybe a smaller childcare business cannot offer. But, you know, a lot of these daycares are helping kids get prepared for school. You know? It just makes no sense that they continue to downplay so many of our businesses and they're using our tax dollars to do it. I don't know how much money of our tax dollars is being used to help build that center that's going to be down the street from me. You know? I don't know how much money they're going to, OPS is going to give, but I bet you they're going to be given something.



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**GROENE:** A lot of your independent ones, are they only open 8:00-5:00, 4 days a week and off on Monday at--

**GWEN EASTER:** No. A lot of daycare, some daycares open from 6:00 a.m. in the morning to 5:00 p.m. or 6:00, some are 24 hours. It all, it all depends. But before, but before the, these schools started, started daycare or the Learning Community came around, these children were attending other people's daycares, you know, and a lot of daycares have prepared children for school, have helped children who are struggling in school. I know my daycare is doing that and has been doing that. I started my daycare because I wanted to help kids because the schools were failing them, you know? So.

**GROENE:** Thank you. Any other questions. Senator Brewer.

**BREWER:** Something you said that got my attention, because you are the second house or those that come and testify, when you mentioned the issue of being harassed. Again, help me understand. Who is that?

**GWEN EASTER:** Well, I felt-- this gentleman called me on the phone and he said, told me his name was Andre. I believe that was, was his name. And he said he worked for the Learning Community and that he was also a parent, and that he wanted to ask me some questions because he, he felt that Senator Erdman's press release was not true. And he said that, he asked me if my daycare was open, and I said yes. Well, then why are they in there saying that they're, you know, it's closed? And I explained to him that I had two daycares, and I had to close one and then I lost kids out of the other one due to all of this that has gone on in our community with the Learning Community, with Omaha Public Schools, you know, as, as a whole. So then he showed up to my property uninvited, and I didn't appreciate it. I feel harassed by it. He did not threaten me or anything like that. He did leave when I asked him to. But the point is, I didn't invite him and I didn't care to have his opinion pertaining to what, you know, because nobody really knows the pain and the suffering I went through when I almost lost my home and property. So these entities can't talk to me about nothing. I also believe, you know, with the fact that they're already, Jennifer in our community, that that might happen. I was-- it was just a really bad situation, and my house and my business and my organization that I had worked hard for and helping families and children was in jeopardy. So I don't really care how they feel about the Learning Community. I know what all these entities have done to hurt my business and others in our community. And it's not fair that they continue to use our tax

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dollars to tear us, to push us out. Some of us have good daycares and try to do the best to help our children.

**BREWER:** All right. Thank you.

**GROENE:** Senator Kolowski.

**KOLOWSKI:** Ma'am.

**GWEN EASTER:** Sorry, I'm a little nervous.

**KOLOWSKI:** No problem. You're, you're still in operation, though, as a daycare center?

**GWEN EASTER:** I just, I just got kids back in August.

**KOLOWSKI:** OK.

**GWEN EASTER:** And my kids are thriving like all the rest of them have done. I'm really proud of them, their parents are proud. I'm helping kids that have dyslexia, and they're, they're making great strides. Yes. So, yeah, if it was not for the fact that I love what I do, I would have been to say goodbye to all of this because it's just been really hard. You know?

**KOLOWSKI:** I have seen and talked with you before in one of these kind of situations. I was on the Learning Community from 2008 to 2012 with Senator Chambers. We were both on the Learning Community at that time. And in '12, I came here. So I've been off that since that time, so I can't speak very much from '12 on but from the beginnings of 2008 to 2012, I remember you had some of the same challenges with the schools being challenged by the early childhood centers being placed in the community and that's been--

**GWEN EASTER:** Yes, it's been going on for quite some time and it got, it got worse.

**KOLOWSKI:** You're still here. You're doing well.

**GWEN EASTER:** Yes, I'm still here by the grace of God and because of my determination, it's not because any of these people helping us. You know? What, my program-- some of my programs are gone.

**KOLOWSKI:** Thank you.

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**GWEN EASTER:** Thank you.

**GROENE:** Part of the reason is that one's free and you have to charge, right? You have to charge for your services?

**GWEN EASTER:** Yes, we have to charge more for our childcare services. Some, some daycare, some of the early childhood centers, they allowed parents to come like from maybe 8 to 2 and then after that they may, they may have to pay. So, so we can't compete with free, free childcare. And they're also offering Title XX. And you know, we can't compete, we can't compete. You know, we can't compete when they getting, you know, they're, they're being given money to fix up their buildings and all kinds of stuff. We can't get any of that unless we get a loan. You know, we have to go out and look for our clients. We have to show what it is that we're, how we're helping our children. You know? And, you know--

**GROENE:** So you've opened up again and you have clients, right?

**GWEN EASTER:** Yes, I have some clients now.

**GROENE:** And now they believe what you offer is worth paying instead of free government?

**GWEN EASTER:** Yes.

**GROENE:** That's a statement right there.

**GWEN EASTER:** And they, they get a little Title XX, too. But yes, they also pay a fee.

**GROENE:** Thank you.

**GWEN EASTER:** Thank you.

**RACHEL PINKERTON:** Good afternoon, Chairman Groene and members of the committee. My name is Rachel Pinkerton, R-a-c-h-e-l P-i-n-k-e-r-t-o-n. In my view, the Learning Community is not merely inefficient and wasteful, it's counterproductive, rooted in a fundamentally flawed paradigm. Rather than empowering parents, the Learning Community wants to rule over them under the guise of helping. Their school as hub model assigns a subordinate role to parents. The message is: If you care about your children, you will submit to the collectivist vision of your betters. Accept your dependency parents, school as hub preaches, and encourage your children to consider the government

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school an authority that outranks family. On December 13, at 7:30 a.m., Gwen Easter of Safe Haven Community Center and I tried to attend a meeting of the Metropolitan Omaha Education Consortium at UNO's Thompson Alumni Center. MOEC's collective impact achievement plan is a component of the Learning Community achievement plan. Hints of MOEC's power over education policy prompted our friend, researcher Laura McCormick, to secure an invitation to that MOEC meeting. She was unwell that morning. When Gwen and I tried to attend without Laura, we were told we couldn't be there. Learning Community CEO, David Patton, ushered us out. At 9:00 a.m., we returned to the same conference room and attended the Learning Community superintendents committee meeting. I hoped to hear the highly-paid administrators assembled discuss the NebraskaREADS initiative. Good job committee, I'm very excited about this implementation of the reading improvement act. But there was-- that has real hope for moving the needle on literacy and closing our achievement gap. Silence on that front. What I did hear were murmurs of concern from superintendents about mounting student anxiety in area schools. I earned a bachelors in education and human science with an early childhood endorsement. I'm a mother of five and a hands-on granny. Based on my education and experience, I suggest the best remedy for nervousness on display by our schoolchildren would be for school authorities to defer to parental sovereignty over households. Learning Community-style condescension toward families is problematic. When superintendents commit-- the superintendents meeting concluded Gwen Easter asked presiding Learning Community council chair Lorraine Chang when the next such meeting would be. April was the response. Gwen asked if we could expect the next meeting, unlike the one we had just observed, to offer opportunity for public comment. The chair seemed irritated by the question, responding: We've been having these meetings for 10 years and we've never had public comment. I see the Learning Community as an obstacle to excellence. Please eliminate it. Oh, and excuse me. I have, I got a note from our friend, researcher Laura McCormick, who is out on the west coast doing her graduate work. And she did ask you to please look at her report that you have electronically. And she wanted to share this message: I believe that the Legislature needs to thoroughly examine the mission and activities of the Learning Community. Perhaps it would be possible for the legislative auditor to conduct a performance audit in an effort to better understand Learning Community activities. And then Laura concluded: I believe funding for education should flow to individual school districts rather than the Learning Community, which is nothing more than an additional bureaucratic layer. Thank you.

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**GROENE:** Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. Thank you, Ms. Pinkerton, for being here. Would you go back, so you went to what meeting on December 13 and they didn't let you in?

**RACHEL PINKERTON:** The Metropolitan Omaha Education Consortium. We became concerned because, education nerds that we are, we hadn't heard of MOEC, but we were getting hints that MOEC had power over education policy. So we wanted to find out more and Laura got on the phone with Martha Bruckner, who is the head of, of MOEC and, and got an invitation. But turned out that wasn't transferable, so we weren't able to go.

**GROENE:** Any other questions?

**LINEHAN:** Nope, that's good. Thank you very much.

**GROENE:** But the Learning Community is an elected board, so you can attend those meetings and they'll take public comment.

**RACHEL PINKERTON:** The Learning Community Council, yes, they, they aren't accustomed to getting much public comment but it, it's, the opportunity is there.

**GROENE:** They do offer public comment?

**RACHEL PINKERTON:** Yes, and I have offered public comment at the Learning Community Council meeting.

**GROENE:** This MOEC, what is that? Area superintendents and UNO people, who is it?

**RACHEL PINKERTON:** That's right, Chair. Actually it started, I guess, at UNO in '88 and it, but it's, it's growing. The-- an education advocate friend of ours described having a conversation with Dr. Cheryl Logan, the superintendent of Omaha Public Schools, and urging her to, trying to get her to engage on the new reading legislation. And the response was something to the effect: I'm, I'm waiting for MOEC to, to tell me that, what we're going to do. Now, this is third-hand, so I'm-- I hesitate. But that's really why we got alarmed. And I've been to a subcouncil meeting, Laura and I have gone to a subcouncil meeting at the invitation of Tanya Ward, who was an elected

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member of this council. And Laura had noticed in the, in a handout, this reference to MOEC. Which is of course--

**GROENE:** A member of the Learning Community Council, not the MOEC council.

**RACHEL PINKERTON:** In a handout at the Learning Community subcouncil meeting. This was actually down in Bellevue. There was a handout that was talking about this, about MOEC and the community achievement plan and this. And Tanya could help us, I'm-- it's all over my head.

**GROENE:** Thank you. Any other questions? Thank you. Next proponent. Next proponent? If you want to testify, would you move to the front row so we know how many-- how many people are testifying on this bill yet? All right, thank you.

**DAN LaGRANGE:** --wanted me to read his statement, but that is it right there. So I don't know if I get two three-minute periods or one, so you have to tell me.

**GROENE:** You get two-and-a-half minute periods.

**DAN LaGRANGE:** Two and a half? OK.

**GROENE:** You get five minutes.

**DAN LaGRANGE:** Well, it's better than I got last time.

**GROENE:** But we need to keep moving along. So if you could--

**DAN LaGRANGE:** All right. My name's Dan LaGrange. I've lived in Douglas County and I now live in Sarpy County. I came to Omaha, Nebraska, 40 years ago. And I am pretty, have gotten pretty disappointed in our government and how we run things and do things. And I have been to the Learning Community. Now, I want you to know I've followed the Learning Community for several years, kind of listened to people. And, you know, it surprises me, I take it that everyone on this board has the financial statements and that kind of thing. I'm not an accountant or bookkeeper attorney or lawyer, I'm a farmer. And what I really am is I'm the majority. I'm the person that pays taxes, pays your wages. You folks has probably heard all that before, which totally amazes me that I have been to the Learning Community and you're not really made to feel real welcome. You can't ask questions. And I guess from the financial statement of it, I, I could tell right away that none of that looked kosher to me. It stank, in other words. And so I had some

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questions for the Learning Community because they always go last after everyone else does. And I can answer some other questions about how they got started. It was supposed to be an experimental thing. It, from a majority group of people looking in at it, it looks like a wonderful program. But it's not. The money is not going where you want it to go, and it really needs to be stopped. Now, let me tell you, you tried to, you buy a house now in Douglas County, Sarpy County. In 30 years, you almost pay as much in taxes as the place cost you. Now I understand why my grandfather said on our farm. He said: Don't tell me I own this farm. He said: I pay every year as much in taxes, which was \$25 a year back then, and that's what I paid for the place when I bought it. So don't tell me I own it. I'm just renting it. And we have a lot of-- there's a lot of other things that happens in this Learning Community thing. You know, when, when a family doesn't have money to pay their electric and they come in and shut it off, and a few days later the city code or whatever of Omaha comes-- and have you ever experienced little kids being ripped out of their mom and dad's hands and being taken away and being told, well, you can't, we can't afford to take, you can't afford to take care of them all over a \$200 or \$300 bill? And I don't know what the answer to that is but I can tell you this much, when that child enters into that situation it costs the state about \$130,000 a kid. And I don't even know where I got that figure at, so I may, must be off. But I know all them people that's employed with big retirements and all that need to be paid somewhere. And I'm surprised that no one on this panel has looked at these expenses and where the money was spent. And that senator Erdman, he was more on base than anybody you've had. Them little ads run in the Omaha World-Herald, them weren't stories, them were paid-for ads by the Learning Community to look good in the community. It just, it just doesn't seem right. And the million dollars you talk about that got donated to some school district, let's talk about the other \$90 million over the last 12 years. That's, that's just to look good. And what amazes me, I was wanting to retire and not get into all this stuff, but I just see in your last panel there were people complaining about the same kinds of things that this has. And, and the big question is, is they, they got \$7, \$8 million. I don't know if a private or a nonprofit can have that much. I don't know. But I'm like everybody else, I want to see that money given back to the taxpayer.

**GROENE:** You're red, so.

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**DAN LaGRANGE:** I'm out of time, aren't I? Well, that, that's, that makes sense.

**GROENE:** Any questions?

**DAN LaGRANGE:** Thank you very-- do I get my extra 30 seconds?

**GROENE:** You might have a question, sir.

**DAN LaGRANGE:** Yeah, oh yeah. I hope I got questions.

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right, just so you understand. I haven't had a chance to ask the questions yet. So just have some peace of mind that I have been hammering these 600 and some pages, and I've got a lot of highlighting and a lot of questions. So at the time someone sits in that chair who has knowledge, they better come ready for a marathon so.

**DAN LaGRANGE:** That's all right, you lay it on me.

**GROENE:** Your friend was this Ronald Ward?

**DAN LaGRANGE:** Yes.

**GROENE:** And he used to work for Head Start, ran huge Head Start programs?

**DAN LaGRANGE:** Yes.

**GROENE:** Do you know, does Head Start still operate in--

**DAN LaGRANGE:** No, I don't, I don't know. He was ill today and just couldn't make it. And I said I, I'd just, I'd see if I could get, get him the--

**GROENE:** The way I understand it, Head Start was supposed to solve this problem a long time ago.

**DAN LaGRANGE:** Well, I don't know if I'm supposed to talk anymore, but there's a lot of people really upset about this thing.

**GROENE:** Thank you.



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**DAN LaGRANGE:** If they know about it and what it's really doing.

**GROENE:** Thank you, sir.

**DAN LaGRANGE:** Is that's all the questions I got? Geez.

**GROENE:** If you were Ronald, you'd get more.

**DAN LaGRANGE:** I hope I was right on everything. If I'm not, I'm close.

**GROENE:** Your testimony was good, sir.

**DAN LaGRANGE:** All right.

**GROENE:** Proponent?

**TONYA WARD:** Hi. Good afternoon. Thank you for having me here today. My name is Tonya Ward and my I live at 4826 S 19th Street in Omaha, Nebraska, 68107. And I'd like to thank you for having me here, Senator Groene and the committee. Appreciate you. My name's Tonya Ward, T-o-n-y-a W-a-r-d. I was elected to the Learning Community Council in 2014 and reelected to another four-year term last November. I represent District 5, which includes southeast Omaha and Bellevue in Sarpy County. I am here today to support LB161, to eliminate the Learning Community and its taxing authority. After 10 years of operation, increased funding, and staff, I have not seen any proof preschool programs result in smarter children or better students in the higher grades. In fact, the studies I have read establish the contrary. And I've handed out to your clerk, if everyone has a copy of my attachments for you. I appreciate you, clerk. The Learning Community increased its property tax levy in 2018-19 budget to spend over \$10 million but end the year with a cash reserve of over \$6.7 million. And I attached that, a copy of the budget summary for each of you as well. One of the main programs funded by the LC is known as early childhood education. I have realized that preschool does not improve a child's intelligence. We need to invest in proven K-12 education programs and support quality teachers for those programs. That's the path to higher education and increased earnings. Parents, family members, daycare staff, or Head Start can teach a child to color and count and play and rest and form healthy social bonds. I would suggest that if a child has a need that exists in the future, a teacher training to identify and develop remedies for children with difficulties could visit those daycare programs and educate staff for far less money and intrusion, less intrusion into family life. Private

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sources of assistance for child rearing will begin to return and develop when free programs funded by property tax dollars cease to be advertised. Replacing the Learning Community programs which have so few children actually enrolled is doable for far less money than they've spent. Even if the state began a program that made direct contributions to the parent in need of daycare, evaluations appear subjective and conducted by those who are funded by the LC. I have submitted another letter, one from Mr. A'Jamal Byndon, describing the current limitations of the LC. Families who are, who don't speak English are assisted by ESL programs by volunteers where language and cultures adjustments and parenting was assisted. Many volunteers were teachers or retired teachers. Just a few recipients-- oops, sorry. I just skipped over. I have an excerpt from, from here from Dr.-- she's a professor emerita-- Lillian G. Ganz [PHONETIC]. She says the mission of defending the early years is to inform parents of young children and the public at large about the importance of letting kids be kids. They want people to realize there's no benefit to early academics but there are indeed many drawbacks. The early childhood education at the University of Illinois writes early-- while early formal instruction may appear to show good test results at first, in the long-run and in follow-up studies, such children have had no show of good test-- have had no show of advantage. Sorry. On the contrary, especially in the case of boys, subjection to early formal introduction to education increases their tendencies to distance themselves from the goals of school and to drop out or either have mental or physically affects them negatively. Just a few recipients of the Learning Community funds include OPS Foundation; OPS schools' GOALS, truancy evaluation; UNMC; OneWorld; Koley Jessen attorneys; getGo food; Ella Bella food; Hy-vee food; Shields food; Lions Gate Security; Nebraska Early Childhood Collaborative teacher coaches that are not accepted by all superintendents; Omaha World-Herald, including their paid advertising, which looks like stories to the public. But as Senator Erdman clearly said, they are not stories, they are ads, and I'm against that. But Voices for Children is another; Lund realty; Carroll Communications; Surreal Media education; and Buffett Early Childhood Institute, who received over \$6 million. It was-- sorry, my time is up. OK.

**GROENE:** Any questions? Of the 11, there's 11 school districts still involved in the Learning Community, is that correct?

**TONYA WARD:** Yes, 11.

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**GROENE:** The community achievement, which was money given to them after we got rid of the common levy, I believe is, is that managed by the Learning Community?

**TONYA WARD:** The CAP and the SIP and the MOEC and the superintendents' plan, all of that is somehow muddled. Probably CEO Patton is best to explain that.

**GROENE:** And so does every school district proportionately student-wise get some money spent in their district, or is it focused in certain areas of OPS?

**TONYA WARD:** I believe, according to the budget, the money is shared differently. It's not on an equal basis at all. Some, some places like Bellevue Public Schools, they get their main funding from the teacher coaches program, which the previous superintendent and I spoke, and he didn't want the teacher coaches program because they weren't showing any real, you know, there's not enough significant benefit from having them. But he told me, if he didn't take the teacher coach money, then BPS wouldn't, wouldn't get any funds from the Learning Community. And that's the same thing that the current superintendent told me when I spoke with him, is that they take the teacher coach's money so that it brings the money to their school.

**GROENE:** Teacher coach's money. Do they hire their own personnel then as a coach or does the Learning Community employ them?

**TONYA WARD:** They are Learning Community paid staffers of some sort. And I know that there is a lot of Learning Community council members here that could--

**GROENE:** So they're not really getting the funds, they're getting somebody comes in their school to coach.

**TONYA WARD:** Yes, sir. So instead of one teacher coaching or teaching the class, they have one or two other people who get paid to coach that teacher. And some of the teachers I've spoken to in my district really don't like it. They don't see that it's been a value. So I, it makes me sad, you know, when I hear that superintendents take the money because if they don't, they won't get money for their school. And I think that that's just terrible. And it really takes us far away from our mission. So Learning Community has spent so much of the budget, which you can see in front of you, on themselves and their collaborators and their cohorts. And it really frustrates me, and

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that's why for the last five years, with no money spent on campaigning, the public reelected me because I am the voice of the people. I represent the people who are ignored. And just like farmer Dan said, when people come to the Learning Community, they're not greeted warmly. They're, you know, cut off. They're frustrated because they don't listen to them. When the parents come to us for help for their child in the Learning Community, even one of Chair Chang's own students, they didn't help him. They didn't want to do anything to help him.

**GROENE:** Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. Thank you, Ms. Ward for being here.

**TONYA WARD:** Yes.

**LINEHAN:** On your handout here, first of all, the last letter that's from Mr. Ward.

**TONYA WARD:** Yes.

**LINEHAN:** Ron Ward. Is he available to visit with us?

**TONYA WARD:** Yes. Yes, that's my father.

**LINEHAN:** OK. I would like to visit with him at some point. On the revenues, so I understand the appropriations, \$485,000, that comes from the state General Fund. ESU core services, \$733,359. Is that money the ESUs pays the Learning Community?

**TONYA WARD:** I'm not sure. The CEO could correct that, but I'm not sure if we give the money to the ESU--

**LINEHAN:** It's under revenue so.

**TONYA WARD:** --or they bring it to us. I think they bring it to us.

**LINEHAN:** OK. OK. Well, that, that is a question that I would have, as what the ESUs. All right.

**GROENE:** Senator Brewer.

**TONYA WARD:** Thank you.

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**BREWER:** Thank you, Mr. Chairman. All right. I don't even know where to begin. First off, I would imagine that it was, how shall I put it, awkward or difficult or, I don't know. How were you treated as far as being on this board with others when you're not completely agreeing with how things are being done?

**TONYA WARD:** That's the nicest way I've heard it.

**BREWER:** Trying to be nice.

**TONYA WARD:** I'm pretty much treated like the unwanted stepchild. Which is fine, because I'm the only no-voter. But when I look at the materials that they give us to vote on, I can't agree with it because there's too much money going to infrastructure and to people, like the evaluations, for example, from UNMC. They have evaluated seven-week-old babies. They started at, and now they're three. Well, the UNO-- UNMC people and the Buffet Institute people have been paid handsomely to do these evaluations. And I ask them every meeting when they come and talk to us, what did that seven-week-old teach you? What did that one-year-old teach you? What kind of measurable outcomes do you have from us giving you these huge paychecks and you spending all the time with these little infants and invading the families? And the answer is: We don't have anything yet until they maybe turn eight or seven. So why should they be paid? If they want to evaluate and be helpful, do it for free like I do. I don't get paid to do anything. I work my tail off on that council, and it's frustrating because other people don't work hard. They just vote yes. And limited times, I've had maybe four times that I've actually had some of the council members listen to what I had to say and actually agree with me and we actually had a motion. So those are tiny victories, I'll take them every day. But I fight for the majority of the people, of the taxpayers have Douglas and Sarpy County and the students who don't get any benefit at all from all of these millions of dollars. So 10 years, 10 millions of dollars a year, where is the benefit for the whole community? We can't expand our programs because it's too expensive. They've given too much money to salaries and too much money to programs and they've forgotten all about little Johnny who's struggling, needs a computer in his 10th grade class or his third grade class. And it's not given to him, it's not provided. So bad.

**BREWER:** You're not going to get an argument out of me because I was looking at UNMC, \$32,000, \$76, \$75 [PHONETIC]. This is appears to be a

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set monthly fee every month that they get. So that must be the advising or--

**TONYA WARD:** Evaluations.

**BREWER:** Evaluations?

**TONYA WARD:** Yes, sir.

**BREWER:** There's a lot of coded stuff here that's hard to read, so I'll, I'll save some of those questions for folks later. Some of the terms, such as OneWorld Community Health. What exactly is that?

**TONYA WARD:** Well, OneWorld is an entity that has been being paid handsomely. They can correct me if I'm wrong, but I think it's well over \$15 million they've collected of our property taxes. And OneWorld-- I live in south Omaha, OneWorld has been a problem for our south Omaha community for years. Before they built those two buildings that flank the Livestock Exchange building, the people rose up in south Omaha and fought. The EPA listened to us and we were able to slow them down. But they come into our community, they say they care about poor people. But if you look at their actions and the way they spend money, I don't know what they're doing in education. I don't know how they got into the south Omaha center to take it over, but I'm mad and I'm upset about that because their track record proves that they make profit off of poor people. They don't care for what's in their best interests. Otherwise, they wouldn't have taken that first money to build housing for poor people and dump them in the middle of cow manure, Salmonella, Listeria. That's what you can see if you go over there and spend one hour at 30th and L. It's our most polluted intersection in the state of Nebraska. And here's this medical facility who now wants to teach and educate children. And it's just wrong, and I don't know what they're doing. But that's the problem why I think the Learning Community should be eliminated. I don't, I think they've been horrible stewards of our property taxes. I think that the communities who have paid into this, these property taxes, are not getting the bang for their buck. They have no measurable outcomes for their programs. So why does the Legislature want to allow even one more year for them to collect over \$10 million dollars and still not help little Johnny who's in the district, who needs assistance?

**BREWER:** OK, let me, let me just-- your numbers are pretty close: \$93,000 a month. That was just the month of August. And, I mean, there's some of the other things that I'll be curious. I mean, Happy

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Cab fees. I don't care if you take Happy Cab, but to the tune of \$2,000 in the month of August? If it's below zero I can see taking a Happy Cab. But all right, thank you.

**TONYA WARD:** Yes, sir.

**BREWER:** We'll wait, and I'll get more into the detail stuff later.

**GROENE:** Senator Murman.

**TONYA WARD:** Yes, sir. I appreciate you.

**MURMAN:** Thanks a lot for testifying.

**TONYA WARD:** Yes, Senator.

**MURMAN:** I just have one question. I'm sorry I missed most of the hearing here, I had to go out and present. But you did mention that something about the social problems with taking children away from-- well, not taking children away from parents, but a structured education instead of relying on the parents to, you know, my personal opinion, and it's more important to the kids to stay with their parents when they're seven weeks old up to kindergarten, rather than a structured education away from the parents. If you could just comment on that a little bit?

**TONYA WARD:** Certainly. When I first started with the Learning Community, in 2014 I was elected, I heard them refer to infants as "sweet carrots of education," "sweet carrots of the work force," and I was lividly ticked off. Because I'm the mother of three children, and for anybody to refer to my infant or your infant as a profit-making piece of the work force, that's an infant. He is not or she is not a piece of the work force. That's our baby. And the most important place for them to be is with their loving family. So how-- I don't know what the word is to say. It just upsets me terribly that they come in, and when Dr. Sam Meisels group comes, every single time to speak to us I ask them: What do you get from these children who are seven weeks old? Why are they interfering in life like that? For money, money, money, money. There is nothing that a seven-week-old, a one-year-old or a two-year-old can teach anybody. And so they should be with their families. We should be bringing services to them, not trying to introduce them to referrals and involve entities that are social entities that could harm or help the family. Most families, if they want their children to be in pre-school, hurray. Let them have that

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opportunity and make a pathway for them to be able to do that. But if they don't want that for their child or if the mom or father's gonna stay home with them or maybe they're going to spend time with siblings or grandparents, that's American family. That's how I was raised. You know, my mom stayed home. So this early childhood-- I have tried to bring to the Learning Community's attention. There's two sides of the coin. We're one coin, and one side says: Early childhood, yes, let's spend millions of dollars on it and help the children from seven weeks old to five years old before they get into kindergarten. Let's help them. Well 50 years of studies by reputable people, doctors, psychiatrists, psychologists have shown that it's detrimental to their health for any child to be educated under the years of six years old. And Finland's example, which they have such a great system, I might like to be Finnish one day. But today I'm here to help save Nebraska because I believe we're being duped. I believe that all of the advertised, you know, bought-and-paid-for stories that go into the World-Herald and everybody believes that because that's all they get. When they come to us and ask about these programs and baby university is what acknowledges part of Parent University, it's really not fair to them because they're enticed to come into those programs. But if you look at how much money, how many millions have been spent on the Learning Community since its inception, \$10 million. I'll just say roughly \$10 million a year. What do we have to show for it all these years later? Next to nothing. And there's so many extra entities that have been created and programs and evaluations, the GOALS program. Why do they need to be involved with the Learning Community, why are we paying them \$95,000 twice a year when they are the same entity that harmed over 10,000 families and they threw a net over us and they caught us in it? My family was caught up in that net because of the truancy law and the attendance. They still use that with people in the Parent University program. I was told by their directors and their staff that if a family is referred to one of the services but they don't want it, it doesn't end there. Dr. Sam Meisels popped up from the audience and he said, they signed on the dotted line. And I'm not quoting him but I'm giving you the gist of it: They signed on the dotted line. We don't need their permission to give them a referral. That's not right. No means no, whether it's about our children or something else. If an adult tells you no, I don't want to participate, why isn't that good enough?

**MURMAN:** Oh, thanks a lot. I totally agree. I think whatever we do to encourage families to keep their kids at home and keep through seven



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weeks through-- or zero through kindergarten, that's what we ought to be doing.

**TONYA WARD:** That's right.

**MURMAN:** Just a quick, just a quick question.

**TONYA WARD:** Yes, sir?

**GROENE:** Ronald Ward, are you related to him?

**TONYA WARD:** That's my dad.

**GROENE:** All right, I'd love to talk to him too. Of the \$10.4 million, how much of that is research and how much is-- no, I mean, just a quick number. Percentage wise.

**TONYA WARD:** I don't have those numbers off my head. A lot, because the research also-- are you including evaluations?

**GROENE:** Well, UNMC.

**TONYA WARD:** UNMC.

**GROENE:** And the Early Childhood Institute here.

**TONYA WARD:** A large chunk of the money that we get for the budget goes towards that.

**GROENE:** So you see a lot of reports, a lot of studies are done on these children?

**TONYA WARD:** Yes, but they don't show measurable outcomes. They just show that they did a study. And so that's why I have a problem with it. And I don't understand these evaluations. I don't know how many people--

**GROENE:** So is this thing really a big huge social experiment?

**TONYA WARD:** I think it's a way that they have used attorneys. I believe the Learning Community has used attorneys to figure out ways so that they can take the money that's supposed to be helping our children in poverty, our students in poverty, and make profit off of it. Where's the money going to help the child if it goes up here?

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**GROENE:** Thank you. We have a lot of testifiers, but you've been very--

**TONYA WARD:** Yes, sir.

**GROENE:** Thank you for your testimony.

**TONYA WARD:** Oh, yes, sir. Thank you for your questions.

**GROENE:** Any other questions? Thank you. Next proponent.

**TONYA WARD:** Thank you for your time.

**GROENE:** Thank you. Thank you for being an elected official.

**TONYA WARD:** Oh, thank you.

**GROENE:** And coming to talk to us.

**TONYA WARD:** I'll stay until it's gone.

**LINEHAN:** We're on proponents? OK. Go ahead.

**AMBER PARKER:** Hello. Amber Parker, A-m-b-e-r, last name Parker, P-a-r-k-e-r. I'm here to share great support for Senator Erdman's LB161, which I'm a proponent to, and share testimony why the Learning Community should be dissolved. Here's my question: Why would any school in Omaha or the metro areas need a Learning Community when each school district has its own school board to determine allocation of funds? The district, excuse me, the school districts understand their budget better than the state. Education Committee, I urge you to vote Senator Erdman's LB161 out of this committee to the floor so we can dissolve the Learning Community and focus on bringing the opportunities for every student in, in the Omaha and metro school districts the opportunity to learn reading, writing, and math while giving the school boards back the power to advocate for their school district and allocate funds as they see their schools' needs. The children belong to their parents, their parents and all of us are taxpayers. The money going to the Learning Community doesn't belong to them but to us as a people, and we want to see that money further the true education of the children. I found it interesting in some of the comments, Senator Murman had talked-- excuse me, talking about children and basically the how they should stay home when they're at such a young age, and I would agree. And we see a lot, a lot of mention about Buffett Early Childhood Institute. And I want to say that I have a treasury report, according to December 31st, 2017, it

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looks like they had received \$124,666.64 and that went to the superintendents plan program evaluation, in parentheses September, October, November, December. Then there was a Buffett Early Childhood Institute: \$450,054 and that was, it said "incorrect payment." What I want to go to in reference to the buffettinstitute.nebraska.edu, you can see a picture of beautiful little girl that says, "Who we are." And Senator Murman, I really appreciate what you had shared because I believe that a child should be raised by their parents at it is such a young age and all through their school years that it should be the parents guiding their children, not the state, nor any early childhood education or private organization that should be doing so. But it said on this buffettinstitute.nebraska.edu: We are an innovative research practice and policy institute of the University of Nebraska. We harness the multidisciplinary resources of all four campuses of the university to promote the development and learning of children from birth through age eight. Now I want to tie together that it's my understanding, from December 2015 to December 2017, going back to the Learning Community side of things, is that the Buffet Early Childhood Institute had received over \$6 million, and I believe that was shared by someone on the Learning Community here, Tonya. But also what I wanted to share is an understanding. Senator Kolowski from 2008 to 2012, you're on the board. Why didn't you mention anything of this and the money going to? Because the Learning Community was not created for any private organization who has a goal to take over early childhood education in the state of Nebraska. And I think that's the common thread that we have to look at through all this and all the hearings, how the nonprofit organizations seem to be lined up with Buffett Early Childhood institute or-- and I don't know if there's any mention of Sherwood Foundation. I'm only holding a little bit of a treasury report. But the taxpayers, they want to see that the money, all of us want to see that it furthers the education of children, not trying to take parental rights and tell the child what to believe and put thoughts in their mind, but to educate them: reading, writing, and math. And it greatly concerns me that there is no measurable outcomes but yet, still there's if-- correct me if I'm wrong-- home visits. And I would love to see someone come up and direct that. I also want to say for protection of me and those who are for parental rights, I would like to put it on the record that we will not be silenced by intimidation, whether it be Susie Buffett or any of the foundations or people working on that. And I think this is real because this is a giant and there are people that are upset about this. So I just want to say at whatever the cost is, I will stand to speak, and because it is our constitutional right. And I believe it's very important that we

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put the focus back on the children and not put it upon an adult's agenda. Thank you.

**LINEHAN:** Thank you very much. Are there questions from the committee? Seeing none, thank you very much.

**AMBER PARKER:** Thank you.

**LINEHAN:** Are there other proponents?

**LEE TODD:** For the record, my name is Lee Todd, L-e-e T-o-d-d. I live in Lincoln, Nebraska. Five quick points and then I'll be done. I thought Tonya Ward's testimony was incredibly strong. I don't see what she has to gain by being here. I see what she has to lose. I think you'll see a lot of the opponents to this bill. I would wager that most of them, if not all of them, probably have a lot to lose financially. I think there's a lot of money out here, at \$10 million a pop a year. And I don't know if those are the exact budgets, but I stand to be corrected if it's not \$10 million. I would, I don't understand and I would wager that the LC probably has attorneys on board. Why do you need attorneys if you're involved in education? I'll withdraw my testimony completely, strike it all from the record if I'm wrong on that. But I'm just hazarding a guess they have attorneys on board. I don't know why they have to have paid lobbyists. I don't know why they have to pay for advertising, advertisements in the Omaha World-Herald. I don't see those functions being educational. I'm sorry. I don't see that. If we're really concerned about the children, why are we spending money on lobbyists, attorneys, and advertisers? I don't get it. I really don't. The third point I'd like to make. If you run the numbers, and I'm sure you have, what I've shown or what I've seen, 553 families over the course of 13 years at \$10 million a pop. Again, those are rough numbers. We're looking at about \$234,000 per family that's been assisted. Are we really getting value? Everything is not dollars and cents. I get that. But every time we pull a dollar from the private sector, we're taking money that is important to that sector and doing something else with it. So I wonder if really we're getting the economic benefit. From what I've heard from expert testimony, we're not. We're not even maybe break even. In fact, I wonder if in 2006, when LB-- Senator Erdman, was it LB1024? I wonder if in 2006, if we knew that 100 hundred businesses would be put out of business because of this bill. Has that been factored in? Would we even have passed this bill? I, I can almost guarantee we would not have passed this bill if we knew the results now, hindsight being 20/20. Here it is, hindsight is 20/20. And my job, unfortunately I

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probably can't convince one of the four senators here that we need to get the swing vote. There's only one of them I see left in the room. But we need to have one other senator. I think there is about four here who would vote to support LB161 and end it. Where's that-- of the four other senators, where is that last vote? How can we convince that person that we really need to end this? The burden of proof, the onus of proof is on the Learning Center, and they have not done it in 13 years. They haven't. Since they have not proved their worth, they've not proved their value, it does need to be bracketed and terminated. And I think the best thing that can happen right now is we had a beginning of it in 2006, and thank goodness 2019 was the year that it ended. Thank you for your time.

**LINEHAN:** Thank you, Mr. Todd. Other questions from the committee? Thank you.

**LEE TODD:** You're welcome.

**LINEHAN:** Other proponents? Seeing none, any opponents?

**DAVID PATTON:** Good afternoon.

**LINEHAN:** Good afternoon.

**DAVID PATTON:** I will begin by reading from my prepared remarks and then answer any questions you may have. My name is David Patton, D-a-v-i-d P-a-t-t-o-n, I am the CEO of the Learning Community of Douglas and Sarpy Counties. I welcome any opportunity to talk with this committee. We have made such progress in fulfilling our mission since our discussion a year ago. The opportunities in place for Learning Community children and families demonstrate why this is one of the most progressive partnerships in public education. We have more than 50 community partners, along with school districts voluntarily, voluntarily working together. This whole family approach makes a difference that is measurable, powerful and lasting. Children and parents are demonstrating the family resilience and stability that supports a child's growth and academic success. I have attempted to address some misstatements related to this bill, providing you all with a fact sheet that's going around now. Parents and partners do want a voice here. I know they have submitted roughly 20 to 25 letters that tell a much different story than that of our bill proponents. Let me start with the Learning Community annual report delivered to this committee. It is an independent, rigorous, and thorough program review conducted by the University of Nebraska Munroe-Meyer Institute

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according to nationally-accepted standards of the American Evaluation Association. The Munroe-Meyer evaluation team is highly-trained in the assessments used and applies strict criteria for reliability. Their reputation for high-quality evaluation studies speaks for itself. The research clearly demonstrates the impactful results of programs run and supported by the Learning Community. The continuous improvement process drives program quality to assure that children get the maximum benefit. That means we do not guess about what's working, nor do we wait for an annual measure. The annual evaluation is a year-round teaching tool to monitor outcomes and make improvements to make programs to the next level, make them better. Trend data from our evaluation validates a strong track record and what evaluators call a persistent pattern of significant impact. That's what our trend data demonstrates. In our early childhood education programs, we see multi-year patterns of improvement in preschool readiness and vocabulary. These literally, literacy skills are the foundation for a child's academic success. We often hear so-called experts question the impact of early childhood education. Their opinions are not well supported. Longitudinal studies consistently validate the lasting impact of quality early childhood education programs, and Dr. Meisels will be speaking with you later and can provide much more detail regarding the lasting impact of early childhood education. In family learning at our south center, third graders have demonstrated higher student assessment scores than their district peers and higher attendance rates also for the past three years. These, these are outcomes that we should be celebrating. More than 16,000 children and adults gained positive benefit from their learning, Learning Community programs in the last year. We are good stewards to the communities we serve in this Legislature. We follow all generally-accepted accounting standards for governmental agencies and we are audited yearly by the state in Nebraska. We project our budgets out for five years to be sure that we meet our obligations, maintain the necessary cash reserve, and fund our existing programs. Our actual year over year budget expenditures increased just about 3 percent as planned. Our budget changes this year are tied to expanded lease space for our south Omaha program, necessary cash reserves, and program transitioning out of startups. Senator Linehan, you asked the key question last year about how we could scale proven programs up to reach more children. The answer is the heart of our strategic plan, strategic plan approved recently by the Coordinating Council. While children under the age of six living in poverty expanding across the Omaha metro area, we intend to expand proven programs by leveraging every existing tax dollar with partnerships, grants, and donations. We

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are excited to welcome a dedicated volunteers, the new Learning Community of Douglas County, Douglas and Sarpy Counties Foundation. Accountability is built in with the Coordinating Council, approval required at all public meetings for expenditures and the appointment of the majority of the board members. We will take a strategic and thoughtful approach as we consider how to reach more children and families with proven programs and practices. My appreciation to this community for your time today and work to ensure children in Nebraska get the greatest education they deserve.

**LINEHAN:** Thank you very much. Are there questions from the committee? Senator Brewer.

**BREWER:** Thank you, Madam Chairman. In the military we used to have what was called "fat cow operations." What they were is where we come in and found those who were paying \$300 for a wrench or \$500 per toilet seat. I had an opportunity to be an inspector, do inspector general reports on them. That may be good or bad for you, I'm not sure yet. Let's run through some questions. All right, let's, let's go with some of the big ticket items first. So we've got the Buffet Early Childhood Institute, which counts for but somewhere between \$2 and \$3 million. I'm still adding it up.

**DAVID PATTON:** \$2.9.

**BREWER:** What do they do?

**DAVID PATTON:** \$2.9 million is what BECI receives to run the Superintendents' Early Childhood Plan, which was approved by the Unicameral several years before me and put together by the 11 superintendents of the Learning Community. And it is to run school as a hub early childhood center, and Dr. Meisels can speak more to the programming following me.

**BREWER:** OK. And they 11 are the 11 schools that are receiving the money? That's Elkhorn, Millard, Omaha Public Schools, Papillion, Ralston, Westside, Bellevue that's, that's generally who that is?

**DAVID PATTON:** Yes, sir.

**BREWER:** All right. So the amount of money that they're getting, which ranges anywhere from \$56,000 to, well, Omaha Public Schools at \$441,000, Bellevue at \$130,000, and that is for what?

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**DAVID PATTON:** So if, are we still asking about the BECI contract?

**BREWER:** Well, I'm, I'm assuming that's a standalone. It's separate from what the schools are receiving for funding?

**DAVID PATTON:** If I may, maybe this will help. OK. So there's four main buckets of the Learning Community, if I will.

**BREWER:** Very good.

**DAVID PATTON:** All right, there's the north center. The north center and the south center were required to be in operation in northeast and southeast Omaha, in the highest concentrated areas of poverty. Inside those two centers are various other programs that take place. Another bucket is pilot, what we call pilot programs, and those may be the numbers you're referring to. So school districts that were not at the onset receiving support from those two centers, received funds to have stuff such as Jump up kindergarten; extended day, extended year; and coaching programs. And then the last bucket, if you will, is the Superintendents' Early Childhood Plan. Now there are subpar programs within some of those, but those are the four main buckets of the Learning Community.

**BREWER:** OK, with that said, as the CEO, I assume this budget you're fairly familiar with. Let's look at the, it's L-u-n-d, Lund Company. They get roughly \$50,000-plus a month, about \$600,000 a year. What do they do?

**DAVID PATTON:** We lease. We are not allowed to own any property, so that is our lease for the north center.

**BREWER:** OK. So with that said, we jump up to OneWorld Community Health, \$186,000. This is just on this January report. What do they do?

**DAVID PATTON:** So when we-- that's our first center, was the south center. When we went into the south Omaha community, we listened to the community. The majority told us what they wanted for programming. The program was designed and the contract awarded to OneWorld Community helped to run that programming.

**BREWER:** All right. So if we hop down, and a lot of this is probably coded in ways to where it's hard to sort out. How do you have like,



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it's got Sarpy County Election Commission, \$6,836. Why would you have to pay them for anything?

**DAVID PATTON:** That's a good question, but that's just the law. Any political subdivision has to pay county fees.

**BREWER:** Really? And that same thing--

**DAVID PATTON:** We also have to pay our portion of the election.

**BREWER:** OK. Nebraska Auditor of Public Accounts, \$8,822.

**DAVID PATTON:** That's part of our annual audit.

**BREWER:** And those annual audits then are available through the State Auditor's Office?

**DAVID PATTON:** Yes, sir.

**BREWER:** OK. Thank you. It's got listed here as Mutual of Omaha credit card, \$16,000, that was for one month. Who reviews and approves purchases that much in one amount like that?

**DAVID PATTON:** That was probably more than one month's worth of billings that would come due at one time or were consolidated into a single payment. But to answer your question directly, the elected officials of the Coordinating Council. We have a budget and finance committee that reviews those billings.

**BREWER:** What is a Get N Go?

**DAVID PATTON:** That is a-- one of the places that we do find food once in a while for our families. And I think it's important at this point to note that having meals available for the evening classes is a key component of the program that's supported by research that we did. And I know from previous testimony there was a pick of some meals over a two month period. If you look at it for the continual expenditure of that cycle, those meals were less than \$10 a plate.

**BREWER:** Yeah. No. Those, I didn't have a problem though. I thought that was probably a normal expense you're going to have. OK. Omaha World-Herald, this is just from November, \$4,000. That's a one-month punch. I take that, that's for the advertising you do?

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**DAVID PATTON:** Yes. Part of this strategic plan that our council approved is a public relations campaign. And so that is contained within that plan to put information into the education edition of the Omaha World-Herald, Momaha, as well as provide information about the Learning Community.

**BREWER:** OneWorld Community, what is that?

**DAVID PATTON:** Again, that's the entity that runs our south center.

**BREWER:** OK. And then Omaha School Foundation, \$95,000?

**DAVID PATTON:** Omaha Schools Foundation.

**BREWER:** Omaha Schools Foundation, one of the expenses I got on here that, I mean, the ones that jumped up around \$100,000 got my attention.

**DAVID PATTON:** Understood.

**BREWER:** Want to get back to look at that some other time. When we take a look at your overall budget. We've got through-- last month I've got is I believe October. So as far as what was spent, your fiscal year runs the same as the state of Nebraska?

**DAVID PATTON:** As the school district.

**BREWER:** And what is your annual budget for 2018 then?

**DAVID PATTON:** For our '17-18 our expenditures budget was higher than our actual. I mean, I'm sorry, our budget was higher than actual spent. Our actual spent budget was just under \$7.5 million. That's the most completed year for a cycle, as well as programming.

**BREWER:** So how many people actually work for you as the CEO? How many people?

**DAVID PATTON:** Twelve.

**BREWER:** Twelve. All right. So when we look at, for example, your, your communications one. What is it, it was \$10,000 a month for communications. Carroll Communications. Why so much? It seems incredibly high.

**DAVID PATTON:** Well, from a market value it's probably within range or a little less than what the services that we receive based upon doing

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some comparables in my time there. But we contract with Carroll Communications to help us with many things. And then we also utilize her as a go between for activities towards the strategic plan that we develop.

**BREWER:** All right. That's enough for now.

**GROENE:** Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. Thank you-- is it doctor?-- Mr. Patton, for being here. I am going to go back to the question about the \$95,000 to Omaha School Foundation. Chase-- let's chase that down and see what that's about.

**DAVID PATTON:** Yeah, I think I know but I'd double, double-check before I spoke in public.

**LINEHAN:** OK. So let's figure out what that is. And then, so the Superintendents' Early Childhood Plan, which is coordinated with all 11 superintendents. That \$2,600,000, where does it go? What is that for?

**DAVID PATTON:** The, the contract for the superintendent's plan goes directly to the BECI to implement the plan.

**LINEHAN:** Buffett Early Childhood.

**DAVID PATTON:** Yes.

**LINEHAN:** OK.

**DAVID PATTON:** I'm sorry.

**LINEHAN:** That's OK.

**DAVID PATTON:** I get used to acronyms.

**LINEHAN:** On the revenues, and I know we got lots of charts running around here. So what I'm reading here that I think Ms. Ward gave us, revenues: \$485,000 from the state. That's state appropriations. What's the \$733,359 ESU core services?

**DAVID PATTON:** Thank you. I meant to bring that up. So of core service dollars are strictly used for evaluation purposes, and they cannot be used for anything else. So it's, it's like an appropriations to the

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Learning Community but it's from ESU funds and it's restricted to evaluation only.

**LINEHAN:** So where does that money go then?

**DAVID PATTON:** That goes to BECI to help with some evaluation of the programming and also to Munroe-Meyer for evaluation of the Learning Community programs. And those evaluations, part of the reason why they are to the extent that they are, is that trained professionals actually go into classrooms. We, for example, the early childhood teachers that we help support in our early childhood programs rank in the top 10 nationally in that field. The evaluation in the room that's taking place, whether it be from that camera you heard earlier or from that, is studying the teacher and the teachers in their actions and the teachers' approach to the students and those type of things. And that's, that's what that's about. So it's, it's an intensive one to one.

**LINEHAN:** Is this the-- which ESU is this? Or do all the ESUs that are involved in the Learning Community have to kick in or is this just one ESU?

**DAVID PATTON:** I believe it comes from the entire ESU, but I could not answer that directly right now.

**LINEHAN:** OK. All right, that's all they have for right now. Thank you very much for being here.

**MORFELD:** Thank you for, thank you for coming today. And I've read through a bunch of the materials and I've also kept track of what you guys do on your Web site. I don't have any questions, I just want to make a general statement that I appreciate all the work that you do. I believe it is research-based. I think there's a lot of people who do appreciate what the Learning Community does and does find value in it. And just because I'm hearing a lot of the negativity today, I want to make sure that it's known for the record that there's at least one committee member here that does keep track of this, does watch what you do, does appreciate what you do, and does think that it's a good use of taxpayer dollars and public resources. Thank you for coming today.

**DAVID PATTON:** Thank you.

**GROENE:** Senator Murman.

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**MURMAN:** Yeah. I just noticed that it seems like a lot of money was spent on valuations. And, and there's a lot of good comments about how well those evaluations come out, but I don't see any real specifics on statistics or anything.

**DAVID PATTON:** So last year I was able to provide to the committee a high-level, 20-page summary of the evaluation. That evaluation is available on the Unicameral's Web site today. It's about 156 pages long. We are still waiting, this comes to our bill here in a little while, the LB398 bill. We're still waiting for access to other standardized test scores so that we can file an addendum to that. And then I will provide to this committee another high-level summary of that evaluation that I will be happy to get you a new-- one that's been completed. This one we're waiting for that addendum data yet.

**MURMAN:** Those test scores are taken--

**DAVID PATTON:** The test scores, yeah, there's--

**MURMAN:** --at what age level or grade level?

**DAVID PATTON:** Yeah. So there's pro-- evaluations that are done on teachers, there's evaluations that are done on students. The, the evaluation that we have talked most about in the last year has been the third grade exam. That's a standardized test. So when you look at last year's third grade math and ELA, English language arts, the students who were of age to take that exam whose parents were engaged in our program were 10 points higher on that standardized test than their peers and they were close to the statewide average. So clearly demonstrating their narrowing of any achievement gap.

**MURMAN:** OK. So mostly that valuation is what you're talking about?

**DAVID PATTON:** Those are, yes.

**MURMAN:** Thanks.

**GROENE:** How many students involved in that study you're--

**DAVID PATTON:** It ranges, because every year is not the same number. So the number has been slowly growing. I think that last year it was 26 or 36. I'd have to pull those, that report. I'm waiting to get this year's report because that's the one I'm--

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**GROENE:** Twenty-six or 36 children?

**DAVID PATTON:** Yes.

**GROENE:** I just figured up a little bit ago that there's probably nearly 8,000 three and four-year-olds in OPS alone.

**DAVID PATTON:** Yes.

**GROENE:** And that's your target group, isn't it? The three and four-year-olds?

**DAVID PATTON:** Yes, yes. And because we have the one center in south Omaha and we've been running as long as we have, we're just now getting the numbers up where we can continue to grow the number.

**GROENE:** Twenty-six or 36.

**DAVID PATTON:** Yeah, so the--

**GROENE:** See I was originally a big supporter of this because I thought you were gonna go in and start with helping with preschools and early childhood reading. Seems to me like this is a huge social experiment for the Buffett Early Childhood Institute to use all those kids in those 11 districts as a huge experiment.

**DAVID PATTON:** Well, I'll let Dr. Meisels address the superintendents' plan. But please remember we have three other buckets within ours, which is the north center and the south center and the pilot programs. And in the pilot programs, you're gonna have 200, 300 students who are demonstrating growth academically in those programs as well so.

**GROENE:** Did the programs exist to help all? In the Learning Community, do you know how many three and four-year-old kids are in it?

**DAVID PATTON:** No, I do not. But I agree with you, it would be best if we could continue to scale these up and reach more kids, yes.

**GROENE:** Make the experiment bigger or actually use the money to help preschools across the area use some techniques?

**DAVID PATTON:** Well, with the preschools across the area, the Learning Community's--

**GROENE:** I mean, the private ones too.

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**DAVID PATTON:** Yes. The Learning Community's role in that, is that-- so we are, you're aware of the Step Up to Quality that the state of Nebraska passed--

**GROENE:** You're, all you're talking about is the teachers. You're telling me about the top 10 percent in the world-- in the country. How do you rate those 10 percent? Because of the results of the kids or because they took more classes and got PHDs versus the other?

**DAVID PATTON:** So on the childcare providers, the personal childcare providers, we provide training for them. We don't provide all of it but we certainly support it. That's the answer to that first question. The second question on the early childhood teachers, that's based upon an official exam that's done, that's evaluated by people who do that for a living looking at how that teacher is doing in the classroom. It's not looking at the student directly when they're three years old, it's looking at is the teacher teaching appropriately and is the curriculum age-appropriate. Because that is important. It is very important.

**GROENE:** Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right. The one I'm looking at is December of '17, is where the line in here for Omaha School Federation, \$95,000. But if you go down below there: Great Kids, Inc., \$13,000. Keep in mind, these are these are monthly ones. Jensen Rogert, \$3,000; Schoonover Consulting, \$3,000; TAPS, \$7,000. I mean, there's you can lose so much money so fast running down through here. You know, it's almost overwhelming to look at the amount of money that's being spent. I mean, if you, if you understand that when you come from somewhere where there's none of this, you've literally, your, your little towns have their daycares that you figure out how to keep running and you how to, how to make sure that kids get from, from birth to, to first grade. And now you, you find that there's this giant amoeba that's swallowing up this amount of money and then you're looking for results. Now, when you're talked about this Meyer's test, who actually conducts that? Who, who has oversight?

**DAVID PATTON:** Munroe-Meyer Institute is the company. I did-- some of the tests would be like called a class or other exams. But Munroe, Munroe-Meyer is an entity of UNMC, University of Nebraska Medical Center.

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**BREWER:** And that's the UNMC that's getting \$30-some thousand a month. So they would probably be in their best interest to make sure that report says something pretty positive, wouldn't it?

**DAVID PATTON:** The report is not always that way, no. It is an independent. I do not get to see anything that those people find until it's presented to the council.

**BREWER:** OK. Thank you.

**DAVID PATTON:** And I can line item. I'd be happy to sit down and line item those with you.

**BREWER:** Yeah, whether that--

**DAVID PATTON:** I would be happy to.

**BREWER:** We'll work on that later.

**DAVID PATTON:** OK.

**BREWER:** We got to go.

**GROENE:** Thank you. Senator Linehan.

**LINEHAN:** I'll be quick. Thank you, Chairman Groene. Just one more question. On the MOEC thing. So it says: MOEC Community Impact Plan evaluation. So that is the superintendents again, right? Of the 11 schools?

**DAVID PATTON:** Yes. It's a part of the community achievement plan, which was a 2016 when that was added?

**LINEHAN:** I don't know.

**DAVID PATTON:** Under LB1067.

**LINEHAN:** So they're evaluating it, \$95,000 to evaluate?

**DAVID PATTON:** Yes, that's our contribution to that. So MOEC is a, is not an organization that we're a member of, we're a guest of. And it comprises of the 11 superintendents, plus UNO, plus Metro, plus Council Bluffs, plus Iowa Western. So we have collaborated with them, just like we do our other partners in many of the lists that he was just talking about earlier was part of our partners.



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**LINEHAN:** So you pay them \$95,000?

**DAVID PATTON:** Yes.

**LINEHAN:** Who, who, who would we call to figure out how-- is this a state law that created MOEC?

**DAVID PATTON:** We have to evaluate-- no. But we have to evaluate the community achievement plan. And because they were such a big part of the community achievement plan that's where we're put-- that's where we're evaluating the community achievement plan. And there is a breakout of that billing that it's, I would be happy to provide.

**LINEHAN:** That's OK. OK, thank you very much.

**GROENE:** Thank you. Thank you for taking the hard questions.

**DAVID PATTON:** No problem.

**GROENE:** Next opponent.

**SAMUEL J. MEISELS:** Good afternoon, or good evening by now. Well, sort of in between. Chairman Groene and esteemed members of the committee, it is great to see you again. The new members, great to get to make your acquaintance. My name is Samuel J. Meisels, that's S-a-m-u-e-l, middle initial J, M-e-i-s-e-l-s. I'm the founding executive director of the Buffett Early Childhood Institute at the University of Nebraska. The testimony I offer today is informed by my experience as a scholar and research scientist whose 50-year career has been dedicated to early childhood education. The views I'm sharing are my own and do not represent an official position of the University of Nebraska. There are several things that have been said here recently, even by my, my friend David Patton, about finance for example of the Buffett Institute, Institute in the Learning Community, about families and so forth. I hope you will ask me those questions when I'm done with my prepared remarks. I can clarify them. The work of the Buffett Early Childhood Institute in the Learning Community of Douglas and Sarpy Counties, which I described for you last year in my testimony, represents the largest and most comprehensive birth through grade 3 program in the nation. Working with superintendents, principals, teachers, parents, and other school personnel in the 11 school districts that comprise the Learning Community, we believe that we are transforming the 11 school districts that comprise the Learning Community. We have sent-- given around to you a copy of our most

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recent evaluation, which will show measurable data. In fact, a great deal of measurable data. Also included there is a column written by Matt Hansen, who is a columnist for The Omaha World-Herald. And he's paid by the Omaha World-Herald, he sure is not paid by me or by the University of Nebraska. I'm a relatively new member, a new citizen of Nebraska. I came here in June of 2013, so a little over five and a half years. I came here because of my belief that here in Nebraska we would be able to work together to increase children's opportunities to learn and to eliminate the achievement gaps based on race and income by the end of third grade that have held children back for so long. Like other states in the U.S., reducing or eliminating the achievement gap is a high priority in Nebraska. In fact, Nebraska is facing a crisis in this regard. First Five Nebraska estimates that greater than 40 percent of children age 5 and younger across the state are considered at risk for school failure due to poverty. This is a staggering statistic, it's one that has to capture our attention. And that is really why I'm here in Nebraska to work at this. Our belief, supported by research, is that programs for young children at greatest risk must begin early, as early as the first three years of life, and must persist at least through grade 3 or the impacts of the early intervention may fade away. The important point here is that early childhood education is an investment and it is not a, an inoculation. Our work with the superintendents' plan is now more than three years old and is demonstrating promising results. Those are some of the results that you will find in this orange booklet that I've given to you today. And I'm also very happy to try to offer more information and to try to answer any questions that you may have. Thank you very much.

**GROENE:** Senator Linehan.

**LINEHAN:** So you weren't here in 2006 when the Learning Community was formed?

**SAMUEL J. MEISELS:** No, I came here in 2013, in the middle, middle of 2013.

**LINEHAN:** OK. So from the very beginning, the Learning Community was to address the deficits or the learn, the gaps-- that's OK. I forget sometimes too. I've been here a long time so I, I can't think of the term. But the achievement gaps--

**SAMUEL J. MEISELS:** Yes?

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**LINEHAN:** --from minority kids.

**SAMUEL J. MEISELS:** Right.

**LINEHAN:** So that's 2006, and we're 13 years later, right? So, you can understand why there's some frustration here.

**SAMUEL J. MEISELS:** I do.

**LINEHAN:** OK. So what, what are we doing now that you're absolutely certain is going to close those, or at least narrow those, achievement gaps?

**SAMUEL J. MEISELS:** That's right.

**LINEHAN:** And on a basis that's large enough to hit 40 percent. It's-- first of all, this is just in two counties.

**SAMUEL J. MEISELS:** That's right. This is just in two counties. We are also working in the Panhandle. And so there's several more counties that are there, but that has nothing to do with it, with the funding for the Learning Community. And we're working elsewhere too. But again, not with the funding from here. Why do I think that this will be different than what's in the past? And I'm not trying to say what's in the past has not had its successes, because it has had its successes. But we are doing something different. We are starting at birth, we are working with families beginning at birth. We are going into homes and working with, either in homes or in childcare programs, to try to offer assistance to families to, to help them to do the best job possible. Then we are following those children and we're offering support to families all the way through third grade, where we're offering coaching all the way along. In addition, we provide what we call PD for all, professional development for all, which in, in any given year has between 800 and 1,000 participants from anywhere in Douglas and Sarpy Counties. Those are some of the things that we're doing. We are also preparing and training teachers as we go along who are the teachers of these children. We are in community preschools, as well as in school district preschools. And it is very, it is the most comprehensive early childhood demonstration program in the nation.

**LINEHAN:** When, when a Learning Community originally was formed, was school choice not supposed to be part of the conversation, letting kids opt in from maybe out of OPS into other schools or from other schools into OPS? Was that part of their original plan?

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**SAMUEL J. MEISELS:** I believe it was, though I wasn't here at that time.

**LINEHAN:** Do you know if there's any focus on that now watching what kids are going to what schools or if it's actually gaining? Because we, I think the TEEOSA funding, there's \$50 million dollars spent in Douglas and Sarpy County on kids opting into different public schools. So is any of that been looked at to see if it's making any difference?

**SAMUEL J. MEISELS:** I, I do not know that. That was some, that was before my time. It has changed when the-- what two years ago, when the Legislature changed the funding for the Learning Community. But I don't know exactly what the change is.

**LINEHAN:** Well, the opt-in funding hasn't changed. They took away what a lot of people didn't like, the common levy.

**SAMUEL J. MEISELS:** But there was also something else that related to being able to transfer to different school districts. I don't quite recall.

**LINEHAN:** Well, the transportation costs, but that was because the schools wouldn't do away with it.

**SAMUEL J. MEISELS:** OK.

**LINEHAN:** OK, that's all. Thank you.

**GROENE:** Sir, what you do is not an exact science, is it?

**SAMUEL J. MEISELS:** No. What any social scientist does is not an exact science, science. And this is not an exact science because it's not a random assignment.

**GROENE:** So you're proven wrong a lot of times that some child didn't even touch a book until they got the first grade and became you or me.

**SAMUEL J. MEISELS:** Yes.

**GROENE:** So that early--

**SAMUEL J. MEISELS:** You've heard that testimony here.

**GROENE:** Yes, I'm one of them. Never touched a book until I entered first grade, reading 50 books by the time I was in third grade. Seventh grade I tested out as a sophomore in college. Never touched a

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book, but I played. So training the mind at that early an age, are you 100 percent sure that that's the route to go?

**SAMUEL J. MEISELS:** I think it's the route to go for the majority of children living in poverty or the majority of children experiencing some of the, the worst kinds of moments that childhood can bring them. I think that that's what the evidence has shown us repeatedly, without any question. As young as 9 months we can, we can see differences in children who come from families where there's differences in language being spoken to them and that, that has made a big difference in their lives. That doesn't mean, you see, I know nothing, Mr. Chairman, about your family's situation. I know nothing about your genetic makeup. I know nothing about your background at all. And all of that goes into the fact that you are such a success as you are today. But so I'm not saying that there aren't exceptions.

**GROENE:** So how do you change those, those things? How did you change the genetic makeup? How do you change the single parent or the good single parent that Ben Carson had? How do you change that, you, as, as with government money?

**SAMUEL J. MEISELS:** We, we, we work with families, we help them to-- for one thing, families volunteer to participate in this. Families who do not want to participate in the birth to three program do not participate in it. They're not forced to, they're not required to. They don't lose anything as a result of not participating, and they have to give, they have to consent. They also have to consent to have their data used in, in a form like this. Now, for those parents who do want to participate, we help them think about letters and words and all kinds of other things that are around in a child's environment. We help them to think about the child's physical development, about talking to the child, about reducing the amount of screen time that the child's exposed to. Some of these things, you know, you would say, well, we all know that. But the fact is a lot of people don't know that.

**GROENE:** So do you look at this as the big social experiment or did you--

**SAMUEL J. MEISELS:** This is not a social experiment. No.

**GROENE:** So you walked into this with a known way to educate these children?

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**SAMUEL J. MEISELS:** Yes.

**GROENE:** A known way? A proven way?

**SAMUEL J. MEISELS:** Yes.

**GROENE:** Then why are you testing it if it was already proven?

**SAMUEL J. MEISELS:** We haven't done it here and we haven't, it has not been used in a birth through third grade approach. So we, we are working-- we are using a proven approach with birth to three, we're using other approaches with three and four-year-olds, and other approaches yet from kindergarten through third grade.

**GROENE:** Seems like you're doing an awful lot of testing to prove a proven point.

**SAMUEL J. MEISELS:** I-- that's not what I said and it's not what I'm doing.

**GROENE:** But what we see about how with UNMC, the testing, the studies that you're-- the fellow before you said, 26 people and you got a 10 percent higher rate. You're doing an awful lot of testing to prove a method that you walked into it saying this is the method to do.

**SAMUEL J. MEISELS:** I did not walk in with a method that-- I walked in with it, with, with an assumption that, and from looking at the research that exists, that if we start early and we persist at what we're doing all the way through third grade, we will see differences in children's development and in their outcome that we won't have any other way. And that had not yet been done in that, in that fashion.

**GROENE:** In the world. So we're a big experiment in Omaha, in--

**SAMUEL J. MEISELS:** Well, as I said, it's not an experiment because it's not a randomized trial. It's not something where we say we're going to, we're going to select some kids without on any basis. It's something where people actually are volunteering to participate. Something where the school districts are volunteering and also where we have legislative requirement to, to serve the most at-risk children.

**GROENE:** What's the ethnic makeup of the children?

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**SAMUEL J. MEISELS:** I'm sorry?

**GROENE:** What's the ethnic makeup of your children, percentage-wise?

**SAMUEL J. MEISELS:** It is the ethnic makeup of Douglas and Sarpy Counties. So there, there are African-American, Hispanic, Anglo-Caucasian, all kinds of kids who are part of this.

**GROENE:** So you're not aiming it a certain--

**SAMUEL J. MEISELS:** No, we're not. No.

**GROENE:** --economic social group? All right. Thank you. Senator Linehan.

**LINEHAN:** So does-- thank you, Chairman Groene. So does Munroe-Meyer or the University of Nebraska, do they study other early childhood programs across the country? Because if they're doing evaluations on this program, have they done evaluations on other programs?

**SAMUEL J. MEISELS:** Munroe-Meyer does many, many evaluations all throughout Nebraska. I don't know how many, but very, very extensively.

**LINEHAN:** How about outside Nebraska?

**SAMUEL J. MEISELS:** That I don't know. University of Nebraska-Lincoln does do research outside of Nebraska. But again, the majority of their research is within the, the state. But in both cases they use, they use assessments that have national standards associated with them, so that you can compare how children here are doing with children anywhere else. That's the way that the, the national assessments are created.

**LINEHAN:** I know we talked about this last year. I don't even-- I just, I'm going to say again, it is a little disconcerting when you have a program that is funded, there's-- it's hard to say there's a separation of interest here. When you do, as you know as a scientist. If you're-- true evaluations--

**SAMUEL J. MEISELS:** Yes. Well, so you're asking the question, why is it that, that we have hired our evaluators? And we would, you know, if I could go to Washington, D.C. and hire a firm there to do this, I'd still be hiring them. But it's much closer here. I am part of the University of Nebraska. UNL is, is and UNMC are also both part of it.

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One of the things here is that there-- what I was trying to, to, to be clearer to the Chairman about is that we, we have-- we are developing some of these things, some of the practices as we go along. And if you, if you hire a firm from outside and then you really have to have done this already. You have to know exactly what you're going to do and what they're going to evaluate. The next time around, that's something that could be done and should be done, that we would hire more of an independent evaluator. But the fact too is this, that at UNL and UNMC they are people who are honest, we-- they, they are.

**LINEHAN:** No, I'm not-- I hope so.

**SAMUEL J. MEISELS:** They certainly are. And, and if they find data that doesn't work, they will report that. And that doesn't-- that, that part doesn't change.

**LINEHAN:** OK. Thank you very much.

**SAMUEL J. MEISELS:** But I understand. It is one of the things that I wish we could, were possible to do differently.

**LINEHAN:** Thank you.

**GROENE:** Any other questions? Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. Did I hear you mention that you had something that you're working on in the Panhandle?

**SAMUEL J. MEISELS:** Yes.

**BREWER:** Please expand on that.

**SAMUEL J. MEISELS:** We are, we're taking information that we've acquired here, or that we've learned here, is a much better word, and we're sharing that in the Panhandle. We have been doing that with ESU13 now for several years. And independently of the superintendents' plan, independent a Learning Community entirely. We have worked with, with the Panhandle, with counties in the Panhandle and school districts in the Panhandle to do a needs assessment in, in most of those school districts. And have just, just reported on that to them. And I'd be happy to send you a copy of what we've learned there. In the future, the near future, we hope we will be able to bring something like what we've been able to develop here in Douglas and



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Sarpy County to, to the Panhandle. And they're very interested in our doing that.

**BREWER:** I'm, I'm sure they are. And to a degree, that's probably the raw nerve that a lot of people are hit with, that there is this pocket, this program and in Douglas and Sarpy that has a lot of wonderful benefits. And they get special care, special funding, and yet when I go back to the district there, they corner me and beat me up saying, listen, you continue to take, you're going to hit a point where I can give no more. And that's where I think the rub comes, is that they see that there is a group who benefits immensely from a particular program when the rest of straight state is struggling. And I know that, that some of the money is probably being used exceptionally well, we're still going to determine some of the details there. But the hard part is, you know, that the temptation would be to expand this, do what we're doing here for the whole state. But it's obvious, if we do that, there will be a point where we will tax people to where the farming community, that the ag community will collapse. They can't do it anymore. So where, where is the happy medium? So that's kind of why, you know, we're, I know we sound like penny pinchers here. But that's ultimately our responsibility, is just to look at this and make sure that it's reasonable.

**SAMUEL J. MEISELS:** One of the things, Senator, that we're trying to do is to come up with a less costly way of doing what we've been doing here. And that's something that we have just in the last few days brought to the Panhandle to talk with them about. And, and let me point out too, that you I think asked how much funding the Buffett Institute receives every year. And the number one given was \$2.9 million.

**BREWER:** Correct.

**SAMUEL J. MEISELS:** One, one-half-- actually \$1.3 million comes to the Buffett Institute at the University of Nebraska. Another \$1.3 million goes to, or \$1.4, I think, goes to the public schools working with us. And then \$200,000 only goes to evaluation. So I just don't, you know, I don't want us to exaggerate the funding, which is very, very generous. But I don't want to exaggerate the funding that is coming to the Buffett Institute, and to recognize that funds flow directly from the Learning Community to the school districts.

**BREWER:** No, I totally agree. The part, the part that I think was a little overwhelming is when you saw, you know, OPS getting a

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million-plus check and Bellevue at \$400-some thousand, and you didn't realize how it was getting divvied up.

**SAMUEL J. MEISELS:** Right.

**BREWER:** And I think if there was a lesson learned on this, there's got to be a way to make this a little more transparent, a little more user friendly. So you look at it and you go, you know, this makes sense, they're using the money and this is the end result and it all adds together. But as it is now, it's kind of this stew of confusion. And I think that's why, you know, we, we got the questions that we have. But--

**SAMUEL J. MEISELS:** I understand.

**BREWER:** --thank you for what you're doing.

**SAMUEL J. MEISELS:** Thank you.

**GROENE:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. Thank you for coming, Mr. Meisels, and thank you for your work. I have been up and, you know, I've been able to see some of the Learning Community in action. Could you speak just a little bit to some of the information we continue to hear about, I don't know, the Learning Community not wanting to work with people that have home-based daycares. And, I mean, it almost sounds like-- I mean, I don't know. It just, I cannot grapple with what is happening and what I hear on two sides of this so.

**SAMUEL J. MEISELS:** Yeah, it's a very, very hard question you're asking because I think there are differences of opinion. And we heard some of that earlier. And then also what you heard from David Patton is, quite accurately, is that the Learning Community has several different aspects to it. And the superintendents' plan is one part and there's the north and the south Omaha centers and, and there are pilot centers. And, and in part, they are really attempting to set up these programs and to set up really high-quality programs. And that's what I think the, their mission has been. And it's what our mission has been as well. But we do work with families. And let's not forget, one thing about families is that in this state Nebraska is among the top 10 states in the nation where, where both parents are at work. Or, if there's a single parent, where that single parent is working. So we have to remember that whatever we may want to say about me being

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raised by my mom until I went to kindergarten also, that my mom would probably be working if she were living here and I were a little kid today in Nebraska. Many people can't make those choices that our parents were able to make for us and that's, that's simply the facts. As far as the family childcare and all of that, you know, that-- we are working with community-based childcare. We are working with programs that are serving three and four-year-olds because the school districts are not serving very many three-year-olds at all, and a relatively limited number of four-year-olds. So in order for us to have a longitudinal approach, which is what we have, we must work with them. We do want to work with them. We've assigned two new staff specifically to that purpose now, and so we certainly are making that effort.

**PANSING BROOKS:** So I presume-- thank you for that information, because that's what I thought was happening. But and I presume your goal is not to put other businesses out of, out of business?

**SAMUEL J. MEISELS:** Not at all. Certainly not.

**PANSING BROOKS:** That, that there are other opportunities that, that some parents may want.

**SAMUEL J. MEISELS:** There are. I mean, most family, I mean, for one thing, family, family childcare is smaller than center-based childcare. And many parents want to do that, want that. I did that for my own, my own children. Probably some of you did that. That's not uncommon. And so that, that, that audience is still there. That's not being affected by this. The Seventy Five North is not the Learning Community. It's not the Buffet Early Childhood Institute. There are relationships between Seventy Five North and OPS, but that again is, that's largely center-based programming and it isn't home-based programming. So, I mean, we're getting a lot of different things mixed up and it gets-- it certainly gets confused and makes somebody look like the bad guy. And no one's trying to be the bad guy here.

**PANSING BROOKS:** I would agree to that. And the other thing, I'm glad you mentioned earlier that, you know, in a perfect world, every parent is a great teacher. Every parent is able to stay home and take care of and love their child. But that's just not reality. And--

**SAMUEL J. MEISELS:** No, it is not. Unfortunately.

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**PANSING BROOKS:** And so I appreciate your point to that. It would be great if-- and maybe that's what we need to look at, is paying for every parent to be able to stay home that wants to. I mean--

**SAMUEL J. MEISELS:** In fact, I just read there was a proposal of that sort by someone recently.

**PANSING BROOKS:** Thank you.

**GROENE:** Thank you. One last question from me. When did the early, the Buffett Early Childhood Institute originate?

**SAMUEL J. MEISELS:** In June, on June 1, 2013.

**GROENE:** That's what I thought. This started in 2006.

**SAMUEL J. MEISELS:** Right.

**GROENE:** So it wasn't, originally it wasn't intended as a relationship with the Early Childhood, because you didn't even exist.

**SAMUEL J. MEISELS:** Right.

**GROENE:** All I read here is it was intended to start early childhood programs in that 11 district and share resources. But just what we feel has been taken over by your research project.

**SAMUEL J. MEISELS:** But it hasn't.

**GROENE:** And the board is just secondary.

**SAMUEL J. MEISELS:** And of course it's not true. It hasn't been taken over by us, and ours is not really a research project, OK. It's a demonstration project. And we serve roughly I think 3,500 children between birth and third grade. And there are more than that, am I not right, being served elsewhere in the Learning Community. And we, while we offer our professional development to all of those teachers and any anybody in the--

**GROENE:** The coaches are trained by you?

**SAMUEL J. MEISELS:** Coaches, only those coaches working on the superintendents' plan are trained by us.

**GROENE:** Thank you.

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**SAMUEL J. MEISELS:** So we are not taking it over.

**GROENE:** Appreciate your testimony. How many more people want to testify? I'm going to ask everybody to shorten up your testimony if it's been said already. And I'm going to ask the committee, and you want to go get a piece of tape. We've, we've questioned the main principals in this. So the rest of the people, let's try to keep our questions to nil to very important questions. You're free as elected officials to do what you want. But we need to speed this up. People need to get back to Omaha, the weather is not good out there. So next pro-- opponent.

**SAMUEL J. MEISELS:** Thank you.

**PATRICIA PANIAGUA:** My name is Patricia Paniagua, P-a-t-r-i-c-i-a P-a-n-i-a-g-u-a. Hello, there, Senator Groene and Education Committee. And Hello everyone. Thanks for letting me be here to share my story with you and talk about the Learning Community Center of South Omaha. I am from Guatemala and I have three kids. Alexa is 16 years old and she is in ninth grade. Allison is 8 years old and she's in second grade. And my little one, Jeremy, is five years old and he is in preschool. He also goes to the child learning in the Learning Community center while I take classes, and by the way, he came with me today and he is in the same room with us. My little girl Allison was attending pre-K at Chandler View Elementary School and she had a nice and lovely teacher, Mr. Erick, who saw me struggling with my English and he referred me to the Learning Community Center. I was placed on a wait list, and I was so impressed because from the moment that I start I knew that everything would change for me. I have met wonderful classmates at school, and it's very impressive that they're from different cultures and speak languages like Arabian, Korean, Kanjobal, and Mam. I started at the center in August, 2016, and I can, I can tell you how grateful I am from the program, for the program, excuse me, because I feel more confident, I'm able to communicate better with people, I'm able to make phone calls, appointments, and talk with the teachers at my children's school. I know my family can help me but, as a mom, I wanted to set a good example for them. And I set myself challenges and said, you can do it, you have to do it. Do it for your kids and do it for yourself. So my goal is to always help my kids and of course be a good example for them. Another important thing about the program is that they are focused in on the family. It is not only a place for me to go and receive English classes. They are also involved with all family members, and the navigator has a special role

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here. My navigator, Olivia, for example, makes home visits and asked me things like: How am I doing at school? What I need to improve my English? Do my kids need something to improve their scores at school? What does my little girl need to improve her skills in reading? If I need to set an appointment with a counselor at school, she is able to help me and also go with me. She gives me all the resources to connect with what my family and I need. I had a special case with my little one, Jeremy. He didn't talk too much before we started the program. He didn't socialize too much with people around, he didn't eat much, and his behavior sometimes change. I was so worried about him, and I remember one day I was crying and talking with my navigator about it and she said, hey, don't worry we are here. We are here to help you and help Jeremy. So she got me an appointment at Gomez Heritage Elementary School, and from there we got Jeremy tested and he was diagnosed with Autism Spectrum Disorder. Without the information I think I never would have known what was happening with my kid. Now Jeremy is socializing more, he's talking more, he read in English and also in Spanish. So he is doing very well at school. The benefits of the parenting classes too are that they show us a lot of things that involve all family members. We learn about healthy eating helping kids with their behaviors, setting goals, managing money, and communicating, communicating with your family. In the work force development class I have learned about jobs, resumes, interviews, and using better the computers. In the prime time reading program I learned to read to my kids better, because it's a very hard challenge for me because in my country we don't have that culture to read our, to our kids. I learned that reading is very important because my kids and I can enrich their vocabulary and I can do it too. The family days teaches many activities to share with the kids at home. These programs continue in the summer too. At the center, while parents are in class, there are classes for kids. The kids have the opportunity to learn about shapes, letters, numbers, colors, they sing, the teachers read to them, and they have lovely areas to play. I want to mention how amazing the teachers are. They are super kind, friendly, and respectful. Actually, all the staff of the center make you feel, feel very welcome and comfortable. Without the Learning Community Center, I don't think I would be able to express myself as I do now. And I can see how other families benefit from this complete and wonderful program. This opportunity to speak to you is a dream come true. One goal that I have is to speak for my community, sorry, and express myself better every day. Just to be here to tell my story to you, it's

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really amazing. And it's been such a blessing for me. So I really appreciate this time, and thank you for listening. Thank you so much.

**GROENE:** Because you're a parent and you took the time to come, I let you go over on the red light. But the rest of you, don't think it's gonna happen again. All right. Thank you, miss. Don't hesitate. Come on. We've got to keep moving. So please move to the front row. And then when somebody is done, jump in it so every second counts. Because there's a storm outside and we need to keep moving. And we're all too polite sometimes. Wait for somebody else to jump in there. Be aggressive and take the seat.

**ANDRE ADAMS:** OK. How are you doing? My name is Andre Adams.

**GROENE:** Thank you.

**ANDRE ADAMS:** I'm a product of north Omaha, the drug war, OPS, and the passive-aggressive oppressive, racist system of Nebraska. Today I'm here representing myself, even though I'm a member of the Learning Community's Parent University and the policy-- I'm sorry, parent policy committee. I'm not here, I don't have any underlying self-interests, I'm just here to tell you my facts. You must remember that our perception is limit to our, is limited to our reality. Some of our reality will be different and some will have similarities. Unfortunately, those differences can, can leave room for manipulation, and it happens in politics way too much. Today, all I can do is speak on my perceptions, which come from my reality. My experience with the Learning Community is unique because the only reason I showed up to the door is because of the haters. When I thought, when I thought about how I felt by being manipulated by what I see on TV, I decided to show up and to investigate myself to define what I heard. And it's ridiculous how many people don't do research themselves. When I walked into the Learning Center, the Learning Community, I recognized a familiar face, so that brought automatic trust the situation. After the program was explained to me, how could I not be interested? It's, I like the new approach, so therefore I joined to test the waters. As I began to understand my own life experiences, the more I prefer to practice my own personal theory: Trust nothing, research everything. Before I pass judgment, it's important for me to understand what I make my judgment on to make sure that my decision is righteous. Did anyone do research on the press release? I did. Despite what was stated earlier, Safe Haven Daycare was open at the time of the press release, which was stated different. I didn't understand how OneWorld south Omaha business could close down the north Omaha daycares. And

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also the Literacy Center, Literacy Center of the Midlands mentions nothing about an ESL program, so I'm not sure how the Learning Community could shut that down by having an ESL program. In today's society there is way too much self-interest. And I watch it grow. For me, it started with the Reagan era. Almost everything is generally included. It's made it a lot easier to neglect people's pain. Today's perception of socialism is defined by capitalism. So of course it is demonized. Remember, no one purposely picks poverty. Poverty is painful. How many of you, or are close to you, close enough to you-- excuse me, how many of you are close enough to someone that lives in poverty for them to understand, for them to make you understand their pain? How many of you have spoken to someone that benefits from the Learning Community? Do you know how intrusive the welfare system is? Do you know how it feels to, how it feels, how it sounds to have someone speaking to you that's supposed to-- I'm sorry. Do you know how it feels to have someone that's supposed to be helping you out talk down to you? That's what usually happens when you call the welfare lines for assistance. And especially when you wish you weren't in a position to need the help in the first place. We forget or ignore too many facts that put people in this position. The fact that many people that get assistance work 40 hours a week. Forgotten is how strong our country was when people believed that the ratio, the CEO to lowest-paid employee ratio was 7 to 1. If you, if pay reflected profits, social programs wouldn't be needed as much. Corporate profits weren't continuously saying records then either. The rich get richer and the poor get poorer. Too bad people aren't persistent, this persistent about corporate welfare. How about the pop, poverty profiteers? Seems like money-- people would rather have money put into, rather put money and effort into destroying programs that work. Meanwhile supporting multiple failing programs or self-interest. Through experience that the Learning Community, through, sorry, through the experiences at the Learning Community, people's lives have been improved for the better, including mine. What changed my life the most was meeting Deb Phillips, Michael Phelps-- I'm sorry. Deb Phelps, Michael Phelps' mom, even though she didn't really do anything for me directly, but she still changed my life. The Learning Community is having a direct positive effect on people's lives. Resources are being provided to help peel back so that some of the layers that have been burdening people that coming from the classes that are provided. A few categories are family wellness, employability, and finance classes. Please do your own research for more specifics. I believe it will be more memorable.



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**GROENE:** Thank you.

**ANDRE ADAMS:** One big factor that's often overlooked, that to do better you must know better. The Learning Community opens people's mind to different things they wouldn't have been thinking about. Classes like Cradle to College, which provide a game plan for your future, your children's future. Breaking down barriers can be tough. Mental health is seen in a new light due to the experiences at the Learning Community. Often it takes more than more time to solve a problem than it does for it to happen. In life, most problems have layers. It seems like there is very little patience when it comes to helping the poor, specifically African-Americans. The Learning Community, the Learning Community is helping everyone, just the way it should be. Some classes are open to the public, while others are limited to just parent, Parent University members. Other services provided to the community are childcare provider training, and uses for the facilities for different organizations. As humans, we often forget that we're not as right as much as we think we are. We're a product of our environment one way or another. When dealing with people, we're usually on the outside looking in. Remember that.

**GROENE:** Thank you, sir. All right, I broke my rule again. But you spent a lot of time and you took a lot of time to write that. Next. Unless there's a question? Senator Brewer.

**BREWER:** All right. Let's, let's have an understanding here. First off, do you think there's heavy-handed tactics being used for those that are defending the programs that you just described?

**ANDRE ADAMS:** Defending the programs? No.

**BREWER:** All right. Well, as you saw today at lunch, I got stopped and was informed that there was. And I find that very troubling because people come here and they get an opportunity to have a voice as the second house. And when those individuals who don't want to hear them speak, good or bad, about an issue should not be influencing those who are, are taking the time to come here and have that voice.

**ANDRE ADAMS:** Are you saying I'm influenced? That what you're saying?

**BREWER:** No. What I'm saying is I was stopped and told that you were influencing folks who had come here to speak, and that I found very troubling.

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**ANDRE ADAMS:** No, I was not.

**BREWER:** OK.

**ANDRE ADAMS:** I was doing my research.

**BREWER:** Well then you were, you were falsely accused. The other thing is sometimes when you're on the receiving end of this you get the impression that everyone thinks that you're Daddy Warbucks and you're here negatively looking down on people. Understand, I grew up on an Indian reservation. I had to stand in line to get commodity food. So I understand that, that, you know, it hits a raw nerve when people come in here and automatically assume that we come from some special life. You know, I gave 36 years of my life to the army so I could have an opportunity when I was done. So when I ask questions, and if I seem negative, it's because the people who sent me here want me to make sure that their money is being used for, for a good purpose.

**ANDRE ADAMS:** Oh, absolutely.

**BREWER:** OK. I just want to make sure we're on the same sheet of music. Thank you for your testimony.

**GROENE:** One quick question. Do you work for the Learning Community?

**ANDRE ADAMS:** No, I do not. And I told her I did not. I told her I was a parent.

**GROENE:** All right.

**ANDRE ADAMS:** I told her I was doing my research.

**GROENE:** I just wanted to give you a chance to clarify that.

**ANDRE ADAMS:** Oh, no doubt. Wasn't after you.

**ANDRE ADAMS:** Yeah, I'm-- I'm, I've got nothing to hide.

**GROENE:** And you have children?

**ANDRE ADAMS:** Yes.

**GROENE:** So you got involved as the parent of children attending the Learning Community.

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**ANDRE ADAMS:** Yes.

**GROENE:** And you took the parenting coach program?

**ANDRE ADAMS:** No, there's no coaching. Some members like, just like everyone else who comes into the Parent University. They took, they had, they offer classes, I agree with the classes that they're offering. I've been around and watched them mature. I watch the progress of making. In my opinion--

**GROENE:** So you took some of the classes too, as a parent. It was offered to parents of the children involved. All right, thank you. Thank you. That's just clarification. Appreciate it, sir.

**ANDRE ADAMS:** Thank you.

**MARK HOEGER:** My name is Mark Hoeger, it's spelled H-o-e-g-e-r. I'm from Omaha. I have submitted my prepared remarks, and if you are having trouble getting to sleep tonight you can read them. But just in 30 seconds, the only thing I want to say, I'm a newly-elected member of the Learning Community board. And I've only been there six weeks, so it's not my fault yet, but I am happy to be part of holding this group accountable. And I welcome the input of the citizens who are obviously doing this out of concern for them. And God bless you for doing that. And I promise I'll always take you seriously. And this-- Tonya as one of those people who is tough, asked a lot of hard questions. And that's really needed as well too. But I promise I'll always make my own independent judgments about whether these tax dollars are being well spent. We take that very seriously. I ran for the Learning Community board because I think it's one of the most brilliant pieces of public policy that I've ever seen in the history of education. And I'm willing to defend that over a beer some time with you or something. So I just want you to know we're on the job. We're doing this, we're holding it accountable. One reason we want all these evaluations is because accountability is essential to this whole process. So thank you very much.

**GROENE:** What's your background?

**MARK HOEGER:** I am a media producer now, but for many years I was executive director of the Children's Theater in Omaha, worked closely with them. I got involved with this, I was on the Omaha 2000 committee with the Chamber of Commerce and got drug through that into the whole

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"One City, One School" controversy. So I was among the 12 people that Senator Raikes first presented the Learning Community concept to.

**GROENE:** Is this your first elected office?

**MARK HOEGER:** Yes, it is.

**GROENE:** Good for you, to step up. Thank you.

**MARK HOEGER:** Thank you.

**GROENE:** Any other questions?

**MARK HOEGER:** Any other questions? Thank you.

**MELISSA POLONCIC:** Good evening, committee. I'm Melissa Poloncic, I'm the superintendent at DC West. And you've talked about the 11 superintendents today, I'm one of the 11. My spelling of my name is M-e-l-i-s-s-a P-o-l-o-n-c-i-c, and I am here in opposition of LB161. Senator Groene and also members of the Education Committee, I testify before you today as superintendent, as a superintendent in the Learning Community of Douglas and Sarpy County. I support the collaborative efforts that the Learning Community has afforded us at DC West Community Schools. As a member of the Learning Community, I have the opportunity to share practice with my colleagues on attendance, educational programming in collaboration with business and post-secondary partners, as well as early childhood. I specifically would like to speak to you today about the Superintendents' Early Childhood Plan that is supported by the levy authority of the Learning Community. This plan began from legislative direction that was given to 11 school district superintendents of the Learning Community in 2013. All 11 superintendents endorsed a collaborative plan in 2014 and a program launch in 2015. I've included a summary of this plan with my testimony today. We have participated in the Superintendents' Early Childhood Plan since its launch at DC West. We are a full implementation side of the birth to grade 3 approach. The full implementation allows us to be a partner with the Buffet Early Childhood Institute in several ways. One important component that the levy authority provides is staff to support some programs. As a school district, we already employ a birth to age 3 special educator, two preschool teachers, and multiple paraprofessionals for our prekindergarten programs. Through our partnership with the superintendents' plan we are able to add one family facilitator that serves children and families ages 3 to grade 3, a home visitor that

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serves children and their families from birth to age 3, and a part-time educational facilitator who is a liaison with the Buffett Early Childhood Institute. They provide research-driven instructional coaching to all teachers birth to grade 3. Being a school district that has nearly 40 percent poverty in our birth to elementary grades, we feel confident with that we are able to support the families and children that need us. The impact that the full implementation approach has had is systemic. We have shifted our focus from preschool to elementary grades into a focus really starting at birth. Research by James Heckman tells us that the return on investment for quality early childhood programming, especially for students at risk, is 13 percent. I've actually included that study for you as well. Early Childhood programming is an investment. It's an investment for our children and for us at DC West. We now believe in expanding opportunities for our school district children by becoming involved as early as birth. In 2014, before the implementation of the superintendents' plan, we had 56 students in our birth to kindergarten program. This year, we're serving 90 students in our birth to kindergarten programs and we have 16 students on the waiting list for preschool. We just currently don't have the space for those additional students. The institution of a sliding scale for families who pay for our preschool has also allowed students who have received those home visiting services through the Buffett program to continue in preschool. Families who pay for preschool may pay \$10 a month, they may pay \$160 a month depending on their income qualifications. This allows quality early childhood education to be possible and affordable to all families. I urge you to continue supporting the Learning Community so that the fine work in Douglas and Sarpy Counties may continue, as well as all other school districts in Nebraska who would also have an opportunity to replicate this work for their children and families. Thank you for your time and for your service.

**GROENE:** Thank you. Any questions? Thank you.

**JOEL DOUGHERTY:** Good evening. My name is Joel Dougherty, J-o-e-l D-o-u-g-h-e-r-t-y. I'm the chief operating officer of OneWorld Community Health Centers. I'm here today to testify in opposition to LB161. OneWorld operates the Learning Community Center of South Omaha, in partnership with the Learning Community of Douglas and Sarpy Counties. The Learning Community in south Omaha partners with experts in our community to deliver our two-generation family literacy program. These partnerships include the Omaha Public Library, the Visiting Nurse Association, UNO Service Learning Academy, Boys Town,

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Lutheran Family Service, and the Child Saving Institute. Partnerships with these expert organizations have been built over many years and are yielding results. We have results to show the Learning Community Center of South Omaha is working. Students whose parents participate in the program score above their peers on both math and reading standardized assessments in the third grade. These results are the product of years of work developing this program, assembling a fantastic team, and building partnerships with experts to change the lives of our participants to the benefit of the students, their families, and our entire community. I'm grateful for the support of the Legislature in this effort, and I'm asking for your continued support.

**GROENE:** Thank you. Senator Brewer.

**BREWER:** Thank you, Mr. Chairman. All right, so the question I asked earlier, you're, you're the OneWorld Community Health Center that gets between \$90,000 and \$100,000 a month.

**JOEL DOUGHERTY:** Yes, sir.

**BREWER:** What do you do for that?

**JOEL DOUGHERTY:** We operate a two-generation family literacy program in south Omaha. We served 335 parents this year and 503 children within our target ages of 0 to 6, and another 394 children and those families that are outside of our target age.

**BREWER:** OK. When you say you serve them, what is that?

**JOEL DOUGHERTY:** We teach English as a second language. So a family comes to us twice a week for ESL class, and then every other week they come for other supportive classes. We provide home visiting, which the moms who spoke earlier talked about our home visiting program.

**BREWER:** OK. Thank you.

**GROENE:** Do you also have a preschool?

**JOEL DOUGHERTY:** No, sir.

**GROENE:** So you don't do any children in house?

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**JOEL DOUGHERTY:** No. The opening statement talked about OneWorld operating daycares and putting other daycares out of business. OneWorld doesn't operate a daycare, we've never operated a daycare.

**GROENE:** So you have health services and then you, and you branched out into this parent coaching or family health coaching or whatever you want. I've heard the word coaching used.

**JOEL DOUGHERTY:** We've been delivering healthcare in south Omaha for almost 50 years, and about 10 years ago we started branching out to address some of the social determinants of health, which include education and jobs. This fits very nicely in that.

**GROENE:** And you started as a group of citizens, started that it-- was it a wealthy individual?

**JOEL DOUGHERTY:** In 1970 there were a couple of dental students from Creighton who knew they wanted to get involved in the community and didn't know how. And somebody partnered them up with a pastor in south Omaha. And they, the pastor told them that there were groups of people in south Omaha who weren't welcome other places and maybe they should focus on that. And they founded a group called the Indian Chicano Health Center. And that turned into OneWorld, we changed the name in 2001. We are a nonprofit, federally-qualified health center governed by a board of directors that is by regulation at least 51 percent made up of patients who we serve.

**GROENE:** Thank you. Any other questions? Next, next opponent.

**JOHN LINDSAY:** Senator Groene, members of the committee, my name is John Lindsay, J-o-h-n L-i-n-d-s-a-y, appearing on behalf of Omaha Public Schools. The legislative committee of the Omaha Public Schools Board of Education has recommended a position in opposition to LB161. The full OPS Board of Education will consider the recommendation at its next public meeting, which was supposed to be tomorrow night but apparently because of the snow will be Thursday night. The Learning, Learning Community is a vital community partner for our school district. For that reason, the OPS legislative committee felt it was imperative to inform this committee of its opposition to LB161. The Learning Community plays a crucial role in lives of OPS children and families. Working in partnership with school districts, the Learning Community provides programs outside of schools to help address the opportunity gap. The programs help increase access to high-quality early childhood education and engages families in their children's

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education. Through the Learning Community, parents can receive ESL instruction alongside their kids, providing support to the whole family. The Learning Community integrates college and career readiness to students from pre-K through graduation. The OPS board's legislative committee urges you to indefinitely postpone LB161.

**GROENE:** Any questions? Senator Linehan.

**LINEHAN:** Thank you, Chairman Groene. Could you, and I don't expect you to have this, but just if you could get it from someone, the percentage of children who enter kindergarten at OPS who have benefited from any Learning Community program. Whether it was the Parent University or home visits or preschool, whatever. Any, any program, just the percentage.

**JOHN LINDSAY:** Any percentage of any kids in kindergarten who have benefited from Learning Community programs.

**LINEHAN:** Kids coming into kindergarten, yeah.

**JOHN LINDSAY:** Yes, I will run that down for you.

**GROENE:** Do you have any test results where children coming in as kindergarten students are testing better? You have less behavioral problems because you now have a preschool that feeds them into the kindergarten?

**JOHN LINDSAY:** I, I do not have that, but I can run that down for you as well.

**GROENE:** And if the OPS had the ability to have two cents more taxing authority, do you think they could use it more efficiently directly than filtering some of that money back through the Learning Community?

**JOHN LINDSAY:** I don't know that that's ever been presented to the OPS board, so I wouldn't be in a position to say what their--

**GROENE:** I would be interested in that.

**JOHN LINDSAY:** I will certainly bring that to their attention as well.

**GROENE:** Thank you. Any other questions? Thank you. Next, next opponent.



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**CORNELIUS WILLIAMS:** Good evening. Good afternoon, Senator Groene and the Education Committee. My name is Dr. Cornelius Williams, that's, I'll spell it, C-o-r-n-e-l-i-u-s W-i-l-l-i-a-m-s. I am a resident of Omaha, Nebraska, located at 2913 Manderson Avenue-- well, street-- Omaha, Nebraska, 68111. I know it says 1905 Lothrop, but that's [INAUDIBLE]. All right, so I'm a member of the Learning Community counseling, coordinating council board of subdistrict 2, and just started the second half of my first term. The district I represent is in northeast Omaha, which is often referred to as north Omaha. In the area I spent the first 18 years of my life before going to college, therefore I am in opposition of LB161. Given your time is valuable, I am only going to share a few important facts about the Learning Community and its centers. First, in keeping with the mission of the Learning Community of Douglas County, Douglas and Sarpy Counties has set up a few centers, these Learning Community centers have programs that support teachers, future teachers, and local community childcare providers. These programs often will focus on teaching the best practice models that support the success of young children, especially those growing up in the area of high poverty. Now the programs provided by the north, by the Learning Community have a positive impact in the lives of learning environment of the families and the children of whom they serve. This is shown through the results, which are very measurable using the data collected over the years and testimonies from people involved in these programs. Secondly, I'd like to say that in the Learning Community's focus on cutting edge and innovation techniques that will help both parents and children. The Learning Community is one of the few education organizations that is systematically developing and testing innovational ways to improve the educational outcomes. Our program partners are in agreement with the very important and the-- continues to improve our programs. To do this, we use the University of Nebraska Medical Center's Munroe-Meyer Institute to monitor and evaluate the output from the programs that they provide. These evaluations then are used to improve the techniques of these programs. One requirement of the Learning Community is that it pays attention to the communities and its needs pertaining to the legislative mandate that respond to them. This is why the meals and childcare are provided to the families that partake in the programs and evening programs that are offered. This is done to ease the burden when the time there are to help improve the number of families are able to partake in these programs. It has been shown that the simple things like these are essential to the success of, successful programs. We have established many new community programs that fit within the parameters set by the legislative mandate using

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feedback from people who have taken part in these programs and looking at other national programs close to ours. Using community input helps to build a strong foundation from the direction of hiring the staff and strategic planning for the Learning Community. In closing, as an elected official, I feel confident that the Learning Community has been and will continue to be effective, innovative with its programs, and fiscally responsible with its budget. With this, I want to thank you for your time and your efforts to meet the educational needs of the children we all care about.

**GROENE:** Thank you, sir. Is there any questions? Thank you.

**CORNELIUS WILLIAMS:** All right. Let's all go home.

**GROENE:** Is there anymore opponents? Neutral? We received proponent letters. Proponents from proponents: Terry Jessen of Oshkosh; Mary Jane Truemper, president of Omaha Liberty Ladies; Rachel Pinkerton of Omaha, believe she testified here too; Barbara Gard of Omaha; Charlene Edmundson of Omaha; Pat McPherson of Omaha; Henry Burke of Omaha; Amber Parker of Lincoln; Doug Wittman of Dodge; S. Wayne Smith of Lincoln; Nancy Carr of Lincoln. Opponents: Mark Adler, Superintendent of Ralston schools; Peggy Jones of Omaha; Elton Foster of Omaha; Shauntae Starks of Omaha; Jeffrey Walker of Omaha; Margarita Avila of Omaha; Maria del Rocio of Omaha; Alicia Gonzalez of Omaha; Araceli Martinez of Omaha; Amira Blanco-Liggins of Omaha; DeLisha and Anthony Coleman; Kawanda Brown of Omaha; Gail Williams of Omaha; Claudia Miguel of Omaha; Martha Paniagua of Omaha; Andre Adams of Omaha; Martha Alicia Portillo of Omaha; Xiomara Andrade of Omaha; Taoki Elizabeth Hernandez Alvarez the Papillion; Diana Muro of Omaha; Carolina Martin of Omaha; Zitlalit Flores of Omaha; Claudia Sierra of Omaha. A'Jamal Byndon of Omaha was the one neutral. Thank you. A lot of OneWorld names there. Do you want close, Senator Erdman?

**ERDMAN:** Thank you for sitting here all this time. I appreciate it. You received a letter of neutral from Byndon. Anyway, might be the best neutral letter I've ever read. You know how fond I am of neutral. But he, he made some comments that made sense. He said when they speak of their services, the Learning Community that is, and the outcomes, and can site programs that support a variety of adults and future teachers community childcare providers, do they have longitudinal data that demonstrate such lengths? One would think they would be, there would be a tracking mechanism after 10 years to illustrate this notion. And you heard from many people that shared with you about the Learning Community and what they do, and they spend a lot of money. And if they

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spent that money taking care of kids and doing what they're supposed to do, they'd have great results. And they don't do that. And you heard the testimony, Mr. Patton said that the focus group was a large number: 26 to 36 out of 3,500. Wow, that's amazing. So the DS Learning Community provide the professional development for teachers. That's what they said, right? Well, do the Omaha Public Schools with the so-called excellent staff development program or the University Nebraska education teacher program with so-called excellent faculty, why don't they provide all these services or development within a curriculum? Also, when the Learning Community says it benefits a child's learning, who determines that fact? When they had all that information they presented here that they hired somebody to do the results, do the research. So when you look at this, it's an opportunity for us to do the right thing. And Senator Brewer I was disappointed to hear that they're expanding and trying to move to the Panhandle. Not something that I wanted to hear. The cost-benefit of the Learning Community and the lack of well-defined measurable goals continues to be a problem. The Learning Community is a poster child for what is wrong with the taxation system in Nebraska. Once a program is established, it's particularly impossible to get rid of it. The Learning Community is partnering with so many organizations as focused-- and is focused on being a facilitator for the goals for all those other entities and not establishing their own measurable goals. They had to hire a PR firm to figure out what their goals were. The benefit can be achieved less expensively and more efficiently by school districts and by the private sector. And therefore I'm asking you to advance this bill so we can eliminate the Learning Community. Thank you.

**GROENE:** Questions for Senator Erdman? That closes the hearing on LB161.

**ERDMAN:** Thank you for your time.

**GROENE:** LB398, Senator DeBoer.

**PANSING BROOKS:** How many people?

**GROENE:** How many people want to testify on this one? All right, five. Go ahead, Senator.

**DeBOER:** Good evening, Chairman Groene and members of the Education Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r. I represent Legislative District 10, which includes Bennington and northwest

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Omaha. Today I am introducing LB398 on behalf of the Learning Community of Douglas and Sarpy Counties. LB398 makes three technical changes to the learning community provisions. The first is a change to the deadline for two required reports that the learning community must make to the Legislature. Currently, the learning community is required to submit an evaluation of programs related to the community achievement plan and the progress of the learning community to the Legislature by January 1 of each year. This bill pushes the deadline for these reports back to February 1. The learning community has requested this change because the timing of data which has been released to the Department of Education has made it impractical to complete the report by the current January 1 date. Next, we are correcting an overlooked section of law that was made inapplicable since the passage of LB1067 in 2016. Among other changes to the learning community, LB1067 changed open enrollment students to options students. With this change, the learning community no longer has the tools required to complete their annual assessments of socioeconomic diversity. Finally, LB398 would change the allowable percentage of property tax levy that can be used for employment invest-- employee investments. Currently, the learning community may not use more than 10 percent of the levy for elementary learning center employees, and LB398 removes that limitation. Raising or eliminating the cap is actually a cost savings measure because it allows the learning community to hire employees directly, rather than contract through a third party. Thank you for your consideration of this legislation. I'll be happy to answer any of your questions, although David Patton, learning community CEO, will be testifying after me. So feel free to hold any technical questions for him.

**GROENE:** Questions for Senator DeBoer. Thank you for your patience. Proponents?

**DAVID PATTON:** Opponents?

**GROENE:** Proponents. Proponents.

**DAVID PATTON:** Thank you. And again, good evening. Name is David Patton, D-a-v-i-d P-a-t-t-o-n, here in support of LB398. The senator did a great job already laying it out. I'm speaking in support of LB398, which updates statues to reflect learning community responsibilities and allows for some efficiencies to handle programs, growth, to address the key items. The learning community currently has a 10 percent cap on spending authority for direct employees in our programming funds, which is part of LB1070 in 2010. Since then our

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program base has grown, our direct employee cost is currently less than 6 percent. This program has proved successful, we would like to have better ability to ensure quality employees. The removal of the cap-- cap allows us to make the most cost-effective choice of continuing, continuity for families when deciding between hiring employees or contracting for services. This change is just good business sense. The learning community promotes and supports diversity, but the current statute has been out of date since 2013 when the Legislature passed LB410. Nebraska Statute 79-2118 requires diversity planning under open enrollment, a process which was removed from the original learning community laws dating back to 2006, 2007. A less specific goal is more appropriate for current learning community responsibility. And the third change affects the timing of evaluation and research results currently due to the, to the Education Committee on January 1. These reports require NDE, the Nebraska Department of Ed, and school districts to release student data to the learning community. The data-- the date of the release is moving later every year, making it difficult to complete reports by January, January 1 without having to file an addendum. We feel that February 1 would be a more realistic time frame to analyze results and complete the report. We appreciate your support. I'll take any questions.

**GROENE:** Questions? Senator Linehan.

**LINEHAN:** I'm-- thank you for being here. Thank you, Chairman Groene. I am concerned about this diversity. That was really the whole reason the learning community ever came to be was the fact that you had OPS was not, was diverse, others other districts around Omaha not diverse. Now we have the option enrollment where kids are opting out of OPS. Are you saying we no longer need to look if there is any diversity? I don't understand this.

**DAVID PATTON:** So my memory of the learning committee being created is slightly different, it wasn't just about diversity. It had to do with the education of those families live in poverty and the costs associated to that.

**LINEHAN:** Many of which were minorities.

**DAVID PATTON:** Yes. With that being said, under the open enrollment days there was the ability to utilize transportation to promote diversity, which we no longer have the ability to utilize that transportation. When you look at what's happening across the Omaha metro area, diversity along socioeconomic lines is already growing.

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So, for example, the most recent numbers I saw from the 2017 census demonstrated children under the age of 6 living in midtown Nebraska, I mean, Omaha, has doubled. And so that diversity is taking place with expansion of poverty. We currently still support diversity and we have a diversity report that we still provide to our coordinating council. This language isn't about eliminating that support for diversity, it's just saying that we don't have the ability to utilize that transportation to promote diversity. That's all we're trying to say. And we're happy to clean that language up and to make it cleaner.

**LINEHAN:** Does anybody watch the diversity as far as--

**DAVID PATTON:** Yeah.

**LINEHAN:** So do we know how many kids that are opting out of OPS what, if they're minorities or not minorities, if they're-- if they're poverty or not poverty, free lunch or not free lunch?

**DAVID PATTON:** We pull a number of data off of the state Web site, and so we can provide that. I could get you our most recent report with along that other information. I don't have it. But to answer your question directly, yes, we still monitor diversity across the 11. Yes.

**LINEHAN:** So you can-- OK. OK, yes, I would like you to come back to me with that. Thank you.

**GROENE:** Senator Murman.

**MURMAN:** Yeah, I'm more confused now. Are, are you serving a higher percentage of minorities now than you were originally or, or lower?

**DAVID PATTON:** So we look primarily at poverty rate as far as our diversity. And, yes, the number of children living in poverty is growing in the metro area. I received data, I did not create, that I looked at briefly from the 2017 census that would indicate that children under the age of 6 in poverty is growing.

**MURMAN:** So you're-- but you still haven't answered the question. Are you serving more minorities as a percentage now or less?

**DAVID PATTON:** No, we are--

**MURMAN:** I realize it's based on poverty.

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**DAVID PATTON:** Yeah, no. We, we our programs continue to grow. We have a waiting list at the south center, we will be at waiting list probably within the month at the north center. In our programs out in the pilot programs and what have you, those numbers are quite large. Districts are currently looking at what to do with some of those programs to help address that. So, yes. When we talk about, for example, last time I was up here we talked about the data on the third grade test scores. That's a one-time spot, shot. What we're looking at is trend data across the way. And I actually have some of that trend data. So with your question to John Lindsay, I have some trend data I'm going to provide to him for you. So we look at that across the way. So, yeah, our trend data demonstrates a growing population that we're serving.

**MURMAN:** But the population is less minorities now than it was originally.

**DAVID PATTON:** Well, we look at it based upon socioeconomic status.

**MURMAN:** Correct.

**DAVID PATTON:** That was my understanding of a Supreme Court ruling.

**GROENE:** So the reality is you service an area of 12 school districts.

**DAVID PATTON:** Eleven.

**GROENE:** Eleven, excuse me, you're the twelfth. Anyway, but--

**DAVID PATTON:** It's getting late.

**GROENE:** But diversity makes no difference with option students. Because if they moved from Omaha to Millard or to Westside they're still in your geographic area.

**DAVID PATTON:** Yes.

**GROENE:** So that mix--

**DAVID PATTON:** Oh, I'm sorry. OK, yes.

**GROENE:** So really it, it hasn't changed.

**DAVID PATTON:** Well, the number of young people in poverty, according to the 2017 census would demonstrate that the number of young people

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living in poverty is a growing number, not a decreasing number. That's what I was trying to--

**GROENE:** I thought public education was going to solve poverty 150 years ago when they started it. Anyway, but you-- the biggest thing you're after is to spend more money on your own employees, right?

**DAVID PATTON:** We're-- when we consider our strategic plan, which is to continue to grow our programs, yes. We, if we can hire individuals to work directly for the learning community, provide the training, provide that continuity for our families then we will also save funds.

**GROENE:** What do you mean families?

**DAVID PATTON:** The families and the children that we serve.

**GROENE:** All right. So you will--

**DAVID PATTON:** Yeah.

**GROENE:** --you will, will go into a school and work in the school environment, or are these employees going to be the parent coaches?

**DAVID PATTON:** They'll probably, well, they will primarily be childcare providers for while parents are in classes; or navigators or liaisons which help to coach those parents along, if you will, using your terms, yes.

**GROENE:** So now are you under the, the school retirement plan, state retirement plans?

**DAVID PATTON:** No, we are not.

**GROENE:** And the health insurance?

**DAVID PATTON:** We do provide health insurance and we do, we are part of the Educators Health Alliance, but we are not a part of NPERS or OSERS or any of those other retirement programs.

**GROENE:** You're an independent.

**DAVID PATTON:** Yes. That's part of why we're able to maintain some of our costs.

**GROENE:** Thank you. Senator Murman.



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**MURMAN:** How recent are your poverty statistics?

**DAVID PATTON:** The numbers I was looking at recently was from the 2017 census.

**MURMAN:** OK, because most recent-- go ahead.

**DAVID PATTON:** Oh, I apologize. But we provide a yearly, as a part of our annual report, we provide a yearly diversity report that Senator Linehan was referring to, which is why I know we have one. So you'll have a yearly analysis of that.

**MURMAN:** OK, because the most recent statistics I've seen nationwide is that the poverty is actually going down the last year or two.

**DAVID PATTON:** The '17 census was the most recent census data that was available to me so. I look forward to seeing more. But that's something that we all should be paying attention to.

**GROENE:** Any other questions? Thank you. The one thing, you want to get rid of the diversity thing because you don't have any tool to anymore, to affect it.

**DAVID PATTON:** Yeah.

**GROENE:** As far as within school districts.

**DAVID PATTON:** With the open enrollment going away, yes.

**GROENE:** You have no tool.

**DAVID PATTON:** Correct.

**GROENE:** Yeah, so we can't ask you to expand diversity in schools, within the 11 school, when you have no tools anymore.

**DAVID PATTON:** Correct, sir.

**GROENE:** All right, thank you.

**DAVID PATTON:** Thank you.

**GROENE:** Thank you. Next opponent. Proponent. Yeah, this is different than the other one. Thank you, Senator. Thank you, sir.

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**CORNELIUS WILLIAMS:** Yeah. My name is Cornelius Williams, Dr. Cornelius Williams. I live at 2913 Madison Avenue, Omaha, Nebraska, 68110. I'm here one-- I am currently a member of the Learning Community Council subcouncil 2. And I am speaking in favor of this bill because it's one of the things that we need to move forward. And when he is talking about when, just to give you a little bit more, maybe not a complete understanding. When it comes to our finances, our paying our people, what we have to do now is we have to, if we need someone if we have a cap, we have to outsource it to somebody. And that outsourcing provides an unstable environment for the employees and the people there. And so by raising the cap we can, instead of outsourcing it, save money by actually hiring somebody for that position. So that's one of the things I wanted to point out.

**GROENE:** Thank you. Question for you, since you testified twice, sir, and nobody has asked your question. Because you give such a good testimony. If, if would you-- even, because we don't trust anybody with government money, go to 20 percent first to see if that would, and then come back and prove that at 20 percent instead of 10 percent you were, you were reliable?

**CORNELIUS WILLIAMS:** Let me clarify. Could you be clarify, be real clear on your question?

**GROENE:** Right now you can use 10 percent of your funds.

**CORNELIUS WILLIAMS:** OK, OK.

**GROENE:** Move it to 20 percent.

**CORNELIUS WILLIAMS:** OK.

**GROENE:** And right now they're striking it that you can do whatever you want with it. Start with 20 percent and then next year, two years down the road you can come back and say: Look what we did. This is how much money we saved. We were right. And then you can try to shoot for a bigger number.

**CORNELIUS WILLIAMS:** Well, I'll say that to say savings that would be if we freeze at the same level of programming and everything then you could compare those numbers. But what's going to happen is when we expect once, once we're allowed to get that, raise that limit we will bring in-- we're going to show you that, if you want, we can show you the differences if we were to hire outside for that position and keep

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it in-house and show you that there is a possible difference. But to actually say how much overall we're probably saving was may not fit most people's bill. But I will definitely say we'll save because, for instance, if we're right now paying \$15 to hire outside, we bring them back in in-house we'll pay, you know, we're paying the service \$20. And we'll end up paying the service \$20 but they're only paying the other person \$10. And so not only that but their income will be less. But if we're hiring inside, we'll pay \$12 and don't put, and everything else, and now their status will go up and we'll still keep them and they will be retained a little better. So that's the reason why you look at it from that aspect. When it comes to the-- and some of the money will also help us that some people have pointed out, yes, we are looking at the foundation. Most educational boards have foundations-- even though we're not an educational board-- but most board you'll have a foundation to help raise money from the outside. Our money from the outside is limited to what the legislation has already put on, put on us. I mean, we can't spend money where we're not legislated to spend money. And that's one of the things when they were testifying earlier about the other thing that was getting me is like, well, we're not-- that's not in our mandate. The legislation did not mandate for us to spend money on computers for kids. We can't do it because they didn't tell us to.

**GROENE:** Thank you. Any other questions?

**PANSING BROOKS:** No.

**CORNELIUS WILLIAMS:** She's hungry. Get her a Snickers bar.

**GROENE:** Next proponent. Any other proponents? Opponents.

**LARRY STORER:** Larry Storer, S-t-o-r-e-r, 5015 Lafayette Avenue, Omaha, Nebraska. Early February the Bellevue City Council announced that they were going to eliminate the public comment period from their city meetings. And they also made a comment as well: We can't comment to the public, so we might as well just do away with public comment. I see that same thing moving on down in Omaha. Why would people bother coming if they can't speak on the agenda and if they can't discourse like this? Now, I'm quite aware that if you choose to ask your question, yes, we can discourse. If you choose not to ask your question, we're done. But that's an unconstitutional issue, I think. Both federal and state constitution, by the way. Change the learning community levy and diversity plan requirements. Well, if we're eliminating the learning community, I guess we don't need this.

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However, we seem to have a lot of people that are not informed about the statistics of diversity. It's been prepared for us by certain 501(c)(3) organizations and the Douglas County Youth Center for quite a few years here. Sherwood Foundation and TerraLuna signed a contract with Douglas County July of 2014 to start doing that. And we got that out of it. But we also got our diversity figures that everybody is throwing around here. This morning's World-Herald, friend of mine happens to be black, a 30-year veteran of the Air Force, happens to be figure down at the city county building. But he said something that somebody needs to say. And he said, I think somebody are using us black men, maybe us black people, for their own purposes. And I think he's right. And you know what? That puts us, that pits us against each other. All of this, all of this bulls\*\*t, pardon the language. I haven't said this before, but my grandson is half black. I might have a little bit Indian and therefore there maybe he does. But I'm, I'm sick and tired of this. Every, every week at the city council and the Douglas County Board you hear this, and then they march their people down, the OTOCs and the Invisibles and the Omaha 501(c)(3) people that are out for the children. But the money's not going for the children. The money is going to these 503-- 501(c)(3) organizations, and you've just heard a lot of that. Now we're trying to cover that by moving the money that's been taken from me and others in tax dollars, property tax dollars, probably income also, and moving it around here and making it sound like we're doing away with the learning community, which we're not. I was at the University Civic Center in Omaha here about 2015 when a judge from Pennsylvania came into town. A retired Supreme Court judge from Pennsylvania and he said, the state of Nebraska brought me here to show you people how to save the children because we had some effective programs in Philadelphia. What the buzzword would be "best practices." The other buzzword is "stakeholders." Well, I'm a best, best practice and I am a stakeholder. I'm also an elector, but I don't get much say in things. Usually have this long procession of everybody that's all for the proponents dressed in their suits. They're paid to do that. Most of us over on this side of the room are not, we're just average citizens. So scrap the diversity business, scrap the learning community, and return the taxpayer dollars to us, please, and let the families have it for what they need. Maybe we can all help the children a better way is what I'm saying. We're all interested in that. But we're not interested in lining somebody else's pockets. Thank you.

**GROENE:** Thank you. Any questions? Next.

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**DAN La GRANGE:** The last fella is right. Oh sorry, Dan La Grange, La Vista, Nebraska. I'm a veteran. I have three, three sons, one them happens to be a West Point graduate. And I've heard-- I tell you this, this learning community is selling swamp land. And let me tell you, I have been out and I have talked to other citizens and the majority that pays the bills. I can't find anyone that likes the learning community, and what I've heard from them is that when a child is born I guess we're taking it down and dumping it off at the learning community because it don't need its mother anymore. If that outfit would have showed up on our farm wanting to take us boys to some place in and influence them, I'm afraid that guy wouldn't be getting very far. You know, I was, I was born poor. And I, and I got a feeling some of the people in here was too. And I never started the school until five, learned a lot of things on the farm as a young guy. And we only have so many tax dollars that you can get out of the public, and they're fed up with it. You know, I come here to save them tax dollars but at least in this learning community and give the money to our regular school board. The fella in Gretna, the superintendent, said we got all the buildings, we got the people, we don't need to spend this kind of big money if people want to head start their kids at school at three or four. So the other thing I wanted, they have, this learning community is now also not going to let the public into their meetings anymore. It was in the World-Herald, I believe. And they're changing this learning community to a foundation which you won't be able to know what they spend the money on or what they use it for or what it's reported to be, to be done. And they'll give themselves their own raises, and it just needs to be ended and give-- and I don't think they're doing that good a job anyway. That's all, that's all I have. Is there any question you'd like to ask me? And I still don't know why they need so many attorneys and lobbyists and all that if they're such a good entity. I don't know how many attorneys a regular school board has but it's a sale. And I tell you the next thing that's going to happen, which I'm going to be against, is the vaccines. I already have one grandson with autism. That will be the next thing, is vaccinating them little babies and having control of that. And let me tell you, 1 in 69 children born today has autism. Right in our same communities, the Amish has 1 in 5,000. They drink raw milk, they don't have electricity, and they don't vaccinate. And this is more of a control of getting a hold of little kids and things. I think you need to leave parents and kids alone until they at least go to school at five. A kid needs to be a kid. Thank you.

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**GROENE:** Thank you, sir. That was better testimony what than when you were prepared. Thank you.

**DAN La GRANGE:** That's all right. I tell you, I look-- I see some things I like here. I see some-- I'm going to run, I'm going to run for office.

**GROENE:** There's no overtime pay.

**DAN La GRANGE:** Listen, I been sold the kitchen sink before, I want you to know.

**GROENE:** Thank you, sir. Next.

**DAN La GRANGE:** I hope there's people here that can see it.

**GROENE:** Let's keep moving.

**TONYA WARD:** OK. Good afternoon again. My name's Tonya Ward, T-o-n-y-a W-a-r-d. I live at 4826 South 19th Street in Omaha, Nebraska. And I sit here just representing myself today, although I'm an elected official. I'm so glad I came today because I learned things today about the learning community that I've been trying for, to learn for five years. And not until Ms. McCormick put those public records request that the state supports to have them turn over information did I learn what I've learned today. As an, as for oversight, here's how the learning community works. At a council meeting we have a treasurer's report that lists the vendors, amounts, dates of payments, and the month the payment was made. No listing of the purpose. So when I ask, I'm told it's in the materials, Tonya. The council approves it. It's already been spent. We're supposed to approve it. That's why every time I vote no, because how can we approve something that's already been paid without us having any knowledge about it? It's ridiculous. So I get really upset because I'm the only no voter on this council, and it just appears to me that if the council approves something that they should know what the heck they're approving. The report as an accurate statement of the, of the activities, we don't approve before the payment is made. That should change. I've made requests, multiple requests, but one specific request for invoices of the attorneys for just the series of the last eight-- six to eight months. But when I got those invoices from CEO Patton they were redacted statements. And as an elected official sitting on this council, I couldn't see what I voted no against. But we didn't even get to see, and the rest of them voted yes and paid them. And they

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paid the checks before we even know what they're paying. That's backwards and it shouldn't be happening. So I asked again Mr. Patton twice. Get-- I want the unredacted statement so I, as an elected official sitting on the council, can see what did we pay. And I was denied. He told me that he could not give me that information. So that really does upset me. When the council meets with me in the past, over every single year the monthly meetings have been canceled several times, at critical times, like when they were devising this foundation that I don't approve of. Because it is a secret, private foundation and nobody knows what the heck they're doing. But it shouldn't exist. But I'm the only one that voted no against it. The council has very little to do with the programs that are actually conducted in OTOC. And as for responsibility to citizens, Ms. Easter, who testified earlier, actually came to a council meeting and she was restricted to public comment, time-limited. And that happened to several other people who came and had something very important to say. Tonight's the first time we heard they will now take care providers. Wow, I did not know that, and neither did she. And I don't know what they're going to do. We're not the people to have more employees, we as the learning community. We are not the people to be, that should be given another penny to be responsible for because we are very poor stewards of public funds. And I strongly urge this committee to please, please do not advance this bill. Thank you so much for your time and I welcome any questions that you may have.

**GROENE:** Any questions? Thank you.

**TONYA WARD:** Thank you so much.

**GROENE:** Being a public official and coming to testify.

**TONYA WARD:** Yes, sir. Thank you.

**GROENE:** Elected official, not--

**TONYA WARD:** Reelected. Thank you very much.

**GROENE:** Any other opponents?

**AMBER PARKER:** Amber, A-m-b-e-r, Parker, P-a-r-k-e-r. I'm an opponent to LB398. I think it's very interesting that in the same day that we're having a hearing in dissolving the learning community that there's a bill to give and lift the levy. Correct me if I'm wrong, it would be page four. However you say it, line 22, the line crossed out

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says "except that no more than 10 percent of such levy may be used for elementary learning center employees." And if you scroll down to the end of LB398, also crossed out, "until such enrollment reflects the average socioeconomic diversity of the entire enrollment of the learning community." So to me, this bill pretty much takes away the accountability that was somewhat set forth. And it is time that it just be dissolved. I think it's interesting that when we the people elect those who are going to serve we would think that they would be privy to information pertaining to a budget and have guidelines and a roadmap. It greatly is concerning and should be a red flag with everybody on this board that there were checks being written, now this, and this is new information since Tonya just shared it, but she didn't even know where it was. And then when asked, the information couldn't be given. Five years on the learning community and I would hope, I know Tonya would stop me and correct me if I'm about to say anything wrong here, but five years that Tonya Ward has been on the learning committee-- community and there are things just today, certain things, I mean, through what someone did a public records request and things were answered. But not even the elected official on that board, it had to come from somebody that had to do that themselves. Again, something is, is wrong. Dissolve the learning community, and I'm an opponent to LB398. There should be no levy lifted and this shouldn't even exist. Thank you.

**GROENE:** Do we have any questions? Thank you. Any other opponents? Neutral? Letters. Proponent Mark Adler, Superintendent Ralston Public Schools. Opponents, none. Neutral, none. Senator DeBoer.

**DeBOER:** I'll just take a second so we can all get home. I just wanted to say that I heard Senator Groene asking about leaving the limit completely open as opposed to putting a percentage on. And I think we, I would be happy to provide an amendment or work with you all on an amendment to put that 20 percent or whatever it should be in so.

**GROENE:** Thank you.

**DeBOER:** Thank you.

**GROENE:** Any questions? Senator Linehan.

**LINEHAN:** Thank you, Senator DeBoer. On this, we're striking this language. I find this very interesting. Maybe I'm just the only one that didn't get it. But on page 12, line 18, "The goal of the diversity plan shall be to annually increase the socioeconomic



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diversity of enrollment at each grade level". Wait a minute. Some-- where do you change it to February versus, oh, up above.

**DeBOER:** Yeah.

**LINEHAN:** I don't remember getting this report in January.

**DeBOER:** So what I was told is that apparently they put together that report in January but that it is often incomplete because they don't have all the data. And so they have to publish an errata later. That's what I was told.

**LINEHAN:** Well, did they tell you when the last time they published the report was? Because I don't remember ever seeing this report.

**DeBOER:** I can find that out.

**LINEHAN:** OK, because I'm afraid maybe it just hasn't ever been published.

**DAVID PATTON:** It's uploaded every December 31st to the Legislature.

**LINEHAN:** But do you deliver it to us? He can't actually--

**DeBOER:** Yeah, I was going to say.

**LINEHAN:** I'm sorry.

**DeBOER:** I don't--

**LINEHAN:** OK, well let's find out--

**DeBOER:** I can get that information to you--

**LINEHAN:** --if it's delivered to the Education Committee.

**DeBOER:** I can get that information to you, but my understanding is that it is prepared and delivered by the deadline but that it is often incomplete because it doesn't have the data. And so they have to later amend it.

**LINEHAN:** OK. All right, thank you very much.

**GROENE:** They post the report to us?

**LINEHAN:** Yeah.

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**GROENE:** I've never seen it. But then again--

**LINEHAN:** It says electronically to the edu-- Education Committee of the Legislature on or before January 1 of each year.

**GROENE:** So that should be every member.

**LINEHAN:** Yeah.

**GROENE:** Not just me.

**DeBOER:** Yeah, that's right. I'll look into it for you.

**LINEHAN:** All right, thank you.

**DeBOER:** Any other questions?

**GROENE:** That ends the hearing on LB398 and that ends the hearings today. Thanks for everybody's patience and I hope we learned something.