

Transcript Prepared by Clerk of the Legislature Transcribers Office

Education Committee February 13, 2023

Rough Draft

MURMAN: Welcome to the Education Committee public hearing. My name is Dave Murman. I'm from Glenvil, Nebraska. I represent District 38. I serve as Chair of the committee. The committee will take up the bills in the order posted outside of the hearing room. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. We do ask that you limit handouts. This is important to note: if you are unable to attend a public hearing and would like your position stated for the record, you must submit your position and any comments using the Legislature's online database by 12 p.m. the day prior to the hearing. Letters emailed to a senator or staff member will not be part of the permanent record. You must use the online database in order to become part of the permanent record. To better facilitate today's hearing, I ask that you abide by the following procedures. Turn off cell phones and other electronic devices. The order of testimony is introducer, proponents, opponents, neutral and closing remarks. If you will be testifying, please complete the green form and hand it to the clerk-- 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 11 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that you limit your testimony to three minutes. If necessary, necessary, we'll use the light system: green for two minutes; yellow, one minute remains; and red, please wrap up your comments. If your remarks were reflected in previous testimony or if you would like your position to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. I'd like to introduce the committee staff. To my immediate right is research analyst, Jack Spray. Also to my right, at the end of the table, is committee clerk, Kennedy. The committee members with us today will introduce themselves, beginning on my far right.

SANDERS: Good afternoon. I'm Rita Sanders. I represent District 45, which is the Bellevue-Offutt community.

LINEHAN: Good afternoon. I'm Lou Ann Linehan. I represent Elkhorn and Waterloo in Douglas County.

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ALBRECHT: Hi, I'm Joni Albrecht. I represent District 17: Wayne, Thurston, Dakota, and a portion of Dixon Counties in northeast Nebraska. Welcome.

BRIESE: Good afternoon. Tom Briese. I represent District 41.

WAYNE: Justin Wayne. I represent District 13. I will be in and out, as I got a couple other hearings to-- bills to introduce in other hearings.

MURMAN: And I'll ask our pages to stand up and introduce themselves and tell us what they're studying.

TRENT KADAVY: My name is Trent. I'm over at the University of Nebraska-Lincoln studying political science.

PAYTON COULTER: I'm Payton. I'm studying prelaw at the University of Nebraska-Lincoln.

MURMAN: Thank you. Please remember that senators may come and go during the hearings as they may have bills to introduce in other committees. Refrain from applause or other indication of support or opposition. For our audience, the microphones in the room are not for amplification, but for recording purposes only. Now, we're going to have two bills first and then, depending on how long it takes, we may take a break then. Otherwise, we will go to the third bill and have three minutes-- or excuse me, three hours proponents and three hours-- and then we'll clear the room and three hours opponents and then neutral, which would be agencies only, and then we'll cut off the hearing then. So with that, we'll start the hearing with LB99. Senator Cavanaugh.

M. CAVANAUGH: Good afternoon, Chairman, Chairman Murman and members of the Education Committee. Wow. My bill is very popular. Goodness gracious. There wasn't even room for my staff and I to sit in here. I hope that there will be-- oh, didn't see that. OK. Well, for staff, there are seats over here behind Senator Wayne. Thank you, Senator Wayne, for pointing that out. Good afternoon, Chairman Murman and members of the Education Committee. I am Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I have the privilege of representing District 6, west-central Omaha, here in the Nebraska Legislature. I'm here today to introduce LB99, the Hunger-Free Schools Act. I have an amendment-- oh, yes-- AM48 that replaces the green copy. This amendment is a combination of two amendments from my

previous bill, LB117 in 2001 [SIC]. Those amendments were the committee amendment and an amendment I filed that gives the department the ability to waive participation for schools that do not have the facilities to provide a school breakfast program. I should note that this amendment-- and I apologize. You all know that the first ten days are like drinking from a fire hose, as have been the last 15 additional-- 16 additional days. But this was what was voted out of committee in 2001 [SIC]. So I apologize for that oversight on my part in the original drafting of the bill. So every parent knows and, and studies show that a child-- when a child is hungry, it hinders their ability to focus and learn in the classroom. LB99 would ensure that every public school student in Nebraska has a meal during the school day free of charge. Childhood hunger and food insecurity are directly linked to poor academic performance, poor health and higher rates of depression, suicide and incarceration. We can all agree that Nebraska taxpayer dollars are better spent on programs that keep kids healthy and learning. LB99 maximizes Nebraska's participation in the community eligibility provision, a federally funded program that fully pays for meals to all students eligible-- of eligible schools. Approximately 46 percent of all schools in Nebraska would qualify. For schools that do not qualify for CEP, the Department of Education would reimburse public schools for fully paid meals at the same rate as the free program, making up the difference if a student qualifies for a reduced meal price. An eligible school is one that-- where at least 40 percent of the students are considered part of the identified student population, or ISP. This includes students whose families participate in SNAP, TANF or F-- FDPIR, Food Distribution Program on Indian Reservations. It can also include children who are homeless, refugees or in foster care. Using CEP cuts down on red tape for schools and eliminates the cost of trying to collect school meal debt from families. I want to destigmatize the lunchroom for students who get bullied because they have to take the free meal that identifies their family as low income. Nebraska is a breadbasket of America and yet Feeding America estimates one in six children in Nebraska are food insecure. That is over 100,000 Nebraska children that have to face hunger on a regular basis. That is why I urge the committee to advance LB99 to General File so that we can work together to end child hunger in Nebraska. I know of no better place to invest in our children. I do want to note I did say that this is for public schools. The reason that it doesn't include private schools is that we cannot direct them to do this. And so, of course, private schools can apply and do get free and reduced lunch money and they can apply for the CEP program, but we cannot direct them to do this and direct state funds to them,

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to them doing this. And so that, that was purposeful and, and-- but not intended to be exclusionary. Just that's how our laws are made. I also would like to note that, first of all, I appreciate that the committee got this out of committee in 2001 [SIC] unanimous and we just didn't get to it. And I had used my priority at that time for the family support waiver. I am very keen on this particular piece of legislation and I appreciate your consideration of it because I am considering it to be my priority for this session. It's between this and one other bill and it really is just a matter of if I can get this committee's support behind this bill, then I will be prioritizing it, so. Thank you and I'll take any questions.

MURMAN: Any questions for Senator Cavanaugh at this time? Senator Linehan.

LINEHAN: Thank you, Chairman Murman. Do you have any idea-- because I don't-- what breakfast-- if you have your child eat at school, what parents are charged for breakfasts and what they're charged for lunch?

M. CAVANAUGH: Gosh, I don't know.

LINEHAN: Maybe somebody behind you does.

M. CAVANAUGH: Yeah, I, I probably have that information here somewhere, but I will get it for you by my closing.

LINEHAN: OK. Thank you.

MURMAN: Any other questions? Senator Briese.

BRIESE: Thank you, Chairman Murman. Thank you for being here today with this. Do we have any idea what the new fiscal note would look like with this amendment?

M. CAVANAUGH: I believe it would-- because it would exclude breakfasts for everyone so it would take it down, but I don't have that off the top. So I-- again, I'll look at what the fiscal note was previously because that was in the previous bill and I'll get that-- a copy to that to the committee during the hearing.

BRIESE: And I thought I understood the original bill. This is the first I've looked at the amendment. How many kids are we going to reach with this amendment?

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M. CAVANAUGH: Well, we would reach the same number of children. It's just that the amendment-- if, if a school currently doesn't have a breakfast program, the way the green copy is written, it would require a breakfast program.

BRIESE: OK.

MIKE BAUMGARTNER: This just requires if you have a breakfast program that, that you get this.

BRIESE: That's the only change that's made then.

M. CAVANAUGH: Yeah, yes.

BRIESE: OK.

M. CAVANAUGH: So it would eliminate schools that currently don't-- it wouldn't force schools to start a breakfast program that don't currently have one.

BRIESE: Do you know how many federal dollars we currently get towards this end?

M. CAVANAUGH: Well, for free and reduced lunch?

BRIESE: Yeah.

M. CAVANAUGH: I don't know.

BRIESE: OK. That's all right.

M. CAVANAUGH: Yeah. All of-- free and reduced lunch is, is a federal program and so that isn't state dollars. I don't have the exact amount.

BRIESE: OK, thank you.

M. CAVANAUGH: Yeah.

MURMAN: Any other questions? If not--

M. CAVANAUGH: I will stay for closing.

MURMAN: --we'll have proponents. OK. Thank you.

M. CAVANAUGH: I'm hope-- I'm hopeful that it's not in five hours. This looks like quite the crowd. I assume they're all here for my bill.

MURMAN: You're popular, but not quite that popular.

M. CAVANAUGH: Right. I'm sure. I'm sure everyone is here for this. Thank you.

MURMAN: Good afternoon.

ANAHI SALAZAR: Good afternoon. Thank you, Chairperson Murman and members of the Education Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r, and today I am representing Voices for Children in Nebraska in support of LB99. Children are Nebraska's greatest asset and when our children can reach their full potential, our state and economy are better off. Breakfast and lunch are essentially-- are essential to every child's development and well-being. Access to nutritious and healthy meals is what every child in Nebraska deserves. So I've given you my written testimony that has the statistics and research pertaining to the benefits of free school meals. And I'd be happy to answer any questions about it, but I'd also like to use this time to talk about my prior experience as a teacher. Before CEP went into effect in our schools-- in our school, I had many instances of students not wanting to eat lunch because their families had not added money to their lunch accounts or hadn't turned in the forms for free and reduced lunch. Not only are these barriers for families when it-- are-- they're barriers for families when it comes to submitting the paperwork needed to access free and reduced school meals. There are also familial circumstances that can change in an instant. The caregiver lost their job, their transportation, or one of their multiple sources of income. A family member becomes ill and finances have to shift in the household. Why should a child have to forgo access to, to school meals because of something they can't control? There were multiple times when I had students start to accrue a debt. I knew this, I knew this because I had to hand them a paper that told them so. I called nutrition services to try and pay the debt myself and was told I was not allowed. As an educator, educator, I didn't want to see my students go hungry so I purchased snacks-- snack goods, but that doesn't help when the problem is not only feeding the stomach with a snack, but also the social aspects of school meals. When the community eligibility provision went into effect where I was working, you could feel the shift in school cafeteria culture. No one was worried about when they were going through the lunch line. Kids were able to be kids, excited about the strawberry milk that was in

stock. They grabbed their trays and sat down to eat a meal with their peers. I never had to hand out another slip of paper to a student, student or family that told them they were owed money-- that they owed money. Every student knew they could eat both breakfast and lunch. No child had to fret. LB99 would give every student in Nebraska this opportunity, not only schools, which are designed zones covered by CEP. Feeding students will have its return tenfold with more student participation, participation in academic and social areas, as well as better mental health outcomes and every student in Nebraska deserves that. I'm available for any questions. Thank you.

MURMAN: Thank you. Any questions for Ms. Salazar? If not, thank you very much.

ANAHI SALAZAR: Thank you.

MURMAN: Any other proponents? Good afternoon.

RASNA SETHI: Good afternoon, Chairman Murman, members of the Education Committee. My name is Rasna Sethi, R-a-s-n-a S-e-t-h-i, and I'm a policy analyst with OpenSky Policy Institute. I'm here to testify in support of LB99 because it is a sound investment in school achievement and to ensure that Nebraska students aren't going hungry and it improves nutrition standards for children. If it were not for school meals, many children would go without food throughout the school day. According to Feeding America, one in six children in Nebraska are food insecure. With the improvement of nutritional standards in school meals at the federal level in the past couple of years, the meals these children get not only meet their hunger needs, but provide a source of much-needed nutrition as well. Specifically, recent evidence found that a-- there was a significant decrease in the amount of childhood obesity and child food insecurity as a result of universal school meals provided during the pandemic. This, this legislation would continue providing universal school breakfast and school lunch for all students and thus continue reducing obesity and food insecurity for our state's children. Making the school lunch program universal is also a good investment. Not only does it reduce the administrative costs associated with processing paperwork, but it also provides an economic benefit in the state. For every dollar invested in school meals, there is a \$2 return in health and economic benefit. Simply put, recent research found that \$40 billion-- there was a \$40 billion return on investment through improved health outcomes and poverty reduction from feeding 30 million children nationally. This bill would-- has a substantial fiscal note, but our current state

finances give us the space to make this investment in children. As Governor Pillen emphasizes, children are our future and it is in our best interest not only to invest in their education but their health and wellness as well. Feeding children is a key for ensuring their success in schools. For these reasons, OpenSky Policy Institute supports LB99 and would encourage the committee to move it to the floor. With that, I thank you for your time and happy to answer any questions you may have.

MURMAN: Any questions? If not, thank you very much. Other proponents? Hello.

JULIA KEOWN: Hello. My name is Julia Keown, J-u-l-i-a K-e-o-w-n, and I'm a registered nurse representing the Nebraska Nurses Association. We also consider this a priority bill for this session. The Nebraska Nurses Association represents more than 30,000 registered nurses in the state of Nebraska. We support this bill, a bill that will ensure that all children attending school in Nebraska will be well nourished during the school day. Programs that provide free meals to children at school are highly associated with increased test scores and decreased disciplinary actions for students at school. These programs will help reduce toxic stress in childhood that is highly associated with poor health outcomes, both in childhood and later as-- in life as adults. The American Nurses Association, which is our parent organization for the NNA, recognizes that childhood food insecurity is highly associated with a child's risk for asthma, iron deficiency anemias, developmental issues, growth stunting, poor social, emotional and cognitive skills and absenteeism from school. The Nebraska Nurses Association urges you to support this bill to protect all children in Nebraska from going hungry during school.

MURMAN: Thank you, Ms. Keown. Is-- any questions? Thank you very much. Any other proponents? Hi.

JENIFER SOLANO: Good afternoon. My name is Jenifer Solano, J-e-n-i-f-e-r S-o-l-a-n-o. I'm 17 years old and I attend Lincoln East High School. I also take dual-credit courses at the Career Academy in the health science pathway. I would like to encourage you to advance LB99. When schools across the country closed due to the coronavirus pandemic in March 2020, the U.S. Department of Agriculture, which operates the National School Lunch Program, granted waivers to make school meals free for all students. COVID-19 hurt the workforce and the economy. Not having to worry about paying for meals at school will help families financially. My parents, older sisters and I are

immigrants from Mexico. During the peak of the pandemic, my father lost his job. For six months, my father struggled to find an affordable shop to rent how to continue his mechanic business. My family has always been eligible for free and reduced lunch. During the 2021-2022 school year, when my father was the only one working, barely making any income and not getting any clients, my family knew that they wouldn't have to worry about us eating at least one meal because we got a free lunch at school. Unfortunately, in Lincoln Public Schools, free breakfast and lunch is no longer available for everyone. California, Maine, Vermont, Massachusetts and Nevada will offer free meals to all public school students, regardless of their family's income. I think it's time for Nebraskans to fight for the same. Last year, I wrote a paper discussing anorexia nervosa, one of the most common eating disorders, and I analyzed the causes, symptoms and body symptoms impacted. I've learned some information that I think is helpful for me to share with you today. Ghrelin is a hormone produced by your stomach. Levels usually rise before meals and decrease afterwards. In someone who is malnourished, ghrelin levels are high but drop dramatically during a time of brief feeding. This causes struggles of gaining weight and messed up hunger signals. In an individual with a restricted diet due to a lack of food availability, the body attempts to conserve energy by slowing down other body systems. As a result, the muscles throughout the body can begin to deteriorate. Muscle cells rely on regular metabolism to function correctly. When people keep themselves well nourished, they can participate more fully and effectively in activities. Once the stigma of association with poverty is removed, lunchtime can be a time for relaxation, socialization and joy. From my experience of having free and reduced lunch and being correlated with being a poor kid, it discouraged me from interacting with others. I urge you to advance LB99 to provide free breakfast and lunch to all public school students. Food is fuel and no child should ever go hungry at school. Thank you for your time and I'm willing to answer any questions you may have.

MURMAN: Any questions for Ms. Solano? Senator Linehan.

LINEHAN: Thank you, Chairman Murman. Thank you very much for being here. It's good to have a student.

JENIFER SOLANO: Thank you.

LINEHAN: So was it obvious to the other students that you were free and reduced lunch? Do they make it obvious?

JENIFER SOLANO: At times it is because if you get to the cashier register in the school lunchroom, if you often have more than the program can cover, they will take away your lunch tray and you can't eat lunch. Or if you don't have enough, you have to get a certain amount of milk or fruits and vegetables to meet the protocol for a free and reduced lunch meal. They also make it known that you need to go get more food.

LINEHAN: OK. All right, thank you very much.

JENIFER SOLANO: Of course.

MURMAN: Senator Walz.

WALZ: Thank you, Chairman Murman. Thanks for coming today. Appreciate that.

JENIFER SOLANO: Thank you.

WALZ: You talked a little bit about why this bill is important to you. I just wondered if you could talk a little bit more about what this bill would mean to you and how it would impact kids in the future if this was passed.

JENIFER SOLANO: If this was passed, to me, it would mean a lot because I would know that others would have the opportunity to go to school to fully learn and engage with others without having to worry about needing to get lunch money from their parents beforehand or having to go the whole day hungry. And in the future, knowing that I would be one that could speak up for this and speak up for others would mean a lot.

WALZ: Thank you. Thanks for coming today. Appreciate it.

JENIFER SOLANO: Of course.

MURMAN: Any other questions? If not, thanks a lot for testifying.

JENIFER SOLANO: Thank you.

MURMAN: Any other proponents? Good afternoon.

ALICIA CHRISTENSEN: Good afternoon, Chairperson Murman and members of the Education Committee. My name is Alicia Christensen, A-l-i-c-i-a C-h-r-i-s-t-e-n-s-e-n, and I'm testifying as director of public policy

and advocacy at Together. We strongly support LB99 because it will ensure schoolchildren have the food they need to achieve educational success, creating positive effects for families and children at all income levels. More generally, we support LB99 because in addition to the benefits highlighted by Senator Cavanaugh and the other proponents, this bill is an important contribution to addressing the larger issue of food insecurity in Nebraska. Together's Nourish Program increases food access for anyone facing food insecurity. We operate a choice food pantry where participants select their own food just like they were in the grocery store and we also help them access food assistance. Currently, a family of four will leave the pantry with about ten meals per person, meant to bridge the gap between what the family needs and what they can afford at the store. The Hunger-Free Schools program would decrease the need for the frequency of visits to and the-- an extent, the food obtained at emergency food pantries and provides critical support for these families. In this way, LB99 also provides much-needed support for Nebraska's emergency food providers. Food security organizations like Together have operated in crisis mode since the pandemic increased food insecurity for many state residents. At Together, the average number of pantry visits skyrocketed, skyrocketed from about 14,000 in 2018 to around-- over 150,000 in 2020. That's more than ten times our pre-pandemic numbers. While the number of visits to Together's pantry has decreased since then at over 86,000 visits last year, our numbers are closer to those at the height of the pandemic than they are to those just five years ago. With no end to these elevated numbers in sight, it appears this level of need will not abate any time soon. Since Together is committed to ending hunger in our community, we're planning on this volume as our new normal. But this can't happen without addressing the larger issue of food insecurity. And I mean ending hunger can't happen, not that we can't rise to the occasion, but. And so we urge the committee to support LB99 because it provides that critical support for food-insecure families. It allows food security organizations like Together to fill the gap and it helps ensure children don't struggle through the school day on an empty stomach. Thank you and I'm happy to take any questions, if you have any.

MURMAN: Any questions for Ms. Christensen? If not, thank you very much.

ALICIA CHRISTENSEN: Thank you.

KYLE MCGOWAN: Good afternoon, Chairman Murrman and members of the Education Committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n,

and today I am representing the Nebraska Council of School Administrators, the NSEA, and NRCSA. We'd like to thank Senator Cavanaugh for the introduction of LB99. We've always known that it's more difficult to learn when a student is hungry. Unfortunately, there are too many students in Nebraska who have food insecurities. Schools are a safety net and been available to assure at least a healthy meal or two every day. The shutdown of schools during COVID particularly drove home the importance of the responsibility of schools providing meals. As a former teacher, former elementary principal and superintendent, I can attest to too many incidences of unfortunate instances of children not having enough food, as well attest to the bureaucracy of collecting lunch money, completing free and reduced applications. It was not uncommon for our district to write off hundreds of dollars of uncollectable lunch bills and we don't want to punish the students for lapses of their parents or difficulties that parents have in providing these healthy meals. LB99 is good for Nebraska. Childhood hunger is a barrier to learning. People referenced our research that's shown that children who participate in school breakfast programs had increased attention, memory and alertness, which did translate into improved test scores. Thank you very much for your time and I'm willing to answer any questions.

MURMAN: Thank you. Any questions for Mr. McGowan? Senator Briese.

BRIESE: Thank you, Chairman Murman. Thank you for your testimony here today. I look at the fiscal note of \$55 million. I was surprised we could accomplish this at that price. I thought it'd be more than that. So what, what am I missing here? So I guess how much federal money comes in to do this?

KYLE MCGOWAN: Yeah. I had a whole staff that took care of this program. So as a superintendent, my staff took care of this, but it's a substantial amount. I was surprised to see how low the fiscal note was as well. So I couldn't give you the details of that amount. But, you know, not only is there federal reimbursement, but there's opportunities to buy food at reduced costs, so-- and, and of course, it benefits the agricultural community too in Nebraska.

BRIESE: Do you know what the average cost of a breakfast and/or a lunch is possibly?

KYLE MCGOWAN: Today, I don't. I've been out of it for about six years, so.

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BRIESE: You had a couple of small numbers times 300,000+ students times 185 days a year, you get a pretty big number.

KYLE MCGOWAN: Yeah.

BRIESE: And again, that's why I was surprised.

KYLE MCGOWAN: Right. I am too.

BRIESE: Anyway, thank you.

KYLE MCGOWAN: Yeah.

MURMAN: Any other questions? If not, thank you very much.

KYLE MCGOWAN: Thanks.

MURMAN: Any other proponents?

ERIC SAVAIANO: Good afternoon, Chairperson Murman and members of the Education Committee. My name is Eric Savaiano, E-r-i-c S-a-v-a-i-a-n-o, and I am the economic justice program manager for food and nutrition access at Nebraska Appleseed. We are a nonprofit law and policy organization that fights for opportunity and justice for all Nebraskans and I'm here to testify in support of LB99. I can answer a few questions that were posed to the committee briefly. The, the reimbursement that goes to school meals is a combination of federal funds and then also contributions by students and parents. And so the number that you see in the fiscal note is just that proportion that is from-- would traditionally be from the students and parents. I don't know the exact number of federal funds that go toward it, though. The average nationwide lunch price is around \$2.75, for lunch again. The average breakfast is around \$1.73. These are for elementary schools. They go up by maybe a quarter on average for middle and high school. Let's see, and in Nebraska, the number of kids this will impact, there are 46 percent of all students in public schools using free and reduced-price meals. That means that all those students have earned-- those families earn under 185 percent of the federal poverty level. That's around \$42,000 a year. The total number of students who would be impacted is the total number of public school students in Nebraska, which is around 320,000 students, which is a pretty, pretty large number. I think what I could share just briefly more about is that in the past, we have done some research into unpaid meal debt around the state. In partnership with Senator Walz, we did a research-- a, a survey of districts about their unpaid meal debt, how

they dealt with it and then the costs associated with it. Any unpaid meal that has to be made up for by the district's general fund at the end of the school year. And in our 2019 survey, which was pre-pandemic obviously, 77 districts responded with a cumulative meal debt of around half a million dollars. It doesn't quite stand up to the \$55 million, but it is a contribute-- a contributing challenge. We got re-- we heard from district administrators that around-- that the biggest reason students would-- did not pay for their meals, couldn't pay for their meals, was because the parents and students just didn't have the money or students don't qualify for free and reduced price meals. We can assume that unpaid meal debt is likely double or triple at this point, given some of the anecdotal evidence we've seen around the state. Finally, I will just close by saying that there is national momentum for this in the states. We heard from another testifier that three states have made a permanent investment in this program: California, Maine and Colorado. Three other states have paid for just a single year of this program, which is a huge help for families as they continue to recover from the pandemic. And one did-- one other state has paid for two years of this at this point so it's not unprecedented at the moment. With that, I will close and if you have questions, I'd be happy to take them.

MURMAN: Any questions for Mr. Savaiano? Yes, Senator Conrad.

CONRAD: Thank you, Chair Murman. Thank you, Eric. Good to see you. Just if you happen to know off the top of your head-- and it was brought up in another testimony, but do you know roughly how many school districts have a farm-to-school program where we bring in fresh produce and other sort of resources to kind of supplement the federal school breakfast and lunch program?

ERIC SAVAIANO: I do not off the top of my head.

CONRAD: OK.

ERIC SAVAIANO: There is a-- they call it a farm-to-school census that has that data readily available I--

CONRAD: OK.

ERIC SAVAIANO: --can share with the committee.

CONRAD: We can look that up. Thank you.

MURMAN: Any other questions? If not, thank you very much.

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ERIC SAVAIANO: Thank you.

MURMAN: Good afternoon.

DUNIXI GUERECA: Good afternoon, Chair Murman, members of the Education Committee. My name is Dunixi Guereca. It's D-u-n-i-x-i G-u-e-r-e-c-a. I am the executive director of Stand for Schools, a nonprofit dedicated to advancing public education in Nebraska. Stand for Schools supports LB99. As the Legislature recognized 23 years ago and as the COVID pandemic brought into sharp focus, quote, in order to have an educated, productive workforce, Nebraska must prepare its children to learn. And in order to do so, the children must be well nourished. Therefore, the Legislature finds that the state-- that the school breakfast and lunch programs are an integral part of Nebraska's educational systems. These words are no less true today than they were in 2000. LB99 recognizes this truth and goes a step further, ensuring that every student in Nebraska has access to nutritional and free school breakfast and lunch. As study after study has shown, access to school breakfast and lunch programs reduces the incidence of food insecurity, which in turn helps battle-- helps students better socialize, leads to decreased irritability and anxiety, improves attendance rates and academic performance. Moreover, universal free school lunch provided regardless of parental income level has been shown to increase academic achievement even in higher-income students. Nebraska schools work diligently to provide free-- safe and constructive learning environments for the future leaders of our state. LB99 is a policy proposal backed by extensive academic study that helps our schools provide the environment and tools that our students need to reach their full potential. For these reasons, Stand for Schools urges you to advance LB99. I'm happy to take any questions.

MURMAN: Any questions from Mr. Guereca? If not, thank you very much.

DUNIXI GUERECA: Thank you, Chair.

MURMAN: Any other proponents?

JANE SEU: Chair, members of the committee, my name is Jane Seu, J-a-n-e S-e-u. I'm testifying in support of LB99 on behalf of the ACLU of Nebraska. We thank Senator Cavanaugh for introducing this legislation. The ACLU works with teachers, parents, students, community members and legislators to ensure quality and dignity for all students in Nebraska schools. LB99 would expend-- extend a free

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lunch, free school lunch to all public school students in line with our compulsory education statutes and the Nebraska constitutional provision on free instruction. School lunch debt too often punishes and criminalizes students and their families with poverty, commonly students and families of color, furthering the perpetual systemic inequality in our education system, inside our school buildings, where children are required to be present and nurtured and safe. No student in our public schools should be punished or shamed or lack focus in school because of their low-income status, nor should a child have to sit through school for eight hours on a hungry stomach. We thank Senator Cavanaugh for introducing legislation and urge the committee to advance this bill.

MURMAN: Thank you. Any, any questions? If not, thank you.

JANE SEU: Thank you.

MURMAN: Any other proponents? Any opponents for LB99? Anyone in the neutral position? Good afternoon.

SCOTT THOMAS: Good afternoon, Senators. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s. I'm with the NGO-- human rights NGO called Village in Progress. I wouldn't testify against the bill. I wouldn't oppose it, but I have some concerns that restrict me from testifying as affirmative, I guess. So I'd say, (a) you're right that the health of the state's economy is directly tied to the proper cognitive development of the future generations of our state. I'd say you're right that proper cognitive development is tied to proper nutrition. But I'd say that you're wrong to think that you can pick and choose. And here's why: you have no way of knowing which child that child is. Especially in the present state of the economy, the income of parents has the potential to fluctuate greatly following the initial filing period. I don't see anything in here addressing that. Second, the state should show an equal interest in the proper nutrition of all school-aged children and I see no mention in here or provision for private schools, only public. And then third, some children heavily rely on the school almost exclusively for hot meals. I know one child in particular during the pandemic-- state ward-- that the caretaker was instructed to withhold food from the child by the state and that child at times ate exclusively at school. So discrimination based on religious beliefs violates the First Amendment of the U.S. Constitution, as well as Articles 2, 7, 18, and 26 of the 1948 UDHR. So I'm neutral on this bill until I see how it shakes out and if any language is added to that effect and then we'd be in support of it.

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Absent that language, we would oppose it unless you can tell me the name of the child. Questions for the senators?

MURMAN: Any questions for, for Mr. Thomas? If not, thank you very much. Any other neutral testifiers? While-- I'll invite Senator Cavanaugh to come and close. While she's coming up, we had 41 proponents, 3 opponents, and no neutral letters.

M. CAVANAUGH: Thank you. I have another handout, apologize. It's a letter from OPS who is currently doing free and reduced lunch or universal meals for all of their students in OPS. So at the start of the pandemic, we saw that the federal government had an emergency clause that allowed for all schools to get free meals. And this was, I think, sort of a test pilot. So we've already done the test pilot of my proposal from 2021. I do have information on the reimbursement rates and my staff-- oh, here it is. There we go. This is from 2021-- 2020-2021 so it probably needs to be updated, but it gives you a good idea of what the food reimbursement rates are. Senator Briese, you had a question about the federal amount and I still don't have an answer on that, but I will try to get you one. And I was incorrect; since my bill was kicked out of committee, but we didn't get it scheduled on the floor, it was on General File with a committee amendment. So I don't have an updated fiscal note from LB117 from 2021, but-- so I don't-- I can't give you an answer on how the breakfasts-- offhand, but I will seek an answer as to how the removing the requirement of breakfast to all schools will impact the fiscal note. I think the fiscal note is less than you might expect because this is taking into account those that would not be eligible currently. So it's for making sure that all kids have free lunch at the schools. That is just part of the cost of operating schools and so it-- we're not adding into the fiscal note those that are currently receiving free lunch. So that, that makes sense. I'm not sure if that's make-- if I'm explaining that correctly or in a clear way. To the last testifier's comments about all children, I am open to this being for all children. If we can find a way to make it all schools eligible, that-- it is not my intention to prohibit that. I'm just not sure how we do it. But I'm definitely, I'm definitely open to it. I just don't know that we can compel our private institutions to participate in the program. But if, if we can find a way to massage that language, I'd be very open to an amendment to that end. So with that, I will try to follow up with all the information that you've already requested. And if you have any more questions, I'm happy to take them.

MURMAN: Any questions for Senator Cavanaugh? Senator Linehan.

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LINEHAN: Thank you, Senator Murman. I, I think you're on the right track, but it would be helpful if you would get that through the Fiscal Office. So all the students that are currently in the CEP program are already taken care of. So that probably takes care of OPS.

M. CAVANAUGH: Um-hum.

LINEHAN: I can see me maybe Grand Island--

M. CAVANAUGH: Yes.

LINEHAN: --South Sioux City. So that'd be a large number of--

M. CAVANAUGH: Yes.

LINEHAN: --our equalized schools. And then you have 46 percent statewide, they're already on the program. So the number I think we're looking for, which might explain the fiscal note, is how many kids are already on a program. Because all the kids that are CP--

M. CAVANAUGH: Right.

LINEHAN: --that's going to include more than the 46 percent because every--

M. CAVANAUGH: Right.

LINEHAN: --every child is getting a meal.

M. CAVANAUGH: Yes.

LINEHAN: So if we can get that number, then maybe we'd better understand the fiscal note.

M. CAVANAUGH: Yes, I will work with the Fiscal Office on that.

LINEHAN: OK. Thank you very much.

M. CAVANAUGH: Yep.

MURMAN: Any other questions for Senator Cavanaugh?

M. CAVANAUGH: Also feel free to use a committee priority on this. That's also an option available to you that I would not oppose so thank you so much.

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MURMAN: We'll take that into consideration.

M. CAVANAUGH: Thank you so much for your time. Have a great afternoon.

MURMAN: That will close the hearing for LB99 and we'll open the hearing to-- for LB201. Good afternoon, Senator Vargas.

VARGAS: Figured if I wait, it would get quiet on its own. OK. Here you go. Good afternoon, Chair Murman and members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7 in the communities of downtown in south Omaha-- the heart of south Omaha, just to give Senator McDonnell a little grief-- in the Nebraska Legislature. LB201 is a fairly straightforward bill. For those of you that served on the Education Committee in the past, I want to thank you for supporting this bill in the past. Essentially, beginning in a 2023-24 school year, all high school students would be required to complete and submit a free application for federal student aid, or in other terms, FAFSA. Now, this requirement could be waived by completing a simple waiver form at the school district level. This bill should sound familiar to you because it was my priority bill a few years prior. LB201 made it through the committee process and three meaningful rounds of debate and dialogue and then was vetoed by the Governor. The Governor's concerns were centered around this being an unnecessary hurdle where parents had to share private financial information. I would once again like to remind the committee that this bill includes a very simple waiver form that would exempt a student from this requirement. Should a family feel that this financial information is too sensitive to disclose on a federal financial aid form, they wouldn't be required to share it. And they're not required to share their financial forms or information with any school districts. It is, again, just what they would be applying for with the FAFSA. Across the country, \$3.58 billion of federal Pell Grant dollars were left on the table, \$3.6 billion of taxpayer money that's sitting there unused, not coming back to taxpayers. Nebraska's class of 2022 left \$21 million of Pell Grants-- and that's a conservative estimate-- on the table. I want you to think about every single amount of federal-- oh, sorry, state funding for new programs, for grant programs and things that we're trying to do to make it more affordable for people to get higher education. And there's \$21 million that is left on the table in Nebraska every year right now because people that are eligible are not actually completing the FAFSA. If this bill passes, Nebraska would become the-- not the fourth state, but it'll probably about the seventh or eighth state now. Last time I introduced this, it was the fourth state. But since then, we've had-- oh, gosh,

Alabama was one of the newest states that passed this. California, Illinois, Texas, Louisiana. I mean, these are states that have one thing in common: they're all competitive and they want to make sure taxpayer dollars are getting out to making higher education more affordable. Now, the first state was Louisiana. Now, when it passed its law in 2015 and implemented it beginning the 2017-18 school year-- and these recent years, as I mentioned, Illinois and Texas passed some similar bills. Now, since Louisiana started requiring FAFSA completion, they now have the highest FAFSA completion in the country. They jumped from around 50 percent to nearly 80 percent, as well as an increase in both high school graduation and college attendance following graduation. Analyses show that over one-third of high school graduates did not complete the FAFSA in 2018, missing out on an average of \$4,000 in financial aid. The maximum award for a Pell Grant the 2018-19 academic year was about \$6,000. Last year, Nebraska exceeded the national average for FAFSA incompleteness rates, with 38 percent of students not completing or submitting their FAFSA. There was a new study published about the impact of mandatory FAFSA policies, which I'll also handout. And I want to make sure to hit on some of these points because I think it's important that we support evidence-based policies proven just like this one. And actually, since then-- get this one out-- Texas, in their first year of passing their legislation, saw about a 14 percent increase in just a year of their FAFSA completion. Now, what this report shows that's being handed around is that these FAFSA legislation or state policies close the gap in completed applications between high- and low-income school districts by 87 percent in one year and completely closed the gap within two years. The policy also increased FAFSA completion rates overall. Now, before it was enacted, just one in three public high schools had completion rates of at least 65 percent. After the policy was passed and enacted, the completion rates for these similar public schools increased to four out of five schools. Now, as you-- all you know, students pursuing post-secondary education currently have the option to complete and file a FAFSA in order to be considered for a federal Pell Grant, a subsidized Stafford Loan, federal Perkins Loan, federal Work Study Program, state-sponsored Nebraska Opportunity Grant Program and college-sponsored financial aid. Now, by making FAFSA completion a requirement, schools would be able to provide more assistance and resources to students who may not otherwise have the assistance to complete a FAFSA application on their own or who do not know about the financial resources that could become available to them if they did complete one. When students don't or do not apply for the FAFSA, many revert to private student loans, which often have higher

interest rates and lack the consumer protections that federal loans do. Now, research shows that 47 percent of private loan borrowers could have used more affordable federal loans, saving thousands, even tens of thousands of dollars in post-collegiate graduate student loan payments. Private loans are commonly recognized as the riskiest ways to finance college and many students that go that route, they do that simply because they don't believe they're going to qualify for any financial aid. The reality here is the vast majority of students actually do qualify for some federal aid. It's available for anyone with a household income below \$250,000, which is about 95 percent of all households in the country. But here's the gist: requiring students to complete the FAFSA under this bill will lead to an increase in more affordable student grants and loans and hopefully college enrollment and to trades. When it becomes more affordable for low-income students and their families, this is the-- this is why we're doing this bill. Now, higher education, which includes colleges, apprenticeships and other job skills training programs, these are the best tools we have to support economic growth. I don't have to tell you. This is the bills that you've been hearing for years and for some of you, for the first time. Getting students the help they need to complete the FAFSA is critical to their ability to pursue higher education and ready themselves for successful careers in Nebraska. I also want to note that this is a no-cost, common-sense way to help more students find success after high school. Finally, I'd like to add that this issue is personal to me. Some of you know this. Had I not applied for FAFSA and received a federal Pell Grant, I would not have gotten a college degree and I would have not gotten my master's degree. And I know that sounds like a nice story, but it is the truth. First, getting a Pell Grant helped me to afford college. I actually got work study and because of that federal Pell Grant and completing that FAFSA, I also earned the equivalent of a Nebraska Opportunity Grant program, grant aid that also helped me to afford it. That's one of the reasons why I believe I've been able to continue to push for higher education affordability so that more students like myself have the same potential outcomes. But had I not received this program, I don't know if I'd be sitting in front of you here today. Maybe. Who knows? But I want to work together to make education more affordable and attainable for Nebraska's students. I will follow up with this-- and I'll send this to you-- New York Times did a recent analysis at the end of last year looking at why are both, for the sake of politics, both more conservative or Republican-registered or Democratic-registered states, both all equally passing the legislation like this, either in statehouses or in the Governor's house? And the reason that they can

come up with this is that every single year, we discuss how can we make higher education more affordable to students? Every single year. And instead of creating new programs-- which I'm not against creating new programs-- we should be trying to leverage the dollars that we currently have right now. And we're talking about \$22 million is just sitting there that we can get in the hands of people so they can get to good jobs or pursue other higher education opportunities. I think this is an opportunity for us to be not left behind in the pack of what Texas has done, Alabama has recently done or Louisiana has done. Because at the end of day, students are more likely to pursue higher education when they're aware of the financial resources available to them and this is what this is going to help us solve. I appreciate you and I'm happy to answer any questions.

MURMAN: Any questions for Senator Vargas? If not, thanks a lot.

VARGAS: So it's your priority bill now. OK. Two priority bills already done. Thank you, Senator Cavanaugh. Appreciate you, Chair Murman.

MURMAN: Any proponents for LB201?

JANE SEU: Good afternoon--

MURMAN: Good afternoon.

JANE SEU: --Chair and members of the Education Committee. My name is Jane Seu, J-a-n-e S-e-u, testifying on behalf of the ACLU of Nebraska in support of LB201. We thank Senator Vargas for introducing this legislation. We support this bill because it is about educational equity, racial justice, and economic justice. LB201 will require that all public high school students fill out the FAFSA before graduating from high school. This bill would ensure that students receive critical information or at least think about attending higher education institutions all while applying for financial aid. Studies have shown that high school graduates are more likely to enroll in college if they receive \$1,000 or more in grants, particularly among low-income students. As you heard, Louisiana was the first state to pass legislation like this and it has, it has already had positive effects. The completion rate rose from about 57 percent to 77 percent and increased graduation and college enrollment rates there. And I believe it's eight states that have similar laws like this. Those states are Louisiana, Texas, Illinois, Alabama, Colorado, Maryland, California and New Hampshire. Access to and completion of the FAFSA will have a positive impact on graduation, graduation rates and

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college enrollment, widening the range of higher education opportunities Nebraska high school students have after graduation, particularly for black and brown students and students in rural areas. LB201 represents a wise investment in our state and students' futures and we urge the committee to advance the bill to General File.

MURMAN: Any questions for Ms. Seu? If not, thank you very much.

JANE SEU: Thank you.

MURMAN: Any other proponents?

MIKE BAUMGARTNER: Good afternoon, Chairman Murman, members of the Education Committee. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I'm the executive director of the Coordinating Commission for Postsecondary Education and I'm here today to testify in support of LB201. FAFSA completion is an education issue and a workforce issue. It's intrinsically connected to the 70 percent attainment goal that this committee sponsored and the Legislature adopted last year in LR-- LB3-- LR335 and even more recently to the Nebraska Chamber's goal to increase enrollment at Nebraska's colleges and universities by 10 percent in five years. While the commission strongly supports attracting out-of-state and international students to our colleges and universities, we're foremost focused on increasing the number of Nebraskans who attend our colleges and universities. And the largest group of students who did not immediately pursue postsecondary education is our low-income students, defined here as eligible for free and reduced lunches. We have more detailed information that will be published in the coordinating commission's annual progress report next month, but the essential facts are that only 47 percent of 2021 low-income male public high school graduates attended college within one year of high school graduation, compared to 70 percent of non low-income males. While among females, the percentages were 58 percent of low-income graduates, compared to 80 percent of non low-income graduates. If 2021 low-income graduates had entered postsecondary education within one year of graduation at the same rate as non low-income students, our colleges and universities would have enrolled almost 1,800 additional students last year. That's a nice movement toward that 10 percent increase and toward the attainment goal. Making FAFSA completion a high school graduation requirement will not yield 1,800 additional college students per graduating high school class year, as there are many reasons students don't attend college. But it has great potential to tip the balance for a significant number of those students. As you know, students must

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complete the FAFSA to access federal and state financial aid and federal loans. Campus-based financial aid often requires completion of the FAFSA as well. Unfortunately, many potential students, primarily low income, do not and never will find out what resources they could have had to access college. We have outstanding initiatives in Nebraska to encourage and assist the FAFSA completion, such as the great work of EducationQuest College Possible, Avenue Scholars, campus TRIO programs, and most fundamentally, our high school counselors. However, we simply need to do more, as an increasing number of states, both red and blue, are. And I would mention that Kansas added it as a graduation requirement earlier this year. One objection to LB201 that may be raised is we simply can't add more to the overflowing plates of our high school counselors. While it won't completely solve the problem of additional workload, I would like to offer up the coordinating commission's FAFSA completion initiative tool as a significant partial solution. The completion initiative is a partnership between the coordinating commission and the U.S. Department of Education that allows the coordinating commission to provide FAFSA completion information to school districts, high schools and other designated entities. In operation since 2014, over 200 Nebraska high schools currently participate in the initiative. Registered users--

MURMAN: Please wrap it up. Go ahead and finish your thought if you want to.

MIKE BAUMGARTNER: I, I think you'll-- thank you. Registered users at participating high schools, typically counselors, can see which of their students have started and completed a FAFSA. High school personnel cannot access the student's FAFSA data, such as income and asset information, but they are able to see whether an application is in process or completed. Using that FAFSA tool, schools can indicate or could tell which students had completed the FAFSA, which ones they need to do follow up with and make sure that they had the opt-out forms from those that aren't participating at all. Thank you.

MURMAN: Any questions for Mr. Baumgartner. Senator Linehan.

LINEHAN: Thank you very much for being here. I appreciate your support for this. The 200 high schools, is that 200 districts or 200 buildings?

MIKE BAUMGARTNER: It's 200, 200 buildings.

LINEHAN: OK.

_____ : High schools.

MIKE BAUMGARTNER: High schools. Yeah.

LINEHAN: High school buildings.

MIKE BAUMGARTNER: Two hundred buildings, yeah.

LINEHAN: OK. Could you then find out how many high school buildings aren't participating?

MIKE BAUMGARTNER: Yes.

LINEHAN: A math problem, if I could--

MIKE BAUMGARTNER: Yes, we can. We have-- because we have, we have a data-sharing agreement with each one of those schools so, yes, we can--

LINEHAN: OK.

MIKE BAUMGARTNER: --easily do that for you.

LINEHAN: Because isn't one of the things you're trying to address-- because I asked the university for these numbers. I'm sure you're-- we have 23 percent of the kids who are graduating from a Nebraska high school-- you might have a different number, and correct me if I'm wrong-- graduate attain a 20-plus ACT, but they're not going on to any school.

MIKE BAUMGARTNER: That sounds right to me. I have not looked at that data this year.

LINEHAN: Because we have 23 percent of our children who-- students who could be successful according to their ACT. score, which is interesting.

MIKE BAUMGARTNER: Well, I think a lot of students could be successful, but.

LINEHAN: Right.

MIKE BAUMGARTNER: Yes, they're particularly well prepared, yeah--

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LINEHAN: Yes.

MIKE BAUMGARTNER: --and who are not attending anything. Yes, that's--

LINEHAN: Right, which seems like-- since we're short of teachers and nurses--

MIKE BAUMGARTNER: Yes, it--

LINEHAN: --and police and firemen--

MIKE BAUMGARTNER: Yep.

LINEHAN: --and everybody. Yes. OK.

MURMAN: Any other--

LINEHAN: Thank you very much.

MURMAN: Excuse me. Any other questions for Mr. Baumgartner? If not, thank you very much. Good afternoon.

JUSTIN BROWN: Good afternoon, Chairman Murman and members of the Education Committee. My name is Justin Brown, J-u-s-t-i-n B-r-o-w-n, and I have the honor to serve as the director of scholarships and financial aid at the University of Nebraska-Lincoln. I'm appearing here today in the official capacity in support of LB201 on behalf of the University of Nebraska System. I want to thank Senator Vargas for introducing this important legislation that provides for a public high school graduation requirement related to applying for federal financial aid for postsecondary education or opting out of such application. At the heart of the American Dream is the concept of economic mobility made possible for many through postsecondary education or training. The ability to access this education and afford it is achieved through various scholarships, grants and other financial aid, which requires completion of the federal financial aid application known as the FAFSA. For college-intending high school students, this form is completed for the first time during their senior year of high school. Yet nearly half of Nebraska's high school class of 2021 did not submit a FAFSA. As you've heard, other states have resolved this-- have addressed this problem and increased education awareness and FAFSA filings significantly, as well as college enrollments by passing similar laws to LB201. By increasing awareness around the FAFSA and applying before high school graduation, Nebraska students would be able to access the over \$20 million Senator

Vargas talked about in federal student grant funding that has gone unused due to not filing the FAFSA in order to help them afford an education in Nebraska and join the workforce in the state. It is a top priority for the University of Nebraska System to expand access and opportunity for students and families across the state, especially in key workforce areas. We've taken steps designed to meet this priority with the creation of the Nebraska Promise, which allows qualifying Nebraska students with family incomes of \$65,000 or less, the state's median income level, or who qualify for the federal Pell Grant to attend the university tuition free. Filing the FAFSA is an essential first step in qualifying for this program and other similar programs across the state and filing before high school graduation is key to informed decision-making on behalf of students and families. Additionally, my colleagues and I across the state who work in college access awareness and transition programs are prepared to help further educate and inform high schools, their staffs, families and students about the FAFSA. This will include a simplified FAFSA, which will be unveiled by the U.S. Department of Education this coming year, making the process much easier for high school counselors, students and their families and expanding eligibility for federal student aid to many more students. For these reasons, the University of Nebraska System and its four campuses support LB201. Thank you again for the opportunity to testify and I would be happy to answer any questions you may have.

MURMAN: Any questions for Mr. Brown? If not, thank you very much for your testimony.

JUSTIN BROWN: Thank you.

MURMAN: Good afternoon.

PAUL TURMAN: Good afternoon, Chairman Murman, members of the Education Committee. My name is Paul Turman. That's spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System, oversight of Chadron, Peru and Wayne State Colleges, here in support of LB201 making the FAFSA a graduation requirement for the schools here in Nebraska. I'll try to highlight two important things that I don't think have been brought up in the testimony yet. Certainly what we're seeing is that students are leaving quite a bit on the table. I think Senator Vargas highlighted the \$20 million a year. I think it's also important to emphasize how the way in which our colleges utilize the data that comes from the FAFSA as a way to be able to engage with families and students really about the entire application process

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itself. So our institutions try to allocate its own aid out based on the information that they have available from the students that are applying and FAFSA becomes a critical piece of that conversation. So if we know exactly what is still left, how can we fill in those gaps? Each year, we provide information to the Coordinating Commission for Postsecondary Education to try to highlight the way in which unmet need is, is determined for the Nebraska residents who have gone on to college. So it's not only the Nebraska Opportunity Grant program, need information to do that. The state colleges have a Nebraska tuition guarantee to fill in the gap of any student who does need to complete the FAFSA to begin with. I think he would note that the Nebraska Promise, that the university system has that same expectation. We also have a very significant philanthropic organization in this state, the Susan Buffett Foundation, that allocates roughly about \$44 million a year to needs-based scholarship support. All of those work in tandem and the ability for institutions to have access to that and work with students becomes a critical linchpin in helping to move that dial that Dr. Baumgardner had noted. How do we increase the capacity for people to go on? I think secondly, what's most important is that it becomes a very good mechanism for families to begin to have an in-depth conversation about the realities of not only going to college, but paying for that. So work study, all the grant aid, everything that brings to bear becomes critical and it starts with the FAFSA. And sooner that students can complete that, the more likely we are to have the important conversations and bring all of the experts to the table to help encourage people to go into those critical fields: education, workforce, [INAUDIBLE] healthcare and everything else. I'd be happy to answer any questions, but I strongly support your passage of LB201 out of committee.

MURMAN: Any questions from Mr. Turman? If not, thank you very much.

PAUL TURMAN: Thank you.

MURMAN: Any other proponents? Any opponents for LB201?

KYLE MCGOWAN: Good afternoon--

MURMAN: Good afternoon.

KYLE MCGOWAN: --Chairman Murman, and members of the Chair-- or Education Committee, excuse me. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n. Today I'm representing the Nebraska Council of School Administrators, STANCE, NRCSA and Nebraska Association of School

Boards. We thank Senator Vargas for his support in getting students-- encouraging students to make application to colleges. However, we respectfully oppose a mandate for the completion of the FAFSA as a graduation requirement. I thought I would bring along the form, the FAFSA form. And you can take a look at the ten-page requirement, which is well worth completing. In fact, schools go to great lengths to help students and families complete the FAFSA form. Unfortunately, the idea that there is a simple opt-out form that parents can complete is-- and it is very, very simple form, but the idea that you cannot graduate if you-- the parent doesn't complete it is more difficult than it sounds. Because I can assure you all across the state on commencement day, there will be students that show up and want to walk across the stage and their parents haven't completed the form even though you've sent certified mail, sent home snail mail, put it on Twitter. There will be parents that haven't completed the form and that is going to be a difficult situation. Also, the FAFSA form has nothing to do with academic progress so now we're having a graduation requirement that has nothing to do with academic progress. I've spoken to a guidance counselor even recently because I wanted to see if we're still doing this, because at the district I was at, we offered multiple evening meetings for parents to complete the FAFSA because it's not an easy form to complete, and there's lots of documentation that's required for parents. But we were there evenings giving these-- this help in English and Spanish besides setting up individual appointments for parents. We don't believe that there should be a nonacademic requirement for graduation, although we wholeheartedly believe that students should be taking advantage of the money that's available for them to attend post education. And I'll stop there.

MURMAN: Thank you. Any questions for Mr. McGowan? If not, thank you very much. Any other opponents for LB201?

PATRICK PETERSON: Good afternoon.

MURMAN: Good afternoon.

PATRICK PETERSON: My name is Patrick Peterson, P-a-t-r-i-c-k P-e-t-e-r-s-o-n. I'll be testifying on behalf of the Nebraska Freedom Coalition, which represents thousands of patriotic Nebraskans across this state. I had no intention of testifying today at all, but there were just too many amusing things that came up thus far that I couldn't help bring to the record. One of them being in an article from February 10, just a few days ago by Andrew Ozaki, who's here frequently, it states that University of Nebraska President Ted Carter

warned on Friday of the strong headwinds as the university faces the perfect storm of declining enrollment, higher expenses and a possible \$38 million budget gap. I think that's one reason why you see LB201 here today. Another thing I want to bring up was that this is basically making completing FAFSA a competition between states. Whoever gets the most applicants wins. It-- this is just fine. I think the, the other important thing here is if you have to divulge all of your assets just in order to graduate, is there some sort of a violation of the Fourth Amendment here? I mean, we're really going to be asking parents about every single asset-- asset that they have simply to have their child graduate? I'm, I'm sorry. But the most important thing I needed to ask Senator Vargas was in order to complete both a FAFSA-- and as it pertains to voter ID, a driver's license is required. And so I just-- I beg the question for which one of those is racist. Thank you.

MURMAN: Thank you. Any questions for Mr. Peterson? If not, thank you very much. Any other opponents for LB201? Anyone want to testify in the neutral position? If not, I'll invite Senator Vargas to come up close. While he's coming up, in letters, we had two proponents, one opponent, no neutral.

VARGAS: Thank you very much, members of the Education Committee. A couple of things I want to try to react to in terms of some of the policy implications. So I do want to thank the people that came and testified in support. I always find it interesting that we have a lot of higher education institutions that are coming and saying, look, we think this is going to level the playing field for low-income individuals, for first-generation individuals and for providing economic opportunity for, for people to get a good job. And that is the real outcome of this. We've also heard opponents say-- and I want to try to address this because this is important. It was mentioned that the idea that an opt-out form is, is more difficult than it sounds. I'm not saying that completing an opt-out form isn't difficult. What I'm saying is if other states have figured out opt-out forms that meet the needs of Nebraska families so it makes it easy and clear that they're saying, I do not want to complete a FAFSA application to be able to identify financial aid resources or potential grants of my taxpayer money coming back to me so I can utilize it for my own education. That that has been figured out in eight states and many, many more are going down this route. If they figured it out, states that are five times-plus our size then now it's clear that we can also figure out how to do this. If you see in the language here, there is also-- we, we also put in the ability for not

only for opt-out provisions, but that the principal or his or hers-- his or her designee would also be able to create an opt out if there is an extenuating circumstance. I don't want this to be this idea that there will be a parent that we couldn't get in contact over a year that is-- this is the reason why we're standing in the way for graduation. When we worked on this the first time, we wanted to make sure that there was a provision that says that the school has the ability to make that really hard determination, if need be. But at the end of the day, there's a reason why states are moving down this reason of creating a requirement with an opt-out provision. When parents believe that there is something that is so important that it's a requirement, they look at it differently and they find the resources. And we're telling them it's that important. People are changing their actions and the grid-- the grid-- the rates of completion of FAFSA, the rates of actually going into college and higher education are increasing in every single one of the states that this has passed. And one thing that is also clear: the rate of parents that are saying that they're not graduating because of this requirement has not been an issue in these other states. So it's not going to be an issue in this state either. I'm happy to work with individuals on the implementation and how we can utilize these really, really good resources in the end. But I do want to call out some of the other supporters that provided testimony: EducationQuest Foundation submitted a letter in support. They have been working on making sure our FAFSA completion rates go up because even if they're somewhere between 40 to 50 percent, that's not good enough. That's not good enough. And I also want to thank the Nebraska Association of State Financial Administrators also for their support of this bill because they see this as a pragmatic, bipartisan way of making sure taxpayer dollars are coming back to Nebraskans to use for their higher education. Thank you again for supporting this bill in the past, getting it past the three rounds of debate and I ask that you move this bill out of committee. And I appreciate your-- this opportunity to make sure that we can better educate, make sure that we can get more taxpayer dollars back in the hands of Nebraska students and families. Thank you.

MURMAN: Thank you, Senator Vargas. Any questions?

ALBRECHT: I have just one.

MURMAN: Yes--

ALBRECHT: Thank you.

MURMAN: --Senator Albrecht.

ALBRECHT: Thank you, Chair Murman, and thanks for bringing the bill, Senator Vargas. But on page 2 of the bill, I'm just circling lots of shalls, but I don't see it-- like, in-- on line 15, it says beginning with the 2024-25 school year. Each public high school student shall complete and submit to the United States Department of Education free and-- application for federal student aid prior to graduating from such high school, except otherwise provided in this subsection. So where in the bill does it say that there would be an opt out for a parent not to have to fill it out?

VARGAS: Now I'm trying to find out exactly where it is.

ALBRECHT: So that's just my concern. So you can let me know where that's at. That's all.

MURMAN: Any other questions for Senator Vargas?

VARGAS: I'll find the exact number. I'm just forgetting exactly where it is right now.

ALBRECHT: OK. Thanks.

MURMAN: Otherwise, you can get back to us later.

VARGAS: Yeah.

MURMAN: I've just got one question. The opt-out form, I assume the other states, they have kind of a uniform form or how diff--

VARGAS: You know, it--

MURMAN: --I mean, how--

VARGAS: --it kind of goes--

MURMAN: --involved is the opt-out form? I would think it'd be pretty simple.

VARGAS: You know, it is different for every different state. Some of them have very-- the opt-out forms are created at the district level. Some of them are created at the state level. What we want to try to make sure is it's, it's simple and it's not cumbersome for parents or families. I don't want to make it harder than it is. This is about I'm choosing not to apply for a federal FAFSA and I'm knowingly doing that

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is really the, the action and the step that we're trying to seek out of this legislation.

MURMAN: OK. Thank you. Any other questions? If not, that will close the hearing for LB201 and we will open the hearing on LB575. And I'll ask that if you're a proponent for LB575, you can stay in the room. If you're an opponent, I'll ask that you leave because we're going to have three hours of proponent testimony first and then clear the room and go to the opponents for three hours. We'll take a five-minute break right now, just five minutes because we'll have another break later.

[BREAK]

MURMAN: --ask one more time if you're a proponent, stay in the room. If you're an opponent, you'll have to leave and wait for the opponents to come in with the next group. So if you're an opponent, you'll have to leave now or the sheriffs won't allow you to testify. I won't allow you to testify either if you're an opponent-- or an opponent, yes, because you need to wait for the next group. And the invited, invited testimony, I ask that you sit in the front two rows if you can and then we'll fill in after that for three hours. So with that, I guess we're ready to open with LB575, Senator Kauth. And, and I should announce also we'll take a break then again after the first three hours and we'll take a break between the proponents and the opponents. Thank you. Go ahead.

KAUTH: Ready?

MURMAN: Yep.

KAUTH: Good afternoon, Chairman Murman and members of the Education Committee. My name is Kathleen Kauth, spelled K-a-t-h-l-e-e-n K-a-u-t-h, and I represent District 31 in Millard and southwest Omaha. LB575, Sports and Spaces, is a fair, common-sense law to uphold Title IX and provides clarity and instruction to K-12 schools. Sports and Spaces uses biological sex at birth based on chromosomes to identify male and female. It prohibits biological males from competing on biological female sports teams and maintains the integrity of Title IX by identifying group bathrooms and locker rooms based on biological sex. I do not take the applications of this bill lightly and I recognize the emotions that exist on all the stakeholders and in this room today. As legislators, it is in the interest of the state of Nebraska to protect the dignity, privacy and ability to compete fairly

of all children in our schools and to uphold the laws appropriately. Sports and Spaces clarifies for schools and students that biological sex is the determinant on which sports team a student may participate in and which bathroom or locker room they may use. Biological male athletes have an unfair advantage over female athletes. They are stronger, bigger and faster, even after taking feminizing hormones. This conclusion is supported by current, reputable studies which we can provide upon request. One of the authors of such studies is testifying today and can answer any questions you may have. Biological females will lose spots on teams, playing time and the ability to compete for scholarships if we do not act. Opponents of this legislation have argued that the number of athletes dealing with gender dysphoria in the state is so small that we shouldn't worry about it. It is a mistake to think this will not be an issue here. No biological female athlete should have to worry about losing scholarships, playing time or getting injured on the field. When we see high school athletes like Selina Soule, Chelsea Mitchell and Alanna Smith in Connecticut losing to biological males in track competitions, we need to pay attention. Preventive measures need to be established now. Because of these biological differences, male athletes can physically harm female athletes. For example, Lacrosse is a sport that is rapidly growing in our area. It is fast and physically aggressive. Should a biological male athlete run into a biological female athlete, she will get injured. Last October in North Carolina, a biologically male athlete playing on the girls volleyball team spiked a volleyball into the face of a female athlete on the opposing team, resulting in severe head and neck injuries and the end of her season. Title IX was passed in 1972 to expand opportunities for women and girls. Single-sex teams have created an explosion of female athletic participation and access to opportunities. Nebraska must uphold this law. There are now 18 states with laws protecting women's sports based on biological sex, with many more states introducing bills this year. Adolescence is a tumultuous time for young people. Natural changes that come with puberty can be awkward and embarrassing. Allowing biological males or females into each other's private spaces will cause extreme discomfort and distress for many students. To this end, LB575, Sports and Spaces, supports the Title IX separation of locker rooms and bathrooms based on biological sex. This law will establish the parameters by which a school must operate to guarantee the dignity, privacy and ability to compete fairly for each student. Each school will come up with a policy regarding how they will comply with the law at their individual buildings based on their student needs. This bill does not discriminate against students based

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on their gender identity. The determinant of biological sex is applied equally to every student. Youth who are dealing with gender dysphoria are not prevented from playing sports. They and all students must play on the sports teams and use the locker and bathrooms that match their biological sex. You will shortly hear from doctors, teachers, parents and students who support this bill. Many are speaking out with great trepidation, fearing personal and professional reprisals. The fact that they are here to speak out in support of this bill, despite these legitimate fears, speaks volumes of the importance this issue carries. Thank you for allowing the Sports and Spaces bill to be heard today. I'm open to questions.

MURMAN: Thank you, Senator Kauth. Any questions for Senator Kauth at this time?

WALZ: I have a question.

MURMAN: Senator Walz.

WALZ: Thank you. Chairman Murman. Thank you for being here. I am just a little confused. Does this prohibit a female from-- let's say we have a young lady who's a great kicker.

KAUTH: Um-hum.

WALZ: Can kick the football.

KAUTH: So this is--

WALZ: Does that prohibit her from playing on the men's college football team?

KAUTH: Well, this is K-12 so this one does not.

WALZ: OK. No problem.

KAUTH: And if there is not a female version of the sports team, then it reverts back to the Title IX. So Title IX basically said that there's not a female version of the sport. The women can play on the men's teams. If there is-- so wrestling is a great example. For many years, there were not women wrestling teams and so girls were wrestling boys and now they've got many, many wrestling teams. And actually, I think one of our teenagers is going to talk about that today. So now the girls would play on the girls team because there's one available.

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WALZ: OK. So you're saying if my daughter--

KAUTH: Um-hum.

WALZ: --but she's not the best kicker--

KAUTH: But she is an athlete.

WALZ: [INAUDIBLE]--

KAUTH: Right.

WALZ: --high school and want them to kick for the high school team, my daughter could kick--

KAUTH: Right.

WALZ: --for the boys football team.

KAUTH: Correct. If she, if she was good enough to do that. She would still have to use the locker room and the bathroom that corresponds with her biological sex. And again, that is part of Title IX that says if there's not a women's sports team, the girls can play on the boys'.

WALZ: OK. Are you staying for closing?

KAUTH: Oh, yeah. Oh, yeah.

WALZ: OK. Thank you.

MURMAN: Any other questions at this time for Senator Kauth? Senator Conrad.

CONRAD: Hi.

KAUTH: Way over here.

CONRAD: Thank you, Chairman Murman. Good to see you, Senator Kauth. Welcome to the Education Committee. And I just wanted to lift up a couple of questions. I know you have experts coming behind you because we had a chance to visit about some medical perspectives and perhaps some legal perspectives. But I, I wanted to just kind of make sure that I had an understanding for some of the specific components in your legislation. And to be clear, I have grave concerns about the measure from a human rights perspective and an equity and inclusion perspective. But I'm also trying to learn more about the, the measure

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that you put before us. So as a threshold question, I'm really-- I'm trying to figure out is this two kind of distinct measures? Is one regarding prohibited--

KAUTH: One is regarding sports and one is regarding the, the physical spaces where kids can be together in a group.

CONRAD: OK. Thank you. That's very helpful because that's-- at first, I was thinking it was solely related to extracurricular participation. But then as I was reading the bill and getting ready for the hearing, it seems that it was much more broad.

KAUTH: Yes.

CONRAD: And so I just wanted to confirm that that was kind of your intent there.

KAUTH: Um-hum.

CONRAD: OK. The other question I had, Senator Kauth-- and I know you have a background in mediation--

KAUTH: Um-hum.

CONRAD: --and so some of these are kind of thorny from a litigation or legal perspective and perhaps others can, can help us to sort it out later. But-- and I know you sent around an amendment today--

KAUTH: Yeah.

CONRAD: --so some of this might change, but I was noticing that there were some differences in terms of how we handled civil actions generally in Nebraska versus what you had outlined in the bill. So I didn't know if that was purposeful or if there was kind of a reason behind that or if there was perhaps an openness on your part to harmonize this measure with--

KAUTH: Which civil actions are you--

CONRAD: Yeah--

KAUTH: --referring to?

CONRAD: --so it just-- there were a few different components in the legislation about kind of who could bring an act-- a cause of action

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and when. One example would be typically if a minor sues, we, we don't allow that.

KAUTH: Right, they would [INAUDIBLE].

CONRAD: They usually have to bring it as a-- with a next friend as a parent or guardian. And it didn't seem like that was happening in the original legislation so I just didn't know if that was purposeful or--

KAUTH: No, that, that's--

CONRAD: --if you had more thoughts about that.

KAUTH: No, that's certainly something that we can--

CONRAD: OK.

KAUTH: --clarify if they would have a parent bring their lawsuit on their behalf.

CONRAD: OK.

KAUTH: But it is addressing the fact that the student is the one who's experiencing harm and they would be the one to make it known.

CONRAD: OK. Very good. Because I was also just trying to think through things like statute of limitations and attorney's fees and it seemed like this just maybe wasn't congruent with kind of how we handled other civil actions in Nebraska. So I just wanted to check about that. And then just basically to make sure that I had some clarity or understanding about, like, how it interfaces with the Tort Claims Act or sovereign immunity. Did you have any thoughts about that or maybe folks behind you--

KAUTH: I don't. I may have one of the lawyers answer that question.

CONRAD: OK. Very good. I'm looking at Russ. I'm guessing that maybe he can-- he might have some thoughts on that.

KAUTH: Russ and I know Marion Miner is here so--

CONRAD: Oh and Marion.

KAUTH: --help with that.

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CONRAD: Very good. Very good. I appreciate that. And then the last area that I was just trying to get up to speed and get a better understanding, I heard from some parents in my district and some members of the medical community that perhaps some of the definitions regarding gender may have been a bit too restrictive. And it wasn't clear how those would impact intersex students or students with other diagnoses beyond perhaps the trans students that seemed to be your focus, so.

KAUTH: The focus is biological male or female, as defined by chromosomes.

CONRAD: OK.

KAUTH: That is, that is the most basic way to determine whether someone is male or female and so that's what we would use.

CONRAD: OK. So your intent was to be broader than just trans athletes or trans students?

KAUTH: Oh, yeah. Yeah, this is--

CONRAD: Okay.

KAUTH: --this is for, again, labeling the fact that someone is a biological male or a biological female. There are specific places that they can be and specific sports that they can do based on those biological determinants.

CONRAD: OK. All right. I think that'll do it. Thank you so much, Senator Kauth. Good to see you.

MURMAN: Thank you. Any other questions for Senator Kauth this time?

KAUTH: This time.

MURMAN: If not, thank you very much. And we're ready for proponents for LB575. Hello. Good afternoon.

GREG BROWN: All right. Just want to make sure we're ready. Good afternoon, Chairman Murman Good afternoon, other members of the Education Committee. My name is Greg Brown, spelled G-r-e-g B-r-o-w-n. I'm from Kearney. I have a Ph.D. in the biological basis of health and human performance and I'm a professor of exercise science. I'm speaking here today on my own behalf in favor of LB575. My statement

does not represent a statement on behalf of my employer. In addition to the text of this statement, I have provided two more detailed and lengthy written statements that I hope you will read. One is just about three or four pages. The other one is a lot longer. I really have three main points to make today. First, there are important anatomical and physiological differences between males and females. While we have gained great insight into the variations within males and within females, human beings are sexually dimorphic. That is, boys and men are males and girls and women are females. Every cell in our body has a sex. Sex is determined at conception by X or Y chromosomes and sex affects every system within our body. Even the 0.017 percent of the population who have an intersex condition are either male or female. And while there are biological tests to identify intersex conditions, there are no standard or specialized biology-based tests to find out if a person has gender dysphoria. Second, males have inherent, biologically based athletic advantages when compared to similarly aged, gifted and trained females. Even before puberty, boys have more lean body mass, less body fat and run faster and are stronger than girls. Puberty acts like a turbocharger and the differences become much more apparent with teenage boys and adult men outperforming girls and women by 10 to 15 percent in running, 15 to 20 percent in jumping and 30 to 60 percent in strength. These male athletic advantages are not due to better training or nutrition or coaching. Males have inherent biological advantages, such as more lean body mass, larger hearts and lungs, and stronger bones than females. Third, if a male identifies as a girl or woman, he is still biologically male. He still has inherent male athletic advantages and a transgender identity with or without the use of puberty blockers and cross-sex hormones does not erase the inherent male athletic advantages. The issue of males wanting to compete in girls sports is not just an abstract concern, but is happening here in Nebraska. LB575 is necessary because it seeks to maintain the level playing field for female athletes without the intrusion of male bodies. Thank you.

MURMAN: Thank you, Mr. Brown. Are-- any questions for Mr. Brown? I have one question.

GREG BROWN: You betcha.

MURMAN: You mentioned that there is 0.01 percent intersex.

GREG BROWN: Yes, 0.017 percent of the population is intersex.

MURMAN: Could you define that a little bit further?

GREG BROWN: Sure. So intersex is actually a broad term for about 46 or so different genetic abnormalities in which-- there, there's a whole bunch of them there, but there may be one where a person is born with only an X chromosome or a person who is born with two X chromosomes and a Y chromosome. And so there's those variations in there that are broadly labeled under the term intersex. It includes conditions such as Klinefelter syndrome and Turner syndrome and things like that. Also, if we look at sex-- sex determination, that happens at conception with X and Y chromosomes. So basically, if you have a Y chromosome, you're male. And then you have the process of sex differentiation, which is the growth as a fetus in which the male parts develop as male and the female parts develop as female. Because of the complexity of all of the things that happen during that development, there are some times where a person might have a deficiency in a specific enzyme that makes it so they do not develop as a normal anatomical male or female. But again, we're talking on the order of 0.017 percent of the population. So another way to look at that is 99.983 percent of the population, if you look at their genitals at birth, you know if they're male or female.

MURMAN: OK. Thank you. Any other questions for Mr. Brown? If not, thank you.

ALBRECHT: Can I just ask--

MURMAN: Oh, sorry.

ALBRECHT: Sorry, sorry. Just checking here a second.

GREG BROWN: OK.

MURMAN: Senator Albrecht.

ALBRECHT: Sorry. Thank you--

MURMAN: Yep.

ALBRECHT: --Chair Murman and thank you for being here, Mr. Brown. So tell me a little bit about this. Did you write this for someone in particular?

GREG BROWN: Yes. So that white paper, the lengthy sheet that's something like 85 pages, I wrote that last year for Alliance Defending Freedom-- or sorry, two years ago for Alliance Defending Freedom. I was not paid for that. That was voluntary on my behalf. I've been

affiliated with Alliance Defending Freedom as an expert witness, as an expert testifier for various things that they've been working on in this area all on a volunteer basis. And as a result of some new research that had come out in the past few years, I felt it was necessary to put together that white paper that really goes through these three main points that I have in a lot more detail. Talks about testosterone concentrations and gives a lot of numbers on the difference in performance between males and females, both before puberty and after puberty. It outlines, at the time, the current knowledge on research regarding puberty blockers and cross-sex hormones. There have been a couple of papers that have come out since I published that, but they all show the same thing; that whether we're talking teenagers or adults, the use of what they call gender-affirming hormone therapy does not erase male advantages. After as many as 14 years of gender-affirming hormone therapy, biological males still have more lean body mass, more muscle strength, their aerobic performance is higher, and they're taller. Kind of a paper that was not included in that because it had come out yet, a very recent paper is called Trans Girls Grow Taller and it followed trans girls-- their medical records for a number of years and showed that after puberty blockers and then cross-sex hormones, they were still taller than comparable females and they were more aligned with male as far as body height. Which as we all know in some sports, height is an advantage. I wish I could remember who it was, one of the great basketball coaches that said you can't coach height.

ALBRECHT: Yeah.

GREG BROWN: Did that answer your question?

ALBRECHT: It does. And so this is more about the ability of a male to be stronger than a woman, basically. But do you-- have you looked into why they've been able to play in women's sports? Is there anything that you have concurrent to that subject?

GREG BROWN: Yeah. So it's very interesting. It was 2003 when the International Olympic Committee passed their first policy on allowing transgender athletes to compete in sports. And the initial International Olympic Committee policy stated that an individual had to have a medical diagnosis of gender dysphoria, had to have undergone sex change surgery, had to maintain certain hormone levels. And that was the policy until about 2015. And during that time period, there really wasn't any transgender athletes competing in elite sport, in college sport, those types of things, because everybody was following

the IOC guidelines. In 2015 or '16, the International Olympic Committee revised their guidelines in which they said males need to keep their testosterone concentrations below 10 nanomoles per liter in order to compete in women's sports. That 10-nanomole number-- and this is actually somebody who was part of that Olympic committee-- said that is an arbitrary number. I think the quote was exactly the allowing of males to compete in female sports depends on what level of arbitrariness you want to accept. And honestly, that, that 10-nanomole number made no sense because a normal male's testosterone concentration is more on the order of 20 nanomoles.

ALBRECHT: And how do they test that?

GREG BROWN: It's a simple blood draw.

ALBRECHT: Blood draw?

GREG BROWN: You can get a blood sample and you can measure testosterone. Any of us could go to our current family practitioner and they could get that run for us. A normal female's testosterone concentration is more around one nanomole per liter. So they reduced it to ten and then so after that, organizations started seeing a greater interest of transgender athletes to participate. And this really hit the news more in about 2019 is when we started seeing this come into the news of primarily trans women competing in women's sports. The International Olympic Committee and the NC2A just recently in the past year revised their policies. We've probably all seen the news about Lia Thomas. And basically the IOC and the NC2A have kind of washed their hands of the ordeal whatsoever and said they are going to allow the sport's governing bodies to decide the policies of how transgender athletes can compete in sports. And so we have a wide range of policies now. You have instances like world boxing who the head of world boxing has basically said no person born male will ever compete against a person born female. World rugby is very similar--

ALBRECHT: OK, so, so--

GREG BROWN: --to that.

ALBRECHT: --hold on just one second. I want to kind of mold this into the K-12 of we can--

GREG BROWN: OK, sure.

ALBRECHT: --more so than the Olympic--

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GREG BROWN: Yep.

ALBRECHT: --you know, because this bill--

GREG BROWN: Yeah--

ALBRECHT: --concentrates on--

GREG BROWN: --yeah, this is K-12.

ALBRECHT: --K-12. So what do you have on that if you can think of anything.

GREG BROWN: OK. And so the K-12 has varied again, state by state. What is their state policy on allowing transgender athletes to participate? And sometimes that comes down to school boards by school board. In the past few years, we have seen 18 states pass laws stating that you must compete in sports-- sorry, female sports if you're biologically female. Some states are also like what Senator Kauth proposed and have stated males and males and females and females. A few of those, there have been lawsuits filed by org-- by the ACLU and their clients. Idaho has been enjoined. But you may have seen that West Virginia's law was recently upheld in federal court. The case against Indiana's law was dismissed because the plaintiff withdrew their claim. And so, again, we have kind of a wide variety of policies on that. And again, it could vary from state to state or school by school. I think this is an important area for the state to consider, given the state's interest in the welfare of students.

ALBRECHT: OK. I do appreciate your--

GREG BROWN: Yeah, sorry if I went off on a tangent.

ALBRECHT: No, you're, you're good, you're good.

MURMAN: Any other questions for Dr. Brown? Thank you very much.

GREG BROWN: All right, thank you.

ALBRECHT: Thank you.

MURMAN: Now we'll have Hannah Anderson if she's here.

HANNAH ANDERSON: Good afternoon, Chairperson Murman and members of the Education Committee. I'm grateful to be here with you today. My name is Hannah Anderson, H-a-n-n-a-h A-n-d-e-r-s-o-n, and I'm from

Gothenburg, Nebraska. I'm in my fourth year as an exercise science major at the University of Nebraska at Kearney, where I'm also an NCAA Division II track and field athlete specializing in the 800 meters. I'm in the top ten in UNK history in four different events and I'm speaking here today on my own behalf in favor of LB575. My statement is my own opinion and does not represent my university. During my senior year of high school, I was the runner up in the 800 meters with a time of 2 minutes and 22 seconds and the first-place girl won Class B with a time of 2 minutes and 21 seconds. Of the 24 boys who qualified in the 800, every single one ran faster than the girls champion and it wasn't by a small margin. The 24th-place boy 800-meter runner finished the race in 2 minutes and 11 seconds. To put that into perspective, the last-place boy would still finish just shy of 100 meters ahead of the first-place girl. As a collegiate track and field athlete in season, I lift twice a week; on Mondays and on Wednesdays. I lifted this morning so that I can spend my afternoon with you all. One of my teammates has class conflicts on Mondays so he was in the weight room as well this morning and due to limited space, my boy teammate and I had to be lifting partners. On our very first lift, my male teammate was lifting 40 pounds more than me and as the weight lifting session progressed, the difference only magnified. I compete with women from dozens of universities and colleges throughout the Midwest. Most of these women will not go on to compete professionally or even be individual champions, but many of us credit our start to K-12 athletics. And all of us can be for our own reasons and cherish the opportunity to do so because athletics are indeed an opportunity. By allowing biological males to compete alongside biological females, we would take away opportunity from females. The integrity of women's athletics would crack. Why would girls and women continue to be active in athletics if the opportunity to compete fairly did not exist? Even nonbiological classes of competition for competitiveness are accepted and necessary for fairness. This is one of the reasons that there is a separate Division I and Division II within the NCAA. I'm not here to testify on social and medical matters about individuals and gender identity. I'm here to testify that allowing biological males to compete against biological females will undoubtedly and absolutely alter girls athletics. I believe that it is completely preventable and I would ask you to support LB575 as necessary to maintain the integrity and future participation in girls athletics. Thank you.

MURMAN: Thank, thank you. Questions for Ms. Anderson? Congratulations and, and thank you.

HANNAH ANDERSON: Thank you.

MURMAN: Next, Paige Steinem [SIC] and then Piper.

PAIGE STEINMAN: Dear Chairperson Murman and members of the Education Committee, my name is Paige Steinman, spelled P-a-i-g-e S-t-e-i-n-m-a-n, and I am a junior at the University of Nebraska-Kearney studying exercise science. I'm here today on behalf of myself in favor of LB575. My statement does not represent a statement on behalf of my institution. Today, I hope to share my voice as a female athlete that was born and raised in Nebraska. I played multiple sports throughout junior high and high school, learning valuable lessons such as teamwork and developing respect toward those around me. On the cross-country team we would [RECORDED MALFUNCTION] and work out, then stretch together before heading to separate locker rooms. We would share smiles and laughs during team meals and bus rides and cheer for each other at each race. Words to describe it would be powerful, fun and safe. Sport was the very recipe for self-confidence as a young girl and I had witnessed such joy from it that I decided to run in college. Collegiately, injury often sidelined me and bone injury rates were always higher on the women's team than the men's team. I have learned from doctors in undergraduate research that this was due to the female athlete triad, which is made up of three components: low energy availability, menstrual dysfunction and low bone marrow density. Even with injury rates in sport, female and male athletes differ, as a man could never suffer from the hormonal consequences of missing periods. The differences between male and female athletes were apparent at every practice. Each is highly motivated, getting up early to lift weights or run, attending nutrition sessions and showing up to workouts with a game face. The workouts are individualized by event group or race plan, but remain similar. Yet with such similarities and goals, fueling, training in day-to-day student athlete life, the men are always faster no matter the distance. The men throw farther and jump farther. I volunteer with high jump at every home meet and have never seen a female reach the jumping height of a male. Is this due to a lack of worthiness or desire? Absolutely not. This has everything to do with immutable biological differences between males and females. Never would I feel safe sharing a locker room with males and never would I want my teammates or fellow female athletes to have such discomfort forced upon them. With an already increasing dropout rate of girls participating in sports, I fear that allowing males in locker rooms would only further discourage female sports participation. I feel fortunate to have grown up in a safe athletic environment for females

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and can only hope for the same right here at home for years to come.
Thank you.

MURMAN: Thank you. Any questions for Ms. Steinman? Yes, Senator Albrecht.

ALBRECHT: Thank you. It's not a question, but it's so nice to see both of you here today. She's actually from northeast Nebraska, so.

PAIGE STEINMAN: Nice to be here.

ALBRECHT: Thanks for being here.

PAIGE STEINMAN: Thank you.

MURMAN: We'll have Piper and then Walker next and then Ben Jackson, I think, have to get back for some athletic game practice or event or-- so we'll let them go next. Good afternoon.

PIPER STEINMAN: Good afternoon, Chairperson Murman and members of the Education Committee. My name is Piper Steinman, spelled P-i-p-e-r S-t-e-i-n-m-a-n, and I'm a junior health science major and nutrition minor at the University of Nebraska- Kearney. I'm speaking here today on my own behalf in favor of LB575. My statement does not represent a statement on behalf of my college institution. What I'd like to share with you today is my personal stance on the importance of keeping female athletics, specifically at the K-12 level, biologically female. I graduated from a small northeast Nebraska high school where being a part of as many extracurricular activities as you could handle was the norm. Some of my most cherished memories come from running track and cross-country. Our girls team wasn't huge, but the comfort and love we felt in another's presence were massive. In high school sports, students are coming together from all sorts of different backgrounds, family situations, financial situations and so forth. We had girls on our sports teams who relied on the school's facilities at times, specifically the female locker rooms, because they didn't have the luxury of taking care of their personal hygiene at home. It's hard for me to consider what high school would have looked like for those girls, some of my best friends, had they not been able to find solace and safety within the walls of our school locker room. Outside of those walls, we were a fierce, brave group of young women who relied on one another and pushed one another to be better. It's important to note that as we worked to push one another to faster running times, the boys team pushed us even more. They would run ahead of us in

groups on long runs, set the pace during workouts. They would give us high-fives when we achieved our own personal bests. While we enjoyed training with them and cherished their support, as girls, we knew that they would be faster. We respected each other and our differences-- similarities and differences as individuals and as runners. We knew that we were better athletes because of them. I'm female based on biology. Writing this has brought up some great memories for me, making me realize once again just how great an impact the level playing field of female athletics has had on my life. I hope that all of you are able to resonate with your own athletic experiences from the past, which were due in part to the level playing field you competed on, the locker rooms that you got ready in. Maybe consider the safety and security that we have felt within sport when considering what the biological females behind us will feel. Thank you.

MURMAN: Thank you. Any questions for the other Ms. Steinman? Thank you very much. OK, it's Walker next and-- needs to, needs to compete or something. Good afternoon.

WALKER HILL: Good afternoon. Good afternoon, everyone, and thank you for your time today. My name is Walker Hill, spelled W-a-l-k-e-r H-i-l-l, and I'm a junior at Millard South High School and I'm here to testify on LB575 because I believe that we have reached a point where we need to make a decision that keeps all students at Nebraska public schools safe. Some individuals may claim that this bill is transphobic and hateful towards transgender students, but this is not the case. Millard South is a diverse school and has a student body unlike any other state. And in my experience at Millard South, I've faced only a handful of incidents related to this bill, none of which has bothered me. I have no safety concerns with my fellow students trying to use the bathroom. But I do know that other students, not just at Millard South, but in some of the other Millard high schools, have some differing experiences that have made them uncomfortable or have left them questioning the privacy of the school bathrooms. I want to make it clear that the bill is not meant to target transgender students, but it will help define who and who is not allowed in the school bathroom for everyone's safety. I assume that everyone in this room would feel awkward if there was no safety in public restrooms. And I can imagine that you know that male and female bodies differ in genetics, which provides each its own advantages, just as school-- just as the school sports associations have begun to recognize that these advantages make it unfair for transgender athletes to compete with regular athletes. So why is it fair that they share a space that

is supposed to provide privacy and security to students who wish to change clothes or use a restroom? I want to clarify that this does not mean that transgender students are not allowed to use the bathroom or locker rooms. And I understand that this bill might be perceived differently and receive backlash, but does not change the fact that this will impact future generations and classes well beyond my high school years in the Millard school system. And it will help benefit the majority of the Omaha student population who are not transgender simply value their privacy. A school is supposed to be filled with memories of joy and happiness among friends and peers, provide a learning experience that will give students a necessary start for college and a life outside of school. With this bill, the Nebraska Legislature will ensure that those memories are not filled with awkward memories or memories of harassment in the school bathrooms or locker rooms. In my experience, this bill will address safety concerns for all students in future generations of Nebraska public schools in Omaha and across the state. If I did not see this bill as a necessary point of discussion, I would not be here today. Thank you for your time and for allowing me this unique opportunity to speak with you all day.

MURMAN: Thank you, Walker. Is there any questions? If not, thank you very much for testifying.

WALKER HILL: All right, thank you.

MURMAN: Is Ben, is Ben Jackson here?

BEN JACKSON: All right. Well, I want to thank the committee again for moving me up. I know me and Walker are pretty busy, so we've got some things to attend to back in Omaha. But I want to start by thanking Senator Kauth for this opportunity to testify and thanking the other distinguished members of the committee for their time today. My name is Ben Jackson, B-e-n J-a-c-k-s-o-n, and I'm currently a senior at Millard South High School in Omaha. I'm here today to speak in support of bill LB575, which prohibits biological males from enrolling in female sports and vice versa. When I first read the Sports and Spaces Act, I immediately thought of Millard South's wrestling program. We've won the state title seven out of the last eight years and have built a strong program. And last year, we had the opportunity to have our first-ever NCAA sanctioned girls wrestling team. The addition of girls wrestling has only widened the door to new opportunities for girls to participate in sports and I'm proud to say that girls wrestling is now the fastest-growing sport in the state, with over 125 teams

participating just this year. Additionally, participation has drastically increased from 783 girls last year to 1,224 this year, an increase of over 65 percent. What this shows is that there has been a long-standing interest in girls wrestling, but girls were not participating when there was only one team. As a former wrestler, I can tell you that wrestling is a very close-contact sport and wrestling someone of the opposite sex can be very uncomfortable, especially for girls in high school. As boys hit puberty and their testosterone levels increase, they become bigger, stronger and can physically outmatch most girls. This is the exact reason why the NSAA sanctioned girls wrestling as its own sport to provide a level playing field and a safe environment for girls to participate in the sport. The Sports and Spaces Act will simply keep girls wrestling growing with a level, level playing field. Without the fear of having to compete against someone with an unfair advantage, girls will be able to participate and compete the way the NSAA sought for them to compete. It is important to mention that this bill is not meant to target transgender students. Rather, it is a bill that will uphold the sanctity of women's and girls sports, which have been made possible by Title IX for the last 50 years. Title IX was meant to create a level playing field and provide opportunities for girls in sports and the Sports and Spaces Act continues that legacy. In conclusion, members of the committee, I respectfully request that LB575 advance. This bill will ensure that girls wrestling and all other girls sports can still thrive and provide a safe and level playing field for girls to participate. The Sports and Spaces Act is about upholding the sanctity of women's and girls sports and continuing the legacy of Title IX. Thank you for your time and I'll-- free to answer any questions if you guys have any.

MURMAN: Any questions for Ben Jackson? Thank you very much.

BEN JACKSON: All right, well, thank you. Thank you.

MURMAN: And this next name looks familiar, Carol Frost. Welcome.

CAROL FROST: Thank you. Good afternoon, Chairman Morman [SIC] and members of the Education Committee. I'm here testifying in support of LB575. My name is Carol Frost, C-a-r-o-l F-r-o-s-t, and boy, do I feel like a dinosaur. All these young folks. Oh, my gosh. I'm so old that I am pre Title IX. I did not gain the benefits of Title IX, but I will tell you the benefits of PED, physical-enhancing drugs. I won the Pan American Games. I was the best discus thrower in North America, South America and Central America. In 1968, I went to the, to the Mexico

Olympics and I got 14th. The people that won were from behind the Iron Curtain. That's how old I am. I competed against the people from behind the Iron Curtain: Romania, Czechoslovakia, USSR, East Germany. They won the medals. They finished in the top ten because they were on performance-enhancing drugs, better known as steroids, better known as testosterone. And it wasn't until years after that the Olympic Committee finally wised up and said that women could not benefit from the use of testosterone and they put limitations on how much of this performance-enhancing drug that women could use. I also-- and probably most of you are probably aware that I coached at the University of Nebraska for four years. One of our best athletes-- I'm afraid that yellow light is going to come on and you can't stop it with a first down, can you? Oh, my gosh. OK, here we go. Merlene Ottey was one of the best athletes that we've ever had at the University of Nebraska. She still holds all-- I know we're talking about high school, but she still holds all the records for sprints. She competed in four consecutive Olympics. She won three gold medals in the 200-meter dash and multiple other ones on relay teams for Jamaica. What you probably don't know is just last year, 2022, at the Nebraska State Track Meet, Omaha Burke, three boys-- high school boys ran faster than Merlene Ottey. Two boys ran the 800 meter in 152-plus. That's faster than the women's world record. Two boys jumped 6-10. And for those of you that don't know anything about track, that's really good, even for a high school boy. It's not as good as some. Sometimes they'll jump seven foot, 7-1. Two boys jumped 6-10, tied the women's world record. Even if those boys had transitioned, say, two years prior to that, my guess is having been a high school coach, probably as a sophomore, they probably jumped around 6-4. They probably did not get much better. Maybe, I don't know the science behind the testosterone. All I know is even if they jump 6-4, they would have annihilated Sharon Burrill's high jump record at the University of Nebraska. She jumped 6-3 when I was coach there and hasn't been broken since.

MURMAN: I'm going to have to--

CAROL FROST: But those boys-- what?

MURMAN: I'm going to have to interrupt because the red light is on, but, but--

CAROL FROST: Oh, shoot.

MURMAN: No, no, stay there. Stay there.

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CAROL FROST: No first down?

MURMAN: I'm sure somebody is going to--

CAROL FROST: How about an, how about a last-second field goal? Can I at least do that?

MURMAN: No, some-- somebody will ask you a question to continue your--

CAROL FROST: Oh, OK. All right. Okay.

MURMAN: If not, I will. Go ahead and continue your--

CAROL FROST: No--

MURMAN: --thoughts.

CAROL FROST: --I'm just saying that, that testosterone cannot be disintegrated enough to where high school boy athletes aren't world-class athletes compared to women. They don't just going to beat the girls from Kearney. They're going to beat world-class athletes like Merlene Ottey. We disqual-- it I'm going on here. We disqualified the best 100-meter runner that the United States has this past Olympics. We "DQed" her because she took the wrong cold medicine. And we won't DQ people because they are taking performance-enhancing drugs.

ALBRECHT: Can I--

MURMAN: Ok. Yes, Senator Albrecht.

ALBRECHT: Thank you, Chair Murman, and thank you for being here. This is the first time I've ever got to meet you, so this is interesting. You've got a lot to tell. OK, we're talk--

CAROL FROST: Oh, there's more.

ALBRECHT: Well, I'm going to ask you a question because this, this concerned me a couple of years back that our colleges were allowing these things to happen. So K-12, you have-- whether we can stop this or not at this level, we'll find out. But do you find a lot of college athletes are having situations like this?

CAROL FROST: I think more so because at the college level--

ALBRECHT: And why is it that they can--

CAROL FROST: There's so much-- I'm, I'm, I'm going to offend somebody here, I know for sure. But you know that universities and colleges are very liberal. They're a lot of woke politics. Women have become so intimidated, they are so afraid to speak up. I, I taught the-- I talked on a Title IX program just this-- oh, about six months ago for NPR. And I asked my son, Scott. I said, Scott, they want me to talk. What do you think? And he said, oh, my gosh.

ALBRECHT: Oh, for heaven's sakes.

CAROL FROST: Please don't say anything that will land on my plate. He is intimidated. And you know what I told him when Karen asked me to talk in front of this committee? I texted Scott and I said, I'm free. I can now speak my opinion. I am not-- you cannot cancel me. I'm retired. And so I can say what I want to say where I could not have. And that's why women at the University of Nebraska, women at Penn, they're afraid they will get canceled. They will get destroyed by the media. High schools, not so much.

ALBRECHT: OK.

CAROL FROST: But colleges, you will get destroyed.

ALBRECHT: Thank you for being here.

MURMAN: Any other questions for Carol Frost? I do remember the 1968 Olympics by the way. I wasn't there, but-- yep, I remember that. Yep. And let's see, who's next? Kirk Penner. Good afternoon.

KIRK PENNER: Good afternoon. Thank you, Senators. Appreciate it. My name is Kirk Penner, K-i-r-k P-e-n-n-e-r. I am the District 5 State Board of Education Representative. I need to make it clear that I am not speaking on behalf of the State Board of Education. I am speaking today as a proponent of LB575. I'm speaking today to protect women from men intruding into their sports and safe spaces. Without this legislation, we will blow up Title IX. For 50 years, Title IX has brought tremendous progress to women's athletics and education. Since 1972, young women have been striving to be the best they can in their chosen sport, working hard for the possibility of a scholarship to pay for all or some of their college tuition. Title IX has given the opportunity to millions of women to get a college degree when many times, they may not have even attended college. Title IX has produced women doctors, lawyers, educators, entrepreneurs, and future national leaders. Do you love Nebraska Volleyball? Thank Title IX. But now

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Title IX is under assault by men participating in women's athletics. Senators, there is a reason the height of a volleyball net is higher for men. The size of a basketball for women is smaller and lighter. And the national qualifying time in the 400-meter dash for men is 45.3 and for women it is 51.35. Why is that? It is because we are physically different. But it goes deeper. We must protect female bathrooms and locker rooms. Without their consent, Riley Gaines, a 12 time all-American in women's swimming, and her fellow female competitors were forced to share a locker room with Lia Thomas, a six-foot-four male swimmer from Penn who thinks he is a woman. He watched them undress before a meet and exposed his male parts. Lia Thomas, a man, won the NCAA Division I women's 500-meter freestyle, shattering the dreams of women's swimmers who have trained all their lives for this moment. Where is the concern for the females' mental health having to compete against men? Where is the outcry from the women's groups? Teachers in our public school system want to speak up but are being silenced. Here are some sample quotes from the letters that I gave you here from teachers and I quote, girls were uncomfortable changing in the locker room with a trans girl present. Teachers are not able to safely express their opinions anymore. I don't feel as though I can say anything to our school administration. I am one of many educators that is considering leaving education in the coming years because of these type of circumstances. I fear that without a bill like this in place, you will see an increase in exodus of teachers from the education system. In closing, there was a day when women could strive for excellence in their chosen sport and feel safe in their locker room after a game or after PE class. Those days are numbered unless LB577 [SIC, LB575] is made into law. Please protect women's sports and their dignity in the locker room. Thank you.

MURMAN: Thank you. Any questions for Mr. Kirk Penner? If not, thank you very much.

KIRK PENNER: Thank you.

MURMAN: Next, Sherry [INAUDIBLE] Brink.

SHERRY BRINK: That's wrong.

MURMAN: [INAUDIBLE]

SHERRY BRINK: That's OK. Good afternoon, Chairman Murman. You know, I was never nervous before a basketball game, but I'm nervous today.

Anyway, my name is Sherry Brink, S-h-e-r-r-y B-r-i-n-k. I'm here to testify in favor of LB575 and mostly to stand up for elementary and junior high girls that had the opportunity-- to have the opportunity that I had to just run free and play sports. I played on multiple sports levels in multiple sports. I am a member of the Nebraska women's basketball team, the 1974-75 team. Played at Nebraska, but we were not recognized as a sport under the athletic department. But our team bridged the gap between not having the sport and having the sport because the '75-76 team is the Title IX team. In my early years, sports gave me a safe environment where we learned teamwork, work ethic, sportsmanship and relationships. And we carried those qualities to our community and to our careers and to our family. As young girls playing sports, we focused on each other. We had a great deal of things in common. We were joined together. We had limited distractions and we had our parents behind us. I can't imagine that atmosphere of unity today if I were those little girls. Biological girls had to compete against non-biological girls. The Title IX team at the university had the accreditation and the status that we needed to compete on a level equal to the other universities. Today, elementary and high school girls can see their path forward to sports in college and beyond, building on that strong foundation as an elementary or junior high girl. This seamless path would break down with conflict, emotions, division, separation, giving up, resigning, dropping out, and just plain withdrawing. Biological girls need biological girls to fairly compete-- compete against on an even level. Girls sports are so much more than just a basketball game. I'm in favor of this noble bill. I'm just a girl who loves playing basketball even today. And remember, at Nebraska, we do things the right way.

MURMAN: Thank you.

SHERRY BRINK: Thank you for your time.

MURMAN: Any questions? I guess the reason I might not remember it, I was trying to forget about you because I was playing intramural basketball in '74-75.

SHERRY BRINK: Were you?

MURMAN: You might embarrass me.

SHERRY BRINK: I did want to play against boys.

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MURMAN: I'm sure you would embarrass me if we were playing at the same time, so.

SHERRY BRINK: Thank you.

MURMAN: Do we have any questions? Thank you. Now, Anthony Smith.

ANTHONY SMITH: I'm also nervous. I obviously don't spend my time in settings like this, so I apologize if I don't address anyone correctly. My name is Anthony Smith and I'm a resident of Omaha, Nebraska. I'm under contract with the Ultimate Fighting Championship, better known to most as the UFC, and I have been since 2013. I'm currently ranked number five in the world. I also work for the UFC and ESPN as an on-air desk analyst. I've been a professional athlete my entire, my entire adult life. Sports is my life and it's the only thing that I actually know. Before all else, I want to make two things very clear. First of which, I'm clearly no politician. And although many here have agendas and are clearly standing on one side or the other, I have no team. I'm here to highlight some facts. I'm here as a father to four beautiful daughter-- four beautiful daughters. To be very clear, I don't actually really want to be here. Bringing-- excuse me, bringing unwanted attention to myself is not something I enjoy doing. And to the opponents, this isn't me against you, but rather me for my children and girls all over this great state. And secondly, I want to make it crystal clear that I'm not anti-trans, transphobic or any other form of anti anything. I want everyone to feel safe, have a voice, be loved and be heard. As a lifetime athlete, I want everyone to enjoy sports, just not to the detriment of females everywhere. I'm going to speak in biological terms here to keep things very clear to everyone listening and to make sure that I'm not misusing gender terms that I admittedly don't understand fully. So for the sake of confusion, I'll just keep it like that. And this is where I get bold. Biological males competing in sports versus biological females is wrong and acceptable on so many levels. To keep it short and easy, I'm going to speak on two separate areas. It's safety and fairness of sport and oppression. I believe that everyone here is educated, intelligent and sensible human beings, and I don't believe that I need to spend the entire time laying out the endless studies, pointing at the empirical data stating how biological males are physically superior over biological females. You can look at various stats, including track times, long jump, high jump, shot put, swimming, red blood cell count, muscle endurance, VO2 max, bone density, overall strength, power generated per pound of muscle mass and every single metric measured in powerlifting. In terms of safety, I don't think you

need to look any further than the example of Fallon Fox. Fallon Fox was born a biological male, unknowingly to his competitors, transitioned and started fighting as a mixed martial artist as a professional. I believe he was 3-0 before anyone found out that it was actually a male competing against females. He competed at 145 pounds. He was essentially forced out of the sport, not by any policies or change or laws. It was really by kind of public outcry. But his last fight, he crushed the skull of a fellow competitor. It was a female 145 pounder. In terms of fairness in sport, I truly believe in the amazing work done to give women an equal opportunity for success over the last decades and it makes me really sad to see it threatened by the introduction of male into female sports. Did all those people really-- uh oh. It's red. What do I do now?

MURMAN: Yeah, you've got the red light, but I know you wanted to talk about your 11-year-old daughter, so.

ANTHONY SMITH: I did, yeah.

MURMAN: I'll let you talk about her.

ANTHONY SMITH: Yeah, I can just skip to the parents part. Lastly, I can't believe the bathroom situation is an actual thing. Again, I don't want anyone discriminated against, but to be very blunt and honest, my 11-year-old daughter and every single girl like her are struggling through puberty, dealing with confidence issues, uncomfortable locker room situations, new body hair, a developing body, and soon navigating the effects of menstrual cycles and everything that comes with that. And now they're supposed to do that as there's biological males present in the room. I'm her father and those conversations are uncomfortable enough. I don't know why their rights, safety and comfort aren't being taken into account. I think the answer is simple: gender-neutral, gender-neutral bathrooms. And I honestly think that's something that people of all sexes would love to take advantage of.

MURMAN: Thank you very much. Any questions? Any other questions for Anthony Smith? If not--

ANTHONY SMITH: Thank you.

MURMAN: --thanks for testifying. I'm going to ask Patrick Medinger. I think he has to get back to Omaha, so. Good afternoon.

PATRICK MEDINGER: Good afternoon. My name is Patrick Medinger. I'm a senior at-- sorry. My name is Patrick Medinger, P-a-t-r-i-c-k M-e-d-i-n-g-e-r. I'm a senior at Pius X High School and I am here representing the high school Republicans of Nebraska. Today I'm here testifying in favor of LB575, which prevents males and females from participating in sports of the opposite sex. I believe high school locker rooms and sporting teams are a tense and nerve-wracking enough environment the way that it is, and that allowing individuals of the opposite sex into these locker rooms and onto these sports teams will just add to that problem. Moving through high school, I have experienced firsthand what it's like to change in a locker-- to change and use a locker room daily. Freshman year, when I was getting used to the idea of change in front of my teammates and fellow classmates, I was always on the edge, even in front of other males who were in the same position as me and going through the same experience. I cannot imagine living through that experience again, but instead having a female in the locker room as well. I believe allowing males into the females' locker room and females in the males' locker room will lead to large amounts of emotional and physical harm, such as sexual assault or sexual harassment to all those involved. The daily task for many teenagers in high school have changed in these locker rooms before sporting activities or physical education class will become something that is undesired to those students and disruptive to the flow of education and focus of sporting activities. What saddens me is there are students who feel that they are of the opposite sex. I have compassion for them and wish them the best. Nevertheless, I do not believe that allowing these students to change in locker rooms assigned for the opposite sex is the best option for them or their fellow classmates. Likewise, I believe it is important to keep boys sports for males and girls sports for females. This helps to form a strong and healthy bond between teammates and to keep athletes safe from competitors with an unfair advantage. Our system of keeping males and females in their assigned locker rooms and on the assigned sports team has been successful in preventing unnecessary conflicts, keeping the students safe and developing their character into one that leads to their own success and the success of this state and country as a whole. This is why I am in support of LB575, which will work to keep locker rooms and sports safe and to help protect individuals that participate in them. Thank you for your time and for the opportunity to share my perspective on this bill.

MURMAN: Thank you. Any questions for Patrick? Thank you very much for testifying.

PATRICK MEDINGER: Thank you.

MURMAN: Madelyn Hanson. Good afternoon.

MADELYN HANSON: Afternoon. Hello. My name is Madelyn Hanson, spelled M-a-d-e-l-y-n H-a-n-s-o-n. I'm a junior in high school in Nebraska and I support LB575. I'm a varsity athlete in a very competitive school in cross-country and track. I've also lettered in academics and choir. I've participated in distance running ever since middle school. Consequently, running plays a massive role in my high school career. I changed schools freshman year and cross-country built a large part of the community I have today. I will never be my school's top runner. I'm a decent runner at the bottom of my team's varsity squad. I've worked hard to get that spot. Each summer, I run over 300 miles and trained in the heat to prepare for cross-country season. But if one of our JV boys decided that he was a girl, my varsity sport would be taken. It's just a fact. You can look at the times and school records. Boys are faster than girls. Our varsity girls train with the mid to faster JV boys because we have the same paces for workouts. If boys identifying as girls are allowed to run in the girls races, why should a girl go out for track or cross-country? They would have no chance to even make varsity. This applies to other sports as well. It impacts girls' physical health. Sports keeps girls in healthy physical shape and also gets them involved in their school. Sports builds healthy habits and even lifelong friendships. Another issue that this bill is addressing is for boys who think they are girls to be able to use the girls locker room. First off, most high school girls are incredibly uncomfortable in their bodies and the locker room can be a scary place for them. But imagine the uncomfortableness if they knew that boys were in there as well. For me, the locker room is a safe place where I can laugh with my teammates and get my bearings between school and practice. It is the place to let down after a long day. All in all, girls deserve to have a place in sports and LB575 stands up for girls' rights in sports. Without these guidelines put in place, half the population would be at a disadvantage. Running has taught me many lessons in perseverance and determination. I want other girls to have the same opportunities that I have, but this will be impossible with boys identifying as girls being allowed in girls sports.

MURMAN: Any questions from Madelyn Hanson? If not, thank you very much. Sarah Hanson. Hello.

SARAH HANSON: Hi. Good afternoon. I want to thank you for the opportunity to testify in support of LB575. My name is Sarah Hanson,

S-a-r-a-h H-a-n-s-o-n. I'm a certified teacher in the great state of Nebraska, but more importantly, I'm a wife and a mom of two teenagers. Both of my kids are in high school and they are both multisport varsity athletes. I grew up in west-central Nebraska and from a family full of educators, coaches and sports officials. There was a strong value in my home to be involved in school-sponsored activities. And for me, that included being a varsity athlete in the sports of cross-country and track. I am who I am today because of participation in these sports. The lessons I learned about perseverance, adversity, teamwork and having a joy for others and their success were invaluable. LB575 addresses an issue that has arisen in the past few years and an issue that I would have never guessed in a million years we would even be considering. It's almost as if the sky has turned purple and two plus two no longer equals four. Common sense has completely left us, left us if we see fit to allow children or teens to access bathrooms or locker rooms or participate in school-sponsored athletics based on their gender identity versus their biological sex. In locker rooms, kids are undressing. Boys and girls have different parts. We as parents teach our kids at a young age about their private parts because they are private. We teach them about covering up those parts, especially around the opposite sex. They are private. Yet our schools may be forced to undo this teaching. The new lesson is your parts aren't private any longer. You need to be okay with someone of the opposite gender changing right next to you. If you're not, you're closed minded and hateful. What's happening? We have to testify to protect our kids against this. Let's talk about competition. My daughter has worked hard to gain the last spot on her highly competitive varsity cross-country team. She runs 300 miles each summer, lift weights and nourishes her body with fuel to help her in the quest to run with those varsity girls. Because of basic biology, an average-level performing boy who runs on the JV team could easily take her spot. All it would take would be one of those boys deciding to compete as a girl and her hard work would be for nothing. The effect would be devastating. For my daughter, being beat out by a girl is a life lesson. Being beat out by a boy identifying as a girl, that's just a lie. Boys competing in a girl's race makes a mockery of the sport and it's an embarrassment to the basics of biology. Why deter girls from participating in sports or gym class for fear of changing near a boy? Why take away the life lessons that girls athletics and competent-- competitions offer? The ramifications of not protecting girls like my daughter are detrimental. Please pass LB575. Common sense and the well-being of girls in Nebraska are at stake. Thank you.

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MURMAN: Any questions for Sarah Hanson? Thank you very much. Sue Greenwald here? Let's see. Next is Karen Bowling.

KAREN BOWLING: Thank you. Well, I won't be as funny as my friend, Carol. You can imagine when we were on the sidelines when our sons were playing at the University of Nebraska together. I got a play-by-play by her. But good, good afternoon, Chairman Murman, and members of the committee. My name is Karen Bowling, K-a-r-e-n B-o-w-l-i-n-g. I am the executive director at Nebraska Family Alliance. We are a nonprofit policy research and education organization, organization. And we, we represent a diverse network of individuals, families and faith leaders. Girls deserve to compete on a level playing field. Allowing males to compete in women's sport undermines fair competition and women's athletic opportunities. LB575 protects opportunities for young women in athletics by ensuring they are not forced to compete against men playing on women's sports teams. The bill simply requires that all high school sports teams be based on biological sex and make clear that males are not eligible to compete on female teams. Unfortunately, across the country we are seeing growing numbers of instances in which biological males have taken away championships, records and countless athletic opportunities from female athletes. For example, in Connecticut, two biological males captured 15 girls high school state championship titles, set 17 new individual meet records, and took over 80 opportunities to advance in competition in the 2017 to 2019 seasons. Eighteen states have already acted to protect fairness in girls sports, including our neighboring states, Iowa and South Dakota. Another 14 states have introduced legislation in 2023, including our Kansas neighbors. But this isn't just about losing medals and championships. Allowing males on girls teams means that a young woman will also lose the many benefits that flow from participating in sports: learning teamwork, how to overcome adversity and leadership. A recent survey of women business leaders from EComp found that 94 percent of these leaders participated in sports. They described how vital those athletic experiences were to their professional development. As a lifelong resident of Lincoln and a female athlete at Irving Middle School and Lincoln Southeast, I remember so clearly when in 1972, federal Title IX was part of a suit of civil rights laws passed to protect women and girls by ensuring they have equal access to athletic opportunities. The LSE girls track team, we were delighted because we wanted to play basketball and did not have a basketball team. We advocated and a team was formed in 1975 after we graduated.

MURMAN: Thank you. Your red light is on.

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KAREN BOWLING: Yep, thank you.

MURMAN: Any questions for Karen Bowling?

KAREN BOWLING: I would just highlight my next paragraph. Just the amount of increase in female athlete participation is substantial because of the beauty of Title IX.

MURMAN: Thank you.

KAREN BOWLING: Thank you.

MURMAN: Any, any other questions? Thank you very much.

KAREN BOWLING: Thank you.

MURMAN: Marion Miner, next up. Good afternoon.

MARION MINER: Good afternoon. Chairman Murman and members of the Education Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r. I'm associate director of pro-life and family policy for the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic Church, advances the gospel of life through engaging, educating and empowering public officials, Catholic laity and the general public. And I'm here to express the conference's support for LB575. Of course, as has been said many times already today, but it bears repeating, men and boys are different from women and girls. The law should respect those differences and in some important circumstances, reserve programs and spaces for men and boys or women and girls. Sex is a bodily material reality. This is starkly apparent in the contexts of intimate spaces and the athletic field, court or track and denying that reality has a disparate and potentially very dangerous impact on especially women and girls. As a matter of law, separating males and females in intimate spaces serves the important governmental objective of protecting students' privacy in such spaces and shielding their bodies from exposure to the opposite sex. Likewise, barring males from competing in sports reserved for women and girls serves the important objectives of fairness and equality of opportunity for female athletes in competition and protection of those athletes from heightened risk of injury. Numerous courts have examined these principles under both equal protection and Title IX claims. The 11th Circuit Court of Appeals and federal courts in Tennessee and West Virginia, to name a few, have found policies with identical questions and interests at stake to be constitutionally sound under the Equal Protection Clause and in compliance with Title IX. We have every

reason to be confident the Eighth Circuit Court of Appeals, whose jurisdiction includes Nebraska with respect to federal law claims, will rule similarly if LB575 were to be challenged after becoming law. The reality of sex matters and the consequences, the consequences of that reality are not theoretical, but concrete, immediate and important to acknowledge. Respecting girls' right to compete on a fair and safe playing field and to enjoy equal opportunity to win and receive athletic scholarships is compellingly important. So is respecting and protecting students' right not to be compelled or pressured to share intimate spaces with persons of the opposite sex. For all these reasons, the conference urges you to advance LB575 to General File. And while I have just a couple of seconds, Senator Conrad, I know you had some really good questions with regard to harmonizing some of these provisions with the usual way of doing things in the Nebraska statutory code. I don't have the answer to those questions. I was looking really more about equal protection in Title IX claims. But of course the state's able, if it wishes to, to waive sovereign immunity in certain circumstances. You have to be very intentional about doing that. So those things, if there are issues with it-- and I don't know if there are, I think, could be pretty easily harmonized.

MURMAN: Any questions for Marion Miner? Senator Conrad.

CONRAD: Thank you, Chair Murman, and thank you, Marion. Always good to see you. I appreciate you picking up on, on those questions there. And I was just trying to figure out if there was a policy reason for maybe not following kind of our standard approach with some of these issues when you look at our Tort Claims Act or issues of sovereign immunity or civil practice in general. So I-- and I appreciate and understand we're perhaps not as crisp as we might be if we were in oral argument as we are in the legislative environment. But I agree. I think typically our Nebraska Supreme Court case law requires a rather explicit waiver of sovereign immunity and I didn't see that in the bill or the amendment so I was just wondering about that in context of the bill.

MARION MINER: Sure. And as far as the intent with those things goes, you know, I wasn't involved in the drafting of the bill--

CONRAD: Sure.

MARION MINER: --so I don't know the answer to that. But as I said, I think, I think, you know, with--

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CONRAD: Yes.

MARION MINER: --with some study, that's something that could be pretty quickly resolved.

CONRAD: Thank you.

MARION MINER: Um-hum.

MURMAN: Any other questions for Marion Miner. Thank you very much.

MARION MINER: Thank you very much.

MURMAN: Jeff Birkentall. Good afternoon.

JEFF BIRKENTALL: Perfect. Good afternoon, everyone. My name is Jeff Birkentall and that's spelled J-e-f-f B-i-r-k-e-n-t-a-l-l. I am a senior at Millard North High School and a representative of the Nebraska High School Republicans. I'm here to testify because I believe that LB575 is crucial for our schools and student safety. Some individuals claim that it is transphobic and hateful towards transgender individuals. This is not the case. As a student at Millard North, This is an institution with more than 2,000 in-- 2,000 students in school at any time. While I have not personally experienced biological women in the men's locker room or bathroom, I know this is a hot-button topic not only across Omaha, but the entire state. Sorry, I lost my place. In my opinion, I believe-- I would, I would be extremely uncomfortable if a woman were to use the men's locker room or bathroom. I believe the bill Senator, Senator Kauth has introduced is a phenomenal preventative measure. By making LB575 effective August 1 of this year, we are making schools safer and more comfortable for all. Schools should be a place where people are able to learn in the academic sense, but also who they are as a person. This includes who you're friends with, making new memories and figuring out what you want to do with your life. I believe this personal freedom and growth should not cost the comfort of all. Now, to some who will say this is transphobic because it does not allow all to act and show the way they identify, this is not just for them, but for all students as well. It makes sure that in the men's locker room are men and vice versa for the women's locker room. Continue-- continuing on that path for sports and make sure there is equal opportunity for men's and women's sports. Because of biological differences for-- because of biological differences, men on average do-- I'm sorry. I'm sorry. I lost my place. So sorry about that. OK. For, for sports, make sure that

there's an equal opportunity for men and women's sports. Because of biological differences, men, on average, do have more strength. For example, I've been bowling for 12 years of my life now. There's a genuine physical difference between the way I throw it and the way females throw it because of the way our bodies work. With females often having smaller, less-broad shoulders, it poses a challenge to maintain a high speed and power through the shot. If a biological male were to identify as a transgender woman and started bowling in the girls division, that individual would immediately crush the competition. I want fairness and comfort for all of our students, whether they are in school, at their sport or some other, some other school-wide activity. I want to thank Senator Kauth for introducing this bill and the hard work she has put in to keep Nebraska's schools safe. Thank you.

MURMAN: Thank you, Mr. Birkentall. Any questions for him? If not, thank you very much. I think we're at Dr. Linda Vermooten.

LINDA VERMOOTEN: Good afternoon. My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n and I'm here as a proponent for LB575, Sports and Spaces. One almost wonders why we are at this place because we shouldn't have had to come to this place, but we are at this point. I want to speak about some of the psychological impacts that this has on the girls. Nobody is talking about the girls. A lot of people are talking about the transgender biological boys that are identifying as girls. But what about the girls that have to compete against these boys? Who's talking about that impact? We have the case that is before us from Connecticut that has been referenced already today. If you look at the photo in one of the packets that you will be getting today is that young lady. Just look at that face. It's full of despair, dejection, hopelessness and why? She was the top of her field. She should have been able to go on and probably win New England regionals. But she was forced to compete against two boys that were not biological girls. As a result, they took, as we've already heard-- I won't repeat that testimony-- so many of the medals and rights that should have gone to girls. So resulting in this, we are left with the deluge of the aftermath to help these girls pick up the pieces. I was supposed to have been filling the blank, the top of my class. I should have got that gold medal. I should have been the champion in my state. I should have been the regional champion. Is that really the record that we want to follow in Nebraska? We say this is a state where we do it the right way. This is always a good state. People say, well, you know, we're making this because there's only six or seven. Yes, that's at this moment. If we don't have a law like this, who and when will we

stand up to protect the rights of the girls, of the majority as opposed to the minority? Somebody has to speak for them. This frustration, fear, anger, depression, the labeling and the bullying that goes along for the girls that question it and they speak up and they say, why have I got to do this? Then they are labeled and they're given nasty titles like saying their phobia-- transphobia or they're this or they are that. No, they're not. They saying I'm a girl. I want to have the right in my school to compete. And when you sit with these young ladies and you hear their stories and you hear their frustrations, this is not going away at any time. But then there's also those that are coming right behind them. Will they give up before they even get a chance to compete? Because will they say, what is the point of my competing in the first place if I'm going to have to run against a biological boy whose muscle power is much more? That biology does not go away. According to the [INAUDIBLE] Institute in Sweden, they conducted a study on men that were seeking transition to females, and they had been on these hormones for a year and they still noticed there was no reduction in muscle mass at all. So these boys still have that muscle mass. They still have the strength, the energy. They have larger hearts, they have larger lungs, and therefore they have much more oxygen and that is crucial for competing in sports. So I'm asking that we would pass this bill and protect the young women in the schools of Nebraska. Thank you, Senators.

MURMAN: Thank you, Dr. Vermooten. Any questions for Dr. Vermooten? Thank you very much. Russ Barger. Good afternoon.

RUSSELL BARGER: Good afternoon. Thanks for having us all here today, Senator. I didn't realize I was next in line. I was hoping my sister and a couple other people were going to go before me, so. So my name is Russell Barker, R-u-s-s-e-l-l B-a-r-g-e-r. I'm appearing as a private citizen. I do not represent anyone in my testimony. LB575 helps women store-- women's sports stay viable. Women worked hard to achieve the parity they now have in athletics through Title IX. Nebraska's elected officials, I think, have a right and a duty to protect women's sports and those girls' health and safety. I think having some additional findings of fact in the beginning of this bill would actually help it if it becomes enjoined later in court. So opponents will tell you that discriminating-- we're discriminating against transgender girls if this goes into effect. And having findings of fact that are similar to what they have in the West Virginia bill, I think will help this bill survive a court battle. The case at issue was B.P.J. v. West Virginia State Board of Education. The U.S. district court there in West Virginia recently upheld their

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version of a statute very similar to this, but it did have quite a few more findings of fact. That district court found that protecting equal opportunities for females is important. The court found it was noteworthy that all it takes for a boy to switch from being a boy to a transgender girl is to actually identify as a transgender girl. Physiology was not a component in determining whether they were a transgender girl. So I think it's important to make it clear that there's a significant physiological difference between boys and girls when you put in your findings of fact in the bill, if you choose to amend it any. The ACLU will likely argue that this bill violates Title IX because it excludes transgender girls from playing girls sports. That West Virginia bill actually mirrored the Title IX statements of law when it put in its findings of facts and the court noted that was pretty important. Classifications of teams according to biological sex is necessary to promote equal athletic opportunities for the female sex. That's pretty standard case laws to the reasoning for Title IX. I think this is going to end up being fairly similar to what happened with our partial birth abortion law battle several years ago, the Nebraska statute got enjoined because it didn't have the appropriate findings of fact. After the Supreme Court threw it out, Congress came in and made specific findings of fact. And when it went up to the Supreme Court again, they found that there was essentially no valid reason as a finder of fact found, which is the purview of the Legislature or Congress to have that D&X procedure. So thank you for your time.

MURMAN: Any questions for Mr. Barger? If not-- oh, yeah--

CONRAD: Yes.

MURMAN: --Senator Conrad.

CONRAD: Thank you, Senator Murman. Good to see you again, Russ.

RUSSELL BARGER: Yes.

CONRAD: Hi. Welcome. And I-- if you weren't helping Senator Kauth with the drafting of the measure, I know that you've litigated some of these issues in the past and worked with a policy attorney on some of these-- maybe not exactly these issues, but related issues in the reproductive justice realm. Do you have a sense-- and if not, we can follow up after the hearing-- just about kind of how this would work with the Tort Claims Act or any of those kinds of, kinds of ideas or analyses?

RUSSELL BARGER: You know, I'm glad that you were mentioning those things earlier because I think Marion and I were critically trying to speed through that--

CONRAD: OK.

RUSSELL BARGER: --State Tort Claims Act.

CONRAD: And you were both pointed at each other.

RUSSELL BARGER: I was hoping he would answer all the questions. But the Political Subdivision Tort Claims Act and the State Tort Claims Act are probably the vehicles that you could use. But I think Marion's right. It wouldn't take much of an amendment--

CONRAD: OK.

RUSSELL BARGER: --to just say that that statute of limitations applies. You have to file a claim. I think it's important for those-- I wouldn't send it through the Political Subdivision Tort Claims Act if it were me because most of these are going to be schools. It's not going to be a state entity.

CONRAD: Um-hum.

RUSSELL BARGER: And I think-- as you probably know, I think the case law is pretty clear. If there isn't something in the Political Subdivision Tort Claims Act, then Supreme Court said just follow what's ever in the State Tort Claims Act. I don't, I don't think it would take much of a change to remedy that. I-- to me, the fact that it lists out causes of action, I think it is waiving the sovereign immunity bit. And that could be part of the reason both the Political Subdivision Tort Claims Act and the State Tort Claims Act says if a court comes in and says, OK, this course of action does fit here, you get six extra months to file your claim and you can extend the statute of limitations.

CONRAD: Right, notice periods and statute--

RUSSELL BARGER: So when they're not clear, but now's the time to make it clear. You guys have the chance to fix that, so.

CONRAD: Yeah. No, I appreciate that. And I think you know, that's exactly how the process is supposed to work; to identify substantive technical issues, see if there is a policy reason for something that's

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distinguishable rather than analogous to our current law, and then either harmonize or make clear why, why it shouldn't be harmonized. So I was just trying to understand is-- I was trying to kind of dust off my [INAUDIBLE] pro mind and kind of get into that to see if there was a reason why maybe it was a different approach or if it was meant to mirror that existing structure. So I definitely appreciate that response. Thank you.

RUSSELL BARGER: OK.

MURMAN: Any other questions?

WAYNE: I got a question.

MURMAN: Senator Wayne.

WAYNE: So are you familiar that our high school athletics are not governed by the schools, that's it's a separate organization outside of--

RUSSELL BARGER: Oh, the NSAA?

WAYNE: Yes.

RUSSELL BARGER: Yes, yes.

WAYNE: So what would be the interplay between-- because this talks about a whole bunch of school stuff, but at the end of the day, my high school can participate in a NSAA-sanctioned event without my school's approval. We do it with lacrosse right now. Lacrosse is outside of most schools. So how would you-- how does that govern this?

RUSSELL BARGER: I don't know. I don't have a good answer to that.

WAYNE: And so--

RUSSELL BARGER: I hadn't really thought that one through. I mean, when it's a private organization-- are you talking about a club sport? Are you talking about--

WAYNE: Club sport, but actually, all of our schools are in a separate organization, NSAA. So NSAA actually runs all of our, all of our sporting events so it's not--

RUSSELL BARGER: Um-hum I know-- is it-- I don't know if it's a political subdivision or not.

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WAYNE: It's not.

RUSSELL BARGER: I think it is.

CONRAD: It's not.

WAYNE: It's a nonprofit that our schools opt to-- they opt to participate in, but they don't, they don't have to, nor does it bar them from actually participating in athletics. So this-- and maybe I should-- I was doing a hearing in Transportation that took way longer than I thought. But it-- underneath this bill, can't schools just opt every team to be coed?

RUSSELL BARGER: I don't, I don't think so. I mean, where it's a high school team like that, I, I would be surprised if they would opt for football to be coed--

WAYNE: Well, it says--

RUSSELL BARGER: --so.

WAYNE: --schools shall expressly-- on page 3-- designate the following based off of biological sex: males females, boys, coed, mix. So it sounds like we can just make every school mixed or coed, every sport.

RUSSELL BARGER: No. I, I mean, it gives them that option because those types of teams already exist. I'd, I'd be surprised if that were the result. I'd be surprised at that.

WAYNE: Thank you.

MURMAN: Any other questions for Mr. Barger? Yes, Senator Conrad.

CONRAD: Sorry, you're in the hot seat, Russ, but we're so-- Senator Wayne and I are so happy to have another attorney here to kind of tease out these issues. So we appreciate you being a good sport.

RUSSELL BARGER: You realize I was actually hoping that this-- I was going to be a placeholder. My niece who was swimming up in Omaha was going to come down here and take my place, but.

CONRAD: OK. All right, all right, all right. Very good. And then I don't know if you've had a chance to see the amendment Senator Kauth shred with us before the committee and if not, we can--

RUSSELL BARGER: No, I didn't see it.

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CONRAD: --we can get you a copy thereto. But it looks like she's trying to address some of these civil procedure kind of issues and maybe is, is-- had a change of thinking that these measures would be defended by the Attorney General's Office rather than the individual school. And again, I was just going to ask, are you aware of any other model in Nebraska law where the Attorney General's Office picks up the, the civil litigation responsibilities for schools or other political subdivisions or even private 501(c)(3)s, the NSAAs?

RUSSELL BARGER: Well, I mean it depends. They have that parens patriae authority and I mean they have a duty to defend whatever statutes came out of the Legislature, so--

CONRAD: Right.

RUSSELL BARGER: --I'm guessing what would happen is the ACLU would go through and sue everybody. They would sue, they would sue NSAA. They would probably sue the state.

CONRAD: That-- yes, that's, that's true for either facial or as applied perhaps civil rights challenge. But my question was not that. My question was in the amendment-- and I know you haven't had a chance to look at it yet and I'm trying to get my head around it, too. It would just basically say that if there-- it creates a private right of action for an individual student who's aggrieved by the measure to, to bring suit. That rather than working through that, I guess, it moves or kind of shifts the litigation responsibility to defend the schools, all the schools, to the Attorney General's Office or the NSAA.

RUSSELL BARGER: Oh, yeah, I--

CONRAD: Yeah, I'm trying to get up to speed--

RUSSELL BARGER: Without even looking at it--

CONRAD: --on it too. Yeah, OK.

RUSSELL BARGER: --it'd be difficult. I mean, it could be assigned.

CONRAD: OK.

RUSSELL BARGER: And I would think-- you know, I imagine the fiscal note would probably change if that became the case.

CONRAD: That was my next question. Thank you very much.

RUSSELL BARGER: OK.

CONRAD: Yeah, thanks.

MURMAN: Any other questions from Mr. Barger? Thank you very much. Stacy Agnew is next. And then after that, I don't have any more. So I think as soon as-- I mean, you have to jump up is-- whoever jumps up quickest to be next.

DENISE BRADSHAW: I'm on the list here.

_____ : She's on the list.

MURMAN: OK, OK. That would be fine. She'll be next. Good afternoon.

STACEY AGNEW: Good afternoon, Senator Murman and members of the Education Committee. My name is Stacey Agnew, S-t-a-c-e-y A-g-n-e-w. Thank you, Senator Kauth, for bringing forth this bill and for accepting my testimony in support of LB575. I'm the mother of three children. They are all competitive swimmers. My oldest daughter is a Division I college swimmer. My high school-- my son is in high school here in Lincoln and my youngest swims just to have fun. All three are members of Swim USA [SIC], which is the governing body for swimming, and are members of a local swim club. I'm also a parent board member of that swim club. My kids love swimming. I'm so grateful for the benefits of Title IX over the past 50 years. Last year about this time, I was following the Lia Thomas situation and being in a household of swimmers, I became concerned. Nebraska needs to have laws like LB575 that give clarity and fairness to biological females in female sports. I am concerned that a transgender female can participate in a female sport, take the spot from a biological female for games, races, relay spots, changing in a female locker room, break female records, receive sports-related honors and earn college athletic scholarships as a female. It undermines the facts of the differences in males and females. No amount of hormone-suppressant medicine, medicine will change the facts. Men's muscles are bigger and stronger. They have higher bone density and greater lung capacity than females. This is why currently we have two categories in sports: males and females. So in swimming, it's all about time. My son experienced puberty at 13 and dropped 15 seconds in his breaststroke over six months. At the same time, his older sister, who is three years older, only dropped two seconds on her best times. I recall one night at practice when the coach, for fun, had them race each other. Carson [PHONETIC] out-touched Alaina [PHONETIC] and it was not a fun ride

home that night. My son is little, barely in the 2 percent growth curve. He has struggled to drop time in swimming before he had hit puberty. His sister was always fast. I have seen it with my children, male hormones making a difference in who has faster times. This season, right now, NSAA, Nebraska State Activities Association, he has the 13th-fastest time in the state in the men's 100 breaststroke. If he was swimming as a female, he'd be ranked first. This is very clear to me. Men who have gone through even a little bit of puberty can surpass developed females. And also, as the parent of a member of a nonprofit swim team that utilizes Lincoln Public Schools' pools every night of the week and for swim meets, I'm afraid that without this law, there is undue risk assumed by our nonprofit swim clubs. It's against all ethics to me to consent to locker room use of the opposite gender just to provide inclusiveness for transgender children on a swim team. LB575, I believe, would provide protection to these important nonprofit organizations in our community who use public school facilities. I'm happy to answer any questions if you have any.

MURMAN: Any questions for Stacy Agnew? Thank you very much. Whoever's next.

LAURIANNE MICHAEL: Thank you, Chairman Murman and members of the Education Committee. My name is Laurianne Michael, L-a-u-r-i-a-n-n-e. I'm speaking primarily to sports, but I also wholeheartedly support the spaces-- the private spaces in locker rooms. I ran track and cross country in high school in Omaha. I would say I was an average athlete, but as a result of hard work and training, I qualified for the Nebraska State Track Meet and the Nebraska State, State Cross-Country Meet when I was in high school. I also ran cross-country my first year of college. Running became a part of my lifestyle. I enjoyed the self-motivation, goal setting and determination that it provided. These qualities I learned from running I was able to apply toward my study and career as a registered nurse. I have a family now and my daughter has discovered a love for sports. I am encouraging her to participate in athletics. However, I'm concerned that she may never be able to have the same experiences that I had as an athlete. I have the same concern for all young girl athletes in Nebraska. Biological female athletes have determination, motivation and the ability to set incredible goals. But what they lack is a similar level of testosterone compared to biological males. The biological females' ovaries produce testosterone. However, not nearly as much as the biological male. In fact, a normal female reference range of testosterone is between 12 and 61 nanograms per deciliters and a normal male range is 234 to 256 nanograms per deciliters. And there's

different conversions. I know Dr. Brown gave different levels, but these are average for adult men and women. However, males typically produce most of their testosterone during their teenage years. Testosterone stimulates production of skeletal muscles, bones, red blood cells and more. It differentially affects male and female hemoglobin levels, body fat content and muscle fibers, which translates to strength, speed and endurance, which we have talked about already today. Biological female athletes are not competitive for the win against biological males. The lowest end of the male range is three times higher than the highest end of the female range. I understand this is complex and I ask that you would consider each of our testimonies as we speak for and represent countless other biological women who want to compete. And as a mother of a young daughter who is looking forward to her future in sports, I strongly ask you to pass LB575. Thank you.

MURMAN: Any other-- any questions for Laurianne Michael? If not, thank you very much. Any other proponents for LB575?

DENISE BRADSHAW: Good afternoon, Senators. My name is Denise Bradshaw. That's D-e-n-i-s-e B-r-a-d-s-h-a-w. I will not belabor the impact to women's sports. I think that's been made very clear. So I'm going to talk to you from a different perspective. I am a rape survivor. As a young woman, young girl, I had to meet my assailant in a small room with one door in and one door out, very similar to bathrooms and locker rooms today. A quick Google search today showed me that in the states of Virginia, California, Wyoming, Washington, and many other states and many provinces in Canada, rape has dramatically increased in rooms that have been modified to include both male and female. I ask that you take this into consideration. This is a fact. This is something that happens. It happens-- according to the federal government, 20 percent of all women prior to the age of 18. So how many women in here today carry that stigma, but I'm the one who came up to speak? Please pass LB575. From the bottom of my heart, this impacts women. One door in, one door out. You have nowhere to go and that is the structure of most restrooms and locker rooms today. That's all I can say.

MURMAN: Thank you.

DENISE BRADSHAW: Are there any questions or any-- I guess that's what you say.

MURMAN: Thank you.

DENISE BRADSHAW: Sorry about that. I took your line.

MURMAN: Sorry. Any question?

DENISE BRADSHAW: Thank you for your time.

MURMAN: Thank you for your bravery. Any, any other proponents for LB575?

ALEX STEPHENS: I thank the committee for allowing me to speak to you. My name is Alex Stephens, A-l-e-x S-t-e-p-h-e-n-s, and I am speaking as a proponent for LB575. The problem you're going to find with the opposition's information they're going to use when attempting to claim this bill is unscientific is that they are going to use a simple model to approach the issue of sex, sex hormones and athletic performance. Different levels of androgens, primarily testosterone, are one of the key, but far from the only cause of difference in athletic performance and is the reason why this bill is ultimately necessary. Let's go over these differences that are more than just free testosterone to understand just how big the gap is between men and women's sports and why protecting women's sports is thus necessary, Being handed out to you is not only this speech, but also a guide to some of the terms I'm using here in summary. Free testosterone's anabolic effects on the musculoskeletal system is built on two factors, free testosterone as well as androgen receptivity. The male range of free testosterone has been stated many times to be many times higher 15, 16, 17 times higher, depending on who you ask and what time frame they're looking for. But further than that, there is a matter of androgen receptivity. Women do not, even under male levels of testosterone, through exogenous sources, they do not actually gain muscle mass at the rate of men. That's due to the genetic influence of and location of androgen receptors, something that is a genetic and cannot be changed through exogenous use of testosterone. Men and women both have androgens and estrogens, but they get different effects at different ranges. Many of the effects of higher levels of testosterone for extended periods of time are permanent, a process called virilization. So if a man undergoes male puberty, the effects of that male puberty are permanent on the things such as lung capacity, heart size and bone density. The SRY gene, the gene that is actually found on the Y chromosome, is the-- results in men having higher testosterone through its direct application in androgen receptivity. You can remove testosterone from a male body, but the body is still male because of these receptors. The effect of this in practice is that in most sports, men have a strong edge over women even if you were to equalize

testosterone ranges. And it's why that's actually not a very good mechanism by which you can determine whether someone should participate in two different levels of the sport. The beneficial nature of sports, however, is-- exists for all people of all different ranges of testosterone and for both sexes. And we've seen this numerous times before. Athleticism is something that deserves the support of you senators and I behoove you to support female athleticism through supporting this bill out of committee. Thank you.

MURMAN: Thank you.

ALEX STEPHENS: Um-hum.

MURMAN: Are there any questions? Thank you very much. Other proponents. Hello.

KELLY McCANN: Hello. My name is Kelly McCann, K-e-l-l-y M-c-C-a-n-n. I am speaking for myself from my personal experience in healthcare as a physical therapist for over 25 years and the mother of both male and female athletes. For the past four years, my daughter has played against and alongside a biological male that identifies as a female. This is a very important conversation to be having. This is something that needs to be done with both dignity, respect for all participants. When gender identity overrules biology, opportunities for female athletes to excel will no longer exist. Biologically born females present with a four to six times greater risk for injury because of their inherent physiology. Lower bone density, bone structure, ligament laxity and reduced muscle mass place them at an increased risk for the most common injuries: fractures, ligament tears, dislocation, sprains and strains. Playing against opponents that have such a physical advantage even before stepping on the field will only increase their odds of injury and its severity. Even after two years of testosterone suppression therapy, it is found that the muscle mass in males is decreased by an average of only 5 percent. That doesn't come close to narrowing the biological or physiological advantages inherent in males, nor does that 5 percent decrease in muscle mass reduce the risk of serious injury that these females that they would be competing against are at risk for. Rules of sport are designed to keep athletes safe and to provide equal opportunity for successful performance. In football, we would never have one team play with full pads against another that had nothing. In a 100-yard dash, we would never allow somebody to start from the 50-yard line. And in basketball, football, soccer, we would never allow a teenager to play in a U11 league just because they related better to those age

children. Yet by allowing individuals to compete that are biologically already at a 50 percent advantage over their competitors, we are doing these very things. During a time when we have put a premium on equity, where is the equity here? When we choose one athlete's comfort over other athletes' safety, we are unfairly placing value of one over the other. I am not trying to discount the emotional difficulties and turmoil of anyone dealing with questions about their gender identity. Everyone deserves to feel safe, have equal opportunities for success. And I'm here asking that we all remain objective and acknowledge the science defining our differences as biological males and females. We can use that to-- we can use that knowledge to preserve boundaries that will ensure the safety of every athlete. Alternatives such as an open division would allow individuals and teams to compete fairly and excel in a way that is respectful to all athletes and genders they identify with. As stated earlier, when emotion and gender identity overrules biology, opportunities for female athletes to excel will no longer exist.

MURMAN: Any questions for Kelly McCann? If not, thank you very much. Other proponents.

STEVE DAVIES: Thank you, Senator-- Chairman Murman and the rest of the senators on the committee. My name is Steve Davies, S-t-e-v-e D-a-v-i-e-s. I testify in favor of LB575. We've heard a lot today about the physical dominance of biological males. I want to talk a little more about safe spaces. For younger children, their innocence must be protected. Their emotional well-being, worldview and mental health stability are developing. Violence, confusion and inappropriate sexual exposure can inhibit or misdirect that development, causing lifetime repercussions. I grew up in a small town in Colorado, K-12 in one building. I was in middle grades and there was a row of bushes out in front of the school. Two first-graders were found naked under the bushes. It was kind of well known that the little girl had been exposed to inappropriate things. School staff went out and got them and asked what they were doing. They said, we're making a baby. That young girl was sexually active, very sexually active by junior high. As a freshman, she started an affair with the high school teacher with four children. After she graduated from high school, he divorced. They married and moved away. That's what can happen. And after they get a little older, safety is a much bigger concern. The incident in Virginia comes to mind. The trans girl raped a girl in the bathroom. Given the political environment, the school staff and the school board swept it under the rug, transferred him to another school, and another girl was raped. We need this bill. Thank you, Senators.

MURMAN: Thank you. Any questions for Steve Davies? Thank you very much.

ELIZABETH DAVIDS: My name is Elizabeth Davids, E-l-i-z-a-b-e-t-h D-a-v-i-d-s, and you'll see written comments from a friend of mine who wasn't able to stay so that's not my name at the time. We heard numerous testimonies on the previous bills about how important it is for children to have enough food during the day so they can learn well. How can our children learn well if they're hungry all the time was said. And I absolutely agree, kids need nutrition. My question to you is how can our children learn well if they are terrified and traumatized all day long at school? Ladies of this committee, have you ever had to use a workplace bathroom facility at the same-- that is the same as a man's bathroom facility? Have you ever used the same locker room facility as a man? Being a woman, there are five of you on this committee. Being women, we are part of the segment of humanity that has a one-in-four statistic of being sexually assaulted. So probably if we would all have a frank conversation, two of you would be in that statistic. As a sturdy-built, five-foot-ten woman, I have had the privilege of not feeling physically intimidated very often. But when I use the bathroom in this legislative building and a person over six feet tall with all the physical advantages of a man, a male physique enters the bathroom, it doesn't matter what they want to be called. They have the physical advantages of testosterone and should be treated as such. For the entire history of humanity, we have separated the sexes in our intimate spaces. For all of humanity, we have understood and witnessed that people born with male genitalia have a physical advantage in almost every way over those born with female genitalia and that hasn't changed. Humanity hasn't changed. Your difficulty here is that somebody is going to be uncomfortable. You either pass this bill and a very tiny, tiny minority of the people are uncomfortable or this bill doesn't go anywhere and a vast, vast majority of students are uncomfortable. Being a Lincolnite, I've already seen and done this before. As the people of Lincoln have spoken powerfully, when our city council passed an ordinance that would open up our intimate spaces to both sexes, the people of Lincoln rallied and gathered over 18,000 petition signatures, far surpassing the 11,000 signatures that were needed to overturn that ordinance. So even here in liberal Lincoln, we know that we want our bathrooms and intimate spaces kept separate. Why wouldn't we want our children's schools to follow suit? I can't tell you the number of dads that I've spoken to that said, if I watched a man go into my daughter's bathroom after her, he better watch out. That natural protection for our girls

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is, is felt throughout our state. So the conversation is simple. It's not easy, but it's simple. And to be frank, no matter what we call people, we all know that we should separate people with different private parts, as it has been said today. So should the vast, vast majority of students be made to feel uncomfortable or should the tiny, tiny minority of students who choose not to use the unisex bathroom and changing area options be made to feel uncomfortable?

MURMAN: Thank you. Any questions for Elizabeth? Thank you very much. Other proponents.

WARD GREISEN: Good afternoon, everybody. My name is Ward Greisen. That's W-a-r-d G-r-e-i-s-e-n and I'm here to testify as a proponent to LB575. I'm going to kind of go a little off script and hopefully keep this real short because you've heard a lot of what I was going to talk about, Title IX and the importance of, you know, females being able to compete in, you know, their biological-- against their biological sex. And I just want to really relate to my daughter, who is, you know, competed in Nebraska all through junior high and high school and has now had the opportunity to be a Division I athlete. And really want to talk about, you know, what that has done to her confidence and what that has done to her as a young woman. And it's just remarkable to see her and the confidence that she's gotten from sports. And it's helped her from, you know, being able to present herself from a leadership standpoint and just being, you know, comfortable with herself. And so to take that away would, would be just traumatic, in my opinion, as a father. And so I urge you to pass this out of committee and get it onto the floor. So thank you for that. And like I said, I'll try and keep it short.

MURMAN: Any questions for Mr. Greisen? Thank you very much.

WARD GREISEN: Yep.

JEANNE GREISEN: Good afternoon. My name is Jeanne Greisen. It's J-e-a-n-n-e G-r-e-i-s-e-n and I'm here in support of LB5 75 as a-- kind of going to go off the cuff too-- as a soccer coach and a referee. I see this happening a lot and I'll speak again. You heard about my daughter, but she also played soccer and I coached her and I would let her play with the boys sometimes if we didn't have enough boys to play. So she would play with the boys and she couldn't play everywhere. She was a great athlete, but she couldn't because the boys were too fast, so I'd have to strategically place her somewhere. And she would do it, but I do have to say she couldn't keep up with the

boys when it came to speed. So there's clearly a difference and there's a physicality difference. The only concussion that she got was when she played with the boys. So there is a big difference. So we need to just keep that and keep men-- if I were to do that and had boys come and play on her team, they would destroy them, any other girl they were playing. And as a referee, kids just want it to be fair. Like, the girls want it to be fair. They want the rules to be applied fairly. If you make a bad call, they don't care as long as you make a bad call for the other team as well. They just want it to be fair. And this is a bill that makes it fair. And I just want to end with, again, my daughter, she's got three brothers. I would-- she would not let her brothers in her room nor her bathroom ever. So why would we take a stranger and let them in her space? It makes no sense. So let's just separate them and keep them safe. Thank you.

MURMAN: Thank you. Any questions for Ms. Greisen? Thank you very much. Other proponents. Any other proponents?

AMBER PARKER: Hi. A-m-b-e-r P-a-r-k-e-r, Amber Parker. So today I'm coming forward to share with you that growing up, I was the tomboy as well as in junior high, I wrestled. What I want to share with you is there's multiple areas in this conversation and what this bill will protect from that I was in a place and I was protected. First of all, I did not think of myself that I wanted to transition to a man when I grew up, but I found that I had more in common with guys than I did with the girls. I was more-- I wanted to run. I wanted to hang out. We would play football. I mean, we were just hanging out together. I started getting bullied by a girl in junior high and I figured rather than getting in trouble with school and things, that we could both sign up for wrestling and take our aggressions out in that way and show our athleticism. And so I just-- I didn't want to deal with it. I wanted to end the bullying and how she kept coming after me. So I said, let's all-- I'm signed up for wrestling. I heard she was signing up so I signed up. Well, she never did, but I'm a committed person so I went in to wrestle. This would have been at Pound Middle School. For those who don't believe me, they can do their homework. And the coach, I believe he was a college coach. I can't remember if it was with Wesleyan or whatnot. But anyhow, he was so kind to me. And let me tell you my first experience of wrestling. And I wasn't in huge competition. I just was junior high going forward and I committed. My first match, I believe I won or did pretty good. So then I went to the second match. The gentleman outweighed me and after the match, a kid comes up to me and is, like, will you go out with my friend? I was like, who's your friend? And it just happened to be the guy I just

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wrestled. Let me tell you, you get grabbed in each and everywhere that I would not have wanted to. And if I would have known what I know now, I would have never went forward and wrestled. Our bathrooms and our locker rooms must be protected in the state. These are very serious things going on. This does not need to be politicized. There are biological differences between men and women and men are stronger than women and men do not need to be bullied by women who would try to come and prey on them and coming into their restroom or their locker room. These are very serious things. And you guys have a great decision to make to stand up and to protect our Nebraska schools, our Nebraska sports in these areas. And please stop silencing the voices of the women based upon what is called on transgender men rights.

MURMAN: Any questions for Ms. Parker? If not, thank you very much.

AMBER PARKER: Thank you.

MURMAN: Any other proponents?

DEBRA LANGE: I've never been here before. I don't know how all this works. Now, all I know is my name is Debra Lange, D-e-b-r-a L-a-n-g-e. I have three granddaughters, two in elementary school and one in preschool. And never in my 69 years did I ever think the things that are going on now would be going on. Stuff like this is-- blows my mind. And I'm not a rocket scientist, but I know that you have to have a Y chromosome to be a male. And I don't have any hard feelings towards any of those people. Just don't push your beliefs on everybody else, on our children, and don't change things just to make it wonderful for less than 1 percent of the population. Like I said, I'm a grandmother and so don't mess with my granddaughters.

MURMAN: Any questions for Debra Lange? If not, thank you for testifying. Any other proponents? Yeah, I guess we'll take a five- or ten-minute break. And soon as we can switch the room over, we'll go with the opponents.

[BREAK]

MURMAN: [INAUDIBLE] with LB575 and we are now on the opponents. And first I have Mason Luttig-Leapley. Sure, go ahead.

JOSEPHINE LITWINOWICZ: Thank you.

MURMAN: Yeah, I know you've been here all afternoon so that's fine.

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JOSEPHINE LITWINOWICZ: Are we ready?

MURMAN: Yeah, go ahead.

JOSEPHINE LITWINOWICZ: Good afternoon, Chairperson Murman and members of the Education Committee. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. Anyway, I just-- I want to-- this bill, you know, as a person who played sports and, and I can understand-- I'm not going to address that part of the bill that has to do because I just don't know enough. But I can certainly see the possibility that-- and there's scholarships involved. But what I want to get to is the, you know, the spaces. You know, I mentor a trans student down the block. And, you know, I've known some of the reactions that she's gotten. I really-- I don't know anyone who would have-- yet, I mean, you can have anyone go into a bathroom and, and cause trouble and you can impersonate--- I don't know, but I don't think it's coming-- other people are going to speak to that, I guess, but I don't think it's coming, you know, from us. And so I just wanted to say I think it's-- and, you know, when I went to a parochial school in New Orleans and if I would have felt that way, I don't think I would have been able to use a different bathroom. So there was only one. It was big. But so I think this is a bad idea and it offends me because I exist. And to say that, that I don't exist the way I am, as a female, and-- because I can't even fully express my-- like, my true self because, you know, I just can't be that vulnerable. I'm not a flaming woman or whatever, but, you know, it just-- anyway, I'm sidetracking. But, um, so-- but I-- it's who I am. And so, you know, you know-- and, you know, Clarence Thomas made promise that he's coming after us. So, I mean, where the common-sense parts are, I can see at least the possibility that in athletics with scholarships on the line, I understand that. But without even-- without knowing the scientific. And maybe it's otherwise, but, but I really don't like basically being told I don't exist because that's where, in my heart, F-bombs started flying. And at that point-- OK, thank you, Senators.

MURMAN: Thank you. Any questions? OK, thank you for testifying.

JOSEPHINE LITWINOWICZ: I didn't go over. It didn't even turn red. Thank you.

MURMAN: Next proponent [SIC] is Mason Luttig-Leapley.

MASON LUTTIG-LEAPLEY: Good?

MURMAN: Good afternoon.

MASON LUTTIG-LEAPLEY: Good afternoon. Hello. My name is Mason Luttig-Leapley, M-a-s-o-n L-u-t-t-i-g-L-e-a-p-l-e-y. My pronouns are he/him/his and today, I stand before you as an openly transgender coach and former collegiate athlete in opposition of LB574 and LB575, my bad. I'm a native-- Nebraska native born in Omaha, raised in-- and raised in the village of Kennard, population, 375. I attended Arlington Public Schools, where the student population floats around 400 students, pre-K-12. My class total was 39 students. I spent my time excelling not only in the classroom but in athletics with a 3.75 GPA and a long list of accolades, including 2016 Fremont Athlete of the Year, an all-state first team nomination in softball and a top-ten all-time discus throw of 159 flat in Nebraska, along with many others, allowed me to live in any small-town kid's dream of competing in sports at the collegiate level. Six years later, I'm proud to have not only competed at the highest level of athletics, but also earned five degrees, including my bachelor's in criminal justice from St. Anselm College in Manchester, New Hampshire, and my master's in inter-- interdisciplinary studies at the University of South Dakota. Now, you may be asking yourself, why is the average Nebraskan giving a list of their accomplishments? My answer is athletic and academic success aside, I was a queer kid who struggled to navigate a very cisgender and heteronormative environment. I knew I was very different from a young age. Unfortunately, I lacked the proper resources, resources and language I needed to understand who I was. This led me to remain in the closet until I was a junior in high school. When I did come out as a masculine-presenting gay woman, I was the only openly LGBT-plus individual in Arlington Public Schools. The few others I had known had been bullied until they transferred or were shipped off to conversion camps. These events, along with, with almost being kicked out of my own home, were reminders that stepping out of the norm brought serious consequences. I would only disclose my trans identity to a select few until six years later as a redshirted senior, when I felt confident enough to come out as a trans man. I spent the next three years as an openly transgender softball player and discus thrower advocating for LGBT-plus rights. I'm here today to be a reminder that queer Nebraskans exist, despite the state's active efforts to erase us. The Trevor Project reported in a 2020 national survey on LGBT youth mental health that 45 percent of LGBT youth had seriously considered suicide just this last year. Fourteen percent of those kids attempted suicide. For transgender, the ratio is 1 to 5. The Trevor Project, along with 29 major medical associations, confirm a majority of suicidal ideation

and attempts to stem from an acceptance-- or attempts stem from unacceptance. Studies have also proven suicide rates drop over half when the LGBT youth are accepted and affirmed. For myself, sports was my gender-affirming care. It was my escape and it saved my life more than once. Passing a bill such as LB575 would effectively tell LGBT youth they have no right to just be kids. How? Here's one example. After winning the softball NJCAA National Championship my freshman year, I returned to play my final season with my select softball team prime time. It was a typical season until we returned to Kansas City, Kansas, to play in the Memorial Day tournament, a tournament where we annually, annually attended. I vividly remember hearing parents yell out how we were cheaters and that they would-- they would win too, if they had two boys playing for them. My teammate and I blew it off, as we knew our head coach had our back, until the tournament director visited our dugout, visibly distressed. The way our head coach yelled in defense of her kids is still seared into my memory. What was going on? Well, the combination of our athletic ability and how we looked caused parents to report us, demanding to see our birth certificates.

MURMAN: Sorry, you've got the red light.

MASON LUTTIG-LEAPLEY: Am I good to keep going?

_____ : I don't get to decide, but I understand that some folks in the proponents went over--

MURMAN: No, no, that's not true.

_____ : OK.

MURMAN: If anyone wants to ask you a question, you can keep going. Otherwise, you've had the red light for a while. Senator Conrad.

CONRAD: OK. Thank, thank you, Chairman Murman. And I think that we might have to have a respectful disagreement about how the lights were utilized in the, the first go-around. But I-- we do have a lot of folks to get through and I know that you are hopefully maybe at the end--

MASON LUTTIG-LEAPLEY: Yeah, I'm--

CONRAD: --of your testimony, but I think sharing your lived experience can be really beneficial in helping the committee understand the issues. So-- but if you-- wrap it up.

MASON LUTTIG-LEAPLEY: Yes, for sure.

CONRAD: Thank you so much.

MASON LUTTIG-LEAPLEY: Absolutely. As a player, it was devastating. We were simply doing what we loved and doing it well. Yet, how we looked was evident enough that we didn't belong. Unfortunately, this would be a common occurrence throughout my entire collegiate career. I'd go onto bathrooms and facilities. Basically, supporters of this bill say create special bathrooms or categories. I see a quick way for bullies to identify the kid that doesn't fit in. I see kids who don't feel safe at home to be who they are or become-- that they will become victims of physical, ment-- physical, mental and emotional, even sexual assault, because they're outed by their peers all because they need to use a restroom. It is a basic human right. No kid should fear being sued for, nor should they risk an accident, UTIs, embarrassment or even harm to answer nature's call, let alone for simply wanting to play sports. Passing LB5-- LB575 would effectively protect the bully instead of protecting the bullied. For the sake of all athletes, oppose LB575. To all the-- to the LGBT youth in the crowd testifying, watching or patiently waiting to be truly free, I see you. You are heard, you are loved. Never forget that you're worth fighting for. Thank you.

CONRAD: Thank you.

MURMAN: Any questions for Mr. Luttig?

WALZ: Can I--

MURMAN: Yes.

WALZ: Thank you, Chairman Murman. First of all, Arlington alumni.

MASON LUTTIG-LEAPLEY: Yeah.

WALZ: It was a long time ago. A long time ago. Can you just briefly, very, very briefly describe--

MASON LUTTIG-LEAPLEY: Yes.

WALZ: --the sports at-- during your high school years?

MASON LUTTIG-LEAPLEY: Yes. So I was obviously out as a gay woman at the time. It was a struggle. I was directly told in high school that

nobody cared if I was gay as long as I continued to break records and be good at my sport. As a kid who has successfully gone into college, it was a struggle because it was an identity crisis. Because once I walked away and graduated from college, I don't have-- like I said, as an athlete now, no now I work with my kids to make sure that they know that they are more than their sport. It is definitely one of those things that it was a proponent of why I stayed in the closet until I got out, because I actually struggled with recruiting and stuff like that after I did come out as a gay woman. So let alone being trans, especially with the situations that have been brought up with Leah Thomas and several others, they don't see those comments, but I do. And so that caused me to attempt suicide more than once. And fortunately enough, I'm still here. So I advocate for kids like myself so that they can too continue to play on. Sports are a huge advocate of keeping kids out of the foster care system or helping them out of the foster care system and helping them stay out of the juvie system as well so.

WALZ: OK. All right, thank you.

MURMAN: Any other questions for Mason?

MASON LUTTIG-LEAPLEY: Thank you.

MURMAN: Thank you very much. Lou-- Louis Rens.

LOUIS RENS: Dear Education Committee, Chairperson and members, thank you for the opportunity to testify on LB575. My name is Louis Renz, spelled L-o-u-i-s R-e-n-s, and I am from Omaha. I believe in a Nebraska that is equal to all and where all can live, work, play and learn without discrimination. That is why I'm urging you to oppose LB575. So why do you think I'm wearing this high school letter jacket today? Class of 1990. You know, maybe not as cool as they used to be, but still have it. Because it is a visible sign of my participation in high school sports. In my high school years, playing on a sports team was essential, creating my social network, developing a work ethic, responsibility, and pushing myself to achieve tough goals. It was part of-- it was part of being a typical high school kid. I couldn't imagine high school experience without competitive sports. I went to three different high schools over a four-year period due to my father's work. Sports were essential to integrating fast when I moved to a new school. So 30 years later, and unfortunately 30 pounds later, again history repeats itself. And my family and I moved to Omaha in August of 2021. My two children started school at Millard North High.

No small challenge, as they went from a private high school with 480 students in Lima, Peru, to Millard North with its over 2,500 students-- student population. My trans daughter Nailea, joined the cross-country team where she made a great group of friends, learned responsibility, and discovered the true meaning of hard work. If I thought high school sports was tough 30 years ago, you should see it today. It's something else. So before, before, before her transition, she competed as a boy. But after her transition, she participated as a girl. And when I say participation, it's because due to the, the requirements of the school association, she did not meet the one year of hormone therapy, so she couldn't compete as a girl. We're hoping that she will compete in, in track this coming season. So this letter represents her achievements. And, you know, for me, this is, this represents inclusion and pride instead of exclusion and shame, like Hester Prynne's A in Nathaniel Hawthorne's The Scarlet Letter. So LB575 would take away Nailea's and other transgender kids' opportunity to be typical high school teenagers. All they want to do is fit in-- it's tough enough as it is-- make friends and be active members of their community. Please don't support a bill that would take away part of their high school experience and make it that much harder for them to fit in. I'm sure you will see that LB575 for what it is, simply the legalization of discrimination, just like the branding of Hester Prynne in the Scarlet Letter. Nebraska thrives when everyone can show up as their full selves, and LB575 would harm this goal. I urge the Education Committee to oppose LB575. Do not deny transgender kids the opportunity to live a normal life and be participants in their high school sports. Thank you for your time and I'm happy to answer any questions you may have.

MURMAN: Any questions for Louis Rens? Senator Conrad.

CONRAD: Thank you, Chair Murman. And thank you for being here, Mr. Rhines [PHONETIC]. Did I say it right?

LOUIS RENS: Rens.

CONRAD: Rens. OK, sorry. Thanks for sharing your family's experience, too. And I know that we're covering ground that's very intimate, that's tied very closely to, you know, our identity as people, our humanity. And so it's hard to encapsulate all that we need to get on the record and share with the committee in a really short period of time. But I would ask everyone to, to try their best so that we can, can hear as many possible viewpoints as possible. So I, I understand that it's a difficult challenge. But I was so glad that you shared

your experience with your childrens' participation in extracurricular activities. And, you know, here we are a couple hours into the hearing and it's really kind of the first time we've had somebody really talk about the, the existing process for trans athletes right, through the NSAA? Not in great detail, because I've reviewed the protocols and the policy and the application and it's comprehensive, but it's, it's not a simple process. And it was developed, I think, you know, many years ago with a lot of experts. I'm not going to say it's best practice, but I think that they tried their best to, to try and address competing issues. Can you just tell the committee, so that we have the knowledge of your experience, just about kind of how long that process takes to start working through? You know, if you saw anything about it, that in and of itself was broken or if you think it's working OK to meet the needs of Nebraskans who want to participate in, in extracurricular activities today. I just think it would be beneficial, since you've just worked through the process to, to have a little bit more understanding.

LOUIS RENS: Sure. Thank you, Senator Conrad, for the question. The-- when, when my daughter came out and decided to, to run cross-country again last season, so the fall of last year, we had a discussion with the coach and the principal who were both, both very open and trying to help us as best as they could within the guidelines of the NSAA. We were clearly explained what the rules were, which included one year of hormone replacement therapy and an evaluation of the athlete's body type, so we're looking at BMI, amongst other things. At the time, Nailea did not meet the first requirement, which is one year of hormone replacement therapy-- therapy. I think she only had about maybe 3 to 6 months at the time, if I remember correctly. So the coaches, you know, submitted the application to the NSAA, the answer came back pretty quickly that it was a no because of the specific lack of time with the hormone replacement therapy. I mean, that was communicated to us, and I thought it was done in a fair manner, a polite manner. I just feel like it was too, you know, high school, you know, you know, people are kind of, kind of stuck between a rock and a hard place having to explain this to us. This year we have just submitted the application again for high school track and we'll see. We've provided all the information and we will see what the answer is. I think our daughter should have the right to, to run track and field. I think she does meet the criteria. She's there to fit in, she doesn't-- she's not looking to be the Nebraska champion of the, you know, long-distance run. She just wants to be with her friends and participate.

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CONRAD: Thanks so much. Thank you.

MURMAN: Any other questions for Louis? I have one.

LOUIS RENS: Sure.

MURMAN: So I really didn't follow it. So, so your daughter was born--

LOUIS RENS: Born a boy.

MURMAN: OK.

LOUIS RENS: She was born a boy. She came out to us. We always thought that she was gay. And we tried to bring her to speak, but she was kind of very nervous about it. When she did come out, she obviously surprised the whole family with, you know, wanting to, to transition to female. The-- that happened right before we moved to Nebraska, but she wasn't ready to come out yet to her peers. She came out to her peers right at the end of cross-country season. She actually went to the, I believe it was one of the high school dances, dressed as a girl. I have never seen that level of courage in any human being. And since then, she's transitioned completely. She's changed her name in the school process. She's applied to university. She's doing a whole bunch of things. Along the way, we've had some challenges. She did try to commit suicide. Part of the issue was she could not compete on the, on the cross-country team because of the issue aforementioned. But there you go.

MURMAN: OK.

LOUIS RENS: Here we are now.

MURMAN: Thank you.

LOUIS RENS: Thank you.

MURMAN: Appreciate it. Any other questions? Thank you very much. Sapphire [PHONETIC] Smith is the next person on the list.

WENDY SMITH: Sapphire is sick today.

MURMAN: Oh, OK. Wendy Smith.

WENDY SMITH: My name is Wendy Smith, W-e-n-d-y S-m-i-t-h, my pronouns are she or they. I live in Lincoln, Nebraska, and I oppose LB575. I'm here as the parent of two teenagers, one transgender, one nonbinary.

The nonbinary teenager, Sapphire was intending to testify today but is not feeling well enough to be here, unfortunately. LB575 is harmful for many reasons, and it is unfortunately based on multiple unwarranted assumptions. For starters, this bill assumes that the purpose of youth sports is to win, and so competitive advantage is the primary consideration. However, as a parent, my reason for my kids to play sports is to exercise, to learn about sportsmanship, to be a good teammate, to develop a good friend group. Barring trans and non--nonbinary kids from playing sports is not how to teach kids about sportsmanship. There are already rules in Nebraska through NSAA that guide this. We don't need to get rid of all of this process. Elsewhere, there are many existing systems that can be readily adapted for including kids of varying abilities on a single team, such as how they do youth soccer. When it comes to locker rooms or restrooms, people just want to do their business, change their clothes, pee in peace. If you're someone who feels very strongly that you're not comfortable being in a public restroom if a trans person is also in there, please ask yourself why. Is it that you equate transpeople with sexual predators? Sexual predators, who are nearly all cisgendered, aren't going to be deterred by legislation or rules. Most trans people I know, including both of my teenagers, actually have intense anxiety about using school restrooms for many reasons, including being verbally or physically assaulted by cisgender people. Requiring trans youth to use a restroom or locker room that matches their sex assigned at birth will lead to far more assaults than letting them use the restroom that matches their gender identity. When my older child, who is trans, was going to Southeast High School here in Lincoln, after they came out, they presented physically as a woman. This was between their sophomore and junior year. Had they been forced to use a men's bathroom, they would have been subject to even more bullying and likely physical assault by students looking to see that a woman was entering a men's restroom. My other child, my nonbinary child Sapphire, suffered a series of urinary tract infections in middle school before they came out publicly, caused in part by them avoiding using any restrooms at all through the whole school day because there were only binary options. This dangerous medical situation could have been avoided had there been gender-inclusive restrooms available. Now at East High School here in Lincoln, there is one single restroom in the nurse's office that is available for nonbinary individuals who do not want to use a girl or boys restroom because it doesn't match their gender identity. And there are no such locker rooms. Sapphire has to choose between using the restroom and being late to class because the nurse's office is not near most of the academic classrooms. What we

need is legislation opposite to what LB575 would do. We need legislation requiring schools to provide adequate restrooms and locker rooms for all trans and nonbinary students. This bill is based on unwarranted assumptions that equate trans, trans people as pres-- as predators, and it will immediately harm my family and so many others in Nebraska. Please do not advance LB575.

MURMAN: Thank you. Any questions for Wendy Smith? Thank you very much. Next, Juniper Meadows.

JUNIPER MEADOWS: Good evening. Reverend, Reverend Juni-- what time is it? Reverend Juniper Meadows, that's J-u-n-i-p-e-r M-e-a-d-o-w-s, I'm an ordained minister in the living tradition of Unitarian Universalism and have the great joy of serving Second Unitarian Church of Omaha as their minister. I'm also a trans woman myself, and I'm here to testify against LB575 because it's essentially unkind and unloving. Every Sunday morning here at Second Unitarian, we say with most Unitarian churches around the country, we say love is the spirit of this church. We want love to shine through all that we do. We know God by many names, different sources, different ways of articulating ultimacy. But we want to root ourselves in love as a spiritual source. And while we don't exclusively center Christianity these days all the time, we do see it as a valuable source for us. And the words of Jesus and his followers remain a vital part of our tradition and relevant to love, friends, in February, it's almost Valentine's Day. In 1 John, "God is love". Whoever lives in love lives in God and God in them. And then Paul defines that love, love is patient and love as kind. And for a bill that's targeting about five kids in Nebraska who are trying to petition to play sports, it seems like a hammer chasing a nail. Looking for a problem, trying to just jump on to the anti-transgender bandwagon. My home state of Tennessee, Dolly Parton, yee-haw, just passed a bunch of anti-trans legislation. I'm not even sure how I could go home. How could I preach at home without committing a crime? I'm not entirely certain right now. I don't want that to come to Nebraska. I've learned to love it here. Love is patient, friends. Back to the point. If we are being patient, we're being curious. Trans people in sports is a relatively recent phenomenon, especially, especially in schools. Not enough trans people have been playing in sports to have sufficient data to suggest that there is necessarily an advantage. So I would encourage this committee to be curious, to be loving and as part of that love, to be patient, just to see what actually happens. We don't know if there's some epidemic, but we do know that a bill like this is taking a hammer to ostracize and banish trans people. Whether that's the intention, I don't believe you all

are cruel. But that's what I would ultimately do, it would banish trans people from the public square or from public education as participants or from teachers. What happens when a trans parent comes and picks up their kid needs to go to the bathroom? Can they go to the bathroom? It's-- there's too many options for people to get sued. Here's-- it's a strange bill, you all. It's a strange bill, I think we know how strange it is. But I'm here mostly to say that it's fundamentally unloving. Maybe open our hearts to all the ways in which we may be woven into the designs of life by that great mystery that some call God, which some call love. Maybe be patient in the face of the big feelings born from our uncertainty, which may urge us to a reckless haste, maybe be curious across lines of difference, maybe be patient, maybe be kind. May love grant us discernment and may we say no to LB575. I'm open to questions.

MURMAN: Any questions for Juniper Meadows? OK, thank you very much.

JUNIPER MEADOWS: Reverend Juniper Meadows. Thank you.

MURMAN: Next, I have Ryan Sallans.

RYAN SALLANS: Good evening, everyone of the Education Committee, Chairperson and members. My name is Ryan Sallans, spelled R-y-a-n S-a-l-l-a-n-s, I currently live in Omaha, Nebraska. But I was born Kimberly Ann [PHONETIC] Sallans and I received my K-12 education through the Aurora Public Schools district. After graduating in 1997, I went on and received three academic degrees from the University of Nebraska-Lincoln, in cultural anthropology, English and educational psychology focused on human health behaviors. Where I graduated, I graduated with high honors. I now serve on the UNL's Council of Alumni Ambassadors and I'm utilized internationally as a gender subject, subject matter expert. I am faculty for our federal judges in this nation and also train our military on transgender servicemembers serving with dignity and respect. I believe in a Nebraska where youth have the opportunity to grow, thrive and explore their sense of self while having access to student activities that faci-- and facilities that align with their gender. This is why I am asking you to oppose LB575. LB575 is a reactionary and extremely harmful, not only to our transgender students, but also to those you put underneath the categories of biological female and biological male. We'll note in LB574 that they actually recognize that sex is not usually defined as male or female. So that was one positive of that bill introduced last week. There is no emergency in allowing transgender youth to participate in sporting activities. Transgender youth are not

predators. They are students seeking the same social engagements and opportunities in an educational setting. In fact, LB575 has presented a paradox. For example, Section 4 line items 16 through 18, and I quote, An athletic team or sport designated for males, men, or boys shall not be open to biological female students unless there is a female team available for such sport, for such biological female student. What I'm reading is that the committee has no worries for a biological female student being on a football field for biological male students. But you are fearful of a transgender girl being on a field full of biological females. This doesn't make sense, nor is it rational or respectful. When I was growing up as a teenage girl in Aurora, my favorite sporting activity was basketball. I had the dream of playing in college. The person I enjoyed playing basketball with the most was my dad. He was a respected chiropractor in that town. We spent countless hours playing hoops on our little acreage on Highway 34. He didn't use kids gloves with me. In fact, he taught me no blood, no foul. When I was in middle school, I began playing basketball in an adult male church league in Grand Island. After two weeks with the group, administrators of that church stepped in and asked me to leave. They were afraid I would get hurt. In reality, I was hurting the adult men because again, no blood, no foul. All right? I wish they would have allowed me to continue to play. The longitudinal research, which there is, I promise you, longitudinal research in all of this-- I wouldn't do this work if there wasn't-- shows that transgender athletes have an equal level playing field with other athletes. The true emergency that we should be addressing in the state is the mental health of all of our students, because they are struggling. The CDC even notices. Starting in 2015, increasing in 2017, going up in 2019, our students are having an ongoing increase of persistent loss of hope and sadness. This is our emergency, not our biology. Engaging in social activities increases students' self-esteem, their sense of belonging and their physical health. To deny certain students opportunities is to discriminate and negate. I welcome any questions. Thank you so much for allowing me to testify tonight.

MURMAN: Any questions for Ryan Sallans? Yes, Senator Conrad.

CONRAD: Thank you, Chairman Murman. Good to see you again, Ryan. Appreciate your testimony and sharing your experiences. I knew that you had worked with a lot of different entities and organizations to do education and engagement and best practices on, on trans justice-related issues over the years, but I didn't know that you'd worked with the military. And I was actually thinking about that a lot in preparation for this hearing. And I know that there's definitely a

lot of differences with high school sports and our military. But there's probably some lessons learned there as well, where we can look to an institution that we all hold in high regard to figure out, you know, how, how can we strike the right balance to make sure that everybody has a right to participate and have their dignity and humanity respected. And so I'm wondering if maybe you could work with the committee and other senators, too, to help us maybe carry some of those lessons forward about training, engagement, accommodations, what have you, if this bill were to, were to advance?

RYAN SALLANS: Well, again, I do oppose this bill, so I do hope it does not advance.

CONRAD: Yeah, right.

RYAN SALLANS: But I think that we all right now in the nation, not just in state Nebraska, but across the nation, are having a lot of questions around gender. What does it mean? What does it look like? Why do we have more people coming out? And what I'd like is for us all to continue to have those conversations and to open up all of our minds and also break down some of the misperceptions around it. When we look at the military, they find that they want all people that enroll in the military to be able to serve with dignity and respect. And they have policies and procedures in place to assist with the procedures of hormone therapy, the procedures of changing gender markers within their DEERS system, and also what they look at with their facilities. In the state of Nebraska, we currently do have something in place for student athletes, just like we have at the collegiate level or at the Olympic level. So the work has been done. Transgender people, we've been here throughout time. It's just with medical technologies, we are allowed now to be more of our full selves. So I think for all of us, what we see happening with the military or within our schools is that we have the policy and that groundwork there. And now it's just time to have further conversations, but not to advance things that completely ban or tells you that they should not exist or they do not exist.

CONRAD: Thank you for the clarification. That's so helpful. Thank you.

RYAN SALLANS: You're welcome.

MURMAN: Any other questions for Ryan? If not, thank you very much. And Aaron Burbach.

AARON BURBACH: Hello, my name is Aaron Burbach, that's A-a-r-o-n B-u-r-b-a-c-h. I was born and raised in Omaha and I currently live in Legislative District 9. Chairperson Murman, members of the Education Committee, thank you for your time today. I'm here to speak in opposition to LB575. In my junior year of high school, I realized that I was a transgender man. I was too scared to tell anyone, but I cut my hair and began wearing more masculine clothing. I was still using the girls bathroom at school until two students saw me go into the girls bathroom and decided that I didn't look like I belonged there. They waited outside the bathroom for me to exit, then chased me down the hallway yelling at me. I ran until I could find a teacher's office to hide in. It was clear at that point that I could no longer safely use the girls bathroom. A few days later, I came out to an administrator and was given access to the faculty bathroom. It was better than the girls bathroom, but far from a perfect solution. It was far from my classrooms, so I couldn't go without missing a significant amount of instruction time. I couldn't stay after school for extracurriculars because the staff bathroom would be locked. Certain staff members would harass me if they saw me using the bathroom because they did not approve of the arrangement. I quickly learned to restrict my water intake so I didn't need to use the bathroom at school at all. I would regularly go more than nine hours without any water. I had chronic headaches and vertigo from dehydration that were sometimes so debilitating that I couldn't attend school. This was in 2016, shortly before some very heated Omaha Public School Board meetings on bathroom policies. I testified at several school board meetings about my experiences. I sat there while adults screamed about the threat I presented to my peers, and then I got up and pleaded with them to see that I was just trying to get an education. I'm disappointed that once again, trans kids in Nebraska are listening to this debate and having to justify their existence. LB575 is not about protecting children, it is about making trans children invisible. What exactly is the plan for students like me? I was doing exactly what this bill would have required me to do and I was nearly attacked for it. Do proponents of this bill plan on requiring students to make sure their hair and clothes are sufficiently masculine or feminine so that they can use the bathroom safely? Or will they just rely on other students bullying them into submission? This bill puts a target on the backs of trans and gender-nonconforming children who are already at a much higher risk of experiencing violence. None of what I experienced protected any children from harm, nor did it make me any less transgender. There are many times when I thought that I wouldn't survive the intense fear and chaos of my last years of high school. I did, but the effects

linger. I'm still chronically dehydrated because I'm so accustomed to ignoring my body's basic needs. I'm still hyper vigilant any time I use a public bathroom. I'm asking you not to put another generation of trans children through this. They're not the threat. They're just kids who deserve to feel safe and valued at school.

MURMAN: Thank you. Any questions for Aaron Burbach? OK, thank you very much.

AARON BURBACH: Thank you.

MURMAN: Next I have Vic Klafter. Good evening.

VICTORY KLAFTER: Evening. Chairman and members of the Education Committee, my name is Victory Klafter, spelled V-i-c-t-o-r-y K-l-a-f-t-e-r, and I oppose LB575. I am 26 and a trans man. I came out when I was 20. Despite lacking the basic vocabulary for my identity until midway through high school, I felt gender dysphoria, an overwhelming and piercing way since puberty and some before. I did not know the word transgender, what it meant, nor that I could claim it for myself. I did know that my growing breasts made it hard to breathe. They made me not want to breathe. Alone in my bedroom, in states of panic and despair, I began self-harming through asphyxiation. I was trying to take agency over the suffocating feeling my body gripped me with against my will. When I deprived myself of oxygen, my face swelled, it turned blue. A fleeting distortion that at least I controlled when it stopped. When I felt close to collapsing, I eased the restraint and felt a release, the-- a momentary sense of self-determination. A rush of what I imagined it would feel like to be whole on my own terms. I desperately needed affirming, evidence-based care, but in the absence of it, had to rely on self-management that threatened my life. Holding my breath for a different purpose probably saved my life, though. High school swimming offered a healthy, safe, encouraging place where I kept in touch with my physical will to live. We used to joke during hard sets that it's impossible to cry underwater. It's also harder to give up when a team is depending on you. Each long-held breath to finish well was followed by a bursting gulp of oxygen, a visceral connection to the drive that pushed me to survive. Sometimes the only thing that helped me find sleep during the long nights of agony was knowing I had 5 a.m. swim practice. Swim team offered much more than physical reminders of a desire to survive or a sense of duty to my teammates. On my competitive, hard-working, nerdy, comedic and coed swim team, I felt like I belonged. We all seek to belong. After ten years of walking this balance beam, I finally

received the care I needed and I'm able to live a beautiful and whole life. That care was a lifeline that almost didn't come soon enough many times. And there are kids walking a path like I did, with and without the care that they need today. Many are able to be open with themselves, their families, their friends, teachers, coaches and directors. This is good. This means more life and less deprivation. LB575 is a reaction to an Internet-stoked vendetta against trans girls that is based on sensationalized ignorance. This bill is a problem looking for an issue. It will cause harm if it is passed. I know trans students right now who will be bullied more if they cannot access the appropriate bathrooms. One student told me that if this bill is passed, he just won't go to school at all. Codifying these attacks defends an imagined victim and will choke the life out of kids just trying to hang on until morning. Oppose LB575. Protect their hope for a team to show up for and a place to belong.

MURMAN: Thank you. Any questions for Victory Klafter? Thank you very much. Next, I have Dr. Jay Irwin.

JAY IRWIN: Good evening, senators. My name is Jay Irwin, J-a-y I-r-w-i-n. Chairperson Murman, members of the Education Committee, thank you for your time today. I'm a former Board of Education member from Ralston Public Schools, where I served as the first and only transgender person serving an elected office in the state of Nebraska. I have a personal connection to this bill as a trans man who transitioned during graduate school. Professionally, I am an associate professor of sociology at the University of Nebraska in Omaha. Though I speak today as a private citizen and not as a representative of UNO, the NU system or any other organization. My academic research involves the physical and mental health of LGBTQ+ populations, as well as the lived experiences of transgender and nonbinary people, mostly folks based here in Nebraska. I have close to 20 peer-reviewed publications in this area, and I've served on local, regional and national sexuality and gender organization boards. I am a facilitator of two local support groups for LGBTQ+ teens and young adults. I mention these today not to brag about myself, but to implore you to listen to individuals who are a part of this community who know the harm that will result if this bill is passed. The Sports and Spaces Act is a discriminatory bill aimed at excluding an already marginalized community, transgender and gender-expansive youth. This bill is based on an unscientific definition of the very complex concept of biological sex. There will be other testifiers who will go into this in more specifics, but I will ask the question of the committee who will be in charge of determining the chromosomes of trans student

athletes? And shouldn't we then check chromosomes for all athletes, since there is, of course, natural variation in chromosomes and all other variations in human bodies, as approximately 1.7 of all births could be classified as intersex. There are several other baseless assumptions that this bill is relying on about the natural quote unquote superiority of assigned-male-at-birth bodies over assigned-female-at-birth bodies. The easiest statement is that elite athletes are elite regardless of their sex assigned at birth. Bills like these devalue the strength of assigned-female-at-birth people and assume that they are fragile and in need of quote unquote protection, even as elite athletes. I strongly urge the bill introducer and this committee to read the piece *Biological Sex, Gender, and Public Policy* by hormone expert Sari van Anders and collaborators from 2017. The authors conclude the following: Policies under debate often views biological sex, but this fails to account for scientific understandings of sex and gender, misrepresents sex as single-faceted and binary, and overly-- overlooks scientific consensus about the importance of gender and identity. This bill is also unnecessary, as NSAA rules already exist to address this issue, and local school boards make policy that cover extracurricular events and who is eligible to participate. NCAA has clear expectations as well. This bill will enact harm on trans people and further the invasion of privacy of trans youth, and in fact, any youth who compete and brings questions to check the sex of any athlete who is simply outperforming their peers. Research shows that inclusion in school and other school-related activities boost students' feelings of belonging and engagement in school. This bill will further inequalities in GPA, missed school opportunities, et cetera and will negatively affect attention and harmful stereotypes onto trans kids. Bathroom and locker room also-- access is also restricted in this bill. Transgender people want access to equal facilities in order to take care of basic biological needs. In fact, many of you here today has used the bathroom with transgender people, and most of the time you've not even known it. I'm going to move on. In 2019, the *Journal of Pediatrics* said youth who have locker room access restricted by biological sex were more at risk for sexual assault. I'm sure the senators don't want to put more people at risk for sexual assault, and that's what this bill could do. Trans youth just want to play. Please just let them play. Thank you.

MURMAN: Thank you. Thank you. Any questions for Dr. Irwin? OK, thanks very much. Next have Dr. Sofia--

SOFIA JAWED-WESSEL: Jawed-Wessel.

MURMAN: --Jawed-Wessel.

SOFIA JAWED-WESSEL: Hello. Oh, yeah. Hello, Education Committee and Chairman Murman. Hello and thank you for your service today-- tonight. I am Sofia Jawed-Wessel, S-o-f-i-a J-a-w-e-d-W-e-s-s-e-l, I am an associate professor of public health. I completed my Ph.D. at Indiana University and moved to Omaha to accept a faculty position at UNO just over ten years ago. Now, while I love working at UNO, I do not represent them today. I'm here testifying before you because I have been educated on this topic of the biology of sex via graduate courses, scientific presentations, mentorship, and extensive scientific reading. The key point I want to share with you today is that close to a century of science has failed to find an association between naturally occurring testosterone and athletic success. I know you're probably thinking this current bill isn't about hormones, it's about chromosomes and anatomy. But I want to remind us that there are no internationally recognized sports-governing bodies that use genital anatomy and chromosomes alone anymore to, to perform their gender verification tests. They've tried it and failed because there was too much variation in anatomy and chromosomal makeup. Sports organizations have long been interested in gender and sex-based policies to determine who can participate in sports and how. And most of those those policies have emerged in order to protect women from men who are trying to cheat, right? When physical exam-- examinations of women's genital, genitals and genetic testing failed to identify athletic cheaters, governing bodies have turned to hormones. Because men display higher average levels of testosterone than women, recent policies about who can compete in women's sports have been based on maximum acceptable levels of testosterone in women. The notion of transgender girls or women having an unfair advantage comes from the idea that testosterone causes physical changes, such as an increase in muscle mass. But the science about testosterone and athletic performance shows no connection with athletic success in men or women. So in other words, some athletes who perform very well have very high levels of naturally occurring testosterone and some have very low, some have no functioning testosterone at all. So where does this false notion come from? It comes from doping, right? There's exogenous, outside of the body, testosterone that can be taken that, that is associated with increased muscle mass. But there's no evidence that naturally occurring testosterone acts on the body in the same way. And there is some studies to show that it acts in a different way. So I wanted to make sure that this was clear to everyone here and that I'm here to help you wade through the science should you have questions

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related to that. I had a personal story, too, but I think I'm running out of time, so I will stop. [INAUDIBLE].

MURMAN: Thank you. Any questions for Dr. Sophia? Yes, Senator Conrad.

CONRAD: Thank you, Chair Murman. Always good to see you, Dr. Jawed-Wessel.

SOFIA JAWED-WESSEL: Hello.

CONRAD: I just wanted to ask a question too, in addition to your scholarship, you know, when I was preparing for the bill and talking to some neighbors, people were reading some of these headlines coming out of our sister states, like, like Florida and talking to parents across the political spectrum that hold very different viewpoints--

SOFIA JAWED-WESSEL: Yeah.

CONRAD: --than, than I do on, on a lot of different issues. But we were kind of aghast at we had waded so far into the culture wars that now there were these proposals that schools were going to be checking young people's menstrual cycles--

SOFIA JAWED-WESSEL: Yes, that's happening.

CONRAD: --and stuff to allow participation in extracurricular activities. And I know they kind of walked back from that. But you talked about how different entities are utilizing a different criteria--

SOFIA JAWED-WESSEL: Yeah.

CONRAD: --to establish gender than this bill does. And I'm thinking about some of those headlines. And also as a parent. And, you know, can you just help us to understand maybe the big picture here about how we can really start to perhaps head down a slippery slope?

SOFIA JAWED-WESSEL: Absolutely. So what we've learned from these large sports-governing bodies that have already tried some of these sex-related factors to determine sex, who can play in women's sports. That's essentially what's being discussed. All of these things emerged once women were allowed to participate in sports, because there's the belief that because men can outperform women, right? But none of them-- so looking at doing genital parades, literally anat-- anatomy checks, chromosomal testing, genetic testing, they haven't revealed

any cheaters. What they've revealed is how diverse our chromosomal makeup is, how diverse our genital makeup is, many cases of intersex, as well as some disorders around sex development. It hasn't increased fairness. There's been many court cases. And yes, there are two studies that show some, some link between naturally occurring testosterone and performance, but they were so badly conducted that their conclusions were that in certain sports, this athlete is a woman and in certain other events, they're not. So like this is the case of Caster Semenya. We're seeing where she is allowed to participate as a woman in the 5,000 meter race. But according to these studies, she's not considered a woman when running the 800 meter. The logic is all over the place and the scientists don't condone those studies as being scientifically done well. We don't want to get down this road. And in those cases, those athletes were identified by other individuals as being potentially not women. That's another road we don't want to go down. I, I, I have a parent-- I'm a parent and I have a middle schooler who runs cross-country. And I don't know if you all have watched sports where the boys and girls either participate at the same time or like where they can be easily compared. But in cross-country in middle school, the girls all go first and then the boys go, and they're on the same exact field, so you can compare their times. And there's this boy on-- and there's a girl who completely destroy all the other athletes, right? And they run very similar times. They run neck and neck, the girl and the boy, even though they're, they're not running in the same physical race. I can't help but like think about girls like her who are dominating their sport. Thirteen years old and she's beating the vast majority of boys in her races, right? This is going to bring scrutiny on girls like her too, like not just trans girls, all girls who win big. People are going to, to wonder, well, is she actually a girl? They're going to want to scrutinize her anatomy, her chromosomal makeup. And what if she has a vagina but it comes back with XY chromosomes? What do we do then? Do we want to go down that road? Do we want to hold back girls from winning big? Do we want to have them hold back their, their talent because they're worried about the genital scrutiny and the chromosomal scrutiny that might come up if they perform very, very well, as well as boys.

CONRAD: Thank you. Thank you.

MURMAN: I've got a question.

SOFIA JAWED-WESSEL: Yes. Yeah.

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MURMAN: Is it possible to be born with a vagina and have XY chromosomes?

SOFIA JAWED-WESSEL: It is. And we see a lot of Olympians who do fall in that category who participate as women.

MURMAN: Thank you.

SOFIA JAWED-WESSEL: And like I said, I'm happy to, like, share any of the science and go over any of this stuff with anybody who might be interested.

MURMAN: One more question.

SOFIA JAWED-WESSEL: Yeah, yeah.

MURMAN: Do you know what percentage that would [INAUDIBLE]

SOFIA JAWED-WESSEL: I don't have the percentage off the top of my head, but I do know that there is an overrepresentation amongst elite, elite athletes. But yeah, happy to share that with you later in an email or such.

MURMAN: That would be great.

SOFIA JAWED-WESSEL: Thank you for your time.

CONRAD: Thank you.

MURMAN: Next. Curtis Taylor [PHONETIC], a proponent. Curtis isn't here.

_____ : Curtis was not able to make it.

CONRAD: OK.

MURMAN: OK. Ryan Salem.

CONRAD: [INAUDIBLE]. Other Ryan.

RYAN SALEM: Chairman Murman, the committee members, thank you for having me. My name is Ryan Salem, R-y-a-n S-a-l-e-m, my pronouns are he/him. I'm a Nebraska high school head coach and teacher. This is my 25th year coaching and my 23rd year teaching high school students. I was born and raised in Lincoln, Nebraska. Lincoln is where I coach and teach and raise my family currently. I'm speaking to you in opposition

of LB575. My testimony is my own. LB575 is an unnecessary bill. The Nebraska Schools Activities Association, the NSAA is the governing body for all high school athletics in Nebraska. The NSAA has already established rules for transgender athletes to play sports. Their policy is consistent with the current policy for athletes in the NCAA. LB575 is unnecessary, unwanted legislation that all Nebraska high school athletes and teams are already held to a standard that satisfies complaints surrounding fairness and competition. More importantly, I want to remind this board of the joy of playing sports. Kids want to play sports. Trans kids are kids and they want to play sports. My athletes are taught the value of hard work, how to set and achieve goals, and how to be a good teammate. I've coached thousands of Nebraska runners and track athletes in my 25 years as a coach, I've coached champions and championship teams. But it's the love of a team and the camaraderie among teammates that all levels of athletes can participate in, that's what makes sports so meaningful to high school kids. I see joy every day on our teams and with teams around Nebraska. The connection between athletes and their teammates, as well as their coaches can become the through line for their success in the classroom and in life. Trans kids deserve to be part of that, too. Passing this bill would take those opportunities away from trans youth student athletes. Kids want to play sports, continue to let them play. I ask you to oppose LB575. Thank you.

MURMAN: Thank you. Any questions for Ryan Salem? Thank you very much. Next opponent is Kimberly Thomas-- or excuse me, Dr. Erin Feichtinger.

ERIN FEICHTINGER: You almost got me it. Close. Chairperson Murman, members of the Education Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. We offer our strong opposition to LB575. We have long advocated for policies that advance gender equity, particularly for women and girls, and are the leading organization in the state researching issues impacting those who experience gender-based oppression. There are many policies that protect and advance the well-being of women and girls in our community. LB575 is not and never will be one of those policies. We would respectfully ask that this Legislature not use women and a faux concern for our equality to oppress other communities. In fact, states that have transgender-inclusive sports policies demonstrate increased participation of girls in sports, unlike those states that exclude transgender youth from sports. If Nebraskans really cared about equity in women's sports, they would fund women's sports at the same level as men's sports, provide equal training spaces and facilities, and

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promote women into athletic leadership positions, promote women's sports at all times, not just when using them for nonissues like this bill, give women's sports equal headlines and programming space, support women's sports with your ticket purchases and attendance, work to reduce sexual assaults and decrease intimate partner violence among young people. These are the inequities in women's sports. The issue LB575 purports to solve is nonexistent. This isn't about sports. This is about who gets to belong in our communities. LGBTQ+ youth have a right to feel safe and supported in all environments, including their sports and their spaces. Targeting LGBTQ+ youth and putting them at the center of toxic politics with bills like this has real-life consequences on the mental health of a population already experiencing higher rates of discrimination and bullying. According to the Trevor Project, 85 percent of LGBTQ+ youth in Nebraska say that recent politics like this bill, has negatively impacted their well-being. Across all of our deep differences, we want to be treated with dignity and respect. But anti-LGBTQ+ activists are pushing agendas that restrict our freedoms because of how we look or who we love. And by rejecting these divisive and discriminatory attempts, we can ensure each one of us has the freedom to be ourselves, pursue our dreams and have a good life. No exceptions. And I'm happy to answer any questions to the best of my abilities.

MURMAN: Thank you. Any questions for Dr. Feichtinger.

ERIN FEICHTINGER: You and I have played basketball against each other, Senator Murman so. Thank you.

MURMAN: Thank you. Kimberly Thomas.

KIMBERLY THOMAS: Good evening. Good evening, Education Committee, my name is Kimberly Thomas. Thank you for allowing me to appear. I'm testifying on behalf of myself in opposition of LB575. LB575 seeks to remove a fundamental piece of public education. K-12 athletics are considered part of educational opportunities and are subject to civil rights laws. If athletics are available to some students, then they should be available to all. In an article by the Newport Academy, Teen Sports and Mental Health: 10 Mental Health Benefits of Sports, team sports can have a significant impact on teen well-being. Teen sports can boost self-esteem, build teamwork skills and help young people build close community of peers and supportive adults. An Aspen study, Youth Sports Facts: Why Play Matters, shows the benefits of sports participation at a young age have lifelong personal impact, health and wellness, financial and career benefits. And communities thrive when

they promote policies and develop infrastructure that encourages athletics for all. Finally, according to the American Progress article dated March 2021, The Importance of Sports Participation for Transgender Youth, 15 states have trans-inclusive state athletic association guidance, that's also up to 17 now, and years of open participation by transgender students. Those places have produced zero, zero evidence of reported harms to cisgender people. Inclusive school policies are associated with lower suicide risk and greater feelings of safety at school for LGBTQ students. There's a less likelihood to skip school or experience victimization, higher grades for students who do not participate in sports, and 20 percent reduction in depressive symptoms. I believe this is what we should be aiming for in public schools: higher graduation rates, greater self-worth and confidence. Bills like this are concerning for many reasons. But most importantly, they aren't inherently designed to help anyone. It feels as if we can't stop trans youth and people from existing, then we will attempt to make their existence a living hell. Why aren't we banning and restricting sports participation on height and weight limits, since those pose a greater risk to others playing school sports? My own daughter, a high school and college athlete, gave a handful of girls a concussion because of her ability to hit the volleyball so hard. Perhaps she should have been banned from sports. This would have been much safer. But that's not what we're doing. This bill and several others like it aren't protecting anyone, especially trans youth. I ask you, where is the threat? Let's call these bills exactly what they are. They're anti-trans, hateful and gross attempt to further embolden white, cisgendered Christian men and women. I guess "Nebraska Nice" is only for those who deserve it. It hurts me to my core to watch my friends and peers to have to publicly out themselves and their children to show you and others that their children are normal. Why are you trying to exclude a group of kids from accessing the benefits of sports? And why are you not comfortable with parents, doctors and children making decisions that are best for them? Senator Kauth and proponents of this bill, you are part of a dying and waning majority in this country. This bill is not about keeping sports and spaces safe. What are trans youth doing in spaces and sports that is unsafe? Where is the evidence You're going to be on the wrong side of history.

MURMAN: Thank you. Any questions for Kimberly Thomas? If not, thank you very much. Bri Full, I believe.

BRI FULL: Good evening.

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MURMAN: Good evening.

BRI FULL: Chairman Murman and members of the Education Committee, my name is Bri Full, B-r-i F-u-l-l, and I am a member of the board of education and chairwoman of its legislative committee. I am here on behalf of the Omaha Public Schools in opposition to LB575. The Omaha Public Schools is the largest school district in Nebraska, serving over 52,000 students, and is the third-largest employer in the state. The Omaha Public Schools is the most diverse school district in the state by almost any metric you wish to evaluate us by. Our students and families speak more than 100 languages, nearly one in five students we serve receive special education services. We pride ourselves on embracing each and every student, where they are, when they come to us, without judging them in any way. We know that many children and parents choose to attend the Omaha Public Schools because they know that we treat every child with the dignity, respect and acceptance they deserve. We oppose LB575 because it seeks to solve a problem that we do not see in our hallways. We oppose LB575 because it seeks to solve a problem-- oh, because it discourages student participation in sports and activities that keep them involved and active. Students should be able to come to school feeling safe, secure and supported by their peers, and respected by their teachers and school administrators. We oppose LB575 because it seeks to divide our students by telling some of them they are not welcome in our schools. District-based work through recent years has shown how local school communities can best identify how to support the young people they serve without the need for a one-size-fits-all approach set forth in LB575. We are aware that many in the education community are reluctant to come forward and express their opposition to LB575. We wish that weren't the case. We are here because we believe that all of our children, especially the most vulnerable and sometimes the least protected, deserve to know that they would be welcome at school with open arms, and that we as educators will stand up for their rights. We appreciate your time and consideration, and encourage you to oppose LB575. Thank you.

MURMAN: Thank you. Any questions for Bri Full? Senator Conrad.

CONRAD: Thank you, Chair Murman. Good to see you as School Board Member Full. Thank you for being here and showing OPS's-- sharing of OPS's position. I know you just got off the campaign trail not that long ago, like a lot of us--

BRI FULL: Yes.

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CONRAD: but I was hoping that maybe you could share some of your experience, because it's such a rich experience talking to so many voters across the political spectrum. When you were running for school board, I don't want to guess, but I'm-- based on my experience, it seems like I heard from people about-- who are concerned about kids in education, about property taxes, about teacher shortages, about resources for kids with special needs. Those were like the top issues that I usually heard about when it came to education conversations when I was out on the campaign trail. This really didn't rise up in, in terms of being top of mind for my constituents. Did you have a similar or a different experience? I'd just like to, to know what your constituents were thinking about the most pressing issues in education were.

BRI FULL: Yeah. Thank you for the question, Senator Conrad. I appreciate it. Thank you for your service. I am recently off the campaign trail. I represent subdistrict 2, which is primarily north Omaha and a little bit of midtown. So I did not hear this conversation arise often. I heard about the shortage of teachers, that we need to solve that issue. That's very important to our students and our OPS community in subdistrict 2. I also heard a lot about, you know, making sure that we can get our kids back on track with their mental health and with their, with their learning outcomes, because the, the devastation that COVID, you know, brought on all the school districts in Nebraska, not just OPS, is still being felt. And so those are some of the issues that were brought up. You know, if these type of issues did arise, it's because someone who was having an issue specifically to LGBTQ rights in schools, they would come to me specifically for that reason. But when I was out knocking doors, no, it's not something that I heard incredibly often in subdistrict 2.

CONRAD: Thanks so much.

BRI FULL: Yes.

CONRAD: Thank you.

MURMAN: Thank you. Any other questions for Bri Full. Thank you very much.

BRI FULL: Thank you so much.

MURMAN: I have Rosemary Essex up next.

ROSE ESSEKS: Senator Murman and members of the Education Committee. I'm Dr. Rose Esseks, R-o-s-e E-s-s-e-k-s, and I appear before you today in opposition of LB575 on behalf of the Nebraska Psychological Association. While American youth in general are increasingly experiencing mental health problems, transgender children and youth struggle even more than their cisgender peers because they are more likely to be bullied, assaulted and discriminated against. Transgender youth are six times more likely than their peers to experience bullying and verbal and physical abuse. Because they often feel unwelcome and unsafe at school, transgender youth are more likely to skip school, get lower grades and drop out. Research increasingly indicates these mental health issues are directly caused by discrimination. LGBTQ kids who have experienced discrimination report lower self-esteem and higher depression and are less likely to feel a connection to their school community. Forty percent of transgender youth have attempted suicide as compared to 4 percent of cisgender youth. Youth who participate in sports, including transgender children and teens, experience less depression, lower risk of suicide and higher self-esteem. The NCAA and the International Olympic Committee protect the rights of transgender athletes. When schools allow transgender girls to play sports on teams with other girls over rates of youth-- overall rates of youth participation remain the same or even increase. The American Psychological Association supports transgender and nonbinary students' full and equal participation in youth sports. Access to school bathrooms that match a student's gender identity protects the health of transgender youth and presents no risk to their cisgender peers. While there is no evidence of any transgender student assaulting another student in a bathroom, 70 percent of transgender youth before-- report having been verbally or physically harassed in a bathroom or denied bathroom access. The common solution for kids in this situation, as several speakers have pointed out, is to avoid using the bathroom at school. More than half of transgender people have reported health issues such as dehydration and kidney or bladder infections as a result of being unable to use public restrooms when needed. Research shows that preventing transgender youth from accessing appropriate bathrooms is associated with depressed mood and suicide attempts. We are in the middle of a youth mental health crisis, and transgender children and teens are already at higher risk than cisgender youth of developing significant mental health problems as a result of the discrimination and victimization they experience on a daily basis. We know that when transgender children are affirmed and supported by adults and policies, they do well. When they are not able to use the appropriate

bathrooms and excluded from sports, trans children-- transgender children are at even greater risk of poor outcomes than their cisgender peers. In conclusion, LB575 will significantly harm transgender youth while doing nothing to enhance the lives of their cisgender peers. The Nebraska Psychological Association urges you not to advance this bill. Thank you.

MURMAN: Any questions for Rosemary-- Mary Esseks? I have one. We've heard from both sides, pro-- proponents and opponents about the risks in bathrooms and locker rooms. And I agree that, that seems to be a very important issue. And I'll use the D word. Do you think maybe discipline in the schools might go a long way toward solving that issue?

ROSE ESSEKS: Well, if they were to station teachers in bathrooms to make sure nobody is getting assaulted, obviously that would be a good idea. I don't know-- I don't see anything in this bill about trying to protect everybody in bathrooms.

MURMAN: OK. Yeah, you may not be the right person to ask that question, but I thought I better throw it out just in case. Well, thank you very much. Any other questions? Thank you very much. Next, I have a guy by the name of Senator John McCollister. Is he still-- is he here? Oh, there he is. Welcome.

JOHN MCCOLLISTER: The Revenue Committee and the Government Committee held shorter hearings. Good evening, Chairman Murman and members of the Education Committee. My name is John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I reside in the 20th Legislative District. LB575 is a wrongheaded bill that injects government into an unnecessary culture war. The bill would offer a solution where there is no problem. I ask you, when did the issue addressed by LB575 become of such concern in Nebraska that it off-- it warrants such a draconian solution? It's important to note that Nebraska Schools Association already has a gender participation policy that allows transgender youth to participate if they meet certain requirements. Specifically, transgender girls must submit proof of hormone treatment and medical evaluation that show they do not possess physical advantages. This commonsense policy is also endorsed by the National Collegiate Athletic Association, NCAA, and other sports organizations, including those that regulate the Olympian competitions. Moreover, transgender youth, just like all youth, have varying levels of athletic ability and training regiments that are more predictive of performance success than gender identification. Besides, with the NCAA's rigorous

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requirements in place, it is doubtful that many transgender youth will be eager to participate in competitive sports. It just isn't worth the hassle. I further stipulate that the public school groups such as the Nebraska State Education Association and the Nebraska Council of School Administrators and many others are not clamoring for this exclusionary legislation. Actually, LB575 would just add another level of heavy administrative burden on our state school systems that are already reeling from legislative mandates. Moreover, given the HIPPA confidentially requirements, provisions in this bill would be unworkable at the local school system. We decry the fact that we have too many teacher-- teacher vacancies in Nebraska. Maybe it's time to elevate the teacher-- teaching profession to the status it once held. Turning teachers into culture war agents for state government is counterproductive, unworkable, and just plain wrong. LB575 does not meet a recognized public need in Nebraska and it impinges on the freedom of our citizens without an obvious beneficial result. Please let LB575 die the death that it deserves. It is unnecessary, inflammatory and hateful.

MURMAN: Thank you.

JOHN McCOLLISTER: Thank you, Committee.

MURMAN: Any questions for Senator McCollister? Well, thank you very much.

CONRAD: Thank you.

MURMAN: This is the most interesting committee. That's why [INAUDIBLE].

JOHN McCOLLISTER: [INAUDIBLE] No double about it.

MURMAN: Thanks. Now it's open to whoever gets up here first, I guess. Just stand up and move forward. Get in the front row. Don't-- let's not have a mad rush, though. Good, good evening.

MURDOC STOKES: Good evening. My name is Murdoc Stokes, that's M-u-r-d-o-c S-t-o-k-e-s, I am 17 years old. I'm from Omaha, I go to Central High School, and I'm missing school to be here today. I'm a transsexual, I'm a queer. And as someone who has experienced harassment and violence for who I am, I urge you to let this bill die. I find it appalling that something so blatantly discriminatory is being presented as policy. It is dehumanizing that intimate details of my life, of my childhood, such as where I go to the bathroom, my

education, my-- decisions that I make between me and my doctor are being dissected in a courtroom. This is very telling of the larger issue at hand, and that is that discrimination and exclusion and violence that trans children are experiencing. The truth is that we're everywhere. We've been here since the beginning of time, and we aren't going anywhere. The only thing that you can do by pushing this hate that is grounded in someplace so far from reality is make things more uncomfortable for everyone. There is something that I want to say to everybody in this room today, no matter why you're here or who you are, and that is that hatred will always wither in the face of trans joy. So I urge you to oppose LB575 and ones like it. To allow kids like me to blossom. Because we are your children, we are teammates. We are your children, we are your students. We are your children and we are going anywhere. I'd like to end my testimony today with a quote from a man named Lou Sullivan. He was a gay transgender male, he lived from 1941-- excuse me, 1951 to 1991. He died of AIDS. He was a writer and an activist. "How strange it seems that education, in practice, so often means suppression: that instead of leading the mind outward into the light of day it crowds things upon it that dampen and dreary it." Thank you.

MURMAN: Thank you. Any questions for Murdoc Stokes? Thank you for testifying.

MURDOC STOKES: Thank you.

MURMAN: Go ahead, stand up and move on up.

COREY McCONNAUGHY: Question. Does the timer start like after I, like, say my name and stuff.

MURMAN: As soon as you sit down, it starts. So start right in.

COREY McCONNAUGHY: Hi. Thank you so much for having us here. My name is Corey McConnaughy, no relation to Matthew McConaughey, C-o-r-e-y M-c-C-o-n-n-a-u-g-h-y. Just sing the Mickey Mouse tune to help you spell my last name. Have you ever worked a bad job? It wears you down and slowly gets under your skin. It spills into other areas of your life. You're always tired but restless, irritable and depressed. It has you at your breaking point and have-- and you cannot do it anymore because it's not the right job for you. Then you quit and have a bumpy road ahead as you try different things. Eventually you get a new one where your problems don't disappear overnight, but you start to feel and sleep better with time. You start to feel happy. Think about that

job you had, but instead, it's your whole life and your body all the time. That's what transgender Nebraskans work towards. Now, trans athletes have no significant advantages in sports, especially given that hormones reverse any strength differences. Yet they face substantial discrimination, like Ms. Senator's bill. Specific instances of trans athletes winning competitions do not actually prove anything about broader trends. Due to the lack of sufficient research, anti-trans sports bills, like Ms. Senator's bill, are based on little, if any, empirical evidence. In fact, I bet that she doesn't realize that her vaguely worded bill would technically ban cisgender women too, if they have highly-- like naturally high testosterone levels. In fact, two African sprinters, they were disqualified in the last Summer Olympics for that very reason. In fact, discrimination of trans athletes mirrors that of African-American athletes in the Jim Crow era. Just replace race with gender. Everybody's testosterone or estrogen levels are not exactly the same, and sport separated by sex doesn't somehow make everything fair. You could have two basketball players who are like the exact same sex and gender, and one of them has the biological advantage of being a foot taller. But then you could have a man who was never trans, who can't play against a woman because he has the biological advantage of, on average, physical strength. What needs to be addressed is what kind of fairness we want to promote and for who, because everyone is different. I'm trying to save time. But basically at this point, every attempt to argue against trans people's existence comes not from reason or a care for research, but an unwillingness to learn. For example, it's not that people during the Omaha race riot of 1919 had any rational reasons for lynching African-Americans like Will Brown, who was hanged and burned by a white mob. They did so because they were angry idiots who hated black people. If you were to ask transphobes today why they have a problem with trans people, they'll just recycle the same propaganda that attacks gay people like me. In fact, Anti-LGBT propaganda in general copies negative opinions on racial integration in America. Long story short, white women-- OK, I'll just cut to the chase. Bills like Ms. Senator's, share one goal: to drive trans people back into the closet, into suicide. The trans community needs more people who will go to bat for them and fight for their civil rights. Because if they lose all progress, then gay people are next on the chopping block, then women, then ethnic and religious minorities. Until white supremacy is restored. Senator Ben Hansen may have turned away more than a hundred Nebraskans who came to testify last week against Ms. Senator's "Let them die act"--

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MURMAN: Sorry, you have the red light.

COREY McCONNAUGHY: Oh, no, that's totally fine. Thank you.

MURMAN: Any questions for Corrin [SIC]? Thank you very much.

COREY McCONNAUGHY: Thank you. Tried to keep it short.

ELIZA CROTTY: Hello, my name is Eliza Crotty, E-l-i-z-a C-r-o-t-t-y, and I am a student of Omaha Public High Schools. This bill specifically promotes segregation and degradation and exclusion for all children. Instead of having your child come home and tell you how they had fun playing at school playing soccer with their friends, they get to tell you about how they got to watch their friends get told, no, they're not allowed to play. How their reasoning was saying, because well, you identify is this. Because you want to be something. Because your children get to come home and they get to tell you all about how their friends don't feel happy, their friends are crying and they're sad. How about their friends want to kill themselves, how they want to kill themselves because their friends want to kill themselves. This is propagating an environment where none of your children will be happy or safe. Sports provides a community where your children get to learn and work together and grow together despite their differences. Where they get to see each other and their physical differences and come up with a plan on how to best use each-- each, each other's advantage and how to properly formulate a plan that will work and help provide each other towards a better goal. That's what sports does and that's what this bill is taking away. It is taking away the opportunity for children to work together, for them to learn, and for them to spend time with each other. I yield the rest of my time.

MURMAN: Thank you. Any questions for Eliza? Senator Conrad.

CONRAD: Just, sorry, while you're in the chair, I just wanted to make sure to note for the record that the introducer of the measure, her name is Senator Kauth. It's not Ms. Senator. Her name is Senator Kauth. And I would just encourage--

_____ : She's sitting right there.

CONRAD: Yes. Yes, she is. And I would encourage everybody who is here to share their lived experiences, which are real and important, and their perspectives to, to utilize the civility and the decorum that this institution demands for all of us when we visit the people's house. OK? And you just happen to be in the chair. You did a great

job, so I'm sorry to make that point while you were sitting there. But I did just want to let everybody know the introducer's name is, is Senator Kauth. OK.

MURMAN: Thank you.

CONRAD: Thank you.

MURMAN: Any other questions? Thank you very much. Next opponent.

JESSIE McGRATH: Chairman Murman and members of the Education Committee, my name is Jessie McGrath. J-e-s-s-i-e M-c-G-r-a-t-h, and I am here to oppose LB575. I'm a transgender woman, and I am very proud of my Nebraska heritage. I trace myself back to my great-great grandmother, who homesteaded in 1887 in the Dundy County area. I'm educated in Nebraska. I'm a graduate of what is now Dundy County Stratton High School, the University of Nebraska-Lincoln, and one year behind Senator Briese, who is not here, from the University of Nebraska College of Law. For the last 35 years, I have been a prosecutor for the Los Angeles County District Attorney's Office. And eight years ago, I transitioned on the job. I'm the parent of five wonderful children who support my transition, as does almost all my family. It is support from family, friends, medical providers, school and work environments that is the most important indicator of success for a transgender person and for transgender youth. This bill places a giant target on trans kids and singles them out for unnecessary and harmful abuse in an environment that is already extremely stressful. School settings can be stressful for many kids, but for trans kids, it can be a nightmare. Forcing a trans child to use the bathroom of their birth gender is nothing short of cruel, and it can lead to a number of physical, psychological and personal safety problems. Trans kids who are forced into this draconian situation suffer from psychological trauma and frequently develop urinary tract infections because they are afraid to use the bathroom. I'm not afraid to use the bathroom. And I, and I actually used it with a number of you senators today, and I don't think the world has come to an end, has it? This problem extends also to locker rooms where the gym bathrooms are kept and it ripples out from there. The last few years have seen a dramatic uptick-- uptick in legislation attacking the rights of transgender people, especially transgender children, to lead normal, productive lives. I have witnessed, as state after state has used the power of government to tell these transgender kids that they are not welcome in their state. What I have seen is trans youth being used as a political football in an organized, calculated effort by groups such as the

Family Research Council, the Alliance Defending Freedom and the American Principles Project. I have seen them expend enormous amounts of money to wage war against one of the most oppressed and marginalized communities there is. Why? Because they believe that we need to be eradicated. And I don't say that with hyperbole. The, the one of the spokespeople for the American Principles Project said we're coming after trans children because everybody thinks that that's OK. But make no mistake about it, we're going after all trans people. The value of participation in sports and the lessons that a kid learns from that are amazing. You can have lifelong bonds. I lettered in three sports when I was in high school, and I am still friends with my high school teammates. Putting transgender kids into this situation and telling them that they are not welcome puts them into a horrible position and it uses them as a political football when all they are is kids who want to play.

MURMAN: Thank you. Thank you.

JESSIE McGRATH: So thank you for giving me the opportunity to, to talk with you. And I will answer any questions if you have any.

MURMAN: Yes, any questions?

JESSIE McGRATH: Thank you.

MURMAN: Thank you.

ADAM DOWNS: Adam Downs, A-d-a-m D-o-w-n-s, my pronouns are he/him. Bigotry: an obstinate or unreasonable attachment to a belief, opinion or faction. In particular, prejudice against a person or people on the basis of their membership with the particular group. Gender is based on genitalia, gender is binary. There are decades of research proving these beliefs are incorrect. All the major medical and mental health associations say these beliefs are incorrect. If you don't trust those organizations, use your own eyes and look around. There is evidence those beliefs are incorrect in this very room. So we are here and we're standing up against an obstinate or unreasonable attachment to a belief and trying to keep those views out of our schools. I brought a handout today that you should have in front of you. It's the Nebraska Department of Education Standards of Professional Practices. The very first sentence reads, "The educator shall believe in the worth and dignity of human beings." LB575 would force educators to deny the worth and dignity of our transgender youth. Next, the educator "Shall not discriminate on the basis of race, color, creed, gender, marital

status, age, national origin, ethnic background, or disability." In 2021, the Supreme Court refused to take up the case of Gavin Grimm and left in place the lower court's ruling that denying transgender students use of the bathroom that corresponds to their gender identity is discrimination. LB575 would force educators to engage in a practice that has been ruled discriminatory. The educator, Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health and safety. Transgender girls are girls. Transgender boys are boys. Forcing a student to utilize a bathroom that is opposite of their gender is certainly an interference to the learning process and could also be harmful to health and safety. If you are a proponent of this bill, imagine your child or grandchild, who I assume is cisgender, or you would likely oppose this bill, being forced to use a bathroom or locker room that is the opposite of their gender. Imagine how that would make your child or grandchild feel, how it would disrupt their learning, how it may impact their health. That is what you are doing to our transgender youth. I repeat, transgender girls are girls. Transgender boys are boys. In short, LB575 would turn our classrooms and schools from venerated institutions of learning to a hive of bigotry and discrimination. I urge you to let this bill die in committee. But if it moves forward, I urge you to listen to the second house and vote no on LB575. Thank you.

MURMAN: Thank you. Any questions for Adam? Thank you very much.

ABBI SWATSWORTH: Good evening, Senator Murman and members of the Education Committee. Thank you so much for your time this evening. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h, I am the executive director of OutNebraska, a statewide nonpartisan nonprofit working to celebrate and empower LGBTQ Nebraskans. Every child deserves the opportunity to participate in sports, to challenge themselves, improve fitness, and be part of a team. LB575 would exclude transgender youth from participating in school sports-- sports and would deny kids those benefits, ignore nuance and overlook established athletic policies here in Nebraska. I know that Senator Kauth has suggested that transgender youth can participate in sports as long as they play on the team by the sex they are assigned at birth. However, this is unfair. We would not expect boys to participate on a girls team. We allow girls to participate on boys teams if there are no girls teams. But if there are girls teams, we would not want them participating with boys. As our previous "testimoner" said. Trans girls are girls. Trans boys are boys. Biological sex is much more complicated. And as we've heard from many,

there are already policies for transgender youth to participate if they meet requirements. Transgender athletes vary in athletic ability, just like everyone else. Factors such as physical training, conditioning, dedication and experience are all factors that determine athletic performance. All youth are different, which is why different students excel at different sports. The same is true for transgender athletes. In regard to bathrooms and locker rooms, transgender students already have the right to use the facilities that match the gender they live every day. No cisgender people have been harmed by transgender students accessing these spaces. Allowing students the ability to file a civil case if they feel another student has violated this law sets up a bounty system whereby any student can be accused of being transgender. How will these cases be heard? What kind of evidence will be required? The bill does not outline a mechanism of proof. I am imagining a nightmare scenario where young female students are subjected to medical examinations of their genitals. Why are the adults forcing these laws so insistent on knowing this very private information? If schools are not using genital examinations, are they forced to use genetic testing? Genetic testing also violates the privacy of students and is not accurate in cases where students may be intersex. Transgender students belong in all sports and all spaces. Denying them that right sends the message they do not belong. If Nebraska truly wants to protect kids, we need to focus on legislation that supports families, funds education and ends mass incarceration. Thank you.

MURMAN: Thank you. Any questions for Abbi Swatsworth? Senator Conrad.

CONRAD: Thank you, Chair Murman. Thank you, Abbi. Always good to see you. Now, I know that the LGBTQIA+ community doesn't speak with one voice, but that you represent a diversity of perspectives for members of the community across the state. And I just-- I know that you've been flying between committees like a lot of us have the last couple of weeks, and I wanted to just do it kind of check-in with you on, on two threads. One, I mean, I think we're hearing a lot of passion here tonight because these issues are so close to who we are as people, to our humanity-- to our humanity, to our identity. So that's kind of one side that I think is, is, is evident and on display. The other is I know that there's a lot of people in this room who've waited hours to testify on abortion bans and a lack of affirming care-- ban for affirming care for Nebraskans that is also pending before this Legislature and weren't able to have their voices be heard in that process. And I, I feel like probably a lot of that is bubbling up here today, too. So the question just being, if you would work with the

committee perhaps, and the Legislature, so that we can try and figure out, you know, how to make sure those voices do count in the process, because I think that's a real concern that a lot of citizens have brought forward. So I don't want to put you on the spot as to, to ideas to improve the process, but I'm hearing it a lot in my office. So I'm guessing you are as well, as kind of a focal point for the community.

ABBI SWATSWORTH: We are, Senator Conrad. Thank you for the comments and the question and concern about our community. We've been encouraging people who are not able to be heard to email their testimony to the entire committee and to contact the Chairman and perhaps also Speaker Arch in regard to time limits on testimony. I know that at one time the senators in a committee would stay until 10 p.m. if necessary. So it does feel in a lot of ways that the testimon-- testimony being limited is, is silencing the voices of those who are marginalized and really want to be heard.

CONRAD: Yeah, I appreciate that. Thank you. I just wanted to give voice to that as well.

ABBI SWATSWORTH: Thank you.

MURMAN: Thank you. Any other questions for Abbi? OK, thank you very much.

ABBI SWATSWORTH: Thank you.

SARAH CENTINEO: Good evening. My name is Sarah Centineo, and I have had the privilege of spending some time with, with these folks today. S-a-r-a-h C-e-n-t-i-n-e-o. I am here on behalf of Bellevue Public School System in Senator Sanders' District in a limited capacity and also as an individual. I am a pediatric nurse of 25 years of experience, I'm also a lawyer. I'm also on the Nebraska Association for School Boards executive committee, their legislative committee, and their board. I also participate in other nonprofits. I'm here today on behalf of Bellevue Public Schools, because we are one of the few school districts that have an existing admin-- administrative regulation that addresses transgender in our schools. That policy, that reg has been in place since 2015. And I can sit here with absolute certainty and tell you that it has not been a problem. Our policy, our regulation requires us to-- we honor the gender identity of, of the students. The way that has happened in real life in the district is that we work with students and parents in order to

accommodate them so that they can participate the fullest way possible and to ensure that if there's not a bathroom that's-- I can't tell you, I never knew it was such a privilege to be able to go to the bathroom when I needed to. It really does impact school time. If there's not a restroom that's close to-- say because there's only so many minutes between classes, we have-- we will accommodate that extra time. And that's part of our policy because we acknowledge that if a student needs to use a certain bathroom, that we do that. This bill takes away that flexibility from us. This bill is contrary to our current reg and our current practice. This is a practice of which we have had absolutely zero complaints in almost seven years of implementation. I would also-- something that personally, this is not as a representation of BPS, my husband is a coach. He is a bowling coach. One of the things while reading this policy, reading this proposed bill, was how-- who is the one that checks? My husband coaches both boys and girls bowling in middle school and high school. Is it my-- God bless him-- 52-year-old husband's job to question if a girl should be bowling on the girls? Do you-- is he expected to talk to this-- pull this girl aside and make her prove that she's a girl? That destroys trust between a coach and between a student. And personally, I would tell him not to be a coach anymore because I think it opens him up to some liability and some very real mental and emotional strain on the child, which is always our priority, but also on him and on our family. And I just think that this is an unnecessary burden that creates so many more obstacles to, to supporting our kids and our families. So I ask you all to oppose LB575. I'm welcome to any questions about any of our policies or anything I've said.

MURMAN: Thank you. Any questions? Thank you very much.

SARAH CENTINEO: Thank you.

LISA SIECZKOWSKI: Good evening, my name is Dr. Lisa, L-i-s-a, Sieczkowski, S-i-e-c-z-k-o-w-s-k-i. Yes, I've spelled that many times. Good evening, Chairperson Murman and members of the Education Committee. I'm a pediatrician and a parent who lives in Omaha, Nebraska. I was raised, born and raised in Omaha. I earned my medical degree from University of Nebraska College of Medicine. And then I left the state for about ten years for various training and work opportunities. But my husband and I chose to move back to Nebraska because of our families and because we felt that this was a safe, welcoming place to raise our children. We chose a small religious-based school when our oldest was ready for kindergarten. And although there were many positive things about the school for our

three children, as our oldest entered junior high, it was very clear that something was wrong. It wasn't until they bravely told us after graduating from eighth grade and explained their gender and sexuality to us that it made a bit more sense. But hearing my child tell me, the school you forced me to go to made me hate myself, is something I will never forget. I will own that guilt, though, because we sort of knew what we were getting into, although certainly couldn't have imagined it to that extent by choosing a private school. The mental and physical health consequences that our child suffered during that time are not trivial and things that we're still dealing with. Moving to a public high school has been a very positive experience for my oldest. They're generally free to express themselves and have thrived academically. But even more importantly than academics is that we have our child back. For years, our child would go straight to their room and we wouldn't see them except for five minutes at meals. Now they come out, they watch shows and play games with us. They laugh and they smile. Things that we took for granted, we missed dearly when they were suddenly gone. And although high school has been dramatically better than the private school, there have been some bumps in the road. It's not always possible, as many people have mentioned today, to make it to the one or two gender-neutral bathrooms between classes. PE class was also difficult this semester, and ultimately-- ultimately my child decided to drop the class because of the gender-specific locker rooms and to breaking up into gender-specific groups during class. My child beautifully and respectfully tried to navigate this to the best of their ability, but still felt alienated and disrespected. I'm not just here to tell you my family's story, though. I am also here as a board-certified pediatrician who works in a hospital, and my opinions and testimony today is my own, not of my employer. But I take care of patients on a weekly basis who have attempted suicide and/or self-harm. And while certainly not all of those have issues with gender and sexuality, it's a contributing factor quite often. As a member of the American Academy of Pediatrics, I urge you to follow their lead in creating safe places for all children. Thanks for your time.

MURMAN: Thank you, Dr. Lisa. Any questions for Dr. Lisa? Senator Conrad.

CONRAD: Thank you, Chair Murman. And thank you, Doctor, for being here and sharing your family's experience. I think that it's something all of us who are parents can really relate to, right? Moving heaven and earth to protect our babies, right? And they'll always be our babies no matter what age. So I appreciate that. But I just wanted to make

sure to be really clear for the record and for the committee, when you treat children in need of mental health care and you talk about how gender or sexuality can be a contributing factor to their need to, to receive mental health care, it's-- is your opinion is-- it's not because of their gender or their sexuality, right? It's because of what-- I don't want to put words in your mouth. I want to make sure I'm fair about this. But it's about getting negative or mixed messages from society that they are not worthy as they are, that they're not enough as they are, that they need to somehow change who they are. Is that a fair assessment? Can you help me tease that out a little bit?

LISA SIECZKOWSKI: Yes. That's exactly right. I think a lot of the youth we see in the hospital that are going through these mental health crises and, you know, but for the grace of God, we would have been there too, identify that their families, their communities, their schools, don't accept them, refuse to use their preferred name and pronouns. And just that lack of acceptance and feeling like they can truly be their, their authentic self is what leads to the mental health crisis.

CONRAD: Thank you.

MURMAN: Thank you. Any other questions? Thank you very much.

AUSTIN CHRISTENSEN: Dear Senators of the Education Committee, my name is Austin Christensen, C-h-r-i-s-t-e-n-s-e-n. I am speaking on behalf of the Omaha GLBT Sports League, I am one of the members. The Omaha GLBT Sports League offers year-round activities, games and sporting events. Everyone is welcome, regardless of their experience, sexual orientation or gender identity. It's our goal to excite and unite the gay and straight community through sports. We believe that all players are welcome in sports, and this includes our transgender friends and teammates. In this spirit, we ask you to oppose LB575, which seeks to ban transgender youth from playing the sports they love and from accessing the same facilities as their peers and teammates. Our sports community thrives when all players are welcome. Many of us identify as LGBTQ+, and we know what it's like to be made to feel unwelcome and excluded. The reason we-- the reason why we have a queer-inclusive sports league is because so many of us have been excluded from the sports we love. We know that when LGBTQ+ youth do not have supportive school environments, their grades and mental health suffer. We should be providing a supportive, inclusive environment so every youth can thrive. Transgender youth are not that different from other youth. They just want to fit in, play with their friends, learn and have fun.

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Sports build confidence, provide exercise, and grow team-building skills. Why would we rob young people of this? Transgender youth belong in school, in sports they love, and in all spaces. Please oppose LB575, which would cause incredible harm to our youth transgender siblings. And here I have signed signatures from members of the GLBT Sports League, including our president and vice president. That's it.

MURMAN: Thank you. Any questions? Yes, Senator Conrad.

CONRAD: Thank you so much, Chair Murman. And thanks for being here. I didn't know about the organization, so that's really, really helpful to know about. And this might seem a little off base, but I just want to kind of clarify something for the record here, do the members of your organization pay taxes in Nebraska?

AUSTIN CHRISTENSEN: Yes.

CONRAD: Did they contribute to their communities through their jobs?

AUSTIN CHRISTENSEN: Yes.

CONRAD: Do the members of your organization have families or raise families in Nebraska?

AUSTIN CHRISTENSEN: Yes, they do.

CONRAD: Do you know if there's any members of your organization that serve in the military?

AUSTIN CHRISTENSEN: Yes, I do know a few that serve in the military, yep.

CONRAD: Do you know there are members of your organization that own businesses in Nebraska?

AUSTIN CHRISTENSEN: Yes.

CONRAD: OK. Thank you for for helping me to, to get that information on the record, because it just hasn't been clear yet. And I wanted to just remind my colleagues and those reading the transcript in the future that LGBTQ Nebraskans pay their taxes, raise families, own businesses, serve in the military. And we need to remember that when we're taking up these issues as well.

AUSTIN CHRISTENSEN: Thank you.

CONRAD: Thanks.

MURMAN: Any other questions? I have one.

AUSTIN CHRISTENSEN: Yes.

MURMAN: It sounds like your league is, is a little more the way sports was really intended. I mean, how competitive is it? It's more-- I mean, it's for-- good for exercise.

AUSTIN CHRISTENSEN: That's a good-- yeah.

MURMAN: Camaraderie, like you said, those type of things.

AUSTIN CHRISTENSEN: Exactly. We have levels of how-- like your skill. So you do kind of go into the, the level that you feel like you're, you're capable of doing. So if you want to do more of a recreational league, then we have that available. If you want to do a competitive league, then we have that as well. So that's usually kind of the two different areas. So you kind of go in based on just what you're wanting-- what your experience you want to get out of it. If you want it to be a little more fun and not so serious, more "reclly", than if you want to be competitive and really like you want to have that really intense kind of games going on, then that is more of the competitive side, which is what I play on. And we welcome everyone who wants to play at that level.

MURMAN: Well, thank you very much. I appreciate that. It sounds like it's good for--

AUSTIN CHRISTENSEN: It is.

MURMAN: --heal-- for health.

AUSTIN CHRISTENSEN: It is. Yeah, all-- yeah, we have all ages too. So it's [INAUDIBLE] too.

MURMAN: Thank you. Any other questions? OK. Who is next? Thank you.

JULIAN HAINES: Hello, Senator Murman and members of the Education Committee. My name is Julian Haines, legal name, Kayleigh [PHONETIC]. That's J-u-l-i-a-n H-a-i-n-e-s. I am testifying in opposition to LB575. This bill would cause harm and confusion to cisgender and

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transgender youth if passed. I am a 16-year-old transgender male who has been socially transitioned for about three years. I am in many honors and college-level classes and have three leadership positions in clubs at school. My peers in high school have only known me as male, so it would be more concerning for them to see me go into the women's bathroom and locker rooms than to use the men's restroom. I am also in the male show choir team at my school. The way this bill is written, if it were to be enacted, I will not be allowed to be part of this team anymore. Being a part of this team has improved my mental health and well-being. Show choir has allowed me to become more confident in myself, and being part of this team has taught me the importance of being part of something more than just myself. Everyone in the show choir accepts me for who I am and are always super supportive and kind, and they see me as one of the guys. It would be wrong for me to be a part of the girl show choir. I'm not hurting anyone. I'm not prohibiting anyone, not taking anyone's spot just by living my life and being me. Please let trans youth like me live our lives, and stop telling us which bathroom to use and what team to play on. Please don't let this bill pass committee and make my peers and trans kids like me experience the fear that we can't live our lives as ourselves. Thank you for your time, and I will accept any questions.

MURMAN: Thank you. Any questions for Julian Haines? Thank you very much. Next testifier.

ISABELLA MANHART: Senator Murman and members of the Education Committee, my name is Isabella Manhart, I-s-a-b-e-l-l-a M-a-n-h-a-r-t. I am speaking to you today as a trans young person, a future teacher, an older sibling, and a lifelong Nebraskan. I'm studying to be a teacher at the University of Nebraska, Omaha, and I've committed to teach with the largest school district in the state of Nebraska when I graduate. I love this state and I want to teach here and help support future generations of Nebraskans. But bills like me-- bills like this make me question if our state is as committed to serving young people as I am. For those of you who don't have a background in education unlike Senator Walz, I want to share the facts. LB575 violates Title IX of the 1972 education amendments, meaning that schools in our state could lose federal funding if forced to comply with it. It also violates the nondiscrimination policies of major school districts in the state and the educational best practices I'm currently studying at a Nebraska state university. It also violates the already restrictive policies of the NSAA regarding trans youths' ability to play in school sports and use locker rooms. And I've included all those things that I just cited in this packet for you. But most importantly, this bill

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harms Nebraska kids. Thirty to-- 30 percent of LGBTQ students in Nebraska were physically harassed or assaulted based on their gender, according to a 2019 study from a leading LGBT organizer-- education organization, GLSEN. If anything, you should be passing bills to protect us instead of attack us. To families like mine, this bill is heartbreaking. My ten-year-old brother is transgender and he's known he was a boy since he could talk. Last week, when I picked him up from school, I had to explain to him that there are people who've never met him, who've never met any kids like him, who think that he-- who don't think you should be able to play on the soccer and basketball teams with his friends and the boys in his class. He was quiet in the backseat of my car when I told him this, and then he asked me, why did they get to decide what I'm allowed to do? And I didn't know what to tell him, because they could not understand why anyone would want to make my baby brother feel like he deserves anything less than any of the other students in his class. It's crushing to be in this room yet again, begging to be heard and seen as human, begging for my ten-year-old brother's human rights and for all trans students like him and like me. But we're resilient. We're here again. One thing I heard, one of our future-- or past speakers talked about their student dropping out of gym class because it was so uncomfortable to be in locker rooms. And gym is a required class to graduate high school in this state, so what do you want trans students to do? Not graduate high school, not go on to have college careers like me and become teachers in this state? We've been talking about this teacher shortage. And I'm, I'm standing here as a trans person studying to be a teacher in this state and to be the solution to that problem. But instead, you're telling people like me that we don't belong here. So as the Education Committee, I expect that those are things you're taking into consideration when thinking about this bill, is what's happening to these generations of Nebraskans who are being told that they don't belong here. The state needs to serve everyone who lives here, all Nebraskans. Trans youth deserve the same rights that all students have access to. And you need to protect trans Nebraskans, as you would any other Nebraska kids. Do not advance LB575.

MURMAN: Thank you.

ISABELLA MANHART: I welcome any questions.

MURMAN: Any questions for Isabella Manhart? Thank you very much.

SHANNON HAINES: Hello, Senator Murman and people of the Education Committee. Sorry, I'm not quite as eloquent as my wonderful son that

just spoke. My name is Dr. Shannon Haines, S-h-a-n-n-o-n H-a-i-n-e-s. I am a pediatrician who lives in Papillion, Nebraska, and I am speaking in opposition to LB575. My views are my own and do not necessarily reflect that of my employer. LB575, if passed, will harm many youths, some of whom are here today, while not adding protections to youths who aren't trans or gender-diverse. A survey of over 3,500 students published in Pediatrics and highlighted by the American Academy of Pediatrics, found that passing a bill that restricts the use of bathrooms and locker rooms congruent with gender identity increases the risk of sexual assault of trans children by anywhere from 26 to 150 percent, depending on if they were trans male or trans female. A study of more than 7,000 youth published in the Journal of Adolescent Health found that when trans children are prohibited or even discouraged from using the bathroom corresponding to their gender identity, they were 66 times more likely than their trans-- than their other transgender peers who were allowed to use the bathrooms to attempt suicide. Another study thoroughly investigated assault rates after bills protecting access to bathrooms for transgender people were passed and they did not find any increase in bathroom-related assaults. Clearly, these types of bills try to address a problem that does not actually exist while harming innocent children. I interpret this bill as prohibiting trans children from participating in activities like show choir, which has been a major positive influence in my trans son's life. By denying trans youth the ability to participate in team-based activities, you would be discriminating against a class of people and subjecting them to poorer long-term health outcomes than those of their peers. If this bill were passed, you would be forcing children like my son out of physical activities or into a group where he clearly does not belong. Please oppose LB575, as it will lead to poorer mental health, increased suicidality, and decreased overall well-being of trans youth. Thank you very much. I am happy to take any questions that you have.

MURMAN: Thank you. Any questions for Dr. Haines?

CONRAD: Thank you.

SHANNON HAINES: Thank you.

MURMAN: Thank you very much.

JILL DIBBERN MANHART: Good evening, Education Committee. My name is Jill Dibbern Manatt and I-- J-i-l-l D-i-b-b-e-r-n M-a-n-h-a-r-t, and I live in District 5. I'm a mental health therapist in the schools and a

mother of three children, two of whom are transgender. I am deeply saddened by what is happening in my own state. Bills like LB757 devalue transgender children and are harmful to their health. Sports are about teamwork, creating community, and supporting well-being. My ten-year-old son is transgender. He plays soccer, basketball, tennis, skateboards and wants to be on American Ninja Warrior one day. He is one of the most caring and loving individuals that you will ever meet. During the pandemic, he started leading encouraging workouts for my family to keep us all going. You're doing great, Mom, I would hear him desperate-- I would hear him as I desperately tried to finish that last push-up he was leading us in. Sports have contributed to his confidence and overall well-being. I know some of you think, your son can still play sports, he should just play on the girls team. What you do not understand is that my son is not a girl. And looking back, I know that my son was never a girl. I know that is hard for you to understand, but it's the absolute truth. I saw the many, many signs over the years. To be honest, I struggled. Not because I did not want to accept it for him, but because I deeply feared the greater world's reaction, the intolerance and hate. What I do not understand with this bill is why you or anyone else is focusing on my child's genitalia or any child's genitalia. Frankly, in all of this, that is the extremely disturbing point to me. LB575 plants the seeds of hate I feared and waters them furiously to help them grow. Someone once told me, I don't believe God makes mistakes, trying to say that my child is wrong in feeling this way, somehow going against God. You know what? I also don't believe God makes mistakes. My son is not a mistake. I believe that my son is a gift to this world, brought to us all to open our minds and see will we really love everyone as ourselves? My son's existence is not a threat to you, but you are a threat to him and all transgender children in our state. Please just let them be who they are. Don't burden them with your fear or your discomfort. Tell them they belong here in Nebraska. Thank you.

MURMAN: Thank you. Any questions for Jill Manhart? Thank you very much. I just got to say, we have just a little less than one hour left. So, so hurry up. Try and get as many testifiers in as we can. Good evening.

JAMES EHRHART: Good evening. My name is James Ehrhart, J-a-m-e-s E-h-r-h-a-r-t. I am a student of Creighton Prep, an all boys Catholic high school in Omaha, Nebraska. LB575, it, it will ban people who are considered biologically female from participating in sports. This is a particularly a problem for my school because it allows trans men to enroll in its school under its policies, but we don't have sports

teams for women because it's an all boys school. Any trans man in our school wouldn't be able to participate in any of our sports. We don't have a women's locker room, so they won't be able to use our locker room. Most of the restrooms in the school are for men alone. We have a visitor's locker room, but that would be forced to be given a gender. And that would probably be to male because the only other teams that come into our school are male teams. So that is what I have to say on that. I also believe that LB575 represents state overstep in Nebraska's public schools and private schools. The state should not have a concern on how the individual school districts and our private schools run their sports teams, label their restrooms, label their locker rooms that classify their students. Most importantly, LB575 tells the trans youth of Nebraska they're not welcome here. Multiple trans friends of mine have told me that they have plans of leaving the state in lieu of the new laws that this legislator has been passing. These kids are engineers, teachers, scientists and technicians. They are Nebraska's future, and they're leaving Nebraska because of laws like LB575. LB575 harms the freedoms of Nebraska's public and private schools, our transgender youth and Nebraska itself. I urge you all not to advance LB575.

MURMAN: Thank you. Any questions for James? Thank you very much.

JAMES EHRHART: All right. Thank you for your time.

MURMAN: Good evening.

WES STALEY: Good evening. I'm stuck to my mask. Hi, my name is Wes Staley, W-e-s S-t-a-l-e-y. I'm a lifelong Lincoln citizen, I'm a Lincoln High graduate. I'm a tattooer, I'm nonbinary and I use they/them pronouns. I previously was a coorganizer for a Nebraska trans support group and have experience giving educational presentations about LGBTQ+ issues to LPD, DHHS, UNL, UNO, Lincoln's-- Lincoln's 911 Dispatch Center, Bryan Hospital and other organizations. I'm speaking in opposition to LB575 because of how troubling and dangerous this bill would be for gender-nonconforming youth who are already at such a high risk for harassment, assault and suicide. The bill refers to female anatomy and XX chromosomes and male anatomy with XY chromosomes. I would venture to guess that a majority of the people in this room have never had a karyotype test done, in which case you don't know for certain what ex-- what your exact chromosomes are. So I have a few questions that I would like this committee to consider regarding the bathroom portion of this bill. Will there be funding set aside for schools to do a full karyotype of every student so that we

may maintain unnecessary invasive records of the entire state's student body of chromosomes? And to address the reference to male and female anatomy, who is going to be checking students genitals? Will this be a coach's duty? A teacher? The school nurse? Will there be funding set aside for each school to have an authorized genital inspection officer? Will we be testing the chromosomes and inspecting the genitals of school staff? What about visitors and guest speakers? The fact of the matter is that everyone needs to use the restroom. So how does this bill apply to adults in the school? Do you see how ridiculous and disgusting this already sounds before any legislation has even been passed? How on earth is this going to be put into practice? In an environment that is already hostile towards gender-nonconforming youth, do we really want to legislate schools into being a culture of students filing reports on their minority and marginalized peers? Trans people live in every culture and country and corner of the world. We thrive, we create, we make meaningful contributions to our communities. But bills such as this aim to legislate us out of existence by making it dangerous and impossible for us to participate in society. Nebraska's state motto is "Equality before the law". And I'd like to believe that that's true. But the longer I live here, the more I'm realizing that, honestly, it's not for everyone. Thank you.

MURMAN: Thank you. Any questions for Wes? Thank you.

NOEMI GILBERT: Good evening, Education Committee. My name is Noemi Gilbert, N-o-e-m-i G-i-l-b-e-r-t, my pronouns are they/them. I'm nonbinary, I'm transgender. I'm getting ready to graduate from Omaha Central High School. I live in District 9. I'm speaking in opposition to LB575. [RECORDER MALFUNCTION] generation Nebraskan-- my mom can tell me if that's the right number and I really don't want to leave this state. But bills that are discriminatory and exclusive and make young trans people fear for their lives in public schools make all students want to leave Nebraska; it makes your bright, your brilliant, your talented students want to run away from this state because this state does not value us. I also speak to you today as a transgender Reform Jew and that LB575 is a clear violation of my religious freedom. My religion teaches me that all transgender young people are btzelem Elohim, made in the image of God, deserving of affirming spaces, schools and people in their lives. Transgender young people, according to my religion, are radiant and brave and the gender we identify as, and we need our schools to recognize and love and validate us exactly as we are. People have mentioned the NSAA guidelines that are already in place that restrict transgender

athletes. There's a lot of concern that I've heard, and I've heard this from Senator Kauth as I interviewed her for a story for my school newspaper on this project, fear of cisgender teenage males competing as women in order to win school sports. Many of you have met teenage boys. Many of you have been teenage boys. Would you go through one year of hormonal and social transition to living as a woman, face higher levels of transphobia, disproportionately high levels of violence and harassment from peers, to win a high school sports trophy? This is not something that happens. I urge you to look beyond your culture war-induced fear and make your decisions based on the facts about transgender student athletes in Nebraska. I urge you to refuse to participate in the legislation of hate, recognize the humanity of transgender students who simply want to go to school and play sports with their peers. Thank you for your time today, and I'm happy to answer any questions.

MURMAN: Thank you. Any questions for Noemi?

NOEMI GILBERT: Thank you.

MURMAN: Thank you.

WAYNE: No, I do have a question.

NOEMI GILBERT: Oh, yes.

MURMAN: Senator Wayne.

WAYNE: I just read the last paragraph.

NOEMI GILBERT: Oh, yes.

WAYNE: So, no you came this far and this is important to you. You need to do that.

NOEMI GILBERT: Yes. My final paragraph that I prepared is that I want to spend the remaining time in my testimony in a moment of silence and remembrance for a 16-year-old trans girl, Brianna Ghey, who was murdered last week, and all trans youth who have lost their lives to the social violence and exclusion that bills like this promote.

WAYNE: Thank you.

MURMAN: Thank you very much. Any other questions? Thank you.

DONNA FABER: Good evening, Chairman Murman and members of the Education Committee. My name is Donna Faber. D-o-n-n-a F, like "Frank, -a-b-e-r. Thank you very much for your work on behalf of Nebraskans. I am speaking in opposition to LB575. I am a board-certified family medicine physician. For 20 years, the last 16 of them here in Nebraska, I've been delivering babies and caring for children and adolescents. I truly enjoy helping them stay healthy so that they can reach their full potential. That potential includes physical activity and sports. As a former professional athlete, I can attest to the importance of sports and being part of a team. I played on the Women's Professional Tennis Tour for six years from 1988 to 1993. That means playing all the Grand Slam events-- Wimbledon, the French Open, Australian, U.S. Open-- every year. In 1991, I was on the United States team for the Pan American Games in Havana, Cuba. I won a gold medal in doubles with Pam Shriver. As a medalist, I was subjected to compulsory DNA testing by cheek swab, so that answers the question if anybody here has had karyotyping-- that would be me-- to prove that I am female. As a young person with no medical background yet or no knowledge of genetic testing, I just had a vague feeling that this was inappropriate, and my DNA might still be running around in a warehouse in Cuba somewhere. I know I am female because my brain tells me I am. The same is true for transgender persons. They know what gender they are because that is how their brains are made. The brain of a transgender person resembles the gender with which they identify. There are physical differences in the brains of transgender persons that can be seen on MRI. I included an article on MRIs in your information packet. A person who says she is female truly is. The human brain is amazing and there is so much that modern medicine is still learning. But we do know that if a transgender adolescent says she is female, she really is. It is not something someone chooses. While their brains and bodies may not align, these young Nebraskans should not be denied the right to use the bathroom, which is pretty basic, where they feel comfortable. They are not harming anyone. They are simply going to the bathroom. And just as important, they should have the same right to play sports as other children in the gender with which they identify. Being part of a team is so important to building confidence and character and for the sport itself, for fun and health. Remember, these are kids we're talking about. I have good friends whose children are transgender and suffered a great deal when they were younger. They transitioned in middle school and are no longer depressed. They are now happy, healthy children, living as and looking like their identified gender, so to require them to use the wrong bathroom would be humiliating and anxiety-inducing for them. We

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can't put them through that. The risk of suicide is so high: 82 percent of transgender individuals have considered killing themselves and 40 percent have attempted suicide, with the highest rates among transgender youth. Olympic medalist testing in the past revealed that one gold medalist had XX/XXY mosaicism, yet further testing confirmed that this individual was female, as she stated she was. With time, we'll learn more about the spectrum of human-- human gender. As we continue to learn, let's give these vulnerable young Nebraskans the chance they deserve to play sports, to belong, and to reach their full potential. Please do not advance LB575. Thank you so much for your time and I'm happy to answer any questions.

MURMAN: Any questions for Dr. Faber? I have one. Will a cheek swab tell you X-- whether you're XX/XXY chromosome, whether you have a Y?

DONNA FABER: They sent it off for karyotyping and I'm--

MURMAN: Pardon me?

DONNA FABER: They-- they sent it off for testing to-- to make sure I was XX.

MURMAN: OK.

DONNA FABER: But there's a lot of conditions. The more we test people, the more we learn mosaicism, different variations in, people's [SIC] whose-- you know, their-- their ovary-- they have ovaries, but there's a Y in there. There's a lot we don't know yet. But you can actually see on MRI, which I thought was really interesting-- it's kind of like neurodiversity-- that someone who is transgender female, on the MRI, their brain looks more like someone who is female than male. And the same thing shows up on functional MRI testing. When someone's doing a task and being scanned, their-- their pattern of brain activity more resembles the gender that they identify with. It's really fascinating.

MURMAN: OK. Thank you.

DONNA FABER: Uh-huh.

MURMAN: Any other questions? Yes, Senator Conrad.

CONRAD: Sorry. Thank you, Chair Murman. And thank you, Doctor. I mean, I think you could probably feel a collective "wow" from the committee. I didn't know that we had an Olympic athlete who is also practicing medicine in Omaha. So if we're ever feeling good about ourselves,

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we'll check our ego for a minute [LAUGH] in-- in deference to-- to that incredible background. But Senator Murman's question got me thinking about something, and while I have a doc in the chair-- I don't pretend to be one-- when you get a cheek swab, and however it-- what's it called, keratin testing?

DONNA FABER: Karyotyping, Senator.

CONRAD: Karyotyping?

DONNA FABER: Um-hum.

CONRAD: I'm sorry, I just didn't have the-- the medical language. So is there any limitations then for like other aspects of DNA or medical privacy in terms of like what happens with that cheek swab, if it goes off to a school or government or some sort of sanctioning kind of organization? Does the-- does the test, the, kary-- what was it, karyo testing?

DONNA FABER: Karyotype, um-hum.

CONRAD: Karyotyping-- does it just test for the chromosomes or is there any restriction on limitation of that, that DNA material?

DONNA FABER: I'm sure the Olympic Committee has policies on what--

CONRAD: OK.

DONNA FABER: --can be done with it. There's always a concern that someone won't follow the guidelines. I do believe-- I'm not certain, but I believe they keep results for awhile.

CONRAD: OK.

DONNA FABER: As far as my 1991, who knows what happened to mine or--

CONRAD: No, sure. And I know that, you know, Nebraskans across the political spectrum get kind of nervous with giving up their DNA to big government databases, and so I just-- I wanted to learn a little bit more about that medical terminology because I just-- I wasn't familiar. Thank you.

DONNA FABER: Hadn't even thought about privacy at that point.

CONRAD: I hadn't either until Senator Murman brought it up. So thank-- this is very helpful in the committee hearing. Thank you.

DONNA FABER: Thank you.

CONRAD: Thank you.

MURMAN: Thank you. Any other questions? OK. Thank you very much.

NICHOLAS MANHART: Hello. My name is Nicholas Manhart, N-i-c-h-o-l-a-s M-a-n-h-a-r-t. I am a senior at Creighton Prep and I sit here to oppose the passing of LB575. LB575 is a fundamentally unfair set of unnecessary restrictions to the human rights of transgender students. The policies LB575 are built upon are an unstable foundation consisting of poor depictions of the transgender community, lack of sufficient and consistent data, and, most notably, personal biases, as well as a fear of change. I'm sure we can all agree athletics are extremely beneficial. Exercise provides-- provides an improvement of overall physical ability and mental health. It can fine-tune your work ethic and encourage teamwork-- skills that are essential for young and impressionable youth. My time running track during elementary, junior high and high school, taught me a lot about myself, my limits and my physical abilities. I, and I am positive other athletes, as well, would never want to strip this opportunity from anybody, especially students developing in an overall hostile and isolating environment. Trans people exist and they will continue to exist. Passing of bills like LB575 come off as not only illogical and unethical, but also as unintuitive. Its policies don't work to protect students, but to instead deny the existence of a minority of students, specifically students who are experiencing an astounding lack of much-needed support from as far as our own Legislature. I encourage you all to focus on passing bills that advance us as a soci-- society rather than outcast our fellow human beings.

Speaker 3: Thank you. Any questions for Nicholas Manhart? Thank you very much. Go-- go-- go ahead and-- good evening.

CAMIE NITZEL: Hello, committee members. My name is Dr. Camie Nitzel, C-a-m-i-e N-i-t-z-e-l. I am submitting this testimony in fervent operate-- opposition to the proposed LB575. I'm a licensed psychologist in the state of Nebraska, as well as the founder of Kindred Psychology, an inclusive and affirming mental health practice in Lincoln, Nebraska. I completed a Ph.D. in counseling psychology from the University of Nebraska-Lincoln as well. I have obtained a significant amount of postdoctoral training in working with gender-diverse youth, a population that I've been serving since 1995. I am also the independent psychologist representative for the Nebraska

State Activities Association, NSAA, gender identity eligibility committee, together with a physician, various school administrators from districts across the state, and an NSAA executive. My testimony here today does not reflect an official statement by this committee, but is mine alone. In my limited time for testimony, I wish to emphasize one really crucial point. There is no demonstrated need for this legislative bill. Schools are already handling these issues with aplomb. Comprehensive statewide policies are already in place and being followed and implemented by school districts without issue, as we've already heard. There's most certainly not grounds for the declaration of an emergency, except for the youth who will in fact be directly harmed by LB575. The NSAA policy is already in existence and works to evaluate each student's unique situation on an individual basis, as should be the case in public education. Prior to this testimony, I distributed to you the NSAA's gender participation policy, which has already been in effect for seven years. This policy was developed to address the eligibility and participation of students in NSAA-sponsored athletics based upon gender. The policy was developed by educators with expertise in the field of student activities. It was well researched and is heavily cited with legal interpretation and case precedent. This already-existing and effective NSAA policy explicitly balances the goals of equal opportunity, physical safety, and personal privacy of all students, preserving Title IX protections, maintaining competitive equity, and a level playing field for all students. The policy does cover bathroom and locker room usage so that no one is made to feel uncomfortable. I also distributed the NSAA participant application form. This form requires students to include written personal statements, as well as statements from parents, school, friends, teachers, and a school representative affirming the student's consistent gender identification and expression. Students are required to submit medical documentation of hormone suppression and/or replacement therapy. For transgender females, an additional requirement of at least one year of hormone therapy is required, as well as blood work documenting testosterone suppression to the level of cisgender female.

MURMAN: Sorry, ma'am.

CAMIE NITZEL: I see that my light has turned and I'll be respectful of that. I am happy to answer any questions--

MURMAN: Any questions--

CAMIE NITZEL: --about the remaining--

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MURMAN: --for Dr. Nitzel? I've got one. So-- so according to NSAA policy now, a male-born-- a person born male--

CAMIE NITZEL: So a transgender female.

MURMAN: --would be allowed to participate in female sports if-- if they did the criteria that you said?

CAMIE NITZEL: So the-- there's specific criterion that have to be met, one of which is to have testosterone suppression to a level below-- at or below that of a cisgender female. There's also other ways that, whether by body markers, that can be part of the criteria as well, so it's not the only criteria.

MURMAN: OK. But you do acknowledge that there are differences between persons born male, persons born female, as far as, you know, body type and lung capacity and all the things we've discussed today, no matter what the hormone level is.

CAMIE NITZEL: I am saying that, as part of this, as part of LB575, it's unnecessary and it's a waste of taxpayer dollars when we already have a policy that spells out all of those questions that you're posing about gender differences and how do we equalize the playing field. Those are already taken care of and spelled out by this policy.

MURMAN: OK. Well, one reason I'm asking, I-- my daughter was a pole vaulter and third in the state all-time when she graduated, but there were boys pole vaulting two feet higher at that time. You know, I think, no matter what their hormone level would have been, I think they would have still had an advantage.

CAMIE NITZEL: So if you look at the policy, the policy's-- this policy specifically also gives body mechanic changes, like height and weight and BMI and stature. There's all sorts of things within the policy, and so those are things that we need to recognize that are already part of a policy that we don't have to legislate.

MURMAN: OK. Any other questions of Dr.--

CONRAD: I do.

MURMAN: Yes, Senator Conrad.

CONRAD: Thank you, Chair Murman, and I'm learning a lot about your love for ath-- ath-- all kind of-- kinds of athletic activities in

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your family, so that's a-- a neat part of the-- the learning experience. But, Doc, while I have you in the chair, you mentioned this has been on the books for about seven years. I think I've seen media reports that maybe five student athletes have utilized this process to participate in that time. Is that roughly square with your understanding or experience? I just want to make sure to have clarity on the record because I don't know if anybody else mentioned that yet.

CAMIE NITZEL: Right. I-- I will say that it is ten or less.

CONRAD: OK.

CAMIE NITZEL: I think there's some gray between students who may have applied--

CONRAD: OK.

CAMIE NITZEL: --and been granted permission but have not actually participated or did one year or-- and not-- or people who were not eligible based on them not meeting the criteria.

CONRAD: OK.

CAMIE NITZEL: And so it isn't that we just have a policy that says anyone can play for any-- any reason or any body mechanic. It's-- people have to follow the policy.

CONRAD: Right.

CAMIE NITZEL: And so it's-- it's already there.

CONRAD: Yeah, that's-- that's helpful. And just in reading kind of through the policy and looking at the application, which you reaffirmed some of your experiences working with all the stakeholders on thus far, the reason that the policy is in place, if I understand it, and the application process is to ward against any sort of, kind of, effort that maybe Senator Murman or Senator Kauth are worried about, right, that somebody is just going to willy-nilly utilize a process to steal a medal from somebody else who deserves it, and I think that we would all be kind of concerned about something like that happening. But the way I understand it, the policy and the application goes pretty deep to figure out--

CAMIE NITZEL: Yes.

CONRAD: --how you're living your life, the medical--

CAMIE NITZEL: Um-hum, so--

CONRAD: --treatments you're utilizing, basically to kind of weed out against that kind of unserious approach or-- or kind of unfair competitive kind of agenda or something. Can you help me understand that?

CAMIE NITZEL: Yeah. yeah.

CONRAD: I'm not articulating very well. It's 8:00 at night, but--

CAMIE NITZEL: [INAUDIBLE] I understand your question.

CONRAD: OK.

CAMIE NITZEL: So part of the process, and the process is spelled out in the-- the policy, as well as in the application. The student themselves has to write a personal statement, so family, friends, teachers, the school administrator, medical professionals, all have to certify that this person has been living in accordance with their gender identity for a given period of time. And, you know, students present with varying degrees, and so it's really not possible for that fear to be realized if we just use the already-established protocol.

CONRAD: OK. That's really helpful. And I don't know, were you foll-- last question. Were you following the measure before the Health and Human Services Committee that would have prevented gender-affirming care for-- for trans youth as well?

CAMIE NITZEL: I was here and--

CONRAD: OK.

CAMIE NITZEL: --testified to that as well.

CONRAD: Thank you. I was able to catch most of it, but not all of it, so I'm sorry if I didn't remember that.

CAMIE NITZEL: Yeah.

CONRAD: But I'm also trying to think about like how these bills, if they were to advance, like work together, because the NSAA policy says you need to avail yourself of gender-affirming care if you want to participate in extracurricular activities, and then on the flip side,

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the Legislature is saying you can't access gender-affirming care if that were to pass.

CAMIE NITZEL: Exactly.

CONRAD: So I'm-- it just seems kind of confusing and I'm just trying to get my head around it, so, OK.

CAMIE NITZEL: It's contradictory and I think it's safe to say that both providers and trans youth feel like there's a "damned if you do and damned if you don't," right--

CONRAD: OK.

CAMIE NITZEL: --that there are obstacles being set up everywhere that people can't just be.

CONRAD: OK. Very good. Thank you. Thank you.

MURMAN: Any other questions for Dr. Nitzel? OK. Thank you very much. Next testifier.

ALEXANDER WEISS: Chair-- Chairman Mur-- Murman and the-- and the members of Education Committee, my name is Alexander Weiss, spelled A-- A-l-e-x-a-n-d-e-r W-e-i-s-s, and I live in District 37 in Kearney, Nebraska. I am here to tell you how LB575 would affect my life. I am 13 years old. I love anime, basketball, skateboarding and hanging out with my friends. I am a Boy Scout and I am also transgender. I started my social transition when I was nine years old by having my family call me by my new name and pronouns. I cut my hair-- my long hair off and finally got to wear boys' clothing. For the first time in my life, I feel like myself. Before my transition, I was always sad. I even had suicide-- tried doing suicide. But now I am happy. I love sports. I want to play sports at school, especially basketball. I really want to play next year on the school team. Under this law, I would have to play under the girls' team. I do not feel comfortable playing against girls. I look like a boy. I am a boy. If you make me play with the girls, I'll be very, very uncomfortable and so will the girls. The girls at my-- at school see me as a boy. If I was in their locker room, it would be weird and uncomfortable changing in front of me. I don't think their parents would like it either. Seriously, would you be comfortable with me going into the changing room with your daughter? Look at me. See me. I am not a person to-- to look at boys while they are changing. I am just a boy who wants to use the locker room, play sports and be safe. I am just a boy who likes to play with

the other boys. Please don't make me-- it-- make-- please don't make it unsafe for me to play.

MURMAN: Thank you. Any questions for Alexander Weiss? Thank you very much.

ALEXANDER WEISS: Thank you.

JACKSON GRACE: Good evening. My name is Jackson Grace; it's J-a-c-k-s-o-n G-r-a-s-e-- or c-e, sorry. I'm here today in opposition of LB575, the Sports and Spaces Act. I'm a sophomore at Omaha Central High, and I've been participating in cross-country, as well as track and field, since I was in middle school. Because of this, I can confidently speak for the overwhelming benefits of participating in a school sport. Over the last several years, I've observed the positive changes in myself and my team, both physically and mentally. Youth sports have proven time and again to be a productive and enriching experience, and I can't imagine why those activities should be limited to our state's trans community based on something like gender identity. It is explicitly stated by the Omaha Public Schools district that they do not discriminate on the basis of race, color, national origin, religion, sex, marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment, and that they provide equal access to the Boy Scouts and other designated youth groups. To pass the Sports and Spaces Act, then, would be to directly violate the base freedoms guaranteed by my school district that allow students to participate in school activities regardless of gender information, identity or expression. A common argument I've heard tonight in favor of LB575 is that the participation of individuals whose biological genders differ from the designated one on any given team may present unfair physical advantages or disadvantages, but anyone who has participated in a sport before will know that equality is never about ensuring equal physical ability; it's about sharing-- ensuring an equal chance, and gender shouldn't factor into that, period. Thank you.

MURMAN: Thank you. Any questions for Jackson? OK. Thank you very much.

KIMBERLY METZGER: A lot more intimidating when you're sitting here. Phew. Hi, my name is Kimberly Metzger, K-i-m-b-e-r-l-y M-e-t-z-g-e-r. I am a 40-year-old mother of two. My eldest is a trans girl. She came out to me two years ago, and this time I have gotten her into a better

school, for both academic and trans-friendly reasons, gotten her to a therapist, psychiatrist, and throughout all of this I have been supported by teachers and clinicians and other parents. Parenting is hard and-- regardless of the situation, but parenting a trans child is even harder. There are so many things that you have to consider, and bullying and what bathroom to use are terrible things to have to even think about. And now people who don't know my child, people who possibly haven't met any other trans people, people who listen to the fear-mongering and the senseless hatred being espoused by the talking heads on television, are trying to take the rights to sports and bathrooms of their choice away from my child. And children, they understand so much. They understand more than we give them credit for. They learn from what we do even if we don't explicitly try to teach them, as any parent of a toddler repeating their newest swearword can attest. By introducing this legislation, by passing this legislation and segregating those who are different from bathrooms that match their gender that they express, by keeping them off sports teams in high school, by even humoring that-- transphobic adults far enough to make this bill in the first place, we are showing children that they don't need to care about people that are different from themselves. We are explicitly telling them that it's OK, block people from certain places, from certain activities, because they have a different gender alignment than their bodies show. We are teaching them that personal and religious views absolutely can and should infringe upon other people's views and their ability to be in sports in school. That's not what America is about. That's not what Nebraska stands for. We celebrate those who would fight for our freedom, yet, when given the chance, many within our borders would gladly strip those freedoms away to make themselves more comfortable. Don't do that. Don't make yourself more comfortable at the expense of our trans youth. Stop this. Stop this bill from going to any further votes because our children are watching.

MURMAN: Thank you. Any questions for Kimberly Metzger? Thank you very much.

STEPH ENGELBART: Hi, my name is Steph Engelbart, S-t-e-p-h E-n-g-e-l-b-a-r-t, and I'm a licensed clinical social worker who has been providing mental health services in the community for the past 18 years. In recent years, opponents of LGBTQ equality have zeroed in on the participation of trans youth in sports as part of their attack on the existence of trans people. Trans student athletes are driven to play sports for the exact-same reason as all of the other athletes, and denying them the right to engage in school sports is transphobic.

This policy will also deny trans athletes access to the numerous benefits sports can offer to their over-- overall well-being, educational and social experiences. These bills rely largely on scare tactics, stereotypes and unwarranted claims that trans people have a physiological advantage over cisgender athletes, specifically trans girls and women, despite a complete lack of evidence that the participation of trans athletes has had any measurable impact on the success of cisgender athletes. Though cisgender athletes remain unharmed by participation of trans athletes, these bills will instead cause substantial harm to the mental health, well-being and lives of trans youth altogether. If these bills are passed, trans youth and young adults are more likely than their peers to report worsened mental health, including substantially higher risk for depression, suicidal ideation and attempts. Trans youth and young adults are substantially more likely than their cisgender peers to experience bullying, victimization, harassment, violence and rejection from their peers. When trans youth encounter accepting and affirming policies and peers, including trans-affirming sports policies, the risk of poor mental health and suicidality decreases. Playing sports as a child can have incredible benefits, including psychological, social and emotional. In addition-- in addition to the physiological benefits, research has found that high school student athletes may be at lower risk for anxiety and depression, suicide attempts and tobacco and illegal drug use. Participation in athletics has also been associated with increased self-esteem, self-confidence, improved academic performance, strong feelings of connectedness and school-based support. It also leads to lifelong friendships with teammates and coaches and promotes feelings of camaraderie, sportsmanship-- sportsmanship and perseverance. These types of benefits are crucial for trans youth who are at increased risk for family and peer rejection, victimization, stigmatization and discrimination. The resilience learned in sports translates directly to the social realities of many trans youth, and it remains a lifelong characteristic. Trans youth face-- face more challenges than you and I will ever experience on a day-to-day basis, even without the risk of harmful legislation geared at disenfranchising their very lives. Please allow trans youth equal access to benefit from sports participation like their peers. This will not harm you or me or any other youth participating in sports, regardless of their gender identity. It will only hurt an already vulnerable population. It is up to us to care for all youth in our community and provide equal opportunities for our children. I urge you to really think about how

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allowing trans youth to participate in sports will actually harm our athletic programs--

MURMAN: Thank you.

STEPH ENGELBART: --our players, our coaches, or our fans.

MURMAN: Thank you.

STEPH ENGELBART: Thank you for your time.

MURMAN: Any questions for Stephanie?

ALEX DWORAK: Good evening, Chairman Murman and esteemed members of the Education Committee. My name is Dr. Alex Dworak. D-w-o-r-a-k, first name A-l-e-x. Thanks for saying so late to listen to as many of us as possible. Thank you also for serving the state of Nebraska. It's in the spirit of our shared pursuit of the common good of all Nebraskans that I oppose LB575. I am speaking on behalf of my main employer, OneWorld Community Health Centers. I speak as a board-certified family physician, as a parent, and as a lifelong athlete, although nowhere near as accomplished as my colleague Dr. Faber. She's also my personal doctor, and so I can attest she will also take care of adults who just act like adolescents. I take care of trans people and cis people of all ages who need many things, dozens of things, including hormones and mental healthcare here in Nebraska. I'm a Creighton Prep alum, like several other testifiers tonight. This bill is unfair and uninclusive. Physical activity is important for the health of youth. I think we can all agree on that. There is not a tidal wave of trans athletes who are dominating women's sports. And we've heard from some wom-- female athletes like Dr. Faber who have perspective on that. We have heard that there is not data that there is any concern with trans youth, in particular, assaulting other people in bathrooms. If anything, it's the trans person in the bathroom who is at risk. We have heard data from the Trevor Project that inclusion, especially, leads to lower rates of attempted suicide. We've heard from many very brave young people who have shared how this care and being accepted by their families, their schools, their society has been crucial to them still being here with us, and I value all of them, as I know we all do. I have attached a letter from my colleague, Dr. Joan Daughton, who is a child and adolescent psychiatrist, who is also speaking as her representative of the Nebraska Council on Child and Adolescent Psychiatry. She is in opposition to this, and that's the general medical consensus. There is also no doubt about that. This is

something that is of a piece with the other attacks on gender-affirming care, where I was privileged to testify in the same room last week. As was correctly pointed out, this bill and the medical bill are mutually exclusive, they are logically incompatible, and really the only answer for trans people is to go in the closet or not exist, and I find that unacceptable. And I was planning to answer Dr.--or Senator Murman's question very specifically, but I do have some data on congenital or complete androgen insensitivity syndrome, which is one of 60 dis-- differences of sex development. That is a condition where somebody has XY chromosomes, so he would have failed the karyotype test, and there's a famous athlete I can give as another example, but has breasts and a vagina and who does not respond at all to testosterone. You could give that person-- you could dope them to the gills, as they say in bodybuilding, and it wouldn't make any difference, so the rate of that is between 2 and 7.5 per 100,000 people, according to the data I was able to find while I was looking it up here. That is about 24,750 people at maximum in the United States, which would be more than four times the population of Ralston, where I live. I'm very happy to answer any questions. Please continue to be kind and curious. And thank you so much for your time.

ALBRECHT: Thank you for your testimony. Do we have any questions from the committee? Seeing none, thank you for being here. The next opponent.

AVA MANHART: My name is Ava Manhart, and I'm here opposing LB575. I'm on the JV swim--

ALBRECHT: Excuse me, can you spell your name, please?

AVA MANHART: A-v-a M-a-n-h-a-r-t. Hi. I'm Ava Manhart. I'm here opposing LB575. I'm on the JV swim team at my school and it is one of the most supportive and embracing communities I've been in. Sports are good for everyone. They allow you to be a part of a group and stay physically fit. Some uneducated people are worried about trans kids in sports because of the locker rooms. They seem to believe that trans kids are a threat to the others there. Do any of you realize that this bill will still allow male coaches into female locker rooms and vice versa? Frankly, I'm much more afraid of being sexually assaulted by a male coach than I am of any of my trans classmates. If it's the locker rooms you're worried about, there are ways to fix that without excluding trans youth from sports. My little brother is trans. He participates in multiple sports, including soccer and basketball. All his teammates accept him for who he is, so why can't you? Trans people

should be allowed to participate in sports just as any other person is allowed. Why should they be denied the ability to be a part of a team and the opportunity to do physical fitness with people who have the same interests as them? Would any of you like to be the one to tell my ten-year-old brother that he can't play basketball with his friends anymore because you all decided that he was born in the wrong body? Attempted suicide has been mentioned in the previous testimonies, and I just cannot imagine losing my little brother because you can't see past your own bigotry. Suicides are preventable among trans youth, and to pass bills like LB574 and LB575 would be to do the opposite. Please vote against LB575.

ALBRECHT: Thank you for your testimony. Any questions? Seeing none, thank you. Next opponent.

DANIEL RICHIE: My name is Daniel Richie, D-a-n-i-e-l R-i-c-h-i-e. I am a father of a transgender son and I am here to speak out against LB575. My son enjoys football, baseball, basketball, wrestling and plans to give tracks a try when it comes around. He has participated in everything in this bill that would prohi-- prohibit-- that would-- that would be prohibited and has been doing so for many years without incident. This bill may be cited as the Sports and Space Act, but it might as well be called the "Outing Nebraska Trans Act." Plain and simple, this bill puts a target on the back of trans students. They will not be legislated out of existence. They will still be. You say that safety is at the heart of this bill, and that is it-- that it is an emergency-- emergency. That's what struck me the most out of-- out of the bill. Tell me what violent acts are being committed by-- by trans students. In fact, trans students are at more risk of being bullied and suffering violent attack. If passed, many trans kids will just simply skip the restrooms altogether. Is that healthy? Kids should-- should have the ability to relieve themselves without judgment. It's just a bathroom. Every mu-- everybody must use them. Regarding the sports aspect of the bill, supporters will say that they do not want a bio-male competing in female sports for fear of competitive disadvantages to the females. What is not being considered is the consequences this bill would create. No one is waking up one day switching genders just to get first place in a-- in a sporting event. It's just not happening. This one-size-fit-- fits-all bill targets trans athletes specifically. It discourages them. It does not exclude them, but it discourages them from participating and being part of the student athlete community. In closing, this bill does nothing to improve the school system or make it safe. The state legislators work-- could be working on bills to reduce school

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lockdowns that happen on a regular basis, but, no, we are here debating transgender regulations. Senators, I implore you to oppose LB575 and let the kids use the bathroom and let the kids play. If I may read just a little bit from my son, who is actually at a sporting event right now?

ALBRECHT: Go ahead.

DANIEL RICHIE: I do not understand what you are gaining by doing this. I have done nothing wrong to hurt anyone. I like to play football. I ended up getting a game-winning touchdown, and in baseball I have eight strikeouts, but no one would have known unless they knew me. And I'm assuming he was talking about being transgender. I love-- I love to play guitar and I like playing Xbox. Please don't take away my rights. It would hurt me a lot, and I just want to have fun without worrying about all this. I just want to be me. I want to continue to play sports I love. Thank you.

ALBRECHT: Thank you, Mr. Richie. Appreciate your testimony. Any questions from the committee?

CONRAD: Thank you.

ALBRECHT: Seeing none, thank you--

DANIEL RICHIE: Thank you so much.

ALBRECHT: --for being here. Next opponent.

NICKY CLARK: Good evening, Senators. My name is Nicky Clark, N-i-c-k-y C-l-a-r-k, and I'm a lifelong resident of Nebraska, currently residing in District 8. I'm very nervous, actually, to be here. Sorry.

ALBRECHT: Well, don't be.

NICKY CLARK: I speak to you today as a social worker and a nonprofit executive that has worked with people in community across the lifespan. Most importantly, I speak to you today as a mother of a beautiful six-year-old who identifies as nonbinary. When my child, who was assigned male at birth, was three years old, they asked me if I would buy them dresses to wear. By five years old, they told me they were both a boy and a girl and they wanted to use they/them pronouns. They know who they are because they have grown up in a home that allowed them to discover that authentically and without judgment or barriers. Imagine if our community and our laws allowed that as well.

My child attends a private religious school that doesn't allow them to use the bathroom in which they feel the safest. I can tell you that this is a daily-- no, hourly-- struggle for my child. Even though they are old enough to use the bathroom by themselves, I still need to accompany them every time in public because they're afraid. Obviously, there are many other struggles that I don't need to get into here, but hopefully you can empathize that being nonbinary and trans in this society is very difficult, to say the absolute least, especially when you have legislation that intentionally is trying to make it even harder. It has been incredibly heartbreaking to have to teach my child that adults who refuse to evolve in their thinking fear them. People do not exist in binaries; however, for those with unevolved thinking, it is more comfortable to think this way. You're a boy or a girl, you're white or a person of color, you're a Republican or Democrat, and so on. We know humans are more complex than that, so why is this bill perpetuating this "you're one or another" mentality? A blanket ban does not do anything but add to the struggles and dangers for trans and nonbinary folks and kicks the can down the road, as this will continue because people do not exist in binaries, so neither should our laws. For time, I just want to let you know I have a citation for an article that talks a lot more about gender policy in sports. I ask that you do not allow this bill to advance. I also ask that, as our representatives, you research this topic yourselves using factual, research-based-- research-based information, rather than relying on the misinformation spread by those who are afraid of something they don't understand. Thank you.

MURMAN: Thank you. Any questions? Thank you very much.

JEREMY ERIKSEN: Hi, my name is Jeremy Eriksen. I do prefer Julia. I am here to oppose LB575. One thing I do want to point about current policy, because everybody keeps saying, it works, it works, it works, it doesn't work for every kid. Junior high, it does not apply.

MURMAN: Excuse me, could you spell your name, please?

JEREMY ERIKSEN: E-r-- oh, J-e-r-e-m-y E-r-i-k-s-e-n.

MURMAN: Thank you.

JEREMY ERIKSEN: Currently, junior high kids don't get applied on that policy, so they're not-- still not allowed to play sports.

CONRAD: Thank you.

JEREMY ERIKSEN: Now with this saying kids can't play sports, honestly, to me, it's a modern-day version of sexism because making a child also use the bathroom of choice, many will act-- or that they don't identify with, many of them will hold it. And we keep talking about UTIs, but we also don't mention the fact that this actually puts them at extreme risk of their bladder bursting, which can cause them to die. It is actually proven. Have you ever tried holding, see how long you can hold off going to the bathroom? It's difficult. Also, I do want to point out, when we talk about locker rooms and how we want to have our children checked, one thing that really bothers me with this is, honestly, it reminds me, because even though I didn't come out until I was 39, I was subject to a lot of physical abuse from peers. I have been raped several times, things like that, just because I was more effeminate. And it honestly reminds me of, when we talk about doing gender checks, it's like, what are we going to do? I have been stared at by a doctor's office because the doctor said I had to have a felony drug test, where somebody stood a foot within my genitalia and stared at it while I try-- tried to pee. I have been groped going into a bar by the owner. What are going to do to these kids to check? It's just quite disturbing. And as far as when they talk about the effects of what this does to people with mental health, physical health, stuff like that, unfortunately, I can say I am a poster child of that. I have a lot of mental health disorders, physical health disorders, all from trauma I have been through, both intestinal, everything that possibly could go wrong. It's a pretty long list. So with that, please oppose LB575. Protect these trans kids. They deserve it, honestly.

MURMAN: Thank you. Do we have any questions? Thank you very much.

JACOB CARMICHAEL: Jacob Carmichael, J-a-c-o-b C-a-r-m-i-c-h-a-e-l. I will be emailing you my testimony and the-- or my actual testimony. But I just want to acknowledge that right now there is another likely mass shooting at Michigan State and people are sheltering in place, unsure of any of the specifics. But this-- that's happening and that's happening nationwide every day, pretty much. And education committees, like this committee, across the nation are focusing on the issue of a couple of trans students over almost a decade of policy and that's shameful. It's shameful that the focus is on this and not things that are actively threatening kids' lives every single day. Thank you.

MURMAN: Thank you. Any questions? OK, we'll have time for two more, three-- three-minute-or-less testifiers.

TIFFANY WEISS: Chairman Murman and members of the Education Committee, my name is Tiffany Weiss, spelled T-i-f-f-a-n-y W-e-i-s-s, and I live in Kearney, Nebraska, District 37, and I'm here today to oppose LB575. I have five amazing children and two of them happen to be transgender. This bill would severely impact both of those children in a negative way. For example, with my 13-year-old son, who has been living as a male for four years, he is on hormone blockers and just started cross-hormones, so we legally changed his name to a very masculine name for him, Alex. When we go to a restaurant, he uses the men's bathroom; and when we go shopping, he uses the men's dressing room. The reason for this is simple. He looks like a boy. He wears boys' clothes. He has a boy haircut. No one ever questions if that's his gender. He doesn't have breasts and he does have the beginning of a mustache. It would be unsafe for him to use a ladies' rest-- restroom regardless of what is in his pants. If he went into a women's restroom, people would be up in arms about the teen boy who is in the ladies' bathroom. I'm sure the ladies in here would not be super comfortable with him using the women's bathroom with them. The same goes for his peers. Many don't even know he's transgender, but those who do know view him as a boy because, again, trans boys are boys. His female peers would be uncomfortable with him using the girls' locker room with him, just like they would be with any other boy. Even worse for him is that he wants to play basketball so much. Under this law, he would have to play on the girls' team. Let's let that sink in for just a second. A boy, who's on testosterone, who has a mustache, who has a boy's name, who looks like a boy, is going to be playing on the girls' team. This would be unsafe for him. The parents of all the girls on the team he's competing with are going to ask, why is there a boy playing, and what are we going to tell them? Are we going to tell everyone that he's transgender? That's his private medical information. Or do we not say anything and we just let him be in danger? And I think you're going to have a lot of irate dads when he's going into the locker room after the game. Let's just be honest. My son wants to play and I just want him to be safe, and this puts me in an impossible place as his parent. I have to choose between keeping him safe or letting him follow his passions. Every kid deserves to play. Every kid deserves to be safe. This bill makes it impossible for my son. So please oppose LB575.

MURMAN: Thank--

TIFFANY WEISS: I'll take any questions.

MURMAN: I'm sorry. Thank you. Do we have any questions? OK, we'll have one more testifier.

RON CUNNINGHAM: My wife was texting where I'm at. I was first in line today.

MURMAN: Well, you made it, at least.

RON CUNNINGHAM: Yes, I did. Senator Murman and fellow committee members, I'm going to cut this down to one minute, try to, OK? So I may be choppy. In my opinion, far too many of our leaders and legislators in Nebraska are choosing to use scare tactics. I think back to the 30/30--

MURMAN: Sorry, you have to state your name and spell it, please.

RON CUNNINGHAM: Oh, Ron Cunningham, Ron, R-o-n, Cunningham, C-u-n-n-i-n-g-h-a-m. In my opinion, far too many of our Nebraska leaders and legislators are choosing to govern by scare tactics. Examples of that are the 30x30 land grab, the voter fraud, virtually nonexistent, the Second Amendment rights that we're talking about here recently to confiscate all your guns. They're all promoted to scare, and now you're adding trans kids. The NSAA was up here and-- and you can go online and read their guidelines. And this is overreach by-- by our government again. There is no need for it. I'm a teammate in the Lincoln Public School system. Each week I see hundreds of kids in the hallway and they're all different types. I-- I look at them and I think, what's the future hold for them? And so I'm going to leave you with this. Governor Pillen said we need to give every child-- quote, we need to give every child the chance to pursue their dreams right here in Nebraska. Also, Governor Pillen, in his State of the State Address, he said, and I quote, Nebraska will never, ever give up on a single kid, and he emphasizes "ever again," ever again. Is there an exception for trans kids? Thank you.

MURMAN: Thank you. Any questions for Mr. Cunningham? If not, thank you very much. And I'll say, if you have written testimony, I ask that you, in a organized way, give your testimony to the committee clerk on the end of the table here

_____ : There's still--

_____ : How many still wanted to testify tonight?

_____ : Yeah, there are many of us left.

MURMAN: And--

_____ : [INAUDIBLE] minutes left.

_____ : --a show of hands.

MURMAN: OK. And we're going to go ahead and close. I ask Senator Kauth to come up and-- and close. And while she's coming up, we have 481 proponents, 481, 314 opponents, and 2 neutral, and letters written in emails. Oh, I-- I--

_____ : There are still two minutes left.

MURMAN: Is there any neutral testimony by agencies, only by agencies? It-- have to be an agency, can't be an individual. OK. If not, I ask Senator Kauth to come up and close. We went just over three hours for opponents and-- and right at three for proponents.

KAUTH: Thank you very much, Committee, for sticking with this the whole day. We've heard some very emotional testimony today. To reiterate, LB575, Sports and Spaces, is a fair, commonsense law to uphold Title IX and provides clarity and instruction to K-through-12 schools. Sports and Spaces uses biological sex at birth, based on chromosomes, to identify male and female; prohibits biological males from competing on biological female sports teams; and maintains the integrity of Title IX by identifying group bathrooms and locker rooms based on biological sex. This bill does not discriminate against students based on their gender identity. The determinant of biological sex is applied to every student. Youths who are dealing with gender dysphoria are not prevented from playing sports. They and all students must play on the sports teams and use the locker- and bathrooms that match their biological sex. And we heard a lot about genital inspections. The easy way to do this in each school is-- is advise to figure out what works best for them, but to-- when you do a sports physical, just have the doctor state: biological male, biological female. When you talk about fear-mongering, telling people that there are going to be genital inspections by the coaches qualifies, Nebraska must take steps to uphold Title IX and guarantee the dignity, privacy and ability to compete fairly for each student. We heard a lot of students come out today on both sides. This is obviously a very, very sensitive issue. Thank you for allowing the Sports and Spaces bill to be heard today. I encourage you to move it out of committee and to General File. And I did want to point out something about the emergency clause. That is to give schools time to get their policies

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in place. It goes into effect August 1, but the emergency clause says get started now. I'm open to questions.

MURMAN: Thank you, Senator Kauth. Any questions? Senator Walz.

WALZ: Thank you, Chairman. August 1 of this year?

KAUTH: Yes.

WALZ: OK. That's it.

MURMAN: Se-- Senator Conrad.

CONRAD: Thank you. Thank you, Senator Kauth. Just-- I know you were-- it's late and we're all really tired, but just-- I know you were trying to maybe tick through some practicalities for implementation that you were thinking of in your-- in your closing, and you mentioned perhaps a sports physical might be one way to ensure compliance if this measure were to be adopted. But I just-- I just wanted to clarify, I think in your opening, you mentioned that this was much broader than just the folks who are playing sports--

KAUTH: Right, right.

CONRAD: --right, that it would actually apply to any kid--

KAUTH: Yes.

CONRAD: --using any bathroom, any locker room, so I just--

KAUTH: And-- yeah, exactly, for-- for-- that's why we want to give the schools some time, till August 1, to write those policies, to communicate it to parents, to let them know what's going to be expected and how it needs to be implemented.

CONRAD: OK.

KAUTH: And we want to make sure that that's left-- left up to each individual school because they know their schools best. They know what things they need to do. They know the phys-- physical building and how they're going to accommodate students.

CONRAD: OK. So then how would it work in-- and, you know, from a model policy perspective, from your perspective, because you've done a lot of research on this-- so you're saying for implementation, for compliance, for folks who want to play athletics, perhaps it could

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happen in a sports physical, but how does it happen for any trans kid that needs to use any bathroom or any locker room that's not trying to play athletics? I mean, doesn't-- it's not really--

KAUTH: That would probably be something--

CONRAD: It's not really dramatic to say that when people are concerned about inspection or invasive medical tests by government or school officials. There-- there would have to be some way to prove that up, so how does that work?

KAUTH: I would think that that would be something they would put on enrollment paperwork--

CONRAD: OK.

KAUTH: --when you enroll in school-- are you biological male, biological female-- and-- and do it that way.

CONRAD: OK.

_____ : [INAUDIBLE] single gender in schools?

CONRAD: No, no, no, no.

MURMAN: [INAUDIBLE]

CONRAD: We can't-- we--

MURMAN: If you-- if-- you have to keep quiet in the audience or you'll be escorted out immediately, one more word. OK, thank you.

CONRAD: Yeah. No, I-- I appreciate that, and I-- I know it's late and there are a lot of passions, as you know, in-- in working on this measure. And I think it's-- it's helpful to the process if we can all maintain some decorum, but I also know it's hard because it's-- it's-- it's heart work, right, and it-- it goes to the core of identity for the people that are here. And what I'm trying to figure out, Senator Kauth, though, is more about implementation and enforcement. We talked a little bit about this in your opening, and then I know you brought an amendment that would perhaps change some of the enforcement mechanisms. But, you know, in talking through some of the legal issues with folks like Marion Miner and Russ Barger, they seemed a little confused, as well, in terms of how the enforcement would work from a legal perspective.

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KAUTH: And we sh--

CONRAD: And I know that it changes through the process.

KAUTH: OK.

CONRAD: But what I'm trying to figure out then is just, you know, really, what-- what is your-- what is your thinking in terms of enforcement, because ultimately, if you pass a policy, it has to have some sort of teeth, right?

KAUTH: Right.

CONRAD: And are you-- with the amendment, is your plan that the-- it's all up to the AG to figure this out or-- I'm not-- I'm just not following.

KAUTH: The-- the amendment, so the-- the amendment basically was to give schools and institutions who are going to be following this the clarity that if they are in good faith abiding by this law, the-- the AG defends the laws of the state--

CONRAD: OK.

KAUTH: --so to make that very clear that if they're-- as long as they are in good faith doing what the law intends. So if they're saying, oh, well, we're just not going to worry about it and people can change wherever they can and someone is hurt by that, then they would have a course of action. If they said, look, we've done all the paperwork, we don't know, you know, who this student is, I would hope that people would not go crazy suing, but they certainly may, but then the AG would step in.

CONRAD: OK. I don't disagree that the AG defends the laws of the state. That, 100 percent, I think, we agree on. But I-- I'm just not quite following it. I don't think it's common practice that the AG steps in to defend an individual entity of government on a specific policy.

KAUTH: And--

CONRAD: So we're-- we could talk more about that.

KAUTH: Well, and I understand. I've reached out to them tonight so they're--

CONRAD: OK.

KAUTH: --writing up what they--

CONRAD: OK.

KAUTH: --intend with that.

CONRAD: So then in terms of-- and I know you're just kind of brainstorming on implementation, so if a parent says they're going to check it on the enrollment form, whatever the-- the gender of their child is, and then the school uses that for compliance, I-- if I'm a parent of a trans kid and I put down what their gender identity is and the school uses that for compliance, that's all good faith, right?

KAUTH: It is good faith for the school. It's not good faith for the parent. And that's-- that is part of the policies that the school is going to have to develop and communicate very clearly to the parents how it needs to work.

CONRAD: OK. So then your plan is that the AG and the school come between me and my kid in terms of what I say their gender identity is?

KAUTH: No, it has nothing to do with gender identity.

CONRAD: OK.

KAUTH: It's biological sex.

CONRAD: OK. OK. I think we could have maybe a-- maybe need to tease that out a little bit more there, because I'm not quite-- quite following that. So what if this leads to attorney's fees, all kinds of economic damages if there is a violation? So what's the penalty if somebody makes a false report?

KAUTH: It's a good question. We should look at that.

CONRAD: OK.

KAUTH: I think it would be good.

CONRAD: All right, because I would be concerned about that and just the-- I guess the-- the updated fiscal note, if we add these extra-- extra duties to the Attorney General's Office, I-- I think that's something that we probably need to-- to learn a little bit more about from the committee perspective, but thank you.

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KAUTH: Absolutely.

MURMAN: Any other questions for Senator Kauth?

WAYNE: I mean, just 'cause Senator Conrad--

KAUTH: Sure.

WAYNE: Sorry, Senator Conrad had to go and-- and now I can't move my seat up. Yeah, the-- the-- the amendment on the AG is-- is-- it puts the AG at a-- in an attorney conflict. He-- he can't enforce the law and then-- hypothetical: ACLU or some organization sues saying this is violation of Title IX. He can't be defending that lawsuit while being a party of an enforcer of somewhere else.

KAUTH: OK.

WAYNE: So he's going to-- he's going to-- you know-- yeah, anyway.

KAUTH: We'll get that cleaned up.

WAYNE: OK.

CONRAD: OK.

WAYNE: Thank you.

KAUTH: Thank you.

CONRAD: Thank you.

MURMAN: Any other questions? If not, thank you very much. And like I said, single file, you can turn in any-- any testimony to the committee clerk.