

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

MURMAN: It works. Welcome to the Education Committee public hearing. My name is Dave Murman. I'm from Glenvil, Nebraska. I represent the 38th District-- Legislative District. 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 or eliminate 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. Please 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 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 to 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, we will use the light system; green is two minutes; yellow, one minute remaining; 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 transcribe-- transcribers are able to hear your testimony clearly. I'd like to introduce committee staff, to my immediate right is legal counsel John Duggar, also to my right at the end of the table is committee clerk Kennedy Rittscher. The committee members with us today will introduce themselves beginning at my right.

LINEHAN: Good afternoon. Lou Ann Linehan from District 39.

WALZ: Good afternoon, my name is Lynne Walz and I represent Legislative District 15, which is Dodge County and Valley.

BRIESE: Good afternoon, I'm Tom Briese. I represent District 41.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Education Committee March 6, 2023

Rough Draft

MURMAN: And I'll ask the pages to stand up and introduce themselves and tell us what you're studying and where at.

TRENT KADAVY: Trent Kadavy. I'm studying political science at the University of Nebraska.

AUDREY FLAKUS: I'm Audrey Flakus. I'm studying political science and criminal justice at UNL as well.

MURMAN: Thanks for helping us out today. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. Refrain from applause or other indications of support or opposition. For our audience, the microphones in the room are not for amplification but for recording purposes only. And we're ready to start on LB159 and that's Senator McDonald-- McDonnell.

McDONNELL: Thank you, Chairperson Murman and members of the committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l, represent Legislative District 5, south Omaha. LB159 proposes to adopt the Fostering Independence Higher Education Grant Act, which would provide educational opportunities to eligible foster youth applicants by awarding grants for qualified education expenses. Unfortunately, some children, their homes is not a safe place. In fact, because of abuse or neglect these children are removed from their homes and put in foster care. Oftentimes, school-age children in foster care move around frequently in different living arrangements and schools. Unfortunately, all this movement can really interfere with the education and academic success. Children in foster care frequently change schools, which makes it harder for them to do well academically when compared to children who don't face these same challenges. These young, these young individuals often struggle more than their peers and are less likely to graduate from high school or pursue high-- higher education, including when compared to homeless youth. LB159 provides the necessary tools that can help these kids succeed academically. You will hear testimony from Dr. Mike Baumgartner and who will discuss how the issue of educational outcomes for youth in foster care relates to Nebraska's goal of 70 percent postsecondary attainment. Schalisha Walker from Nebraska Appleseed will share her insights on her challenges faced by these, these youth and current state support systems. You'll also hear from Kaitlin Reece on behalf of KVC Nebraska, as well as former foster youth who will offer personal testimony of their experiences. We had a LR this fall and I appreciated the, the committee and, and spending time on this issue and this is the, the result of that LR. Also when I handed out my

testimony, there's also an amendment for you to, you to consider that we had, we had discussed earlier in the year with, with Bill Drafters. So I'm here to try to answer any of your questions. And again, the subject matter experts are here behind me, and these are people that have truly experienced, are trying to help, and then also people that have been through the foster care that have experienced the, the, the struggles that they've had to try to overcome, of course, in a number of areas of their life with the unfair hurdles have been put in front of them and one of them is their academic success.

MURMAN: Any questions for Senator McDonnell? If not--

McDONNELL: I'll be here to close. Thank you.

MURMAN: OK.

McDONNELL: I have-- I do have two other bills, but after that I'll come back.

MURMAN: OK. Sounds good. First proponent for LB159.

LINCOLN ARNEAL: Hello, my name is Lincoln Arneal, L-i-n-c-o-l-n A-r-n-e-a-l, and I am the assistant vice president of leadership and policy at Nebraska Children and Families Foundation, here to testify in support of LB159. When it comes to opportunities and resources to pursue postsecondary education for former foster youth, we can do more to support them. Yes, many former foster youth receive Pell Grants, and Nebraska does provide money through the Nebraska Promise to fill in tuition gaps. Unfortunately, many people have the perception that, well, they're wards of the state, they have it all covered. That is not the reality. In your handout, you have the Department of-- U.S. Department of Education's College Scorecard that shows the gap that exists for public institutions in the state of Nebraska that ranges anywhere from \$3,300 to \$14,000, and that's for the lowest income bracket of zero to \$30,000 income. Second, this is a group of young people who have overcome significant obstacles and have met the requirements to be in good standing for acceptance into the institution they wish to attend and a sign of their willingness to participate successfully in Nebraska's workforce. Considering the numbers, former foster youth seeking a college education have already beaten the odds and shown perseverance necessary to, to succeed in school and the workforce. According to the Nebraska Department of Education and the 2020 figures, homeless youth graduated high school in four years at a 63 percent rate. By comparison, foster youth in

2020 graduated at a rate of 55 percent. So in other words, when it comes to graduating high school in the state of Nebraska, you're better off being homeless than being in the foster care system. What this bill is doing is talking about supporting the students who have done what we have asked against many obstacles. The resilience and determination that the young people show in completing high school and seeking more education to provide a better life for themselves are the same qualities that employers are looking for: problem-solving, resourcefulness, and a way to get the job done. What we need to do is provide the financial resources to match the resourcefulness of these young people. We do not-- we know that the money does not solve all the problems. Even though this bill focuses on financial aid, I want to provide some context regarding the nonfinancial support available to help former foster youth. At the statewide level Nebraska Children partners with Central Plains Service-- Center for Services, which provides evidence-based one-on-one coaching to the former foster youth age 18 to 26. Nebraska also provides the Bridge to Independence program for ages 19 through 21 as they transition from foster care to adulthood. There's also programs that exist at the school-wide level. Currently, there's 375 former foster youth pursuing higher education in Nebraska. These students are more likely to lack-- to face financial struggles while in college and may lack resources, marketable skills, and limited networks and supports to rely on. These students do not have the same kind of access that other family supports as their peers. This issue is related to workforce, as Senator McDonnell said, that we are seeking to achieve the 70 percent graduate credential rate and this population can undoubtedly contribute to our collective workforce solutions. Thank you.

MURMAN: Thank you. Any questions for Lincoln Arneal? If not, thank you very much.

LINCOLN ARNEAL: Thank you.

MURMAN: Any other proponents for LB159? Good afternoon.

CHRIS MCCARTHY: Chris McCarthy, M-c-C-a-r-t-h-y. Thank you, Chairman Murman and the members of the Education Committee. My name is Chris McCarthy. I'm an assistant soon to be associate professor for Chadron State College. I'm here in support of LB159 on behalf of the Nebraska State Education Association. LB159 will provide necessary, invaluable educational support for foster youth in the state of Nebraska. Foster youth are inherently starting college at a disadvantage and are less likely to enroll in college and less likely to earn a degree. Only 10

percent of foster children enroll in college, compared to 60 percent of children from intact homes. Approximately, one-fourth of foster students end up homeless in the 12 to 18 months after leaving foster care at age 18. Foster care is similar to, though different from, first-generation students. There surely some overlap between the two. While, while studies on foster youth success are sparse, the literature on first-generation students is rich. Fewer first-generation students, those whose parents had not completed some college education or a bachelor's degree, had earned a credential or remained enrolled within six years of beginning postsecondary education when compared to non-first-generation students. Foster youth are also likely to be low-income students. Providing scholarships and financial support to all students, but especially low-income students, improves both access to and persistence in college. More foster youth will go to and complete college if LB159 passes. State and national governments worldwide allocate various amounts of tax receipts for the purposes of subsidizing and supporting educational attainment of children, young adults, and adult learners. Investing in this disproportionately disadvantaged population of Nebraska foster youth is not only the right thing to do, but will also produce returns to the people of Nebraska. More educated citizens are less likely to contribute to a variety of social ills: crime, tax evasion, pollution, while being more likely to contribute positively to their community and state through steady careers, productive increase-- productivity increases, greater purchasing power, larger tax receipts for local governments, and increased participation in civic activities. Foster kids have higher rates of public assistance, depression, pregnancy, arrest, and homelessness in the 6 to 12 months after exiting foster care. Advances in access and support for these disadvantaged foster kids would not only result in an increase in human capital, the quality of life, and the sense of worth of these foster kids, but would result in a mitigation or elimination of the negative externalities of our current system and subsidize the positive externalities of educational attainment. In all, I wholly support LB159 and see no reason why it should not be moved and advanced by the Education Committee. If there are any questions or concerns, I welcome them and thank you for your time and listening to me testify about this important matter.

MURMAN: Thank you. Any questions for Chris McCarthy?

CONRAD: Thank you.

MURMAN: Thank you very much.

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 appearing before you today in support of Senator McDonnell's LB159. Last year, this committee and the Nebraska Legislature adopted LR335, setting a 70 percent educational attainment goal for Nebraska. The resolution recognized that having a state attainment goal helped us focus and organize strategies such as this one related to meeting our economy's needs through human capital development. It also declared the Legislature's finding that disparities in educational attainment impede individual and collective well-being and prosperity and must be reduced and eliminated. There are few, if any, young people in Nebraska who must overcome more impediments to college education than our foster youth. While the great majority of foster youth report they want to attend college, relatively few do, and even fewer complete a postsecondary credential. Studies have shown as few as 2 percent and as high as 10.8 percent that I have seen attaining a bachelor's degree and perhaps 15 percent completing any credential. Meeting the challenges of helping our foster youth graduate from high school, enroll in postsecondary education, graduate with meaningful college degrees or credentials and enter the Nebraska workforce involves many school, community, and campus organizations providing coaching service and financial assistance. Most of those partnerships are beyond my expertise and knowledge so I won't speak to them but I do want to address something I do know about which is financial aid. Federal law declares that the students who have been in foster care after age 13, 13 and who are verified as unaccompanied homeless youth are considered independent for financial aid purposes. As independent students, parental income and assets are not collected or used to calculate expected family contribution or beginning in 2024-25 the Student Aid Index. Students with expected family contribution of zero, which will be nearly all foster children, are eligible for the maximum Pell Grant, which this year is \$6,895 if they're full time and their cost of attendance exceeds \$6,895, which it will anywhere in the state. The student will also receive an average Nebraska Opportunity Grant of \$1,720. And keep in mind that less than half of eligible students receive the Nebraska Opportunity Grant due to lack of funding. They're still a long way away from meeting the full cost of attendance, including housing, food, books, transportation, personal items. For illustration, the lowest cost of attendance this year in the state is at Metro Community College where for three-quarters it is \$14,535; at UNO, \$23,668; UNL, \$27,082; and at Wayne State, \$21,486. So you got a

maximum Pell Grant, you got something from the Nebraska Opportunity Grant, you might have gotten Nebraska Promise on top of that, you might get some other scholarships, but you still have a significant way to go, which is the reason that we need this program for foster youth. I ask you to keep financial aid for foster youth in the postsecondary education system top of mind and support LB159. Getting Nebraska to its goal of 170-- I'm sorry, of 70 percent of young adults with a degree or credential is a lift, but it aligns with the needs of our economy. Making sure that foster youth are fully included in meeting that attainment goal, there's an even bigger lift given the barriers foster youth must overcome. But it's necessary for our individual and collective well-being and prosperity. Thank you very much and thank you to Senator McDonnell for introducing this legislation.

MURMAN: Thank you. Any questions for Mike Baumgartner? Senator Conrad.

CONRAD: Thank you, Chairman. Thank you for being here. Quick question. I was looking at the fiscal note, and it's been a minute since I looked at the legislator's guide to state agencies, but can you tell me what your current makeup is at the state agency in terms of FTEs?

MIKE BAUMGARTNER: Nine.

CONRAD: You have nine and you anticipate that you'd need maybe another half-time person to come and help administer this, this program if it was adopted?

MIKE BAUMGARTNER: Yes, in part, because there are several other programs that are possibilities based on lottery funds or other bills that are out there but, but to them. This is not super difficult to administer, it's similar to the other programs so [INAUDIBLE].

CONRAD: OK, so there would be some maybe efficiencies administratively or internally but still would expand to help just shy of 400 kids so that'd be some additional administrative work.

MIKE BAUMGARTNER: Yeah.

CONRAD: OK. And then I don't know if there's going to be a representative from the university here today or not but you did mention it and I was trying to figure out how this measure worked in regards to, say, for example, the Nebraska Promise program, because I would guess that most of the kids that Senator McDonnell is, is trying to help in, in this regard would probably be able to qualify for that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

And I know that's just unique to the university and perhaps not the community colleges or state colleges but I'm guessing-- I just-- I want to make sure that that wouldn't-- that perhaps could reduce the fiscal note.

MIKE BAUMGARTNER: No, it wouldn't.

CONRAD: OK.

MIKE BAUMGARTNER: Because we, we tried to account for that in, in there, although with information we have it's, it's difficult to make the estimate, but Nebraska Promise is the last dollar scholarship for tuition so the Pell Grant, and these are full Pell kids,--

CONRAD: OK.

MIKE BAUMGARTNER: --so most of that's going to go there. If they bring it up the tuition, get, get NOG, they're probably going to be at \$10,000 or \$11,000. Everybody-- I know the university does its best, all the institutions--

CONRAD: Yes.

MIKE BAUMGARTNER: --do to help students out. So what we had to do to estimate this was go into the, the, the net cost-- the net price of attendance that's reported through the student financial aid survey and to get i-Pads and try to, try to figure out what would be leftover--

CONRAD: OK.

MIKE BAUMGARTNER: --that, that we would be responsible for, for this program.

CONRAD: OK. Thank you.

MIKE BAUMGARTNER: Yeah.

MURMAN: Any other questions for Mr. Baumgartner? Thank you very much. Any other proponents for LB159?

MAURIAUNA CLIFT: Mauriauna Clift, M-a-u-r-i-a-u-n-a C-l-i-f-t. First time doing this so just--

CONRAD: Welcome.

MAURIAUNA CLIFT: --so I'm currently a senior at UNL. I'm 22 years old. I graduated from Omaha Burke in 2019. I was in foster care from 14 to 15 years old and then I aged out in a kinship guardianship. I went to college the, the semester immediately after and I think it's just important to understand that parents and others tend to, like, set an expectation for you that you want to feel. And for me and other, like, former foster youth, current foster youth, their expectations are set to be the bare minimum. I wasn't sure what I was interested in for a long time. My mom wanted me to be a Blue Jay. My grandma wanted me to graduate without being pregnant or being on drugs. So thankfully, thankfully I didn't achieve those things but my school convinced me that unless I had a 4.0 or took all AP classes or extracurriculars then I wouldn't be anywhere near successful. And the EducationQuest 30-minute seminar didn't really help when I went home to do my FAFSA on my own, and I just really hoped I didn't commit tax fraud. The only time I felt like I could be capable of something was in a summer internship with another youth service program for youth development. And it was like a, a fleeting, euphoric moment of seeing representation in a teaching like realm and it just-- I had an urge to be more, to improve myself, and I knew that was through education so I currently am with child and youth studies major, and I guess that was the beginning of my, like, motivation to stay in school. But obviously being incentivized with money is definitely going to help. And I like the-- that the bill is investing in our youth because that's really what's the most important part. And not even just, like, from a transactional relationship, but, like, if you're setting the status quo to be, OK, all of our foster youth or disadvantaged children can be set to be provided for in this sense then they can have, like, relationships with their siblings who are probably still in the system and then gives them the motivation to also be a part of society in a, in a beneficial aspect, going to school, being a working member, you know. I don't know what the time is. I'm kind of rambling now, but it would be beneficial for me, myself, being in the last year of school, those other children who might not meet the mark of being 14 to 26 and just being, being aware. Yeah.

MURMAN: Thank you very much. Just, just a second. Really appreciate your testimony. We have to see if there's any questions for you first. Any questions? Well, thank you very much for your testimony.

ANAHI SALAZAR: Good afternoon,--

MURMAN: Good afternoon.

ANAHI SALAZAR: --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 I am representing Voices for Children in Nebraska. Young people in Nebraska exiting the child welfare system need healthy relationships with adults, reliable resources, and accessible opportunities that will ensure their well-being and success. Opportunities for educational advancement can increase young people's job and career track. Voices for Children supports LB159 because it provides financial resources to eligible youth in covering the costs of attending college in Nebraska. The transition out of high school and into adulthood is a pivotal developmental stage as young people learn the skills needed to be healthy and productive young adults. The course of foster youth can often be filled with more obstacles and detours than other young people face, which is why it is essential to provide educational resources. Youth aging out of foster care frequently lack the financial supports of their peers coming from stable family homes, but it does not deter them from pursuing their education and building a better future. From the National Youth in Transition Database survey, the majority of 17-year-olds transitioning from foster care into adulthood, 93 percent indicated they were enrolled in or attending some type of educational program. For those young people in Nebraska who want to attain a postsecondary education, LB159 would provide that accessibility. Postsecondary education is expensive. It can be difficult to focus on education when young people with no family support must work long hours and/or multiple jobs in order to keep safe housing and food on the table. Around 30 percent of 19- to 21-year-olds who have been in foster care experience homelessness, emphasizing the need to provide resources for housing. Eligible young people covered in LB159 would have access to aid for tuition fees, room and board, books, and required school supplies, providing supports to youth who may be vulnerable during that transition to adulthood. Education can increase stability for young people and 35 states as of 2021 have some type of statewide tuition waiver or scholarship program for students who have been in foster care. We want a Nebraska that sets young people exiting the foster care system up for success and increasing access to education can offer young people in foster care opportunities to thrive. We would like to thank Senator McDonnell for bringing this important issue forward and the committee for your time and consideration and I'm available for any questions.

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

CONRAD: Thank you, Chairman. Thank you for being here, and I'm glad to, to see your testimony in regards to this measure and it made me

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

think about some other measures perhaps moving through the Legislature in regards to how the minimum wage law applies to young people, for example, in Nebraska. And do you happen to know with the youth that you work with through your organization who are in foster care and transitioning out, do most of them have jobs?

ANAHI SALAZAR: They, they try to have jobs. I know a lot of them really want to attend postsecondary institutions so they try to work as much as they can. Especially those young people that are parents and have younger children, they, they try to find jobs whenever they have spare time.

CONRAD: Right. And even say, for example, if somebody were working part time or perhaps even full time at minimum wage, even under an increased minimum wage it doesn't quite meet all the needs of a household or pursuing postsecondary education. Would that be a fair assessment of some of the household economic circumstances that you hear from, from clients that you've worked with in the foster care system? Are those that are aging out?

ANAHI SALAZAR: Absolutely. Yes. We know that we have-- that affordable housing is, is fairly limited and if existent and food prices have increased because of inflation within the last year. So there are an incredible amount of obstacles in the way for young people that are working and trying to pursue education.

CONRAD: Thank you so much. Thank you.

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

ANAHI SALAZAR: Thank you.

MURMAN: Any other proponents? Good afternoon.

TATIANA SAILLANT: Hi, everyone. How's it going?

CONRAD: Good. Hi.

TATIANA SAILLANT: Good, awesome. My name is Tatiana Saillant. That is Tatiana, last name S-a-i-l-l-a-n-t. I was put in foster care at the age of five years old in Miami, Florida. I was adopted around nine years old and ten years old and, I believe, around 2008, 2009, the safe haven bill was passed here in Nebraska. I was one of those kids, so I was dropped off here in Nebraska and got to see snow for the first time. Amazing. I hated it within the first five minutes.

Speaking about education, I attended the University of Nebraska-Lincoln. Unfortunately, I did not graduate even though I was there for three and a half years plus a couple months. This bill not only will help-- me being 24 years old now, it would not help me or maybe would. I've already passed the point of like having to apply for FAFSA for the first time. Similar to the last proponent that also was a foster child. You do it on your own. You can't use your foster, your foster parents' financials. And even if you do, sometimes they're very hidden from you. Just for safety reasons, you would think you receive more if you look more desperate. Already being a foster youth, the same way you get put in foster care and you automatically get a free therapist and free medicine and everything else. I feel like college should be included. We've already faced that point as soon as we enter the foster care system getting all these free things until we get to that age is just similar to when women are pregnant, you care about them so much versus when they drop that baby. I think it's very important to know that not all of us are faced with such, like-- just-- like, when it comes to statistics, a lot of us face those things, but a lot of us know that so much pressure is put on by everyone around us, like we're expected to go to college because we're in foster care. When I was in school, I went to Omaha Bryan, I thought-- everyone told me in high school that college is going to be free for you. Pick whatever school you want to go to. I didn't want to just have to go to Metro Community College because everyone else went there. I went to the Exxon Science and Mobil [SIC] program at UNL, so it already amazed me and wanting to go there. I wanted to get that full college experience not understanding-- first off, I was a minority and I'm a woman, so I did get an awesome college experience but also had to deal with working 40 hours a week and then having to go to school. My parents were not able or wanted to, like, you know, send me toilet paper and food. I had to pay for that on my own. But I still wanted to participate with other college students around me and have that college life. I didn't get to experience that so well because I was too busy trying to participate with everyone else, rather than focusing on my studies because I never had a life. I've never had the happiness and the fun. I didn't participate in nothing in high school, I was just trying to live and get good grades for college. And I think not worrying about, because I thought it was free, not worrying about the financials, it saves you a lot of time. It makes you feel like a kid again. It makes you not have to worry about, oh, am I going to have toilet paper this week? Am I going to have eggs this week? Am I going to have food, snacks like all the other kids? Like, am I going to have a family? I didn't have a family

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

to go to once it was break time. I had to figure out what I was going to do. You know, dining halls are closed to a certain point. You got to take summer classes. You got to figure it out. So I think this bill will definitely help a lot of, like, us foster kids not have to worry about where our next meal is going to be, when we're going to have something to wipe our butt. You know, just basic things, like things to keep our mind off the struggle that we've already had to face. That is all.

MURMAN: Thank you very much. Any questions?

CONRAD: Thank you.

TATIANA SAILLANT: Awesome.

MURMAN: Really appreciate your testimony.

CONRAD: Thank you very much.

TATIANA SAILLANT: Have a good evening, guys.

MURMAN: Any other proponents for LB159? Good afternoon.

SCHALISHA WALKER: Good afternoon, Chairperson Murman and the members of the Education Committee. My name is Schalisha Walker. That's S-c-h-a-l-i-s-h-a, Walker, W-a-l-k-e-r, and I'm testifying today on behalf of Nebraska Appleseed as the child welfare program coordinator. We believe that all system-involved youth deserve access to postsecondary education with as few barriers as possible. LB159 is a bill that will help reduce the financial burden that many young people who have been system involved already grapple with in attempting to fulfill, fulfill their basic human needs while also bettering their lives. With room and board fully covered, the bill will enable them to direct their resources to alternative needs and help them avoid emergency situations and better equip them to be successful as they navigate their educational path. Not having to stress about financial burdens will allow them to focus on being successful in classes and result in better outcomes for their education and financial future. The ability to pursue their true passions and dreams should be a reality without the urgency of financial hardship weighing them down. We believe that this investment in the success of young people who have already faced considerable challenges early in their lives is a way of giving a helping hand of support to attain their goals for the rest of their lives. Specifically, LB159 will help improve financial stability. According to the Bureau of Labor Statistics, workers over

the age of 25 with a bachelor's degree earn on average about \$69,000 a year versus \$42,000 per year by those with just a high school diploma. With the degree comes buying power and opens career pathways and opportunities. LB159 will also improve health and prevent poor outcomes. The Chapin Hall Center at the University of Chicago reports that economic supports provide stability and are associated with improved mental health and well-being. With an average of 25 percent of young people aging out of foster care becoming homeless, LB159 can help to reduce this, this percentage by offering life-altering, concrete financial assistance. LB159 encourages you to stay in good academic standing and also takes into account that if life challenges happened they're able to return to the program if they meet all of the conditions of a student's disciplinary action. For youth who do not have an abundance of support or a safety net, this opportunity is much like a lifeline and a safety net from the challenges of poverty. We strongly support this provision because we believe it-- it's developmentally appropriate and will ensure the program is successful. We believe investing in our young people now is an investment in Nebraska's future and encourage the committee to make supporting young people's education goals a priority. Thank you.

MURMAN: Thank you. Any questions for Schalisha Walker?

SCHALISHA WALKER: Thank you.

MURMAN: Thank you. Any other proponents?

BLAIR MacDONALD: Good afternoon,--

MURMAN: Good afternoon.

BLAIR MacDONALD: --Chair Murman and members of the Education Committee. My name is Blair MacDonald spelled B-l-a-i-r M-a-c-D-o-n-a-l-d, and I appear before you as the registered lobbyist for the Council of Independent Nebraska Colleges, also known as CINC. The Council of Independent Nebraska Colleges is an organization comprised of all 13 of the independent postsecondary institutions in the state. The Council of Independent Nebraska Colleges supports LB159 and appreciates Senator McDonnell for introducing this bill that would provide financial support to foster youth to attend a postsecondary institution in Nebraska. Myself and a representative from Doane University have spoken with Senator McDonnell, as well as Dr. Mike Baumgartner with the Commission, about making a small language change to the bill to clarify that foster youth would be able to utilize this

scholarship at the school of their choosing within the state. We've asked that the word "public" be struck in Section 2, subsection (2) on page 2-- 222-- with respect to eligible educational institutions. Both Senator McDonnell and Dr. Baumgartner seemed amenable to making this change so CINC member schools have expressed interest in participating in the scholarship program and want to be another avenue to serve Nebraska's former foster youth as they seek to attend college and pursue a higher education degree. By making this small language change, it would ensure that the foster youth have opportunities. These students would have opportunities to attend any college or university in the state, knowing that they had financial supports to offset the costs of their education and lower their potential student loan debt. CINC member institutions provide financial support to a high percentage of students attending our institutions. According to a new economic impact study that CINC conducted in 2022, more than \$403 million in financial aid was distributed to students attending the 13 private institutions in fiscal year 2020-2021. The CINC member schools would be able to provide guidance to former foster youth so that they may be able to attend college and receive available financial support. These funds offered through the Fostering Independence Higher Education Grant Act will provide important additional financial assistance so that these students can focus on their education with the assurance that they will have very little or no debt following them upon completion of their degree. For all of these reasons, we are in support of this bill. Thank you.

MURMAN: Thank you. Any questions for Blair MacDonald? If not, thank you very much.

BLAIR MacDONALD: Thank you.

MURMAN: Any other proponents? Any opponents for LB159? Anyone in the neutral position for LB159? Senator McDonnell, you're welcome to close. And while he's coming up, online we had two proponents, no opponents, no neutral.

McDONNELL: Thank you, Senator Murman. Sometimes I think government needs to plow the way and sometimes government needs to get out of the way. And we're talking about the foster kids and the things they've gone through in their lives. You start hearing some of the testimony with statistics about homeless kids at times are doing better academically than foster kids. So what do we want to invest in our future? How do we want to invest our, our taxpayers' dollars? And again, that, that concept of plow the way then get out of the way, if

we give them this opportunity, we plow the way financially for them to continue their, their education and stay here in the state. I think because what they've gone through and not thought it was easy and not that it was right, but because they've come out on the other side and they have that education, I think they're going to be a great asset to our state and a great example for the kids that are possibly going to have to go through that foster care in the, in the future. But for them to be leaders in our state, I, I think we want to do everything we can to help educate them and keep them here. Here to answer any of your questions.

MURMAN: Thank you. Any questions for Senator McDonnell? If not, thank you very much.

McDONNELL: Thank you.

MURMAN: That'll close our hearing for LB159 and we will now open the hearing for LB679. Senator Day. Welcome to the Education Committee.

DAY: Thank you. Good afternoon, Chairman Murman and members of the Education Committee. My name is Jen Day. That's J-e-n D-a-y, and I represent Legislative District 49 in Sarpy County. Last year, as many of you might remember, we passed LB888 into our education statutes. I remain grateful that we recognized the need for the study of the Holocaust to have permanent presence in our state statutes. LB679 supplements last year's law by offering schools opportunities to enhance their Holocaust studies, while also providing help covering new costs as schools move to implement the new standards that we passed. As I mentioned last year, as we become further removed from World War II, knowledge among youth of the Holocaust is declining. In a 2020 survey of millennials and Gen Z, 63 percent of respondents did not know that six million Jews were murdered in the Holocaust. And over half of those thought the death toll was fewer than 2 million. In a different 2018 survey, 66 percent of millennials were unable to identify what Auschwitz was. What is particularly shocking and disappointing about this decline in knowledge of the Holocaust is that it is a relatively recent event that happened only 78 years ago. Seventy-eight years removed from these vile atrocities, all but 400,000 survivors of the Holocaust have passed away worldwide. We are losing the most human connection we have with the victims. The remaining survivors have made themselves clear and have urged the world not to forget what happened. In the time since we passed LB888 last year, we've seen a number of events that underscore the need for this kind of education, including disgraceful incidents close to home.

Last August, residents of Omaha's Leawood West neighborhood located near the Jewish Community Center of Omaha and two synagogues woke up to antisemitic fliers placed across their neighborhood. Included in the fliers were messages such as: Every single aspect of mass immigration is Jewish and that white Americans need to take a stand with your people for the future of everything our ancestors built. This comes after a different 2021 incident where an Omaha man was caught putting anti-Semitic stickers outside Omaha's Temple Israel. No person was ever identified in connection with the 2021 fliers, but both instances serve as another reminder that pathologies of hate that we thought were behind us have surged back into view. Unfortunately, these types of incidents are all too common. In the 2021 American Jewish Council [SIC] survey of American Jews, one in four American Jews have reported being the target of antisemitism within the past year, and four in ten have changed their behavior within the past year out of fear over antisemitism. According to FBI statistics, nearly 60 percent of all religiously motivated hate crimes are directed at Jews who make up 2 percent of the U.S. population. The increase in antisemitism, combined with our youth's fleeting knowledge of the Holocaust, paints a troubling picture and underscores the need to ensure that Nebraska students are aware of the consequences of unchecked hate, ignorance, and discrimination. LB679 would provide schools the opportunity to enhance their educational instruction on the Holocaust education standards. Some possibilities for grant funding include workshops, teacher training, speakers, and other ways to integrate the new curriculum into their social studies instruction. This method of offering optional funding for schools to implement additional programming already exists in other areas. Currently, the Nebraska Department of Education offers a number of grants for programming in career and technical education, distance learning, and to offer experiences for high-ability learners. LB679 would add grants for training for teachers and Holocaust educational programming for students to the same framework that already exists for schools and ESUs to apply for additional grant funding. As an example of how this funding could be used, in Florida, the Florida Holocaust Museum in St. Petersburg works with the Florida Department of Education to provide dynamic literature-based lessons about the Holocaust, genocide, and character education in an age-appropriate way. So in Miami-Dade Public Schools use of the grant for fourth graders, the grants fund a program called Creating Community, where for high schoolers the grant offers historical perspectives of the Holocaust. In Nebraska, we're fortunate to also have a robust community of organizations that would be able to carry out this kind of work, including the Institute for Holocaust

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

Education in Omaha and the Jewish Community Center of Omaha. You'll be hearing from testifiers this afternoon that can highlight the ways that we can use additional grant funding to enhance learning opportunities for Holocaust education. But with that, I'm happy to attempt to try to answer any of the questions you may have.

MURMAN: Thank you, Senator Day. Any questions at this time? OK. Thanks a lot.

DAY: Thank you.

MURMAN: Proponents for LB679? Go ahead. Good afternoon.

MEGAN HELBERG: Hello, I am Megan Helberg, M-e-g-a-n H-e-l-b-e-r-g, and I am the 2020 Nebraska Teacher of the Year and I am testifying in support of LB679 on behalf of the Nebraska State Education Association. I have dedicated my adult life to learning more about the Holocaust. Thirteen years ago as a teacher in rural Nebraska, I knew I wanted to incorporate Holocaust education into my classroom but I literally had no idea where to start. My mom was a Holocaust educator before that was even a term we used so I had more knowledge than most of my peers but by no means was I ready to actually teach the Holocaust to junior high and high school students. I needed help. I needed resources. I needed mentors. Thank goodness I found the United States Holocaust Memorial Museum's programs for educators, which opened up many doors to gather the foundational knowledge and professional network I needed to become a quality Holocaust educator. From there, I became so passionate about learning and teaching the Holocaust, I traveled around the world to various Holocaust and genocide sites. I brought back what I could for my students and community. However, going to Washington, D.C. every year or traveling abroad to Holocaust related sites is not an option for most educators, nor should it have to be the only source of help. Nebraska can do better to support its educators by passing LB679. Nebraska passed a Holocaust education bill last year. Great. Two thumbs up, but it's only the beginning. We all know that the Holocaust is a sensitive matter and must be approached with respect, factual knowledge, and quality resources that are readily available to educators. Teachers must have a strong foundation when teaching the Holocaust or else we are simply giving lip service with no credible action. Do we want to be the state that simply has a Holocaust education bill on paper but doesn't actually do anything to make sure the Holocaust is properly taught? No one wants to be that state. With the passage of LB679 teachers can receive the quality, heavily vetted resources they need

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

to appropriately teach about the Holocaust. Over the years, I have facilitated Holocaust education teacher training workshops throughout Nebraska and in other states. I did this because I know teachers are hungry for information and resources. I know teachers wanted to learn more and feel empowered to teach this subject. By passing LB679 we can provide regular training for Nebraska educators. We can keep them up to date with ever evolving resources and discoveries that are still being made. Yes, almost 80 years later. I know how incredibly vital it was for me to be introduced to a community of passionate Holocaust educators, to have resources that were vetted by the world-leading experts in the field, to have the time to attend trainings from some of the best in the country, and I know has greatly benefited my students. Let's make sure this is the standard for every teacher across the good life of Nebraska by supporting LB679. Thank you.

MURMAN: Thank you. Any questions for Megan Helberg?

WALZ: I'll ask a question.

MURMAN: Yes, Senator Walz.

WALZ: Thanks for coming today. It's good, good, good to see you.

MEGAN HELBERG: It's good to see you, Senator Walz.

WALZ: I just thought for the information of everybody here, why, why do you think it's important that we teach the Holocaust to our kids? And secondly, what kind of response do you get from the kids as you go through those lessons?

MEGAN HELBERG: The Holocaust is incredibly vital to be taught still today because it is not so distant. We often hear the phrase that history repeats itself. I like to say history echoes itself. We may not see exactly the same things, but we can see these things, trends, data like the woman that was speaking-- Senator Day was bringing up the statistics. This is something that many people think is, oh, we're past that, we're over this. And we would like to think that our country is moving to a place of that. But unfortunately, the statistics show that it is not quite there yet. And so we want to treat it as also a modern-day issue. This is not ancient history. This is also a modern-day issue to make us a stronger society and to embrace differences. I'm at a rural school where we have no Jewish people in my community. But yet, to your second point, the students and their parents, I might add, are incredibly eager to learn more

about this topic. Most of the times when I read books with my students in class, the parents will say, hey, my kid's been talking about this book and it sounds really great. Do you have an extra copy? Could I read it too? That actually happened to me at our local gas station two weeks ago. The lady at the gas station said, hey, the kids are coming in here talking about this book that you guys are reading. Could I read it? Absolutely. So this is something that the population of Nebraska is, is eager and interested in. We just need to make sure that we're getting teachers, especially to pass on to students quality resources, quality trainings, so that this can be taught in a way that impacts everyone, not just the students, the school, but also the communities of our state.

WALZ: Thanks. Thanks for being here again.

MEGAN HELBERG: Yes.

MURMAN: And thank you very much and congratulations on being Teacher of the Year. We don't have a teacher of the year in here every day, so.

MEGAN HELBERG: Thank you.

MURMAN: I, I also have had the privilege going to the Holocaust Museum in D.C. and also the camp in Czechoslovakia but I know not everyone gets that opportunity. And it's really very moving, of course, to--

MEGAN HELBERG: Yes.

MURMAN: --visit there. Is there other-- what kind of resources are available? I mean, I assume this is being taught in other states. Is there a curriculum that would be readily available or, or do you have to kind of find it on your own?

MEGAN HELBERG: Well, I think it's both. And I know there's people here that are going to be speaking about that as well. But other states that have Holocaust education bills, you know, we hope to gather the best information and what has worked for those states but, but also doing what's best for Nebraskans and our Nebraska schools and, and students as well. We have several wonderful Holocaust educators in this state. Some of them are sitting right behind me. And we are eager to help in this process, to help roll out curriculum that we know will be helpful for teachers, because we know in this day and age, the last thing that teachers want to hear is, oh, you have to do something else now. You have to come up with something else on your own. But that's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

not going to be the case. There's going to be support there. With this passage of LB679, the support is going to be there for the teachers. This is a topic that's-- it's hard to teach. It can be difficult to teach. And the last thing we want is people throwing out half-truths or things that they heard when they were young but maybe aren't exactly correct. So it's incredibly important that we have resources available for heavily vetted materials and quality Holocaust educators to help with this process.

MURMAN: And, and a related question and maybe there'll be some behind you that can better answer also, but other genocides that have occurred, you know, how do we determine which ones we need to teach and how many and those kinds of things?

MEGAN HELBERG: I wish that was the question we didn't have to answer. I wish there wasn't so many genocides. And so I am hoping that with the passage of LB679 we won't-- we can hopefully eliminate genocides in our society as we move forward. But that is a, a question that I do not know the answer to at this exact moment. That's something that as a collective we would have to, to think about.

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

MEGAN HELBERG: Thanks.

MURMAN: Other proponents?

SANDY RENKEN: Hello and good afternoon. My name is Sandy Renken, S-a-n-d-y R-e-n-k-e-n. I'm here before you as a Holocaust teacher of 18 years and a 29-year social studies teacher at Freeman Public Schools. I have also been trained by the United States Holocaust Memorial Museum as a teacher fellow. Twenty-three states have mandated Holocaust education, and I commend the Nebraska Legislature for overwhelmingly passing LB888, requiring the State Board of Education to adopt standards for teaching Holocaust as part of the state's social studies standards. The proliferation of Holocaust education bills demonstrates concern about rising antisemitism, students' lack of knowledge, as well as a belief that teaching the Holocaust is necessary for understanding multiple factors and the erosion of democratic values and human rights. The political will to pass a Holocaust bill is laudable, yet the failure to endow a bill with funds and empower administration teachers hampers these efforts. Passing strong bills does not guarantee their implementation. I have trained Nebraska teachers in Holocaust education in cooperation with Holocaust

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

Educational Service Units, the Nebraska Holocaust Education Consortium, the Institute for Holocaust Education, as well as the United States Holocaust Memorial Museum. In my experience, Nebraska teachers want to teach this history, but express they are uncomfortable in their knowledge and skills to do so effectively. When teachers are uncomfortable, it's less likely that this will be taught, and they may be using age-- sorry, materials that are not age appropriate. Having a mandate is ineffective if teachers are not given the resources and training to implement quality Holocaust education. Passing LB679 helps school districts meet costs associated with compliance. Funding is critical to making LB888 and Holocaust education a reality in Nebraska and ensure its success. Without proper funding provided by LB679, there is a risk of noncompliance due to lack of training and resources and the impact of LB888 will likely be reduced. Necessary funding helps maintain accountability and will help to monitor and evaluate progress in teaching Holocaust education in Nebraska. It guarantees teachers have access to professional development and resources and empowers them with the best practices to implement Holocaust education standards in their classrooms. The adequate funding ensures that LB888 is properly resourced and can operate as intended.

MURMAN: Thank you.

SANDY RENKEN: Thank you.

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

SCOTT LITTKY: Good afternoon. My name is Scott Littky, S-c-o-t-t L-i-t-t-k-y. I'm the executive director of the Institute for Holocaust Education. The mission of the Institute of Holocaust Education is to provide educational resources, workshops, survivor testimony, and integrated arts programs to students, educators, and the public. We also provide support to our few remaining survivors. Our goal is to ensure that the tragedy and the history of the Holocaust are remembered and that appropriate fact-based instruction and materials are available to students, educators, and the public to enable them to learn the lessons of the Holocaust, and that as a result, we inspire a community to create a more just and equitable society. I'd first like to say thank you for the passage of LB888. It was the beginning. Now we need to go to the next step, and that's our funding of the bill to make sure that this happens. We're living in a time of rising anti-Semitism and further misuse of Holocaust comparisons. Further, we are losing those who provided us with witness testimony to the

tragedies of the Holocaust. It is our obligation to humanity to ensure that our students will learn that-- to learn from the Holocaust and to learn empathy, understanding, and that if the chance presents itself to rise and be an upstander. Again, we can't do that alone. It was wonderful, the passing of legislation. We have amazing, amazing teachers who are dedicated to the topic of teaching about genocide, the Holocaust, and to try to make sure that we live by the words "never again." But we can't do it alone. We have to do it in partnership with our teachers, with our communities, with our education department. And again, the resources that could be provided by the passage of this would allow for further workshops, further development, and inclusion of various curriculums. It would also enable with training so that teachers could attend and the districts would then be able to provide substitute teachers and it would take us to the next level of where we now need to be with the idea of saying again, never again, teaching about the Holocaust and, yes, of course, all genocide. Thank you very much.

MURMAN: Thank you. Any questions for Scott Littky? Thank you very much.

SCOTT LITTKY: Thank you.

ELEANOR DUNNING: Good afternoon.

MURMAN: Good afternoon.

ELEANOR DUNNING: My name is Eleanor Dunning. It's spelled E-l-e-a-n-o-r D-u-n-n-i-n-g. Thank you for the opportunity to be here to voice support for LB679, the grant to fund Holocaust education training and genocide training in Nebraska. In December of 2021, I transferred from Nebraska Wesleyan University to the University of Nebraska-Lincoln. At Wesleyan, I was a part of Delta Zeta, a national sorority. There, I watched as an executive member threw a Nazi salute up in the air with no repercussions. Instead, I watched as my sorority sisters rose in support of this young woman. The leadership at that liberal arts school glossed over the retaliation that followed that event. It was as if it had never happened. The president of the university explained to my father-- explained to me, my father, and the regional president of the Anti-Defamation League, that while the sorority's actions were regrettable, they were not punishable. He said that it was not the school's duty to educate students from small town Nebraska. This is a sample of negligence occurring in schools across the United States. Antisemitism continues to be an ignored issue in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

schools and on college campuses. It's startling to hear that elementary age through high schoolers through college students are learning the sort of rhetoric that they're learning from social media. Influencers on the Internet are teaching the youngest generation that Jewish people do not belong in our society. World War II was horrifying, but it was not the first attempt to eliminate Jews from this planet. We must tackle this issue as Americans because we know that many of our grandparents and great grandparents were the soldiers who liberated the victims of Nazism and put an end to the mass murder in camps. We must tackle this as Nebraskans, because language that supports the elimination of Jews is already in place amongst our young people. Your voices are vital in guaranteeing that we never forget the six million people who died in the Holocaust. To overlook the rise in antisemitism, supports those who desecrate the United States, the greatest country in the world. Education is a critical tool to ensure that we never forget. Thank you for your consideration.

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

ELEANOR DUNNING: Thank you.

BETH DOTAN: Hi. Thank you for the opportunity today. My name is Beth Dotan. I've recently completed my doctorate in education at UNL, focusing on digital holocaust memory and education, and have created a digital website about the Holocaust survivors and veterans of Nebraska. I was the founding director of the Institute for Holocaust Education in Omaha and the international director of the Ghetto Fighters' House Museum in Israel. During my tenure--

MURMAN: Excuse me, I don't think you spelled your name.

BETH DOTAN: I'm sorry.

MURMAN: Spell it, please.

BETH DOTAN: Beth, B-e-t-h, Dotan, D-o-t-a-n.

MURMAN: Thank you very much.

BETH DOTAN: During my tenure in Omaha, we trained hundreds of teachers in Holocaust education curriculum across our state, providing thousands of students knowledge of Holocaust history and memory through carefully constructed educational frameworks and arts programming on independent grants. It was through my many years

interacting with our cities, towns, ESUs, and communities that I understood how massive the responsibility is to teach this material appropriately and how much more there is to accomplish. Although seemingly a topic that is in the sights of educators in Nebraska, some will be required to teach this material without background or resources, as mentioned, to teach it effectively. In a stunning situation many years ago, I was invited to a rural community to provide substantive teaching training to a group of teachers, and I found myself in front of a number of individuals who put their feet up on the tables and turned the lights off in the back of the room to protest the training. This was a wake-up call to help our educators understand the importance of this history in the first place. Of course, most of my training experiences have been more than rewarding, and recently I worked with an individual in a Nebraska historical institution who maintains that the Holocaust education course that she attended in her Lincoln-based high school was the most meaningful class of her high school years. My colleague Katrina Gotschall, a high school English and social studies teacher for nearly 20 years in O'Neill is also a seasoned Holocaust educator and contends that she was thrilled that LB888 passed, but worried about how it would make a difference without funding to curate quality materials, deliver them to teachers and provide high-quality training to meet the mandate effectively, accurately, and ethically. She continued that LB679 secures dollars that will help provide high-quality support materials and training that teachers need and deserve. Nebraska recognizes the importance of Holocaust education. But unlike other states that have passed the law, no economic provision exists to ensure teachers are supported. The IHE and well-established volunteer network of highly trained educators who summer here today have led amazing efforts, but finding-- but funding would maximize support to teachers and students in every corner of Nebraska. Like Katrina, we have seen the impact of Holocaust education on teachers and students alike. This work is too important to leave as an unfunded mandate. Please support LB679 and provide funding to support Holocaust education in Nebraska.

MURMAN: Thank you. Any questions for Beth Dotan? If not, thank you very much--

BETH DOTAN: Thank you.

MURMAN: --for testifying.

HARMON MAPLES: Harmon Maples, H-a-r-m-o-n M-a-p-l-e-s, Anti-Defamation League. Eyes are getting bad. I'm community manager, engaged manager

for the Anti-Defamation League. ADL supports LB679. ADL's leading sweeping anti-hate organization founded in 1913 in response to an escalating climate of anti-Semitism and bigotry. ADL's mission is to protect the Jewish people and secure justice and fair treatment for all. Today, ADL continues to fight all forms of hate with the same vigor and passion. Over the years, ADL has developed an unique expertise and insight regarding the importance of Holocaust and genocide education in K-12 schools. Since 2005, ADL, in partnership with the USC Shoah Foundation and Yad Vashem World Holocaust Remembrance Center in Jerusalem, has trained more than 50,000 educators through the Echoes and Reflection Holocaust education program, which allows teachers to introduce students to the complex themes of Holocaust and its impact on the world. In total, the program has reached an estimated 125,000 educators and an estimated 12 million students around the United States. After last year's bill requiring the State Board of Education to adopt standards for Holocaust and genocide education, we are grateful the Nebraska legislators are taking this important step. The need for Holocaust education in genocide education in K-12 cannot be more urgent. In 2020 alone, ADL documented 331 antisemitic incidents in schools across our country. Many of these incidents involved the drawing of swastikas and the use of hateful language and Holocaust-related messages. These incidents do not take place in a vacuum. They come at a time of rising bigotry, the emboldened hate groups, and resurgence of Holocaust denialism. Each challenge have existed on the fringes for many years, but in recent years has encroached on the mainstream of our politics and discourse. They also come at a time when Holocaust and genocide awareness, particularly among young people, is fading from memory. According to one recent survey, for example, 22 percent, almost one in five American millennials have never heard of the Holocaust or unsure whether they've heard of it. Now according to a 2020 study, 56 of Nebraska millennials-- 56 percent and Gen Z respondents did not know that 6 million Jews died in the Holocaust. These statistics are no coincidence when our students do not understand the history of genocide or the elements leading to it. They cannot fully grasp the significance of their actions or the tremendous harm it can cause to the school and community. Education is, therefore, key to combating hate. By learning about the Holocaust and other genocides, students will not have-- will have the opportunity to explore how stereotypes, prejudice, and religious and ethnic hatred can escalate to atrocity. For these reasons, we urge the committee to support this critical and timely legislation. Thank you.

MURMAN: Thank you. Any questions? If not, thank you very much. Good afternoon.

ARI KOHEN: Good afternoon, Senators. My name is Ari Kohen. It's spelled A-r-i K-o-h-e-n. I'm here to testify in favor of LB679 as a member of the Governance Council of the Institute for Holocaust Education. The IHE, as you've heard, hosts public education events regarding the Holocaust, primarily in Omaha, but most importantly with regard to this bill it helps to train teachers across the state of Nebraska and best practices of teaching this challenging and important subject. As everyone here knows, teaching the Holocaust and the way in which a rising tide of virulent anti-Semitism made it possible is absolutely crucial. That's why the passage last year of LB888 was such an important first step. Not only is this an important part of history for students to learn, but it's also sadly a very timely topic. As you've been hearing, we're living through a dramatic resurgence of anti-Semitism in America. As someone who grew up around survivors of the Holocaust, the lessons of the Holocaust were part of my education as far back as I can remember. While most of my friends were not closely related to those who survived the Nazi concentration camps as I was, they nonetheless learned about the subject at especially as the sort of gold standard of that education when a Holocaust survivor would visit their classroom in middle school or in high school. But that simply isn't the case for the vast majority of young people today. It can't be, unfortunately. And with the loss of the generation who experienced this awful moment in history, we are grappling with how best to teach this history so that we don't find ourselves forgetting the lessons of the Holocaust. And so we're able to work against the denialism that we see rearing its ugly head more and more. Last year, the Legislature approved Senator Day's bill to ensure that we're teaching about the Holocaust in classrooms around the state. That, again, puts us on the right path. But this bill, of course, is so important because it provides the necessary funding to support educators who will be teaching the Holocaust to that next generation of Nebraskans. Without the funding provided by this bill, we're asking schools and teachers to take on this challenge without giving them all of the tools they need to do it well. LB679 is the decisive next step because the grant program that it creates will ensure that teachers have the materials and, most importantly, professional development that they need in order to teach the Holocaust effectively. Not only so that students come away with an understanding of the material, but also so that they care about what they've learned. Without the support for teachers provided in this bill, we'll likely end up with a kind of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

grab bag approach to teaching this vitally important topic rather than one in which teachers are trained to use the material that we know are the very best. There's a lot of research on, on how to effectively teach the Holocaust. There's a lot of research on, for example, you heard about the Echoes and Reflections training and how well it works and why that works as opposed to other ways of showing a film or reading, you know, particular essays here and there. So as a result, we know that we can put something really effective in front of students. So I strongly urge you to support this bill. Thanks for your time.

MURMAN: Thank you. Any questions for Ari Kohen? Thank you very much.

ARI KOHEN: Thank you.

COLBY COASH: Thank you, Chairman Murman, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Association of School Boards. My testimony also reflects the support of the Rural Schools Association, as well as the Council of School Administrators. My testimony is not as important as what you've heard already. We simply wanted to come out and support this bill on behalf of the education community. Many of us worked fairly closely with Senator Day last year on her passage of LB888 and we see this as an extension of that. We appreciate what she's trying to do here and bring some additional resources to bear so that that bill that was passed by this body last year can come to its full fruition and we, we urge the committee to look on it favorably. Thank you.

MURMAN: Thank you. Any questions for Colby Coash? Thanks for testifying. Any other proponents?

STEVEN WEES: Good afternoon. Thank you for the opportunity to testify. My name is Steven Wees, S-t-e-v-e-n, last name is W-e-e-s. My mother was a survivor of the Auschwitz extermination camp. I serve on the Governance Council for the Institute of Holocaust Education of the Jewish Federation of Omaha, and I am a second-generation speaker for Holocaust education. This involves presenting my mother's life story and survival through the Holocaust, and I speak to both public and parochial schools, religious bodies, and we get requests from various other organizations to have this material presented. I wish to thank the state of Nebraska for passing LB888. As members of the Institute for Holocaust Education, we fully recognize the enormous responsibility this legislation carries. One might have thought that the world would have learned the lessons of the Holocaust and genocide

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

would no longer occur. Regrettably, since the end of World War II multiple genocides have occurred and continue to occur. To cite one current example, which is close to us in Lincoln, we are reminded about the genocide of the Yazidi minority community in northern Iraq by ISIS and the Yazidi diaspora community living here in Lincoln, Nebraska. This is the largest Yazidi community in the world outside of northern Iraq. Therefore, I ask your support for LB679, which would further fund the Holocaust education in the state of Nebraska and allow us to continue our efforts to prevent another Holocaust and genocide anywhere in the world. Senator Walz, you asked the question earlier, and if I might address it, how students receive my presentation, generally very positively. My talk usually goes from about 45 to 55 minutes, and then I open it up for their comments and questions and reactions. And typically this will last 10 or 15 minutes, sometimes up to 30 minutes or longer. So it's received very positively. I'm happy to address any other comments or questions that you have. And thank you again for this opportunity to speak to you.

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

STEVEN WEES: Thank you.

MURMAN: Good afternoon.

PAULA LENZ: Good afternoon. I'm Paula Lenz, P-a-u-l-a L-e-n-z, and I am a retired educator that has had a passion for Holocaust studies and world studies since I was in eighth grade thanks to a teacher that really gave me the inspiration and wrote my first paper for her on Holocaust education. I had 12 relatives that were part of the Holocaust, fought in World War II, and helped with some liberation. So I heard stories from them, bits and pieces. And of course, children were to be seen, seen and not heard. So I didn't really ask. I had to find out for myself. I have benefited from the educators behind me. I had the privilege of being able to be trained by the Institute for Holocaust Education. In 2005, one of my students at Scott Catholic High School came to me and said, Mrs. Lenz, can we have Holocaust education at Scott Catholic? And I said, where did that come from? He was in senior studies and was doing his capstone project, and his mother was on the board for the Institute for Holocaust Education. I said, sure, let me do some checking. And that's when it all began at Scott Catholic. So in 2005, I was educated by Beth Dotan and others from the Institute. I hope you will support this very important bill, LB679. It is extremely important that the correct information is given and that people do not stand for being unable to say, no, that's not

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

right. We cannot listen to things that are hurtful, hateful, and anti-Semitic. Therefore, I am very happy to have had the opportunity to be here with you today and I hope you will support this very important bill. Thank you. Any questions?

MURMAN: Thank you. Any questions for Paula Lenz? Thank you for testifying. Any other proponents for LB679? Any opponents for LB679? Any neutral testifiers for LB679? Senator Day, you're welcome to close. While she's coming up, online we had ten proponents, five opponents, zero neutral.

DAY: Thank you for your time today and your attention. I cannot articulate it any better than the previous testifiers did, but I do just want to reiterate the really unique point in history we are in right now with the overwhelming majority of people who survived the atrocities in the Holocaust are passing away and so we are losing the human connection to that event. In addition to the rising attacks on the Jewish community that we are seeing in the last several years, it is becoming imperative that we provide a-- an accurate depiction of what happened in the Holocaust to students. And not just accurate, but also this, this grant would allow educators to provide more enriching experiences around the Holocaust so that students can get a really great understanding and have a deep connection to the event itself so we can understand why something like this should never, ever happen again, especially for your, your rural schools like Ms. Helberg mentioned. We have a lot of really fantastic resources here in the state of Nebraska for Holocaust education, but sometimes for our rural schools it's really difficult to get those connected and to connect those dots. And so this, this grant program would provide that. And this was the feedback that I got from LB888 last year was this type of program really needs funding behind it for it to function properly here in the state of Nebraska. And so that's what we are trying to do and I hope that you all will support this on its way to General File.

MURMAN: Thank you. Any questions for Senator Day? If not, thank you very much.

DAY: Thank you.

MURMAN: That'll close the hearing for LB679 and we will open the hearing for LB635 and that'll be Senator Albrecht. Thank you. Go ahead.

ALBRECHT: OK. Thanks. Good afternoon, Chairman Murman and members of the Judiciary Committee [SIC]. For the record, my name is Joni Albrecht, J-o-n-i, Albrecht A-l-b-r-e-c-h-t, and I represent District 17 in northeast Nebraska, which includes Wayne, Thurston, Dakota, and a portion of Dixon Counties. LB635 will be replaced with the amendment that's being passed out, AM672, which will become the bill. I will be speaking directly to the amendment. A little bit of background: This bill was my priority bill last year and we ran out of time to present senator priority bills as we probably will do this year. Last year, I worked with several key players from the ESUs, the IT specialist from Millard Public Schools, and Senator Lathrop and his staff. When we met together, we all agreed that monitoring the content that is provided to our K-12 students is a very real problem. It has been rewarding to work together to bring about an amendment that not only addresses that problem, but stands in vital protection of Nebraska's K-12 students. I want to make it perfectly clear that this bill is not meant to harm teachers, librarians, administrators, schools, or school boards. In fact, this bill will protect them. This bill is solely targeted toward educational research, database providers, and vendors. The, the, the entities responsible for filtering obscene content as defined by Nebraska law in Section 28-808 for children in K-12 grades. What I'm about to share with you was very foreign to me about two years ago. In fact, when I first heard about it, I found it quite difficult to believe. After a year of research and investigation, I sit here before you today with a concern so great it developed into my priority bill last year. Let me start by setting the context. There are primarily two companies that provide educational research databases to nearly every school, not only in Nebraska or in America, but in Australia and Great Britain and around the world. Their names are EBSCO and Gale. Marketing themselves specifically for kindergarten through 12th grade, EBSCO and other educational research database providers and vendors will tell you that they provide a safe environment for students to learn. The reality is that many people from many states have told EBSCO and Gale about their inappropriate content to the students they are coming across, often accidentally. Though these companies will remove the specific identified link for that school, they do not remove it from all schools and make no attempt to clean it up at all. Be aware that we are not dealing with a mild or arguable pornography, researchers have found in most vile and graphic obscenity on K-12 school databases, including many that encourage violence. Last year, I met with the Nebraska Library Commission and learned that they are the entity in our state that negotiates a contract with EBSCO. Their contract provides educational research databases for nearly every

school district and many private schools in Nebraska. I've provided you with a 12-page list, front and back, of those schools. Obscene and objectionable materials can be accessed within a few clicks. Think about that. In as little as three clicks, our children can be exposed to things that some of us would find revolting at the very least. Some might say that schools have filters that keep harmful content out. Whenever a student takes their device outside of the school building and therefore often out from under the protection of the school's filtered network, they can use their school-assigned logins from anywhere within three clicks to be on a site such as Pornhub, all in the name of education paid for by Nebraska taxpayers. Excuse me. In some cases, their school's name is even added to the websites giving the appearance of the school's endorsement, once again, leading our children down a path that they should never be able to take in the name of education. It's easy for any educational resource database company to fix this travesty. One technology specialist told us it would take the international business less than 24 hours to clean up content and links that would allow our K-12 children access. It's important that we hold these educational research database providers and vendors accountable. Many other states have already taken measures to force them to clean up the learning environment that they so boldly market to our schools. Georgia, Minnesota, Utah, Tennessee, Idaho and Texas, just to name a few, have taken steps to create legislation to bring a halt to this material being readily available to the K-12 children. LB635 through AM672 does four things. Number one, it requires education research database providers to filter and block materials obscene to minors as defined by Nebraska state statute. Number two, it gives a school and/or Library Commission the legal authority to end a contract if a provider does not remove the inappropriate content in a sufficient time and in a sufficient way. Number three, it establishes an annual reporting mechanism where all schools in Nebraska submit all noncompliant incidents to the Governor and to the Legislative Education Committee. Finally, it allows for a parent or guardian of the student in kindergarten to grade 12 to send a notice in writing alleging a violation of this bill, providing sufficient information to identify and locate the material specified in the notice to a school principal or similar a school administrator of a school in which a student is enrolled and the student, parent, or guardian may send a notice, as described above, directly to the Nebraska Library Commission. Nebraska's parents and teachers are more astute than ever as to what is happening in our schools. We owe it to Nebraska children, parents, teachers, librarians, and schools to stop K-12 children from being exposed to obscene content, content in the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

name of education paid for by Nebraska tax dollars. Together, we can easily hold educational research database providers and vendors accountable for the obscene content included in the databases that they are currently providing to our K-12 children. To know the Education Committee-- I know that the Education Committee hears many bills, and out of respect for your time, I have intentionally kept this hearing small by inviting just a few key testifiers. The first testifier is John Horst, who with his wife, owns Xanesti Technology-- and I might have said that wrong-- Services, LLC. John supports the Department of Defense as cybersecurity consultant and auditor and has an active top secret national security clearance. John has over 25 years of software and database development experiences. He also serves as an expert witness in cases which require computer and cybersecurity technological expertise. The second one is testifier Dr. Robin Paterson, who has extensive experience in educational databases produced by EBSCO and other commercial school vendors. She is presently the cofounder and president of the nonprofit Pornography Is Not Education. As a former assistant professor at the University of Colorado, she has been eager to help middle school daughter-- her middle school daughter with a science project. But while using her daughter's password, she discovered that the children had access to materials that were not available to parents. Dr. Paterson now consults nationally and has worked with 12 states that have introduced legislation similar to LB635. As reported in Colorado by CBS, Fox, and Denver Post, several large school districts canceled their subscriptions to EBSCO after unsuccessful attempts at a cleanup. Dr.-- I'm sorry, Mr. Matt Heffron also has worked with me, he's, he's a trial attorney since his graduation from Georgetown University Law Center in 1984. For many years, Matt was a federal prosecutor with the United States Attorney's Office in Phoenix and eventually being appointed deputy chief for criminal-- for the Criminal Division. Matt first became involved with the Thomas More Society in 2006, and I also have Marilyn Asher, is an executive co-director of the Nebraskans for Founders' Values and has been working on this issue for the past two years. They and I will be happy to answer any questions you might have and I'd like to garner your support for LB635 with AM672, which becomes the bill to the floor of the Legislature. If you have any questions, I'd be happy to try to answer them.

MURMAN: Thank you. Any questions for Senator Albrecht at this time? Senator Linehan.

LINEHAN: Is this the one that becomes the bill?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

ALBRECHT: Yes.

LINEHAN: So we ignore the green copy--

ALBRECHT: You can.

LINEHAN: --and just wait--

ALBRECHT: Yes. Thank you.

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

ALBRECHT: I believe it's--

MURMAN: Any other questions?

ALBRECHT: --it's all there. You're looking at me like--

BRIESE: Thank you.

MURMAN: Senator Briese.

ALBRECHT: I just got that so we had sent it upstairs so it might be in--

BRIESE: It's probably in addition to some of the green copy. That's what--

ALBRECHT: OK. It could be. Yes. I'm sorry. I just looked at it last night. I thought it was all full in the bill, but I'll check on that for you before I get back up here. Thanks.

MURMAN: Any other questions? Thank you very much. Proponents for LB635? Good afternoon.

MATT HEFFRON: Senator Murman, members of the committee, my name is Matt Heffron, M-a-t-t H-e-f-f-r-o-n. I'm an attorney in Omaha, Nebraska, and I work for the Thomas More Society. Senator Albrecht contacted me in this matter to see if I could help her drafting this bill because I had been involved in a litigation involving the same database companies. Since I had a fair amount of time drafting the, the bill, I'll be able to answer any questions you might have as to the legalities of it. Senator Albrecht mentioned we had extensive involvement from two technical-- tech directors from two of the major school districts in the state. We also got technical advice and consultation from John Horst, who will be testifying and will explain

the intricacies of database technology. We also worked-- had four meetings with the Nebraska Library Commission and we were told that we answered all of their concerns and we also incorporated a number of things that Senator, Senator Lathrop's committee suggested. First legal issue that people want to talk about is the obscenity issue. Obscenity as to children is already defined and has been defined in Nebraska law for almost 50 years. I think it was 1973. And there are two statutes 28-807 and 28-808. It's not really an issue in this case in that people want to argue about is this a matter of obscenity or is it not, that's something that you should, should challenge those two statutes with not this case. All this-- I'm sorry, not this statute. All of this, this bill, LB635, does is require that multinational corporations follow existing Nebraska criminal obscenity law. That's it. And you should know also that obscenity is a legal term. It has no constitutional protection whatsoever, no First Amendment protection. Now the meat of the bill, you'll see is in Section 3, and that's the section that requires filtering and blocking. And those are technical terms, filter and block, and John will describe, John has, has gone to the industry standards and he actually consulted on, on those terms as well as much of the bill. The biggest problem that we have in this area and people don't understand, even a lot of the opponents, and, and the Library Committee [SIC] don't seem to understand that once you get into one of these corporate databases, these educational databases, the school filters, no matter how good they are, do not to a great extent apply anymore. You get in there and then you get whatever the database has, and I'll, I'll show you how that works. If you have a block on certain pornographic sites, a company like EBSCO or Gale or ProQuest, will not be blocked. So the, the child gets into the database and then whatever's on the database, subject to some filtering, will come back to the child. And that's what the problem is. And what you find is that these corporate database companies-- and John will explain this, John Horst will explain this, John actually was the expert in the case that I worked on years ago and he's one of the best in the country on databases and he flew in from California for this bill, but John will explain this that, that the problem here is that the filters largely are ineffective and the companies are not making the easy fix. I see that my time is up. As to Sections 5 through 7-- I'm sorry to run over here-- Section 5 actually protects the schools, it allows them to get out of the contracts if the database provider does not comply.

MURMAN: Yeah, your time is up but I'll let, let you continue.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

MATT HEFFRON: Yeah, I'm sorry. In fact, I can, I can cut off here. Section 7 simply deals with what to do once a parent has a complaint. And I also passed out to you handouts. Some people take this obscenity with at the children even with a bit of a wink as if nothing can be done about it. The handout that I gave to you are actually summaries of the research that's been done over the last 20 years showing that obscenity has massive problems on children, causes really severe difficulties. And if you get into it when you're working on a school database, which is supposed to be a safe place, that's a shame. Any questions?

MURMAN: Any questions? Yes, Senator Briese.

BRIESE: Thank you, Chairman Murman. And you're familiar with the amendment that has been handed out?

MATT HEFFRON: I am, yes.

BRIESE: Yes. What's the significance of the addition of subparagraph (3) following paragraph 3 in Section, whatever it is--

MATT HEFFRON: I think it's 3--

BRIESE: --on, on page 3 anyway?

MATT HEFFRON: Sure, 3(c), is that what you're talking about,--

BRIESE: Yes,--

MATT HEFFRON: --right on top of the page?

BRIESE: --what's the significance of that?

MATT HEFFRON: Sure, in recent weeks, we have heard anyway that some people think that the parents should have more involvement in this matter and Mr. Horst pointed out that actually the companies, it's very easy for the companies to allow the parents or the students to basically push a button to exclude certain publications. So even if that's not a matter that everyone would agree is obscenity, the students or the parents, or the parents will be able to block that particular publication. Now that doesn't solve the problem with the databases, that only actually does what, what the database companies will already do, and that is if the school or somebody says we don't want this publication, the database companies with a wink will say, OK, we'll help you. We'll get rid of that, that publication for your

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

school. Well, it's the same thing you hear with the parents, if they don't want a publication, then it can be excluded. But it's a good thing because it gives the parents and the students that control.

BRIESE: OK, yeah, that makes sense. Thank you.

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

JOHN HORST: Thank you, Senator Murman and the committee. My name is John Horst, J-o-h-n H-o-r-s-t. And thank you for this opportunity. The proponents of this bill have asked me to help them understand the technologies that are used on the Internet and specifically in these educational research databases. I have announced to explain why Internet filtering software cannot protect children when accessing materials from these databases. And the core of these products are their indexes and these are much like the card catalogs in our libraries. Now we're used to having a title catalog and an author catalog, today we can index for any number of things by a process known as labeling. I will come back to this process of labeling shortly as it is the key concept in my testimony. When material is accessed over the Internet, filtering technology uses two basic features. The first is a blacklist of Internet addresses that are previously known to contain porn. The second is a pattern matching to predict the likelihood the content is pornographic. The Internet address of these databases and the nature of much of the content that they provide, both make filtering unsuitable for preventing exposure to obscene material. I can explain in greater detail why if the committee is interested and I have provided some of that detail in the handout. LB36-- or LB635, rather, solves this problem by requiring database vendors to label their search indexes such that potentially obscene material can be screened out of search results when a minor user is using the product. In addition to requiring this labeling, LB635 require students each have their own account and that the account information be sufficient to determine their likely grade level and both of these measures only require implementation of technology that is already in these products. The process of labeling is ubiquitous throughout the Internet. As an example, Google will constantly scour the Internet, examine its contents for patterns, and then it attaches labels to the index entries of the various sites on the Internet. When you search Google, you're really searching their indexes and the labels are matched to your search terms and that's how Google determines what's relevant. Search engines simply do not work without labeled indexes. Similarly, these products, these educational research databases already support accounts with usernames and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

passwords. The Nebraska Library Commission recently started using a prefixed password scheme. I can explain why that, that will not work. It's not suitable to control for this risk of harm. LB635 also requires the vendors make available to the users the same capability of manually labeling and index entering, and this is what 3(c) does, as would be used by developers of these products. This allows a parent or guardian to label content such that it does not appear to their student without otherwise affecting other students' search results.

MURMAN: You, you have the red light, but go ahead--

JOHN HORST: OK, only one more.

MURMAN: --go ahead-- no, go ahead and continue.

JOHN HORST: Thank you. While much can be done with technology, it is not possible to rely on it alone to determine what is and is not obscene. LB635 depends on reasonable judgment as much as what an ordinance requiring an adult bookstore have signage that says adult bookstore. And indeed, in this context, labeling of an index entry is the digital equivalent of the signage that you would expect to see at an adult bookstore. It tells you clearly what kind of content you're going to be dealing with. The-- and this is my final comment-- the Nebraska Library-- School [SIC] Library Association recently circulated a letter opposing the bill. Their analysis has two major flaws as to the technological requirements of the bill and as to the issue of devices as opposed to content and I can explain in further detail if the committee desires. Thank you again for this opportunity.

MURMAN: Thank you. Any questions? Senator Linehan.

LINEHAN: Thank you, Chair Murman. So-- I'm very bad with computers. I do not use Google. So these companies-- is it one company or two companies?

JOHN HORST: Two and three is Pro-- I think ProQuest is a separate company, yeah, two, three, two, three major players.

LINEHAN: So could they fix this if they wanted to?

JOHN HORST: Yes, ma'am, very easily.

LINEHAN: OK. Can you elaborate on where you see problems with the Nebraska School [SIC] Library Association letter? I know you wanted, but then you--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

JOHN HORST: Yeah, the letter, it's two major things. And the first has to do with it, it seems that they understand the bill as just allowing these educational research databases. That, that's certainly not the case. It also seems that they think that their students will lose access to these educational research databases. There's no reason for that whatsoever. These databases have indexes with index entries with labels. That's just how this technology works. There's no reason why they can't label these index entries as to whether they're obscene or not or they may be obscene or not.

LINEHAN: And if they labeled them as obscene, would that stop the students from being able to get to them?

JOHN HORST: The product could be configured to basically say if the user has logged in and they know that the user was born in, you know, 2015, they know the user's a minor. And so when the user goes and enters a search text-- search entries, they go look up the labels of their index entries and they deliberately say if the label says that it's potentially obscene, we're not going to show that search result entry to that minor student. It actually doesn't remove the content from the database, it just simply blocks the path so that the student doesn't see the search result that will then lead them to the pornographic material.

LINEHAN: Thank you.

MURMAN: Any other questions? So would, would you recommend that the Department of Education or the Library Association set, like, standards of where to draw the line on what's accessible or should it be up to the local school district or what do you-- what would you recommend?

JOHN HORST: I'm not sure that-- and I'm-- obviously, I, I live in California and I'm certainly not a lawyer so I don't know the parameters of Nebraska-- Nebraska's law on, on obscenity. I think Nebraskans would expect that these database providers would label their index entries if they meet that test of obscene. I don't know what that test is. At what level that should be done, I-- that would be something for Nebraska, for you folks in the Legislature to decide. It's just something that can be done if they're required to do it.

MURMAN: So we have 244 school districts so I assume that kind of the umbrella group would have to do it like the Library Association--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

JOHN HORST: At a state level, perhaps. Yeah.

MURMAN: --or the Department of Education.

JOHN HORST: Right.

MURMAN: OK. But it, it sounds like it could be done fairly easily.

JOHN HORST: Yes. Yes. The-- in, in a broad sense, the National Institute for Standards and Technology has a publication named Special Publication 800-53. And this is NIST. The 800 series contains all of their cybersecurity guidelines; 853 is like the 800-pound gorilla for cybersecurity. It lists all of the best practices for cybersecurity and there's one family called "access control," or the AC family. And this really is a challenge of understanding the general best practices for access control in cybersecurity, and then how to implement that to protect the children of Nebraska for the risk-- from the risk of harm of being exposed to obscene material. So you go from the generalities of the guidelines in NIST to the specific situation Nebraskans face and you find a reasonable middle ground and using the labeling technology that is standard in the Internet, standard with these databases, that I think is the technological middle ground that makes the most sense.

MURMAN: I guess any other questions? Senator Linehan.

LINEHAN: Thank you, Chair Murman. So are you familiar with any of the states that have done this and passed similar law?

JOHN HORST: I am not. No, ma'am.

LINEHAN: OK.

MURMAN: Any other--

LINEHAN: Are you--

MURMAN: Oh, go ahead.

LINEHAN: -- you are-- you-- I think Senator Albrecht mentioned you are-- your background is cybersecurity.

JOHN HORST: Yes, ma'am.

LINEHAN: So you've done it for how many years?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

JOHN HORST: Oh, 15, at least in the government-- for the government. Yes.

LINEHAN: All right. Thank you very much for being here.

JOHN HORST: Thank you.

MURMAN: Any other questions? If not, thanks a lot--

JOHN HORST: You're welcome.

MURMAN: --for your testimony. Other proponents for LB635?

ROBIN PATERSON: Thank you for having me today. My name is Dr. Robin Paterson, R-o-b-i-n P-a-t-e-r-s-o-n, and I'm testifying as a parent and as a cofounder of Pornography Is Not Education. In 2016, I stumbled onto obscenity in my own child's middle school while helping with homework. I wasn't looking for obscenity, just searching on grade seven biology in EBSCO and other research databases. I was rapidly overwhelmed with erotic text, graphic pictures, titles such as: She Likes to be Spanked, Orgasms for All, bestiality survey, sadomasochism, full color ads for sex shops like Adam and Eve or Babeland, links to hardcore porn and adult chat rooms that were populated with naked adults soliciting minors essentially behind the electronic curtain of an educational database. So this was available in Colorado in 2016, similar media is available to Nebraska students in 2023. Obscenity was then, as now, quickly located via innocent searches like fashion, bullying, or dating. I did speak with students who fail to report due to embarrassment and also to teachers who were near tears because they had trusted the school and the school trusted multinational vendors who were marketing databases as safe Internet alternatives. Our school did work with EBSCO, but their response was only to remove obscenity that the school identified. Databases contain subscriptions to hundreds of thousands of periodicals, each constantly updated. EBSCO postured a clean up while the same or new obscenity kept popping up like a game of Whac-A-Mole. EBSCO knows each district must hire an IT team to constantly review new media. Our chief information officer described angry rounds of confrontation and ultimately canceled EBSCO, excuse me, other districts followed as reported by CBS, The Denver Post and Colorado News, other Colorado news agencies. Although EBSCO was named to the dirty dozen list by the National Center on Sexual Exploitation, it is still used by many schools, including in Nebraska, some of which also use Gale or ProQuest. All these commercial databases have been plagued by

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

obscenity problems. The Nebraska Library Commission apparently made a good faith effort to protect children with a new 3-tiered password system for NebraskaAccess. This simply doesn't work. In less than five minutes, I located nudity, adults engaged in sex acts, and in ads-- ads for adult websites with articles on how to be a sex worker and this was in the elementary school portal. Indeed, this is widespread. EBSCO has been the subject of legislation in 12 states, and bills similar to LB635 have passed in four. As Mr. Horst testified that it looks like these vendors could easily correct this and I think the question becomes why don't they and whether there's a conflict of interest? EBSCO--

MURMAN: You have the red light, but go ahead and continue.

ROBIN PATERSON: Oh, I just have a few seconds left. Thank you.

MURMAN: Sure, go head.

ROBIN PATERSON: OK. So EBSCO ferments its product literature, describes itself as the natural partner to its publishing and advertising partners. So they, quote, promise to expand product recognition and market reach-- this is to their publishing and advertising partners-- into K-12 schools while they're telling the K-12 schools that they have an educational, scholastic, and age-appropriate product. So this would seem perhaps not to be about scholastics, but about advertising. And worse, vendors like EBSCO may have a financial hold over our libraries, they've formed lobby groups like the Corporate Committee for Library Investment, which raised millions for libraries who in turn defend and sometimes purchase their products even if they have obscenity for minors. I support LB635 as a means to bring these vendors under control and safety and dignity to the schoolchildren, to their teachers, and state leaders who want the best for the children of Nebraska. Thank you for allowing me to testify today.

MURMAN: Thank you. Any questions? Senator Linehan.

LINEHAN: Thank you, Chair Murman. Do you have-- and I don't really think-- I don't expect you to know the answer, but I'm saying it so maybe Senator Albrecht will have it when she closes. Do you have any-- so they-- their contract with the libraries or the schools or what, do we know what the cost of that contract is-- what-- how much?

ROBIN PATERSON: I, I don't have that specific information.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

LINEHAN: OK. It would just be interesting to know what the cost is. And you're saying that they-- you referred to what document that they also say they're advertising, they could--

ROBIN PATERSON: This is from their website. So EBSCO essentially has two sets of customers. So on the one hand, they have their publishing and advertising partners and they're saying give your media to us. We're going to get this out to the right audience, we'll expand your market reach, your product recognition. And this is right on their website. They call themselves the natural partner. Then on the other hand, they have their, their school consumers, educational consumers, which in this case, of course, we're here to talk about the K-12 consumers. They also have colleges, you know, they may have some other things. So they've really, you know, in a, in a way you hate to use the words like "conflict of interest," but you can see where there might be a conflict of interest there because they need to make everybody happy on both sides. And so I think a bill like this, in my opinion, is a win-win for everybody. It helps them keep their customers happy, it keeps children safe, it keeps obscenity as defined by statute out of these, these databases.

LINEHAN: Thank you.

ROBIN PATERSON: Thank you.

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

ROBIN PATERSON: Thank you.

MARILYN ASHER: Good afternoon, my name is Marilyn Asher, M-a-r-i-l-y-n A-s-h-e-r. NebraskaAccess is a taxpayer-funded service of the Nebraska Library Commission, which since last year made efforts to separate the information that adult Nebraskans could obtain from what K-12 students could access. NebraskaAccess has assigned passwords to be used by various age groups. Databases for all Nebraskans are accessible to anyone with the adult password starting with the letter A, high school age students are given an HS password to get into the high school databases, and elementary/middle school databases are given an EM password. Unfortunately, all students still have access to obscene materials through the databases that are provided to NebraskaAccess in Nebraska school libraries. By using these passwords, I have been able to access the lewd Pornhub website that contains magazine articles with live links to what are advertised as live videos. In 2023, I obtained these links in the high school database Consumer Health

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

Complete, just as I was able to do in the Explorer database in 2020 when passwords were published on the school library website pages. If a librarian would mistakenly give a student the password to the all NebraskAccess databases, it would be even easier to find obscenity through their school libraries, through their school libraries NebraskAccess, whether intentionally or by accident. Here are some examples: In the elementary middle school EBSCO database that is called Biography Reference Center, I searched the word leather, which could be a research topic for children in elementary or middle school. The second option that came up on the search engine was sponsored by a magazine that showed graphic uses of leather, complete with drawings of naked people having sex with each other. In the NebraskAccess high school database, I went to Consumer Health Complete and looked up sex toys, which would be feasible for high school students to search. An article from Self magazine gave multiple hyperlinks to photographic ads of sex toys and instructions on how to have a more fulfilling sex life. That being said, I found it even easier to find obscenity when certain words are typed into a search engine called Symbaloo, which is found in three OPS elementary libraries and Plattsmouth Elementary School. I found at Symbaloo accidentally when I looked under the topic music research, it led me to a page with a Symbaloo search bar that said Safe Search Kids. I saw some of the most offensive obscenity I have ever seen while using this website, including a group sex performance between supposed priests and nuns in a French video. I also saw short, graphic videos of sexual intercourse and a portrayal of group sex between high school cheerleaders and football players in an X-rated full-length movie called "Debbie Does Dallas." It was presented by School Day Films. I worked for the Nebraska Department of Correctional Services for 15 years, but what I saw and heard in the prisons did not prepare me for what I am afraid my grandchildren will see if they do research in their homework in Nebraska. In school libraries, obscenity should not be at their fingertips. This material is obviously not what our tax dollars are going-- should be going for and we have no business supporting obscenity. Thank you.

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

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 am here representing Nebraska for Founders' Values. And what I'm going to read is written by Teresa Davidson, who wanted to be here but had a conflict and was not able to come. Her name-- my name is Teresa Davidson and I've been a pediatric practitioner for 28 years. I have been working in the anti-human

trafficking movement for the past ten years, first founding Chains Interrupted, a nonprofit that, that contends for the freedom of youth from human trafficking, then becoming the nation's fifth anti-human trafficking coordinator within a hospital. She-- I've been-- I partnered with Nebraska Visionary [SIC] Human Trafficking Task Force and with the Nebraska Coalition in my work. Being exposed to sexually explicit material has negative development effects on children and places them at risk from all kinds of predators. Through my work in the fight against human trafficking, I have met hundreds of youth who have been exposed to obscene material online. The majority of initial exposures were accidental, some with extreme consequences. In one case, parents discovered that their 11-year-old son had sexually abused two neighbor girls ages seven and five. When interviewed, their son broke down and shared his life had become, become consumed with pornography after initially running across it accidentally online. Sadly, pornography exposure can act like a powerful genie. Almost impossible to get back into the bottle. In another case, a 15-year-old girl shared that she had broken up with her boyfriend, whom she considered addicted to pornography. She shared there were many terrible sexual events with him, but she knew it was over when he wanted to do an ice cream sun-- [RECORDER MALFUNCTION] When she asked what that was, he shared they would be in the middle of sex and he would punch her in the nose, giving her a nosebleed, then finish on her face. He was truly shocked that she didn't want to do this as he had seen it in a porn video and it seemed the girl was enjoying it. In the 15-year-old girl's opinion, the boyfriend was using pornography as sex ed with scenes in the videos violent and not true to life. That's part one of her write-up and part two is coming up.

MURMAN: OK. Any questions? Thank you. Other proponents?

MELISSA STONE: Thank you. I am Melissa Stone, M-e-l-i-s-s-a S-t-o-n-e, and I am part two. I'm reading part two of Teresa's testimony. Research has shown this to be true for many children. While there are scores of studies showing the harmful effects of pornography has on young developing minds, for the purpose of this hearing, I will focus on just one report. Common Sense Media recently released their report: Teens and Pornography. A survey of more than 1,300 children, ages 13 to 17 in September of 2022. This report found that the majority of teens surveyed, 73 percent had consumed pornography, with 41 percent stating they consumed pornography during the school day. Of this, 41 percent, 44 percent viewed it on school-owned devices. Pornography is confusing to children as sex ed, as 45 percent of those surveyed felt pornography gave them help-- helpful information about sex, while only

27 felt that porn actually shows the way-- accurately shows the way that most people have sex. This study describes potential consequences of children viewing pornography, including falsely validating racial and ethnic stereotypes. For example, black participants in the study reported feeling self-conscious after viewing a stereotypical portrayal of their identity in porn. In this study, rates of those intentionally viewing pornography were higher for LGBTQ+ teens, 66 percent. This may indicate a desire to learn about sexual practices. They have difficulty learning in a safer way. Learning about sexual practices through pornography is anything but safe for this vulnerable population group. Not only is pornography not showing accurate ways that most people have sex, but gay porn is especially violent. While seeking out information on potential sexual practices online, children who identify as LGBTQ+ are at high risk for coming across inaccurate material, hate comments, or content that isn't age appropriate. In addition, adult spaces online do not have the same protection measures in place as spaces specifically designed for children. Predators know where vulnerable children go online and how to groom and take advantage of them. Children with secrets are especially vulnerable. Bernardo [PHONETIC] and Fox [PHONETIC] in 2016 and McGeeney, Hanson, and Brook in 2017 point to the evidence suggesting that LGBTQ+ children are more likely to meet someone in person that they had met online. Sadly, in my work against human trafficking, I have met multiple LGBTQ+ children who have been trafficked through sex-- for sex through online grooming. Regardless of your personal views on pornography, in general, porn is not for children. Internet access on school devices means children have constant access to online spaces that are difficult to monitor and/or control. Please pass LB635 to protect our children from viewing potentially dangerous content in school. Thank you. This was from Teresa Davidson, president of Chains Interrupted.

MURMAN: Thank you. Any questions for Melissa Stone? If not, thank you very much. Any other proponents for LB635? Other proponents? Any opponents for LB635?

SCOTT BERNIER: Good afternoon and thank you, Chairman Murman and members of the committee. My name is Scott Bernier. It's B-e-r-n-i-e-r, and I'm the vice president of Library Relations for EBSCO Information Services. I come for you to show support for protecting children from inappropriate materials, but to oppose portions of LB635, surrounding the need to capture personal identifying information for young students which we believe pose unintended and potentially harmful consequences. For a little

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

background, EBSCO Information Services is a leading provider of research databases and related technology solutions for schools, universities, public libraries, as well as government agencies, hospitals, and corporations. We license and provide content, including magazines, journals, newspapers, and e-books through nearly 400 library and research databases make available. Each of our databases is designed to support research and learning for a specific audience or in specific areas of study. We do not license or include pornographic material and we do not accept advertisement. Here in Nebraska, we work with the Nebraska Library Commission and, and local school districts across the state to provide age-appropriate content and databases for elementary, middle, and high school students. Central to EBSCO's mission is our commitment to maintaining a safe learning and research environment for students and to be a trusted source for research content in our schools. We share concerns about K-12 students accessing content that is not intended or relevant for them based on age, education level, and subject matter. We have rigorous criteria for selecting content for our databases that is focused on quality and appropriate content that is valuable for research and learn, as well as content curation methods to support learning and research for K-12 students. This makes us different than the Internet. This is a controlled environment specifically curated. We use three fundamental steps to curate and ensure the availability of content that is appropriate for K-12 students and your local community. Our first step is to look at a publication level, making sure we select reputable magazines, journals, newspapers, and other sources of information. Complete list of every title in each of our databases are openly available on our website. In a newspaper, for example, with hundreds of articles, there might be an article that isn't appropriate for K-12 students. So our second step in the curation includes an additional level to remove those items from our K-12 databases so they're not in there to begin with. Third, we understand that each community we serve may have different ideas of what they find appropriate or obscene for students beyond our curation. And for those cases, we provide options for schools or school libraries to further remove items based on the publication or the article level. We have these curation controls in place to ensure the safety of students within our databases. Additionally, our databases work in conjunction with safety measures used in schools to protect students from visiting inappropriate web pages on the open web. In this way, there's additional protection. If there's a link from within a database to an external web page, it is governed by the safety of those filters in the schools. It doesn't bypass them. EBSCO,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

the Nebraska Library Commission, and Nebraska schools have not received specific complaints about EBSCO databases and we believe that it is because of the quality of the content we license, our curation controls, and our best practices to support the local communities.

MURMAN: Excuse me, you have the red light but go ahead and continue.

SCOTT BERNIER: Appreciate that. While we agree with the premise of the bill to protect students, we're concerned about the unintended consequences of tracking individual students. LB635 requires the creation of individualized database accounts for Nebraska's 300,000 or more K-12 students and their parents and guardians for the purposes of controlling or monitoring the database resources. Creating individualized accounts likely would necessitate collecting, retaining, and securing student and parent personalized identifying information. Resources like ours that are designed for K-12 students operate in accordance with federal and state rules that protect privacy of minors. Portions of the bill would lead to the requirement of establishing personalized accounts that run counter to the ideas of protecting students from companies collecting their personal data. I don't think it is the intent of this bill to create a requirement for additional personal data that would need to be collected and secured by the state or the various vendors that each school works with, but rather to ensure that our students are learning in a safe environment to begin with. EBSCO has been resolute about not compiling information on students because of the privacy concerns that arise as a result of collecting any data. Collecting this personal information will place undue burdens on, undue burdens on the state and our schools, both financially and technically, and more importantly, in upholding child safety. EBSCO is committed to continuously improving our databases and processes to better serve and protect students. We believe that our curation approaches, including the tools for local community customization, directly support the intent of LB635 ensuring a safe, appropriate learning environment for children. We're concerned about the ramifications that may come from acquiring the collection of data from young students, which would be a direct result of the personalized accounts put forth in legislation. So we have an amendment to this bill that would keep the overall purpose and intent of the bill intact while removing language that would lead to these unintended consequences around the privacy of minors. So thank you for your time today and I'm happy to answer any questions.

MURMAN: Thank you. Any questions for Scott Bernier? Yes, Senator Walz.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

WALZ: Thank you, Chairman Murman. I, like Senator Linehan, am not very-- I don't know what the word is, just not up on all the technology-- so could you just respond to some of the concerns that we heard prior to your testimony?

SCOTT BERNIER: Anything in particular?

WALZ: I wouldn't-- no, just anything.

SCOTT BERNIER: OK, a few things come to mind. I'd imagine some of the content that we've heard specifically referenced relate to perhaps moving into an environment where it's meant for academic or adult learners, not elementary or middle or high school students. And so there will be different content in those resources and, you know, under different curation controls based on the individual students. I think the idea-- for us, the primary benefit and the value of this safe environment is to actually consider the resources that go into these materials before any searching is done. So we have a curated environment, selected-- hand-selected materials designed for education and learning, appropriate for each level of student; elementary, middle, high school. And then from there we add additional curation methods and work together with school districts and schools to make sure that anything that they may consider obscene or inappropriate is, is also removed. Beyond that, these ideas of, you know, labeling that we heard of, you can label something as obscene. But if it's not obscene or it's not in the database to begin with, then you shouldn't have to label it as obscene. So we're removing that content before it has a chance to get in. This is very different than an Internet website or the way, you know, some of the external openly available search engines work. So our search engine is searching only the content that is appropriate to begin with. And then if there are any links that might take you out to a website, those are governed by the filters in place by the schools so we create that walled garden. We try to make it soft-- as secure as it can possibly be. If you think about the world of information being giant, we're creating a walled environment that's appropriate and continues to be plus increasingly more and more and better safety protocols in there so that we don't have to say-- if we remove that, then your exposure to information as a student is now those resources that are not curated and are not maintained in that type of a way.

WALZ: So-- can I ask another question--

MURMAN: Go ahead. Yeah, go ahead.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

WALZ: --just a follow up? It sounds to me like you said, so if, if we label something obscene, it actually attracts more [INAUDIBLE] or is that--

SCOTT BERNIER: Well, what I was trying to say is that if, if, if we don't have the obscene material in there to begin with, there's no need to label it as such because it's not there to begin with. And so our filtration and our curation methodologies, first of all, put only appropriate content in from publications, magazines, journals, newspapers, that kind of thing. And if there happens to be an article or an item in there that might not be appropriate, we have another layer of curation that's removing that content and further than still you as a school or parent or however it may be, you can say, hey, this item isn't appropriate and we have the measures and the processes in place to remove that also quickly. So there's no need to-- the idea of labeling something as obscene wouldn't make a difference if it's not there.

WALZ: OK. Thank you.

SCOTT BERNIER: You're welcome.

MURMAN: Senator Linehan.

LINEHAN: Thank you, Chairman Murman. OK, I think maybe-- there's something going on-- I mean, some-- I, I-- the people that all came up here, there's a concern, so something, and I think maybe you just-- you said that you-- so you're like the school Google, right? Is that--

SCOTT BERNIER: Yeah.

LINEHAN: OK.

SCOTT BERNIER: Yep.

LINEHAN: So when I go to an article that you may have in yours, is there a chance that there's another link there that because through your process you wouldn't have checked each and every link and that link could take a student outside of your system into another world?

SCOTT BERNIER: There are links and let's just say a reference in a, in a journal, an article or, you know, a magazine article, that kind of thing, but if you were in a school on a school property or you're using a school device, that when you go home with that school device those filters are still in place with it. If you tried to get out from

our resources out to the web through that link, the filters that schools have to protect kids from the open web come into play.

LINEHAN: OK, that, that's my question. So are you saying without saying it that it's, it's on the schools if the filters-- their filters aren't--

SCOTT BERNIER: No, I'm saying we, we have an obligation and we take it very seriously to ensure that the content there is appropriate. If there are links to something, somebody mentioned Pornhub, that is actually a, a URL or a term that is filtered out in our second method of curation that I mentioned.

LINEHAN: Yeah, but you [INAUDIBLE].

SCOTT BERNIER: So that would never appear to begin with.

LINEHAN: But does-- is, is there the possibility, just the possibility, that you could hit a link in your system that could take you out of that to-- you're saying every school, they've got it all covered, there's no way you can get on a school computer and get out to the Internet.

SCOTT BERNIER: Well, I can't comment on those filters. We don't provide those as EBSCO.

LINEHAN: That's what I'm asking. OK.

SCOTT BERNIER: OK.

LINEHAN: Who provides the filters?

SCOTT BERNIER: That's a better question for others that may know that. I don't know the companies that provide the filters, but there are companies that specialize in creating filters to provide a secure Internet access for schools and that's their business. I-- if you were going to go search Google and find a website that's inappropriate, those filters wouldn't allow you to get there.

LINEHAN: So do you, you contract with each school district or the Department of Ed or Library? Who do you contract with?

SCOTT BERNIER: Both. We work with the Nebraska Library Commission, as well as school districts or, in some cases, individual schools.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

LINEHAN: So let's say you have a medium-sized school in Nebraska, 3,000 or 2,500 students, what would that contract be a year?

SCOTT BERNIER: That depends on the databases that they want or have access to and it would differ. It could be a couple of hundred dollars for an elementary school database, for example.

LINEHAN: A couple hundred dollars per child?

SCOTT BERNIER: No.

LINEHAN: You, you would have 1,000 kids and your contract would only \$200?

SCOTT BERNIER: It depends on the, the database and access to it. Part of the model that we have is to create value because the content is expensive. So when we bring it together and aggregate it, it's a lease model rather than a purchase and own. Because we don't own the content, we license it, bring it into databases to make it this valuable content financially feasible.

LINEHAN: Are you a nonprofit?

SCOTT BERNIER: No.

LINEHAN: So you are in business for profit?

SCOTT BERNIER: We are, but we work in the library community for the last 80 or so years and we are part of the community.

LINEHAN: Eighty years? We haven't had [INAUDIBLE].

SCOTT BERNIER: No, I mean, the technologies in our services have, have evolved and changed over the years, but we've been around, EBSCO, serving libraries in some capacity for that long.

LINEHAN: OK. Thank you much.

SCOTT BERNIER: Welcome.

MURMAN: Any other questions? Senator Briese.

BRIESE: Thank you, Chairman Murman. Thank you for your testimony here today. Have you seen AM672?

SCOTT BERNIER: I have not.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

BRIESE: OK. You talked about the cost of personalizing these accounts. How significant is that? In this day and age, it shouldn't amount to much should it?

SCOTT BERNIER: Well, I think what-- you know, from a-- we're concerned from a, a privacy and a security perspective, first and foremost, but--

BRIESE: What about the cost?

SCOTT BERNIER: Yeah, the cost-- on the cost side, there would be cost on the vendor side for sure. But I think the costs start to become on the, the school side to consider and figure out how the many different approaches to information, how all that is going to work together with your systems, like your learning management systems, how do those come into play, potential legislation that you're going to deal with, things that you're dealing with at the state level, things you'll deal with at the, at the school board, and individual parent and school level, you're, you're bringing on a, a larger-- a can of worms, so to speak, as it relates to privacy issues.

BRIESE: OK. You say you contract with individual school districts. What type of a contract do you have with the Library Commission? I'm assuming you have one.

SCOTT BERNIER: Yeah, with the Library Commission, we have-- and I, I-- there are folks here who could probably better answer that than me, but essentially we have a subscription in place for libraries around the state to access various resources so for, for schools and, and public libraries to, to access a, a handful of different databases designed for different age levels and purposes.

BRIESE: OK. Thank you.

SCOTT BERNIER: Welcome.

MURMAN: Any other questions? I have one. You said your contract with the Library Asso-- or Commission does include adult material then for the libraries. Is that correct?

SCOTT BERNIER: When we move outside of schools and into, let's say, a university scenario, journal-based content, it's academic journals, there's material in academic journals that may not be appropriate for K-12 students. And so, yeah, there are-- and I don't know exactly what we license to the state of Nebraska specifically, but there may--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

outside of K-12 schools, there's likely content that's meant for adults and it's not pornographic content it's educational academic materials meant for research and learning--

MURMAN: OK.

SCOTT BERNIER: --but above their age levels.

MURMAN: And that-- the, the-- what can be accessed through that search engine for adults would be-- that's regulated by the age of the user if I understood some testifiers?

SCOTT BERNIER: The ideas still remain the same. And so what we're trying to do is if, if you're a university, for example, and, and you want a research database in the area of business, we go out and license high-quality business content journals, magazines, publications to include in that resource meant specifically to support academic business researchers. So the content is quality. When-- it's the same ideas in an, in an elementary school, we go out and license and bring in only content made available for the benefit of a, of a, a middle school child to, to, to learn appropriate-- appropriately. And it's the same concept but at a different-- different content sources to support those needs.

MURMAN: But what content is available is determined by the age of the user?

SCOTT BERNIER: Yep. Yep.

MURMAN: OK.

SCOTT BERNIER: And the subject matter, whatever it may be.

MURMAN: OK. So the age of the user is known, that must be identified [INAUDIBLE].

SCOTT BERNIER: Approximated, you know, we don't-- elementary, middle school, that type of thing.

MURMAN: So you can't identify the individual by that?

SCOTT BERNIER: No, no. We-- the, the resources are made available by log-in. So if I'm a school I may have five or six or ten different things that my students have to log into to get into and EBSCO being one of those so they have authenticated in as a member of that school

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

and from there they can access the resources that are available to them.

MURMAN: So for a younger person to access appropriate that's not-- content that's not age appropriate, they would have to have the log-in information to do that.

SCOTT BERNIER: They need to navigate somehow and log in to the information that isn't directly made available or intended for those younger students.

MURMAN: And I assume they could get that from an older student or an older person.

SCOTT BERNIER: I'm sure they could.

MURMAN: OK.

SCOTT BERNIER: You know.

MURMAN: OK. Thank you.

SCOTT BERNIER: You're welcome.

MURMAN: Any other questions? Senator Briese.

BRIESE: Thank you, Chairman Murman, again. Thank you again. But the green copy suggests that in the event of a breach of contract or something slipping through here, even the Library Commission can withhold payments to your company.

SCOTT BERNIER: Yeah.

BRIESE: You're apparently good with that?

SCOTT BERNIER: Well, that's an addition that we didn't-- that, that's very recent, as my understanding.

BRIESE: It's in the green copy, I think.

SCOTT BERNIER: Yeah, and so we're not-- to us the idea is not to attack those, but to, to come together to make sure that this safe environment continues to be that way and that we work together to do such. And so if you found something that you thought was inappropriate, rather than jump to litigation or withholding payment, that it should be, hey, how do we talk about this as a community? We

don't think that's appropriate and that flows to us and we, we can immediately remove that and consider that for the larger does what you just told us for your community, does that help your colleagues in other states and so on.

BRIESE: But fair to say, if the Library Commission can withhold payment, that's a pretty significant incentive for you to ensure that something doesn't slip by, right?

SCOTT BERNIER: Sure. I'm not sure it changes our approaches. I think we're trying to do that with, with or without payment. It's our goal to make sure that that is as good as it can be.

BRIESE: OK. Thank you.

SCOTT BERNIER: Welcome.

MURMAN: Any other questions? I'm going to continue with mine. So if a younger person gets the log-in information for an older person who logs in that way, would the school's filter, filter out what they were-- any inappropriate material for them?

SCOTT BERNIER: The schools filters apply outside of the curated environment. So if you're trying to move out to an open website within the environment the content is curated already. So that's the, the premise. And so for when you say an older student, all of these curation methodologies apply to K-12, not just elementary or middle. So if you're talking about a high school kid giving a middle school kid access, the curation methodologies and these inappropriate terms and obscene things, they wouldn't apply. I was referring more to an academic university studies and that kind of thing. But if you happen to share a K-12 from an elementary school to a high school kid, you're still going to be subject to all of that curation that we bring into the resources. So you're safe there, even though maybe the material is above their reading level it's not, it's not an obscene scenario.

MURMAN: So, so the high school material wouldn't be obscene, is that what you're saying?

SCOTT BERNIER: Absolutely not. Yeah.

MURMAN: OK. Any other questions? Thank you for your testimony.

SCOTT BERNIER: Thanks for your time.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

MURMAN: Other opponents for LB635?

DEVRA DRAGOS: Hello.

MURMAN: Good afternoon.

DEVRA DRAGOS: Thanks for the opportunity. My name is Devra Dragos. That's spelled, D-e-v-r-a D-r-a-g-o-s. I had not intended to testify. I work for the Nebraska Library Commission and because there have been so many questions, I thought I would try to answer a few of them that have come up. One of the questions was the cost. Our current contract for 15 databases for the fiscal year 2022-2023 is \$348,380. Several years ago we did ask EBSCO to estimate or, you know, to look through all of our libraries and determine how much-- what the cost would be if every single library subscribed to these databases on their own and the costs would have been well over \$1 million. Currently, with this contract for just over \$348,000, these databases are available to every resident of Nebraska. So our money goes a lot further that way. We do give passwords to over 237 public libraries, 40 academic libraries, 743 school libraries, 9 special libraries, and 29 state agencies or facilities or other entities. OK? As has been mentioned, we do have the databases sorted out on pages so that mainly we did it so that students could see that the resources that best suited their needs. OK? So currently the elementary/middle school students can access primary search, which are basically magazines for elementary-level kids. So you have things like Ranger Rick, Cobblestone, Zoobooks, The American Children-- American Heritage Children's Dictionary, and an encyclopedia, Funk and Wagnalls Encyclopedia. Middle school students have access to Middle Search Plus, which includes Discover, TIME for Kids, Scholastic Science World, the Encyclopedia of Animals, plus a lot of the things that are available for the elementary school. On that page, we also point them to things like MyHeritage Library Edition. That's a genealogy database so they can, you know, look up their grandparents from the 1940 census. They can try to, you know, track their ancestors back to Europe. There's a lot of information there like that for them. The high school students have their own separate page, and on that page they have access to MAS Complete, which includes magazines like Popular Science, Newsweek, Congressional Digest, TIME, the Saturday Evening Post, and hundreds of other magazines and primary source materials that cover news, politics, science, sports, culture, and other topics that they would find useful for doing research, authoritative--

MURMAN: You have the red light but go ahead--

DEVRA DRAGOS: Oh, I'm sorry.

MURMAN: --go ahead and-- no, you're fine.

DEVRA DRAGOS: OK.

MURMAN: Go ahead and continue.

DEVRA DRAGOS: So those are some of the things that we've separated out for those particular students. We, we have been offering resources such as these for 25 years through NebraskAccess. We have never had a teacher or a student or parent come directly to us and say we have found these horrible things within the database. OK? I know you can go into some of these things when you're at home if you don't have filtering on and you could find, as was mentioned, a link that could take you to an outside source. We have had-- asked librarians within schools to do searches for a lot of the different topics that have been mentioned that have produced these results and they have, they have not been able to get to any of these. So without specific examples that we can try out in schools, you know, the specific results, there is no way that we can address those things directly. So we-- but we do appreciate being-- having these things pointed out, you know, specifics pointed out to this so that we can actually do something about them because we do not want to provide kids with inappropriate materials and we know our school librarians do not want to provide inappropriate things to our students. So we are trying to do our best to provide them with authoritative information so that they can learn about the world. Were there other things that I could address that are related to the Nebraska Library Commission?

MURMAN: Any questions for Devra Dragos?

DEVRA DRAGOS: OK. I might just mention, if I could quickly?

MURMAN: Sure, go ahead.

DEVRA DRAGOS: One thing that has been talked about a little bit, too, is the accounts, having individual accounts. We do see that there could be a significant problem having vendors collect information about school-age children. The schools do have a-- an option, there is software out there that allows for what's called single sign-on accounts. So the schools have the information about the kids. And within that account, they can tell the vendors, OK, this student has

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

access to this database, this database, and this database and nothing else but that software costs money. And so some of the large school districts already have that type of software, but for every single small school district or private school to purchase it would be very difficult. Which again, is why we've tried to specify, OK, here's where students can go to find information that is appropriate for their age level.

MURMAN: Senator Linehan.

DEVRA DRAGOS: Yes.

LINEHAN: So you have an idea what different things cost, obviously. You just said you had-- so you said some students, the larger schools, excuse me, schools could afford this or afford it, whatever.

DEVRA DRAGOS: They do purchase it already.

LINEHAN: So, like, what would that cost? Do you have any idea?

DEVRA DRAGOS: I'm sorry, I do not. I'm not part of the school system so I do not know what those school districts are paying for that software.

LINEHAN: But some of the bigger schools do.

DEVRA DRAGOS: Yes. Lincoln Public Schools, I know currently does have a subscription to a product called Clever that does--

LINEHAN: What's it called?

DEVRA DRAGOS: Clever.

LINEHAN: OK, Clever.

DEVRA DRAGOS: Um-hum.

LINEHAN: OK. And they can-- for each student they can--

DEVRA DRAGOS: So each student logs in and they see the databases that they can use and then they log in through that account.

LINEHAN: OK. So each child-- each student has their own account?

DEVRA DRAGOS: Right.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

LINEHAN: OK. Thank you very much.

DEVRA DRAGOS: Sure.

MURMAN: Any other questions? Senator Briese.

BRIESE: Really appreciate your testimony here today, but you've indicated that you haven't seen problems, something getting through, but we can't rule--

DEVRA DRAGOS: Right.

BRIESE: --out the possibility that things have snuck through, especially based on the testimony we heard today.

DEVRA DRAGOS: Certainly, there, there is always a possibility.

BRIESE: Sure. OK.

DEVRA DRAGOS: But we-- all we ask is that you report it to us so that we can do something about it.

BRIESE: OK. Very good. Thank, thank you again.

DEVRA DRAGOS: Sure.

MURMAN: Thank you very much. Any other opponents? Yes, go ahead.

HOLLI DUGGAN: My name's Holli Duggan, H-o-l-l-i D-u-g-g-a-n. I'm here on behalf of the Nebraska Library Association. The Nebraska Library Association encourages you to oppose LB635. If passed, LB635 will impose unnecessary legal restrictions on electronic educational resources provided to Nebraska students, result in the censorship of e-books, articles, and other academic content that students rely on for education and will increase technology costs for schools. Please support Nebraska schools and educators by opposing this bill. LB635 is unnecessary legislation as schools that receive federal discounts for telecommunications, Internet access, and internal connections via the federal E-Rate program must already comply with the Children's Internet Protection Act. This federal law requires schools to block or filter Internet access to pictures that are obscene, child pornography, or harmful to minors. Even schools that do not participate in the E-Rate program typically pay for Internet filtering services, which already restrict the type of websites and content that children may access. Additionally, these electronic educational

resources are monitored, monitored by professional educators and the Nebraska Library Commission staff who oversee that these resources are meeting the needs of our students. The risk of a young person being exposed to materials considered obscene or harmful to minors via electronic educational resources such as a database is incredibly low. In fact, no member of the Nebraska Library Association Board of Directors has heard of a child finding such content during routine use of an electronic educational resource. Children are far more likely to be exposed to such materials at home while using personal devices such as cell phones, computers, or even video game consoles. The Nebraska Legislature should consider whether the speculative fear of this issue is worth making it more difficult and expensive for schools to operate successfully. While this bill purports to protect children from all materials obscene as to minors or harmful to minors, this law would have a much broader effect than the stated goal. This is because vendors of electronic educational resources will be forced to impose wider restrictions on content to mitigate the risk of being found in breach of contract. The Nebraska Library Commission already organizes electronic educational resources by elementary, middle, and high school categories on the NebraskaAccess website. Additionally, each resource has a description regarding its contents, making it clear to schools that decide to link to individual resources what is provided. School districts purchasing their own electronic educational resource subscriptions will be presented with similar information by the vendor. The Legislature should not incentivize private companies to censor e-books and other educational content to boost their profitability at the expense of student learning. Lastly, LB635 will increase the technology costs for schools that provide electronic educational resources and the Nebraska Library Commission. This is because LB635 requires implementing a system to issue and manage a unique log-in for each student. In addition to the information technology infrastructure necessary for this school and the Nebraska Library Commission staff will be needed to assist students in resetting their accounts, entering their information, and managing the database of students' logs in-- log-ins. Again, this is unnecessary and costly. In summary, the Nebraska Library Association asks you to oppose LB635 to prevent unnecessary restrictions that are already achieved with long-standing federal legislation and filtering practices, the censorship--

MURMAN: You have the red light, but go ahead and finish.

HOLLI DUGGAN: I'm sorry.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

MURMAN: Yeah, I know you're about done so go ahead.

HOLLI DUGGAN: --to prevent censorship of important academic content that would benefit students to boost company profits, increase technology costs to schools and the Nebraska Library Commission, which is a waste of taxpayer funds and state resources. If you have questions regarding this letter or the impact of LB635, please contact the Nebraska Library Association at nlaexecutivedirector@nebraskalibraries.org. Thank you for your time and attention.

MURMAN: Thank you. You probably said your name and spelled it--

HOLLI DUGGAN: Oh, I'm sorry.

MURMAN: --but I missed it if you did.

HOLLI DUGGAN: Holli Duggan, H-o-l-l-i D-u-g-g-a-n.

MURMAN: OK. Any questions for Holli Duggan? Thank you very much for your testimony.

HOLLI DUGGAN: Thank you.

MURMAN: Any other opponents for LB635? Other opponents? Go ahead and-- somebody go ahead and come forward. Good afternoon.

MARY REIMAN: Good afternoon, my name is Mary Reiman, M-a-r-y R-e-i-m-a-n, and I am a retired school librarian. I was in Lincoln and before that I was in Wakefield. The school library-- the School-- Nebraska School Librarians Association is opposed to LB635 and we'd like you to be aware of the, to be aware of the following-- and this is also-- there was a letter that came to you from the School Library Association. Schools already provide filtering systems that are required by the School's [SIC] Internet Protection Act, also known as CIPA. If schools choose to use it-- if students choose to use a proxy to access such content while using school provided Internet or devices, they are in violation of their user agreement and subject to consequences based on the student handbook of their school districts. If school students are using personal devices or the Internet, parents and caregivers are able to set up filtering options based on their own specifications for use outside of the school, and requiring school districts to filter personal devices restricts parents and guardians from making personal choices for their own students. There have been no reported incidents of students accessing potentially harmful or

obscene content within approved educational resource databases via school provided Internet and devices that our school Library Association in the state has heard about. Requiring individual log-ins for every educational resource database will reduce accessibility for our youngest learners because when you're in first grade, you can't type very well, but you can push a button. So if they want to log in and they're on an iPad, they can push a button and they will be able to do it that way. So trying to do something individually and having 25 first graders trying to all figure out how to type a log-in access is a nightmare. I will just admit it and it will take the whole class period before they even got into use the resources. So the other issue with that is students with learning needs, and it would possibly violate their IEPs, their individual education plans, that are established for special ed students and that's really leaving districts open to lawsuits. As written, the determination of what is obscene or harmful would be subjective as based on the average person as it is written, which is not really clearly defined. So what's considered obscene by one could be determined is not harmful or obscene by another. If the resources are provided by the state, it would be very difficult to filter for just the locations that deem specific material inappropriate. If access restriction was determined for one school, the material would then need to be restricted for all schools, which then reduces local control for determining learning materials. As Devra said, the Library Commission and schools currently offer three levels of resources: elementary, middle, high school databases. And these databases include, they include learning supports like reading aloud to students, they include highlighting, they include language translation for our students of other languages, they include--

MURMAN: OK, you, you do have the red light but you can finish quickly.

MARY REIMAN: Oh, my gosh. They include so much information that we're concerned that the lack of access to these kinds of databases and there's nothing in there that talks about just Gale or just EBSCO unless I didn't read it correctly or just ProQuest. If you're saying that databases at K-12 will hinder-- they'll hinder students as they go to college, every university expects kids to be able to know how to cite sources, get scholarly information, and that comes from the use of databases. The students are not using databases to find awful, obscene information. They'll go to their unfiltered sources like Google and TikTok and YouTube and Facebook and Snapchat and Instagram and all those other things on their personal devices. So I would, I would hope that you would see that as a reason to oppose this bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

Because as a former librarian, I, I really appreciate that you care. But honestly, we are working diligently to make sure that students have the best educational resources out there. And I wish you could see second graders use them because they're so excited to be able to find things at they're reading levels. Thank you so much.

MURMAN: Thank you. Any questions? Senator Linehan.

LINEHAN: Thank you for being here. Appreciate it very much. Did you say in your opening that's it in-- if they abuse their personal device, it's in the handbook?

MARY REIMAN: Um-hum. School districts have school handbooks of all kinds of things and--

LINEHAN: And these are their--

MARY REIMAN: --they're held accountable.

LINEHAN: --I think you said these are their school devices?

MARY REIMAN: Yes.

LINEHAN: So I'm confused. If you've got to have a rule that they can't look for porn, then they must be able to. Like, why would you have to have the rule if they can't do it?

MARY REIMAN: Well, we have-- I, I guess I'm not-- maybe I'm misunderstanding your question, I would guess-- I would say there are lots of rules but students don't always follow the rules.

LINEHAN: I know, but if the rule-- well, I guess maybe I didn't understand what you said the rule was.

MARY REIMAN: So the guidelines are if a student is found to be accessing something that is inappropriate, inappropriate, that they're trying to look for something or they're finding something, somehow they've proxied through. In other words, they have found a way to get to a site that is inappropriate, is not a site that they should be able to get through, through school, then they will be held accountable for that.

LINEHAN: OK. So they can get there.

MARY REIMAN: Well--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

LINEHAN: They must be able to get there or you wouldn't have to have a rule that they can't do it.

MARY REIMAN: Well, they can't get there through these databases, but they can work around to get to the Internet to-- we can-- I--

LINEHAN: Right.

MARY REIMAN: --I am not the expert on this, but I know that later today you'll be hearing from some technology people who probably are more savvy with regarding the filtering systems. But no, they should not be able to. But there are students who will probably someday be computer specialists and programmers who can find their way around resources if they, if they want to, probably. Most students will never do that.

LINEHAN: OK. Thank you very much for being here.

MARY REIMAN: Does that make sense?

LINEHAN: Yep.

MURMAN: Any other questions?

MARY REIMAN: Thank you.

MURMAN: Thanks a lot. Any other opponents for LB635?

COLBY COASH: Thank you, Chairman Murman, members of the Education Committee. My name is Colby Coash. I'm with the School Board Association. My testimony also represents GNSA, NRCSA, and the State Education Association. And we, we agree with the intent of this bill and so we, we want to put that out there. One of the-- the first question that was asked when this bill was introduced, districts began to call their, their vendors, EBSCO being one of them, and, and the question was if, if LB635 is implemented, would this increase the cost? And the answer that we got back was yes. But more than that, I think it was the privacy and the data concerns. Schools don't necessarily want a vendor holding all of the individual student's data and so that, that is a concern. We've, we've seen the amendment that EBSCO talked about. We would agree that takes care of those concerns. But we did want to point out another question that's more-- that's somewhat technical in nature, but it does-- it, it, it is worthy of taking a look at. Under the current-- under LB635 if, if a piece of material is found to be objectionable, right, in District A and they

go through all the process, right, of that's outlined in LB635, does that mean that it applies to District B as well? Right? So individual districts all have individual contracts with these vendors and so there's a question as to whether or not when, when a piece of material is found objectionable one place, if it applies elsewhere. And I don't think the bill is necessarily, necessarily clear in that. We, we believe that schools can-- the biggest concern here is with that-- the, the individual sign-on or the individual accounts. Right? We, we don't want a vendor handling those. Senator Linehan asked some good questions about what happens within the school? Right? And so we believe that's the way to go, right, that there are filters and things like that that are within the school. We appreciate that. I know that you are going to ask the question what are the cost of those and so I'm going to find that out because there's testimony that some larger school districts have it. I don't know what the cost of that is, but that, that's kind of within that, that school and doesn't ask the vendor to go out. We, we rely on the vendors for the content. The school should be protecting the access and we're going to work-- we're going to get that question answered, so.

MURMAN: Any questions for Colby Coash? Yes, Senator Linehan.

LINEHAN: So you can get-- could you get us some idea of what the cost of these programs are?

COLBY COASH: Yes.

LINEHAN: Because it is-- I know we frequently hear 80 percent of all our funding goes to salaries, but the 20 percent of what we spend is still a lot of money.

COLBY COASH: It goes somewhere. Right?

LINEHAN: Yeah, so if you could get us some idea and what schools have, not specifically, but just a general idea.

COLBY COASH: Yeah, I, I, I understand, because I was listening to the testimony because a lot of the testifiers talked about the cost of this and there, and there's really two, two tiers here, which I'm going to find out for you. One is the cost of, of the database and accessing the material. But the second tier is within the school to make sure that, you know, a school device that a student that uses that not for research but just can get on and find something inappropriate and that has nothing to do with a database, that has to

do with-- I mean, all-- thousands of students now have their own iPads, laptops, those kinds of things. And so those are filters and those are within the school. And then you have outside of that, you have the relationship, the contractual relationship with the vendors that provide the research materials. So we'll find both of those out and get back to the committee.

LINEHAN: Thank you. Thank you very much.

MURMAN: So it's up to the individual school district to provide the filter if I, if I understand you right, that's what you're saying?

COLBY COASH: Well, there's two-- there's, there's, there's two relationships here that you heard about today. One is the relationship with the vendor of the research material, right, the stuff that students use to read and research and write their reports and do their learning. And then the second part, part, part of the software is separate from that, which is the software that the filters that schools use to make sure that on the school devices or in the libraries that students aren't looking at stuff they're not supposed to and, and things like that. So that's a secondary piece of software that schools access, too, and that costs money as well. So I'm going to look at both of those and get back to the committee.

MURMAN: Senator Linehan might have already asked this, but all schools have those filters then or, or do they?

COLBY COASH: I, I don't know. I mean, the testimony today was at least the larger schools have those filters for inappropriate material and, and I'll find out from the rest. The other piece that, that I think is important is a lot of these services for smaller districts are provided through the ESUs, right, so it's not-- so smaller districts would probably lean on their ESUs for some of that technology support. So I'll find that out as well.

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

COLBY COASH: Thank you.

MURMAN: Any other opponents for LB635? Anyone in the neutral position for LB635? Senator Albrecht, you're welcome to close. While she's coming up, online we had 70 proponents, 46 opponents, no neutral.

ALBRECHT: Well, Senator Murman, colleagues on my Education Committee I sit with, thank you for being here what few are left. I guess we'll

have to have another hearing just so the other four can hear it. But I just wanted to thank everybody that came, the proponents, the opponents. I want to implore you to, between now and the time we Exec on this particular bill, to go back and look at LB1213. That was my bill last year when the Judiciary Committee went into extensive work with, Millard North was the school that we had a little luncheon one day and Senator Lathrop happened to sit down with his folks at Millard North and he asked the question because he knew the bill was coming to Judiciary Committee. He said do we really have a problem with this? And every, every one at the table, most were IT people with Millard North, said, yeah, we really have a problem with this. And Millard North has the resources to really take a look at what's going in and going out of their school. They have been able to save children that were suicidal based on their activity on the Internet, they have been able to find certain ones that were going to sites that they shouldn't have been to. And of course, if you're in junior high, high school and you're able to access this stuff, do you think you're going to go talk to your parents about it? Probably not. But you might share it with all of your friends and, and make sure that they all go to the site and see it. But, but my point is they have one of the most sophisticated IT departments, probably in the state next to some of the other larger schools, but the things that they were uncovering-- and I, I implore you to go visit with them, ask them the questions. Senator Slama was in the Judiciary Committee when I brought this bill. And, of course, I'm like Senator Linehan, Senator Walz, myself, I'm not as tech savvy. Right? But Senator Slama went right to abortion, just put in abortion under NebraskaAccess and instantly she got to go see whatever she wanted to see. Now is that right to think that, that K-12-- and when I, and when I visited with the Library Commissioner, who actually does a lot of the, the negotiations with these companies, he said you know what, I've never heard of any complaints so I guess I never thought that we had to have something special for K-12. Yeah, you have to have something special for K-12 and it should be out there already. But the thought that our kids, you know, with taxpayer dollars, we make sure that they have the technology they need, but we're not circling the wagon to find out are we OK with all of this? Are, are we OK with-- and you know what, one example over the past summer. So I was hoping by the time this reached the committee this year that we would have some answers to some of the questions from, you know, last year that maybe somebody came up with something miraculous that our kids can't look at these sites and see the things that they want to see. Again, this, this says that we're not going after librarians, we're not going after the teachers, we're not going

after the schools. We want the vendors. Don't just sell us something, sell us something that you can be certain that if one school has a problem with it, you change it for all the schools in the state of Nebraska that you have a contract with. And if the ESUs are just as involved, because they have to be, they have to help support our rural school districts that don't have the money to have IT departments, but even the, the main-- the big schools that have big IT departments, they can't even put their arms around it they said. They can't even begin to figure out what, what they need to do. So if it's a bill to get out of having a contract with a company that just wants to sell us something and not be able to, to filter what our kids are seeing, that's what this bill is about. The-- and the-- and my apologies for the, for the amendment is basically to say that if you have a parent that comes to you like this gal came to me and she said my daughter got a new laptop, iPad, whatever you want to call them, from the school and right away she said, gosh, mom, look at this and-- but, but she said, but mom, I want to show you where I went on this and this is what I saw and it was not good. So she immediately went to the school and said we just got this new little, little piece of equipment and I'm not OK with what my daughter is, is seeing on here. And how could this have ever even happened? And the response from someone at the school was, hey, we're really sorry we probably just didn't clean that up when so-and-so had the computer before. Well, again, we have to be able to-- we're spending a lot of moneys-- money with these companies. I know that one of the gals came up and said that she spent-- that they spent \$348,000. Well, I was looking at some of my notes from last year, it was \$1.3 million for NebraskAccess in, in years 2020-2021 and the licenses that we had that particular year, we put out \$459,979. So I'm just saying there are many, many vendors. Everybody's using something different. I mean, I know up in northeast Nebraska, we don't use the same things that some of the other bigger schools maybe down in the Omaha, Lincoln, Sarpy County areas might use. But the whole point of the matter is, if a parent comes to you, and you can say there aren't very many people, but I'm here to tell you there are and they want answers. They want to know what they, what they can do to make sure that their child, their child does not see this. K-12, we have another bill coming up and it is in Judiciary and it's, and it's about obscenity for children. I mean, we can, we can go into a lot of things here, but this I just want to know that if we're going to do business with a company it's not just about the fluff that they bring it's about the protection that we need for K-12 students and their parents so that they do not have access to obscenity on our Internet that we provide for them.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

MURMAN: Any questions for Senator Albrecht?

WALZ: I just have one.

MURMAN: Senator Walz.

WALZ: Thank you, Chairman Murman. Have you had conversations with the companies that you're talking about? Like, have you guys sat down? I know that I, I brief-- just had a very, very brief conversation and that they were willing to, you know, bring forth amendments and stuff, but were you able to really sit down and spend time with them and, you know, talk about what needs to be done and what they could do to satisfy the concerns that we have?

ALBRECHT: Very good question. I spent my time last year with the Library Commissioner who actually put the bids out for different companies to come help us. And knowing what he had told me-- I mean, there's a lot of them out there and they came to me right before I was supposed to have it on the floor last year and wanted to talk but, no, I did not talk to them at that time.

WALZ: OK.

ALBRECHT: We were ending the session and, and again, that's not for me to worry about what they-- I already know what they're not doing. So to me, I was more leaning on our, our Nebraska Library Commissioner to do the right thing because he even said he didn't even have-- he said I never gave it a thought. I've never even heard of an issue with it. I've never even thought about doing a special one just for K-12, because our K-12 can access the same thing they can at the university and the same things that they can see at the libraries. And if you want to go to the library and look at anything you want to look at, that's not OK for K-12 so I spent my time with the people who do business with these organizations--

WALZ: And what happened?

ALBRECHT: --but did not talk to them.

WALZ: OK. All right.

ALBRECHT: Yep.

WALZ: That's OK. Thanks.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

ALBRECHT: Yep.

WALZ: Thank you.

MURMAN: Any other questions for Senator Albrecht? If not, thank you very much. And that'll close hearing for LB635. And I've got to apologize, we should have took a break sooner, but we're going to take about a-- try and hold it to about eight minutes, but as soon as everybody can get back we'll probably start.

[BREAK]

MURMAN: Well, good afternoon again. We'll continue with LB178. Senator Erdman.

ERDMAN: Thank you, Senator Murman. I appreciate being here in front of the Education Committee. My name is Steve Erdman. I represent District 47. Steve is spelled S-t-e-v-e, Erdman, E-r-d-m-a-n. I'm here today to introduce LB178. LB178 is "In God We Trust" bill that the, the intention of this bill is the place "In God We Trust" in the public schools. And I'll just read the bill, it's only a couple of short paragraphs, and then I have a few opening statements and then I'll take your questions: On and after the effective date of this act, each school shall predominantly display the national motto of the United States, "In God We Trust", written legibly in English, in each classroom or in another prominent loca-- place in each school building where each student is able to see and read it each day a school is in session. A school board may accept contributions to defray the costs of implementing this section. Upon the filing of the act-- of an action seeking to intimidate this-- invalidate this section in the state or federal court, the Attorney General shall intervene on the behalf of the school board and any other party named as a defendant for this role in implementing this section. So I have introduced this bill in the past, and I would like to pass out a couple of documents. These are for you to view. I'll get to those in just a moment. So "In God We Trust" was first suggested as a national motto by Sir Francis Scott Key in the fourth verse of the national anthem, The Star-Spangled Banner. Francis Scott Key wrote: And this be our motto "In God is our trust." And I was at a meeting here about a month ago, and the person who sang The Star-Spangled Banner sang, sang all the verses. And I, I had-- I thought that was quite amazing that someone knew all the verses. So "In God We Trust" first appeared on the U.S. coins in 1864 and on our paper money in 1957. And you'll see I have a copy of a \$20 bill there and you'll see it's very plain that "In God

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

"We Trust" is printed on our money today. The national motto "In God We Trust" was created by an act of Congress in 1956. The bill was signed into law on July 30, 1956, by then President Dwight Eisenhower. The national motto "In God We Trust" was affirm-- was reaffirmed in 2002 and then again in 2011 by the House of Representatives, overwhelmingly by a vote of 396 to 9 and that, that revolution affirming the national motto and encouraging the public to display this motto in all public buildings and in public schools. Numerous state legislatures have passed similar laws and are encouraging schools and state offices to place a poster with the national motto in every classroom. The national motto is inscribed in gold letters above the Speaker's restroom at the U.S. House of Representatives and the walls of the United States Senate Chambers and the Visitor Center. More than 600 cities and counties nationwide display the national motto in their offices, chambers, official seals, and other, other outside-- and outside on police and sheriffs' cruisers. The state of Florida has the national motto on their flag. The bill is needed because the national motto is not being taught or displayed in Nebraska's public schools, yet it plays an important role in our history and in our heritage. The bill is also needed because school boards are afraid to display the national motto. I believe that we need to have the national motto in place so that young people can see it as they are in school. The bill 178-- LB178 mandates that the Attorney General will defend schools facing a lawsuit. This is necessary to give the school boards the courage to post the national motto. Displaying the national motto in public schools is not a violation of the establishment clause of the First Amendment to the United States Constitution. Separation between the church and state appears nowhere in our founding documents, no court anywhere in the U.S. has ever held a public posting of "In God We Trust" in a violation of the U.S. Constitution. Instead, there is strong legal support for doing so. "In God We Trust" has nothing whatsoever to do with the establishment of religion, it's used as a patriotic, ceremonial character and bears no true resemblance to government sponsoring a religion-- religious exercise. In school districts of Arlington [SIC] Township v. Schempp, 1963, the state-- the High Court ruled that "In God We Trust" is interwoven so deeply in the fabric of our civil policy that it represent-- that it presents us-- may well present the type of involvement the First Amendment prohibits. The Ninth Court Circuit of Appeals has reaffirmed the national motto and does not-- that it does not violate the First Amendment. So with that said, what I, what I passed out to you was the-- a, a document that is the national motto. And there have been people that have come forward and said that they would make a donation

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

to make sure that these mottos were available to any school that wanted them so there would be no cost to the school. It is my understanding that every courthouse in the state has "In God We Trust" placed in the courthouse. My courthouse in Morrill County has two mottos. When you first walk in the door, right above the door it says "In God We Trust" and then the commissioner's room right above where they have their meeting. And so the issue that has been asked or been brought up several times is, is the Attorney General going to defend us? And there have been several court cases that prove that that is the case. Several years ago, when the Supreme Court ruled that the national-- that the Ten Commandments should be removed from school-- I'll read what it says, and this is what it says-- this is a Supreme Court ruling, it says if-- this about the Ten Commandments, if the posted copies of the Ten Commandments are to have any effect at all, it will be to introduce the schoolchildren to read, meditate upon, and perhaps venerate and obey the commandments. Can you imagine that? You wouldn't surely want someone disobeying the Ten Commandments, right? You wouldn't want somebody disobeying do not steal. Right? You wouldn't want them to do all those other things that the Ten Commandments are stated that you shouldn't do. So as we move forward with the conversation today, there will be people who will be testifying in favor. And there'll also be people, I would assume, that will be in opposition. It's the national motto. It's been on our money since 1957. The Congress has reaffirmed it several times that it is our national motto. And I believe this should be placed in every school in the state of Nebraska. There are tens of thousands of schools that already have this placed in their schools. And so Nebraska is kind of behind like we are with Senator Linehan's bill this morning. We're only two states left. So it's time for us to step up and put this in where it should be. So with that, I will, I will stop there and see if there's any questions.

MURMAN: Any questions for Senator Erdman at this time? If not, thank you very much.

ERDMAN: Thank you.

MURMAN: Proponents for LB178?

S. WAYNE SMITH: Good afternoon, my name is S. Wayne Smith. That's S. Wayne, W-a-y-n-e, Smith, S-m-i-t-h, and I support LB178. Trusting in God is an important part of American history. The founders believe that without God-based values, America could not survive. The motto "In God We Trust" goes back to 1863, when it was proposed as: Our

Country, Our God or God, Our Trust. The final version was in, was "In God We Trust" and appeared on the two-cent coin in 1864. Every founder was preoccupied with the Bible. Benjamin Franklin said: The longer I live, the more convincing proofs I see of this truth that God governs in the affairs of men. He also said: If men are so wicked as we now see them with religion, what would they be without it? A Russian novelist wrote: Where there is no God, all is permitted. I believe this is what we are seeing today. Everything is permitted. John Adams wrote: Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other. The Declaration of Independence establishes that rights come from our-- from nature and nature's God and not from government and thus cannot be taken away by any moral authority. Generally, individuals have adopted values passed down by centuries of Judeo-Christian values. They are living on what one author called "cut flower ethics." Flowers are nurtured in a certain soil, and when cut from that soil, they can appear to survive for a certain amount of time. But of course they soon wither and die. So, too, Western societies' ethical values when nurtured in Judeo-Christian soil and cut from that soil they, too, will seem not to-- to survive, but eventually like cut flowers, those values will wither and die. America was founded on an idea, a value system. And that value system, unique to America, is on every American coin, "Liberty," "In God We Trust," and "E Pluribus Unum." All three values are necessary components that have made United States of America not only the most prosperous nation but also the most tolerant and compassionate society in history. God is such an important part of American history that we need to remind our children of that history by displaying our national motto "In God we Trust." Please vote for LB178. Thank you very much.

MURMAN: Thank you. Any questions for L. Wayne Smith-- or S. Wayne Smith? Thank you.

S. WAYNE SMITH: OK.

MURMAN: Other proponents for LB178?

JEANNE GREISEN: Hello, my name is Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n, and I am here representing Nebraska for Founders' Values. And I was going to talk on something else, but a friend gave me this poem here while we were sitting there earlier, and it's so fitting. So I want to read this to you and then you can reflect on it and how true it is today. Since the Pledge of Allegiance and the Lord's Prayer are not allowed in most public schools anymore because

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

the word God is mentioned, a kid in Arizona wrote the attached: Now I sit me down in school where praying is against the rule, for this great nation under God finds much mention of him very odd. If scripture now the class recite-- recites, it violates the Bill of Rights. And any time my head I bow becomes a federal matter now. Our hair can be purple, orange, and green, that's no offense it's a freedom scene. The law is specific, the law is precise, prayers spoken aloud are a serious vice. For prayer in a public hall might offend someone with no faith at all, in silence alone we must meditate, God's name is prohibited by the state. We're allowed to cuss and dress like freaks and pierce our noses, tongues, and cheeks. They've outlawed guns, but first the Bible. To quote the Good Book, makes me liable. We can elect a pregnant senior queen and an unwed daddy our senior king. It's inappropriate to teach right from wrong, we're taught that such judgments do not belong. We can get our condoms and birth controls, study witchcraft, vampires, and totem poles but the Ten Commandments are not allowed, no word of God must reach this crowd. It's scary here I must confess, when chaos reigns the school's a mess. So, Lord, this silent plea I make, should I be shot my soul please take. Amen. "In God We Trust."

MURMAN: Thank you. Any questions? OK. Thank you very much for your testimony. Other proponents for LB178?

TERA THOMS: My name is Tera Thoms, T-e-r-a T-h-o-m-s, and I thank you for this opportunity. Students need a visible reminder of their country and its founding principles. As a student, I have seen the lack of respect for our country and school. And I believe this bill implemented will remind the young people of our country's values such as justice, mercy, and freedom. In one phrase, this nation, this nation's motto gives students hope and trust for a future and peace that there is something-- someone who sees their studious efforts. Thank you.

MURMAN: Thank you. Any questions for Tera?

CONRAD: Thank you.

MURMAN: Thank you very much for your testimony. Other proponents? Go ahead.

DALLAS ASHER: Thank you for having us here, Senators. My name is Dallas Asher, D-a-l-l-a-s A-s-h-e-r. I am a member of the Nebraskans for Founders' Values and I support the display of the national motto

of the United States "In God We Trust." And each school building in Nebraska has a Vietnam veteran who served four years in the Marine Corps. I have plenty chance-- I've had plenty of chances to trust in God while fighting for my country. The Marines motto was "Semper Fi" was always in the back of my mind and was a motivation to remain committed to freedom. Today's children are being bombarded, just as I was by the incoming mortars of the Viet Cong. But they are bombarded by a message which does-- do not point to-- by a message, do not point to authority, but in contrast to tell them have it your own way. As we left the message of God's authority slip through our fingers, we see what has been happening in our schools. Children have no concept of the loving authority which is provided by the motto "In God We Trust." They don't realize that they are dependent upon authority, such as their teachers, who are training the students to provide for themselves. Consequently, they resist learning and listen to which sometimes results in violent protests. The resistance to this motto produces a chain reaction which will someday destroy our country if we do not teach them the motto "In God We Trust."

MURMAN: Thank you. Any questions for Dallas Asher? Thanks a lot. Other proponents?

VICTORIA RIIS: Thank you for this opportunity. My name is Victoria Riis, V-i-c-t-o-r-i-a R-i-i-s. As you know, education mindset is almost everything. And I believe the national motto will help focus on the goodness of our country and give educators and students hope that they are not alone. Thank you.

MURMAN: Thank you. Any questions? Thanks a lot for your testimony. Other proponents for LB178?

WARD GREISEN: Good afternoon.

MURMAN: Good afternoon.

WARD GREISEN: My name is Ward Greisen. That's W-a-r-d G-r-e-i-s-e-n. So going to just touch on a few things that were already said but maybe with a little of my take on them. But you know, we talked about "In God We Trust" becoming law in 1956 and it was really-- that law was made to affirm the difference between the United States and at that time the atheist commu-- communist Soviet Union. So it was right in the, the heart of the Cold War, if you will. So then you go back even further and when it was first printed on money in 1864, and of course, we all know what was going on at that point in our nation's

history and that's the Civil War, right? And that was put on, on money at that point in time. The talk was to remind, you know, the people fighting that God was with them. And so we talk a lot about, you know, you know, God not being there now. And, you know, you look across society and you're led to believe that. But there's reminders out there if you look for them and two of that really come to mind just recently is Demar Hamilton's [SIC], you know, on field medical emergency that he had. And if you happen to be watching that football game or seeing any highlights of that and you just count how many times prayer was mentioned or God and that kind of stuff, even on ESPN, one of the broadcasters stopped and said a prayer. And so we know God is there and, and to deny that I think would be wrong. The other one is the Ashbury revival that was going on for two weeks. They had cars lined up for miles to try and get into that small college in Kentucky. Again, to be with God. Right? And so I think we need to not deny it any longer here in the state of Nebraska, put it in the schools like it is in some of the other government buildings as well, and, and let's be consistent in that regard. So I strongly support this bill. I hope you guys do as well and, and advance it out to the floor. So thank you.

MURMAN: Any questions for Ward Greisen? Yeah, I can just give another few-- in my short lifetime, I could give a few examples; 9/11, you know, there was--

WARD GREISEN: OK.

MURMAN: --a lot of prayers said. Anytime there was a war going on.

WARD GREISEN: Well, and then that's when we reaffirmed it, right? I mean, it was just mentioned, 2011, right, that Congress reaffirmed it overwhelmingly that our national motto. So absolutely in times, you know, really trial and, and hard, hard times, right, we, we refer to it and, and I, I think we should put it out there so that people do know what it is, so.

MURMAN: I agree.

WARD GREISEN: Thank you sharing that.

MURMAN: Thank you very much.

WARD GREISEN: Yeah.

MURMAN: Other proponents? Any opponents for LB178?

RON CUNNINGHAM: Good afternoon, Chairman Murman and fellow committee members. Ron Cunningham, R-o-n C-u-n-n-i-n-g-h-a-m, representing myself and I'm opposed to LB178. As you know, God is not mentioned in the constitution. There was a purpose behind that. Individuals can and should feel free to have their own religious beliefs. No one needs to know whether a student is an atheist, a theist, a deist, or an agnostic. The government's responsibility is to provide a means by which our youth can learn to think critically for themselves. LB178 is just another one of these promotional fears. Currently, far too many Nebraska leaders promote that. Examples are 30 by 30 land grab. That was strictly a scare and you guys know that. But it was effective in promoting scare. Another, the Second Amendment rights that was discussed. Our current Governor said they're going to grab your guns. Again, that was not true. Statements like that, however, promote anti-government sentiment. Voter ID, the Legislature has a difficult job of doing what voters have required coming up with photo ID legislation that solves a problem rather than creates more. The sad part is that there was and is no voter fraud in Nebraska. I think you know that, too. Citizens were sold the big lie. However, if our leaders would have told the truth, maybe we wouldn't have a constitutional amendment. Maybe our Legislature could have come up with cost-effective legislation that would have eliminated voter fraud. How can any-- Governor Pillen said he would eliminate all wasteful programs. How can anything be more wasteful than spending millions of dollars on voter fraud, a nonexistent problem, then maybe we should apply it to reducing property tax. The committee heard from proponents of LB575 express fear that trans girls are going to flood Nebraska girls sports to break records, and worse yet will be dressing in biological girls dressing rooms to watch them undress. The Lincoln Public Schools has a significant number of biological females competing in numerous sports. You know how many trans gender girls we have? Zero. Why then, would we promote fear of trans girls? We have leaders who are willing to give up on all trans youth when they have repeatedly said they won't give up on any child. Can I have just a minute more?

MURMAN: Sure, go ahead.

RON CUNNINGHAM: OK. Thank you. Why would they do that? Not one single child. And worse, some of the leaders don't-- won't even acknowledge that they exist. Promoting fear, though, enables power. There are many more. LB178 does nothing to educate our youth, but it does enable power. Consider this: whenever a child learns critical thinking, somewhere a conspiracy theory dies. A partial quote from James

Transcript Prepared by Clerk of the Legislature Transcribers Office

Education Committee March 6, 2023

Rough Draft

Madison: Knowledge will forever govern ignorance. The Education Committee, in particular, needs to assure that future leaders will govern through knowledge not through fear. Thank you.

MURMAN: OK. Any questions for Ron Cunningham? Thank you. Other opponents for LB178? Good afternoon.

COLBY COASH: Thank you, Chairman Murman, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Association of School Boards. We're here on a practical matter. We've been in on this bill before. And as I have testified in front of this committee before we look at this as a mandate, but we also would remind, remind the committee that school boards are allowed to do this as it sits now. And if a, a school board got together and decided they wanted to do that, they could, whether or not there would be lawsuits challenging that, that would yet to be seen but this is something that is already allowable to schools under the current law. So we would ask that you leave the current law as it is.

MURMAN: Any questions for Colby Coash? I've got one. You mentioned there could be a lawsuit if they do it now. If this bill would pass, do you think that would lessen the chances of a lawsuit or the lawsuit being successful?

COLBY COASH: The bill passing would increase the chances of a lawsuit, right?

MURMAN: OK. Against the state?

COLBY COASH: Against the-- well, I think, I think the district that did it would be enjoined. But then that this-- the lawsuit would be against the, the bill itself, right, and then the AG gets involved and has to defend the state about the bill. But the district who does it certainly would open itself up to, to a lawsuit. I think some of the other opponents will outline the reasons for that. And that's not our intent here. That's not our opposition. Our opposition is that this can happen now.

MURMAN: Even though the Legislature could pass a law or say they did pass a law making this, this law-- this bill-- pass this bill--

COLBY COASH: Yeah, this bill--

MURMAN: --would that-- would, would there still be the likelihood of a lawsuit against an individual school district?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

COLBY COASH: I think that likelihood is there. This bill has the word shall. Right? And I would say that there are districts across the state that wouldn't want to do this and some who may want to. But again, I think they can do that now.

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

COLBY COASH: Thanks.

MURMAN: Other opponents?

JACK GOULD: Senator Murman, members of the committee, my name is Jack Gould. I'm kind of pinch-hitting for a young lady who left here earlier, had another appointment. She plans to send you her testimony. Is that acceptable?

MURMAN: Oh, yeah. Go ahead.

JACK GOULD: Should she send it to you or to each member of the committee? She had a copy for everyone.

MURMAN: Yeah, send it to the, the committee would be great.

JACK GOULD: OK. I'll tell her to do that.

MURMAN: OK.

JACK GOULD: My name is Jack Gould. I mentioned that. I taught social studies in public school for 16 years, and I coached varsity football for 22 years, as a head coach 12 of those years. And during that time, I had a great deal of contact with all kinds of kids with all kinds of religious beliefs with all kinds of colors and creeds. And I got along with all of them. I have great respect for all of them, regardless of who they were or what their religious practices were. But I agree with what we have in the constitution. I mean, religious freedom is something that is to be valued and everyone should be allowed to worship whichever way they want. And to put that in a classroom saying "In God We Trust," you have to define who's we. Is that all of us? It isn't. There are a lot of those people who are going to be identified as those, and that will happen in the classroom. And so what we have to do is ensure the fact that we don't have that kind of exclusiveness. We want all our children to be caring about each other, to have respect for each other, and we don't want to put religion in the bargaining position in the classroom or on a football field. I-- as I say, I'm pinch-hitting. So that's my--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

MURMAN: OK. Any, any questions? Did, did you, did you spell your last name?

JACK GOULD: Oh, I'm sorry. It's G-o-u-l-d. Jack Gould, J-a-c-k.

MURMAN: OK. Thank you.

JACK GOULD: Yes. Any questions? None.

MURMAN: Thanks a lot.

JACK GOULD: Thank you.

MURMAN: Any other opponents? Anyone want to testify in the neutral position for LB178? Senator Erdman, you're welcome to close.

ERDMAN: Thank you, Senator Murman. So the gentleman said that God is not mentioned in the constitution, at the beginning it says: the Year of our Lord. I don't know if that is-- constitutes God, but I believe it does. He also said that "In God We Trust" is not in the constitution and I ever said it was. I never said it was in the constitution. It was put there by Congress and it was ratified twice since that. Two years ago when I introduced this bill, there were two supporters that came in and testified. One was an atheist and the other was a Muslim. And I-- it was more than that, it was, it was four years ago because I was on the committee and Senator Groene was the Chairman and Senator Groene asked the atheist why he would be in support of that and he said is it because you don't believe there is a God? And he said, yeah, that as well as I just don't trust him. And then he asked the Muslim about it, and the Muslim said-- he said you're in favor "In God We Trust?" He said, yeah, we have a God. He said you think it's your God, I think it's my God, I'm in favor of having it in the schools. Those were the two people that testified in favor. So the schools think it's a mandate. We send them mandates all the time. I don't believe it's a mandate. Not one school I don't believe has ever placed it in there because they're concerned about what may happen. And when I read the documents about what the Attorney General is supposed to do, it said one of the major duties of the Attorney General is provide professional legal representation in all civil proceedings on behalf of the state. So I think the, I think the Attorney General has the authority to represent us and defend us. And I do believe that if the schools knew that they had protection, they may do this. And consequently, we're not promoting any religion, we're putting up-- religion, we're putting up the national motto "In God We

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

Trust." That's, that's all we're doing. And so when the guy, the coach says I've, I've coached a lot of kids from different faiths and different backgrounds and I got along with them all, that's exactly the way it should be. So I don't know how having "In God We Trust" is going to divide us. What divides us is every day we focus on our differences than rather on our similarities. We're all Americans. And so I would ask you to advance this "In God We Trust" bill to the floor so we can become like the other states. Thank you.

MURMAN: Any questions for Senator Erdman? I have one. I think it was two years ago, you might have had the bill in here, and there was a devil worshiper came in as a opponent. And I think Senator Groene asked-- or it might-- I think it was two years ago, anyway, something like that. I was on the committee anyway, and the devil worshiper said, yeah, yeah, I, I believe there is a God, but I want everybody to worship me rather than the true God so--

ERDMAN: I remember that. Yeah, I do.

MURMAN: --even the devil worshiper was a believer.

ERDMAN: Yeah.

MURMAN: Thank you. Any other questions?

ERDMAN: Thank you. Thanks for your time.

MURMAN: That'll close-- or-- yeah, that'll close-- well, we got to read the-- online comments, there were 92 proponents, 52 opponents, and zero neutral. And that'll close the hearing on LB372 and we will open the hearing on LB372. Excuse me, close it on LB178, open it on LB372. And I will turn the committee over to the capable hands of Vice Chair Albrecht.

ALBRECHT: Senator Murman will be opening on LB372.

MURMAN: OK. It's still afternoon, Vice Chairman Albrecht and members of the Education Committee. My name is Dave Murman and I'm on this side of the desk to introduce LB372, which would change provisions to allow part-time enrollment in public schools for purposes of engaging in extracurricular activities. I brought this bill a few times and I think the importance of this legislation is becoming increasingly important. Think about the benefits of participation in a grade 7 to 12 sports team, a drama team, a band, a choir, or a speech or a debate team. Further, think about the benefits of participation,

participation in these activities. Numerous studies show that participation in extracurricular activities includes greater levels of academic achievement, increased positive character development, time management skills, increased self-esteem and resiliency to complete everyday tasks. I believe the most important piece of this is increased community involvement. This is especially prudent in a society that exhibits increasingly more antisocial and tribal attitudes. LB372 requires school districts to create policies and procedures to permit a student who is a resident of the school district to participate in such activities. Under LB372, school districts would tackle making policies that reflect grade or GPA requirements for participation. This is important because each school district has different requirements depending on the activity and who the governing body may be, may be for the competition. Each school that does not meet the accreditation or approval requirements would set its own standard for satisfactory academic performance for a student from the school to participate in extracurricular activities. Another item to address, parents who homeschool pay just as much in property taxes as the parents who choose to send their child to a private or public school. Allowing all children to access the benefits of these extracurricular activities is both the correct policy and the moral thing to do. I thank you for your work today, committee, and I'd welcome any questions.

ALBRECHT: Thank you, Senator Murman. Do we have any questions of the committee? Seeing none, thank you. We will take proponents of LB372. Proponents? Hi.

DAVID LOSTROH: Chairman Murman, members of the Education Committee, my name is David Lostroh, D-a-v-i-d L-o-s-t-r-o-h. I serve as board member and legislative coordinator for the Nebraska Christian Home Educators Association, the NCHEA, and we're a proponent of LB372. LB372 would first remove arbitrary course restrictions for part-time homeschool students. Second, it would remove the Nebras-- the Nebraska School Activities Association, the NSAA, mandated ten hours or two courses requirements for homeschool student participation in NSAA extracurricular activities. Third, it would recognize that homeschools set their own academic standards and will provide assurances of student compliance with school standards. And four, prohibit public schools from preferring full-time students in the selection of students for participation in extracurricular activities. Over the years, the NCHEA has received many phone calls from parents who want the options that would be provided by LB372. The NCHEA supports homeschool parents selecting these courses and activities from the

local public school that they believe would be helpful for their children. Homeschool parents have-- should have the ability to make these choices because they pay taxes to the public schools at the same rate as if their children were attending them full time and because Nebraska Constitution requires it. The removal of course restrictions is included because some Nebraska homeschool students have been limited to elective classes only, that is no core classes if they would desire to do so. And some have been open to all classes but limited to a maximum number of ten credit hours or two classes. The NSAA currently requires that exempt students, that is homeschools, must be enrolled in a minimum of ten credit hours of schoolwork in the member high school to represent a member high school in NSAA extracurricular activities. The NSAA Executive Director Jim Tenopir, at the 2017 LB7-- or LB58 hearing proposed shelving LB58 and its five-hour requirement because the NSAA would be changing the then 20-hour NSAA requirement to 10 at upcoming NSAA vote, which did pass, by the way. But an old loophole in the NSAA bylaws allows schools to exceed the ten-hour requirement in contradiction to the assurances made by Jim Tenopir at the, at the hearing. We felt we were misled. It didn't really solve the problems. There have been unfounded concerns in the past doubting the reliability of homeschool parents reporting home academic performance to the public school and establishing maintaining student eligibility requirements. Nebraska homeschool students have had their local school not accept credits from the community college that the homeschool students were receiving and had the local school require that they verify homeschool credits and transcripts. Many studies of home education over 38 years have demonstrated excellent results in academic, social skills, occupational success, civic mindedness, and so on. Colleges love homeschool students. Homeschools do not consider themselves to be inferior to other schools and nor do colleges. Thus, LB732 [SIC--LB372] requirement that homeschool set their own academic standards and provide assurance of, of student compliance with, with their school standards will remove this discrimination. I might add that this is the seventh bill since 2003 trying to rectify these situations as described there. So we'd like to get it fixed. We sure hope you can pass this out to the floor. Thank you.

ALBRECHT: Thank you for your testimony. Do you have any questions?
Senator Briese.

BRIESE: Thank you, Vice Chairman. Thank you for your testimony here today. Why was there ever established some minimum amount of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

coursework or hours required to participate in extracurricular activities?

DAVID LOSTROH: Well, after--

BRIESE: Do you know? If not, that's fine.

DAVID LOSTROH: Well, I'll, I'll say what I--

BRIESE: Sure.

DAVID LOSTROH: --what I know, not-- hopefully not more. But originally when homeschooling started, we were just wanting to have our homeschooled. And then some parents wanted to be able to do some of these things for the reasons I outlined here and some schools were happy to do it. And there had been no legislation talking about maybe requiring this until 2003. So 2003, Senator Philip Erdman proposed-- brought in a bill and made, made it such that the schools had to have a policy, but it was so vague that some policies didn't allow much at all. And so that's what the issue is and the things that I described here have been happening. So we keep hearing about it and hopefully we can take care of these issues described here this year.

BRIESE: But we don't really know why the NSAA requires X amount really?

DAVID LOSTROH: Well, the issue was they said you have to have-- my belief is that they wanted to know if the student could actually do some things. So if they took a certain number of hours-- initially it was 20 hours that the NSAA bylaws required. That's four classes. That's most of, of education occurring in a given semester. So the homeschooled was almost full time at the public school. And so this idea that homeschool students may not be capable, I think has gone by the wayside a long time ago. Colleges love homeschool students.

BRIESE: OK. Very good. Thanks for your testimony.

DAVID LOSTROH: Sure.

ALBRECHT: Any other questions? Senator Conrad.

CONRAD: Thank you so much, Vice Chair. Thank you so much for being here and bringing the, the issue back before the committee. It was interesting as I was preparing for debate on Senator Linehan's bill that was in our agenda today over the weekend and I was looking at

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

some of the statistics about education in Nebraska and, of course, no surprise to anybody, but we saw a real dramatic increase in the number of families choosing homeschooling in the pandemic and that have kind of remained on that path, on that choice for their families. And do you happen to know, and I, I had it in my files for the debate this morning, about how many kids are being homeschooled in Nebraska this year? It was, I think, about north of 11,000 kids or something like that.

DAVID LOSTROH: Yeah, it's-- I think it peaked out. It dropped down a little bit since-- it dropped down a little but, I think, peaked out somewhere in the neighborhood of 14,500.

CONRAD: OK.

DAVID LOSTROH: And it's down some after that. Some of the parents wanted to go back to public school or whatever they were doing, but it's still essentially rising.

CONRAD: Thank you for-- thank you so much.

DAVID LOSTROH: Sure.

CONRAD: Thank you.

ALBRECHT: Appreciate you being here. Thanks for your time and your testimony.

DAVID LOSTROH: OK. Thanks.

ALBRECHT: Do we have any other proponents? Any other proponents? Seeing none, any opponents wishing to speak? Hi.

JAY BELLAR: Hi. Thank you, Senator Albrecht and members of the Education Committee for the opportunity to be here today. My name is Jay Bellar, J-a-y B-e-l-l-a-r, and I am the executive director of the Nebraska School Activities Association. I appeared before the committee on behalf of the NSAA, the NCSA, NASB, NRCSA, and STANCE in opposition to LB372. And particularly the portion of the bill that reads in part: shall not require any student participating in extracurricular activities pursuant to such subsection be enrolled in any credit hours offered by the school district in any semester. We are a voluntary organization of public, private, and parochial schools in Nebraska. We exist to provide procedures to enable schools to promote and govern interscholastic activities for students

effectively, economically, fairly, and keeping those activities in proper perspective educationally-- or excuse me, yes, educationally. The contents of the NSAA constitution bylaw have been proposed and approved by the NSAA member schools. The member schools of the NSAA set the standards under which they wish to be governed for activity purposes. It is based on those member schools established guidelines that I testify here today. We believe the following to be true: The NSAA is an organization of member schools. We believe in education-based activities. We feel that attending a school for at least ten credit hours ties it to, to the school not only for activities, but academically as well. Administrators, teachers, coaches wish to know the students they are responsible for, for more than just a player on the field or the court or the stage. Being part of the classroom, the band, the PE, or the science program affords the coach or sponsor the opportunity to really know the participants in another way. We continue to say and believe that we are the other half of education. High school activities remain secondary to academics. Our activities are a privilege, not a right. From what you do from four to eight is a reward from what you do from eight to four. The NSAA did adopt the minimum credit hours standard through its legislative process, 20 credit hours per instruction for our regular student kids, exempt or homeschool students from an authorized Rule 13 school must be continuously enrolled for a minimum of ten credit hours, which is at most schools, two class periods a day. The concern that our membership has is how do we ensure the student participants are truly representing the academic mission of their school if they're not enrolled at that school at all? We have spent much time trying to create level playing field for students. Big school, small schools, public, private, urban, rural, this bill, bill could cast many questions on cause and effect to all. NSAA will continue to be an advocate for every child, regardless of public, private, parochial, or homeschool. We know that everyone here today wants what's truly best for their children. So do we. We believe in local control for our school districts and that people will make choices to do what is best for them. If the Education Committee wishes me to reach out to schools for more information, I sure can. But otherwise, Senators, thank you for what you do for the state of Nebraska and, and this time that I had to speak with you.

ALBRECHT: Thank you,--

JAY BELLAR: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

ALBRECHT: --Mr. Bellar. Hold on. Do we have many questions? I guess I have a quick one.

JAY BELLAR: OK.

ALBRECHT: So you, you just said to be an advocate for all students you want to be able to allow them to, to do what they need to do. But don't you believe that they, they too pay taxes to our schools--

JAY BELLAR: I, I sure do.

ALBRECHT: --even though their children don't go there? But-- so do you have-- I mean--

JAY BELLAR: I think--

ALBRECHT: --do you have some examples of, of how children have come to play sports or be in a band or in music or theater?

JAY BELLAR: You know, I know, I know we have homeschool kids in our school participate and I know they do well. But the message I'm getting from my schools are is it's, it's more than just the academics that they want to be able to speak for these kids, that they have to be responsible for when they're on the court or the stage or anything else. It's are they in school every day? Are, are, are they good to other kids, other teachers? Are they respectful? There's, there's more to being academically eligible than just grades. And so if we never see these kids that I think that that's where they're coming from. They want, they want to know them in a different light of just an athlete or a, a play production person or speech kid.

ALBRECHT: Thank you. Seeing no other questions,--

JAY BELLAR: Thank you.

ALBRECHT: --next opponent. Is there any other opponents? Seeing none, anyone in the neutral capacity? Seeing none, any letters? We have 24 proponents, no opponents, and no one in neutral. So, Senator Murman, you're welcome to close.

MURMAN: Well, thank you very much for your attention. The important thing is what's best for the student. And, you know, I guess there's-- can be a difference of opinion on that. But, you know, we talked about how beneficial extracurricular activities are for the student. I'd question, you know, whether or not the student has to be in the school

for a certain amount of time to determine that because at the start of any-- of high school or middle school or any year there'll be new students in the school, they can participate in extracurricular activities right away. And they don't have a track record necessarily of school attendance or academics or anything like that. So, you know, and when we're talking about sports, the coach, you know, should be able to determine during practice, you know, if a student is a discipline problem or a homeschool student, I should say, is a discipline problem. You know, so that'd be up to the coach. And same way in some of the other extracurricular activities we're talking about, too, whoever the teacher that oversees the activity should be able to fairly quickly determine if the homeschool student is, is good enough to be on the debate team or whatever activity we're talking about. And I'm going back to sports, I just want to give an example that I've got back home. There's a homeschool basketball team that I think could beat probably about any team in the state, to be honest with you. So they have the opportunity to participate in basketball. It's really difficult to them-- for them because they have to travel further distances, difficult to practice, and all that. But football is the big thing in, in sports. I get emails from kids that would like to participate in, in football, you know, a bigger team activity that don't have that opportunity with homeschoolers. So-- and, of course, they all pay their taxes, as I mentioned, just like everybody else. So with that, I guess I'll take any questions any-- anybody might have.

ALBRECHT: Any questions from the committee? I guess I have one quick one.

MURMAN: Yeah.

ALBRECHT: So NSAA has their own guidelines, so if we were to pass this, would the children have to go to school for ten hours to be actively engaging in extracurricular activities?

MURMAN: I believe the way the bill's written is that they wouldn't have to attend at all to participate in extracurricular activities.

ALBRECHT: OK. Thank you.

MURMAN: So, of course, we can always amend it to, to just one class or whatever, but I should know what my own bill says but, but I think it's no classes, so.

ALBRECHT: OK.

MURMAN: But the way it is ten hours is very difficult for a homeschooler to attend that much and because the classes they want to attend may not be back to back, they may not be at the end of the day, you know, they have to travel back and forth to the school, they have to be transported by their parents or someone else if they can't walk several times a day just to, to be able, be able to participate.

ALBRECHT: Thank you very much. And that will end our LB372 from Senator Murman. Thank you.

MURMAN: Thank you.

ALBRECHT: I'll turn it back to Senator Murman.

MURMAN: OK, that'll-- we'll open the hearing on LB638. Senator Albrecht again.

ALBRECHT: OK, here we go. OK. Good aft-- good evening-- is it evening yet-- close enough-- yes-- Senator Murman and members of the Education Committee. For the record, my name is Joni Albrecht, J-o-n-i A-l-b-r-e-c-h-t, and I represent District 17 in northeast Nebraska, which includes Dakota, Thurston, Wayne, and a portion of Dixon Counties. Today, I'm bringing LB3-- oops, LB638, sorry, LB638, the adoption of the K-12 Cybersecurity and Data Protection Act. This bill does the following. First, cyber attacks and data breaches have become commonplace and are a serious threat to every person and organization that has access to the Internet. Schools and ESUs are not only, are not only, are not only exempt from malicious cyber attacks, they are increasingly being targeted by domestic and international criminals due to the vast amount of privileged information schools must steward. Second, insurance companies will no longer insure school districts or ESUs unless they meet strict data-- detailed criteria and have a comprehensive plan in place. Even when a school or ESU meets an insurance company's list of requirements, the covered amounts are not limitless. Besides being fiscally costly and a cybersecurity break has the potential to disclose personal and student data that can damage credit or-- and reputations for years in the future. Often, in the case of a student, this breach may not be noticed for years into the future. Instituting these cybersecurity measures requires resources and oversight and with the right support, Nebraska's ESUs are the perfect entity to deliver this much needed help. Currently, our schools are exposed to an unprecedented level of financial risk and operational disruption due to cybersecurity defects. LB638 is comprehensive. It addresses prevention, mitigation, response, and

recovery related to cybersecurity and data protection. It is essential that we pass a law that precludes malicious activity from bad actors online who prey on vulnerable networks and systems. LB638 ensures the safety of our school districts by empowering ESUs and helping them to identify, prevent, and preclude malicious actors online. LB638 includes provisions for the protection of personal data, the prevention of cyber crime, and includes language that clearly defines responsibilities in protecting private data and responding to cyber threats. The proposed law will ensure that schools and ESUs are accountable for their security practices and that student information, as well as other critical information, is adequately protected against cyber threats. Nebraska schools and ESUs should ensure that regular security audits are performed. This includes the adoption of encryption standards, the two-- the use of two-factor authen-- authentic-- yeah, yeah, to be authentic, right, and to implement cybersecurity policies. Schools and ESUs also need resources to be able to respond promptly to any cyber threats they experience. Finally, LB638 will include the ability to investigate cyber crimes and to reestablish business as usual, limiting downtime and disruptions to operations when cyber attacks occur. I'll try to do, do my best to answer any questions that you might have, but we'll have a few people behind me to testify as well.

MURMAN: Thank you. Any questions for Senator Albrecht right now? Thank you very much.

ALBRECHT: Thank you.

MURMAN: Proponents for LB3-- LB638?

MARILYN ASHER: Hello again. My name is Marilyn Asher, M-a-r-i-l-y-n A-s-h-e-r, and I am representing the Nebraskans for Founders' Values. Because I just testified on the content of databases in Nebraska K-12 schools, I want to say that we need LB638 because schools and their libraries and technology centers are subject to danger. Cybersecurity may be expensive, but is more expensive to undo damage that is done, such as the harm that five Iowa school districts recently experienced through cyber attacks. Student, teacher, and parent information is at risk and is being stolen and sold. Information could range from grades, bullying reports, and Social Security numbers, to name a few. Then there are the costs of replacing computer hardware, IT support, and making up lost school days. Schools already have their hands full dealing with the issues that were discussed in LB635. We owe it to the schools to assure them the protection of cybersecurity. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

MURMAN: Thank you. Any questions for Marilyn Asher?

MARILYN ASHER: Thank you.

MURMAN: Thank you very much. Other proponents for LB638?

BJ PETERS: Thank you. Good afternoon-- or I guess it's almost-- it's, it's afternoon where I come from. Senator Murman, members of the Education Committee, I'm BJ Peters, B-J P-e-t-e-r-s. I'm here to support LB638. I wear a couple of hats today. I'm the IT director for ESU 13 in Scottsbluff, but I'm also in my 19th year as a Gering School Board member. It was exactly two years ago that staff at Gering schools walked in on a Wednesday morning and found their entire computer network destroyed. They were a victim of a cybersecurity breach. Every computing device connected to the network was infected, rendered unusable. That included the phone system and a copier and printer. And by the way, my wife lost 30 years of teaching materials, as well as most of the other staff. That's a conversation we won't talk about that I had at the kitchen table, but it wasn't the kind of phone call a school board president likes to get from his interim superintendent. We contacted our insurance carrier, got a hold of a cybersecurity firm, and when we got the \$1 million ransom request, we decided to say I don't think so, that we did not want to pay a ransom because there was no guarantee that they were going to give us the correct code to unlock all of those files. I can still tell you, though, it took over \$100,000 to repair that Gering network and get all staff and student devices up to date. Gering, though, failed to implement a number of security measures that could probably have prevented this, this intrusion. The biggest not having a secure off-site backup system. That leads me to LB638. This bill will create a system that will help school districts across the state that don't have that staff and that expertise to protect their networks and all that personal information that's stored there. Our school districts trust the ESUs at this time and the services they provide. But unfortunately, most of us don't have the staff in place to adequately do the research and the background to, to give us that quality cybersecurity. So LB638 is going to provide that structure and the resource to do that to help our staff and students across the state and this team will be able to help develop a set of best practices that those of us on the front lines can help our districts implement. As Senator Albrecht said, this is a, a significant trend in education right now. These bad actors are posing out to our state students, our employees, and our mission. They cause great personal and organizational harm and interrupt our essential day-to-day operations

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

and activities. So I ask for your support of LB638 and the two smart guys behind me are going to answer all of your questions.

MURMAN: Thank you. Any questions?

BJ PETERS: Thank you very much.

MURMAN: Thank you. Other proponents?

BILL PULTE: Good evening. I want to thank the Education Committee for the opportunity to discuss this important topic. My name is Bill Pulte, B-i-l-l P-u-l-t-e, and I'm the chief information officer for Educational Service Unit 3 in La Vista, Nebraska. ESU 3 supports and assists 18 school districts serving 85,000 students in a four-county region. I come in support of LB638 and encourage the Education Committee to adopt the Nebraska K-12 Cybersecurity and Data Protection Act. I commend Senator Albrecht for bringing the legislation and agree with all the points she brought up in her opening statement. I want to use a personal experience to expound on the needs in the state of Nebraska. I've worked in K-12 technology since 1999, with the exception of one year in 2018, where I took a position as a solutions engineer for a company out of South Dakota. In that role, it was my job to meet with IT directors from Nebraska, Iowa, and South Dakota. And what I found is that the worries I had as a IT director were the same worries that everyone else had, but many were afraid to vocalize. When I accepted my role with the ESU, I made it a goal to provide services to our districts focused on cybersecurity. And over the course of the past five years, ESU has partnered with Homeland Security for weekly network scans, installed a new backup solution for our districts, created a VDI workspace, hired a cybersecurity officer, created efforts around group purchasing for multifactor authentication and cybersecurity trainings, and several other day-to-day items. I have asked my team to do this work inside of the busy schedules they already maintained and a budget that was already stretched thin. As a team, we made tough decisions. For instance, when I had a data support manager leave last year, we did not replace that position, but instead spread that work out over the other teams and hired a cybersecurity officer. This position has been invaluable over the past 12 months as we have worked to build a cybersecurity rubric, incident response guide, and tabletop exercises. Last Tuesday, we hosted all 18 of our districts, three districts from outside of our area, three private schools, and three other ESU cybersecur-- for a cybersecurity workshop. During this event, districts self-evaluated their current cybersecurity posture, and then we asked them to rank the most

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

important to least important based on efficacy. I have summarized that data for each of you and provided it with my testimony. LB638 will allow for this similar data collection through the ESU Coordinating Council each year, which will allow us to be proactive in our approach. I believe that the ESU 3 journey over the past five years highlights the need for LB638. As a state, we need to guarantee that this work is being done for all our districts to protect our technology investment and our students and staff data. I was happy to see a fiscal note added for LB638 last week. Many of our districts have used grant funds to launch some of these initiatives, but this is not sustainable. LB651 could become a funding source for school districts, but because of how many entities it covers I worry that these funds will become diluted very quickly. I would like to thank you for your time and consideration of this matter and I'd be happy to answer any questions.

MURMAN: Any questions? Thank you for your testimony.

BILL PULTE: Thank you.

MURMAN: Other proponents?

COLBY COASH: Good afternoon again, Senator Murman, members of the Education Committee. I'm Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Association of School Boards, also here on behalf of the school administrators. And I'm just here to share with the committee that this is a problem, that these cyber attacks are more frequent, they're more intense, and schools are targeted because they have data that is very valuable to these hackers. If you can grab some data from a third grader who hasn't taken out a credit card, taken out a loan, doesn't have a credit history, and you can get their name and information that's a valuable thing, too. So schools have become an increasing-- more of an increased target as of late. I think you heard from-- obviously from the Gering School Board, that was expensive and it was disruptive to that, to that district. And so we look at LB638 as a step in the right direction to try to address this. Districts are well-- very used to working with their partners at the ESUs to address issues related to technology so this is a good partnership for them. And we thank Senator Albrecht for bringing this bill.

MURMAN: Any questions for Colby Coash? OK. Thank you.

COLBY COASH: You bet.

MURMAN: Any other proponents for LB638? Good evening.

DANA TURNER: Good evening. My name is Dana Turner, D-a-n-a T-u-r-n-e-r, and I've been a part of the information technology community here in Nebraska for over 35 years. My current role is as the chief information security officer for Union Bank and Trust here in Lincoln. I only offer that as some type of evidence that I might know a little bit about cybersecurity. I'm going to go a little bit off my script as for what's been presented to each one of you. This isn't a new problem. This is something that we've been facing for a very long time. And throughout my career, I've had the opportunity to be involved with various organizations that have dealt with the educational sector here in Nebraska. This has allowed me to witness the disparity of the information technology resources and practices of many Educational Service Units and districts as it pertains to information security. That being said, it is my opinion that the current situation in the K-12 system is in dire need of help as it pertains to cybersecurity. Currently, there are varying degrees of cyber maturity throughout with no clear lines of enforcement or of cyber policies or procedures. As I see it, LB638 is a good start to give much needed direction and put in place a framework that will hopefully allow for the connection of the best and the brightest that are employed at the more cyber mature ESUs with those who do not have access to the same resources. One, to place protection requirements that are commonplace for most public and private entities on information systems in the K-12 school systems, and to put in place validation and enforcement mechanisms to ensure that the confidentiality, integrity, and availability of data is maintained. In closing, I'd like to thank Senator Albrecht for bringing this bill forward to be discussed. In my opinion, it is well overdue. Thank you.

MURMAN: Thank you. Any questions for Dana Turner?

CONRAD: Thank you.

MURMAN: Any other proponents for LB638? No, no opponents. Any-- no proponents. Any opponents for LB638? Anyone in the neutral position? Good evening.

KIRK LANGER: I wish to express my appreciation to the members of the Education Committee for this opportunity to address K-12 information security and data privacy issues in relation to LB638. My name is Kirk Langer, K-i-r-k L-a-n-g-e-r. I'm testifying today in my role as the chief technology officer for the Lincoln Public Schools. I wish to add

that I am also the legislative liaison for the Nebraska Association of Technology Administrators, or NATA, a member of the Network Nebraska Advisory Group, chair of the NITC Technical Panel, and an NITC commissioner representing K-12. These varied perspectives influence my comments today. LB638 identifies a clear need to respond to the real and persistent cybersecurity, cybersecurity threat facing K-12 schools. Atlas VPN, a leading VPN provider, indicated in August '22 that, quote, the education sector is now the most targeted industry for cyberattacks, contributing to more than 80 percent of malware attacks in July of 2022. End quote. As we approach 30 years since landmark legislation called for ESUs to provide access to the Internet, we now confront threats associated with that access. Responding to a catastrophic fire in 2011, Lincoln Public Schools leveraged relationships that I had established as a member of the NITC Technical Panel. The team I led executed a disaster recovery plan that transformed the district from data backups to a state of being back up in a fraction of the time it would have taken without assistance. This assistance was there because of the work of Network Nebraska and the NITC. Nearly 12 years later, Lincoln Public Schools has independently established an information security and data privacy program based upon the Center for Internet Security framework of controls. Such a framework is, in my experience, what informs cybersecurity prevention, mitigation, response, recovery, training, and the development of an information security culture that recognizes an organizational response is only as effective as the individuals that make it up. The lack of a direct call for the adoption of a framework for information security controls in LB638 is an oversight that might be addressed through a revision process. Such a revision process might also recognize that the larger school districts in the state, such as the 19 NATA school districts, have undertaken information security work aligned with the tenets of LB638. And at this point, those efforts are throttled only by resource constraints rather than any form of regulatory oversight. LB638 needs to recognize the information technology, operational, and data sovereignty of districts who have committed to the continuous improvement of their cybersecurity programs and provide for them the ability to act in partnership with ESUs while independently reporting their efforts. Without these revisions, we cannot fully endorse the bill, but we do support Senator Albrecht's intent. Any call to action identifies a necessary condition like the current cybersecurity threat landscape and it must, correspondingly, provide the sufficient condition in the way of sustainable fiscal resources. Lincoln Public Schools annually spends nearly \$23 per student for its information security program and there

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

are identified needs that remain unmet. A clear will to act is insufficient without the capacity to act. And while ESUs can support schools with technical expertise, personnel costs account for just 22 percent of Lincoln Public Schools spend on cybersecurity. Schools throughout the state will need greater fiscal support to comply with the tenets of LB638. Absent that support, I fear LB638 will put ESUs in the position of noting deficiencies schools can't afford to address. Finally, and in conclusion, all public K-12 school districts except for one utilize Network Nebraska for access to the Internet and commodity peering via Internet 2. Sharing this network allows some cybersecurity issues such as distributed denial-of-service attacks to be addressed in a much more efficient and cost-effective manner than ESUs or school districts addressing them on their own. I would encourage LB638 be revised to include language recognizing a K-12 statewide cybersecurity governance structure that leverages existing ESU, NATA, and NITC efforts. It is widely agreed the substance of best practice for K-12 Nebraska statewide IT efforts is based on the collaborative effort-- the collaborative work of these groups. I'd be happy to answer any questions you might have.

MURMAN: Thank you. Any questions for Kirk Langer? Senator Briese.

BRIESE: Thank you, Chairman Murman. Thank for your testimony. You say that LPS spends roughly \$23 per student on their information security program with some unmet needs still out there. If you meet all the needs that you envision here, how much you going to spend roughly per student? Ballpark guess on that.

KIRK LANGER: I would say that's an excellent question, Senator. By our current estimates, we are probably leaving between \$7 and \$10 worth of spending per student per, per year that we have identified needs that would-- we think would be in-- not only in alignment with LB638, but also in a sense are called for in LB638.

BRIESE: Sure. Because you're talking maybe \$30, \$30 per student, roughly.

KIRK LANGER: Correct.

BRIESE: Would that be a representative cost across the state, across all school districts do you think?

KIRK LANGER: There are efficiencies of scale, certainly, that, that we enjoy at Lincoln Public Schools. And I think with that in mind, it

would be hard for me to call out specifically what the spend would be per school district. Obviously, I think from a personnel perspective, trying to find information security experts is difficult and it is costly. I think that's where ESUs can provide a very important service in helping to provide the type of configuration and ongoing support that's needed to provide for an information security infrastructure. That said, there are a lot of, there are a lot of costs also that are lumped into licensing of software and hardware expenditures in the way of capital expenditures and ongoing maintenance. So ultimately, I think we have an opportunity with this, with this bill. But I think there needs to be the effort-- there needs to be an ancillary opportunity or a subsequent opportunity that allows large school districts to work through this on their own as well.

BRIESE: Thank you.

MURMAN: Any other questions? Thanks a lot. Any other neutral testifiers? If not, Senator Albrecht, you're welcome to close. While she's coming up, 57 proponents online, one opponent, one neutral.

ALBRECHT: Well, database day in the Education Committee. Thank you all for listening. Thank you for the testifiers behind me. I will say that this could develop into an LR. And the reason I say that is because I don't know and I can't say for sure that this is going to take care of all of the schools across the state. And if, in fact, when you have insurance companies saying that they're not going to cover you, you know, they need to tell us why and what do we need to do as a state to cover and help our, our schools out. Very surprised to hear the gentleman from Gering come and testify that they had an issue with this. I was told that there really isn't that-- really-- there really isn't a major issue out there, but we should probably get ready. But I do know that we hear it from counties, we hear it from, you know, obviously now schools. I mean, there's, there's things going on in the data world that we all don't quite understand. But-- and the fiscal note on this, you know, I have to wrap my head around, are we just talking the one ESU from ESU 3 or are we talking all ESUs should be able to be covered with that amount? Knowing what the last gentleman said from LPS, it's going to probably be more. So with that said, I've got a few more questions for myself to get answered before I would ask for this to be considered and looked at. I know that's usually not the way it goes, usually you look for all your questions and then go to the Exec Committee and ask us-- or, or during our Exec in Education and find out if we can get it passed. But I, too, have a few questions myself before I could wrap my head around this particular bill the way

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 6, 2023
Rough Draft

it's written. So any questions I'd be happy to take. What I heard today was not what I had expected, so. That's it.

MURMAN: OK. Any other questions? If not, that will close the hearing on LB638 and for the day.

ALBRECHT: Thank you.