

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

WALZ: Yeah. OK. Welcome to the Education Committee public hearing. My name is Lynne Walz from Legislative District 15. I serve as Chair of the committee. The committee will take up the nominees in order in the post of agenda. Our hearing today is part of your public-- is your public part of the legislative process. This is your opportunity to express your position on the proposed nominees before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off or silence cell phones or other electronic devices. We, we request that you wear a face covering while in the hearing room if you are unvaccinated. Testifiers may remove their face coming-- face covering during testimony to assist committee members and transcribers in clearly hearing and understanding their testimony. 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 the page to distribute. We need ten 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 records. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. Following each nominee, there will be an opportunity to speak on their behalf. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks. If you are speaking on behalf of a nominee, please complete the green testifier sheet and hand to the committee clerk when you come up to testify. Please be concise. Testimony will be limited to five minutes. We will be using the light system. Green equals five minutes remaining. Yellow, you have one minute remaining and when you see the red, you can wrap up your comments. The committee members with us today will introduce themselves beginning at my far right.

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

SANDERS: Rita Sanders representing District 45: the Bellevue-Offutt community.

WALZ: And we will have a few other members coming sometime here today. I'd like to introduce my committee staff. To my immediate right is research analyst Nicole Barrett and to the right end of the table is committee clerk Noah Boger, Boger. Our pages today is Natalie. You want to wave, Natalie? Please remember that senators may come and go during our hearings as they may have meetings in other committees. I'd also like to remind our committee members to speak directly into the microphones and limit side conversations and making noise on personal

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

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. Please be assured that your presence here today and your testimony are important to us and crucial to our state government. And with that, we would like to begin our hearing with the appointment of Darrin Scott Good.

DARRIN GOOD: Thank you. Good afternoon, Chairman-- woman Walz, members of the Education Committee. My name is Darrin Good, spelled D-a-r-r-i-n G-o-o-d, and I am the president at Nebraska Wesleyan University. I'm very pleased to provide remarks before the Education Committee today in support of my continued service on the Nebraska Educational Telecommunications Commission. I'm humbled at the opportunity to be considered for this appointment and I'm very eager to utilize my experiences and professional skill set to further the critically important work of this commission in promoting and providing noncommercial educational telecommunications throughout the state of Nebraska. During my entire career in higher education, it's been apparent to me that access to impartial educational information is essential in cultivating a vibrant and well-informed community that is tolerant, civically active, and innovative. In our state, Nebraska Public Media plays such an important role in making information readily available and easily accessible to a broad spectrum of people, most notably those who are likely to face barriers to quality informational content in its absence. Nebraska Public Media remains a critically important asset that our state can utilize in being an equalizer of quality educational content, which assists us in promoting our long-term economic vitality, our cultural heritage, and the quality of life as Nebraskans. Provided with my academic and administrative experience, I am truly excited and prepared at the prospect of continuing my service on the NET Commission. Thank you for your time and I welcome any questions from the Education Committee.

WALZ: Thank you so much. Any questions? Senator Pansing Brooks.

PANSING BROOKS: Yeah. Welcome, Dr. Good. I'm so happy to see you up for this board and I think you'll be excellent at it. I had forgotten that you are my constituent, so I'm glad to even see you here. You have been an incredible addition to Lincoln, so I know that whatever you decide, wherever you decide to focus your time, the state will be better for it, so thank you.

DARRIN GOOD: Thank you.

WALZ: Other questions? Senator Sanders.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

SANDERS: Dr. Good, good to have you here this afternoon.

DARRIN GOOD: Thank you.

SANDERS: What is your go-to source when you need information with the ever-changing, quickly moving technology in communication? What's your to-go source for updates and information?

DARRIN GOOD: Really good question. One of my goals is to try to get balanced information, so as I-- we flip through TV channels, my wife and I, we often intentionally move from Fox News, Channel 8, 10/11, as well as the NET station, so we truly try not to go to the same source time after time.

SANDERS: Um-hum. Thank you.

WALZ: Other questions? Senator McKinney.

McKINNEY: Thank you. How did you hear about the opening and what initially made you want to be a part of the commission?

DARRIN GOOD: Great question. I was approached by Jacque Carter, the former president at Doane College who served in this capacity and so this is a seat now for somebody from higher-- private higher education and this is something that, as he and I talked about this opportunity, I explained how very excited I am. I grew up in a small farm town in western Illinois, back when we got three stations plus the public TV station out of Rock Island and Moline, Illinois. And so growing up with that experience and being able to watch PBS from a small farm town made me realize the high impact this-- the work of Nebraska Public Media has in greater Nebraska, as well as in the urban centers in Nebraska. Again, it's-- as an educator and somebody really-- now in this day and age, the access to authentic, valid information is-- seems to be harder and harder to come by. National Public Radio and National Public Media are often some of the most reliable sources that we can find, so it's something I'm passionate about supporting.

McKINNEY: Thank you.

WALZ: Thank you. Any other questions?

PANSING BROOKS: I guess-- I have a question.

WALZ: Yeah.

PANSING BROOKS: Sorry, I have another one. Thank you. Some of the questions got me thinking about can you tell me the, the whole makeup?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

Isn't the University of Nebraska over the NET-- isn't-- how is that all affiliated?

DARRIN GOOD: I've only been in one meeting--

PANSING BROOKS: OK.

DARRIN GOOD: --and my understanding is there definitely is a connection there that, that's not completely over it, but there is a-- some overlap between the, the, the umbrella of University of Nebraska and National Public Radio, but-- National Public Media [SIC], but there's also some autonomy built in. So I haven't quite figured out exactly the checks and balances that they have.

PANSING BROOKS: OK, so the goal is then to include leaders from other institutions, other educational institutions, is that correct?

DARRIN GOOD: Correct.

PANSING BROOKS: Good, thank you.

DARRIN GOOD: And, and I can say including the Nebraska State University system--

PANSING BROOKS: Yes.

DARRIN GOOD: --also has representations.

PANSING BROOKS: As well as the private. Yeah, thank you very much. That's what I wanted to know.

WALZ: I have a question. It's not related to telecommunications, but it's something that I'm pretty interested in and I noticed on your application that says that you fostered the creation of a new inclusion and diversity committee. Can you just talk to me a little-- or talk to us, I guess, a little bit--

DARRIN GOOD: Yeah.

WALZ: --about that?

DARRIN GOOD: Absolutely. It's something I'm passionate about. One of the things that attracted me to Nebraska when I was serving as a vice president at Whittier College in the Los Angeles area, which has 70 percent students of color and had no racial majority over 50 percent, was a commitment here and my-- the prospectus that attracted presidential candidates of the importance of being able to have a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

president who would support diversity, equity, and inclusion. As the father of a gay daughter who has just adopted two children of color-- make that multiracial-- from the foster system in Boston, being able to make sure that Nebraska Wesleyan and, and all of our communities are welcoming to everyone, no matter their identity is incredibly important to me. And so that's part of my DNA. It's part of what-- when they hired me, I made it very clear that I am who I am. If I can't openly speak about my daughter and her, at that time, impending marriage openly, then this wasn't going to be a, a good fit. And rather than that being a problem, that was actually an asset from the search committee's perspective, so--

WALZ: That's great. I'm glad I asked the question now.

DARRIN GOOD: I'm glad you did too.

WALZ: Any other questions from the committee?

PANSING BROOKS: I'm glad too.

WALZ: All right, thank you so much.

DARRIN GOOD: Thank you.

WALZ: Are there any proponents that would like to speak? Any opponents? Anybody in the neutral? And there were no letters. Thank you so much. That ends--

DARRIN GOOD: Thank you all very much.

WALZ: And next, we will have the appointment of James D. Scheer for the Board of Educational Lands and Funds.

DARRIN GOOD: It said to sign in. I didn't sign in. Do I need to do that? OK.

WALZ: Thank you. Good afternoon.

JIM SCHEER: Well, thank you. Good afternoon to you all, Chairwoman Walz and committee members. Really my honor to be in front of you this morning-- this afternoon. I will beat you to your question. The reason I am seeking to be appointed to this was not-- I was contacted by several people there was going to be opening on the committee and suggested that I might be a good fit for it. I'm familiar with the process having been around education for a long period of time in my public service arena. I am fortunate that I have had one meeting that I've gone to, so I have a better perspective of what it is they do and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

how they go about doing it and we're really overseers. The ground that we-- or the state continually controls is about 1.3 million acres. Of the 1.3 (million), about 25 percent would be in the eastern third, mostly irrigated crop production, and 75 percent of it would be western sandhills and pasture, so we do have some mineral rights that we work with and some gas. And actually sort of strange, the largest amount of gas income that comes to our committee actually is gas that is sold in Colorado. We had a lady that was-- I believe she was originally from Nebraska and her husband passed away and owned a couple gas wells out by Sterling, Colorado and when she passed, she gave half of the interest in that well-- in those wells to the educational land and half to her two children, so we get a substantial check monthly from Colorado to help Nebraska's education, so that's not at all a, a bad deal. But I, if confirmed, would be the at-large member. We are by districts, but it's an odd district set up. The other members, the most western one is from Valentine. We have one gentleman from Bellwood, which is just south of Columbus, over by David City. We have one from Papillion and one from Lincoln and then I would represent the state as a, as a whole, so that's pretty much it. I'll be glad to try and answer any questions you might have, but what I try to do, I do take an active interest in whatever I am involved with and find this to be-- it's a monthly deal, so it's not overtaxing and nothing that's above my pay grade, so I think I can get along fine. I'm here to serve at your leisure.

WALZ: Thank you and just wanted to say that his lovely wife is here today too. Good to see you. Any questions from the committee? Senator McKinney.

McKINNEY: Thank you. How do you think that educational lands could be used to grow our state and innovate our state as well?

JIM SCHEER: Well, the funds are distributed statutorily, Senator, so we don't have a lot of leeway to do that. The funds-- and I, I want to say it's around \$40 million a year. I'm going to guess somewhere in that neighborhood and it is distributed on a per-student basis to every school district. However, just a caveat, it is students in that district. So for example, in the Omaha area, it's not just OPS. It would be all the parochial students or private K-12 facilities. Any student is included in that number in the same way it would be for Lincoln or Norfolk or any other community that-- in a lot of the small communities, for example-- I use up in my neck of the woods, Humphrey or Elgin, the parochial schools probably are at the same size and perhaps maybe larger than the public schools, but those dollars would flow through to public educate-- the public school system, but the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

students in those parochial systems count towards the number of students in that area, so they receive funds for that-- those students as well. What those-- what the, the districts do with the dollars is, is up to the local entities.

McKINNEY: OK. I, I guess I was more so thinking so the educational lands are leased out to the farm?

JIM SCHEER: Correct.

McKINNEY: That's, that's what I was thinking to where how could those lands be used to bring in maybe different agricultural things and--

JIM SCHEER: Well, the-- yeah, they're-- our leases are specific on what they can and can't do, so you can't lease a pasture ground and tear it up if it's sandy soil and try to plant something. You, you would void the lease. At-- the leases are usually longer term, seven to ten years, but those leases also have escalator clauses. So for example, if-- in the realm of a production, crop production, for example, corn was \$2.53 a bushel a year ago. It's now at \$5. There will be an escalator clause that will go into effect this year on all the leases that are production to increase those rents because the value that is being produced is more. So they're not a stagnant amount. They continue to rise as those values of the products that are being raised move up. So we, we are taking advantage. In fact, this coming year, at the meeting Friday, we will-- we just raised the, the rents for this upcoming year and it will produce, I think it was about another \$3 million to \$4 million over last year and this coming year will be the most dollars that would be ever generated from the land. Caveat to that, every once in a while, there is sometimes ground that is sold, but my perspective from listening to that-- the board members, especially at the last meeting, their intent would be to trade ground, not necessarily sell ground so that we are producing. But if they're trading ground, it's always for a much better property than what you-- you have to-- you would have to want the ground that the state owns very badly because if we were to ever auction the ground, the opening bid to buy that ground- and that would be special circumstances. I mean, that doesn't-- we just don't say well, pick a piece of ground and we'll auction it and see what we can get. There would have to be a specific reason why we would be divesting it, but the opening bid would be 200 percent of market value, not assessed value, but market value, so we do recapture a premium in those cases.

McKINNEY: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

JIM SCHEER: I don't know if that answers your question, but that's my--

McKINNEY: [INAUDIBLE]

WALZ: Senator Sanders.

SANDERS: Good afternoon.

JIM SCHEER: Good afternoon.

SANDERS: Thank you for your willingness to step up again. Question-- as a freshman senator, I'm just trying to absorb--

JIM SCHEER: Sure.

SANDERS: --like a sponge-- the Board of Educational Lands and Funds, what, in your opinion, is the priority?

JIM SCHEER: Well, one-- our-- we have fiduciary interest and for me, simply speaking, it's to get the best bang for the buck, to provide the highest income for those dollars to go back to the educational facilities across the state of Nebraska, so-- and I, I believe that the other four members do that very well. As I stated, we are going to be producing the most dollars ever that will be distributed to the school systems in the state of Nebraska ever and, you know, historically-- and I don't know how much you folks know, so I'm not trying to bore you, but every state at one point had the ground given to them across the United States. Some states, which I think were short sighted, I-- just divested, sold the ground and used the money up for education, but, you know, maybe covered the educational costs for the state for a year or maybe five years. But once it was gone, then they had nothing more to go back on. I think Nebraska was wise. We have sold some over the years, but where we're at right now, it produces a pretty good chunk of change. It is all of our gubernatorial appointments. It's an independent agency. We house ourselves in a building over on Cotner that the land is owned because we actually produce income, so we have to either pay rent or own our own building. So I think Nebraska was very farsighted in maintaining ownership of that ground and, you know, at some point in time, you could say well, we could sell the ground-- and I know there are some senators that would like us to sell the ground and you can invest the money. Well, unfortunately, at least during my time, people try to find money too many different ways and it's too easy to use for a singular purpose and then, then what do you do? And I, I think it should maintain in ground, producing an income. There's not going to be any more ground

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

made, so I, I don't think you have to worry about, you know, a huge dip. However, I, I think with the right stewardship and I think the people involved right now and their-- and the staff-- there's a very good staff there-- have been providing-- you know, overseeing the, the true interests of the state and have done a good job providing those dollars and, you know, I would venture to say nine out of ten people would have never heard of the committee. I've been on these before and-- but they do serve-- this is one that actually does serve a pretty good interest to the state and provides those dollars to educational facilities on a per capita basis, so--

SANDERS: Thank you.

JIM SCHEER: I hope that answers it.

SANDERS: That does. Thank you. Thank you, Chairman Walz.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Well, welcome back, Senator Scheer. We're so happy to have you. Best of all, we have your best half behind you.

JIM SCHEER: I brought her along specifically--

PANSING BROOKS: Thank you.

JIM SCHEER: --so I can maybe make sure I got appointed, so--

PANSING BROOKS: Get this, yeah. I mean, it's just-- I feel so much better and I was feeling really happy about your whole-- and wholeheartedly supportive of your appointment until I got to the references, references. You could have, like, been a little bit more broadly--

JIM SCHEER: Who did I put?

PANSING BROOKS: --across the spectrum.

JIM SCHEER: I don't-- who did I put?

PANSING BROOKS: Senator Hilgers, Senator Friesen, and Senator Hughes. You could have added me. You could have added a whole bunch of other people that could have shown--

JIM SCHEER: Can I-- can I amend? I'll, I'll send you an amendment and you can put it in the file.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

PANSING BROOKS: I could write my own name in?

JIM SCHEER: Yes. I'll put your name on it.

PANSING BROOKS: Oh, I can do that myself. Anyway, welcome back and we're excited that you're willing to continue to step up and serve. Thank you.

JIM SCHEER: Thank you.

WALZ: That was classic because you-- your face was the exact face that-- any time she would start something like that, it was the exact--

PANSING BROOKS: OK, doubt what you're talking about.

JIM SCHEER: Where are you going?

WALZ: It would-- didn't know if you wanted to ask [INAUDIBLE] but, so this-- any other questions? I just had a, a couple of questions. First of all, this appointment really requires somebody with an investment background.

JIM SCHEER: Um-hum.

WALZ: Do you have-- I missed that.

JIM SCHEER: I dabbled.

WALZ: I was just kidding on that one. The question I have is that the solar winds and-- or the solar wind funds are pretty substantial revenue or income for, for lands and fund and sometimes that can be controversial, as we know, so I just kind of wanted to get your feedback on the solar and wind income and--

JIM SCHEER: Well, it--

WALZ: --just the--

JIM SCHEER: --again, it's how to produce the best income that's available and if that becomes part of it, if somebody is going to utilize some lease ground for that, one, it has to be part of the lease. For example, this last week, there were two or three that were either putting some type of solar panels and/or wind generation and, you know, my job is not to either be for or against it. It's simply if it meets the criteria within the lease and if it meets the criteria of those counties' jurisdictions because all those-- or most counties

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

will have zoning that are pertaining to that and I don't think our job is to get in the middle of that. That's something that's more localized. How they use the ground, it just has to fit the parameters of the lease.

WALZ: OK, great. Any other questions? I see none. It's so good to see you.

JIM SCHEER: Well--

WALZ: Thank you.

JIM SCHEER: --my pleasure. Thank you so much for your time. I know that everybody else is afraid to come. I thought I was going to get grilled for an hour, you know, or maybe they're coming by phone. I don't know, but thank you so much. Have a great day.

WALZ: Thanks. Any proponents? Opponents? Neutral? No letters. OK, that ends our hearing. Thank you so much. It's so good to see you. And we will open with the appointment of Linda Poole for Technical Advisory Committee for Statewide Assessment. Hello?

_____: We'll get [INAUDIBLE] in a second here--

WALZ: Oh, sorry.

LINDA POOLE: So good to see you. Is this Noah?

WALZ: Hi, Linda. This is--

LINDA POOLE: Hi.

WALZ: --Senator Walz. How are you?

LINDA POOLE: Good. How are you?

WALZ: I'm good, thank you. Thank you for joining us today. So nice to have a teacher--

LINDA POOLE: Oh, thank--

WALZ: --today.

LINDA POOLE: Thank you. Thanks for letting me call in.

WALZ: Yes, you-- they said that you were afraid to leave too much time away from the classroom, so we appreciate you taking the time to call in.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

LINDA POOLE: Oh, yes.

WALZ: I'm going to quickly have our senators introduce themselves, just so you know who's all here.

LINDA POOLE: OK, great.

McKINNEY: Senator Terrell McKinney, District 11.

PANSING BROOKS: Hi. Senator Patty Pansing Brooks from Legislative District 28, right here in the heart of Lincoln.

LINDA POOLE: OK.

SANDERS: Rita Sanders, District 45, the Bellevue-Offutt community.

DAY: Senator Jen Day, District 49, northwestern Sarpy County.

WALZ: So thank you again for joining us and you are welcome to begin any time you'd like.

LINDA POOLE: OK. First of all, I will-- is this echoing on your side?

PANSING BROOKS: A little bit.

WALZ: Just a little bit.

LINDA POOLE: OK, because it's still echoing for me. OK, I want to thank the Chairman Walz and the committee members for letting me call in. I am humbled to be considered to be reappointed to a Technical Advisory Committee for Statewide Assessment. I have been part of the TAC committee since its beginning. I was first appointed back by Governor Heineman years ago. As you know from my application, I'm currently a teacher for Papillion-La Vista Community School District. I teach sixth grade at Prairie Queen Elementary and I'm also a 26-year-long board member with the Millard Public Schools and I'm currently the president of the Millard Public Schools Board. I also have been a past president of the Nebraska Association of School Boards, as well as a past director of the National School Boards Association. I believe that my experiences as not only a teacher, but also as a board member and a policymaker in another district gives me a unique perspective to fulfill the role of an educator on the TAC committee. I'm able to give not only the teachers' perspective of how the testing process is going, but also the perspective of local board members. If confirmed, I promise to continue to serve the students and staff across the state by being engaged TAC member at all meetings and to assist Nebraska Department of Education in the development of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

assessments from the perspective of an educator and to share with others across the state the great work that we're doing and I just want to thank you for your consideration. Do you have any questions for me I can answer?

WALZ: Let me check. Questions from the committee? Senator McKinney.

McKINNEY: Thank you. I have a couple. My first question, you said that you've been on the committee since its inception. What are some areas do you think the committee can improve?

LINDA POOLE: You know, one of the, one of the things that I kind of keep talking about is just I think from a teacher's perspective and from the board perspective that I wear is that districts and-- we just need some consistency. You know, we don't want the state assessment to continue, continually change. We just need some consistency because it seems like once we get used to doing something, you know, maybe it gets changed a little bit and so I, I would say that's probably my biggest area is just trying to get something that we're comfortable with and staying with that and being consistent. I think that's what schools and districts want the most.

McKINNEY: OK, my last question. Does the assessment take into account racial equity?

LINDA POOLE: So we, we have-- so the committee is made up of three psychometricians, myself-- or an educator and then a superintendent from across the state. And to be honest with you, the psychometricians that are involved on the committee are really up on, you know, statewide assessments and what's going on all across the country with it and they kind of view the perspective of that and they-- yeah, I mean, we do-- we talk about that and those types of things and-- but that's kind of more in their domain than is necessarily with mine if that makes sense. But, you know, with the way that we do reporting and things like that, yes, it was taken into consideration if that helps.

McKINNEY: OK, thank you.

LINDA POOLE: Uh-huh.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Hi. I was just interested-- first off, what is the charge of the-- I'm sorry, the technology assessment group that you're going for? Sorry--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

NICOLE BARRETT: Technical Advisory, so what is the--

PANSING BROOKS: --Technical Advisory Committee.

LINDA POOLE: The Technical Advisory Committee?

PANSING BROOKS: Yes, sorry.

LINDA POOLE: Basically our charge is to work alongside of the Department of Education to develop our statewide assessment system. So, you know, when-- long time ago, it was, you know, the Nebraska State Accountability Tests that we did and we basically just work alongside them, kind of give them the guidance. You know, again, the psychometricians sure that there's all the test validity and all of those things that if, if this assessment was challenged in court, it would hold up and we kind of give them those-- the parameters to follow in making the statewide assessment.

PANSING BROOKS: So the Department of Education chooses the test and then are, are you dealing with the technology of that assessment or are you dealing with the validity of the test itself or--

LINDA POOLE: I'm sorry, basically we're the validity of the test. Yeah, NDE, they bring in educators from across the state to do, like, the test writing of the questions and things like that and we basically, you know, set the parameters as to what the test should look like. We don't get involved in the selection of the questions or anything. Those are made up of local educators across the state that do that, but, you know, we might decide, you know, like, the number of questions in each category that should be-- the type of questions, whether they are level one, level two, level three, how long the questions take, those types of things is what the TAC committee does and making sure that a-- like I said, the psychometricians make sure that it's, it's statistically viable and that it would stand up in court if they would ever a challenge to it. And I basically give the perspective of a teacher. What does it look like in the classroom? How are kids doing with it? What's the appropriate amount of time? Those types of things. I give the teacher's perspective on the committee.

PANSING BROOKS: OK, so you don't choose the questions that are on the test or the things that the kids have to learn?

LINDA POOLE: No, that, that is-- so there's different-- you know, the, the Department of Education has a contract with companies that-- and they pull educators from across the state that actually come up with-- local educators write the questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

PANSING BROOKS: OK and just one more thing. So you are an amazing leader in our state. I can't even believe-- the school board, the Nebraska Association of School Boards, the Technological Assessment Committee. I just-- are there times when you have conflicts? I'm just interested if you have a conflict of interest and how you might deal with that and what that would look like.

LINDA POOLE: OK. Well, right now, I am-- I'm on it. My role is-- on there is the teacher and like I said, I teach in Papillion. Luckily Papillion and Millard work really well together. Papillion district is very good about, you know, giving me the time off. We usually meet, like, three times a year and so they give me that time off to go down for the meeting. And there's really not a conflict of interest at all because when I was originally appointed, I guess what they were looking for at that time was somebody that could kind of give the perspective of both an educator and a policymaker at the same time and so I think it's actually an advantage because I can give both perspectives. I've never had it be a conflict of interest at all.

PANSING BROOKS: OK, great. Well, thank you for all of your service. I appreciate it.

LINDA POOLE: Thank you.

WALZ: Any other questions? I don't see any. Senator Rich Pahls told me to tell you hello.

LINDA POOLE: Oh, tell him hello. He was, he was the principal that hired me in Millard, so--

WALZ: Well, we thank you so much for your time today. I guess that's it.

LINDA POOLE: OK, thank you so much.

WALZ: Thank you.

LINDA POOLE: All-righty, bye bye.

WALZ: Bye bye.

PANSING BROOKS: Bye.

SANDERS: That's a tough one to hear. I only got, like, half of it. I kind of made out-- I think I made sense of what was said, but it was hard for me to--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

PANSING BROOKS: It was hard for me too.

SANDERS: Yeah.

WALZ: Do we have any proponents or opponents or anybody in the neutral? Just wanted to make sure. OK, no letters. All right, that's good. That concludes our appointment on-- for Linda Poole and we'll open with the appointment for Jeffrey M. Nellhaus.

PANSING BROOKS: I see a call-in on this one.

WALZ: Jeffrey?

JEFFREY NELLHAUS: Yep.

WALZ: Hi, Jeffrey. Can you hear us OK?

JEFFREY NELLHAUS: Yes.

WALZ: OK, we-- you're kind of cutting out.

JEFFREY NELLHAUS: Can you hear me now?

WALZ: Yes, that's much better. Thank you.

JEFFREY NELLHAUS: Oh-- yeah. OK. I'm watch-- was watching the meeting on streaming, so I can see people.

WALZ: OK, you're cutting out again.

JEFFREY NELLHAUS: Yeah, I don't know what to say. Can you hear me OK now?

PANSING BROOKS: Yes.

WALZ: Yeah, we'll-- yeah, that's better.

JEFFREY NELLHAUS: OK.

WALZ: Thank you. This is Senator Lynne Walz. Just wanted to thank you for joining us today.

JEFFREY NELLHAUS: What? Hello.

WALZ: Excuse me?

JEFFREY NELLHAUS: I, I don't know. I mean I'm streaming it-- I'm streaming it to my computer. Can you hear me now?

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Education Committee September 14, 2021

PANSING BROOKS: [INAUDIBLE]

WALZ: Yeah. It's, it's kind of cutting in and out.

JEFFREY NELLHAUS: OK, can you hear me?

WALZ: That's better.

JEFFREY NELLHAUS: I'm turning up the volume on my computer. I just want to make sure I can hear you.

PANSING BROOKS: That's the problem. It's on a computer.

WALZ: Yeah, that's, that's a little bit better. I'm going to have the, the committee members introduce themselves so you know who's here today.

JEFFREY NELLHAUS: OK. Well, I'll tell you I've been watching your meeting, so I, I saw all the introductions a couple of times now, so--

WALZ: OK.

JEFFREY NELLHAUS: --you're welcome to do it again, but I just want to let you know I--

WALZ: No, that's OK. Thank you for saving time.

JEFFREY NELLHAUS: Yes, right I know you're busy.

WALZ: Well, welcome--

JEFFREY NELLHAUS: Thank you.

WALZ: --and we'll, we'll just let you go ahead and get started.

JEFFREY NELLHAUS: OK, well, let me just tell you I appreciate being reconsidered for the position on the Technical Advisory Committee for Statewide Assessment. I've been serving on the committee since 2018, so let's see-- hello? Can you hear me? I'm hearing someone talk back.

WALZ: Yeah, we--

JEFFREY NELLHAUS: Can you hear OK?

WALZ: Yep.

JEFFREY NELLHAUS: OK, good. So I, I was there for the past three years. We're looking for another three-year appointment. Quickly, my

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

background, I was the deputy commissioner of education in Massachusetts. I designed and implemented the statewide assessment program in Massachusetts. I left the department several years ago. I now live in D.C. where I have-- I worked on a consortium of-- working with a consortium of states to build their statewide assessment program. And I'm currently working with an organization called the Assessment Solutions Group and we've worked specifically with a number of states across the country to help design a very strong assessment system. I've served on the technical advisory committee for New Hampshire, Connecticut, Rhode Island, [INAUDIBLE]. I've also served on technical advisory committees to New York Department of Education and for the National Association of Educational Progress. So someone with-- I'm not a psychometrician, but having worked on statewide assessments for 25 years, a background in statistics and things like that and understanding the technical issues policy issues associated with statewide assessment since I worked in Massachusetts--

PANSING BROOKS: We should tell people to call in on the phone.

JEFFREY NELLHAUS: I worked closely with the Massachusetts Legislature with their assessment--

WALZ: Jeffrey?

JEFFREY NELLHAUS: Yes.

WALZ: I'm sorry. You were-- are really cutting in and out and we--

JEFFREY NELLHAUS: Oh.

WALZ: --haven't really been able to hear you. Is there a chance that you can call in on the phone?

JEFFREY NELLHAUS: Yes.

PANSING BROOKS: A landline.

JEFFREY NELLHAUS: I could do that.

WALZ: A landline.

PANSING BROOKS: A-- yeah.

JEFFREY NELLHAUS: Let me try that. I'm sorry.

WALZ: That's OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

JEFFREY NELLHAUS: OK, I'll, I'll try again.

WALZ: Thank you.

JEFFREY NELLHAUS: Yep.

PANSING BROOKS: Do people have landlines anymore?

WALZ: That's what I said.

PANSING BROOKS: But the problem is the-- on the computer, he's watching us. So now the computer is, like, trying to get what he's saying while he's talking to over it, so--

DAY: Right.

SANDERS: So cell phone might be better--

PANSING BROOKS: Yeah.

SANDERS: --if he doesn't have a landline.

PANSING BROOKS: Yes.

SANDERS: Yeah.

PANSING BROOKS: OK.

SANDERS: Let's hope. He's got great qualifications.

DAY: Yeah, he has really nice--

PANSING BROOKS: Gosh, yeah, just got his MA at Harvard.

JEFFREY NELLHAUS: Hello. This is Jeff Nellhaus.

WALZ: That is much better. Thank you so much for calling in.

JEFFREY NELLHAUS: OK, no problem.

WALZ: Appreciate it.

JEFFREY NELLHAUS: Yeah.

WALZ: I apologize, but it, it pretty much started cutting out, like, right away, so--

JEFFREY NELLHAUS: Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

WALZ: --I'm sorry, if you could just start over?

JEFFREY NELLHAUS: Oh, no problem, no problem. I'll try to be fast because I know your time is short, but I've served on the Nebraska TAC here for-- since 2018. My experience in assessment is having worked for 25 years for the Massachusetts Department of Education, where I was deputy commissioner and I designed and implemented that state's testing program. I left the department probably about eight or nine years ago, moved to D.C., and I've, I've been working with many different states on their statewide assessment programs, on technical advisory committees in New Hampshire, Kentucky, Rhode Island, Maine. I've been on technical advisory committees to the U.S. Department of Education and for the National Assessment of Educational Progress. So, you know, I was a classroom teacher way back, so I know what goes on in schools and I try to-- in my work on technical advisory committees, I not only have the technical perspective, but understand what it takes to-- for these assessments to work with instruction in a school to help kids.

WALZ: Thank you. That was much better. What, what did you teach?

WALZ: I taught chemistry. I taught mathematics in a high school in Vermont.

WALZ: Great. I'm going to ask-- see if we have any questions from the committee. Senator Sanders.

SANDERS: This is Rita Sanders representing District 45 here in Nebraska, Bellevue, Nebraska. I wanted to give a shout-out. I worked for ten years in Danville, California, so a little shout-out there, but my question to you is where-- what's your go-to source when technology is ever changing? So where do you go for the best and the latest advice in your field?

JEFFREY NELLHAUS: So the technology in terms of student assessment and the delivery of tests?

SANDERS: Yes.

JEFFREY NELLHAUS: Is that what you're--

SANDERS: Yes.

JEFFREY NELLHAUS: Well, there is-- the, the experts there are the vendors, the various-- there are probably half a dozen testing companies that have the state of the art of technology in terms of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

test delivery so that's-- those are where the experts are on the delivery of the test in terms of technology.

SANDERS: Thank you.

JEFFREY NELLHAUS: I mean, I, I'm a little loath to give you specific names because I don't want to appear to be endorsing any specific companies, but there are some companies that are a little stronger than others. Let's just leave it at that.

SANDERS: That's good. Thank you very much. Thank you. Thank you. Chairman Walz.

WALZ: Senator McKinney.

McKINNEY: Thank you. How, how does the committee work to eliminate any biases that the test may have?

JEFFREY NELLHAUS: So one thing that's done when any test is developed is, first of all, before the questions are administered, you have committ-- you have committees of teachers and community members look at the test questions to see if there's any-- anything in there that might be advantaging or disadvantaging any, any particular student group. So they can-- just by observing the items, they can pick out some things that might be disturbing to some students. Now, that said, the items have been field tested and we can gather statistics-- I won't get into the technical name for the statistics-- that will also uncover any bias in the question. And if that's the case, the question will be eliminated from the operational assessment after field testing.

McKINNEY: All right, thank you.

JEFFREY NELLHAUS: Um-hum.

WALZ: Thank you. Senator Pansing Brooks.

PANSING BROOKS: Thank you for being here today. So along those lines, how do you choose the people who then assess the questions? Do you have a diverse group of people assessing that?

JEFFREY NELLHAUS: Yes, so the-- those are-- those, those committees are chosen by the Department of Education in Nebraska and they usually go to the districts and see who would be interested and they'll have certain criteria for selecting those-- the people who serve on those committees and the criteria might ensure that there's diversity of the, of the committee members as well. So really, that's the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

department and the Technical Advisory Committee, we would-- we might look at the criteria they use so they can bring in people who not only have the content expertise because that's important, but also are diverse in their representation.

PANSING BROOKS: OK, I have another question. So you're the-- this is the Technical Advisory Committee on Statewide Assessment. I've been on the Education Committee for seven years and have not heard of this group. That doesn't mean anything. It just means that I'm not quite aware. When I read the title of this group, it seems like technical advisory means you're dealing with computer and technical issues, not just-- I mean, it's my understanding that most of the tests that we get come from big national companies and I thought they worked with the Department of Ed. So what kind of technical advice are you providing to the Department of Ed? Does it include things like cybersecurity? Does it include things like keeping the information for these students safe? I'm still-- and I, I--

JEFFREY NELLHAUS: Yeah.

PANSING BROOKS: --you may have heard me in the previous questions, the previous--

JEFFREY NELLHAUS: So--

PANSING BROOKS: --person, but I'm still confused a little bit on this.

JEFFREY NELLHAUS: Yes. So typically, when we meet with the department, the department's testing company is at the meeting and often the testing company is bringing technical issues they have to the Technical Advisory Committee for our advice. So it, it-- those technical issues can range from security issues to how the tests are scored, how the, the test scores are reported. There's a whole range of things that the-- a vendor might bring to us and so we're, we're not advising, advising the department independent of the company they're working with. We work in partnership in that sense.

PANSING BROOKS: Hmm.

JEFFREY NELLHAUS: It's not unusual-- I, I'm not surprised you have not heard of the Technical Advisory Committee. We're a small group that meets maybe two or three times a year. It's very-- the issues that are brought to us are very technical in nature and we work with the vendor, so it's, it's, it's not a committee where-- it's, it's, it's very technical in its nature, that's all I can say.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

PANSING BROOKS: Are, are, are you tasked with the job of, of keeping the kids' information safe and not getting out to the rest of-- I mean, to be subject--

JEFFREY NELLHAUS: Yes, that's--

PANSING BROOKS: --to cyber attacks?

JEFFREY NELLHAUS: --that's the job of the testing vendor. So when the department gets into a contract with a testing vendor, they have to meet-- the vendor has to meet certain criteria in order to be awarded the contract and then the-- it's the department's job to monitor the vendor's operations, if you will. So typically, the power of peace that they develop, the state develops, will include a lot of requirements around test security and confidentiality.

PANSING BROOKS: So if they're pride-- they're providing that to the Department of Ed, then what are you doing in that regard?

JEFFREY NELLHAUS: Well, if there are questions about our procedures, our procedures to keep data safe, they-- do they have integrity, we can look at that and advise on whether the procedures that the vendor has put in place are going to keep the students', you know, identity safe, if you will.

PANSING BROOKS: OK. Well, Mr. Nellhaus, with your background, we are lucky to have you in the state working for us and even if I don't fully understand the capacity, we're grateful you're here, so thank you for being with us.

JEFFREY NELLHAUS: OK. Thank you.

WALZ: You can invite Senator Pansing Brooks to your next meeting.

JEFFREY NELLHAUS: Yeah.

PANSING BROOKS: Yeah. Please don't.

WALZ: Any other questions from the committee? Thank you so much for joining us today. We really appreciate all your time and your commitment to this.

JEFFREY NELLHAUS: It was a pleasure to--

WALZ: Thank you.

JEFFREY NELLHAUS: --to speak with you today. Thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

WALZ: Any proponents? Opponents? Anybody in the neutral? All right, that ends our hearing on Jeffrey Nellhaus and we will open with the appointment of Christy Hovanetz for the Technical Advisory Committee for Statewide Assessment. Patty?

PANSING BROOKS: Pardon me?

WALZ: [INAUDIBLE] on that committee? I mean, this is the last one.

PANSING BROOKS: I hope she's on the phone.

WALZ: Hi, Christy.

CHRISTY HOVANETZ: Yes.

WALZ: Hi, Christy. This is Senator Walz. How are you today?

CHRISTY HOVANETZ: I'm great. Thank you so much.

WALZ: Good. Are you-- you're kind of breaking up. Are you on a phone or a computer?

CHRISTY HOVANETZ: I am on a telephone.

WALZ: OK. All right, thank you. I wanted to start off today just having the other senators, committee members introduce themselves.

CHRISTY HOVANETZ: OK and like the previous presenter, I have been watching, so I do know the committee members.

WALZ: OK, which is why you know you had to get on the phone, right?

CHRISTY HOVANETZ: Correct.

WALZ: Well, thank you for joining us today, Christy, we really appreciate your time and you can go ahead and get started any, any time you would like.

CHRISTY HOVANETZ: Well, good afternoon, Chair Walz and members of the committee. My name is Christy Hovanetz and I really want to thank you for considering me for appointment to the Technical Advisory Committee. I am excited to be engaged with Nebraska on education issues. Since 2013, I've had the opportunity to appear before you on several occasions, specifically to address early literacy and school accountability policy. I believe every child deserves the opportunity to be [INAUDIBLE] play a foundational role in that success. Over the last two decades, I've worked to ensure that K-12 education systems

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

provide these opportunities to [INAUDIBLE] students. My practical experience coupled with some university training equipped me with the qualifications to serve as a member of your committee. And during my career, I've had the pleasure of [INAUDIBLE] policymakers, researchers, and educators [INAUDIBLE]. Currently, I work as a senior policy fellow for the Foundation for Excellence in Education and we assist the states across the country in developing cutting-edge education policies in critical areas such as [INAUDIBLE]--

WALZ: Christy--

CHRISTY HOVANETZ: [INAUDIBLE]

WALZ: Christy?

CHRISTY HOVANETZ: --For the past-- yes.

WALZ: You're kind of breaking up now. I don't know if there's-- could you just slow down a little bit? Maybe that will help. Christy?

CHRISTY HOVANETZ: Hello?

WALZ: Go ahead.

CHRISTY HOVANETZ: OK, so in the past, I've had leadership experiences as the assistant commissioner for the Minnesota Department of Education leading the assessment office and the K-12 assessment program, including their accountability task force and assessment task force. I was the deputy commissioner in the Florida Department of Education leading the Accountability, Research and Measurement Office. I am a traditionally trained teacher. I maintain my teaching certificate. I also have a master's degree from the University of Minnesota and a Ph.D. from Florida State. I'm really interested in serving on the Nebraska Committee on Statewide Assessments. I think it would be an honor, a challenge, and a responsibility for which I devote my full energy and whatever time is required. I thank you for considering my application.

WALZ: Thank you, Christy. We appreciate it. Do we have any questions from the committee? Senator Pansing Brooks.

PANSING BROOKS: Welcome and thank you for applying. I also just want to thank you. I think you also came and testified in support of the reading bill that, that Senator Linehan and I brought together a couple of years ago, is that correct?

CHRISTY HOVANETZ: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

PANSING BROOKS: Well, thank you, thank you for your interest and your time on all that. That's my main thing that I wanted to say right now, so--

WALZ: OK. Other questions from the committee? I do have a, a quick question. I noticed on your application it said that you nor any member of your family has any material, personal, financial interests with the matter and you marked-- what is it? You-- oh, have you ever published, posted, or said anything-- oh, oh, sorry--

NICOLE BARRETT: [INAUDIBLE]

WALZ: --you wrote, you wrote no, that you cannot certify. I'm sorry. I didn't know if you wanted to elaborate on that?

CHRISTY HOVANETZ: I'm not exactly sure what the question is.

WALZ: There was a, there was a sentence on the application for the executive appointment and it said I hereby certify that neither I, nor any member of my immediate family, nor any party having influence over me, has a material, personal or financial interest with any matter under the board or commission for which I applied and that you certify there is no relationship or conflict of interest, I guess, and you marked no, you cannot certify. I just wondered if there was a-- if you wanted to elaborate on that.

CHRISTY HOVANETZ: I think that was a mistake and it was no, I don't have any conflict of interest rather than no, I cannot certify.

WALZ: OK, all right. We-- I just wanted to make sure. I appreciate that. Thank you. Any other questions from the committee? Senator Sanders.

SANDERS: Good afternoon, Christy. I'm trying to understand the whole Technology Advisory Committee [SIC] and what you do and I think, I think I understand it. And so my question, if I'm, if I'm understanding as far as what tech, technical advisors do, so why are state assessments important for our students? So not just, I guess, our-- in Nebraska, but all students and how do we make sure that they're accurate?

CHRISTY HOVANETZ: Thank you, Senator Sanders. That's a great question. So state assessments are an appraisal of student learning at a certain point of time. It really compares what-- student knowledge and skills against the common set of standards and benchmarks measures for student academic achievement or growth against the standardized

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

criteria. So they play a unique role ensuring that students are held to the same standard and that all students, regardless of race, language, background, disability or socioeconomic status, have access to a high-quality education. We test students because we want to know if state policies and interventions are working. We want to be accountable to taxpayers whose [INAUDIBLE] pay for education. We want to be able to identify schools and students that need additional support so they make sure they receive help and resources so they are successful. We test because we need to keep the promise of equality that all students can learn and we must ensure that all kids are taught to the same high standards and we want to provide parents with honest, subjective information about how students are doing. So having a statewide system of assessment is important for multiple reasons. To ensure they are accurate is where the technical details or qualities come through. Technical sometimes is a misnomer when we're talking about technology and testing students on computers. It's broader than that. When we're looking at the technical quality of assessment, we're looking at assessment system operations, so it's test design and development, item development, how the test is administered. It's the monitoring and test security and making sure that there's integrity and privacy associated with that. The Technical Advisory Committee helps ensure that the state has the information from the vendor and if the vendors are encountering challenges in any of those things or the technical quality from validity for cognitive processes or content or their internal structure of their assessments or inclusion of students or alignment to state standards. All of those are technical issues, which the committee will be considering and looking at in ensuring that those assessments are truly designed to measure whether or not all students have mastered state standards.

SANDERS: All-righty. So with that being so broad, because different demographics would test differently and use different types of testing, how do you get the parents to be involved in that broad area of whether it's technology or understanding and assessment?

CHRISTY HOVANETZ: So parents aren't really involved or engaged in the testing process, but they are the recipients of information we gather from state assessments. So it's being able to explain to them the results and the information that the test gleans about how their student is performing and whether or not they've mastered the state standards.

SANDERS: Thank you.

WALZ: Other questions? Senator Pansing Brooks.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

PANSING BROOKS: Thank you. Sorry, I'm back to sort of just asking again after my thank you. So you, you would be-- it's my understanding-- because I'm trying to figure out and I didn't ask it on the previous gentleman-- that there, there are three nationally recognized experts in educational assessment, is that correct?

CHRISTY HOVANETZ: There are dozens of nationally recognized experts in state assessment. I think your advisory panel requires three of them to be considered national experts, but there are lots of people that are considered national experts on statewide assessment.

PANSING BROOKS: That there are what? OK. Yes, I understand. I was just talking about the support, so I-- and I, and I, I'm just trying to focus on how did you become interested in this, in this group and this board?

CHRISTY HOVANETZ: I follow what happens in the assessment community and world. I ran the assessment program in Minnesota as the assistant commissioner up there. It's a topic that's very near and dear to ensuring that public education has the information they need to make smart decisions about policy and resources, so when I heard the announcement made available in the Governor's Office, I was interested in, in submitting my application.

PANSING BROOKS: OK and because you're currently with the Excellence in Education group, I just want to ask, because I know that they are very supportive-- that that group is very supportive of charter schools, so do you feel that you are coming in with a, a-- I'd say not necessarily a prejudice, but a predilection for supporting charter schools over public schools in Nebraska?

CHRISTY HOVANETZ: No, I do not come in with that perspective. I would be more singularly focused on ensuring that we are appropriately assessing all students in the state of Nebraska when talking about the Technical Advisory Committee.

PANSING BROOKS: That tech-- but that Technical Advisory Committee does not assess private schools, is that correct?

CHRISTY HOVANETZ: Correct.

PANSING BROOKS: So you will be coming in and assessing the public schools, determining if the public schools are being properly assessed without-- and we will not have knowledge of whether or not the private schools are being properly assessed.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee September 14, 2021

CHRISTY HOVANETZ: That is correct.

PANSING BROOKS: OK. All right, that's what I wanted to ask. Thank you very much.

CHRISTY HOVANETZ: Thank you.

WALZ: Any other questions from the committee? I don't see any, Christy. Thank you very much for joining us today. We appreciate your commitment and talking with you today. Thank you.

CHRISTY HOVANETZ: Thank, thank you very much.

WALZ: All right. Proponents? Opponents? Anybody in the neutral? I see none. That ends our hearing on the appointment for Christy Hovanetz and it ends our hearing for today. We will go into Exec.