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WALZ: Good morning, everybody. Before we get started, I'm going to go over the Education Committee COVID hearing procedures. For the safety of our committee members, staff, pages and the public, we ask those attending our hearings to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit doors to the hearing room. We-- we request that you wear a face covering while in the hearing room. Testifiers may remove their masks covering during the testimony to assist committee members and transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by a Sergeant at Arms who will allow people to enter the hearing room based upon seating available. Persons waiting to enter the hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the ability-- availability due to the HVAC project of an overflow hearing room for hearings, which attracts several testifiers and observers. For hearings with a large attendance we request only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. And with that, I welcome you to the Education Public-- Education Committee public hearing. My name is Lynne Walz from Legislative District 15 and I serve as Chair of the 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 before us today. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please turn off or silence any cell phones or electronic devices. The order of testimony is introducer, proponent, opponent, neutral and closing remarks. If you will be testifying, please complete the green testifier sheet and hand it to the committee clerk 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

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Education Committee February 8, 2021

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to distribute. 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, state and spell your name for the record. If you would like your position known but do not wish to testify, please sign the white form at the back of the room and it will be included in your official record. If you are not testifying in person, but would like to submit a written position letter to be included in the official hearing record as an exhibit, the letter must be delivered or-- or emailed to the office of the committee chair of the committee conducting the hearing on the bill or LR by 12:00 p.m. on the last workday prior to the public hearing. Additionally, the letter must include your name, address, stated position for or against or neutral on the bill or LR in question, and include a request for the letter to be included as part of the public hearing record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly-- clearly. Finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green is five minutes, remaining yellow you have one minute remaining and wrap up your comments when you see the red light. The committee members with us today will introduce themselves beginning at my far right.

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

LINEHAN: Good morning. I'm Lou Ann Linehan, District 39, western part of Douglas County.

SANDERS: Good morning. Rita Sanders, District 45, which is the Bellevue-Offutt community.

WALZ: I'd also like to introduce our committee staff. To my immediate right is research analyst, Nicole Barrett, and to the right end of the tables, committee clerk, Kristina Konecko McGovern. And our pages are-- I don't have their name. Ryan and Brytany, welcome. Thanks for being here today. Please remember that Senators may come up-- come and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphone and limit side conversations and making noise on personal devices. We are an electronics equipped committee and information is provided electronically as well as in paper form.

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Therefore, you may see committee members referencing information on their electronic devices. Please be assured that your presence here today and your testimony are important to us and crucial to our state government. Lastly, as a reminder, please allow the pages to sanitize between testifiers. And with that, we're going to open our hearing with a gubernatorial appointment, Duane L. Kimey.

DUANE KIME: Kime.

WALZ: Kime. OK, come on up. The position that he's applying for is the Board of Education Lands and Funds. Welcome, Duane.

DUANE KIME: Thank you. Senator Walz, and the rest of Senators. You want to know a little about me?

WALZ: Yes, please.

DUANE KIME: I've lived my whole life in Cherry County. I was born as far as you can get from a town in-- in the state of Nebraska. Went to Class I school there through eighth grade. Went to high school that I think at that time was called Valentine Community Schools. Graduated there. After high school, went back out to the ranch, went to work. I never stepped foot on a college. I got married to my high school sweetheart in 1976, have two kids. Daughter, Tracy, lives in Kearney with grandson there. She works at the Youth Rehabilitation Center. Son, John, lives in Valentine with the two grandkids there. He's involved in ranch operation. Been-- own cattle. Ever since I was nine years old been involved in ranching operations. Currently I'm on the-- or the Cherry County Planning Board and the Sand Hills Area Foundation Board.

WALZ: OK. Questions from the committee? I do have just a couple of questions. First of all, what-- what's the interest? Why do you have an interest in being on this board?

DUANE KIME: Probably the main reason is when I got to checking on it and there is another gentleman from Valentine that is on the board and he was wanting to get off him, so he asked me if I would put my name in. Well, he didn't-- he didn't get off the board. They replaced the-- board member, I think was from Grand Island. Main reason is on-- I'd be the only one west of Grand Island on the board. Most of the school land, if you look is in western half of the state. I've been-- we had

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school sections when I was a kid growing up and was on the school board-- the school board for 34 years between Class I, Class VI and Class III. And I've been on for about , I think, eight years now.

WALZ: Wow. Thank you for your service. I know that's a tough job. The other question I have is that I-- I served on the Natural Resources Committee for my first couple of years, and I do know that, um, there can be some controversy around alternative energies just being on the-- on the Natural Resources Board. What's your opinion of-- on the use of either solar or wind energy that has so much to do with the land fund?

DUANE KIME: I guess I was on the Planning Board, Cherry County, and we had a pretty controversial deal. Kilgore wind energy, you know, like the fear of putting in 19 turbines there. And it was-- I believe it was 3-- or 4 to 3 vote to-- to approve them. And I was one of the ones to approve the project.

WALZ: So you approved the project?

DUANE KIME: Yes, I did.

WALZ: OK.

DUANE KIME: I'm-- well, I'm going to really, I guess you'd say, straddling the fence. So on that kind of have to be the main reason I approved the-- voted to approve the project was it met all the regulations off the CUP and all the regulations at the time of the permit. So you can't-- I couldn't see any reason you could vote against it, but.

WALZ: OK. All right. Thank you for giving us the opinion. The board here does have a fiduciary responsibility to make sure that we get revenues for the school fund, which includes revenues from the wind and solar sources. The committee is also interested in making sure that we get as much revenue as we can from the project. So what is your plan for any potential conflicts of interest between maybe your personal view and your responsibilities as a member of the board? So how would you-- how would you-- I guess if there was a conflict of interest, how would you handle that?

DUANE KIME: Well, there's a pretty good, pretty good chance being on the zoning board in Cherry County and some of the things that I know.

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Have been to two meetings with-- the Education Board Lands and Funds and I will have some conflict of interest on-- not on the, that, but will have some conflict of interest problem. Yeah, the nearest I can tell and the information I got at two meetings is that the land is the-- produced as much, if not more in revenue as what is in-- whatever they call the State Treasury fund deal. Whatever they-- whatever the proper term is for that. It's very important to-- like Cherry County, you know that has huge county and I think there is a 156,000 acres of school land. And the school board when they went from and started paying taxes on that instead of in lieu, that made a big difference in Cherry County because we wasn't getting hardly any-- any out of that. Now we are getting the taxes out of it. Whether you sell it or not, you still get that, but it's the western part of the state. I think it's very important to keep the land.

WALZ: All right. Thank you so much. Do we have any other questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. And thank you very much, Mr. Kime, for being here in person. I appreciate that a great deal. In the Department of Education's legislation that they gave us this year to approve or not approve, which is in front of this committee, there was a change for, uh-- you'd be able to, as a board, to rent more than 360 acres. I think it was 360 or it might have been 675.

DUANE KIME: 640.

LINEHAN: 640, so more than a section of land to any one landowner. That's just catching up with the times because it needs-- you need to be so big now to make it work or what--

DUANE KIME: I've only been to meetings and that come up with the last one trying to get myself familiarized with some of the stuff. the way I take it is, it's kind of been that way anyway.

LINEHAN: I just--

DUANE KIME: Because there's been some added you know, somebody has a section. They've been able to purchase some ground next to it. And it's basically just changing the wording the way I take it, doing what they've already been doing basically.

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LINEHAN: Easier-- do you think it might be a good idea if the commission looked at whether they should hold these assets or whether they should liquidate the assets? Are there some rules about what you can hold and what you can liquidate?

DUANE KIME: Um, I'm-- I'm against liquidating all the assets, I'll be honest. On that as of now, I think there's a figure, there's a percentage of land that they're supposed to have as assets. And I'm not sure what that figure-- figures. I can't remember. But on that, whether it's 50 percent or 70 percent or what it is, but there is-- there is a figure that they're--

LINEHAN: And none of these lands, property taxes isn't collected unless there's energy sources on them. Is that the situation?

DUANE KIME: What's that?

LINEHAN: The land that's in this fund, ag land is not-- does not pay property taxes, right?

DUANE KIME: Yes, it does.

LINEHAN: Pardon?

DUANE KIME: The land.

LINEHAN: Right.

DUANE KIME: The land pays property taxes in that county.

LINEHAN: They do, so the-- so the commission pays property taxes on the school lands?

DUANE KIME: Yes, ma'am.

LINEHAN: OK, I didn't know. OK, thank you. That's it.

DUANE KIME: Same as any-- assessed the same as any ground of like kind.

LINEHAN: OK, all right. Thank you.

WALZ: Other questions from the committee? Senator Muman.

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MURMAN: Yeah, thanks for coming all the way to testify. So the property taxes do go to the local school district, is that correct? Where the land is located.

DUANE KIME: Yes. That would be just-- just like in-- if-- be the same as if a private individual owned it. I mean gets the same. Yeah, it goes to-- to I think-- I think Cherry County gets-- I think get's close to 800,000 in property tax from them.

MURMAN: OK. I just wanted to know that.

DUANE KIME: And it's like if I-- if I broke up into five school districts.

MURMAN: OK. Thanks.

WALZ: Any other questions? Thank you so much for being here today. We appreciate you coming down and for your interest.

DUANE KIME: I was a little-- roads weren't real nice yesterday coming down.

WALZ: No, I'm sure they weren't.

DUANE KIME: I was in Valentine, it was about 17 below this morning, so it will be a little chilly feeding when I get home. I still feed cattle every day.

WALZ: All right. Well, thank you.

DUANE KIME: Yep, thank you.

WALZ: Do we have any proponents that would like to speak? Any opponents? Anyone who would like to speak in the neutral position? All right, that ends our gubernatorial appointment for Duane Kime and it opens up LB473. Senator DeBoer, adopt the Extraordinary Increase in Special Education Cost Act.

DeBOER: Good morning, Chairperson Walz, 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 is the city of Bennington and parts of northwest Omaha. Today, I'm introducing LB473, which would adopt the Extraordinary Increase in Special Education Expenditures Act. Those of

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you who were on the committee last year, you may remember that I introduced a similar bill in 2020. I do have an amendment-- promised to work on it then and we did. And the department had some amendments for me on Friday and so here they are. I do want to note that I've passed out AM152, which makes specifically some changes to the timeline of how funds would be administered and how school districts would apply for the reimbursement from the fund. It doesn't-- the amendment doesn't change the intent or the goal of the legislation and it was created through consultation with the Department of Education. It's a white copy amendment and I will be referring to it from here on out. And I think it makes the-- the mechanism. Last year we-- we thought it was a good idea to do this, but we didn't quite have the mechanism right. I think it makes the mechanism a little more elegant. This act would create a fund consisting of money appropriated by the Legislature from the General Funds. The initial fund would begin-- I've set it with an appropriation at \$3 million and would assist school districts with up front aid when they see a substantial increase in their special education expenditures from the previous year. Currently, school districts are reimbursed by the state and through federal IDA funds for a percentage of their special education costs. Usually this reimbursement amount is somewhere between 40 and 45 and 50 percent of Fed SPED expenditures, but varies from year to year. This reimbursement comes from-- comes a year in arrears and that's really what I'm trying to deal with here. So no districts have to pay these expenditures. So districts have to pay these expenditures upfront before they get reimbursed, which can be difficult in situations where costs can rise dramatically and unexpectedly year to year. This is especially common in our smaller school districts, where one additional student moving into the district can cause a substantial increase in costs if the district does not already have the programs or tools required to address that student's needs. They may need to hire, for example, an ASL translator, buy a new school bus that can accommodate the needs of a student with a physical disability, or hire additional staff members to assist a student with a learning or behavioral disability. The extraordinary increase in Special Education Expenditures Fund would seek to address this by providing some state aid for special education earlier in the same school year that the expenditures were made. So under the amended version of the bill, a school district that wanted to apply for funds would have to submit their special education expenditures up-- what they had from the school year in the fall until December 31. They

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would submit that by January 15. So their first semester-- semester expenditures. The department would then calculate 107 percent of half the actual SPED expenditures for the prior year, and if the number is greater than the expenditures submitted, then the district is eligible for reimbursement in an amount no-- no greater than the difference between the two numbers. Since the \$3 million, the bill allocated for the fund likely wouldn't be enough to call eligible-- cover all eligible districts, the funds would be paid out proportionately. So they would look at what it would cost if they made the amount that they spend and then they would compare that to the previous year. And if they'd gone up by 107 percent, then they would get the difference. When reimbursements are calculated for the school fiscal-- fiscal year in which a district received aid from the fund, the district then will not receive reimbursement for expenditures which were already covered by this fund. Instead, the fund will be reimbursed at the reimbursement rate for that fiscal year. So it's my hope that this fund can assist school districts in meeting unexpected special education needs and help Nebraska better serve students with special education needs, no matter what part of the state they happen to live it. Thank you for your consideration of this bill and I will be happy to answer any questions you may have. And I apologize in advance that some of the details on the amendment are still a little foggy for me.

WALZ: All right, thank you, Senator DeBoer. Questions from the committee? I see none. Thank you. First proponent.

DANIEL BOMBECK: Good morning, Senator Walz, and other members of the Education Committee. Appreciate you having me here today and for allowing us to speak and thank you for the work that you do with education and the topics you guys are covering. I know this is a busy year for you. So Senator DeBoer has hit on, I think-- oh, I got to go through the other pieces here. My name is Daniel Bombeck, D-a-n-i-e-l B-o-m-b-e-c-k and I'm here representing-- I'm the director of special education for ESU 2 up in Fremont. And I'm here representing NASES as an affiliate of NCSA. Senator DeBoer has hit on a topic that does impact our smaller districts quite a bit. We have-- many of our districts out there in Nebraska are 1,000 students or less, which indicates that their budgets, their operating budgets are much smaller than, say, some of our larger districts that-- that we have that have more resources, a few more programming options for some of their students. When we get out into some of our rural areas, districts have pretty basic special education services through the school itself, and

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then they rely on ESUs to try to help with other services that might be needed, specialized in what they do. The-- however, ESUs are also restricted to services needed within that area. So, for example, if we have a student that has some severe behavior issues moving into a 20-- 18 to 21 program, some of our ESUs don't have those particular programs because those are very low incidence for some of our rural areas and some-- ESU 2 area, for example, we don't have that particular program to offer to our schools so we have to look for outside programming for that. Also with some of the various things, I think of the-- the 13 verification categories that students could qualify in, as many as 9 of them can be considered ones that will cause a higher cost for educating the students. I've outlined those and I won't go into specifically what those are, but I've outlined those in the handout you received. When we look at those particular areas, we're looking at things like vision or hard of hearing, deaf, hard of hearing, but potentially some health issues. Districts are required to provide that health support for-- for students that need nursing. As Senator DeBoer indicated, this requires our districts to hire or contract out to either a high cost professional or potentially a high cost program that specializes in certain areas and as you can imagine, out west, again, those programs are further apart. There's not as many professionals maybe to fill some of those interests or they're splitting their time between, especially if you need like a nurse, one-on-one with a student, feed in certain areas, that's a little more difficult to find. So then we look at how are we going to serve that student? Transportation sometimes comes into an issue. We have to dedicate a driver and potentially a para to transport that student anywhere from 50 to 90 miles one way in order to get the programming that student needs, because it may not be a program that can be supplied right there within that-- within that school district. When you start adding all of that together, we're talking about a significant cost to our districts that on small budgets puts a lot of pressure on what's going on. Just as an example. I worked with a district and this is a couple of years old at this point, but I worked with a district. They had a student that had multiple impairments, wheelchair bound, had a lot of health issues and concerns. The program that was required was-- required transportation to the program, required a one-on-one nurse and then a lot of specialized individuals that ended up costing the district anywhere up to \$100,000 any given year in order to provide that service for the student. As you can imagine, on a district that has less than a 1,000 students, that--

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that consumes a lot of budget pretty quick. And that was not budgeted for because the student moved in in September, so the district didn't anticipate those. They try to build in some of that but a cost that much is more than they're going to typically anticipate. So then you look at how are we going to pay for that? Well, that looks at a rob Peter to pay Paul, or rob Peter to pay Paul type of piece in order to make sure that we can provide those services as outlined in IDA, which is a federal requirement. So do you have any questions for me, any concerns, pieces?

WALZ: Questions for the committee? Senator Linehan.

LINEHAN: Thank you very much for being here. Is it Dr. Bombeck or Mr. Bombeck?

DANIEL BOMBECK: Mr. Bombeck.

LINEHAN: Mr. Bombeck. So 70 percent-- is 7 percent increase on a million dollars would be like a \$70,000-- I just wonder where the 7 percent comes from, because I do have great empathy for the situations you just described. But that's not a 7 percent increase. In some cases, wouldn't that be like a 25 or 30 percent increase in their expenditures? Or maybe I'm wrong. I just don't know what-- what-- where does the 7 percent come from?

DANIEL BOMBECK: To be honest with you, I'm not exactly sure. That might be a better question for Senator DeBoer.

LINEHAN: OK.

DANIEL BOMBECK: For the purposes of-- of when we're looking at our districts, the districts, when the IEP team meets, they determine what services are needed for that student and they're not adhered to a specific cap on percentages piece. They're required by federal law to say, OK, we need to see what is appropriate for the student, and then we need to figure out how to provide those services in the most cost effective manner. Sometimes that can be done at a relatively inexpensive-- inexpensive dollar amount. Oftentimes when you get into those rural areas and smaller districts that don't have some of the specialized services or specialized people with the right certifications, that cost goes up significantly. So, and don't quote me on this, I believe the 7 percent is just kind of a minimum piece,

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but sometimes that expense could probably out-- definitely outpace 7
percent up to more depending on what is needed for that student
services and the cost of that.

LINEHAN: OK, thank you very much. Appreciate that.

DANIEL BOMBECK: Thank you.

WALZ: Other questions from the committee? I just have a quick one as
you were talking about one of the cases. Do you see a lot of kiddos
who are moving into the district also involved in the DHHS, whether it
be foster care or the developmental disabilities division? Maybe
living in a residential home program, are a lot of the kiddos that are
moving into districts needed specialized services?

DANIEL BOMBECK: You find--

WALZ: Are involved in that?

DANIEL BOMBECK: You find that. I wouldn't be exactly sure what the
number is, but we find in our districts that the incident rate of
those-- those, I should say, lower incident, special education that
require higher cost, that's increasing as we move forward. And I think
that is a result of where medical treatments have gone and how they're
able to-- some of the-- the children that maybe 20 years ago would
have struggled to survive, they're surviving now. And I think you see
those types of things moving forward. And it's-- it's going to be as--
as the medical profession improves in what they do, we're going to see
those types of things increase with the idea that it's the school's
responsibility to provide those services for the student in order to
get a free, appropriate public education.

WALZ: Thank you. Any other questions from the committee? Senator
Sanders.

SANDERS: Thank you, Chairwoman Walz. On the statement of the smaller
school districts with a special needs and maybe not having all of the
equipment or facilities you need, so there's an increase in cost, does
that increase in cost because you have to contract that out or because
there aren't as many students to kind of use all of the facilities
that's available?

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DANIEL BOMBECK: Yeah. Very good question. It's kind of a combination. So when we're looking at-- so I used to work in Bellevue, so I'm familiar with that and I've worked with Matt Fenster. So a district like Bellevue has a lot of internal services available and a lot of specialists because they have a lot of-- a lot more volume, I guess, for lack of a better term on this. So they have more students that need specific things. Take, for instance, they have a vision program that they have two vision teachers. At the time I was working there they had two vision teachers for the students that required support in that particular area. When we move out to some of the districts I work with, we may have one student that has a need for vision services. So the ESU does the best they can to provide that service. And we do have a vision teacher that we can contract out. We, of course, look at what that cost will be and how much we can contract the student out. So from year to year, that may vary a little bit. But certainly when you look at a contracted service like that, it's usually a little bit more expensive than it would be if you were to do it internally. In many of these districts, they can't-- they don't have a need for a full-time vision teacher so they want to share that cost with-- with other districts. Move to something along the lines of hearing impairment, that's a little bit in our area. That's one of those things we contract out of the metro area because we don't have enough districts that have that specific need. Well, now we start adding in travel costs and some things like that of the providers and pieces, so that costs just a little bit more to provide those-- those services, so.

SANDERS: Thank you.

DANIEL BOMBECK: Yeah.

WALZ: Thank you. Any other questions? I see none. Thanks so much for coming in today.

DANIEL BOMBECK: Thank you.

WALZ: Next proponent.

KAMI JESSOP: Good morning, Madam Chair Walz, and members of the committee. My name is Kami Jessop, K-a-m-i J-e-s-s-o-p, and I currently serve as the director of special services for Westside Community Schools. And I'm here today on behalf of NASES, the Nebraska Association of Special Education Supervisors, which is an affiliate of

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the Nebraska Council for School Administrators. I'm here in support of LB473 with the subsequent amendment that we recently learned about, AM152. First, I would like to thank and commend Senator DeBoer for her continued partnership and for recognizing a need for a bill like this. I wanted to use my time today to focus on a few key benefits that this bill may have on school districts across the state, but you heard Mr. Bombeck share information about the impact that this may have on small schools. Being a representative from NASES in a metro area or metro community school district, I recognize that this is not something that may directly benefit the students that I serve in Westside Community Schools, but at the same time, I'm here because we believe and the organization believes that this is a benefit to students across the state of Nebraska and it's good for all kids. As a special education director, we establish our budget prior to the start of the school year. Based on our projected enrollment, based on our projected student population, we try to project out to the degree that we're able, the number of students who require these highly specialized services. But even our anticipated budget can be significantly impacted by a family, one family, two families that move into the school district with challenging-- significantly challenging needs or who have a need for a specialized placement. Senator Walz, one of the questions that you asked last time was, what about the students who move into residential placements or foster placements with inside the school district? And that is a recent example that comes to mind for us in Westside Community Schools. We received a foster placement of a student who was not enrolled in Westside Community Schools, was not enrolled in the district, and who required a highly specialized, we call them level three placement, but an out of district placement to address the challenging social, emotional and behavioral needs of this particular student. And the placement-- those particular placements charge a daily rate, typically a couple hundred dollars, \$250 a day. So as Mr. Bombeck mentioned, in addition to increased transportation costs, specialized support on those transportation routes, those costs for services were not something that we anticipated in our budget, but we're responsible for serving and providing those services to this particular student. I would also say that these type of costs, while less impactful on larger school districts who have a greater population, these are-- these costs are not necessarily just limited to mobility issues. So it's not just about students who move in and out of districts, although we can give you lots of examples of those surprises. This may also occur for a student who will attend our

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district for a number of years, but then present with more increasingly challenging behavioral issues or mental behavioral health concerns or something that kind of, I guess, becomes more significant and challenging over time for districts to educate. So, you know, once we try everything and we do the best we can as a public school system, once we kind of maximize our in-house resources, then we must rely on contracted behavioral agencies or outside placements and some of those placements, at least we're fortunate to have them in the metro area, but they'll cost \$180 an hour and so projecting that out over the cost-- over the course of a school year, those are the type of things that will be significantly impactful to us. Will it reach the 7 percent threshold of our particular special education budget? Maybe not, but am I hopeful that that set aside will have a benefit on schools outside of my particular school district? Yes, I think that's very encouraging because it's important. We're proud of the fact that we get to provide students with what they need. But when we exceed our special education budget, we know that that's really a hit to the General Fund budget and that impacts the needs of all of our students. So allocating funds that districts can access when they're required to educate a high cost student is a win for all learners, particularly those students with disabilities. So we believe this bill will help districts better recoup the funds that they spend in a timely way to help safeguard the education of all students across the state. Thank you for your time.

WALZ: Thank you so much. Questions from the committee? Senator Linehan.

LINEHAN: So Westside is not equalized, though, so you have that in common with many of the smaller schools we're talking about.

KAMI JESSOP: Correct, correct.

LINEHAN: Do you know what percentage of your General Fund budget-- what-- do you know what your special ed budget is now at Westside, like--

KAMI JESSOP: Yeah, probably 13, \$14,000. I mean million dollars, sorry. [LAUGHTER] Sorry, I wouldn't be here if that was the case. And my boss will not be proud of me for saying that.

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LINEHAN: It's OK. I get millions and billions turned around which is
much more serious.

KAMI JESSOP: Yeah.

LINEHAN: So you think it's about 13 million?

KAMI JESSOP: Um-hum.

LINEHAN: OK, that's very helpful because I'm trying to figure out the
7 percent.

KAMI JESSOP: Um-hum.

LINEHAN: Thank you for being here.

KAMI JESSOP: Yeah, it would take a-- it would take a lot to reach that
7 percent threshold but we recognize that from the NASES organization,
it's not all about the Westside in particular.

LINEHAN: OK, thank you.

WALZ: Other questions? Senator Murman.

MURMAN: Thank you, Senator Walz, and thank you for testifying. I am
just curious. I'm from a rural district and I think-- I'm not as
familiar with out-of-district placement, but what would be some
examples or an example of out-of-district placement?

KAMI JESSOP: Sure. So, for example, just in the metro area, we rely on
places like Boys Town. We rely on place for social, emotional,
behavioral concerns that a student might have. We rely on Brook Valley
School, which is a specialized school for students that present with
physical aggression, autism, intellectual disabilities, things that
may exceed the safety capacity of our public schools or things like
that.

MURMAN: OK. Thank you.

KAMI JESSOP: Did that help to answer?

MURMAN: Yeah. Thanks.

WALZ: Other questions from the committee? I do have one.

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KAMI JESSOP: Sure.

WALZ: Earlier you talked about a daily rate.

KAMI JESSOP: Oh, yeah.

WALZ: Can you tell--

KAMI JESSOP: You're going to give me another chance to get my numbers right. So the Department of Education that works with these providers that you asked about, so Boys Town, Brook Valley, Munroe-Meyer Institute, and I'm just naming those that I'm familiar with in the metro area, but they establish a reimbursable rate so they can charge and school districts can get reimbursed for up to a percentage of that daily rate. So let's say, for example, if Brook Valley charges us to-- we want to place the student there and they say it's going to be \$250 a day for us to edu-- well, we will take that student if your IEP team recommends it, but it's going to cost you \$250 a day. Well, if-- if we're out of options as a public school district and we have to be thinking about the other students in the classroom, the safety of all of our learners, then we-- that-- that's our option the team recommends. So we-- we go ahead and take that placement and that's where that higher cost is incurred, \$250 a day times 176--180 school days, that's where these high cost situations come into play. The other options would include hiring a teacher, hiring additional staff in-house and that's what some districts do too. We would kind of create our own internal programs to where we could serve students like that with more specialized needs or specialized health needs, or we would hire nurses or things in-house instead of contracting them out. Either or both are possibilities for districts, and some are forced to choose one or the other based on the resources that they have available to them.

WALZ: Got it. Thank you so much.

KAMI JESSOP: Yep, thanks.

WALZ: Any other questions? All right. Thanks for coming in today.

KAMI JESSOP: Thank you.

WALZ: Next proponent. Good morning.

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MARY PHILLIPS: Good morning, everybody. Hello, my name is Mary Phillips, that's M-a-r-y P-h-i-l-l-i-p-s. I work as a director of Student Services at Educational Service Unit 6, and I am here on behalf of my 16 rural districts and Educational Service Unit 6, as well as Dr. Mike Dulaney from NCSA asked me to share also testifying in support of NCSA, NSEA, STANCE, NRCSA and ESUCC. So the reason I am here is because currently, collectively, our 6 school districts have seen substantial increases in special education populations over the last 10 years with diminished reimbursements coming back into the schools. LB473 would establish a fund that would help us recover some of those expenses described by my colleagues earlier this morning and those unexpected special ed costs that are related when unplanned for students move into a district or present more significant needs than the district had budgeted for. So in the world of special education, these unforeseeable and expensive increases really happen as not only a reflection of enrollment, but also just because of the really traumatic changes in student lives and a traumatic change that we're seeing right now because we've been open all year. Our schools in Nebraska have been open all year, is the impact of COVID, which I will mention in a second. LB473 did, as Senator DeBoer explained, would receive-- districts may apply to receive aid from the fund if their special ed expenditures exceed the 7 percent increase from the prior year. And it's especially important for the districts that I support, the rural districts and their work with ESUs to deliver these services for students who might otherwise not have them if-- if it wasn't for the schools. So even one high-needs, special ed student in a rural district can create really astronomical increase in special ed costs. So this is one of several bills before this committee that emphasizes the importance of special education reimbursement rates that really haven't kept pace with our escalating costs. And so what would this piece of legislation do for us? While you're support of LB473 would really help our schools institute best practices, research-based, research-driven practices, and really help us serve students in these unfunded mandates that is required for us to reach free and appropriate public education as dictated by individual education teams. So there's-- I present you with several bullet points in my written testimony as well. And as Senator DeBoer described, these emergency allocations from LB473 would allow districts to tap into some of those unexpected costs and she gave some great examples. And, you know, I list several other examples that you might look at. So equipment sometimes runs into thousands and thousands of dollars if

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you have a student move in with orthopedic handicaps or if they've been there for a while and guess what? These students grow. And as they get bigger and bigger, their equipment has to continually be upgraded, whether it's a dynavox or whether it's a stander or for-- for a student who uses a wheelchair, there's so many specialized needs that these boys and girls present that districts must bear the burden cost of. And it's not a choice as-- as Mr. Bombeck described. If it's in the IEP we're-- we're going to do it. If that's the decision that was made by the team that knows the student best, then districts must do that and as an ESU, our role is to support that district as best we can by either providing the services, providing the training for the services, supporting those services as they are, and-- and it cost those districts monies for that. So anything from a wheelchair bus, for a student that needs that type of thing to-- to the dynavox, low incident disabilities generally mean increased cost. So at ESU 6, we do have a really a luxury in our ESU to have some of those specialized programs on site. In Geneva, we have a program for students with severe and profound disabilities. We currently have 16 students enrolled there from all of the rural districts on that side of our ESU. And-- and it's a-- it isn't cost-- it's the most effective and cost efficient way to support those students because they're not having to drive all the way over to Axtell or all the way into Lincoln, that we're able to provide that for them and we provide it even at a per pupil cost, but it could cost \$57,000 for one student in that program. It's just expensive for those boys and girls. So these emergency allocations will really help us provide those Individualized Education Program-- IEP program services that are required that maybe weren't planned or budgeted for, but are mandated that we provide for those boys and girls. It also potentially could help with some future unexpected costs. So, for example, right now in my world, we're talking about what is the impact of COVID as students are coming back to school who have been in remote education opportunities? And what is the impact on mental health? What kinds of compensatory services are they going to need? We don't even know the answers to some of these questions yet because we're just getting some of those boys and girls back into school right now. So we know there's going to be some unplanned and unanticipated costs as much as we're working proactively as we can to defray that right now so that we don't have the gap in learning, we know that's still going to happen and when we get all of our children back into the classrooms, we're going to be meeting with some very unique and specialized needs.

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WALZ: Thank you. Questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz, and thank you very much for being here today. How many students do you have? What total-- what's your student-- total student population for ESU 6?

MARY PHILLIPS: So the entire student population for general that I can't speak to, but for children with disabilities, we have about 2,500.

LINEHAN: Well, you don't know the total.

MARY PHILLIPS: I'm sorry, no.

LINEHAN: I'm trying to figure out the percentages.

MARY PHILLIPS: Oh, gotcha. I can get you that.

LINEHAN: Oh, that would be great. Is your life skills program, that's for you seeing severe profound needs.

MARY PHILLIPS: Right.

LINEHAN: So that physical handicaps?

MARY PHILLIPS: So some of the boys and girls do have orthopedic impairment. Some of them have sensory. Some of them have intellectual disabilities. Some have a combination of all of those. Some have sensory impairments, hearing and vision impairments. I felt like Mr. Bombeck described that perfectly. We do have to provide vision services and hearing impaired services across the ESU. We try to do that even for students with significant disabilities in their home schools when we can. But it's only when, as was described earlier when there, it's disruptive to the learning environment for others that we have to look at more restrictive placements for some of these children. So, so it's a combination and every child is unique and brings a different set of circumstances.

LINEHAN: So I've looked at the numbers and obviously special ed numbers have increased rather dramatically over the last 10 years, which I think you said earlier. Is the increase-- OK, saving more babies. But how much of the increase is behavioral?

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MARY PHILLIPS: Behavioral? So I'm sitting here thinking we do not have a lot of options in my ESU for behavioral programs that are Level 3 as-- as Kami described. So we don't have a lot of options. We just have a couple of options. And to the extent that right now our ESU is exploring a-- a Level 3 program that we could support our-- our districts. We know there is an increase in behavioral. In our ESU there's probably two or three students in every district that would benefit from some type of additional extensive behavioral support, and we yet don't even know how many that are going to need mental health supports. And mental health is a big issue for us because we don't even have access to a lot of mental health supports in our district so we know as an ESU we are going to need mental health supports. And our districts may only have one or two students that might need mental health supports for a visit or two a week, they're not going to be able to afford an LMHP for that. Those three students, that's not cost effective. They're going to look at the ESU to support that.

LINEHAN: Can any of that be done with telehealth?

MARY PHILLIPS: So we have been using telehealth. Some of our districts have been piloting things with UNL and whatever we can. And telehealth is better than nothing, but it's not as effective as face-to-face support, especially when you're working with adolescents with mental health. And adolescents have probably the best experience working with computers and-- and-- and computer-based services, but because they're-- they're not immigrants to that world. But at the same time, it's not -- it's not the best choice.

LINEHAN: Did the CARES Act funding that went to the Department of Ed, did any of it go to ESUs?

MARY PHILLIPS: No. No, our districts, yes.

LINEHAN: Your districts, but not to ESUs.

MARY PHILLIPS: Right. So my cause was-- so residually because they're contracting for some of our services and maybe paying to their CARES Act, it's-- it's filtered through us but directly, no.

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

WALZ: Other questions? I see none. Thank you so much for being here today.

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MARY PHILLIPS: Thank you for listening.

WALZ: Next proponent. Good morning.

EDISON McDONALD: Good morning. Hello, my name is Edison McDonald, E-d-i-s-o-n, M-c-D-o-n-a-l-d. I'm the executive director for the Arc of Nebraska. We advocate for people with intellectual and developmental disabilities. For over 60 years, the Arc has provided advocacy to people with intellectual and developmental disabilities and their families. We're providing testimony in support of LB473 to help ensure proper funding for special education. Despite the passage of the IDA and many other promises requiring that students with disabilities be max-- educated to the maximum extent that is appropriate with students who do not have disabilities, many students remain segregated in self-contained classrooms or in separate schools. There's also a tremendous lack of qualified special education teachers, with nearly every state reporting a shortage of teachers and related service personnel. While special education funding is a problem across the board, we see the impact exacerbated in rural communities. While we were able to walk-- we are able to walk many through basic issues. We find it increasingly difficult to keep up with the volume of schools without properly trained staff. The Arc has provided a helpful new special education training tool, and we are targeting expanded family supports in the next year. However, what the nonprofit community can provide is a drop in the bucket compared to what needs to happen. Some of the issues we frequently hear, there's not enough funding to hire para educators or staffing levels are not adequate. We don't have proper training on a larger level. Several studies have found similar issues. Many rural schools operate within a more restricted budget because of a lower tax base in these areas. Limited operating budgets in rural schools present additional challenges for rural special education teachers and teachers may need to do with fewer materials and resources due to budget constraints. Rural schools may struggle to provide the specialized services required by individualized programs. I also want to point out that as we heard from earlier testimony, this isn't just about making sure that we're providing educate-- or providing proper funding for students who may move in placement, but also who may have increasing or varying needs. There are a variety of other factors that play into this. I think one of the things that is really important to understand is how much the-- the need is really based around-- bounced around in terms of where the funding is going to go, whether it's special

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education or HHS or children and family services that are going to provide those supports, we really see some radical shifts. So ultimately, this is a larger interconnected issue. In particular, as we see changing definitions around what some of those supports may look like. For instance, making sure that families receive certain therapies at home through some of the HHS-based programs like the Aged and Disabled Waiver, the Developmental Disability Waiver, can really impact the needs of students at schools in making sure that they have that full array. Some of the pressing situations that we see right now, currently, there's a waiting list that is increased from 2,300 to 2,900 students or people with developmental disabilities. Of the one-- of those, 1,000 are kids. And so we see, I think, that playing in as another factor that we need to be watching and making sure that as we work to address these issues that we're looking, not just within the educational realm, but across agencies and looking also at the impacts on HHS and making sure, especially within HHS, that we're thinking more broadly between developmental disabilities, Medicaid and family and community-based services. In summary, we encourage you to pass LB473 and ensure that there is adequate funding levels for supports for special education, and to ensure that we properly support individuals with intellectual and developmental disabilities. Thanks.

WALZ: Thank you. Questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz, and thank you very much, Mr. McDonald, for being here today. You bring up a very good point that I thought about earlier when they were talking about equipment that the child needs. Shouldn't that be a HHS expense?

EDISON McDONALD: You know, it's--

LINEHAN: Is it just the "snarlyness" or--

EDISON McDONALD: I'm sorry, what?

LINEHAN: Is this-- who-- who coordinates between what HHS should be paying for as far as equipment and medical services versus education parts at the Department of Ed?

EDISON McDONALD: Yeah, so--

LINEHAN: Is it coordinated well?

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EDISON McDONALD: No, it's not.

LINEHAN: Is somebody in charge of the coordination?

EDISON McDONALD: You know, in-- in terms of who that's going to be, it's going to be hard. A lot of what's going to happen for the individual is going to be far more based off of what the parent or the family member who supports the individual is kind of acting as the main caretaker. HHS kind of does it and the case worker kind of does, but it's not done well. I think what we see is a lot of times there's a lack of understanding and there's a lack of kind of coordination that could be more beneficial. In particular, I know during the whole CARES Act funding deal, one of the things we saw was a huge bounce and bounce back and forth between HHS and Department of Ed and who is paying for what where, was just really left tremendously unclear. One of the more interesting ones was that even within specialized, special education funding sort of focuses. We had a difference between what would be supplied on the Aged and Disabled Waiver versus the Developmental Disabilities Waiver. And part of that was just based upon what HH-- or what the Developmental Disabilities Division applied for versus what the Aged and Disabled Waiver applied for. So they-- NDD, they applied to make sure that they could go and back up more of those special education services, whereas Medicaid did not. So I would say it's-- it's fuzzy and unclear. You know, a lot of that supposed to rest with the case coordinator, but that's-- it's not done very well. And we see, as I know you've heard about before, that high turnover within the department really have a huge impact because you have a lot of case coordinators who don't know what's out there. They don't know what not to know.

LINEHAN: They don't know what they don't know.

EDISON McDONALD: Yeah.

LINEHAN: Thank you very much for being here. Appreciate it.

WALZ: Thank you. Any other questions? Edison, I have one quick question. The case manager--

EDISON McDONALD: Uh-huh.

WALZ: --do they attend the IEPs?

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EDISON McDONALD: Some will and it depends on the situation, but I do know that case coordinators do attend IEP meetings. I just-- I don't know if they attend every one.

WALZ: OK. All right. Thank you.

EDISON McDONALD: Yes.

***JACK MOLES:** Chairperson Walz and members of the Education Committee: My name is Jack Moles. I am the Executive Director for the Nebraska Rural Community Schools Association, also referred to as NRCSA. NRCSA is an organization of 213-member public school districts, Educational Service Units, and a few colleges, representing the interests of almost 83,000 rural public-school students. On behalf of NRCSA, I wish to testify in support to LB473. We thank Senator DeBoer for introducing this bill. LB473 would establish a program that would be of great help to districts when they have large increases in their Special Education expenditures. I have been working on a School Spending Study in which I look at districts that have had at least a 50 percent growth in the General Fund Operating Expenditures (GFOE) over a ten-year period. 61 districts saw an increase of at least 50 percent in their GFOE over the time frame. Of those 61 districts, 53 of them (86.9 percent) saw an increase of over 50 percent in the districts Special Education expenditures as well. In visiting with these districts, it was very common to hear of individual students costing between \$50,000 and \$100,000 apiece. Some of these districts cited having multiple such students. Often these students moved into the district causing late decisions to be made that escalated costs. My assumption is that the funding provided by LB473 might be more frequently accessed by smaller districts. I considered hypothetical situations in which a high need student moved into a district. In this exercise I used a student who carried an extra cost of \$75,000. In many smaller districts, this one student would cause the district's SPED expenditures to increase by 20 percent to over 60 percent. LB473 would definitely assist those districts in meeting their obligations to these students. In closing NRCSA appreciates Sen. DeBoer for bringing LB473 and we urge you to advance it from committee.

***ANN HUNTER-PIRTLE:** Thank you, Chairwoman Walz and members of the Education Committee. Stand For Schools is a nonprofit dedicated to advancing public education in Nebraska, and I am Ann Hunter-Pirtle, the organization's Executive Director. Stand For Schools supports

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LB473. Educating students with special needs is one of the most important roles of public schools - and one of the costliest. Especially in smaller districts, budgets can be significantly affected if even one or two students with high needs move into the district in a given year, and often these districts cannot reasonably plan for these expenditures. Neither the state nor federal government has lived up to its promises to fund special education. Schools must, and do, provide free and appropriate education to special needs students regardless of whether state and federal reimbursements are paid - affecting the ability to fund other programs and ultimately increasing the pressure to raise property taxes. LB473 will ease this burden on districts by providing aid from the Department of Education to fund special education expenditures if they see an increase of 7 percent or more from the previous year. It is important to note, however, that LB473 is just a start. The fiscal note indicates that the \$3 million LB473 would appropriate for this aid would cover less than one-eighth of the state aid needed to provide all school districts who saw a qualifying increase with sufficient aid. We appreciate the Education Committee's consideration of LB473 and urge you to advance the bill.

***CAMDYN KAVAN:** Chairperson Walz and other members of the Education Committee, my name is Camdyn Kavan and I'm the policy and outreach coordinator at OpenSky Policy Institute. We're testifying in support of LB473 because it would push more state money to schools and help offset increasing special education needs. Special education in the state is funded through a combination of local, state and federal revenue streams, with services for school-aged children coming primarily through state reimbursement. This reimbursement is based on a percentage of "excess allowable costs" relative to the applicable available General Fund appropriation. These costs are considered "excess" because they are above and beyond the cost of regular education and, in some cases, can be unpredictable and significant year over year. Special education reimbursements also make up the second largest source of state aid for schools and go to both equalized and unequalized districts. However, smaller districts receive a higher proportion of their state revenue from these reimbursements than larger districts. These costs can also vary greatly year over year, especially for smaller districts, where the addition of just one student with significant special needs can increase that school's costs significantly. Despite the problems this volatility causes for school districts, the state has nearly halved

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its share of total special education expenditures over time, dropping from 80 percent to 49.9 percent over the past two decades, which has put more pressure on property taxes to fund these services. At the same time, overall special education costs have continued to rise, growing more than \$100M just from FY10-11 to FY18-19. Because increasing the state's share of special education costs would help all schools, regardless of whether they also receive equalization funding, we strongly urge the committee to advance LB473.

***KATIE BEVINS:** My name is Katie Bevins and I am the Government and Public Relations Liaison for the Nebraska School Psychologists Association. NSPA is an organization that represents over 340 school psychologists working throughout the state of Nebraska. NSPA supports LB473 which proposes to amend Nebraska Revised Statute 79-1142 to provide funds to assist school districts in paying for special education costs that significantly exceed their budget. The Extraordinary Increase in Special Education Cost Act would provide funding to smaller districts that may not have the systems and capacity to serve high needs special education students who transfer or are initially identified as a student with a disability within their district. School psychologists have expertise in mental health, learning, and behavior, that helps children and youth succeed academically, socially, behaviorally, and emotionally. We are members of school teams that evaluate and identify students who meet verification criteria as students with disabilities. School psychologists support teachers and administrators in developing Individualized Education Plans (IEPs) as well as coordinate and deliver services that students are eligible for and need to be successful. Depending on student needs determined through the evaluation process, they may be eligible for some or all of the following services: Specialized instruction, speech language therapy, occupational therapy, physical therapy, psychotherapy, vision services, hearing services, assistive technology, nursing, and/or transportation. Approximately 13 percent of all public school students receive special education services. Students receiving special education services must be afforded a free and appropriate public education in the least restrictive environment and display high standards within rigorous curriculum. For some students, multiple and intensive services are needed in order to achieve this. Having personally worked as a school psychologist in rural and urban districts as well as an ESU, I have seen firsthand the discrepancies that exist between larger and smaller

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districts in terms of systems and resources to serve special education students. Larger urban districts have programs and staff in place to work with the larger volume of students needing a range of special education services. Smaller districts have smaller numbers of students and are less likely to have students in their attendance area with lower incidence disabilities such as vision, hearing, and orthopedic impairments. They may not have staff in place to meet the needs of a student who is medically fragile and in need of significant nursing time. Behavioral support for students with significant emotional and behavioral disabilities requires resources that may not be available in a smaller district. Typically, smaller districts encounter issues in providing and paying for higher levels of services when a student transfers into their district. This can cause considerable strain on school staff as they scramble to provide the services a student requires to be successful at school. Educators are helpers to their core, and they will do whatever it takes to support these students. I have witnessed firsthand special education teachers welcome students with significant needs into their classrooms, even when it strains resources near the breaking point. Targeted funding is crucial to help educators and districts provide services that both meet best practice standards and are legally required in a student's IEP. LB473 helps support our most fragile students and the educators committed to giving them their absolute best every school day. As an organization, we will continue to work with legislators to support our public school system and access to quality education for all students in Nebraska. Please make this letter a part of the public record for LB473.

WALZ: Next proponent. Any opponents that would like to speak? Anybody who would like to speak in the neutral? Senator DeBoer.

DeBOER: Thank you very much. Wanted to answer a couple of questions. I think this may have been cleared up now, but initially Senator Linehan you had asked about whether 7 percent was enough. That's the triggering. That's the floor. So that you can't get in if you-- if your special education goes up by 1 or 2 percent. Want to have it 7 percent so that we're not just having every school district in the state coming and talking to us and saying we need it. This extraordinary-- this is really supposed to be when there is something unexpected, but the whole point of the bill is generally to not-- I'm not trying to in this bill. I think it'd be great if we had more reimbursement, but that's not what I'm trying to do in this bill. What I'm trying to do is help with those unexpected costs where it's just a

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surprise either because someone new has moved in or as testifiers have rightly pointed out, because someone's situation has changed and become increasingly expensive. The cost increases then are both surprising, which is something that's been a problem for school districts because they don't expect it. Sometimes you can budget, you know, you know, a kid who's lived in the neighborhood and they're getting to school age. Sometimes you can, but other times you can't. And when I was talking to school districts on a different project throughout the state two years ago, this kept coming up over and over and over again. We can't predict, we can't budget. We don't know how to, you know, predict what's going to come. But there's also-- so there's the unpredictability factor, which we'd like to help small school districts with. But there's also the fact that in some of these places, they just don't have the economies of scale. And so providing those services, if you have a sign language interpreter, I'm probably way out of my depth here so I'm probably going to say something wrong. But I imagine that if you had a sign language interpreter and you had two students who needed it, you could have in many situations, I imagine, one interpreter for two students. But if you were in a place where you only had one student, you still need one. So the economies of scale argument. So there's sort of both of those two issues that are facing our school districts with fewer students. So this fund won't necessarily help the larger school districts if they have a precipitous rise in their special education, because, you know, getting to that 7 percent is going to be difficult in those when they have those large \$13 million budgets for special education and they're unlikely to trigger the 7 percent. But that's honestly just a matter of money, right? I would-- if we wanted to make a huge amount of money into this, we could do that. And then if one of those schools had a precipitous rise, great. But in this situation, it just doesn't make financial sense for us to have a big enough budget on the chance that they might see one of those rises. Instead, we know that probably some small school districts in the state are going to have this problem every year. We create a \$3 million fund, which ostensibly gets reimbursed, as the school district would when-- when reimbursement time comes so hopefully we put the money in up front. It may get a little smaller for this reason or that reason, but this is the biggest expenditure we would need to do to kind of balance out basically the-- the changes so that folks can help budget. And I will put this statement out here as well, is that I imagine if I were a small district administrator, I might put a little extra money somewhere in

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my budget in case I run into this scenario. Having an opportunity to get reimbursed by the state would take that fear away from me a little bit and maybe I could keep some of those kinds of funds a little closer to my expected actual costs. And so I think there is a kind of a good governance aspect of this where if we have a concern that, you know, the unexpectedness might be causing, you know, them to make sure that they budget appropriately for all possible situations. So that's that's something I'm thinking about when I came to this bill as well. So if there are questions, I'm happy to answer them. Oh, I did get-- sorry, Senator Linehan, you asked, 15.6 percent is the percentage in, I think it was 1920, but I'm not sure which year, that were qualified for special education, and I'm told that that is a less than 1 percent increase for the last five years. So 15.6 percent over is what-- what percentage of our total students in Nebraska qualify for special education and that that number has only increased 1 percent in five years or less than 1 percent in five years. I don't know if that helps.

WALZ: Question.

LINEHAN: Yes, thank you, Chairman Walz. Would you consider just making this available for unequalized school districts?

DeBOER: Let me think about that.

LINEHAN: And then the fiscal note from the Department of Ed said if we fully funded this, it would be 25 million. So another thought I would have is, you start this at three million, but before it grows, it comes back to the committee to see how it's working like-- I'm not saying sunset but some--

DeBOER: Yeah.

LINEHAN: --review.

DeBOER: No, that makes sense to me.

LINEHAN: All right. Thank you very much, Senator DeBoer.

DeBOER: Yeah.

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WALZ: Thank you. Other questions from the committee? I do have one. And you may have answered this question in your opening and I didn't catch it, but how did you come up with the \$3 million?

DeBOER: You know, I did it last year and I can't recall.

WALZ: OK.

DeBOER: I think I wanted a number that wasn't too scary but would still provide some meaningful help. That number is certainly negotiable. As Senator Linehan pointed out, the fiscal note is substantially larger, but one concern and one thing I want to bring up to this committee is that, as you heard a little bit in the testimony, this is an unusual year. So because of COVID, I don't know if there will be overall an unexpected rise or an unexpected fall. So that \$25 million fiscal note itself is probably a little squishy right now. It could be substantially smaller, substantially larger, I don't know. So I kind of just threw a dart and picked a number to try it as a kind of a pilot program is as I'm talking about, which is why I think Senator Linehan's suggestion to come back to the committee, if we see-- if we do this and see how it-- how it works and see if it's working well is a good one.

WALZ: Good. Other questions? I see none. Thank you for bringing this bill, Senator DeBoer. And that ends our hearing on LB473. We have written testimony in lieu of person testimony from Katie Bevans, Nebraska School Psychologist Association; Ann Hunter-Pirtle, Stand For Schools; Camdyn Kavan, OpenSky Policy Institute; and Jack Moles, Nebraska Rural Community Schools Association. None in opponents or none in neutral. We also have one proponent position letter. And that will open our hearing on-- hearing on LR13. Good morning.

TONY BAKER: Thank you, and good morning, Chairwoman Walz, and good morning to members of the Education Committee. I'm Tony Baker. For the record that's spelled T-o-n-y B-a-k-e-r. I'm Senator Brewer's legislative aide. Senator Brewer represents the 13 counties of the 43rd Legislative District in western Nebraska. He's home recovering from a medical procedure and he sends his regrets. I'm here to introduce LR13CA. Senator Brewer has introduced this bill since his first legislative session in 2017. It's been referenced to Revenue a couple of times. This time it got referenced to Education, but this is an old bill. Other senators before Senator Brewer had introduced this.

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This is a bill about how we pay for K-12 public education. Property taxes are too high in Nebraska because the Legislature relies very heavily on property taxes to fund education. Nationally, property taxes are used to fund about 40 percent of K-12 education in Nebraska at 60 percent. I'm sure everybody's heard a lot of these numbers before. In Senator Brewer's district, we got one school. It's at 72 percent of the funding for that school district comes from property taxes. Consequently, this large overreliance on property taxes to fund schools has continued in spite of the income and sales taxes created in the 1960s. Years later, we still have high property taxes-- higher property taxes in all but about a half a dozen states around the country. The Legislature doesn't have a lot of incentive to correct this problem. It's-- when I first got here with Senator Brewer, I remember when people complained to high property taxes. The first thing you heard was, well, that's a local control issue. They're the ones that control the levy. So if you're upset about high property taxes, talk to your school board. Senator Brewer believes the only way to stop the continued over reliance on property taxes to fund schools is to put a constitutional limit in how much they can be used. We should let the people in Nebraska decide if they want this limit in their Constitution. All Senator Brewer is trying to do with this resolution is give the people that choice. Everyone's read Article 7 of the Constitution that talks about the Legislature shall provide for the free instruction in the common schools. This language has been in our Constitution since 1875. The problem this resolution addresses is the meaning of the words, shall provide. And as a side note, Chief Justice Mike Heavican said that I was the only legislative aide that ever made an appointment to go see him to ask him what those words mean. And in 1896, the Supreme Court decided the first of three different cases that have been on point on this topic, and they defined what the language shall provide. Now I'm going to put it in Sandhills English. The court says, the Legislature shall provide laws that give school districts the power to assess, levy, collect and spend property taxes to fund the free instruction in the common schools. Doing that in the eyes of the Supreme Court is providing. And I know sitting next to Dick Clark all day, he tells me that's what the legal definition of the term means. In the eyes of the Supreme Court, this Legislature has provided a lot for education. The entire TEEOSA formula, for example, is the Legislature providing for this. When you talk to our constituents, their idea of providing when they see the words, shall provide, they think shall pay for, shall fund, shall

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appropriate monies for. But that's not what shall provide means in the Constitution. Given the court's long standing opinion of the meaning of this constitutional language, if we don't amend Article 7 in the Constitution and limit how much property tax can be used to fund schools, then the problem will persist. This resolution limits how much property taxes can be used to fund schools to 33 percent. Senator Brewer told me to emphasize that that's just a number. It could be 40 percent. That's the national average. Maybe in Nebraska, we decide it's 50 percent and we'll share half with the state and half with property tax. That number is just an opening position and it can be debated. If we limit to property taxes to 33 percent of the funding, that means the other 66 percent of the funding would have to come from a General Fund appropriation from this Legislature. Now, since this is a legislative resolution, it doesn't have a fiscal note. So I'm going to get into-- into the numbers a little bit that it would have had if it was a bill. Nebraska's about 14th in the country in terms of how much money we spend per pupil on K-12 education, and that's before we adjust for the cost of living. It's clear Nebraskans like to spend a lot of money on public education and everybody's just fine with that. This bill doesn't lower that amount. It simply asks, where is this money going to come from? Those who will testify in opposition to the bill, and I don't know if there is any, know it's a lot easier to get money for K-12 education. A school board has a lot easier time doing it if it's got its own authority to levy, collect and spend property taxes. And so relying upon the-- the Legislature to appropriate funds for K-12 is something they would rather not do and we've heard a lot of testimony on that. If the people in Nebraska are ever given the opportunity to vote to limit how much their property taxes can be used to fund schools, they might very well do so. That's what this resolution is about, putting this thing on the ballot and letting the people decide. Senator Brewer asked me to emphasize, no one's trying to reduce school funding with this resolution. He's trying to get Nebraska's Legislature to properly fund K-12 education without relying so much on property taxes. On a per pupil basis, 48 other states appropriate more money for K-12 education in the budget of the Legislature than Nebraska does. I'm not saying Nebraska doesn't spend enough for education, that's not what I'm saying. I'm saying more of it comes from property taxes than comes from the Legislature. Since this is a proposed constitutional amendment, doesn't have a fiscal note. From all sources, federal, state and local we spent about 3.2 billion on K-12 education in Nebraska last year. Of that amount, about

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1.94 billion came from property taxes. Using last year's numbers, about a third of total K-12 funding comes to 1.27 billion. If you subtract that amount from the 1.94 billion we currently spend, then the difference is about 670 million. If this were law today in the Constitution, there would have to be a new General Fund appropriation of about \$670 million. That's a gigantic number and that's part of the reason why I don't think this bill will ever get out of this or any other committee, but it just serves to illustrate the point there's an imbalance in how we fund K-12, and Senator Brewer thinks putting a limit in the Constitution will fix it. Senator Brewer feels whatever the number may be, having a limit in the Constitution is the really important part of this bill because right now there is no limit in the Constitution. I made an appointment, went to see Chief Justice Heavican, gave him this bill. It's a real simple one page bill. He read it and handed it back to me and he says, you know what, Tony? He says, there are Supreme Courts around the country that will review bills when they're in a draft form for the Legislature and give the Legislature their opinion of them. And I go, wow, that's really exciting. Then he smiles and he says, Nebraska, ain't one of them. So let me finish here. Without any restriction on how much can be used, property taxes for schools will continue to go up with no end in sight, just as they have for generations. The problem is, with the number one industry in our state being agriculture, one in four jobs, one in \$5 in our economy, are getting crushed by property taxes. Typical rancher in our district owns 8,000 acres, leases another four. So he's-- he's ranching about 13,000 acres. He's got about 600 cow-calf pairs. He's a typical family production rancher, fourth generation. He owes \$55,000 in property tax before his feet hit the floor in the morning. Fifty five thousand-- he gets paid one day a year. Doesn't know when that day is going to be, narrow it down to a month, and he can't tell you how much it's going to be either, he's at the mercy of the commodity markets. I can't imagine getting up in the morning and owing the government \$55,000 before I turn to tap. But that's-- that's what's going on. And we're second behind Wisconsin right now in farm and ranch bankruptcies in the United States. Only Wisconsin has more farm and ranch bankruptcies than we do and the single highest expense for a production ranch family is property tax. And I got a wicked toothache, so I'm going to quit now. That concludes my testimony.

WALZ: Thank you. I'm sorry about your tooth.

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TONY BAKER: Yeah.

WALZ: Questions from the committee? I see none. Thank you. Proponents. Good morning.

DOUG KAGAN: Good morning, Senators. Doug Kagan. That's D-o-u-g K-a-g-a-n, representing Nebraska Taxpayers for Freedom. Local taxing authorities such as cities and school districts like property taxes because they are a stable form of revenue. There is always more property to tax, and recessions do not much depress property taxes. As valuations continually rise, so do property tax revenues even if rates remain the same. With the changing formula for state aid to public schools, districts heavily rely on property taxes for a dependable revenue flow. However, school districts consume the largest percentage of total property taxes. In my instance, 57 percent, and the tax amount on my bill continually increases. If you reside in a city or county, you receive services for these taxes. However, many property owners have no children in public schools, so receive no services for property taxes and feel unfairly taxed. Property taxes have been-- have become so burdensome that senior citizens must sell their homes and farmers must sell all or parts of land which has been in their families for several generations. Therefore, and we know that if this bill passed, there would be a huge gap in spending or how to fund education, so we suggest two alternatives to compensate school districts for property tax revenue lost from LR13CA. First, eliminate sales tax exemptions on a sliding scale and apportion these additional dollars to school districts. Second, initiate a turn back sales tax system for school districts similar to the one now granted event facilities. Another suggestion, eliminate unfunded state mandates for public education, such as those on early childhood education programs, educational service units and alternative schools. And finally, this resolution would impel school districts to seriously cut costs. Thank you.

WALZ: Thank you so much. Questions from the committee? I see none, thank you for coming in today.

MERLYN NIELSEN: Good morning.

WALZ: Good morning.

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MERLYN NIELSEN: For the record, my name is Merlyn, M-e-r-l-y-n, Nielsen, N-i-e-l-s-e-n, and I represent a group called Fair Nebraska that has worked for property tax policy changes for some years now. I speak in favor and support of Senator Brewer's LR13CA that's before you today. I thought that Tony Baker did an excellent job of outlining the problems that we have here before us in Nebraska. I happen to be an agriculture landowner and it just is such an onerous bill that we pay each year when that-- those taxes become due, I must admit I pay them in two parts and that two delinquent base is just to prolong it as much as possible. The-- we've got to get away from so much reliance on locally paying for schools. Again, as Mr. Baker outlined, Nebraska is an odd situation that we require so much to come from locally as opposed to from the state. I have a daughter teachers in Missouri and lives in Kansas, and so much different situation in those states as compared to what we have here in Nebraska. I'm not sure how to give you any more evidence or information than you've already seen before and heard before over the years, as we've debated this situation so long about the heavy reliance on property taxes to fund our schools. Again, commenting on something from Mr. Baker, we-- we have such a disconnect from having good government and-- and how we govern to provide the services for schools, because those who can vote at the local level for school districts boards and for any bonds that come along for them, are very separated between those who get the services and those who are paying the majority of the cost and that when you're in a rural school district. I am greatly outnumbered by people who don't own ag land in any of the districts and I own ag land in some districts I don't live in as well. So I have no return there. But yet I have no difficulty paying more than many people purely because I love education. I've benefited from it myself and I do want to live in a society with other educated people. So I understand why we do it as a public thing as opposed to a fee service and hope people will buy education and come ahead. But we've got to change this overreliance that we have. So I'm here as a proponent today to support Senator Brewer's legislative resolution to see if we can move that or some other legislative resolution. I know Senator Briese has one as well that are similar in their meaning and scope. With that, I'll conclude, so we see if you have questions.

WALZ: Thank you. Senator Murman.

MURMAN: Thank you, Senator Walz, and thank you for coming in and testifying, Mr. Nielsen. I agree with you that the state is much too

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overreliant on property taxes to fund K-12 education than it should be, but just-- just say, you know, we've tried to change that as much as we could in recent decades and haven't been very successful. If there-- if we had to continue to rely on local property taxes to fund K-12 education, what would be a more fair way to do it than to rely on taxing on ag land farms? Because-- because those people, of course, they need those resources to make a living and it just focuses on just property owners-- or business and property owners that is needed to make a living.

MERLYN NIELSEN: Yes. Well, thank you for that question, Senator Murman. Again, when I think of good government and effective government, you have to have some reasonable relationship between those that are wishing for the services and demanding and asking for those services and how they're paid for by the same people. And to me, the only property tax that makes sense at the local level to support our schools is a tax on where we live. That's the only thing we have in common, person to person. We live in a house or we live in an apartment and that makes us all somewhat similar. Now, yes, some people live in homes or that cost 10 times as much as other people up and down the road in that same school district, but at least we're being taxed on the same thing. You mentioned ag land. I would include commercial buildings as well. Commercial real estate. If you have the factory or large commercial outlet store in your community, you're paying way, way more than the person that doesn't, yet you may not have any more assets if-- if we could look at our stock portfolios or 401s and compare those from an asset standpoint. But we don't tax some forms of property, only the tangible ones are the real property.

MURMAN: Thank you.

WALZ: Thank you. Other questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz, and thank you, Mr. Nielsen, for being here. So I know you've been very involved in this and we've had a lot of discussions. So over the last since I've been in the Legislature, we increased the property tax credit fund to 275 million. Last year we did LB1107, which-- when it's fully funded it's 500 million. Then, thanks to great effort on Senator Briese's part, any funding which is expected to be 50 million first year from gambling, supposed to go to the Property Tax Credit Fund. So that brings what we're now putting in fix it to 825 million. So don't you think we'd be

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better off if we took that 825 million and did something like this
bill where we're take instead of all the different hoops we draw
through because I think you're in York. Are you in York, some of your
land in York?

MERLYN NIELSEN: Nope, no land in York. Seward is my main headquarters.

LINEHAN: Seward. So you're at a dollar five when in that school
district?

MERLYN NIELSEN: Point nine.

LINEHAN: Point nine?

MERLYN NIELSEN: We're not at the max like York is.

LINEHAN: You're not?

MERLYN NIELSEN: Yeah.

LINEHAN: Oh. So you're actually-- OK, but are you-- do you have land
that's a much lower levy?

MERLYN NIELSEN: Yes, down the-- some of that's down around .55, yes.

LINEHAN: So it doesn't treat farmers-- even the current way we're
trying to help everybody doesn't really treat farmers equitably does
it?

MERLYN NIELSEN: No, no. Again, it gets back to the-- where you have
any form of tangible property that's being taxed.

LINEHAN: And how much is being taxed depending on where you are,
because there's-- we go from \$1.14 for school levies to 32 cents
across the state.

MERLYN NIELSEN: Yes. And I, yeah, I look at those and I have them
pegged which, which districts--

LINEHAN: OK.

MERLYN NIELSEN: --have those numbers behind them. But thank you for
going through the history of-- of-- of I-- or of legislation to
provide support back. Those, I just view all those as Band-Aid fixes.

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We haven't looked at what's the structural problem that got us to this point that, you know, a taxing method that made sense when in 1867, if I--

LINEHAN: Nineteen.

MERLYN NIELSEN: --March 1, 1867, yeah, when we became a state and some of the tax laws were adopted in the decade or two right after that. We're such a different type of society and set of towns, cities and rural areas now as compared to what we were at the time those were developed. And we just kind of keep being afraid to make a major move to really figure out what's our taxing problem and again, make it somewhat equitable across those who wish for the services. And I want services and those that are paying for them. I never complain about my county or my NRD tax or whatever on my land because I get an extra benefit back on that as compared to my house. It's the schools that I can't figure out what I get back extra for my land that I wouldn't get from just my house like everybody else.

LINEHAN: Thank you very much for being here, Mr. Nielsen. Appreciate all your hard work.

WALZ: Thank you. Any other questions? I see none, thanks for coming in today.

MERLYN NIELSEN: Thanks for your time.

WALZ: Next proponent. Good morning.

DENNIS SCHLEIS: Hello, and thank you for your time. My name is Dennis Schleis, spelled D-e-n-n-i-s S-c-h-l-e-i-s. I believe the amendment and LR13CA is needed to slow down and hold down the cost of property taxes which are too high. But this amendment, school districts and school boards would be more governing and spending taxpayers monies-- taxpayers money. This bill gives the voters the choice how monies are spent. Thank you.

WALZ: Thank you so much. Any questions from the committee? Senator Murman.

MURMAN: Thank you, Senator Walz. When-- as Mr. Nielsen ahead of you mentioned, when the beneficiaries from the schools, a large percentage of them don't pay as high of the tax burden as certain commercial or

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land owners in a district. Do you feel that that is-- has a
detrimental effect to the support for the school system?

DENNIS SCHLEIS: Well, I don't quite understand how that taxpaying is
broke down, but there's got to be, of course, a better way how to
figure out paying our schools the costs that they have that we agreed
to share. So I'm sorry, I couldn't answer that.

MURMAN: Thank you.

WALZ: Thank you. Any other questions from the committee? I see none.
Thanks for coming in today.

DENNIS SCHLEIS: You're welcome.

***JOHN HANSEN:** Chairwoman Walz and Members of the Education Committee,
Thank you for the opportunity to offer Nebraska Farmers Union's
written testimony in support of Senator Brewer's LR13CA. Nebraska
Farmers Union's (NeFU) 2020-2021 member approved state policy states:
"We support all public schools Classes I-VI receiving fair state aid.
Tax revenue should be divided as equally as possible between local
property taxes, state sales taxes and state income taxes with not more
than 40 percent, nor less than 30 percent, coming from each of the
above tax sources for education. The cost of education should be
shared as evenly as possible by all. Presently, property owners are
paying the majority of school taxes regardless of their debt or their
ability to pay." Based on our policy, NeFU has supported and opposed
many Bills before the Revenue and Education Committees. For decades
NeFU has been calling attention to the long standing inequity that
exists between the various sources of public education funding, with
property taxes being out of alignment with the other revenue streams.
The one third, one third, one third split between income, sales, and
property taxes known as the three legged stool tax policy has guided
NeFU policy for half a century. NeFU believes that tax policy is more
fair and balanced based on the ability of taxpayers to pay. Presently,
two thirds of all Nebraska school districts no longer receive base
line state support to operate their schools. That is not what anyone
had in mind when LB1059 was passed in 1990 in response to citizen
pressure to deal with the overuse of property taxes. NeFU
enthusiastically supported and defended LB1059. While we appreciate
past efforts of the Legislature to address the long time overuse of
property taxes to fund education, the structural inequity between the

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three primary sources of revenue has not been adequately addressed. We understand that if voters would approve LR13CA, it would necessitate an enormous increase in additional income and sales taxes to replace the lost property tax revenue. Our support LR13CA is based on our belief that rural schools would be made whole. It is not our intent to not to negatively impact the operation of our rural schools or their necessary funding. Nebraska Farmers Union thanks Senator Brewer for bringing LR13CA forward. We encourage the Education Committee to vote LR13CA out of Committee and send it to General File for the full body's consideration.

***JASON HAYES:** Good morning, Senator Walz, and members of the Education Committee. For the record, I am Jason Hayes, Director of Government Relations the Nebraska State Education Association. NSEA opposes LR13CA. Under this proposed constitutional amendment, no more than 33 percent of the funding for free instruction in Nebraska's common schools would be allowed to come from property taxes. The proposal would essentially create a levy rate cap lower than the current \$1.05 cap and impose this restriction on a number of school districts that are already up against that limit. There is no indication or requirement in LR13CA that future legislatures would expand state aid to education to cover the reduction in revenue contemplated by the proposed amendment. The NSEA, on behalf of our 28,000 members across the state, asks you to indefinitely postpone this constitutional amendment resolution. Thank you.

WALZ: Any other proponents? Any opponents? Anybody who would like to speak in the neutral position? You're welcome to close and he waives closing. So this ends our hearing on LR13 and it ends our hearings for today. Oh, wait, let me do the-- sorry. We did have a proponent written testimony in lieu of personal testimony from John Hansen of Farmers Union and an opponent from Jason Hayes of NSEA, and we also had 4-- 4 proponent position letters and 3 opponent position letters and 1 in neutral. Now that ends our hearing.

[BREAK]

WALZ: Good afternoon. Before we get started-- what? Senator Vargas? He's not listening. I'm going to go over some Education COVID hearing procedures and then we'll go on. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearing to abide by the following procedures. Due to social distancing

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requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit door to the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist the committee members and Transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by a Sergeant at Arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to enter a hearing room are asked to observe the social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the available-- availability due to the HVAC project of an overflow hearing room for hearings which attract several testifiers and observers. For hearings with a large attendance, we request only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. So with that, we welcome you to the Education Committee public hearing. My name is Lynne Walz and I represent Legislative District 15. I also serve as Chair of the 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 before us today. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please turn off or cell-- or silence your cell phones and other electronic devices. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks. If you will be testifying, please complete the green testifier sheet and hand to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to-- hand them to the page to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please hand them to the page and she will make copies for you now. When you begin to testify, state and spell your name for the record. If you would like your position known but do not wish to testify, please sign the white form at the back of the

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room and it will be included in the official record. If you are not testifying in person and would like to submit a written position letter to be included in the official-- official hearing record as an exhibit, the letter must be distributed or emailed to the office of the committee chair of the committee conducting the hearing on the bill or the LR by 12:00 p.m. the last work day prior to the public hearing. Additionally, the letter must include your name, address, stated position of for, against, or neutral on the bill or LR in question and include a request for the letter to be included as part of the public hearing record. Please speak directly into the microphone so our Transcribers are able to hear your testimony clearly. And finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green is five minutes remaining; yellow, you have one minute remaining; and you'll wrap up your comments when you see the red light. The committee members with us today will introduce themselves beginning at my far right.

McKINNEY: Good afternoon. My name is Terrell McKinney. I represent District 11, which is north Omaha.

MURMAN: Hello. I'm Senator Dave Murman from District 38, and I represent seven counties to the south, west, and east of Kearney and Hastings.

LINEHAN: Good afternoon. I'm Lou Ann Linehan. I represent Legislative District 39, the western part of Douglas County.

SANDERS: Good afternoon. Rita Sanders, District 45, representing the Bellevue-Offutt community-- community in eastern Sarpy County.

WALZ: And for the record, Senator-- Senator Day will be monitoring the hearing from home today due to quarantining. I'd like to introduce my committee staff. To my immediate right is research analyst, Nicole Barrett. To the right end of the table is committee clerk, Mandy Mizerski. And our pages today are Rebecca and Savana. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphone and limit side conversations and making noises on personal devices. We are an electronics equipped committee and information is provided electronically as well as in paper form. Therefore, you may see committee members referencing information on their electronic devices.

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Be assured that your presence here today and your testimony are important to us and crucial to our state government. Lastly, as a reminder, please allow the pages to sanitize between testifiers. And with that, we will open with LB623, Senator Vargas.

VARGAS: Good afternoon--

WALZ: Good afternoon.

VARGAS: --Chairman Walz, members of the Education Committee. For the record, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s, and I represent District 7 and the communities of downtown and south Omaha, here in the Nebraska Legislature. Before we get into specifics on LB623, we passed out a one pager that provides a little bit of background. But I'm going to first say up front that I view this as a starting point. I was able to engage with some, but not all, education stakeholders in our discussions about the concepts for this bill. This bill represents those concepts, but there's still work to be done. And I know that the hearing today will be helpful as we continue to do that work. We are all aware that this last year has been a struggle for teachers, students, and families. There's no way we could have predicted or prepared for teaching and learning during a global pandemic that at this point looks like it will last well into this year and later this year. Everyone has done an incredible job with the tools that they have. But one thing I think we are starting to realize is that now that the virtual learning can of worms has been opened, it is not likely to shut again. Now, this is the impetus for LB637 [SIC LB623]. However long we are in this public health crisis, it is clear that some of the benefits of remote learning have made it a viable option to deal with many of the different scenarios, including sickness, the changing needs of family, and weather. And if remote learning is to continue, I think it's critical that we establish a set of shared definitions, standards, and guidelines that will help ensure that the quality of education, primarily the quality of education for our students is high, that technology is accessible, equitable, and reliable, and that the learning environment is fair for teachers. Now, what we've seen over the last year is a huge increase in workload for teachers who are teaching, both in person and online. We've all seen reports in the news about this driving teachers to retirement. Without the training and supports in place, the job has become exponentially more stressful and difficult. Prepandemic, we were facing teacher and substitute teacher shortages and we've mentioned that in the past for

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bills I've introduced. So-- and also the reasons Senator Sanders introduced her bill. And it's something that we need to continue to address. Districts are treating remote learning options in very different ways. For students who have opted to not attend school in person this year, the educational options are limited. Some districts allow synchronous instruction where the student can use Zoom or another similar platform to be in class at the exact same time the class is happening at the school and receive the same instruction. Some districts only allow these students access to asynchronous instruction, which is more like packet learning with reading-- reading materials, supplemental videos, and assignments available online but not linked to the same set schedule. What LB637 [SIC LB623] does is it begins to provide some definitions and standards around various learning options. It asks school boards to adopt remote learning plans that will meet statewide standards and set out in the bill. These standards include that remote learning options be provided to students at no cost, along with the district's curriculum; have clear attendance and grading policies; include regular interaction between students and instructors; includes some amount of time of Web-based live instruction or synchronous learning; provide access to school counselors, administrators, and other personnel; meet the needs of English language learners; and ensure student privacy. Now, again, this legislation is a work in progress and I fully intend to engage with a broader group of stakeholders, including the groups that have notified me of opposition testimony. They will be here today and I appreciate them. That's why this process works this way. I worked primarily with the NSEA and Education Rights Council on this legislation and they will be testifying behind me to speak about the issues facing teachers and students and why this legislation is important and necessary. With that, I'll close and be happy to try to answer any questions. One thing I do want to add on this is for those that have been digging into this in their own school districts, this feels a little extra personal as being a former teacher, as being a former school board member. We can't approach things in a one size fits all. I think we all agree with that. I think we see some level of, you know, supporting of local control. What we really want to try to accomplish is a setting-- setting, a shared set of language and standards and processes when we talk about remote learning. Because if you dug into this, there are a lot of different definitions for even remote learning, you know, distance learning, virtual learning. And it's clear that when you have different definitions in statute or

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something is not defined in statute, that presents a lot of headaches for-- for our administrators. And it also sort of then deflects and says, well, the State Board of Education and those members will figure this out in a reactive way. And I think there's a way where we can set some level of a standard and get that feedback. So that's what I really hope to come out of this hearing. And I appreciate all of you and I'm happy to answer some initial questions that you may have.

WALZ: Thank you. Questions from the committee. I don't see any right now. Thank you, Senator Vargas.

VARGAS: Thank you very much.

WALZ: Do we have many proponents that would like to speak?

LEE PEREZ: Good afternoon, Senator Walz, members of the Education Committee. For the record, I am Lee Perez, L-e-e, P-e-r-e-z, an English as a second language teacher with the Omaha Public Schools. And I'm here today on behalf of my professional organization, the Nebraska State Education Association, in support of LB623. I want to thank Senator Vargas for introducing this bill. And I also want to thank him for reaching out to me and dozens of my colleagues, hosting a daylong meeting to learn about more what we have faced while keeping our students learning during the COVID-19 pandemic. As the use of remote learning becomes more prevalent, key concerns have arisen about ensuring equitable education for all students engaged in remote learning, whether that is by choice or because of school district action. LB623 creates a framework for remote learning that would ensure that regardless of location, urban, suburban or rural, core standards related to areas such as instructional pedagogy, consistent access and hours of actual instruction would be followed so that any student engaged in remote learning is offered the same high-quality education offered as an in-person environment. The legislation is also clear that when leveraging the benefits of remote instruction, we do not simply attempt to recreate the classroom environment-- environment in a remote setting. Effective remote learning has its own pedagogy. It is far more than just placing students in front of a screen and expecting them to watch a teacher engage with the students physically present in the classroom. Effective remote learning is not being on screen for seven hours a day. This bill seeks to provide common understanding and vocabulary for key remote learning concepts, including in-person learning, virtual learning, distance learning, and

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remote learning. The legislation also addresses hardware and learning platforms, access to technology, broadband-- broadband Internet, instructional strategies, professional development, funding both synchronous and asynchronous instruction, mandated subjects of bargaining, and more. School staff across our state embrace the Herculean task of completing reimagining the delivery of instruction because of the COVID-19 pandemic. I can tell you that remote learning is the most difficult thing that I have ever done in my teaching career. Restructuring my lessons to keep students engaged in online learning for hours each day, balancing remote instruction with in-person instruction, ensuring that I know the progress of each individual student, and remaining sensitive to the needs of my students during a tremendous time of family stress for both students and teachers has been completely exhausting. I know of several teachers who have left the profession or are retiring early because of the strain of this past year. However, these challenges of COVID have been delivered-- have also delivered opportunities to engage in outside-the-box problem solving to meet student needs. Good remote learning using appropriate strategies and pedagogy could be an ongoing opportunity for some students to seek alternate-- alternative learning opportunities while staying connected with their school district. This bill provides a lifeline to teachers who know we need a structured approach to online learning that involves all decision makers and provides continually for learning and educa-- and educators. While we hope to never experience a pandemic again in our lifetime, this legislation encourages us to be proactive in the planning phase for learning disruptions and taking advantage of what we have learned regarding remote learning. The NSEA offers this testimony on behalf of our 28,000 public school teachers, higher education faculty, and other educational professionals across the state. We urge the committee to support LB623 and advance it to the General File for debate. Thank you for your time.

WALZ: Thank you so much. Do we have questions from the committee? I have just one quick one. What-- what's been the most positive experience that you've gained through the virtual learning?

LEE PEREZ: Students becoming technologically literate. They were forced to do it. But, you know, as I said, I teach English learners and teaching English learners is not an easy task to begin with. So doing this was very, very difficult. But I am pleased to say that they

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have been able to navigate this virtual world with I wouldn't say with ease, but with grace and much patience.

WALZ: All right. Thank you so much.

LEE PEREZ: Thank you for your time.

WALZ: Thanks for coming today. Next proponent.

ELIZABETH EYNON-KOKRDA: Good afternoon, members of the committee. My name is Elizabeth Eynon-Kokrda, spelled E-l-i-z-a-b-e-t-h E-y-n-o-n-K-o-k-r-d-a, and I'm here on behalf of Education Rights Council in support of LB623. Education Rights Council is an Omaha-based nonprofit organization that advocates for educational equity, amplifying the voices of our most vulnerable children by removing legal barriers so that all children can stay in school and thrive. We also work across the entire state and I thought what might be valuable for you today is to hear what our role was and what we saw when remote learning came into place. And frankly, the biggest challenge we saw across the state was an entire lack of equity. This is not to fault districts. It's not to fault anyone. It's just plain that we were completely unprepared for this. And as we've tried to make progress, we still see wildly different approaches, as Senator Vargas talked about. We see asynchronous, we see synchronous, we see something in between. We have a vocabulary that we don't share across the state. We have expectations we don't share across the state. And the way the equity gets exacerbated is some school districts decided that what they would do for remote learning then and now is simply do something like, I don't know if you are familiar with Odysseyware. It's usually what's used for students, if they've been expelled so they can still continue to go. Some did completely synchronous, where kids were in seats eight hours a day. Many, many, many children struggle with this, especially our most vulnerable children, children with IEPs, children with attention deficit disorder, children with limited English proficiency. And we had families calling us left, right, up and down, what do I do? And that's the worst part about it for families was it kept switching. So, for example, I'll just use the Omaha Public Schools. They had one plan, then they had another plan, and they had a third plan. So children thought they were going to be going full time or they thought they could stay remote and they couldn't. What LB623 does, as Senator Vargas says, is try to set a framework, set a floor, set some basics. And I think what's really

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important is it does not mandate that any district do a one size fits all. What it does is say get the input of everyone. I was privileged to be part of the group that Senator Vargas called with teachers and others to talk about the challenges and think about how could we create a framework. And what this bill does is say, school boards, include the public; have a plan; submit your plan. It doesn't have to look the same as anybody else's. It does, however, have to be pedagogically aligned and aligned to state standards and give students the opportunity who have to be remote to learn the same things that kids are learning in school and give the kids the opportunity that are in school if they have to step out, whether it's a pandemic or some other reason, to know what's going to be expected. That's the basis of this. It's set. Let's set a framework, let's have a conversation, and let's let each community have that conversation amongst themselves. Let's get public input. Let's have parents come in. Let's tell the stories and let's find a fit for each district, but ensure that it meets the needs of all children. So I think that's a really critical aspect to what Senator Vargas is trying to do, is to ensure that we-- we know what to expect. So it has three important functions from my perspective. First, as Senator Vargas said, it helps us define these terms so we have a common vocabulary. Second, it creates a structure so whether you're going back and forth, you do know what's going to happen. And third, you're going to have pedagogically sound programming if it's aligned with what the state sets as appropriate. I do think that students aren't the only ones that are struggling. I have to tell you, from Education Rights Council's perspective, we get a lot of really angry parents that are really mad at schools. But that's not my purpose here at all. My purpose is to understand that having had this conversation with teachers, I learned how much they struggled as well. And so I think this conversation is super important to have going forward because we have to do something. This isn't a bill just to respond to the pandemic. We may have this pandemic ongoing. We may have another pandemic, but schools are moving forward. We have districts already that are saying we're going to have a remote program next year for whomever or we're not going to have school snow days anymore. This is what remote is going to look like. It's all over the board. And as a state, if we want sound educational practices and equity for all kids, we need the structure that LB623 offers. I would urge you to move it out of committee and I would encourage you to support it in passage of law.

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WALZ: Thank you. Do we have any questions from the committee? I see none. Thank you so much for coming today.

ELIZABETH EYNON-KOKRDA: Thank you so much.

***SPIKE EICKHOLT:** Thank you, Chairperson Walz and members of the Education Committee. My name is Spike Eickholt and I am a Lobbyist for the ACLU of Nebraska. The ACLU offers its support of LB623 and we would like to extend our gratitude to Senators Vargas and Day for introducing this legislation which ensures that the state meets their legal obligation to provide all students equal access to an adequate education and provides key privacy protections. LB623 makes it possible for school districts to meet this obligation during the pandemic and otherwise via a remote learning plan by ensuring that all students have equal access to resources (like school counselors, psychologists, social workers, etc.) and technology that makes effective remote learning possible. We know from historical practice and present disparities that Nebraska has not fully realized our constitutional guarantee (See Nebraska State Constitution Article VII-I) for all students in an equitable manner. We also know from the early research that too many remote learners in the pandemic are falling behind with even another article on point in the February 7th Omaha World Herald. We also commend you for giving voice to key hallmarks of participatory and open government in crafting remote learning plans and policies, ensuring a strong framework to protect disability rights, protecting the unique needs of English language learners, committing to clear due process for appeals, mitigating punitive practices regarding attendance, and ensuring strong and uniform privacy safeguards are in place to protect students in the virtual classroom. Nebraska students should not have to stress about falling behind their peers simply because their families cannot afford internet access or a computer. Nor should they have to fear being outed as LGBTQ or putting family members at risk of deportation because current remote learning technologies lack basic privacy protections. Many students, especially students in rural Nebraska, low-income students and students of color lack access to technology and communications services that are essential to remote learning. Students with disabilities face even greater challenges. Moreover, with economic uncertainty and unemployment challenges for our most vulnerable families the lack of access to technology and broadband services is likely to rise. The effects of this growing digital divide will necessarily impact the virtual classroom and this bill is an

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important way to provide support and guidance to address and fill those gaps. For those reasons we urge you to advance this bill to General File.

WALZ: Next proponent. Do we have any opponents that would like to speak?

JACK MOLES: Good afternoon, Senator Walz, members of the Education Committee. My name is Jack Moles, that's J-a-c-k M-o-l-e-s. I'm the executive director of the Nebraska Rural Community Schools Association, also referred to as NRCSA. Today, I'm also speaking on behalf of the Nebraska Council of School Administrators, Nebraska Association of School Boards, Schools Taking Action for Nebraska Children's Education, and the Greater Nebraska Schools Association. On behalf of these groups, I wish to testify in opposition to LB623. We do believe that Senator Vargas is very well intentioned in this bill, but we do not believe there is a need for this bill at this time. Briefly, some of the objections these groups have had on LB623 include daily burdens can be placed on teachers if the virtual school option is-- is required to be available for students who are ill or if there's a snow day. The process required for adoption of a remote learning plan is more detailed than even for the adoption of curriculum. Cost to the district will be generated-- generated by the bill, including teacher training devices, technical support, and publication costs. Districts would be required to ensure that students have access to Internet connectivity, and there are still many places in this state without such connectivity. I was not in the Education Committee hearings this morning because I was in Transportation and Telecommunications talking about the need for connectivity in rural Nebraska. It's also an issue in the urban areas too. So-- and sometimes this connectivity is either because physically the companies just can't connect them where they live. Sometimes it's an affordability issue. Another thing is it is mandated that remote learning be part of the negotiations process. And finally, that the bill does take away from the local control from locally elected board-- boards of education. As Senator Vargas said, last spring the coronavirus pandemic caused schools to go into remote learning mode, which many were underprepared for. Most were underprepared for that. Not all schools had enough devices. Not all teachers knew how to run the platforms necessary for the program. Many families had either poor connections or no connections at all. And in spite of this, I believe most districts made great efforts to provide quality, remote learning

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opportunities for their students. This fall, I was in a discussion with Commissioner Blomstedt and he talked to me about the idea that he thought schools needed more help in developing remote learning programs. And what he was trying to lead me to was would NRCSA take on that project? So I told him I would. And I talked with Dr. Kraig Lofquist at the ESUCC and I said, would you guys like to couple, you know, partner with NRCSA on this? And he did that. This fall, we had over 70 Nebraska educators, both from schools and from the ESUs, work on a remote learning project for schools and completed the project. I left two URLs for you there, because we developed two sites. One is from a site to help teachers. The other is a site to help administrators. Included in the site to help administrators is also a part of it to help teach or help parents wade through all this. I'd really encourage you to look at the work. Our people did fabulous work, really good stuff on there. And from that, what I'm saying is that the schools are working at this to develop quality programs and we encourage you to let them work through these issues on the local level. We're certainly willing to work with Senator Vargas on this, though. And in closing, I encourage you not to advance LB623.

WALZ: Thank you. Questions from the committee? I see none. Thank you.

JACK MOLES: Like I said, I encourage you to look at the sites, really some good, good stuff.

SPENCER HEAD: Good afternoon, Chairwoman Walz, members of the Education Committee. My name is Spencer Head, S-p-e-n-c-e-r H-e-a-d. I'm a member of the Omaha Public Schools Board of Education and the chair of our legislative committee. I'm appearing before you today on behalf of the Omaha Public Schools in opposition to LB623. The Omaha Public Schools and the Board of Education have significant concerns with the Remote Instruction Act. They can primarily be summed up by our belief that the bill seeks to permanently put in place a remote education model which by its very nature are not necessarily designated to be permanent. We fundamentally believe that all students are best educated in the classroom or where data has consistently shown that our young people best learn and thrive. Just last week, we were able to welcome back to our-- to our school, our education or our elementary and middle school students. Taken together, the various components of LB623 may have the effect of requiring school districts to provide remote instruction to any and all students at any time. If this is correct, it would have the effect of creating a new form of

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option enrollment within each school district without reimbursing the district. The cost of such a proposal could be astronomical. As we learned this past year, issues of technology and connectivity alone, which LB623 requires school districts to cover, costs millions of dollars. LB623 also creates direct right to a hearing before the Board of Education. This is a right that no other student or employee has under Nebraska law. Even certificated employees have to participate in an internal process before having a hearing before the Board of Education. With the threat of a direct appeal to the district court, these hearings would become more of a-- more formal and likely to involve legal counsel for the family and the student. This process creates an incredibly cumbersome new administrative and financial burden on the school district. Given my limited time, I would also note the following additional concerns we have with the bill. First, it creates a presumption that students who are chronically absent have a disability, thus requiring districts to verify whether the student has a disability, which is extremely costly. It overturns longstanding Nebraska legal precedence that the ability to determine hours of work and specifically assigned work are management prerogatives, which are permissive rather than mandatory subjects of collective bargaining. That's page 13, Section 12(8)(d). LB632 appears to limit the instruction hour-- instructional hours as they relate to remote learning to seven and a half hours a day, page 14, line 17-22. And it requires special hearings and publications of notices at the district's expense not require-- which are not required for any of the hundreds of other nonbudget-related policies that a school district adopts. On a final note, the Omaha Public Schools is also the only district in the state that currently offers what we have named our Omaha Virtual School, or OVS. OVS primarily serves homeschool students whose parents wish to avail themselves of the structured online courses, mostly in specialized areas. Because of the way LB632 defines remote learning, it may have the unintended consequences of drastically changing the-- the delivery of these services to our OVS students. The Omaha Virtual School is not designed for students who might not otherwise be unable or unwilling to attend regular public school. For these reasons, the Omaha Public Schools and the Board of Education are opposed to LB623. Thank you for your time and I'm happy to answer any questions you have.

WALZ: Thank you. Senator McKinney.

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McKINNEY: Thank you for your testimony. Thank you, Chairwoman. My question, you said in your testimony that OPS believes that students being inside of the school is the best place for learning. But, you know, from just growing up in the district, I was a student in the district. And being an individual that works in the community, the class sizes and classrooms in OPS schools, specifically in my district, are problematic. So if you don't want to provide this option going forward, do you have a plan to reduce class sizes?

SPENCER HEAD: I think we have to take a look at the-- the entire approach. Right? So just-- just over the weekend, I believe, it was yesterday even, the World-Herald came out with an article talking about statewide math scores for different districts across the country. And what the data showed was students through this past year have been only remote, have really struggled compared to the credit loss that we've seen for, you know, for students who have been in school. And so, you know, obviously the data shows that students that are in the classroom learn better. I mean, I think we all understand that. And so, you know, obviously there's ways that we can make the classroom better, you know, smaller class sizes, more classes, things like that that we absolutely need to look at. But as far as making sure that, you know, remote learning is available to every single student at any point in time, you know, whether they need it or not, we think goes too far.

McKINNEY: OK. On the topic of outcomes, how-- how does OPS plan to address educational outcomes for students? I'm going to use my district as an example because we have historically had the lowest graduation rates, test scores, and all those things. How do you plan to improve those outcomes without thinking outside the box? I know it's not a one size fits all--

SPENCER HEAD: Yeah.

McKINNEY: --thing. There are also examples of students that have excelled with remote learning. I don't think it's for every student. But I also think that we're in a time where we do need to start thinking outside the box and we can't continue with the status quo going forward.

SPENCER HEAD: Yeah, no, thank you for the question, Senator, and I absolutely agree with you. I think we absolutely need to think outside

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the box as far as how we educate students, and especially in a district as large as OPS. We can't just continue to say, oh, this is how it's always been done. Let's just continue to do that and, you know, put our heads down and push forward. So-- so when we-- when we first started looking at our MAPP scores from this past year, we started putting together a recovery model that involves, you know, extensive-- extensive tutoring options, ability for students to meet with-- meet with educators one on one and kind of get-- get caught up on-- on areas that they've lost out on this past year. And I think virtual plays a significant part in a lot of that. Our-- our concern is just the model that this bill creates is-- is a lot more broad than where we're willing to go at this point.

McKINNEY: Are you willing to work with Senator Vargas to address your concerns?

SPENCER HEAD: Absolutely.

McKINNEY: All right. Thank you.

SPENCER HEAD: Thank you, Senator.

WALZ: Thank you, Senator McKinney. Thank you. Any other questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairman Walz. So Omaha has a program they use K-12, don't they, for virtual?

SPENCER HEAD: I believe so.

LINEHAN: So are we looking at the wrong way here? Would it be better since it's-- instead of having 244 school districts do this, if we, the state, just had a virtual school? Because by the very definition of virtual, they don't have to be in the same-- I mean, we have a virtual high school run by the University of Nebraska--

SPENCER HEAD: Yep.

LINEHAN: --which is very successful. So could we just have a virtual school as an option?

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SPENCER HEAD: I think that will be an interesting thing to look into. I haven't-- I haven't looked into-- into that at all, but that would be.

LINEHAN: How many students, do you know how many students in OPS take advantage of the virtual classes?

SPENCER HEAD: Are you speaking--

LINEHAN: Prepandemic.

SPENCER HEAD: Prepandemic? I am not sure offhand. I can get that number to you.

LINEHAN: OK, that'd be great. Thank you very much, Mr. Head.

SPENCER HEAD: Thanks, Senator.

WALZ: Other questions from the committee? I see none. Thank you.

SPENCER HEAD: Thank you.

WALZ: Do we have any other opponents that would like to speak? Anybody in the neutral position that would like to speak? Senator Vargas, would you like to close? As he's coming up, I just want to report that we did have one written testimony in lieu of in-person testimony, a proponent, Spike Eickholt from ACLU of Nebraska.

VARGAS: Chair Walz, members of the Education Committee, I appreciate you and a couple of things I want to make sure to point out. This is not my first time, obviously, introducing bills in the Education Committee. I've been here. And one of the things I've really tried to be consistent about is we need to expect more from our education system as a whole. We need to expect more from our education system as a whole. We need to make sure that there's equity in the system where no matter who you are, no matter where you come from, no matter what zip code you are born in, you can receive an excellent education. That's not saying that vilifying anybody. It's just when we look at the statistics that Senator McKinney referenced, we continue to see gaps in our system. Now, this is much like the pandemic. Before the pandemic, there was health disparities among communities of color and low-income communities. Pandemic happened. We had more health disparities that were pronounced. And to those that are-- live in the

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communities and represent communities that have a high percentage of those individuals, we were not surprised. The same thing happens with education. Nobody's going to fault school districts for how they reacted. None of us, and I appreciate Mr. Moles talking about this on behalf of NRCSA and the others, nobody was fully prepared for this, nor should we have expected to be. But I do think we have an expectation to learn from it and figure out how the system can work better. If we only think incrementally, we're never going to get anything done. This is meant to push the envelope towards what we think equity should look like. And it's not just in everyday stances. So, for example, when we're talking about creating a remote learning plan, they would "shall," you know, school districts would have to. The purposes of it would be if there was an illness, adverse weather, or some emergency condition. I have two kids. I would hope that if there's some reason that they qualify under this, if they're sick, adverse weather or some other emerging-- emerging condition, that there is an option available for them and a plan in place by my school district that I pay tax dollars for, that ensures they're getting the best high-quality education possible. I would really hope that that is possible. I know I heard from Omaha Public Schools that at least I'm sort of reading between the lines, that that is something that they share and they want to get to. But that's not where we're-- where we are. We need to operate with a greater North Star because right now we can't just say, well, attendance isn't our responsibility. Amidst this pandemic, we're going to see and what we're seeing is low-income students, communities of color are more than likely, based on statistics, going to be hurt the most from this pandemic. And we need to figure out a way to make sure this doesn't happen again where these inequities further hurt these communities. And an opportunity to do that is many of the things that are in here. I'm happy to work with the individuals that came and testified in opposition. My North Star is that we can find common ground on what definitions exist for remote learning that we can make sure there is an option that exists in certain circumstances, really extreme circumstances like I just shared. Maybe it is the virtual schools. I was on the school board when we were working on that and were expanding it. At the end of the day, we want to make sure that we are not further furthering an achievement gap that we all know, expand the opportunity gap that we all know still exists. And it shouldn't be as hard as it is to make sure that there is basic training provided to teachers, which is one of the conditions in here, to make sure that there is an option

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available for what we would call some level of virtual learning, remote learning to make sure that these options are-- have public engagement so that people can say whether or not they want their tax dollars to be spent in this way or not. I don't think that that bar, even though I think I kind of heard from the opposition, is that high. I think the bar is actually lower and that this is not as unreasonable as some of the opposition shared. But as my other legislation I've introduced, I'm happy to work on these things. I'm going to work on this because I think it's necessary. It's important. It does feel urgent because we're still in the midst of sort of coming back. And I hope we get through this pandemic and should more variants happen and we get back in the situation we are, we have learned from some of our not mistakes. We've learned from what we weren't prepared for. Because if we haven't, most of us won't be here maybe the next time because of term limits, and they'll be looking and trying to figure out why didn't those legislators and Department of Education and the school boards all work together to try to find something that works as equitably as possible amidst a pandemic so people get the best education possible remotely? All right, thank you. Do you have any questions? I'm happy to answer them.

WALZ: Thank you, Senator Vargas. Questions from the committee?
Senator.

MURMAN: Thank you, Senator Walz. And thank you for bringing this bill. Do you have ideas on what schools did if they didn't have connectivity and they didn't have Internet access during the pandemic?

VARGAS: Mr. Moles referenced that there are pilot programs and sort of how they approached it. The schools had to be as nimble as they normally are on any given day, and they had to be even more nimble, I would say, because they had to figure out ways to ensure that they were working with public-private partnerships, using CARES Act dollars to-- to-- to get the connectivity available. But it's no surprise, like the reason why we had this hearing earlier today for broadband access. It's still a really big issue, I know, for NRCSA and I-- I think it's still a gap that we have. And so that's going to need to be done in tandem. That doesn't and should not stop us from saying there's an option available in this emergency case for a student. And here's what the option is. That shouldn't stop us from saying we should have an option. But it is-- it is a barrier and it's something we need to work on in tandem as well.

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MURMAN: I agree. There is a lot of work to be done. Thank you.

WALZ: Thank you. Any other questions? I see none. Thank you, Senator Vargas. That ends our hearing on LB623. And we will open on our hearing LB558, Senator Vargas, to adopt the Alternative Certification for Quality Teachers Act. Welcome, Senator Vargas.

VARGAS: Hello. Can't get rid of me. OK. Good afternoon, Chair Walz, members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7 and the communities of downtown and south Omaha. Two things that I'm going to have our amazing pages hand out here in a second when they get a chance. One is a one pager and another is a clean copy amendment, which I will talk about. Now, if you've been on the committee for the past few years, this bill will be familiar to you. I introduced the version of it in 2018 and again in 2019. And here we are again with a pared down version of those bills. Now, these bills weren't, I would say, unpopular bills in opposition. They just sometimes we need to work on things to make sure that they're operational and actually can be the best possible bills. Otherwise, you know, we run into unintended consequences sometimes. So for the purpose of this hearing, I'd like to work from the amendment I've had prepared, which is being handed out to you. The underlying reason behind this is still the same. I introduced LB558 to address the teacher shortages that communities all across Nebraska have experienced over the past several years. I do want to recognize and I appreciate Senator Sanders working on this issue as well with our military families and spouses because it is a critical issue for our military and veterans. This issue has been significantly amplified by the COVID-19 pandemic, as we've seen teachers retire earlier than they planned, and even greater shortage of teachers in the classroom due to exposure to or becoming positive for COVID-19. My hope is that LB558 will provide one solution to this problem by establishing reciprocity for individuals who hold teaching certificates in good standing in other states and allowing them to teach in Nebraska. Now, this would allow the Department of Education to issue a temporary certificate to applicants who have completed a teacher education program and possesses a certificate to teach in good standing from another state. Additionally, temporary certificates could be issued to individuals who hold a bachelor's degree or higher from a regionally accredited college or university and have passed the appropriate subject matter area exam or Praxis. Temporary certificates would be valid for up to two years, at which time the certificate holder would be required to

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obtain a Nebraska teaching certificate. Finally, temporary certificate holders would be required to the same criminal background check that Nebraska teachers are subject to. I think these are simple steps that we can take to help address our teacher shortage and improve schools and educational experiences for kids. I've worked with the NSEA, the Catholic Conference, the Department of Education, and other stakeholders to get consensus on this bill and believe that we are finally in a place to move this to General File. With that, I'll be happy to answer any questions the committee may have. I do have one comment I want to make, and I've said this to some of you that have been on this committee, for those of you new, as a former teacher, I went through an alternative certification program. Now, that's not this bill. This is a reciprocity bill. I want you to imagine that I had a teaching certificate in another state and I met the requirements. I was in good standing. I got the certificate through a regionally accredited institution. And, you know, I passed the appropriate subject area exam. And I really want to teach in Nebraska. This is saying I can teach in Nebraska right away and then I have two years to make sure I have the Nebraska teaching credentials. I don't have them within those two years, then I do lose that temporary certification. But it would immediately allow me to get into a profession, get hired by a principal, and fulfill a need. And I was a science teacher, which is a really high-need area. I think you can imagine some of your school districts you might have special education teachers or other areas. And I guarantee you what we're seeing across the country, and I'm not-- I'm sort of referencing very anecdotally that the pandemic has heightened this shortage in the workforce and we need to be nimble. And this allows us to be nimble. I'm actually kind of in some ways excited that we would be looking at this now because it feels more urgent even than last year. So with that, I'm happy to answer any questions.

WALZ: Thank you, Senator Vargas. Questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Thank you, Senator Vargas, for bringing this today. Is there, and I shouldn't ask this question because I don't even have the slightest idea of what the answer is, but are there any studies nationwide that say if you get a teaching degree in Nebraska, somehow that makes you a far better teacher than if you get a teaching degree in Missouri or Texas or Colorado? I mean, are there any studies?

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VARGAS: I can't reference-- I can't think of one off the top of my head. I will say every state approaches teacher development and education in somewhat different ways. We obviously have institutions of higher education. We have teaching institutions, public and private. Some states have, you know, teacher evaluation, some sort of tiered teacher development programs. I'm not saying that we don't have those things. But to my knowledge, there isn't something that is, I guess, vetted, right, reliable, and valid. But there are some rankings and I can look up some of those rankings and get you on our teacher certifi-- teacher education preparation.

LINEHAN: Because most of the universities and colleges are all accredited by a national group, right? So if you want to stay accredited by, I can't think of the name of it, but what the Midwestern out of Chicago or whatever, you have to meet certain requirements. So-- and it does strike me as odd that we can't do this with teachers, but we do it with nurses and doctors.

VARGAS: I very much appreciate you, Senator Linehan. We have had this conversation. It's a little deja vu. We've had the conversation. I think you were sitting at that point. This is two years ago and it was when we couldn't get it for military spouses. We've come a longer way. But you're right. It-- it shouldn't be as hard as it is. And I'll see if I can find out more.

LINEHAN: Especially when there's no proof that it's harmful. That's what I-- studies prove some, why would this be-- OK.

VARGAS: Yeah. And the only the last thing I'll say to that is even though we might not seem as harmful, I think we're-- we're trying to balance both on creating an unnecessary step and regulation for barrier and also not lowering a standard--

LINEHAN: Right.

VARGAS: --which is a difficult moving target.

LINEHAN: Thank you. Chairman, thank you.

WALZ: Other questions from the committee? I see none. Thank you, Senator Vargas. Is there anybody who would like to speak as a proponent?

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LAURA EBKE: Chair Walz, members of the committee, for the record, my name is Laura Ebke, that's L-a-u-r-a E-b-k-e. I'm the senior fellow at the Platte Institute. I'm happy to be here today to testify in support of LB558 and thank Senator Vargas for introducing it. As you will hear in my next testimony and as I've referenced in a number of other places, LB558 is part of a family of bills that have been introduced around the country seeking to expand the workforce in different states. LB558 is part of the recognition or reciprocity branch of the occupational licensing family tree. Our neighboring states of Iowa and Missouri have created broad universal recognition, allowing licensing boards to accept licenses in good standing from other states as sufficient for licensure in their state. In those states, that recognition includes just about every profession licensed by the state. Several smaller branches of the occupational licensing tree are stemming from broad universal recognition efforts. Some states, like Florida, have chosen to provide universal recognition for military spouses for all occupations. There is also a bill that does this working its way through the Wyoming Legislature currently. It passed their house last Thursday. And an effort to expand that bill even further beyond military spouses was scrapped by the amend-- would have the amendment scrapped by the sponsor on the floor, but it may come back as a separate bill yet. LB558 provides universal recognition of teaching certificates or licenses. And I'm speaking just to the bill itself. I didn't see the amendment. But not just for military spouses-- spouses, but also for anyone licensed in another state. But it covers just those in certain teaching professions. LB558 is a good bill, but it takes a piecemeal approach that limits workforce expansion to teachers only. Of course, our preferred method at the Platte Institute is for expanding our workforce would be one that is all encompassing, applying to military spouses and families as well as licensees with no military connections. It would cover virtually all occupations, including teaching. LB558 is not, I don't believe, in conflict with our preferred occupational licensing bill this year, LB263, which does those things. That said, I would encourage your favorable consideration of LB558 and I'd be happy to entertain any questions you might have.

WALZ: Thank you. Do we have any questions from the committee? Senator Murman.

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MURMAN: Thank you, Senator Walz, and thank you for testifying. Is there any evidence that you know of that shows a big disparity between teachers in different states?

LAURA EBKE: I'm not aware of any. But here's the thing to remember, with any of these recognition or reciprocity bills. OK, the fact that you were giving somebody a license or a certificate does not guarantee that they're going to be able to get a job. OK? They still have to go through the HR process. They still have to, you know, so for a teaching certificate, even if you give them a teaching certificate, temporary, permanent, whatever, they still have to be interviewed and they still have to be needed and wanted. So, I mean, there's not a guarantee in place. But let's say that somebody down in Texas had a really great reputation as a vo tech teacher, OK? The fact that they have a certificate in-- in Texas and have a really great reputation might make them-- might make it easier for them to come to Nebraska if you have a situation like this.

MURMAN: Thank you.

WALZ: Other questions? I see none. Thank you for coming today.

LAURA EBKE: Thank you.

JEREMY EKELER: Good afternoon.

WALZ: Good afternoon.

JEREMY EKELER: My name is Jeremy Ekeler, spelled J-e-r-e-m-y, and Ekeler is E-k-e-l-e-r. Chairman Walz and members of the Education Committee, the Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the gospel of life through engaging, educating, and empowering public officials, Catholic laity and the general public. I'm the associate director for education policy at the Nebraska Catholic Conference. With 114 schools, nearly 27,000 students, and over 2,000 certificated teachers, Catholic schools in Nebraska educate 80 percent of nonpublic students in the state. And like our colleagues in other nonpublic and public schools, we face teacher recruitment and retention issues. In other words, the teacher shortage is a universal issue. To an audience of teachers in 2015, Pope Francis said teaching is a beautiful job as it allows you to see the growth day by day of people entrusted to your

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care. It is a little like being parents, at least spiritually. It is a great responsibility. Teaching is a serious commitment that only mature and balanced person can undertake. These thoughts by Pope Francis are inclusive of all who bear the honor and responsibility that comes with being called a teacher. Not surprisingly, then, like all Nebraska schools, Catholic schools demand high-quality individuals. We believe-- we believe the key to addressing the teacher shortage involves a process that maintains a high bar while creating a wide path. Teaching in Nebraska should be about excellence, and access should not be cumbersome. We support legislation that strengthens these precepts like LB558. The amendments about-- around LB558, as Senator Vargas mentioned, have been a little bit of a whirlwind. But as I understand, the bill does two important things. Number one, it creates legitimate reciprocity, granting a temporary license to teach for up to two years, during which time the educator needs to take the necessary steps to obtain their Nebraska certification. This temporary license is for teachers who have taken part in a teacher education program and are in good standing with the other state. This also, it tightens the window for what is now a provisional license for those who have earned a bachelor graduate professional degree from accredited college or university. What was a five-year window to full certification is now a two-year window. In either case, the applicant must meet background requirements, background check requirements. So as a teacher and administrator for nearly 20 years, I have a bit of experience with the teacher certification process. I went through it personally after moving back to Nebraska from Chicago, and that was with my administrative degree. Also as a principal, it is frustrating to watch young teachers and experienced educators move to Nebraska and try to navigate the system, while also trying to settle into a new life. But I think Senator Vargas has made a good bill because the issues aren't due to the players. They're due to the game. Nebraska has a strong Department of Education. The NDE does its absolute best to assist its educators. We also know tremendous folks who want to live and teach in Nebraska. Yet we have a teacher shortage and it's a real issue. It's going to take dynamic approaches from multiple angles to fix. LB558 is a good step in this regard with stated intent to welcome new teaching candidates who can relieve some of the current and future teacher shortage issues. The addition of a temporary license gives these educators some time to settle in. And I would also guess it allows the NDE more time to work through the process of welcoming new educators to our state. In closing, we appreciate the

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dialog with Senator Vargas' office on this bill's inclusion of Catholic schools, as well as dialog with the NSEA about doing what's right for all of Nebraska's educator-- educators. The Catholic Conference believes LB558 is a positive step and we encourage it being advanced from committee. Thank you for your time and consideration. I am open to any questions you might have.

WALZ: Thank you. Questions from the committee? I see none. Thank you.

JEREMY EKELER: All right, thank you.

***JASON HAYES:** Good afternoon, SenatorWalz, and members of the Education Committee. For the record, I am Jason Hayes, Director of Government Relations for the Nebraska State Education Association. NSEA supports LB558 as amended and thanks Senator Vargas for introducing this bill. COVID has put our education systems under extreme pressure. Our educators have performed heroically: they completely changed their method of lesson delivery last spring, they have endured teaching remotely, schools opening to in-person teaching and learning and then closing due to quarantines, simultaneously teaching in-person and remote learners, all while meeting the emotional needs of their students. Many of our school employees have also suffered from COVID themselves and we know of two school staff who died from COVID in that process. All of this has put tremendous stress on our educators. In a survey of K-12 staff that the NSEA conducted last November, 32 percent of the 3,111 respondents stated that due to the COVID-19 pandemic, they were more likely to retire or leave education earlier than planned. We already had a documented teacher shortage statewide; COVID is exacerbating the shortage and the challenge it presents. As we face this challenge, we must not fall into the trap of opening the floodgates to allow anyone into our state to teach. The NSEA vision is "A great public education for every student." A great education can only be offered if we have great educators guiding our students. LB558 allows us to maintain our strong Nebraska teaching and learning standards while also widening the pathway into teaching. It offers an opportunity for reciprocity by allowing someone to obtain a Nebraska teaching certificate if they have: 1) completed an accredited teaching program at a standard institution of higher education; and 2) have a valid teaching certificate from another state; and 3) have passed a criminal history record check. The bill also provides an avenue to teaching for those who don't have a teaching degree. A graduate with a valid bachelor's

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degree who has passed the basic skills assessment as well as the subject area assessment may obtain a temporary teaching certificate. The temporarily certified teacher has two years to work with a higher education institution to gain the necessary pedagogical skills required to complement the educator's subject knowledge and obtain a regular teaching certificate. Teaching is an art, a science, a profession and an avocation. We want to make sure that we maintain high standards for our profession while not imposing insurmountable barriers for those who are called to teach. We believe LB558 balances those needs by maintaining high standards and broadening the pathway into teaching. The NSEA offers this testimony on behalf of our 28,000 public school teachers, higher education faculty and other education professionals across the state. We urge advancement and passage of LB558.

WALZ: Any other proponents? Any opponents that would like to speak? Anybody in the neutral position that would like to speak? Senator Vargas, if you want to come and close. We did have one written testimony in lieu of person testimony from Jason Hayes as a proponent, NSEA. Oh, and we did have one neutral position letter from the Department of Education.

VARGAS: Thank you, members. Thank you, Chair Walz. I wanted to see if you had any questions. I think this is a good bill. We've been working through it and somebody like me might be able to teach quicker with some less barriers and less of a headache. And-- and then we can make sure our workforce is-- is getting the-- the type of quality we need and we're-- we're still holding a standard. So with that, I'm happy to answer any questions.

WALZ: Senator Linehan.

LINEHAN: Thanks, Chairwoman Walz. I can't find it, but the NS-- have you seen the NSEA's letter in opposition? Oh, I can't find mine.

VARGAS: No.

LINEHAN: You have it?

VARGAS: No.

LINEHAN: Well, when you get a chance to look at it, could you, like, respond for the committee?

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MORFELD: I thought there was one in support.

VARGAS: Yes. So I--

LINEHAN: They're in support of this bill?

VARGAS: Yeah.

LINEHAN: They are.

VARGAS: Yep, I think that's what you said, Jason Hayes.

WALZ: Yes.

LINEHAN: Oh, in support, OK.

VARGAS: Yeah.

WALZ: NDE.

LINEHAN: OK. All right. Thank you. Thank you very much.

MORFELD: With the amendment, correct?

VARGAS: Yes, this is with the white copy amendment.

MORFELD: With the white copy amendment.

VARGAS: Yes, with the original bill opposed because there was a
problem with some of the language that we did not update. That's on
me. And with the white copy amendment it clarifies and for everybody
that testified, the agreement was that white copy amendment.

LINEHAN: OK. All right. Thank you. That's very helpful. I'm sorry.

VARGAS: Thank you very much, Senator Linehan.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for bringing this, Senator
Vargas. So I'm looking at what generally our requirements across the
nation, everybody seems to require a bachelor's degree from a
regionally accredited school or program. Is that correct?

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VARGAS: Yep.

PANSING BROOKS: That's pretty much so. And the difference seems to be on testing requirements. Can you explain that?

VARGAS: Some places require the Praxis. Some require content testing like the Praxis similarity or some have gone down the route of not requiring the Praxis anymore. If you're not a good test taker, maybe it's not the best thing. And so they've modified what those requirements are in some places.

PANSING BROOKS: OK because we have required Praxis, is that correct?

VARGAS: It's a more standardized test, so that's why we required it. But in other states, they have decided they wanted to do away with the Praxis because they felt like it wasn't an adequate, kind of like the SAT to some extent, not saying they're the same. Some people believe SAT's not a measure of whether or not you're prepared for college or higher education, but more to measure if you're good at the SAT. Some people believe the Praxis is a pretty good indicator of your success as a teacher and some people believe that it's-- it's not. So they've changed it in some states, that requirement.

PANSING BROOKS: OK, thank you very much.

VARGAS: Thank you very much.

WALZ: Thank you. Other questions? I see none. Thank you so much, Senator Vargas, for bringing this bill.

VARGAS: Thank you.

WALZ: That closes our hearing on LB558 and it will open up our hearing on LB389, Senator Sanders, Sanders, require the issuance of teaching certificates and permits to military spouses.

SANDERS: Good afternoon, Chairman Walz and the Education Committee. For the record, my name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s, and I represent District 45, which includes much of the Bellevue-Offutt community in eastern Sarpy County. Today I am introducing LB389 at the request of Governor Ricketts to improve Nebraska's recognition of the credentials of teachers that are military spouses relocating to Nebraska. LB389 is my personal priority bill for this year's session.

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LB389 addresses two problems. First, it gets military spouses in teaching careers working faster. Second, it gives schools who already face a shortage of teachers access to another pool of capable and qualified candidates. As the former mayor for the city of Bellevue, I have worked extensively to support Offutt Air Force Base, our military, and the military families that serve with them. Offutt was recently named a finalist to host the Space Command headquarters, a testament to the tremendous support of Nebraska for our fam-- military families. I applaud Governor Ricketts' continuing efforts to ensure Nebraska is the most welcoming state for our military and our veterans. LB389 continues this commitment by taking additional steps to improve the process of a military spouse obtaining cert-- certification and removing barriers that may prevent them from finding teaching positions in Nebraska. In Nebraska, state teacher certification, certification was designed for the long-term certification of an educator. Military families tend to move frequently, often requiring a spouse to "recredential" every two to three years. In 2018, the Nebraska State Board of Education and the Governor worked to approve a temporary military teaching permit in regulation. While this has been an improvement, Nebraska has only seen in advancing the issue, but not completely passing the policy. Military spouse teacher certification is one key issue for the Department of Defense in 2021. This bill improves the time to attain a credential by allowing a provisional permit to be issued while the Nebraska Department of Education is processing the teaching application and removes barriers such as additional Nebraska-specific human relations training requirement. Several states allow resper-- perpos-- oh my God-- reciprocity after one year of teaching. Nebraska currently requires two years in order to obtain a military teaching permit. This bill would use a one-year period of licensure. The Department of Defense has found nearly 70 percent of married service members say their spouses' ability to maintain a career has a moderate to large impact on their decision to stay in the military. This bill is an important step forward to ensuring spouses that are teachers have the ability to do that quickly and with minimal burden as possible-- soon as possible. LB389 would also help schools find qualified and capable candidates to, to fill vacancies. Dr. Jeff Rippe, the superintendent of Bellevue Public School, will testify following me and can speak on this issue more in detail. In addition, Dr. Andrew Rikli, superintendent of Papillion La Vista Community School, could not be here today. While we could not-- while he could

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not send in a letter for the record in time, the pages have given to you, as a copy of the letter in support of the bill, for your reference. Finally, while Governor Ricketts could not be here to testify in person today, he wished for me to read this letter to the committee in support of LB389. Chairman Walz and the member of the Education Committee, LB389, introduced by Senator Sanders at my request, helps Nebraska continue its journey to become the best state in the nation for military families and veterans. This bill supports our military families by helping a teacher who is moving because of military orders to quickly obtain a license to enter the classroom and reduce the financial burden of moving. Teacher certification for military spouses is one aspect of how the United States Department of Defense evaluates our support of the military when making basing decisions. Nebraska is still working to bring Space Command to the Heartland. Nebraska must continue to position ourselves at [SIC] the best place in the country to support this mission and other possible mission opportunities in the future. In May of 2018, I was happy to approve Rule 21 to create the military teaching permit. That change was one of the several accomplishments that move Nebraska in the right direction, but according to the Department of Defense, on the state teacher licensure, Nebraska remains behind at least 21 other states in the proba-- probability of military spouse teacher certification. We must do better. The Department of the Air Force relied on state licensure statutes when comparing states during the Space Command evaluation. LB389 amends Nebraska's existing teachers' reciprocity statute to clearly, clearly provide in law what is needed for military spouses to obtain permits or certif-- certificate from the Nebraska Department of Education. These provisions closely mirror Rule 21 with a few important changes. First, the bill would require a teacher to have a valid teaching license issued by another state for at least one year instead of two years. Next, the requirement that applicants verify they have been hired by a district to, to obtain the permit would be removed. Requiring a qualified individual to find a job before giving the permit is needless red tape and discourages some individuals from applying to teach in Nebraska. Finally, the bill re-- also removes the requirement for military spouse to complete the human relations course or provide documentation on past coursework or experience. The NDE cannot waive the human relations training requirement in regulation. This is a state-specific requirement that costs applicants time and money, both of which are crucial to military families relocating to Nebraska. Military spouses face a unique

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challenge to obtain paperwork to frequent moves. This is why Nebraska enrolls military students before paperwork or transcripts are received. A November 2019 DOD Report on Military Spouse Licensure found verifying credentials and requiring additional school coursework are barriers that frustrate military spouses who have had successful teaching careers. Some may choose not to seek licensure in their profession because of these barriers. These are important steps to supporting military spouses to continue in the teaching profession and to recruit additional teachers to Nebraska. This is another step forward to support our military and their families that they have sacrificed so much. This is the time to make this important change. Please advance LB389 to General File so that we may continue to work together to support our military and support Offutt Air Force Base. Sincerely, Pete Ricketts, Governor. Thank you for your attentiveness and I'm here to answer any questions.

WALZ: Thank you, Senator Sanders. Does anybody have any questions? I did have one and it may be asked of another person, but do you know-- that does not exempt the ability for someone to get a person's past employment history before they start working, does it?

SANDERS: I don't believe so, but I'll let Dr. Rippe answer that. He is here to testify after me--

WALZ: All right.

SANDERS: --and he can speak on that hiring process.

WALZ: OK, thank you. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Chairman Walz. Thank you for bringing this, Senator Sanders. I was just-- I thought we brought a bill and passed a bill like this previously. Does anybody remember that? Have you seen that?

SANDERS: I wasn't here, but--

PANSING BROOKS: But clearly somebody brought it to you and thought we hadn't. I, I thought we have done this, but anyway, not sure, but glad you brought it. Thank you.

SANDERS: Thank you.

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WALZ: Other questions? I see none, thank you.

SANDERS: Thank you.

WALZ: Proponents for the bill?

JEFF RIPPE: Good afternoon, Senator Walz, members of the Education Committee, appreciate the opportunity to be here to support LB389. Senator Pannings Brooks [SIC], I hate to do this by answering your question first, but teachers were not-- there, there were other professions that the bill was passed to give license to, but teachers were not a part of that group, so that's why we're here today to support educators and teachers.

PANSING BROOKS: Thank you.

JEFF RIPPE: You're welcome. I'm Jeff Rippe, J-e-f-f R-i-p-p-e, superintendent of Bellevue Public Schools. We represent just under 10,000 students; 2,000 of those students are military students and we have 1,600 employees and many of those employees are either spouses of military personnel or retirees. So obviously, we are here to support LB389. We, we-- not only Bellevue Public Schools, but many other school districts in our area have the same issues when it comes to teacher license. Obviously, because of the military, we have a high mobility, mobility of students. We have-- about every two or three years, students are coming and leaving the school district. That also means we have new parents coming and, and leaving the school district as well. And as much as we hate to see our students leave, we are very welcoming to the new students. Unfortunately, many of the spouses that come do have a teacher's certificate from other states, but because-- prior to 2018, it was almost impossible for them to get a license. Some of them did actually go through the process. It would probably take them a year to do that and then they would have one or two years left to teach, which created many problems. So what happened prior to 2018 is many of those educators became paraprofessionals and we can use paraprofessionals as well. Nothing against paraprofessionals, but we had well-educated individuals that would have done a great job in the classroom being underutilized because they just didn't take the time or the effort, which again, we can't blame them, to, to actually get their license. So why is LB389 important? Obviously, there, there is a teacher shortage. We are well aware of that and that's probably a discussion for another time, but, but I can give you an example. And

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this will date me, but when I first started with Bellevue Public Schools, all of our applications were done on paper. And when we had a teaching opening, we would have boxes and boxes of applications per teacher. We, we never advertised for teachers, they just applied. That no longer is the case. We don't have boxes anymore because it's all electronic, but we are having to advertise for teaching positions now. Elementary teachers-- and, and I can't tell you how many boxes and boxes we would have of applicants, maybe for one or two jobs. Now we have to advertise for elementary educators in the metro area. Obviously science-- I wish Senator Vargas was still here. We would have hired him as a science teacher. But science, special education, you can go down the line, foreign languages, they're all extremely tough to fill. The problem is we have some qualified candidates that are moving into the metro area that could be teachers immediately if, if this bill were to be passed. So that's why we're here to support LB389. I think it's important, too, that there are stopgaps in part of the bill. It was mentioned earlier with LB558 that they still have to be hired and that's true. They're not just be-- we're just not giving them a job. We're making it easier for them to get a job, but they also have to have a background check. They also have to be in good standing. They have to have a degree, those types of things, so it's not like we're just handing out teaching certificates to anybody. Our students deserve the best teachers possible. This does obviously add to the pool of teachers. It doesn't fix the, the, the teacher shortage, but any advantage or pool increase that we can add of applicants, it only benefits our students. The last thing I would say is part of the Space Command, there was a-- not part of that, but the military did a study nationwide of school districts that support military bases. And I will tell you, not just Bellevue, but it's the surrounding Bellevue area, we came out extremely high with that study, mostly green. There was green, yellow, and red markings. The yellow marking was teacher certification. So again, we're, we're doing a lot of great things. If we can improve in this area, that puts us at a huge advantage nationwide. I talked to other superintendents' school districts throughout the country, many of them have something like this and they would highly encourage that Nebraska would have something as well. So in conclusion, I'm here to support LB389. I appreciate your time and I'd be happy to answer any questions.

WALZ: Thank you so much. Questions from the committee? Senator Linehan.

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LINEHAN: Thank you, Chairwoman Walz. What is the human relations training that, according to the Department of Ed, we put-- a mandatory-- the Legislature did?

JEFF RIPPE: Yeah, so it, it's a, it's a class that every Nebraska teacher has to take and I don't even know if it-- how-- it's been diluted a little bit to where I know just in the past because of the pandemic, I think you could go get it pretty quickly.

LINEHAN: Probably online, maybe?

JEFF RIPPE: Probably online and probably within a day or two. Before that, it was something that you would typically take in college. It was a class for, I don't know, one credit or three credits, but it's-- I'm not saying it's not important, but even if it's not required in other states, if they go through a teaching program, if they student teach, if they get a license in another state, I would be very confident that that individual would have that background to, to be an effective teacher in Nebraska.

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

JEFF RIPPE: Yep.

LINEHAN: I appreciate it.

WALZ: Any other questions from the committee? I see none, thank you so much.

JEFF RIPPE: Thank you.

JEREMY EKELER: Hello again. My name is Jeremy Ekeler. I'm the associate director of education policy for Nebraska Catholic Conference. Jeremy Ekeler is spelled J-e-r-e-m-y and Ekeler is E-k-e-l-e-r. I don't have a ton to add to the conversation on the substantive nature of the bill. I'll just give you a little bit of the Catholic school perspective and open it up to questions. I found a quote that I really liked from G.K. Chesterton, a Catholic author and theologian, who said the true soldier fights not because he hates what is in front of him, but because he or she loves what is behind him. Knowing that this-- that the guiding force for the American troops is their loving family standing behind them, we support LB389, a bill welcoming teaching spouses of military to Nebraska. This bill allows

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military spouses with an active and valid certificate of at least one year to teach in Nebraska immediately. Senator Sanders did a good job explaining the difference between her bill and what the current provisions are and I also included a printout of the web page for the military and military spouse certification. Furthermore, upon my research, it seems to be a clear initiative of the Department of Defense to create streamlined, consistent guidelines for teacher reciprocity of military spouses. They move from state to state. This makes a lot of sense because military families move often and that process shouldn't be-- it shouldn't be 50 different processes for them. It should be simplified as possible for them and their families. Nebraska ranks 37th out of 50 in overall population, but has the 17th highest Catholic school enrollment in United States; 27,000 kids, 2,000 teachers. Many teachers and families move to Nebraska, military families, for the opportunity to teach in nonpublic schools. There's nearly 40,000 kids in nonpublic schools. So our state's tradition of school excellence, both nonpublic and public, draws families and educators to the good life. And considering that Catholics comprise the largest religious affiliation of the nation's military, we know many military families value Catholic schools, a feeling that the schools in our three Nebraskan dioceses reciprocate in a special way. We are a very welcoming state to military families. I'll give you a couple of, of quick stories of-- it's got some great public school stories, a couple of the Catholic schools. St. Mary's, pre-K through eighth grade, in Bellevue was founded in 1947 and saw an explosion of enrollment as military families moved into the area. And today, St. Mary's is a leader in celebrating the month of military child-- of the military child each April and it's one of the leaders in cooperating with Offutt in presenting materials to the Airmen and Family Readiness Center to welcome new families. So they're a model school. St. Matthew's is a really interesting school as well. They're in Bellevue and their website reads that St. Matthew's School-- I actually got this from the principal, but St. Matthew's School is the, is the only school in the world built principally through the generosity of military members for the education of their children. In 1961, Father Ruef, the senior Catholic chaplain of Offutt, undertook the school building project when he learned Strategic Air Command headquarters was projected to gain several, several hundred Catholic families. So the impact, the impact of military families in our schools, public and nonpublic, is significant. These Catholic school stories of support for military education are special, but not unique. As many of 114

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Catholic schools host military families and retirees around the state, it should come as no surprise that we support LB389 and other legislation friendly to the armed service members and their families. And this has been touched on as well, LB389 creates a fresh angle of attack in confronting both the current and predicted future teacher shortage issues Nebraska faces. Your stories were apropos, sir. Every year when the letters of intent came back from teachers, I got very nervous, depending on the position that would open up, because it got really scary as the email box sat empty waiting for teachers or we're also hearing from teachers that we just can't get into Nebraska. We can't figure out this process. We're going to hit this from multiple angles and we think LB389 is a really interesting, good angle. So thank you for your time and consideration. I'm open to any questions you might have.

WALZ: Thank you. Questions from the committee? I see none.

JEREMY EKELER: All right.

WALZ: Thank you. Next proponent.

LAURA EBKE: Good afternoon, once again. Chair Walz and members of the committee, my name is Laura Ebke, that's L-a-u-r-a E-b-k-e. I am the senior fellow at the Platte Institute and I'm happy to be here to testify in general support of LB389 and thank Senator, Senator Sanders for introducing it. Since January of 2019, I've spent a lot of time looking at occupational licensing trends around the country. The Platte Institute has made occupational licensing reform one of our priorities and we've worked with legislators and think tanks in varying capacities in around a dozen states. The effort to reform occupational licensing is a nationwide one initiated by the Obama administration report that talked about barriers to opportunity, suggesting that states should consider reform and then it continued through the Trump administration. Unlike many policy movements, occupational licensing reform truly crosses political and ideological lines. There have been several reform efforts and I'd like to put LB389 into the appropriate context. One primary stream has included efforts to review licensing. Like Nebraska's 2018 bill, some of those bills call for regular review of existing licensing to determine whether the least restrictive regulations are being used. Other states have applied the review effort to sunrise efforts akin to our Uniform Credentialing Act 407 process. Before new licensing is created or

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greater regulation is imposed, it goes through that process. Another stream of reform has been recognition or reciprocity efforts. Some states, including our neighboring states of Iowa and Missouri, have created these broad universal recognition allowing licensing boards to accept licenses in good standing from other states as sufficient for licensure in their state. In those states, that recognition includes just about every profession licensed by the state. Of course, there have been several substreams flow from the broad universal recognition effort. Some states, like Florida, have chosen to provide universal recognition for military spouses for all occupations. There's also a bill that does that working its way through the Wyoming legislature, which I talked about earlier. An effort to expand that bill beyond military spouses is still being made. Several states have passed legislation like LB389, which opens up recognition to military spouses in specific occupations. Still others are working to do what another bill would do, LB390, which will be heard in the HHS Committee later this week, and provide universal recognition for specific occupations. LB389 is a good bill, but it takes a very conservative, piecemeal approach that not only limits recognition to military spouses, but only those military spouses who are licensed to teach in another state. From our perspective, there are several better approaches. One would be the recognition of all military spouses, regardless of occupation. However, to its credit, this Legislature has done this for professions subject to the Uniform Credentialing Act over the last couple of years. Undoubtedly, some military spouses would fall under neither the Uniform Credentialing Act, nor certification for teachers and they are without recourse here. Another approach would be not to limit teacher certification recognition to military spouses, but rather recognize anyone for licensure who has a valid license or certificate in another state. Of course, our preferred method, which I mentioned earlier, for workforce-- for expanding our workforce would be one that is all encompassing, applying to military spouses and families as well as licensees with no military connections. It would not-- it would cover virtually all occupations, including teaching. LB389 is not, I don't believe, in conflict with our preferred occupational licensing bill this year, which does those things. But that said, I encourage your favorable consideration of LB389 and I will be happy to try to answer any questions you might have.

WALZ: Thank you. Questions from the committee?

LAURA EBKE: Make sure I asked. OK, thank you.

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***NOLAN BEYER:** Chairwoman Walz and Members of the Education Committee, my name is Nolan Beyer, and I am submitting testimony in support of LB389 on behalf of Millard Public Schools. Recruiting the most qualified teachers to our district is one of our most important responsibilities. As you are likely aware, there is a teacher shortage in many curricular areas, and we need proactive solutions to recruit and retain the best teachers in Nebraska. LB389 increases Nebraska's competitive edge by taking steps to better support and welcome military families by placing Military Spouse Teacher Certification reciprocity in state statute. The goal is to reduce the burdens and delays faced by military families relocating to Nebraska, but it also supports our efforts to streamline the hiring process when a military spouse is our most qualified candidate. This bill would update Nebraska's Teacher Certification for Military Spouses to provide reciprocity for applicants who meet several quality and experience criteria such as a year of experience, good standing, etc. It also expedites the process by granting a provisional permit while the application is being processed. Finally it removes the requirement to complete a separate course on human relations to be licensed. This is a state specific requirement that delays licensure and costs applicants time and money. While many of the details in the bill are covered now under Rule 21 provisions for the Military Teacher Permit, this legislation would reduce the years of experience to one and remove the requirements for employment verification and a human relations course. Nothing in this bill changes our ability to interview and hire the most qualified candidate for a teaching position. It simply reduces the burdens and delays qualified and experienced military spouses face when applying for their teaching certificate; therefore, we offer our support for LB389. We are grateful to Senator Sanders and the Governor for their leadership on this.

***TIM GAY:** Good afternoon Chairwoman Walz and members of the Education Committee. My name is Tim Gay (T-I-M G-A-Y) testifying on behalf of Dr. Andy Rikli, Superintendent of Papillion LaVista Schools. Papillion LaVista Community Schools is happy to support Senator Sanders' bill LB389, which would require the issuance of teaching certificates and permits to military spouses. The Papillion LaVista Community Schools is the fourth-largest school district in Nebraska with over 12,000 students enrolled Pre-Kindergarten through 12th grade. LB389 would impact our school district and community in a positive and meaningful

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way. Our school district's proximity to Offutt Air Base allows us to attract a large number of military student dependents, which is approximately 9 percent of our total enrolled population, and many military spouses. Many of these spouses are certified classroom teachers with education credentials and valuable experience from other states. With the current shortage of teachers, particularly in high-demand areas, this bill could assist our school district with enhanced staffing options. Our experience with hiring military spouses has been overwhelmingly positive. We know that military life, overseas deployments, and frequent transfers require significant sacrifices from our military families. We believe LB389 would support both the employment prospects of our military spouses while also directly supporting local school districts and their hiring practices. We urge you to vote yes on LB389. Thank you for your service to the State of Nebraska, and I welcome any questions.

WALZ: Thank you for coming today. Any other proponents? Any opponents? Anybody who would like to speak in the neutral? Senator Sanders, would you like to close? While she's coming up, we did have two proponent written testimony in lieu of person testimony from Nolan Beyer, Millard Public Schools, and Tim Gay, Papillion La Vista Schools. We also had position letters, proponents, from Shannon Manion, Martin Dempsey, Dean Kenkel, Colonel Dan Donovan, Paul Cohen, and Jeff Mikesell. And we had one position letter in neutral from the Nebraska Department of Education.

SANDERS: Thank you. Once again, I'd like to thank the committee for their time and attentiveness. I would also like to thank the Governor, Pete Ricketts, and his team for working with me on this bill. Do you have any questions for me at this time? Ultimately, this bill will help our community be a even friendlier community to our military members and families. It can also be a great tool for our school district near military installations-- installments to find and employ quality-- qualified teachers. Finally, in closing, happy to take any other questions.

WALZ: Thank you. Any other questions from the committee? I see none. Thank you so much and that ends our hearing on LB389 and our hearings for the rest of the day. Thank you.