

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee April 11, 2022

ARCH: Well, good morning. Welcome to the Health and Human Service Committee. My name is John Arch. I represent the 14th legislative district in Sarpy County. I serve as the Chair of the HHS Committee. This morning we have assistants to our committee. We have legal counsel, Paul Henderson; our committee clerk, Geri Williams. I anticipate that we'll also have some other committee members join us. A few notes about our policies and procedures. First, please turn off or silence your cell phones. This morning, we'll be holding a confirmation hearing on one gubernatorial appointment to the Commission for the Deaf and Hard of Hearing, as well as a hearing on the Community Services Block Grants State Plan. For those of you who are planning to testify, you'll find green testifier sheets on the table near the entrance of the hearing room. Please fill one out and hand it to one of the pages when you come up to testify. This will help us keep an accurate record of the hearing. When you come up to testify, please begin by stating your name clearly into the microphone, then please spell both your first and last name. We use a light system for testifying. Each testifier will have five minutes to testify. When you begin, the light will be green. When the light turns yellow, that means you have one minute left. When the light turns red, it is time to end your testimony. We will ask you to wrap up your final thoughts. If you do not wish to testify, there is a white sign-in sheet at the entrance where you may leave your name and position on the appointment before us today. So I want to pause here for a second. So what we'll-- what we'll do is we'll first of all take the gubernatorial appointment and then we will go to the-- the briefing by the department as it relates. Then I will simply say, if any would like-- if anyone would like to testify to-- to the briefing, then you can come up one at a time. You'll be given five minutes then to do your-- to do-- to do your testimony after-- after that. It's not a-- it's not a proponent opponent, neutral like a bill. You'll simply come up and-- you'll simply come up and give us your comments. So with that, we will begin today's hearing with Frances Beurivage and her appointment to the Nebraska Commission for the Deaf and Hard of Hearing. Welcome, Frances.

FRANCES BEAURIVAGE: My name is Frances Beurivage, last name is B-e-a-u-r-i-v-a-g-e. Good morning, Chairperson Senator Arch and others that are not here this morning, but I'll make my pitch. Thank you for considering me again for a reappointment to the Commission for the Deaf and Hard of Hearing. As you know, because we have worked together in the past, that I have served my entire life working with deaf and hard of hearing individuals. And my goal has always been to see improvements in their opportunities to be contributing citizens in

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Nebraska and across the country. So I have done a lot of work working with K-12 interpreters and with interpreters for adults to ensure access. And the Nebraska Legislature has been very generous in helping us pass some laws in the last several years to improve the lives of deaf persons, and I would like to be able to continue that work. So--

ARCH: Great.

FRANCES BEAURIVAGE: --that is my-- my talk.

ARCH: All right. Well, let me ask you some questions.

FRANCES BEAURIVAGE: All right.

ARCH: First of all, you've had quite a bit of media exposure over the last several months.

FRANCES BEAURIVAGE: Yeah.

ARCH: You've been the primary interpreter for-- for Governor Ricketts'--

FRANCES BEAURIVAGE: Yes.

ARCH: --press briefings on COVID.

FRANCES BEAURIVAGE: Yes.

ARCH: So that's been several months, more than a year.

FRANCES BEAURIVAGE: Oh, yeah. I think I've been here since the beginning with the Governor for a great deal of the time. So that was another way that it's been wonderful that-- that Governor Ricketts has given the opportunity for access to the deaf and hard of hearing to all of the COVID news. So I appreciate that.

ARCH: So this is-- this is a reappointment for you. Is that correct?

FRANCES BEAURIVAGE: Yes, it is a reappoint.

ARCH: How many years have you served on the commission?

FRANCES BEAURIVAGE: Three.

ARCH: Three years.

FRANCES BEAURIVAGE: Um-hum.

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ARCH: OK. And-- and in those-- in those three years, you mentioned that there has been-- there have been some improvements with-- with the deaf and hard of hearing community. Could you name-- name one that stands out in your-- in your mind?

FRANCES BEAURIVAGE: I think a big one was the heart of the bill for hearing aids for young children, for the insurance companies to provide compensation to families when they have to purchase hearing aids because hearing aids are very expensive and there are a lot of children that go with what I call language deprivation in their early years. And we all know that language deprivation does substantial damage to their ability to develop their social skills and their just their relationships with even their parents when they cannot hear. So being able for young children to have access to hearing aids at a very early age is important. And so this bill was very helpful in providing financial compensation for families.

ARCH: Yeah. Your background, you and I did work together at Boys Town Hospital for many years. Your background is that of an interpreter training for-- for classroom.

FRANCES BEAURIVAGE: Um-hum.

ARCH: Tell us a little bit about that, what-- what you've done in that area.

FRANCES BEAURIVAGE: Right. I actually started as an interpreter in the high schools here in Lincoln when I first got into the field. And at that time, there were absolutely no credentials required to be able to interpret in a classroom. So parents had no assurances that interpreters in the classroom were qualified to be able to convey educational discourse appropriately to children. And so Boys Town generously housed the EIPA, which is the Educational Interpreter Performance Assessment, and because I worked there, fortunately, I was able to lead that group. And so we have gone from, I think, zero states when I started that even required any credentials for educational interpreters to today, I think we have over 43 states that require the EIPA specifically, which is the test that was developed and housed at Boys Town, which is still running today. And I retired from there once. But I'm back as a consultant.

ARCH: Are you really?

FRANCES BEAURIVAGE: And I'm leaving again this May.

ARCH: OK.

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FRANCES BEAURIVAGE: So I don't think I get a second retirement party, but it's been a pleasure to be able to lead that ship because it's been very important to me that deaf children have great access to education.

ARCH: Very, very important.

FRANCES BEAURIVAGE: Yes.

ARCH: There was-- that credential existed for adults, did not exist for children and youth. And so that was-- that was a good step.

FRANCES BEAURIVAGE: Yes, it was an excellent step.

ARCH: Well, thank you very much for being willing to serve on the commission and continue to serve on the commission.

FRANCES BEAURIVAGE: All right.

ARCH: I think your expertise will be-- will be welcomed.

FRANCES BEAURIVAGE: All right. Thank you very much.

ARCH: Thanks for coming this morning.

FRANCES BEAURIVAGE: Yes, you're welcome.

ARCH: Is there anyone would like to speak as a proponent to her appointment, opponent, or in the neutral capacity? Seeing none, with that we will close the hearing for-- for Frances. Thanks. Thanks again for coming. And now we would ask Director Beasley if she could come forward and-- and-- and brief us on the Community Block Grant State Plan. Morning.

STEPHANIE BEASLEY: Good morning, Chairperson Arch and the other attendees today. My name is Stephanie Beasley, S-t-e-p-h-a-n-i-e B-e-a-s-l-e-y. Apologize. This happens every April here.

ARCH: Yeah.

STEPHANIE BEASLEY: And I'm the director of the Division of Children and Family Services within the Department of Health and Human Services. I'm here to provide an overview of the communities or Community Services Block Grant or CSBG program in Nebraska. This is in accordance with the Federal CSBG Act of 1998, which states: In order to be eligible to receive a grant or allotment under Section 675A or 675B, the state shall hold at least one legislative hearing every

three years in conjunction with the development of the State Plan. Slide two, I'm going to go through the slides with you, and so I'll let you know which slide to be on. The CSBG originated with the Community Action Program created under President Lyndon B. Johnson's administration. Through Community Action Program, public agencies and private nonprofits called Community Action Agencies or CAAs, were formed to promote self-sufficiency and respond to immediate social and economic needs within their communities. In 1981, Community Action Program and several other funding streams were consolidated into CSBG by P.L. 97-35 and reauthorized again in 1998. Today, the national CSBG network of organizations includes federal partners, state and territory grant, tribal grantees, CSBG eligible entities, state community action associations, and national partner associations. CSBG is administered federally by the Office of Community Services or OCS, within the Administration of Children and Families, the United States Department of Health and Human Services. CSBG funding is distributed to CSBG eligible entities, which are most commonly Community Action Agencies, membership associations such as state Community Action Associations, and national membership associations assisting in support to the CSBG network as well. Slide 3. As per the CSBG Act, or 42 U.S.C. 9901, the purpose of CSBG is to provide assistance to states and local communities working through a network of Community Action Agencies and other neighborhood-based organizations for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals to become fully self-sufficient. Moving on to slide 4. Nebraska received approximately \$5.1 million during federal fiscal year 2021 in regular CSBG funding. CSBG funds are federal funds distributed to the states and earmarked by federal law for distribution to those eligible entities, which in Nebraska are Community Action Agencies. A formula based on factors including the poverty population determines the grant amount. Each state determines the formula used to distribute-- distribute the block grant to its network of designated eligible entities, ensuring all agencies in all areas are adequately served. Nebraska submits a state plan every two years to the Office of Community Services, which establishes the state's intent for this funding during the specified period. As part of the process, a public hearing is held prior to submission as required by the CSBG Act. The current State Plan for the federal fiscal year '21 and '22 was approved by the Office of Community Services to be implemented. It is important to note that our next one is due this fall, so we'll be holding a public hearing this summer. Nebraska recognizes nine Community Action Agencies serving all 93 counties. Per federal law, 90 percent of the funds are awarded to Nebraska's nine Community Action Agencies. Nebraska uses a base plus

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formula to distribute this portion of the funds. State may also utilize up to 5 percent of the funds for state administration of the grant. The remaining funds may be used for discretionary purposes, such as training and technical assistance for the agencies or other projects at the Community Action Agencies. Community Action of Nebraska or CAN assist in providing training and technical assistance services to the Community Action Agencies in Nebraska. Slide 5. Nebraska was awarded \$336,315 in additional CSBG funding in federal fiscal year '20. As a result of the additional supplemental appropriations for the Disaster Relief Act, 90 percent of the CSBG funds were distributed to four Community Action Agencies that served areas impacted by the 2019 flood disaster as a result of the federal emergency declaration. Funding was distributed based on the number of FEMA individual assistance applications in the service area. CSBG funding was available through September 30 of 2021. Additionally, Nebraska was awarded over \$6.9 million in additional CSBG funding in federal fiscal year '20 as a result of the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act. Ninety percent of the CSBG funding was distributed to the Community Action Agencies based on the standard CSBG distribution formula. Approximately 9 percent of funds were distributed to the Community Action Agencies and Community Action of Nebraska as discretionary funds. The remaining funds are being utilized for the administration and are available through September 30 of 2022. To date, the Community Action Agencies and Community Action of Nebraska have expended \$4,911,533 for a variety of purposes, including food security, emergency assistance, transportation, a visibility campaign, technology updates, and agency operations. Slides 6 and 7. The maps on 6 and-- the map on 6 and then 7 displays the geographical footprint of each of the nine Community Action Agencies in Nebraska. The next page identifies the name and primary location of each of those Community Action Agencies. Slide 8. Community Action Agencies must administer CSBG through a tripartite board that participates in the development, planning, and evaluation of the programs. At least one third of each board's representatives are from low-income communities. Exactly one third of its representatives are elected officials or their representatives. And the remainder are private sector representatives who live in the agency service area. Nebraska's Community Action Agencies conduct an in-depth community needs assessment at least once every three years. The community needs assessment is designed to provide a picture of the service and programs needed. Additionally, the assessment identifies strengths and opportunities in the community to address challenges faced, including poverty, to support individuals achieving self-sufficiency. The agencies account-- are accountable for their plans, results, and

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efforts to adapt to the needs of the people they serve. Community Action Agencies implement a comprehensive, performance-based management system called Results-Oriented Management and Accountability, or ROMA. In this system, the agencies establish objective and measurable goals, describe the organizational-- organization's processes and capacities required to meet these goals, develop performance indicators to quantify the success of each intervention, evaluate the results versus anticipated outcomes, and improve their service and programs to better serve the families and communities in their respective service delivery areas. To remain a strong culture of accountability, a network of nationally certified ROMA trainers in Nebraska provide continuing education to Community Action Agency staff and board members. Finally, the state is responsible for monitoring and providing oversight of the agencies to assure compliance with federal and state laws and to ensure organizational standards are met. Slide 9. CSBG funding provides for a range of services and activities to assist the needs of low-income individuals. Community Action Agencies are required to provide the funded services and activities addressing these needs in Nebraska. Services and activities focus on holistic approaches to alleviating poverty. Much of the agency efforts are focused on in-depth case management for their clients. While each agency is diverse and offers a variety of services based on their community, several programs are similar, including Head Start, Early Head Start, and adult education programs, job training and direct employment of low-income individuals, housing services, childcare, homeless shelters, and other homeless assistance and migrant services. Emergency assistance is also a key program area for Community Action Agencies. These services include rental assistance, utility deposits, and payments of past due bills with a shut-off notice, food, transportation, alcohol and drug counseling, mental health services, food pantries, food banks, and the commodity foods program. Agencies also collaborate with other state entities such as the DHHS Division of Public Health Women's, Infant, and Children, which is WIC; Maternal/Child, Adolescent, and School Health Program; and immunization programs, as well as the Nebraska Department of Environment and Energy's low-income weatherization plan. They also work with local organizations to operate programs such as senior centers and other senior programs, including home-delivered meals and transportation and youth mentoring projects. Slide 10. Agencies report outcomes and activities by sending an annual report to the Office of Community Service, which typically occurs in March. In federal fiscal year '20, the Community Action Agencies in Nebraska provided services to more than 52,000 low-income individuals, representing over 23,000 families, which are now-- which are facing a

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variety of barriers to self-sufficiency. More than 17,000 of the individuals receiving services were children and 8,000 were senior citizens. I'd like to take a moment to highlight a few of the many success stories that show how CSBG funding is used to assist Community Action Agencies in serving Nebraskans. Community Action Partnership of Mid-Nebraska identified food insecurity as a major concern in their service area. As a result, Mid-Nebraska adapted their programming to ensure they were able to deliver services effectively and safely for staff and clients during the COVID-19 pandemic. Although their senior citizen-- senior centers reopened for indoor dining in May of '21, Mid-Nebraska continues to provide curbside meals for those seniors not ready to return to in-person dining. In federal fiscal year '21, 4,433 seniors maintained independent living through the Senior Citizens and Commodity Supplemental Food Program. A total of 10,089 food boxes were distributed through both the Commodity Supplemental Food Program and mobile produce pantries. Additionally, 139,388 pounds of food were distributed through the agency mobile produce pantries throughout this period. During the pandemic, Blue Valley Community Action identified that individuals in their service area were struggling to pay unexpected one-time bills. As a result, the agency created a new One-Time Needs Program funded by the CSBG CARES Act funding. This program assisted 44 households with large unexpected expenses such as medical bills, vehicle repairs, employment supports, allowable home energy repairs, childcare arrears, bed bug abatement, technology for school, etcetera. This assistance was and continues to be significant in helping households maintain safe homes, employment, education, etcetera. Finally, Eastern Nebraska Action Partnership partners with Douglas County Community Response to utilize the CSBG funds to address the client's immediate need for food. During the federal fiscal year '21, Eastern Nebraska Community Action Partnership distributed food boxes to 100 families per week, covering 20 zip codes in Douglas County. CSBG also allows Eastern Nebraska Community Action Partnership to work with these families to wrap around additional services, address safety concerns, and increase their ability for self-sufficiency by addressing the root cause of the client's food insecurity. Thank you for the opportunity to testify today to provide you with a small sampling of what Community Action Agencies and CSBG funding provides in our state. If you are not familiar with the Community Action Agency in your district, I invite you to visit the agencies closest to you. Again, I want to thank you, Chairperson Arch and members of the Health and Human Services Committee, for the opportunity to provide information related to CSBG. I'd be happy to answer any questions.

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ARCH: Thank you. I have a question. Do the-- do the Community Action Agencies exist only for this purpose?

STEPHANIE BEASLEY: You know, Senator, I am not sure if they receive other funding streams, but I can find out.

ARCH: OK. And they have the flexibility-- they're-- they are provided-- they are provided these dollars as block grants as well based on a formula.

STEPHANIE BEASLEY: Right, based on the base plus formula that we set.

ARCH: Then they have the authority to decide how those dollars would be distributed in that area. based on guidance, I'm assuming.

STEPHANIE BEASLEY: Yes.

ARCH: Not just for anything

STEPHANIE BEASLEY: And based on their community needs assessment. So they are conducting community needs assessment to determine--

ARCH: OK.

STEPHANIE BEASLEY: --how to best use those-- that funding to support the program design.

ARCH: OK. And when then those funds are expended, then they report back how they are--

STEPHANIE BEASLEY: Yes.

ARCH: --how they are expended and-- you gave some numbers about the 6.9 and you spent 5.-something--

STEPHANIE BEASLEY: Yes.

ARCH: --6.9 in 2020. Do we-- have all those funds been expended?

STEPHANIE BEASLEY: I can ask exactly how much of those dollars [INAUDIBLE].

ARCH: I didn't know if they have any capability of carrying anything over or if they can-- or if they have to expend it immediately or, you know.

STEPHANIE BEASLEY: There is a deadline to the expenditure.

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ARCH: Yeah, yeah. OK. All right. And-- and the types of things that they spend the dollars on, I'm assuming can vary based upon the year. It sounds like in this particular time, coronavirus was obviously a large issue and making sure that the needs of the community are addressed with some of these dollars. Other years, it could be something different.

STEPHANIE BEASLEY: Right. So a great example, I think, was the mobile home delivery for seniors. It continues for seniors who are not quite ready to come back out yet and not comfortable with that. And so that would have been a big shift that maybe wouldn't have happened in prior years at the rate in which it was happening during the height of the pandemic.

ARCH: Yeah. So is the role of the department mostly pass through on these dollars?

STEPHANIE BEASLEY: Pass through and guidance and really support in the development of the-- the State Plan. You know, I think probably guardrails might be a great way to think of here are the guardrails, and here's the direction to ensure that we're compliant with the federal expectations in that the Community Action Agencies are supported through training and technical assistance.

ARCH: I'm assuming as well that these action agencies share what they're doing in their area compared to the other areas. So ideas are shared and all that.

STEPHANIE BEASLEY: Yes, and the Community Action in Nebraska, CAN, really provides technical assistance and training.

ARCH: I see. That's the-- the overarching entity. OK. OK. Those-- those are my questions. Other questions? Senator Hansen.

B. HANSEN: Thank you, Chairman Arch. I know 5 percent could be used for administrative purposes, right? And the 5 percent is discretionary. Is it the discretionary purposes like in the administration of the funds? Or is it more for the, the people who are in the Community Action Agencies?

STEPHANIE BEASLEY: Yeah. I just-- actually we just had this discussion. It's really it would primarily likely be for something like training or technical assistance so we can design what that need is--

B. HANSEN: OK.

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--is primarily used--

B. HANSEN: And to help with the distribution of the other 90 percent types. OK, cool, thanks.

ARCH: Any other questions? Thank you.

STEPHANIE BEASLEY: Thank you.

ARCH: Thanks for your three-year briefing.

STEPHANIE BEASLEY: Good to see your patience as I am dealing with the Nebraska April.

ARCH: Yes.

STEPHANIE BEASLEY: --stuff that happens to me every year.

ARCH: It's good to see you every three years or more often. Thank you. We'd now like to open it up to anyone that would like to add comments or help us understand this better. If you could begin by stating your name and spelling it. Appreciate that.

NATHAN ARENTSEN: Sure. Excuse me. Nathan Arentsen, N-a-t-h-a-n A-r-e-n-t-s-e-n. Chairman Arch and honorable members of the committee, the Community Service Block Grant State Plan just presented will possibly not qualify for a federal HHS approval and therefore will leave grant recipients possibly exposed to a denial of the funding they are counting on. Specifically, current Nebraska DHHS policy appears to violate the federal nondiscrimination statute governing the Community Services Block Grant Program. That federal statute is in front of you on page 1 of the packet that I distributed. Last month, Ms. Beasley emailed me confirmation that DHHS's ADA and Title IX compliance coordinator was investigating DHHS's violation of a similar federal nondiscrimination statute. That email is in front of you on page 2. The central issue was put squarely by Ms. Beasley's deputy director for protection and safety, Dr. Alger M. Studstill, Jr., during a recent March 10 meeting with Ms. Beasley and the DCFS deputy director for policy and legislative affairs. Dr. Studstill stated that current DHHS practice is to not extend the department's equity efforts to male sexual assault and domestic violence victims. An email seeking clarification from Dr. Studstill on that DHHS policy is in front of you on page 3. The email also seeks a response from local DHHS staff on whether and how they are practicing that policy. Dr. Studstill and local DHHS staff have yet to respond. A Nebraska Equal Opportunity Commission charge against DHHS for that policy is in front of you on

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page 4. During that March 10 meeting, Ms. Beasley's deputy director for policy and legislative affairs confirmed that the policy likely violates federal nondiscrimination law, specifically Title IX. Senator Megan Hunt's legislative aide was also in attendance at that meeting to document those statements. On April 4, DHHS attorney, Wes Nespor, confirmed that those statements by Ms. Beasley and Dr. Studstill are subject to a pending hearing request before the DHHS hearing office. Finally, federal HHS also defines the policy of denying service to male victims as a violation of federal nondiscrimination statutes, similar to those which govern the Community Services Block Grant Program. An enforcement report by federal HHS's Office of Civil Rights is in front of you on page 5. In closing, I urge you to express concern about the plan presented today in light of its possible denial by federal HHS and instruct Nebraska DHHS to eliminate its discriminatory policy against male victims of sexual assault and domestic violence, plus, remedy any past discrimination which they have performed in pursuit of that policy. Thank you for your time, members of the committee, and I would be glad to answer any questions.

ARCH: Thank you. Are-- are you here representing yourself? Are you representing an organization?

NATHAN ARENTSEN: I'm here representing myself, Chairman.

ARCH: OK, all right. OK. And do-- do I understand your comments to be that this issue is broader than the block grant or is this specific to the block grant?

NATHAN ARENTSEN: Both, Chairman. The Block Grant programs governing statute on page 1, as you'll see in the top line, deny-- requires that recipients do not discriminate on the basis of sex, against grant-- against members of the community. And in addition, there are several other nondiscrimination statutes, federal nondiscrimination statutes which prohibit denying services on the basis of sex. Title IX is probably the most famous of them, and Title IX governs several other grants which DHHS receives, such as the Family Violence Prevention Services Grant is a relevant one. Title IX also through Section 1557 of the Affordable Care Act, which I have an OCR enforcement report in front of you for, also includes Title IX as governing all federal funds that DHHS receives, federal healthcare funds.

ARCH: And your contention is that you believe that they do discriminate because they are not-- they are not addressing male sexual assault and domestic violence victims?

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NATHAN ARENTSEN: That is correct. As Dr. Studstill stated on March 10, current DA-- DCFS practice is to not extend their equity efforts to male victims. And in his assessment as the NEOC charge states, women-- statistically, women are abused more than men, implying that, you know, their efforts will be focused more toward that demographic--

ARCH: OK.

NATHAN ARENTSEN: --which federal OCR has, in my understanding of their enforcement report, defined as a violation of Title IX.

ARCH: All right. Other questions? Senator Williams.

WILLIAMS: Thank you, Chairman Arch, and thank you for being here. So your question then is that a female victim of sexual assault is being provided services--

NATHAN ARENTSEN: I--

WILLIAMS: --and a male victim of sexual assault or abuse is not being provided the same services.

NATHAN ARENTSEN: That's correct, Senator.

WILLIAMS: I just wanted to be sure that I understood specifically. Thank you.

NATHAN ARENTSEN: Thank you for your question.

ARCH: Senator Hansen.

B. HANSEN: Thank you, Chairman Arch. Just to clarify, I guess Chairman Arch asked some of the same questions I was going to ask. And if I can ask this, you don't have to answer it I guess. So--

NATHAN ARENTSEN: I'm an open book. Go ahead.

B. HANSEN: Well, your contention, again, is were you applying for certain funds or were you promised certain funds or somebody told you, you were supposed to get it but then they said no because of your sex or because of allegations or any other kind of thing?

NATHAN ARENTSEN: No, I am not a grant recipient under the Community Service Block Grant. Rather, I was brutally forcibly sexually assaulted by a child welfare service provider--

B. HANSEN: OK.

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NATHAN ARENTSEN: --and have sought a remedy for that horrible act through the Division of Children and Family Services, and was subsequently informed by the deputy director that their equity efforts currently do not extend to male victims.

B. HANSEN: OK. However, if this same thing happened to a female, they're saying there they would have, I guess, what you're content-- content-- contending is that they would have preference versus something that happened to you [INAUDIBLE]?

NATHAN ARENTSEN: That's correct, Senator.

B. HANSEN: OK. I'm just making sure. Thanks.

NATHAN ARENTSEN: Thank you for the question.

ARCH: Any other questions? Seeing none, thank you for your testimony today.

NATHAN ARENTSEN: Thank you, Chairman.

ARCH: Next individual that would like to testify.

AARON BOWEN: Morning, members of the committee. My name is Aaron Bowen, A-a-r-o-n B-o-w-e-n, and I'm the executive director of Eastern Nebraska Community Action Partnership, serving Douglas County and Sarpy County. I'm a certified community action professional and I am a Results-Oriented Management and Accountability trainer. I've been with the network for the past 16 years, and so I wanted to talk this morning and highlight some of the work of CSBG and some of the work of Community Action Agencies. We do a lot across the state of Nebraska. I want to first thank Director Beasley and the Department of Health and Human Services. We, as opposed to a number of states that we hear from all the time, really benefit from a really strong relationship with the department and with the CSBG program office. And so we work hand in hand. They monitor our work. They answer our questions. We submit our expenditure reports through them. And really it has to work conducive for us to do our work at the ground level, but also to get that information we need from the Office of Community Services. So the work of Community Action, ultimately we have three national goals that all of us work under. Number one, we are helping families address economic security. Number two, we are creating opportunities in our communities that we serve. And number three, ultimately, we have to involve our stakeholders. So we have to involve public elected officials on our board of directors, private sector members and, of course, the people that we serve, first and foremost. And so the

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people that we serve, we want to be engaged in the work that we do and help us decide what is best for the communities that we serve. The thing that we want to highlight with Community Action is that we are not static. So consistently based on our own needs assessment, based on our annual plans, we have to constantly be innovative. So while we will always be there to provide food insecurity and my agency is the one who shifted during the pandemic to make sure that we were doing food delivery and taking food door to door rather than have people wait in-- in pantry lines in our service area, we must always be thinking about what is the next step. And so currently and it will soon be highlighted by the Omaha Community Foundation, we have been working on a transportation program because time and again, families and seniors cannot get to where they need to be. And while there are multiple years of transportation studies taking place in Douglas and Sarpy County, for a low-income family to wait for a bus route to be put in place is not the solution they need to get to jobs, to get to food, to get to school, to get to after-school activities. And so it's our responsibility as a Community Action Agency to make sure that we are bringing community partners to the table to talk about solutions now. That long-term planning is important. So one of the things that my agency did in the past couple of years is we distributed a comprehensive transportation survey across Douglas and Sarpy County. We had over 730 responses, we had 60 agency partners, and we covered 100 percent of the zip codes in Douglas and Sarpy County. We produced a 40-page report-- I'm happy to share that-- talking about the transportation needs happening right now among young adults, among seniors, and among families. And so our goal is to share that with the community to have that conversation about solutions because ultimately Community Action cannot stand pat. We've been around for 55-plus years, and it's because we consistently figure out where the gaps are and then we are-- our responsibility is to fill that gap. I benefit in an urban area. We have two offices, one in north Omaha, one in the city of Bellevue. We have a lot more resources locally. If you go out further western Nebraska, you have agencies serving 20, 30 counties. So we have to always be thinking about where we best place our services. While I could spend the majority of my time in north Omaha, I also know the needs of Bellevue, the needs of Offutt Air Force Base families are also as important-- and rural families in western Douglas County. So we have to balance consistently and leverage funding. I think that's a key point. Community Action of Nebraska will follow me and they'll talk about this is that the economic impact of Community Action is significant. We leverage millions of dollars: federal, local, private funding to make sure that CSBG money dollar for dollar is making an investment. So, you know, ultimately, while we have many

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stories, success stories that we could share, we are also very accountable for what we do. So the reporting that we have to do, what makes a difference is we have to show exactly there's a direct line between the needs of the community and what we're doing and what are actually we solving because we talk about their services, which are the food baskets, the utility assistance, those one-time services. But ultimately we are about change at the family level and the community level. So we have to document. To be successful, we have to document that we are making changes in our community. And I'm very confident after 16 years, the work of the nine agencies across the state of Nebraska are remarkable. I've seen some of you at different events. Please visit your local Community Action Agency because the work that we're doing, the innovation that's happening on a daily basis is what's keeping our communities going forward, and we really benefit from the partnerships that churches, local organizations, civic groups, you know, it's a mixed bag, but we have to work together to make this happen. So we appreciate your time.

ARCH: Thank you. Are there any questions? That's very helpful. I'm glad you came.

AARON BOWEN: Sure.

ARCH: Thank you very much.

AARON BOWEN: Thank you.

ARCH: Thank you. Next testifier.

TINA ROCKENBACH: Good morning, I'm Tina Rockenbach, T-i-n-a R-o-c-k-e-n-b-a-c-h. I'm the executive director for Community Action of Nebraska or CAN, and I don't really have anything specific prepared. I just wanted to be here to be able to answer questions and fill some gaps if possible. Part of that is I want to explain a little bit more, extending off of Director Beasley, what the role of CAN is. I came on as executive director in October and we've been working very, very hard to really support and listen to our agencies. I can tell you this COVID response in the last two to three years has provided some real provider fatigue to our network, but they stay strong. In a normal year, our guidance and our oversight is in that reporting that Aaron had spoke about, as well as statewide data being accurate as it's reported to the federal government. I have a full-time data system administrator and that is all she does all day long is work with agencies in cleaning data, making sure it's correct, making sure it's in the form that needs to fit into that CSBG report,

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which then goes to our State CSBG office for review and then on to OCS in D.C. We have a tremendous, tremendously positive relationship with our state CSBG office here. And I can tell you that's not common nationwide. My colleagues across the U.S. use two words usually to describe their CSBG office with them: hostile or adversarial. There is zero communication, zero support. In fact, a lot of them are pulling the CSBG funding for the state associations because they want to use it for other things, or they want to just put it to the agencies. And of course, they have that discretion. But we, as a state association, CSBG expects us to make sure that everything is followed through correctly and address the errors, address the things that need to be fixed as we're reporting and recording and doing intake and all of that through the agencies. And so it's imperative that we have that positive relationship. I meet with CSBG here in the state office every other week. They also have routine meetings with the agencies as well I think maybe on a monthly basis, though, we also once a month meet with myself, CSBG staff, and all of the EDs and CEOs of all of our nine agencies. So there is full transparency. There is full commitment to working together to make sure that these funds are handled appropriately. Just a couple of questions that I heard come up to answer your question, Senator Arch, about other areas of funding. So the agencies, they all receive CSBG, all depending on, again, the area they serve. The poverty level depends on how much they get. But they also receive usually additional funds related to housing and HAP, things like that, because that is what that funding is used for, and they leverage that as well. Some of them that's not enough either to be able to serve the needs in their communities. So they do also do some private fundraising donors, things like that to fund specific projects. For myself at state association, the majority of our funding, probably about 70 percent, 70 to 75 percent, is CSBG. Then the agencies provide us dues money as well to help-- to help facilitate and offset some of those costs. And then we do have some separate, unrestricted funds that fund our advocacy efforts. So when you see me up here, that is through unrestricted funds. And then to answer Senator Hansen's question on the discretionary use on the 10 percent. So typically how that works, a portion of that is how CAN is funded. Typically, how that works is the money passes through the state CSBG entity and they submit on to the agencies, that's the 90 percent. Then there is a certain percentage of that, a certain amount that will come to CAN. Typically, it goes by what our spending has been in the past for our annual budget, but it's not a guaranteed amount because the agencies are taken care of first. And from that, there's typically a little bit left over that the state CSBG office, as we get closer to the end of the fiscal year, will put back out to

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the agencies and say, for example, there is some discretionary funds left. And so if you'd like to submit a proposal for a specific project, you can submit it for up to X amount. They just divide that evenly amongst those nine agencies. And to also answer the question about carryover, yes, the funds do carry over, so they are fully expended, and that is the state office here in Lincoln. They pretty much keep in contact with myself as well as the agencies. So as we're submitting our expenditure reports every month, they're saying, OK, you've still got this rolling over, so we need to get that expended. And so other than that, if you have any other questions, I'd be happy to-- to try to answer those for you.

ARCH: Thank you.

TINA ROCKENBACH: Yeah,

ARCH: It's always good to hear when something's working. Yeah, I mean, not that we can't--

TINA ROCKENBACH: It takes a lot of work.

ARCH: Not that we can't improve it.

TINA ROCKENBACH: Right, 100 percent.

ARCH: As far as the flow of the dollars--

TINA ROCKENBACH: Right.

ARCH: --and the identifying of the priorities and--

TINA ROCKENBACH: Right.

ARCH: --oversight of the-- making sure we do it correctly, according to federal. Yeah. Appreciate that.

TINA ROCKENBACH: Yeah, you bet. And just to kind of add to that, we did have CSBG CARES money, but that was actually a separate pot of money. So then they're dealing with-- and separate standards and rules,--

ARCH: Right.

TINA ROCKENBACH: --you know, of course. So yeah.

ARCH: Other questions? Senator Hansen.

B. HANSEN: Thank you. So just, I want to get this straight here.

TINA ROCKENBACH: Sure.

B. HANSEN: So again it's the 5 percent discretionary and 5 percent then goes to the agencies, I believe. So agencies, the agencies you said get taken care of first and you're second?

TINA ROCKENBACH: Yes. So typically how that works, when they go through the discretionary funds, they kind of deal with it a couple of different times. So, for example, I just submitted my forecasted FY '23 budget to CSBG here last week of, hey, here's where I think we're going to be at which typically there's not a lot of fluctuation in my office and that is funded through discretionary funds. So that goes through a proposal process right off the bat at the beginning of the year. Then as we go through and they go back, circle back to those discretionary funds and say, hey, we've got discretionary funds that are left, they go to-- those go back to take care of the agencies. So for example, this year, the agencies were told they could submit a proposal for an additional project or something that maybe wasn't part of their normal CSBG budget that, hey, you can apply for up to \$17,000. So that is an option that goes back to the agencies, but not to CAN. So that takes care of the agencies and making sure that they can fill any gaps or take any-- take care of any services, expand services, etcetera, in that end of that fiscal year. But we are not eligible for that so that we make sure it's going back to programs and services as much as possible.

B. HANSEN: OK. How many employees do you have?

TINA ROCKENBACH: Myself, so we're a small office. I have myself and two full time, although I have one vacancy right now I'm trying to fill, and then I have a work-study student.

B. HANSEN: How much does each state agency typically have or--

TINA ROCKENBACH: It varies.

B. HANSEN: So OK, you got the regional. So each regional area has like one person who's in charge of that or is it multiple people, do you know?

TINA ROCKENBACH: For the-- for the Community Action Agencies--

B. HANSEN: Yes.

TINA ROCKENBACH: --in the region?

B. HANSEN: Yep.

TINA ROCKENBACH: So-- so there's nine of them. They each have their own ED/CEO. Now, keep in mind, they cover multiple counties. They also have Head Start, things like that. So the majority of them have 100 or more employees. By the time you count their Head Start staff all the way up to maybe administrative staff, right? And there's-- there's a lot of different levels. So there's director of community and family services and that person oversees all the case managers and maybe oversees the Head Start or they have a separate Head Start director. So depending on the size of the agency, depends on, you know, how many, how many roles they have and things like that. But they all have all of the same programs as far as CSBG is concerned. There are some that have other programs. For example, here in Lincoln, they have the Gathering Place, which is the, for lack of a better term, the soup kitchen that provides meals every day, that is also one that they fundraise for. So they're a separate crew for that, but not every agency has that. So depending on their area, the types of programs that they have aside from the CSBG depends on-- depends on the size, but it's a sizable number of people. I think we, at our legislative reception, we discussed that we provide. I believe it's over 1,300 jobs. That's just the agencies and about \$89 million in-- in economic impact statewide.

B. HANSEN: OK.

TINA ROCKENBACH: Yeah.

B. HANSEN: So that-- that comes from the 90 percent then.

TINA ROCKENBACH: Correct.

B. HANSEN: OK. Again, just kind of a random question. If you can't answer, that's fine. Out of all, so do you know what the distribution of that 90 percent is like percentagewise that goes towards paying employees versus actually going to the community? Or is it? I'm just kind of curious.

TINA ROCKENBACH: So I wouldn't know that without asking the agency. But of course, that's all public record, and that is all what's reported in the monitoring. Again, it depends on how much CSBG they get, how much of that of their budget is. Some agencies, it's a smaller amount of their budget compared to their area and what the-- what the key areas-- things are for their area. And some agencies,

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it's a majority of their funding. So again, kind of depending on the focus of what the needs are in that area, but that is definitely all public record.

B. HANSEN: Yeah, and that's fine.

TINA ROCKENBACH: Yeah.

B. HANSEN: I was just kind of curious if you knew off the top of your head.

TINA ROCKENBACH: Not off the top, my head, no.

B. HANSEN: [INAUDIBLE] one of those things.

TINA ROCKENBACH: That's one statistic I don't know.

B. HANSEN: And one other quick question.

TINA ROCKENBACH: Sure.

B. HANSEN: So can we roll over the funds or do we have to have them spent?

TINA ROCKENBACH: Yes. So typically how it works is you-- so we do our expenditures every month. In the agencies it's the same way, so you turn in your report with your proof of expenditures. And as we-- so right now, like, for example, when I first took over in October and it was very confusing for me at first because I would say, is this FY '22 or FY '21? But you roll over the FY '21 to get that fully expended. And then they'll say, OK, yep, you've expended it. So now we're going to start the FY '22. So even though the FY '22 has been allocated and released, that's where that state office comes in because they're the ones monitoring all that. And it's super, super important to understand that nationwide we make sure that we expend it all. This CSBG grant is up for reauthorization in the House right now and will be-- it's passed the committee and it's going to the floor sometime in May. And that is a big concern because as you see probably from me, you see a lot of data. And I can tell you right now in Nebraska, since I came on, we are one of the leaders in all of our state associations in controlling, not controlling, but controlling and disseminating all of our own data, right? So on the federal end, they're up for reauth, but they're-- they're seeing 2018 data because it takes so long to get those reports through. They're being submitted. But it's so slow in getting disseminated back to the representatives that when they need current information so, for example, they're discussing CSBG reauth,

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and especially the economic impact after COVID, they're not even getting that information. So that's where I've really tried to communicate that here. And then also we're trying to do on-- on the federal end because that's a concern. Is it being fully expended by Community Action? And I can tell you it is. And most state agencies or state associations, excuse me, for Community Action across the U.S. have small-- have small staffs. And the ones that don't have the CSBG money anymore, they don't have management of the data anymore. And I was just in a meeting Friday where other states were asking me, I don't understand how you do it. Well, if you lose your CSBG money, it's really hard because that CSBG pays to make sure that we are keeping track and make sure that everyone's entering. If you can think, for example, one of those agencies has 100 staff and 30 caseworkers, you know, and they're entering data. Human error, right? There's going to be error. And if you don't have somebody reviewing that, monitoring that before it gets to the CSBG monitoring level, and CSBG may not realize that, oh, they should have put it in this field, not that field. And that's where our person comes into play.

B. HANSEN: Thank you, appreciate it.

TINA ROCKENBACH: Yeah, you bet. Any other questions?

ARCH: Thank you. Seeing no other questions, thank you. Thanks for coming today.

TINA ROCKENBACH: You bet. Thank you.

ARCH: Very educational. Appreciate that

TINA ROCKENBACH: You bet.

ARCH: Anyone else wish to testify? Seeing none, this will close the briefing then for this block grant and I would like to move into Executive Session with the committee members.