

Transcript Prepared by Clerk of the Legislature Transcribers Office

Education Committee February 27, 2024

Rough Draft

**MURMAN:** Welcome to the Education Committee. I'm Senator Dave Murman from Glenvil. I represent 38th Legislative District. I serve as Chair of the committee. The committee will take up the bills in the order posted. This public hearing today is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it's your turn to come forward to testify, give your testifier sheet to the page or to the committee clerk. If you would like to have your position known but not testify, at the front-- at the front desk, there is a yellow sheet next to the green sheets where you can state your name and position for the permanent record. When you come up to testify, please speak clearly into the microphone, tell us your name, and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by the opponents of the bill-- or, excuse me-- the proponents of the bill, then the opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We'll be using a three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is just part of the process, as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing: if you have handouts or copies of your testimony, please bring up at least 11 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may cause for you to be asked to leave the hearing. Finally, committee procedures for all committees states that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). You may submit a written a letter for the record or testify in person at the hearing, not both. Written position letters will be included in the offici-- official hearing record, but only those testifying in person before the committee will be included on the committee statement. I

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will no-- now have the committee members with us today introduce themselves, starting on my right.

**SANDERS:** Good afternoon. I'm Rita Sanders, representing District 45: Bellevue-Offutt community.

**ALBRECHT:** Hi. I'm Joni Albrecht, District 17: northeast Nebraska.

**WALZ:** Lynne Walz, Legislative District 15.

**WAYNE:** Justin Wayne, Legislative District 3-- 13.

**MEYER:** Fred Meyer, District 41.

**MURMAN:** Also assist in the committee today: to my right is our legal counsel, John Duggar; and to my far right is our committee clerk, Shelley Schwarz. Our pages for the committee today are Isabel Kolb and Shriya Raghuvanshi, and I will have them stand up and tell us what they're studying.

**ISABEL KOLB:** I'm Isabel. I'm a junior and political science major at UNL.

**SHRIYA RAGHUVANSHI:** And I'm Shriya and I'm a senior and political science major at UNL.

**MURMAN:** And with that, we will begin today's process with a gubernatorial appointment if we can get Jeffrey Nellhaus on the phone. And he is an appointee for the Nebraska Technical Advisory Committee for Statewide Assessment. And if we can't get him, we'll go on to the next appointee.

**SANDERS:** Got a great resume.

**MURMAN:** And I think while we're trying to get him, we'll go on to-- it's an appointee for-- it's Courtney Wittstruck, and she is an appointee for the Nebraska Education-- Nebraska Education Telecommunications Commission. Welcome, Courtney.

**COURTNEY WITTSTRUCK:** Thank you, Senator. My name is Courtney Wittstruck, C-o-u-r-t-n-e-y W-i-t-t-s-t-r-u-c-k. Good afternoon and-- oh, sorry. And I appreciate your consideration for this appointment. I haven't done many of these, but I grew up just-- I guess southwest is this way-- southwest of Lincoln in rural Lancaster County on a farm, but obviously had a lot going on with Lincoln being so close. So I

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graduated from Lincoln Southeast High School. There was no Southwest High School at that time. I mean, I know you guys thought I was much younger, but-- I would have probably gone to Southwest. It would have been much closer to my parents' house. But I ended up graduating from Southeast. Went to Clemson University for my undergrad. Got my MBA from the Citadel, also in South Carolina. And then got my law degree from Charleston School of Law in Charleston, South Carolina while I was-- both of those, I was working full time. So I was going in the evening to those. Worked a little bit in Germany. I've spent almost 20 years working for manufacturers, most-- mostly German manufacturers. I spent some time in Germany as well. Some of the companies I've worked for are Mercedes-Benz in the, in the vans division. So not the cool sports car, but they're really sturdy commercial vans, which kind of fits my personality. But also Robert Bosch Corporation, the automotive supplier, and then, most recently, Continental Tire and Rubber. It's-- it was previously the Goodyear factory in Lincoln, Continental. The German company bought it, and I was plant manager there immediately prior to taking this role. So I'm looking forward to any questions that you may have as far as anything relating to the commission. Is there any more in advance that--

**MURMAN:** Any questions for Ms. Wittstruck? Yes, Senator Albrecht.

**ALBRECHT:** Thank you, Chair Murman. And thank you for being here today and for even saying yes to an appointment. That's very nice. What is the Nebraska Educational Telecommunications Commission? What do they do?

**COURTNEY WITTSTRUCK:** OK. So I was previously on the commission just as a fill-in for the remainder of Greg Adams' term. But they have some statutory requirements and then they just have some regular, you know, generally stated requirements. But it was created back in the '60s so that it can promote and provide noncommercial education telecommunication through Nebraska via broadcast. It started with television. Obviously, television has now been expanded to other forms of media. And it is a, a cooperation with the University of Nebraska. And so there are spots on the commission that are reserved for educational institutions. Uni-- University of Nebraska has one spot. Community colleges has one spot, state colleges has one. And I believe right now the private college rep is from Wesleyan, so private colleges have a rep as well. And again, this is just for the NETC portion of Nebraska Public Media. So that's a separate commission. It's not the Nebraska Public Media board as a whole.

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**ALBRECHT:** OK. How often do you meet?

**COURTNEY WITTSTRUCK:** So quarterly-- however, I will say when-- there was a period when my temporary appointment had expired and hadn't been approved yet. So I couldn't go and meet and I wasn't allowed to, to be on the commission at that point. So then I've picked up going to the meetings again once that appointment was approved.

**ALBRECHT:** And one more question. Do they have a budget?

**COURTNEY WITTSTRUCK:** They do.

**ALBRECHT:** How much is it?

**COURTNEY WITTSTRUCK:** That I don't know off the top of my head.

**ALBRECHT:** OK. That's OK.

**COURTNEY WITTSTRUCK:** It is publicly available, though, and it's available on the open meetings minutes.

**ALBRECHT:** OK. Perfect. Those are my questions. Thanks for being here.

**MURMAN:** Senator Meyer.

**MEYER:** So it-- is the-- is this appointment more policy driven or administrative?

**COURTNEY WITTSTRUCK:** So I would say it's-- well, first of all, it's in statute that a member of the community colleges is on the NETC Commission. So it just-- it's, I would say, more direction driven. So we go through some of the major issues facing the commission. We do go through the budget and look at, look at the operational portion of it. But generally, we try to leave the operational portion to the operations folks. And we provide the oversight and direction. And again, I'm saying this after having been pretty new with the commission. So I don't have a long period of, of time with them.

**MEYER:** So it's mostly policy driven, you would say.

**COURTNEY WITTSTRUCK:** Yeah. I would say policy and providing direction and, and oversight, just like a, a board would do, I guess. Not getting too much into the weeds of the operation.

**MEYER:** Thank you.

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**MURMAN:** Any other questions? I have one that's not policy related at all.

**COURTNEY WITTSTRUCK:** Oh, thank goodness.

**MURMAN:** What kind of work ethic did-- do you bring from the dairy farm?

**COURTNEY WITTSTRUCK:** Well-- so I have to say, the dairy farm was when my dad and uncle and aunt were kids. When my-- when they all went off to college, the-- they couldn't maintain the dairy farm because of the, you know, constant milking. So they sold off the herd and got beef cattle. Now, that being said, I grew up as the oldest grandchild on the-- with beef cattle, which meant I was the one in the barn trying to push the cattle through the chute and make sure I don't get kicked or get anything else on me. So--

**MURMAN:** I totally understand.

**COURTNEY WITTSTRUCK:** Yeah. So because I was the oldest grandchild-- but my uncle, Mark-- who you know-- he-- since he was younger than my dad, my dad and grandpa got the good jobs on the front end, and my uncle, Mark, and I got the bad jobs on the back end, if that makes sense. So he and I would be stuck in the, in the barn with those jobs.

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

**COURTNEY WITTSTRUCK:** Thanks, everyone. Appreciate all you do.

**MURMAN:** Did we get--

**SANDERS:** Is he on the line?

**MURMAN:** --Mr. Nell-- Jeffrey Nellhaus? And he is an appointee for the Nebraska Technical Advisory Committee for Statewide Assessment. Mr. Nellhaus, are you there? In emails, Courtney had 1 proponent, 0 opponents, 0 neutral. OK. We'll go to Patricia Kircher. And she is an appointee for the Nebraska Education Telecommunications Commission also.

**PATRICIA KIRCHER:** Good afternoon.

**MURMAN:** Welcome.

**PATRICIA KIRCHER:** Thanks for having me. And you need me to spell my name, correct? Patricia, P-a-t-r-i-c-i-a; Kircher, K-i-r-c-h-e-r. And this is my third full appointment to the commission. I did fulfill half of somebody else's, a prior commissioner's appointment. So I think we're going out about ten years, so-- as part of the commission. And I am not a native Nebraska. I am-- moved here from New York City 22 years ago. My husband took a job with ConAgra foods. And Nebraska pub-- coming out of New York, public media is a very important function in New York for arts and education. When I came here, I realized that it was a very unique situation in that Nebraska is one of the very few states that has a full statewide network versus any-- many other states. I've also had the privilege of going a few times to the national convention and found out just what a gem we have here and how important it is to the state of Nebraska for civics, education, the arts, public safety, most importantly now, so. I, I used it a lot when I first got here because I didn't even know where Nebraska was when I moved here. So I watched a lot of programming, and that's how I got a great love for it. My husband was president of the ConAgra Foods Foundation, so we did a lot of charity and community work, which is how I became involved with NET and was originally appointed by Governor Heineman.

**MURMAN:** Thank you. Any questions for Patricia? If not, I guess the previous appointee got all the questions.

**PATRICIA KIRCHER:** I guess so.

**CONRAD:** Thank you, Patricia.

**MURMAN:** But thanks a lot for--

**CONRAD:** Thank you.

**PATRICIA KIRCHER:** Yes. It's a, it's a privilege. It's a privilege. And I, I hope-- it, it's-- this is such a great institution for this state, so. It's my honor to serve.

**ALBRECHT:** Thank you.

**MURMAN:** Thank you very much.

**SANDERS:** Thank you.

**PATRICIA KIRCHER:** Am I good?

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**MURMAN:** Yep.

**SANDERS:** Thank you.

**MURMAN:** Thank you.

**PATRICIA KIRCHER:** Thank you.

**MURMAN:** Are the other two by phone, both of them or--

**SHELLEY SCHWARZ:** Yes.

**MURMAN:** Oh. Can we get either one of them?

**SHELLEY SCHWARZ:** Mr. Nellhaus? Can we use the speakerphone and do it that way? We're having trouble with our technical part here. Yes. Just-- can I-- OK. Let me put it on speaker and we'll see if that works. OK. OK. I've got you on speakerphone.

**MURMAN:** Hello, Mr. Nellhaus?

**JEFFREY NELLHAUS:** Yes, hi.

**MURMAN:** Hi. Hey. It works.

**JEFFREY NELLHAUS:** Yeah.

**MURMAN:** This is Chair Dave Murman, Chair of the Education Committee. And we would like to talk to you a little bit about being an appointee for the Nebraska Tele-- Technical Advisory Committee for Statewide Assessment. So if you can just tell us a little bit about yourself, that'd be great.

**JEFFREY NELLHAUS:** OK. Well, thank you for inviting me to this. And I've been serving on the technical advisory committee for Nebraska for-- state assessment program for a number of years now. And I'm very pleased they want to continue to have me join them in that. Just as a matter of background-- you know, I have a pretty long-- I'm 75 years old now, so I've been around. I've done a lot of different things. So I'll just summarize-- summar-- summarize very quickly some of the more apropos experiences that I have. First of all, I currently work with a consulting group called the Assessment Solutions Group, ASG, and we primarily work with state departments of education to help them design their testing programs, procure contract assistance to get the programs, and, you know, other facets of the-- of their testing

programs. We help with them-- technical issues they may have and so on and so forth. Prior to doing that work, I was the chief of assessment for the PARCC Consortium. That was a consortium of 20 states that joined together, you know, arou-- in 9-- 2-- I think was 2014 to build a common assessment. The idea was that each state would have to go out on its own and develop it-- develop its own assessment program, so. And prior to that, and probably most importantly, I was-- I worked at the Massachusetts Department of Education for about 25 years, where I served as the state's testing director. I designed and implemented a program-- testing program in 2-- in 1997 in Massachusetts that to this day is still continuing. Probably the oldest testing program in the country. I went on at the Massachusetts Department of Education to become deputy commissioner of education, and even served as acting commissioner of education in Massachusetts for about a year. So those are my most relevant experiences. I was a classroom teacher. I taught chemistry at the high school level. I've worked internationally in education. I was a Peace Corps volunteer. I worked in a refugee training program in Thailand that was to help Laotians and Cambodians make a transition to the United States after the war in Vietnam. So I have a pretty wide experience in education, from international work to classroom work to working at the state level on policy issues.

**MURMAN:** Well, thank you. You have quite a resume. A lot of experience there from different angles in education. You work with the-- I think you said 20 other states on assessment.

**JEFFREY NELLHAUS:** Yes.

**MURMAN:** How does Nebraska's assessment compare to those other states you work with?

**JEFFREY NELLHAUS:** Well, you know, states have-- a lot of states have kind of a varying design for their assessment programs. I would say Nebraska's is a little bit unique in that you have a program where you support districts in administering assessments during the school year. They're not used for accountability purposes. They're used primarily to give teachers immediate feedback. You know, they don't have to wait for a state assepts-- assessment results. They get feedback during the school year that they can use to improve instruction, identify kids who might need that extra assistance. And-- so that's somewhat unusual. Not all states support during the school years, you know, assessment pro-- assessment efforts. So I think, you know, it's hard to say how it stacks up. You know, every program is designed a little bit differently. I think it's been administered well. I think-- and a



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lot of the feedback you're providing is very useful to schools that the state-- the test that counts is the one that's given in the spring. That's the one that schools are evaluated on for various purposes. And that's the important one in terms of accountability. And I think Nebraska has a, a, a fairly robust program for their, what they call, end-of-year test.

**MURMAN:** Well, thank you.

**JEFFREY NELLHAUS:** Yeah. One thing I'll also mention is that--

**MURMAN:** Yeah. Go ahead.

**JEFFREY NELLHAUS:** --Nebraska's using adaptive testing, which is also-- not every state uses that. That's a test where, you know, students-- the, the test covers the same materials for all students, but depending on how students do on certain questions, they may get harder or easier questions as they move along in the test, and that's primarily to provide increased precision in the results. So they'll all get-- so, you know, on any given standard or topic, you can develop a question that's very hard and challenging versus one that's not as challenging. And so the, the test is, is designed to basically present questions to students that are at their level. So they're not provided questions that are too easy or too challenging. But the results of those tests, regardless of who the student is, are all reported on the same scale. So there's a common way in which the, the results are reported.

**MURMAN:** Well, thank you. If I heard you correctly, Nebraska maybe tests more than some of the other states you worked with. Sometimes we hear that students spend too much time-- and teachers may be teaching toward the-- a test rather than, you know, teaching it in other, other methods. Do you have an opinion on that or-- what do you think?

**JEFFREY NELLHAUS:** Well, I think-- the, the tests that are-- the, the tests that Nebraska provides to administer during the school year are not required. So districts determine whether they need those or not. The only test that's required for accountability purposes is the test at the end of the year. So in, in a way, you're giving schools and districts a choice as to how much testing they want to do. This is-- so it's flexible in that way.

**MURMAN:** OK. Thank you. I'll ask the committee if anybody else has any further questions. If not, we appreciate you being on. And sorry about

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the technical difficulties, but I think it worked out well. We could hear you pretty well.

**CONRAD:** Yeah.

**JEFFREY NELLHAUS:** Well, that's good. Again--

**MURMAN:** Thank you.

**JEFFREY NELLHAUS:** --thanks to all of you. And, you know, I, I just want to say as my-- you know, my experience working in Massachusetts as deputy commissioner and state testing director, I did work with the legislature quite a bit, and I always found it helpful to get input from the legislature. And I'm glad to see that your legislature is involved in, you know, education in your state. I think it's really important. So thanks again for inviting me to serve on the TAC.

**MURMAN:** Actually, we do have another question for you if you didn't--

**JEFFREY NELLHAUS:** Oh, OK.

**MURMAN:** --if you're still there. Senator Joni Albrecht has a question.

**ALBRECHT:** Thank you for being on line with us. Can you tell me where you live now?

**JEFFREY NELLHAUS:** Hello?

**SHELLEY SCHWARZ:** She's asking where you live now.

**JEFFREY NELLHAUS:** Oh, I, I li-- I live in Washington, D.C. now.

**ALBRECHT:** OK. So do you come back for all the meetings?

**JEFFREY NELLHAUS:** I'm, I'm sorry. Say that again.

**SHELLEY SCHWARZ:** Do you come back for all the meetings?

**JEFFREY NELLHAUS:** Some of the-- many of our meetings lately have been virtual. We get on Zoom and do the meetings, but periodically the meetings are in person. So I was actually in Nebraska last week to attend an in-person meeting.

**ALBRECHT:** OK. Has he missed very many meetings because he lives in a different state?

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**SHELLEY SCHWARZ:** Have you missed many meetings since you live out of state?

**JEFFREY NELLHAUS:** I have not missed a meeting since I joined probably-- I don't know-- four or five years ago. I have not missed one meeting.

**ALBRECHT:** Thank you. Thank you.

**SHELLEY SCHWARZ:** Thank you.

**MURMAN:** Thank you very much. We do have another question.

**CONRAD:** Oh, no. Sorry.

**MURMAN:** Oh.

**CONRAD:** Sorry. Sorry.

**MURMAN:** I guess we don't.

**CONRAD:** Just-- water.

**MURMAN:** We, we were just waving goodbye.

**JEFFREY NELLHAUS:** Oh, OK.

**SHELLEY SCHWARZ:** Thank you.

**MURMAN:** Thank you very much.

**JEFFREY NELLHAUS:** I'll wave too. You won't see it.

**SHELLEY SCHWARZ:** Thank you very much.

**JEFFREY NELLHAUS:** OK. Thank you. Bye-bye.

**SHELLEY SCHWARZ:** Bye-bye.

**SANDERS:** Looks like an auction--

**MURMAN:** Do we have any oth-- can we--

**CONRAD:** What did I buy?

**MURMAN:** Can we get Linda Poole on the--

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**SHELLEY SCHWARZ:** I'll grab her. Do you think this one would work or--

**MURMAN:** Oh. For Jeffrey Nellhaus, we had 0 proponents, 0 opponents, and 0 neutral electronically.

**SHELLEY SCHWARZ:** This is Shelley. We are having some technical difficulties, so I'm going to put you on speakerphone if that's OK. Would that work for you? OK. And you're at recess now? Perfect. Thank you s-- thank you so much. I'm going to put you on speakerphone. OK. Can you hear me?

**LINDA POOLE:** I can.

**MURMAN:** Well, hi, Linda. This is Senator Dave Murman. I'm Chair of the Education Committee. And thank you for accepting an appointee to the Nebraska Technical Advisory Committee for Statewide Assessment. And we appreciate you being on the phone. And we would like, like for you to tell us a little bit about yourself.

**LINDA POOLE:** OK. Sure. First of all, thank you, Senator Murman and the other members-- senators on the Education Committee. I appreciate this call and the possibility to be reappointed here. I-- my name's Linda Poole. I'm currently a sixth grade teacher in the Papillion-La Vista School District. And I was originally appointed to the TAC Committee back when Governor Heineman was Governor-- actually at the inception of the TAC Committee. And then I was reappointed by Ricketts. And so now I guess I'm up for appointment by Governor Pillen as well. There are-- as I'm sure you know, there are five members on the TAC Committee. Three of them are psychometricians. And then by state statute, there's supposed to be two people from within the state, one a superintendent and one a teacher. And so I am basically the teacher representative on the TAC. And we serve in an advisory role in all with the Nebraska Department of Ed in order to create a-- in order to create the statewide assessment system. And we also provide input also on the accountability system. And so my role as a teacher is I am just on that-- on the TAC Committee in order to give the teachers' perspective as to how that is all working in our schools and in our school districts.

**MURMAN:** Well, thank you. And thank you for telling us a little bit more about the board. Let's see if any of, of the senators have any questions for you.

**LINDA POOLE:** Perfect.

**MURMAN:** Doesn't look like anybody does. So you did a great job describing what you do. And we also previously heard from-- let's see-- Jeffrey Na-- Nellhaus also that's on the same committee as you are, so. I think we all understand it fairly well. And appreciate you putting yourself out to serve on this board and we will--

**LINDA POOLE:** OK. Well--

**MURMAN:** --move on it soon.

**LINDA POOLE:** --thank you for the opportunity. And also thank you for allowing me to call in on this. And I just want you all to know we really appreciate all the work that you're doing down there as senators on behalf of all the citizens in the state of Nebraska. So thank you-- so thank you for everything that you do for us as well.

**MURMAN:** Well, thank you very much.

**LINDA POOLE:** OK.

**MURMAN:** Have a great day.

**LINDA POOLE:** You too. Bye-bye.

**MURMAN:** Bye-bye.

**SHELLEY SCHWARZ:** Bye, Linda.

**MURMAN:** And Linda also has 0 proponents, opponents, or neutral-- 0 all three. So we will close the hearing on the appointments and move on to LB957. Welcome, Senator Dungan.

**DUNGAN:** Thank you, Chair Murman and members of the Education Committee. I rushed down here when I knew there were some technical difficulties, so I apologize for just barging in there in the middle of those. Again, good afternoon. My name is Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-n. I represent Legislative District 26 in northeast Lincoln. Today I'm here to introduce LB957. LB957 would provide for early childhood aid under TEEOSA. Beginning with the 2024-2025 school year and each school-- fiscal year after that, the Nebraska Department of Education will determine the early childhood aid that is to be paid to each school district equal \$1,500 multiplied by the qualified early childhood education average daily membership, or ADM, for that school district. Obviously, this committee understands the need for quality early childhood education, not just

for the enhancement and well-being of our children but for the health of our workforce. When professionals with children consider relocating, one of the first things they look at is into the quality of local education. If there are no options or availability for child care and education, their decision to relocate becomes impossible. The general intent behind this legislation is to strengthen our early childhood education. That being said, I'll be the first to admit this bill is not ready for the floor. We have some issues to clean up over the interim, and we'll continue to work with stakeholders to get that language in a place where it could potentially accomplish our goals. There's going to be some folks testifying after me who can speak to the issues with the bill as written and will further explain the intent of LB957. Again, I just want to reiterate this is an idea that I think we worked on a little bit in the interim to try to address some of our child's-- our child care issues. As many of you are aware, sitting on other committees like Revenue and, and other places, we're dealing with child care in sort of a holistic manner this year. I know the Governor's brought some proposals. Other senators have brought some proposals. This was meant to be a component of the conversation regarding the possibility of expanding access to child care. I do genuinely see it as a workforce issue. I know that there are times where families want to work but it's unaffordable to do that and have child care. So this was one idea. We've obviously had a number of modifications to TEEOSA recently. I know there's been some concerns over funding and the Education Future Fund and the health of that fund. Certainly what I don't want to do is further harm funding for schools. We're trying to make things easier, not worse. Ergo, we will go back to the drawing board and continue to work on this. But happy to answer any questions you might have about the bill as written.

**MURMAN:** Thank you. Any questions for Senator Dungan right now? If not, thank you very much. And I'll ask for the first proponent for LB957.

**CONNIE KNOCHE:** Good afternoon, Senator Murman and members of the Education Committee. My name is Connie Knoche, C-o-n-n-i-e K-n-o-c-h-e. And I'm an education policy director at OpenSky Policy Institute. And we've been working with Senator Dungan's office on this bill. And we understand from the fiscal note that there are some concerns that we need to clean up in the bill drafting. So we'll continue to work and get something to the committee, but we wanted to voice our support for the concept. And I would like to briefly say that, according to the National Institute for Early Childhood Re-- Education Research, Nebraska ranked 17th out of 45 states that have early childhood education programs in access to the programs for

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four-year-olds, and it ranks 8th for access to the programs for three-year-olds. However, Nebraska ranked 42nd in state dollars spent per child enrolled in early childhood education. Because early, early childhood education is one of the best investments we can make in economic opportunity for all Nebraskans, we support additional dollars going to these programs. Early childhood programs are widely recognized as an effective tool to boost achievement. A random assignment experiment conducted by the Perry Preschool Program in Michigan started in the 1960s and followed these students through age 40. Researchers found that participants in the preschool program were more likely to have higher earnings, lower public assistance, and lower rates of criminal activity than children of the control group who did not receive early childhood education. Early education programs are particularly beneficial for at-risk students. Nebraska boasts a-- boasts of a high graduation rate. However, significant gaps exist for students in foster care and English language learners. To further strengthen the education system, we should focus on eliminating these educational attainment disparities, and early childhood education programs are proven to-- as a means for doing so. This is an investment now for the future, and it's our goal to grow-- and if our goal is to grow Nebraska, investing in pre-K programs should be a key strategy to improve our community and long-term future. Be happy to answer any questions.

**MURMAN:** Thank you. Any questions for Ms. Knoche? I have one. You mentioned that Nebraska was-- I don't know-- 40-something in--

**CONNIE KNOCHE:** 45th.

**MURMAN:** --from state aid for--

**CONNIE KNOCHE:** Yeah. Pre-K.

**MURMAN:** --pre-K. How much local property taxes goes toward pre-K? Do you have figures on that?

**CONNIE KNOCHE:** I don't have figures on that. In the state aid formula, they, they look at those children and, and they weight them at 0.6, and then they weight them on the hours they attend early childhood programs. So they, they get money from the federal government for early childhood education and then some state aid for it. But the state aid funding is, is not as much as what they do in other states.

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**MURMAN:** I, I know at, at least the facilities are provided from-- mostly from local property taxes.

**CONNIE KNOCHE:** Yeah.

**MURMAN:** But I, I don't know if there's other--

**CONNIE KNOCHE:** Yeah.

**MURMAN:** --components.

**CONNIE KNOCHE:** I'm not sure. You could probably take the total number of students divided by the total property taxes to get an idea of what, what is spending on early childhood, but we don't have any data for that right now.

**MURMAN:** OK. Any other questions? If not, thank you.

**CONNIE KNOCHE:** Thank you.

**MURMAN:** Other proponents for LB957? Any opponents for LB957? Any neutral testifiers for LB957? If not, Senator Dungan, you're welcome to close. And while he's coming up: electronically, we had 4 proponents, 4 opponents, and 0 neutral.

**DUNGAN:** Thank you, Chair Murman and members of the Education Committee. I-- when I first put this bill together and was working with folks on it, I, I think I anticipated this hearing taking a lot longer. So I appreciate the brevity with which we can, we can do this. I just want to take a second to thank OpenSky for some of their assistance with the numbers on this. Again, the idea behind this I think is solid. And I think that we as a state should continue to be doing whatever we can to assist with both child care and workforce. And I think those two things are related. We know-- I think all of us probably have either personal experience or know people who have tried to balance working and kids. And some of them decide to stay at home with their children, and that's a perfectly admirable option. Others want to work, and I think that those who choose to work need to have that option as well. But financially, it's just untenable in a lot these circumstances. I myself don't have children, but friends of mine with young children right now are struggling to make ends meet and they're struggling to find that child care. Right now, my LA-- who's probably watching from home-- had to leave early today because LPS isn't offering after-school rec today because it's a PLC day. So he had to be gone today to go take care of the kids just because, you



know, somebody's got to do it. So we all have personal experience with this. And I think that this, again, is one building block in that potential solution. I think our schools can be part of the solution. Certainly they can't fix all of that. But we as a state, I think, should be exploring all those options. My hope is this interim we do sit down, have some maybe joint sessions between Revenue and Education-- as has been discussed, I know, by others-- to figure out a more holistic approach of child care and what we can do as a state to help and what avenues might be available. So with that, happy to answer any questions about LB957 as written.

**MURMAN:** Thank you. Any questions for Senator Dungan? If not, thank you very much for bringing the bill.

**DUNGAN:** Thank you.

**MURMAN:** And that'll close the hearing on LB957. And we will open the hearing on LB1150. Senator Brandt. Welcome.

**BRANDT:** Good afternoon, Chairman Murman and members of the Education Committee. I am Senator Tom Brandt, T-o-m B-r-a-n-d-t. I represent Legislative District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties. Today I'm introducing LB1150, which is a similar plan that I brought last year in LB320 and we have called the Nebraska Plan. It will restore equalization aid to our schools and lower property taxes. There are 244 school districts in our state, and only 64 of them are currently equalized. This is a drastic change from 2007, when 205 school districts were equalized. This reduction in equalization aid is due to the unprecedented rise in ag land values from 2008 to 2015 and the increase in the local effort rate from \$0.95 to \$1.00 in 2008. The Nebraska Plan proposes to make a few basic changes to TEEOSA formula and will provide much needed relief to our schools and property taxpayers. First, the plan lowers ag land valuation from 72% to 42%. Second, it lowers all other real property, including residential, commercial, railroad, and public utilities from 96% to 86%. By lowering all property valuations inside the formula, we will spread meaningful property tax relief across the entire state. This plan is estimated to restore equalization aid to 91 additional school districts. Schools that currently have the highest levies will see the greatest potential levy reduction, and it would bring the levies closer together, as was the original intent of TEEOSA. We have had discussions about a possible amendment with Senator Dover's LB1415, which would redistribute the funds in the property tax income tax credit to school districts based on valuations. The amendment

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would be to distribute those funds inside the TEEOSA formula with the decrease in valuations that LB1150 is proposing. I will let Dave Welsch better explain it when he comes up to testify. For now, I will end my testimony. Thank you.

**MURMAN:** Thank you. Any questions for Senator Brandt at this time? If not, thank you very much. First proponent for LB1150.

**CONRAD:** Hi, Dave.

**DAVE WELSCH:** Hello. Good afternoon, Senators. My name is Dave Welsch, D-a-v-e W-e-l-s-c-h. I am a farmer and currently serve as president of the Milford Public Schools Board of Education. I have served as a school board member for over 30 years. LB1150, the Nebraska Plan, was introduced to restore equalization aid to Nebraska schools, both urban and rural. After its introduction, Governor Pillen had LB1415 introduced, which in part repurposes the \$560 million in Property Tax Incentive Act funds by distributing them to schools based upon the valuation in each school. Today I will talk about distributing those funds based upon LB1150, which lowers valuations within the TEEOSA formula so that equalization aid is restored to schools. This will help to bring levies down and closer together across the state. Governor Pillen is correct that we need to front-load the Property Tax Incentive Act funds directly to schools and eliminate the mechanism of requesting an income tax credit based upon the amount of school property taxes paid. But I oppose-- but I am opposed to how the funds will be distributed under LB1415. The Property Tax Incentive Act was created to distribute funds based upon the amount of school property taxes paid. By repurposing these funds so that they are distributed according to property valuation does not respect the original intent of this act. Senator Brandt had some handouts. The very first one has a chart and graph, a bar graph on it if you'd like to refer to that. So I'll spend much of the rest of my time on that. In the upper left-hand corner in the chart, you can see the amount of levies that school districts currently have, the number of schools in each of those categories. If you repurpose the Property Tax Incentive Act dollars, according to the center column, you can see the change in the schools at each levy level. If we do it according to the Nebraska Plan, by lowering valuations within the formula, there you see the numbers for how many schools will be in those levy categories. Brings the high levy down-- high levy schools down much more dramatically than if you just distribute it by valuation alone. For those that are more visual, you can look at the bar chart on the right-hand side. The black bars are the ones using the Nebraska Plan to lower valuations

within the TEEOSA formula. As you can see, those black bars bring the levies much closer together and-- I, I think about over 75% of the schools are in the \$0.40, \$0.50, \$0.60 range at that point in time. One of the main things I want to point out: we are just redistributing \$560 million of Property Tax Incentive Act money-- money that's already been appropriated. We do not need to go out and find new money. This actual plan here has \$585 million on there. Part of that I didn't want to spend another five days trying to tweak the 30% and 70% inside the equation. And actually, the bill, LB1150, does try to reclaim the un-- un-- the unclaimed Property Tax Incentive Act funds, which is about 20% to 25% of that total over the last few years, so.

**MURMAN:** You do have the red light, but, but you're welcome to go ahead and describe any of these charts.

**DAVE WELSCH:** Thank you, Senator Murman. I really appreciate that. So I think I've covered the top half of this. The bottom half, especially on the right-hand side where you see the average valuation per formula student-- again, on the left is the '23-24 levy ranges from \$1.00 down to the \$0.30s. Those-- that's the range of our schools across the state. The potential levy reduction, if we do it by valuation as proposed in LB1415, I estimate as being everybody gets an \$0.18 reduction. If you do it based upon the Nebraska Plan and lower valuations to 30% for ag and 70% for other real property, which is mainly residential and commercial, you can see that those schools with high levies have a much greater reduction, on average, of their levies than the lowest levy schools. And let me point out right here: those schools that have the lower levies typically are unequalized. And last year, through the Governor's plan, they received \$1,500 in foundation aid. Those of us that are equalized, we did receive \$1,500 in foundation aid, but then it was immediately subtracted from our equalization aid. So this proposal will basically try to create a good balance over the last two years of lowering property taxes for all school districts across the entire state. The last column there, which I'll talk about, is the average valuation per formula student. For those schools that have levies in the \$1.00 range or higher, their valuation per student is less than \$1 million. As you can see, the next \$0.90s, \$0.80s, \$0.70s keeps going up a little bit. By the time you get to the schools with levies in the \$0.60s, they're almost \$2.5 million per student. The main point here: levies are not high because schools spend too much money; levies are high for those schools because they have a low valuation per student, and this chart very well shows that for you, so. With that, I appreciate the extra time,

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but I'll bring my presentation to a close. Be happy to answer any questions.

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

**CONRAD:** Thank you, Chair Murman. Good to see you, Mr. Welsch. Thank you for your ongoing service-- your local school board and being a active participant in these state-level policy discussions. I'm-- I-- always impressed by the communications that you bring forward and the hard work that you put into the charts and graphs and Excel tables to, to illustrate all of these complex policy topics. But in taking a, a step back, maybe, from the important details in the plan-- if you know, or I can put it on the table for other testifiers or Senator Brandt in his close, perhaps, but. What's been the-- what's the, what's the barrier or the sticking point in trying to get more consensus towards this approach with our school funding and joint policy goals to reduce property taxes? Is it, is it simply political? Is it simply a policy disagreement? Is it a little bit of both? Because I, I think you make a lot of good points about the plan that you brought forward here, but I'm trying to just kind of understand why we haven't seen a lot of traction or momentum behind it thus far.

**DAVE WELSCH:** Right. That's, that's a really good question. The-- I think last year we had a really good shot at it because there was a lot of money on the table. You know, excess revenue, if you will. And it was decided to use that money in different ways, which some are very, very helpful for the state. In education, we chose to distribute more funds based upon foundation aid, like I mentioned earlier, which did help those schools that were unequalized. But those of us that are equalized have not seen that money. But now I think we've got an opportunity to make an adjustment within the TEEOSA formula to honor th-- one of the original intents of TEEOCHA-- TEEOSA, which was to create property tax equity across the state. That's in the 1990 law, and it's still in that law today. And the best part today is we don't have to go looking for new money for this. We've already got \$560 million that's already been appropriated-- has been, I believe, for three, maybe four years now. And the Governor wants to front-load that into education. And I totally agree with him on that, but I think there's a better way to do that so we're not just-- if you look at-- in that chart on the left-hand side, you'll see the '22-23 levies and, you know, \$0.90s, \$0.80s, \$0.70s, and you'll see how much the average levy reduction was. It went from \$0.06 to \$0.05 down to \$0.03. There wasn't much change between the high levy schools and the low levy schools. Now we have an opportunity to repurpose the Property Tax

Incentive Act money where we can really make some changes and bring those high levy schools down and much closer together so we don't get farmers across the fence where one has to, you know, sell his beans for a dollar more a bushel just to break even with the guy across the road that's in another school district which-- with a much lower, levy. And you can see that in the colored chart here, the eight-page one that's stapled together. You know, especially for those of you that are rural senators-- Senator Albrecht is right at the top there. And I sorted this by senators and then I sorted based upon the potential levy that they would have if we repurpose that \$560 million or so from the Property Tax Incentive Act. As you can see, the levies per-- for pretty much any urban school, their levies come down \$0.23, \$0.24. It's dramatically different in rural Nebraska depending on how much ag land value they have versus residential and commercial and things like that. But, but in general, they all come down. And they come closer together. That's really the key. If you look down the third column, the '23-24 Nebraska Plan potential General Fund levy, those levies are much closer together than what they are right now or what they were last year, even. Now, as you go down through that, you'll see some schools that aren't getting any money out of this repurpose-- repurposing of the Property Tax Incentive Act. And the reason for that is because they're nonequalized. They're-- they have a very high valuation per student, generally. And they received \$1,500 per student last year. So I'd really like you to look at this as kind of a-- the second phase of a two-year program on how we're funding education and try to honor not only the intent of the Property Tax Incentive Act but the TEEOSA formula back in 1990.

**CONRAD:** Great. Thank you, Dave. And then just-- my last question is kind of right where you left it, but just wanted to tease that out a little bit. Everybody knows we made significant changes to school funding last year through the Future Fund, through the foundation aid, through the special education investments. We also know that local governments have the benefit of albeit short-term or one-time moneys that came through us through COVID, and then the big jumps that we've seen in valuations which provide additional, additional resources to local governments. But my, my general question is one on timing. Do, do we need more time to let those policy decisions play out that were made last year? Or is the time right to make additional adjustments with the Nebraska Plan now? I think I know what you're going to say, but I want to-- I want to get into the timing on it. Yeah.

**DAVE WELSCH:** I think right now-- and I, and I think-- the reason for that is, as I expressed earlier, we're not reappropriating-- you know,

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we're, we're repurposing, but we don't have to appropriate new money for this. You know, this, this formula here can be tweaked a little bit to put it right on \$560 million. And, and, you know, you'll probably need the Department of Ed to help with those, you know, detailed calculations. Mine are a little bit rough, but-- so yeah, I, I think now's the time. And it's, you know, the Governor wants to front-load this money to schools, and this is the better way to do it rather than by valuation. So yeah, I think it's a great time to do it. And half of you sit on the Revenue Committee, which is going to be coming up with a plan on, on how to lower property taxes. So I really hope that you consider this for those of you that are on the Revenue Committee.

**CONRAD:** Very good. Thank you. Thank you, Chair.

**MURMAN:** Thank you. Any other questions? Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. Thank you very much for being here. Appreciate this and all your work. The way it goes out now, the LB1107 money, it goes out according to what you pay in taxes, right? Not your valuation.

**DAVE WELSCH:** Correct. You get-- I believe it's a 30% income tax credit based upon the school property taxes that you pay.

**LINEHAN:** Right. So if you pay more-- meaning you're in a higher levy-- you're getting more back.

**DAVE WELSCH:** Right.

**LINEHAN:** So this is-- so the same thing's happening here. You're just giving it to the schools first, is that right?

**DAVE WELSCH:** Yeah. The, the big problem with the Property Tax Incentive Act was that, as a school board member, I had to take money out of my property owners' pockets. And then when they filed their taxes, they could get 30% of it back. Under this, we're hoping to, you know, reduce the property tax request right up front so that money can stay in their pockets.

**LINEHAN:** But the money that the taxpayer ends up with is still about the same?

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**DAVE WELSCH:** Based up-- comparing the current Property Tax Incentive Act versus this Nebraska Plan, yes. That was the intent. You know, I can't guarantee it's, you know--

**LINEHAN:** Not in every instance, but the intent is--

**DAVE WELSCH:** --perfect, but. Right.

**LINEHAN:** --instead of getting an income tax credit, I just won't pay. That's your-- that's what you're trying to do.

**DAVE WELSCH:** Yeah. Try to lower the property tax initially up front, just like the Governor wants to do. Yeah.

**LINEHAN:** OK. Thank you very much.

**DAVE WELSCH:** Yep. Thank you.

**MURMAN:** All right. Any-- Senator Walz.

**WALZ:** Thank you for being here. Can you just talk a little bit about why it's important to bring those levies closer together? Like--

**DAVE WELSCH:** Yeah. It-- I mean, in, in our county, Seward County-- I actually live in Saline County, but my school district, Milford, is in Seward County. The biggest disparity there is between Milford and Centennial. I mean, I could probably dig through here and find it. Cent-- Milford is under Hughes's district, and, and so is Centennial. So you can probably look on there on the chart if you want to. They pay about half the levy that Milford pays for their schools. It's been that way for years. And it's not because Milford spends more per student. You know, I-- Centennial probably spends about 40% more per student than we do, but part of that's an economy of scale. They don't have as many students as we do. That's why schools spend more money, is because they have smaller enrollment and they're-- their-- therefore their costs go up. So, yeah. It-- again, like I said earlier-- you know, we've got some farmers that own land in both Centennial and Milford, and the ones in Milford are at a severe handicap when it comes to pulling a profit out of that land. Like I said, they've got to sell their beans for about a dollar more a bushel just to cover the extra property taxes. And-- so I think-- and, and this really impacts the rural levies across the state. You know, it's going to bring the urban levies down, like I said, \$0.23, \$0.24. But there are many cases where Centennial won't get much of a break on this plan. I'm not sure if they get any money out of it. Milford gets

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a substantial break. We're still-- our levy still won't be as close as what Centennial's is, but hopefully it'll stop some of the complaining in the coffee shop. So that's, that's really what we're after.

**WALZ:** That's what you're after.

**DAVE WELSCH:** Looking for some equity, which, again, was the intent of the TEEOSA formula: property tax equity.

**WALZ:** Thank you.

**MURMAN:** Thank you. Any other questions for Mr. Welsch? If not, thank you.

**CONRAD:** Thank you.

**DAVE WELSCH:** Thank you for your time. I--

**CONRAD:** Thank you.

**DAVE WELSCH:** --appreciate the questions, especially on the last day of a hearing, so thank you.

**MURMAN:** Thank you for all your work too.

**CONNIE KNOCHE:** Good afternoon, Senator Murman and members of the committee. My name's Connie Knoche, C-o-n-n-i-e K-n-o-c-h-e. And I'm the education policy director of OpenSky Policy Institute. And we're here today in support of LB1150 because the most sustainable mechanism for providing property tax relief is for the state to increase its commitment to K-12 funding. LB1150 increases state aid to districts by lowering the adjusted valuation used to calculate the yield from local effort rate in the state aid formula. LB1150 is a good first step towards addressing the challenging relationship between state aid and local property taxes, solving the property tax problems that we face in Nebraska. We urge the committee to also look at outcomes-based funding that centers on the needs of students as the best path forward to a sustainable K-12 education finance for Nebraska taxpayers. We also recognize that the Legislature last year appropriated a significant amount of money to the TEEOSA formula. While this tax shift helped to relieve the burden of local property taxes, we believe more funding is going to be needed to see the billion dollars in property tax relief the Governor is looking for. This bill would help to address the overreliance on property taxes to fund K-12 education by increasing state aid, and it leaves the, the formula intact. So



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with that, I'd end my testimony. And I'm happy to answer any questions.

**MURMAN:** Any questions for Ms. Knoche? If not, thank you for testifying.

**CONNIE KNOCHE:** Thank you.

**MURMAN:** Other proponents for LB1150?

**JACK MOLES:** Good afternoon, Senator Murman and members of the Education Committee. My name is Jack Moles. That's J-a-c-k M-o-l-e-s. I am the executive director of the Nebraska Rural Community Schools Association, also referred to as NRCSA. And on behalf of NRCSA, I'd like to testify in support of LB1150. As Senator Brandt said earlier, in 2007, 2008, there were over 200 districts receiving equalization aid. That number dwindled over the years as property valuations, and especially ag land valuations, started to rise. Many districts lost equalization aid steadily over a period of years until they received no equalization aid. This demanded that property taxes start to rise. Granted, many districts lowered their property tax rate over time, but the amount of property taxes needed to support the mission of the dist-- school districts rose. I'd provide an example of this for you. The district I was last superintendent at was Johnson County Central. In 2007, 2008, Tecumseh and Nemaha Valley merged to form Johnson County Central. And part of the reason to that was to become more efficient and try to lower property taxes. But we also looked at a time that we were going to get more state aid between the two districts. So in 9-- in 2009, 2010, we received about \$1.45 million in equalization aid. The next year, as valuations started to increase, the district received about \$1.3 million. So we lost a little over \$0.1 million. Over the next few years, the district lost in successive years \$465,000, \$390,000, \$362,000, then \$77,000, at which point we recei-- we received about \$19,000 in equalization aid, and the next year it was all gone. To make up for that lost aid each year, the Board of Education had no choice but to access more property taxes to keep the, the district whole. I provided you some other examples of what some other districts lost over that time. Madison went from \$1.33 million to, to \$0 in equalization aid in a period of four years. Blair, from \$4.74 million to \$0 in seven years. If ag land valuations had been at 42% and all other valuations at 86% within TEEOSA 17 years ago, the effects on the districts would have been much less harsh. The property owners would not have been hit so hard. And it is my belief that today's concern about property taxes would not be so strong. You

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as senators would likely not have to deal with this every year if that had been the case 17 years ago, so. Nonequalized districts were helped with foundation aid from a year ago. Lowering valuations within TEEOSA would help bring more districts into equalization aid and would help more equalized districts. These equalized districts would have a more re-- reasonable opportunity to lower their property tax requests. NRSCA it does encourage you to move LB1150 out of committee.

**MURMAN:** Thank you. Any questions for Mr. Moles? Senator Wayne.

**WAYNE:** Sorry. I was in Banking and Insurance, but. Are we saying the state's picking up the difference between 72% and 42%?

**JACK MOLES:** I'm sorry?

**WAYNE:** Are you saying-- are we saying the state is going to pick up the difference between 72% to 42%? Is that--

**JACK MOLES:** No, that would just lower the-- it would lower the valuations within the formula, which would bring more districts into equalization.

**WAYNE:** And we're doing it for just rural?

**JACK MOLES:** I'm sorry?

**WAYNE:** Is it just rural that--

**JACK MOLES:** No, no. I, I think it would help--

**WAYNE:** Oh, commercial, residential.

**JACK MOLES:** --any-- yeah. Yeah. Commercial, commercial real estate would go down to 86% from 96%.

**WAYNE:** In 20 years, [INAUDIBLE] back hearing the same situation?

**JACK MOLES:** If, if this had been in place-- my thinking is 17 years ago or longer-- I, I don't think we'd be in as, as big an issue right now. And I don't think in 20 years we would probably be as big, big of an issue.

**WAYNE:** How much has the-- which school district did you come from?

**JACK MOLES:** Johnson County Central.

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**WAYNE:** So how much did the, did the overall budget of that school district increase during that time?

**JACK MOLES:** Well, obviously, we went up each year because of staff and things like that. We did cut some things out as-- one of the things we made a conscious effort to do when we merged was the board decided nobody would lose a job out of that, except for one superintendent-- not me, luckily. But then as, as people moved on, left, we tried to absorb a lot of those positions. In fact, the first year, we, we absorbed four positions the first year. We were able lower it a little bit then, but it-- you know, as we-- you know, as staff-- salary started to go up, other things started to go up, our budget would start to go up again.

**WAYNE:** So what was that increase over that same time period?

**JACK MOLES:** I'd have to go back and look at it for you.

**WAYNE:** More than 3%?

**JACK MOLES:** It-- there were years it was more than 3%. Not every year. In fact, that first year we absorbed four positions, we went down.

**WAYNE:** But-- so either way, though, your, your local effort would have had it-- would have had it going up to, to do your budget. So your property taxes would have-- you would have-- you would have levied more either way, right?

**JACK MOLES:** To go-- yes, to make up for what we were losing.

**WAYNE:** But even if you weren't losing anything from equalization, your overall inc-- budget increase still went up. That's what I'm asking.

**JACK MOLES:** It depended on what we did that year with the budget whether we went up that much or not.

**WAYNE:** Did enrollment go up or down during that time?

**JACK MOLES:** We, we actually did grow over that time.

**WAYNE:** So do you know the difference of what your budget would've been minus the-- if you would've had your equalization aid versus your natural growth? You don't know that difference?

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**JACK MOLES:** Not off the top of my head. I'd, I'd have to go back and-- those numbers are a long time ago.

**WAYNE:** All right. Thank you.

**MURMAN:** Any other questions? Senator Walz.

**WALZ:** Speaking of a long time, you've been in this community of education for quite a while. Yes?

**JACK MOLES:** Yes.

**WALZ:** So I have a question about-- can you just talk about the long-term effects of lost equalization aid on the taxpayers?

**JACK MOLES:** You, you know-- so one thing that I-- that I've been tracking over, over the years-- I, I came up with this a long time ago. And then I start checking it. And other people were telling me, yeah, you're right on this. And what I called it was the compounded effect of lost state aid. And-- so what I did is I looked at-- for example, Johnson County Central, we lost 1-- let's see. That first year, we lost about, about 10-- \$100,00, somewhere in there. The next year, we lost \$465,000. So what I mean by compounded is, that first year we lost around \$100,000, the next year lost \$460-- \$465,000. So you might say we lost \$565,000. Well, we had to make up for that \$100,000 again, and every year we had to make up for that. And every year after we lost \$465,000, we had to make up for that. Potentially. Not always. You know, according to what the budget did. But if you compound that out to-- I went out to 20-- 2023, 2024, it comes out to about \$1 milli-- \$11 million. So instead of saying the district lost \$1.45 million, if they did try to stay whole and had to make up for that total amount every year, it would have been over \$11 million. You know, if you take-- Blair was one that re-- when I looked at it, they went from \$4.74 million to \$0 in seven years. When I compounded that out, they lost about \$50 million. That, that's what it would-- that's what it would have cost the taxpayers to keep things whole. OK. Madison went from \$1.33 million to \$0 in four years. Compounded out, it's about \$11.6 million. So, so that's the overall effect, the long-term effect that it had on taxpayers. And Senator Wayne, I, I-- yeah. Not every year did you have to make up for everything; but if you did, that's what it would compound out to.

**MURMAN:** Any other questions? Senator Wayne.

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**WAYNE:** I mean, but it's like-- it's not like the money didn't go to education. It went to more needier schools. So isn't the dilemma we're not growing the pot to deal with all the needs? I mean, we're-- right now, are-- underneath this bill, all we're going to do is shift the needs so that the kids-- the school districts with the most needs are-- in this case, the \$50 million for Blair-- then they're going to be subtracted from that. And the, the real problem is we're not, we're not dealing with the needs, right? I mean, isn't that the--

**JACK MOLES:** Not directly with this.

**WAYNE:** So all this is doing is shifting money from the more needier school districts to the less needier school districts, right?

**JACK MOLES:** No, I wouldn't see that. I, I, I think-- in, in the bill, they'd be bringing down-- you'd be bringing down the higher levy districts. They would come down more than the lower levy districts. So you'd be helping the higher levy districts more. And most of the-- many of those higher levy districts don't have the local resources.

**WAYNE:** OK.

**MURMAN:** Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. Do you know what the levy was when you were superintendent at Johnson County Public?

**JACK MOLES:** We-- I know we had it down to about \$0.80 at one time. And right now, I think they're closer to \$0.90 than they are at \$0.80.

**LINEHAN:** I think they're at \$1.05, but.

**JACK MOLES:** Oh, OK. They-- yeah. I've been out of there a while.

**LINEHAN:** So what year was it when you were at \$0.80-- when, when did you leave Johnson County?

**JACK MOLES:** I left in 2017.

**LINEHAN:** But do you think the levy was \$0.80 then?

**JACK MOLES:** \$0.80-ish. I mean, in the range of that.

**LINEHAN:** OK.

**JACK MOLES:** Maybe \$0.83, somewhere in that, give or take a little bit.

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**LINEHAN:** OK. So the way I understand this bill is we take the LB1107 tax credit money and we just front-load it to the schools.

**JACK MOLES:** Yes.

**LINEHAN:** All right. And then drop the levies. But we're not really dropping the levies. We're dropping the valuations--

**JACK MOLES:** Within--

**LINEHAN:** --and hoping the levies go down, right?

**JACK MOLES:** Yeah. Within the formula.

**LINEHAN:** Right. Not outside the formula.

**JACK MOLES:** Right.

**LINEHAN:** So what guarantee-- how do we know that's going to happen? That's my one hiccup with this, is you dropping the valuations inside. So you say-- you're pretending that you don't have that money or you don't have that valuation, but you actually have the valuation and we're not limiting you or taxing that valuation. So what-- how do we make sure that the va-- the levies come down?

**JACK MOLES:** Well, I think you and I would disagree on this, but I have a lot of faith in our local boards of education that they would, they would bring it down.

**LINEHAN:** No.

**JACK MOLES:** I--

**LINEHAN:** I, I have faith too--

**JACK MOLES:** You, you would like--

**LINEHAN:** --but-- this question is pretty simple.

**JACK MOLES:** Yeah.

**LINEHAN:** Is there any guarantees that the levies come down?

**JACK MOLES:** I believe they will. That's what I can tell you.

**LINEHAN:** But the question is, is there any guarantee?

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**JACK MOLES:** There, there is not a guarantee that I see.

**LINEHAN:** Thank you.

**MURMAN:** Thank you. Any other questions for Mr. Moles? Senator Conrad.

**CONRAD:** Thank you, Chair Murman. And thank you, Jack. Always good to see you. Appreciate your historical perspective and strong advocacy for schools in greater Nebraska. Just to follow up, perhaps, on a finer point for you or Senator Brandt or others that are advocates for this plan or this approach to school funding-- I mean, would you be amenable to working with the committee to put into place--

**JACK MOLES:** Abs-- absolutely.

**CONRAD:** --limitations--

**JACK MOLES:** Absolutely.

**CONRAD:** --on levy or otherwise to ensure to provide that guarantee towards the joint policy goals of property tax relief and educational success?

**JACK MOLES:** Absolutely.

**CONRAD:** OK. Very good. Thank you. Thank you, Chair.

**MURMAN:** Any other questions for Mr. Moles? If not, thank you for testifying.

**JACK MOLES:** Thank you.

**MURMAN:** Any other proponents for LB1150? Any opponents for LB1150? Any neutral testifiers for LB1150? If not, Senator Brandt, you're welcome to close. And while he's coming up, we had 2 proponents, 1 opponent, and 0 neutral on emails.

**BRANDT:** Well, thank you for the robust discussion on this. Senator Linehan, there's just no guarantees, is there? I mean, last year, we gave \$1,500 a kid out there and, and-- I mean, did that drop the levies?

**LINEHAN:** It did something.

**BRANDT:** Well, yeah. It did something. That's right. And I think-- you know, this is an honest effort. And, you know, like Dave said, we

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don't have to appropriate any money for this. And if you used Senator Dover's LB1415 that he brought for the Governor to move the NTIA money over-- pretty much, Dave tried to model this with no increase in funding and is within \$20 million on today's back-of-the-envelope calculation. I will let you know that the fiscal note is a, is a mess. And they've admitted the fiscal note is a mess, so you can just throw that piece of paper out. But we're, we're close to using existing funds on this. This will bring the levies closer together. Senator Wayne, this is where the money is coming from, from the, the property tax in-- incentive money. And then on the second page of that handout that you guys got-- I just want to point this number out-- on the left-hand side are total education funds in the state of Nebraska from 2009 through 2022. There has been an average growth of 2.78%. On the right side is the Nebraska state budget from the same time period. The Nebraska state budget grew 2.89%. So to say that education is growing faster than the state budget, this-- these numbers prove otherwise, that they're pretty close to the same. So with that, I would answer any questions if there are any. And if not, thank you for your time.

**MURMAN:** Any questions for Senator Brandt? Senator Linehan.

**LINEHAN:** Thank you. As you know, Senator Brandt, I, I like a lot about this. But on the, on the page you just-- General Fund education disbursements, that doesn't include bonding or levy overrides. It's just General Fund--

**BRANDT:** I don't believe so.

**LINEHAN:** --right?

**BRANDT:** Yeah.

**LINEHAN:** OK. So where did these numbers come from? It's not what-- it-- is that-- that's just the AF annual fund disbursements off the AFR?

\_\_\_\_\_ : She's correct. The AFR.

**LINEHAN:** OK. All right. Thank you. That helps. I had another question. OK. I'm sorry. But that's, that's helpful to know.

**BRANDT:** And if you have any other questions, we'll certainly get back to you.

**LINEHAN:** Yeah. No, I know.



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**BRANDT:** OK.

**MURMAN:** Thank you. Any other questions? Senator--

**LINEHAN:** Oh, I do-- I know.

**MURMAN:** Senator Linehan.

**LINEHAN:** I'm sorry. Thank you, Chairman Murman. So I'm assuming right now the people who get the LB1107 money or the tax credit, this would work-- it's-- if we're, if we're-- does it-- I'm Mr. Smith in York.

**BRANDT:** Mm-hmm.

**LINEHAN:** Do my taxes go down as much as I'm currently getting through the LB1107?

**BRANDT:** Not necessarily.

**LINEHAN:** OK.

**BRANDT:** And that's what Mr. Welsch tried to explain, is that if you are in a high levy district, you will probably receive more than if you're in a low levy district like where I reside in. I may actually lose a lot of that money that I get today.

**LINEHAN:** See, I don't understand that because it's based on what you actually pay in taxes. It's not like the first one. The first property tax credit is based on your valuations--

**BRANDT:** Right.

**LINEHAN:** --but the second one is based in what you pay.

**BRANDT:** That's correct. Yep.

**LINEHAN:** So--

**BRANDT:** But, but to, to smooth that bell curve out, to, to bring those high valuation ones down and the, and the lower ones to give us a smoother, smoother bell curve, what's going to happen is the money's going to come off the bottom end of that.

**LINEHAN:** So we're pushing taxes up at the low levy districts?

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**BRANDT:** You're pushing taxes down on the top more so using help from the bottom.

**LINEHAN:** OK. OK. That's helpful. OK.

**BRANDT:** If that made any sense.

**LINEHAN:** It does.

**CONRAD:** You got it.

**LINEHAN:** It does make sense.

**MURMAN:** Any-- Senator Wayne.

**WAYNE:** How much does it cost to educate a kid?

**BRANDT:** Depends where you're at. I mean, the numbers that I've seen, in your big districts, like where you're from is, what, \$10,000 to \$12,000 a kid? And then you get these very small schools out in western Nebraska that are over \$30,000 a kid.

**WAYNE:** That's not-- I'm asking how much does it cost to educate a kid, not how much it, it costs to, to run a school district. How much does it-- how-- what is a number that the Legislature should have to say, here's what we're going to cover for a kid? Like, to me, it sounds like we're backing into a number to lower property taxes. We're not--

**BRANDT:** We are.

**WAYNE:** OK.

**BRANDT:** Yeah.

**WAYNE:** Well, I'm on the Education Committee.

**BRANDT:** Right.

**WAYNE:** --[INAUDIBLE] trying to figure out how to educate kids.

**BRANDT:** Well, I mean, are we willing-- are will-- are we willing as a state to step up and, and spend what we need to spend as the state of Nebraska and quit being 49th in the nation in state aid to schools.

**WAYNE:** We're not the 49th, but nevertheless, nevertheless-- I'm not going to debate that point right now.

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**BRANDT:** OK. We moved up.

**WAYNE:** But nevertheless, I'm just saying what are-- that's the-- like, what's a fair number for every-- like, a foundation number for every kid?

**BRANDT:** I'd-- I, I'd have to get back to you.

**WAYNE:** OK. I'll see you tomorrow at 9.

**BRANDT:** Yes, you will.

**MURMAN:** Any other questions?

**BRANDT:** All right. Thank you.

**MURMAN:** If not, thanks--

**CONRAD:** Thank you.

**LINEHAN:** Thank you.

**MURMAN:** --for bringing the bill. That'll close the hearing on LB1150. And we will open the hearing on LB1065. Senator Lippincott.

**CONRAD:** Hello. Welcome.

**MURMAN:** Go ahead, yeah.

**LIPPINCOTT:** Good afternoon, Chairman Murman and the Education Committee. My name's Loren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t. And I here-- am here representing District 34. LB1065 would give additional school districts the right to hire chaplains to perform the same duties as school counselors. The bill requires school districts to set standards and parameters before hiring a chaplain. I have the Texas law passed last year for your review. Also noted that Indiana, Oklahoma, Florida have also introduced similar legislation in their state legislators [SIC]. According to the Center for Disease Control, in 2022, suicide is the second leading cause of death for teens and young adults ages 10 through 34. And I don't need to tell this committee how important our children and their mental health are. And I also don't have to tell you about the shortage of teachers in Nebraska. The shortage was up 60% from the year 2021 to 2022. That's substantial. But let's talk about what a school counselor does. I have before you a-- three job

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descriptions: one from Lincoln Public Schools, one from Omaha Public Schools, and one from Kearney Public Schools. A Lincoln Public Schools counselor helps to address academic, career, and personal social development. They're advocates who provide support to maximize student potential and academic achievement. An Omaha Public School counselor helps develop student success in academic social and college and career readiness and help develop academic and emotional skills. They also provide individual and small group counseling. These small group settings can help students resolve conflict, practice skills, and think through their actions. In Kearney, a school counselor helps address the needs of students through a comprehensive program that addresses academic, career, and personal or social development. Chaplains are used in many places already in society, like the military, hospitals, and Correctional facilities as well as mental health facilities. They also serve in the House of Representatives and the Senate as well as the FBI and the CIA. If chaplains are entrusted with our firefighters and law enforcement, I think they can be of use in our schools. I have had recommendations for some changes to the bill, and I would be open to those ideas, including changing "counselor" to "paraeducator" or "paracounselor." And of course, we all know the term "a paralegal" in any law office. Paras need no certification under current state statute. And I want to be clear: the chaplains would not be limited to Christian. In fact, of the benefits seen by the National School Chaplains Association is a reduction in discrimination and bullying when diverse chaplains are present. According to the research of Dr. Lisa Miller-- who herself is Jewish-- at the University of Columbia: not providing spiritual care as provided by chaplaincy causes mental illness. According to her clinical evidence, healthy children and teachers go to school and come home with mental health issues if their spiritual needs are not met. Dr. Lisa Miller is well-documented and on the DHHS website at the federal level, and the link is listed in your handout. Chaplains are also not just a resource for the student but also for the spiritual care of teachers. The National School Chaplains Association has found that, in their 14 years of existence in 23 countries with 27.5 million students, they have never had a student commit suicide. Now, that's an amazing statistic. If we truly want to afford our children every opportunity for the best outcome, I think allowing school districts the ability, if they so choose, to be able to hire chaplains as another tool in the toolkit. So what does this bill do? It allows the individual school districts to do just that. They may employ a school chaplain to perform the duties of a school counselor without requiring a certificate to teach. If they do employ a school chaplain, the

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school district shall, prior to hiring a chaplain, develop a policy relating to employing an uncertified individual as a school counselor. The policy shall include provisions relating to the hiring, discipline, continued education, and termination of employment of a chaplain as an uncertified school counselor. Background checks and normal hiring policies would be in place. This is a law in Texas, and we patterned LB1065 after that law. And similar bills are also before the Indiana, Oklahoma, and Florida legislatures. I have before you a couple letters that help outline some of the legality. I'll also have others behind me who might be able to answer more questions.

**MURMAN:** Thank you, Senator Lippincott. Any questions for him at this time? If not, thank you. You'll be around to close?

**LIPPINCOTT:** Yes, sir.

**MURMAN:** OK.

**LIPPINCOTT:** Thank you, sir.

**MURMAN:** Proponents for LB1065? Good afternoon.

**CAROLINE EPP:** Hi. I'm Caroline Epp, C-a-r-o-l-i-n-e E-p-p. I am in support of chaplains being a part of our schools. I can bear witness to the positive influence of Christianity in my youth as well as adulthood. We mess up. I messed up royally this last weekend with a dear family member by misspoken words. Some messes we create, walk into, or born into are far greater than what you as an individual or any other human being can fix. The further we have walked away from God as a nation, the higher the number for divorce, crime, teen pregnancy, child abuse, behavioral problems, sexually transmitted diseases, mental health crisis, antidepressant usage, drug overdoses, sex trafficking, let alone the astronomical rise in suicide, especially in single-digit age youth. From 2000 to 2018, U.S. experienced a 37% increase in suicide, over 50,000 suicides this past year. Why? We have pushed God out of our country, especially out of our education. We have gone totally against what our founding fathers stated over and over again, that religion and morality must be taught in our schools to keep our country strong. Look where we are today. The least we could do for our children is to place chaplains within our schools for our youth, even faculty, to have a chance to talk with someone who knows God. With God there is faith, hope, and love. Our children desperately need to know there is hope that there is a God of love who cares about every detail of our-- of their lives, that we can

experience true forgiveness, which in turn grants us the grace to forgive others. His mercies are new every morning. Our kids need that kind of hope that, that can have new beginnings. Hope must first take root in the heart for change to occur in a person's life. I don't have to keep kicking myself for what I said this past weekend. I took it to God, repented, asking him to heal those wounds I created. I have hope and I can rest in his loving care. Who of us wouldn't benefit from God-given faith, hope, and love in the center of our lives? Let's once again offer it to our children.

**MURMAN:** Thank you. Any questions for Ms. Epp? If not, thank you very much. Other proponents for LB1065?

**SHERRY JONES:** I'm Sherry Jones, S-h-e-r-r-y J-o-n-e-s. And I'm speaking today on behalf of myself, not the State Board of Education. Good afternoon, Senators. LB1065 is of special interest to me, as I was a school counselor in public schools for 14 years, retiring in 2018. Particularly since 2020, I've heard it said that there is a mental health crisis in our schools, not only of our students but also of school staff as well. Compounding this issue is the school counselor and school worker short-- social worker shortage in our state. So I contend if we indeed have a mental health crisis in our schools, coupled with a shortage of school counselors and social workers to address the needs, then we must think outside of the box as to how to provide services to our students and staff. Having trained and screened chaplains available in our schools seems like a practical, hope-filled solution, or option at least. And there's evidence from the state of Texas that chaplains are making a significant difference in their schools. Some of the results I've read about include improved teacher retention-- and don't we need this? School safety, respect for authorities, and improved grades with a decrease in bullying, discipline issues, alcohol and drug consumption, and reported violence at school and home. And of great significance to me, a decrease in suicides. So for the sake of our children and the sake of our school staff, I encourage you to say yes to LB65 [SIC], allowing chaplains to be placed in our school districts if they so choose. Thank you.

**MURMAN:** Thank you. Any questions for Ms. Jones? Yes, Senator Walz.

**WALZ:** Thank you, Chair Murman. I just have a question. Are-- I'm a little confused, I guess-- are we hiring a chaplain or is the intent to hire a chaplain to serve the school? Or is the intent, intent to hire a paracounselor who happens to be a chaplain?

**SHERRY JONES:** Well, I think it's hiring the chaplains, but I, I had mentioned-- I, I, I actually contacted Senator Lippincott because I thought, you know, a chaplain may not be able to re-- would not replace a counselor because counselors have so many other things that they do besides provide direct support, like listening and talking to students. So when I heard the word-- when I thought of the word "para," I thought of paraeducator, comes alongside teachers to assist them in assisting the student. And so I, I view that as them-- chaplains coming along counselors to assist the students. That's how I would view a chaplain, at least: providing a service to students and staff members.

**WALZ:** So the schools would be hiring a chaplain for that school?

**SHERRY JONES:** You know, I-- that's how I would-- that'd be a question for Senator Lippincott.

**WALZ:** All right. Thank you.

**SHERRY JONES:** I, I like, Senator Walz, I like the concept of this because I know we have great needs, mental health needs to staff and students. And I think this is just another tool that we could use. And I even mentioned perhaps it could be an opt-in service so that parents were very aware and they could sign, sign a permission slip at the beginning of the year saying, yes, I would approve of my student visiting with the chaplain. So I would be good with that too, but I didn't write the bill. But that was the one of my thoughts as well.

**WALZ:** Got it. Thank you.

**SHERRY JONES:** Respecting parents.

**WALZ:** Sure.

**SHERRY JONES:** OK.

**WALZ:** Thank you very much.

**SHERRY JONES:** Thank you for the question.

**MURMAN:** Thank you. Any other questions for Ms. Jones?

**CONRAD:** Thank you.

**MURMAN:** Thank you very much. Other proponents for LB1065?

**TED LEWISTON:** Good afternoon, Senator Murman, Education Committee members. My name is Ted Lewiston, T-e-d L-e-w-i-s-t-o-n, District 3, Bellevue. And I appreciate the opportunity to be here to support LB1065. As we all know, we're facing-- our young people especially are facing an epidemic of loneliness, of isolation, and that's reflected in the statistics regarding depression and antisocial behavior, violence in school and out of school, all the other negative impacts that we see. Providing school chaplains helps to counteract that because then students have-- and teachers and staff have some place to go where they know they'll receive a listening ear, a caring heart, and something-- a resource that's outside of the normal school hierarchy. And they recognize that this is an individual that they can speak with without fear and can relieve stress and provide guidance in a way that is just not there right now. And previous testifiers have referred to the statistics of those states and countries and other areas. Australia has an especially long history of employing school counselors, and there are very positive results of allowing school counselors. And one of the advantages of LB1065 is it is not a state of Nebraska mandate or controlled or guided from the state level, but it's at the local level. The local school boards working with the local administration and the support of local parents determine what is the best fit of a chaplain or a chaplain function in their school. And that's why I support LB1065. And I request that your-- careful consideration and support for it as well. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Lewiston?

**CONRAD:** Thank you.

**MURMAN:** If not, thank you for testifying. Any proponent-- other proponents for LB1065? Any opponents for LB1065?

**DEB RASMUSSEN:** Good afternoon, Senator Murman, members of the Education Committee. My name is Deb Rasmussen, D-e-b R-a-s-m-u-s-s-e-n. And I have been a proud public school counselor since 1992 in Lincoln, California, and South Dakota. I am currently the president of the Lincoln Education Association, and I am representing the Nebraska Education Association in opposition of LB1065. First of all, I have this all typed up, but the first thing that pops in my mind is the separation of church and state. And do people on this committee and the person who wrote this actually know what a school counselor does? Your canned explanation of what a Lincoln Public School counselor does is not what I did. I did so much therapy. I did so much signs of suicide prevention. I went through all



kinds of things. We just don't work in the classroom. We are a person who does not come across as spiritual or judging. We have to look at diversity issues. We have to look at inclusivity and all these things in a person that anyone can come to. My next-door neighbors are Muslim. Having a chaplain in the school would be so detrimental. I have-- a school that I was at, Goodrich, 26 different languages, with accompanying religions. And I can honestly tell you: atheists. I've had many atheist students. I have agnostic students. I meet them where they are. No judgments. My uncle is a Catholic priest. There's no way I would want him in a public school because I get to listen to him all the time. But spirituality is different. When a student needs guidance outside of school, we refer them. My office has been a place where staff have come for almost 40 years to talk to me. We refer for mental health. We save kids. And the whole thing-- first of all, I had-- there was a trigger when you said "commit suicide." It's "complete suicide." As someone who has had two family members complete suicide, "commit" makes it sound like a crime. "Complete" is what they did. We school counselors are so trained in that. We know that there are issues, but putting a chaplain in a school to me is more detrimental in public school education. Religion belongs outside of the classroom and public schools. Thank you.

**MURMAN:** Any questions for Ms. Rasmussen? If not--

**DEB RASMUSSEN:** Thanks a lot.

**MURMAN:** --thank you for testifying.

**CONRAD:** Thank you, Deb. Thank you.

**MURMAN:** Other opponents for LB1065?

**MALINDA JEAN BAPTISTE:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Malinda Jean Baptiste, M-a-l-i-n-d-a J-e-a-n B-a-p-t-i-s-t-e. And I reside in Lincoln, Nebraska. I'm in my 12th year as a high school counselor in Nebraska, and I'm an assistant executive director of the Nebraska School Counselor Association. I strongly oppose LB1065, which would authorize a school district to hire a chaplain to perform duties of a school counselor without a certificate issued by the Commissioner of Education. Professional school counselors have a very unique role in education. They're certified and licensed educators who improve student success for all students by implementing a comprehensive school counseling program according to the model adopted by Nebraska.

School counselors work to maximize student successes, promoting access and equity for all students. We work proactively with all students, teaching lessons in the classroom related to a variety of career readiness skills, coping skills, conflict resolution, and other interpersonal skills. This preventative and early intervention approach has a profound, positive impact on school safety, school climate, and overall student well-being. From classroom guidance lessons to small group interventions to individual counseling, we support each and every student meeting in-- them where they are at and building skills. Chaplains or other individuals without school counselor credentials are not positioned to have this level of impact on school safety and cannot provide the necessary support for all students. At the core of a counselor's job is supporting children in their learning at school. Our focus is always on academic growth of each and every student. This is creating space to meet basic needs so students able to learn, connecting classroom learning to career fields, supporting struggling learners, and collaborating with parents and other partners to find ways to challenge Nebraska's best and brightest students. We look at data and build programmatic interventions to give every student equitable opportunities to be successful in the classroom. We also play a vital role in career exploration and support students as they plan for their postsecondary journey. We stay abreast of employment trends, new and developing career fields, and the changing postsecondary landscape. Professional school counselors partner with families to navigate college admissions, financial aid, and admissions testing. We encourage students to explore career opportunities in our communities and teach employment skills so that students can contribute to the local economy. As I spend time reading about the role of a chaplain and their various contexts in which they practice, there's one core task of a chaplain: spiritual care of individuals. They do not address the academic growth nor address the development of career skills and goals of students. Placing chaplains or other noncredentialed personnel who do not know the academic or college and career domains into schools hurts Nebraska students. School counselors use data to build preventative and early intervention programs that are uniquely positioned to support the whole student across each domain, impacting every single student in their caseload. I ask that you oppose LB1065 so that every student in Nebraska continues to be served across all domains by a certified school counselor. Thank you.

**MURMAN:** Thank you. Any questions for Ms. Baptiste?

**CONRAD:** Thank you.

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**MURMAN:** If not, I have one. If, if a chaplain was hired to, to-- I mean, not to take your place but to help out or, or in addition to, would you be opposed to that?

**MALINDA JEAN BAPTISTE:** I don't feel that there's a place for chaplains inside of a school. I agree with Ms. Rasmussen when she said that we refer. We refer and partner with families to refer to their faith communities. We refer to mental health institutions. We know that, as a school, we cannot handle every single thing, so we look at our community partners. We look at our family partners. We look at all the partners that we work with to provide the necessary supports. I don't see that that is a necessary need inside of our school. I believe that we have good partnerships with community agencies outside of school, and that can include faith communities.

**MURMAN:** So, so a little further. So you think a chaplain would actually interfere with what you do? Is that what you're saying, or--

**MALINDA JEAN BAPTISTE:** I don't know if they'd necessarily interfere. I don't know that their role and what they provide meets sometimes kids where they're at. I think we have to look at kids as more than just this one spiritual element. They-- when we look at, like, an academic issue, there may be many things that play into that. There are also sometimes kids that come in and just have questions and they don't need to feel intimidated or pressured because somebody belongs to a particular institution, and I think that is sometimes a danger of putting the chaplain in there. Like Ms. Rasmussen said, we are neutral. It doesn't matter where students are at. We can listen. We can be a sounding board. And then we partner with parents and other opportunities to make sure that that student feels supported across the board.

**MURMAN:** Thank you. Any other questions? Senator Albrecht.

**ALBRECHT:** Thank you, Chair Murman. And thank you for being here.

**MALINDA JEAN BAPTISTE:** Yes, ma'am.

**ALBRECHT:** It's good to hear the perspective on both sides. So let me ask you: do you feel that you-- your load that you have to carry in your, in your position at the school that you serve in is, like, more than you can handle some days? Or do you feel that-- I know that-- like, a psychologist in the school is a big thing too. Do you have

those in your school? And do you work in, in concert with them on certain things--

**MALINDA JEAN BAPTISTE:** Sure.

**ALBRECHT:** --as well?

**MALINDA JEAN BAPTISTE:** So as the school counselor, we absolutely collaborate with other staff, whether it's a school psychologist, school social worker. Sometimes it's administration. And then we also-- again, if we have a situation that needs a more urgent understanding or if a student needs additional supports outside of that, we have our local hospital facility as necessary that we can pull into place. We do have a lot of partnerships too with therapy agencies, and so there's a lot of partnerships that happen on a daily basis. Are some of our days very busy? Yes. But I think the benefit is we do have people in schools that can handle those things, and then we can support those. And we share the load around. So I know if I'm tied up with a student and there's another student that's in crisis that happens to belong to my alpha, I have another counselor that will step in and provide those services, or a social worker will step in and provide those services. I think it really goes back to another bill that your committee has looked at too, is really protecting school counselor time. What we hear from counselors is they're overwhelmed because they're asked to do things that are not part of their scope and sequence of what they do. They're asked to do other duties as assigned. And it's that piece that really complicates their days. If they are given the time to work directly with students in the capacity of school counselor only, they can get a lot more done and really support students well.

**ALBRECHT:** And do you all have shortages in those areas?

**MALINDA JEAN BAPTISTE:** I believe that there are some, but I believe that there are also programs that are helping support that. Nebraska finally joined the ranks of many other states which now allows for somebody who was not initially in education to become a certified school counselor by going through a master's level program, and then including some additional education classes on top so they have the background and a little more understanding of how an educational system works because it is a unique system. It does not run completely like a business. And so we really work to educate people who may not have that background to be ready to be in the classroom. They are supported with mentors. They do hands-on, practical practicum and

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internships. I've supported interns and practicum students as they get that practical, hands-on experience before they're left alone to work with students. They get a lot of support. And then they're usually assigned to mentor. In smaller districts, you'll usually find that through the ESUs as well. So we make sure that each person when they are certified gets support. And then we are continually looking for ways to encourage people to come alongside and become school counselors. But our programs in the state are doing a wonderful job of recruiting and really working to retain those individuals.

**ALBRECHT:** Thank you.

**MURMAN:** Thank you. Any other questions? Senator Conrad.

**CONRAD:** Thank you so much, Chair. Thank you for being here. Sorry. We're all getting excited about this bill while you're in the hot seat, so thanks for--

**MALINDA JEAN BAPTISTE:** You know what? It's what it is. That's what happens when you go first, right?

**CONRAD:** Quick, quick question just to follow up on my friend, Senator Albrecht's, question. Are you aware of-- are there any prohibitions in law as it stands today that prevent you from working with families and a religious leader if that's something that's being utilized to provide family support? I mean, I, I know that, a lot of times, the school counselors will utilize all community resources that are available to families, and that might be a really meaningful relationship that exists for an individual or a family that they perhaps might want to bring to the table to, to help provide love and support for, for a student. Can you just, A, tell me if that's part of your practice, if you've ever seen or heard of something like that to, to foster that collaborative approach? And then, are there any barriers to that kind of collaborative approach if in fact it is voluntary and at the family's behest?

**MALINDA JEAN BAPTISTE:** Sure. I have partnered with members of the faith community when parents and students have wanted that. It's a piece of that. It's not something that we're going to force or offer. It's usually as we partner with families and working with the student to figure out what they want-- sometimes that's what they're looking for. They do have a close relationship with a member of their faith community. And if the family and the student wants to bring that person in, it is their right to bring that person in. We will partner

with them to the extent that that family and that student is willing to. I think one of the dangers that we always have to make sure as we're listening to students is to make sure that that's a part of what the student is looking for. And that, I think, is a danger, is that as an adult and some of the roles of chaplain, these are adults who are making a decision to engage with a member of a faith community. And I think we are setting a potentially dangerous precedent that minors may not have the same awareness or the same desire to be involved in the same faith community as their parents and feel obligated. And that, I would say, is the one piece that we need to really be careful of. And I think that's my hesitation with this, is that some students-- and in, in my practice, I've talked with students who feel very pressured in that religious aspect, in that spiritual aspect by family members, and they are looking to explore that outside of the realm of faith. And again, it's not our judgment to make a decision whether that's right or wrong or otherwise. We are simply the sounding board. And then we help that student communicate with their parent or their guardian about where they're at in that process. So a lot of our job is really creating dialogue between the two people that need to talk. We're not determining-- we're not actually telling them what to do. It's just helping them have that conversation between the student and their parent. And that is true of mental health. It's true of teen pregnancy. It's true of many aspects. Our job is to listen to the student, see what their needs are, and help them communicate that well with the adult at home that is there to support them, whether that's within or outside of the context of faith.

**CONRAD:** That, that's great. Thank you so much. And then, you know, the other thing that I'm thinking about that may not have the same sort of legal or, or practical or, or policy complications, perhaps, as the bill is written today would be other remedies like-- we know that there are faith-based clubs that sometimes meet at schools or even prayer groups or churches utilizing public schools for different activities at different times. And once those forums are established and available, then students or families could communicate with, you know, a fellowship, a Christian Athletes advisor, or something that happens to be a chaplain to really reinforce the voluntary nature of the effort. I'm, I'm just trying to think through other touchpoints within the schools that, that might already exist and that might not have some of, of the same concerns from, from these other policy [INAUDIBLE] issues.

**MALINDA JEAN BAPTISTE:** And you're absolutely right. There are a lot of partnerships with community agents, like the Fellowship of Christian

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Athletes, like-- we have some-- I know some after-school clubs that are sponsored by a faith community. Kids opt in, but it's not something that they are required to or feel pressured like they have to. They're choosing to spend their time outside of school to pursue those things if it's part of their personal development. We support all ways that kids feel like they belong to school. I think the biggest thing is making sure that it doesn't cross those boundaries in terms of what's listening and what may be providing a little more guidance in an area that a student's not ready to hear.

**CONRAD:** Great. Thanks. Thanks, Chair. Thank you.

**MURMAN:** Thank you. Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. I want to make sure I understood you right when you were answering Senator Conrad's question. A child comes to you, a student comes to you, and they don't-- like,-- they feel pressured by their parents on religion?

**MALINDA JEAN BAPTISTE:** Mm-hmm. I think it, it happens with different subsets, whether it's-- occasionally, immigrant students who are coming to the United States maybe feel disconnected from the, the faith of their home country and the faith that their parents still live in and they maybe don't see themselves living out their lives the same way. There are students that feel differently about who they are and they maybe don't feel accepted by some of the-- they live at home with. And part of those conversations are figuring out and starting to untangle where they feel like they need support and helping the student be able to say that to their family member. It's not us kind of making that decision about whether it's their faith that's determining that but really opening the conversation between the student and the adult and how they can continue to support one another.

**LINEHAN:** OK. I'm trying to imagine how that goes, but OK.

**MALINDA JEAN BAPTISTE:** I'll tell you it happens a lot in my office.

**LINEHAN:** Well, it, it seem-- it's kind of-- so you do talk about religion.

**MALINDA JEAN BAPTISTE:** If a student brings it up as a part of what their concern is. It is not our role to bring that into the conversation. If a student enters that conversation that's a reason why they're struggling--

**LINEHAN:** So in that--

**MALINDA JEAN BAPTISTE:** --we can dialogue.

**LINEHAN:** --in that conversation, when do their parents get told that the student's worried about it?

**MALINDA JEAN BAPTISTE:** If the student wants to disclose that. If they're ready to disclose that that's the area that they want. Now, if it's a mental health concern, we could-- we just invite them in to talk about mental health and how they can be supported and ask the parents to-- what supports can we continue to provide? What supports do you have in your networks that you would like to access?

**LINEHAN:** So if it's mental health, you contact the parents right away?

**MALINDA JEAN BAPTISTE:** Yes.

**LINEHAN:** But if it's religion, you don't?

**MALINDA JEAN BAPTISTE:** That is up to the child. It-- if it's not a harm to themselves, a harm to somebody else, or breaking the law. There are many conversations that fall under the level of confid-- confidentiality where they're just expressing some feelings. But what-- if it meets one of those three criteria, then yes, we would bring the parents in because that's what we need to do to break confidentiality to keep a child safe, as opposed to them dialoguing about a question that they have.

**LINEHAN:** OK. All right. Thank you.

**MURMAN:** Any other questions? If not, thank you for your testimony.

**MALINDA JEAN BAPTISTE:** OK. Thank you very much for your time.

**MURMAN:** Other opponents for LB1065?

**SUZANNE SCOTT:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Suzanne Scott, S-u-z-a-n-n-e S-c-o-t-t. This testimony is my own and not necessarily the perspective of my employer. As a former school counselor for 17 years, current school counselor educator, and member of the Nebraska School Counselor Association, I'm expressing my strong opposition to LB1065 and its potential impact on the professionalism and qualifications required for school counselors. I firmly believe this bill contradicts



established standards and competencies that align with both the national model of a comprehensive school counseling program and the school counseling standards the Nebraska Department of Education has adopted. While I recognize the need for additional school counselors and mental health providers to meet the needs of all students, passing this bill could have a detrimental impact on the quality and consistency of support all PK-12 students would receive. A chaplain hired in the role of school counselor would not be certified through NDE and would be lacking the extensive and specialized education and training school counselors currently receive to ensure that all students are guaranteed access to a highly qualified school counselor. The professional title "school counselor" should be a protected title. In Nebraska, to become a school counselor, one must enroll in a master's degree program, which focuses on the skills, knowledge, and dispositions of school counseling. Graduate students are taught how to define, deliver, and manage and assess the comprehensive a school counseling program. Graduate students learn about leadership-- collaboration within the school setting and are also taught how to counsel PK-12 students with a variety of mental health needs. School counselors in training learn how to work with students and staff within a school system and learn about various programs and services such as IEPs, 504s, MTSS, PBIS, and many others. School counseling master's programs require courses in, but not limited to, lifespan development, psychopathology, assessment and appraisal, theories of counseling, career development, group counseling, comprehensive school counseling programs, current practices in school counseling, and many others. Additionally, in Nebraska, school counselors in training must complete a supervised 100-hour practicum field experience in a school setting and at least 450 hours of a supervised internship placement. Chaplains, on the other hand, are not held to school counseling ethical standards of any type of school counseling training. They're not diversified in how to carry out academic, personal, social, and college and career readiness standards for all students. Additionally, chaplains without a certified endorsement in school counseling would not be required to have any training or work experience in a school setting with students or staff. By allowing this bill to pass, this also diminishes and depreciates the commitment to school counselors-- the school counselors and future school counselors in training devote to becoming appropriately trained and certified as a professional school counselor. I respectfully request that you consider these school counseling qualifications and training as fundamental to the success of any school counseling program and school counselor, but,

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most importantly, to the success of all our students. I welcome any questions you may have.

**MURMAN:** Thank you. Any questions for Ms. Scott? I have one, and I think it's kind of similar to the things we've been asking. Do you not feel that, at times, for some students, it would be beneficial to have either a full-time or part-time chaplain available in school during school hours?

**SUZANNE SCOTT:** I would agree with Ms. Baptiste that having that chaplain as an employee of the school system isn't really an appropriate place for that person to be. But we do collaborate and consult with people outside of the school, all the different agencies, faith-based communities, and all that. Again, there is such specialized training that goes into this role of school counselor. The way this bill is written and is say-- and it's saying, that chaplain is hired in the role of school counselor, and that is not-- you'll see a, a little bit more in my written statement that a chaplain can become a chaplain in five days, or \$350. Does that say that they're trained in any kind of school-related activities or how to work specifically with students with mental health needs? Not necessarily.

**MURMAN:** So again, if the chaplain was in addition to a school counselor, you would still be opposed to it?

**SUZANNE SCOTT:** I would because I, I don't see the need-- like Ms.-- like Ms.-- sorry-- Ms. Baptiste was alluding to, that we have a specific role. Yes, we collaborate with that person, but if that person is employed in that role, it could hinder students from, from seeking that service or wanting that service that the school counseling team provides. I, I just don't see a place for it in the school-- in a public school system.

**MURMAN:** OK. Any other questions? If not, thank you for testifying.

**SUZANNE SCOTT:** Mm-hmm.

**MURMAN:** Other opponents for LB1065?

**DOUG HAUSERMAN:** Good afternoon, Senator Murman and members of the Education Committee. My name is Doug Hauserman. I am representing the Nebraska School Counselor Association, where I serve as the executive director. I am also a practicing school counselor. You already heard from my colleagues about the role of the school counselor and the unique and intense training of school counselors. What I want to do is

break this down into what this really looks like. Career pathways, career clusters, future workforce needs, career counseling theories, Holland codes, administering and interpreting career interest inventories, work value inventories, and work skills assessments, career laddering, Nebraska career readiness standards, apprenticeships, and aligning career aspirations with appropriate postsecondary training. These are all things that are in the school counselors' wheelhouse just in the career domain alone. No one in the education setting brings the entirety of this knowledge to all students, and chaplains certainly do not have training in this area. As a school counselor, I am constantly called upon to work with students who struggle in the classroom due to anxiety, depression, ADHD, or who fall on the autism spectrum. It is my unique training in mental health, social development, the education system, teaching techniques, and classroom management strategies that allow me to not only provide the student with strategies for success but to collaborate and help teachers with strategies to support that student in the classroom. School counselors are knowledgeable on a complex code of ethics as well as federal, state, and local educational laws and policies, including FERPA and other privacy rights laws. Chaplains or any other noncredentialed personal-- personnel filling the role of a school counselor pose a legal liability to schools and districts, as chaplains and others do not have appropriate training or education in privacy laws or K-12 education mandates and requirements. Bottom line: chaplains who do not possess the academic and professional credentials of a school counselor, even with the best intentions, may provide inappropriate responses or interventions to students that could jeopardize students' development and well-being. No one is better positioned than certified school counselors to address the whole child in meeting the mission statement of the Nebraska Department of Education, which reads: To lead and support the preparation of all Nebraskans for learning, earning, and living. Learning: education, academics; earning: careers; and living: being the social emotional development of our students. I ask the committee to oppose this bill, ensure all Nebraskan-- Nebraska students have access to a certified school counselor that can prepare them for learning, earning, and living. I-- and I didn't include this in my remarks. I would just really encourage the committee-- and I know Texas bill's come up and been mentioned, and the Indiana bill. There, there are some very significant differences between those bills. Those bills do not replace school counselors with chaplains, as this is suggesting to be done. So I just want people to be aware of that. I'm happy to answer questions.

**MURMAN:** Any questions for Mr. Hauserman? I have one. In a grief counseling situation where it's been a death in the school or families, do-- are chaplains brought in at that time?

**DOUG HAUSERMAN:** Sometimes the-- that, that-- and, and I think that is a reasonable use for chaplains within the school district, if there is a, a massive event that is going to require all hands on deck, so to speak. I think bringing someone in in that situation for the right student who is comfortable, I think that's appropriate. But I think there has to-- that has to be very carefully handled with your grief response team, making sure, for one-- and, and not the-- unfortunately, they're ill-- ill-intended people. [INAUDIBLE] into-- gosh, I think it was, was Little-- Littleton, Colorado was one of our first school shootings. And one of the things that, that they learned-- media people, bless their hearts, posed as chaplain and outside counselors to come in and get information-- inside information for reporting. So, so there has to be-- it has to be very controlled. It has to be very measured. It has to be left to a student who would prefer to do that. And then there's got to be some communication in that grief plan so that there's-- we can provide wraparound services, assuming that, that, you know, that chaplain's coming in for the moment in the, in the crisis [INAUDIBLE] coming out. We don't want that student to fall off the radar and not be getting those wraparound services. So there are a lot of moving pieces to that. And I think that that can be done, but that's kind of a unique situation where you really are going to need all hands on deck because of the gravity and the, the large scale of the crisis at hand.

**MURMAN:** Senator Meyer.

**MEYER:** Quick question. So do you think there's merit in the TeamMates Mentoring program? Because I'm, I'm kind of hearing that you don't want anybody else in the school that might have an influence on a young person that needs somebody to listen to them.

**DOUG HAUSERMAN:** No, no. I, I-- if that came across that way, that-- I apologize because, no, the TeamMate-- external resources and working with students is absolutely what we do. We welcome all the support that we can get for students, both in the community and within the school. So yes, the TeamMates Mentoring program is a, a fabulous program for students who choose to participate in it. The TeamMates Mentoring program is also a volunteer that-- you-- students have access to a certified school counselor. In addition, they can participate in TeamMates Mentor, but part of that application process

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is they write a, an essay-- short essay on why they would like to have a TeamMates mentor, their parents, or-- and approval of it. So it is, it is a side support to the work that school counselors do, and we welcome that support.

**MEYER:** But it is another caring adult that's showing the student that they care about their future, so.

**DOUG HAUSERMAN:** Absolutely.

**MEYER:** OK. Thank you.

**MURMAN:** So if the situation is dire enough or extreme or-- I don't know-- emergency, desperate enough, you do agree that it's good to bring in a outside counselor?

**DOUG HAUSERMAN:** When-- if-- and it's not going to be every time that there's a death of a student in, in every district, for example. And I'm, I'm thinking more of those mash-- unfortunately, mass casualties, whether it's an accident, maybe that's involved multiple students, and so the number of grieving students is more than can be supported by the school staff. You have to bring all hands on deck, and that could be lots of different things. It could certainly be-- you know, our district that I, that I work for, we have partnership with Children's-- Children's Nebra-- Nebraska Children's-- Nebraska-- it used to be Children's Behavioral Health-- you know. And so we can bring in outside resources like that to support our students.

**MURMAN:** OK. Thank you. Any other questions? If not, thank you.

**DOUG HAUSERMAN:** Thank you.

**MURMAN:** Other pro-- or, excuse me-- opponents for LB1065?

**JESSIE McGRATH:** Good afternoon, Chairman Murman, members of the committee. Nice to see you all again. It was about a year ago that I was here talking with you all, and here I am back again. My name is Jessie McGrath, J-e-s-s-i-e M-c-G-r-a-t-h. I'm a resident of Omaha, and I'm here to oppose this bill. I am the president of a nonprofit group called Nebraskans Against Government Overreach. And while I'm not testifying in my official capacity to here-- today, I believe this is a, a part of a, a scheme and system to insert religion into our schools where it doesn't belong. Besides being a resident of Omaha, I'm also a lawyer. And I was educated at the University of Nebraska. And Professor Lake, who had been a Supreme Court clerk, was the person

who taught me constitutional law. And separation of church and state is, is fundamental to our system. It seems like I-- I've-- constantly hearing about the problems with public education and that we need to reform that. I don't think bringing in unqualified individuals to be counselors who don't have the necessary training and skills and knowledge that are needed for the multifaceted groups of kids that we have existing today is an appropriate use of, of governmental resources. I'm a Christian. And, and I cherish my, my, my education that I got growing up and, and my faith in God and, and turning my life over to Jesus. But that was not something that a public school needs to be involved in. That is something that I got through my family and through people in the community. I have no problem with having a chaplain come in and say a prayer before a game. When I was getting ready to play football, we would do that. When I would play basketball, I would do that. That's not the issue. The issue is, is having an employee based solely on religious backgrounds. That, that, that's not something that we do. I mean, when I was in school, my counselor, the biggest thing was he wanted me to join the Army, OK? So I did join the Army of God, but that, that, that's something else. I was-- there was a question: would it be OK to have a chaplain in addition to it? Well, it's, it's OK to have a chaplain come in on certain events and other things, but having them as an employee whose job it is is to provide this instruction and, and, and things to, to kids is, is not the answer for that. And I can especially think for the, the kids who are LGBTQ in our school system who have an issue. And instead of going in to talk with a counselor who may have empathy and understanding, they talk to somebody who potentially believes them to be an abomination. And that-- you got to look at a kid from that perspective. Are they going to want to go and speak? I don't think so. This is just too much of a government intrusion forcing the religion into our schools. And, and I, I wholeheartedly oppose this bill.

**MURMAN:** Thank you. Any questions for Jessie McGrath? Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. And thank you very much for being here. So you've been here the whole hearing, right? Were you here when--

**JESSIE McGRATH:** I did not attend the first part of the hearing. I was in another hearing.

**LINEHAN:** That's OK. So you heard the counselor talk about kids wanting to come in and talk about their religion. And they would talk to them about how to talk to their parents. Does that concern you at all? I

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mean, that's also-- I mean, I don't know. I guess where I'm trying to figure out here, is there a bright line? Like, we don't talk about religion in public schools? Or is there not a bright line?

**JESSIE McGRATH:** This is not about not talking about religion in public schools. This is about having a religious ins--

**LINEHAN:** No no, no. I know that.

**JESSIE McGRATH:** --individual directing on all things. That's, that's an individualized situation.

**LINEHAN:** I'm just talking, from your background, if you were here, did that concern you at all?

**JESSIE McGRATH:** About a student raising a concern about potential religious issues with a counselor in school? No, that does not bother me because that's a student bringing that to the attention and, and saying, I don't know what to do. It's not the, the, the counselor then saying, OK. Well, this is what you-- this is what God tells you you need to do. It's them saying there are resources that could be available to you and we will direct you towards them. That's perfectly fine. It's perfectly fine having the initial conversation. It's not-- it-- not fine having the, the person giving the instructions--

**LINEHAN:** I'm not arguing--

**JESSIE McGRATH:** --coming from that basis, so.

**LINEHAN:** --the bill. I'm just-- it's a new revelation to me today I'm trying to figure out. That's my--

**JESSIE McGRATH:** Yeah.

**LINEHAN:** OK. Thank you.

**MURMAN:** I have another question. I think Senator Lippincott mentioned in his opening, or, or at least someone did, that there are chaplains in the military. So-- of course, that's a public institution. Would-- are you against chaplains in the military also?

**JESSIE McGRATH:** No. I vi-- I visited the chaplain when I was in the military, when I was going through basic training in Fort Leonard Wood because it was a, a, a, a, an important thing. The military makes available multiple chaplains in different denominations. It's not that

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there is, you know, a single Catholic priest in Fort Leonard Wood and that's the only person you can talk to. It, it's separated out, and it's because the government and the military realizes that there are people of religious faiths. And when you're under orders and you're sent to a foreign country and you want to be able to express your religion, they make that available for them. That's not what a, a public school is, though.

**MURMAN:** OK. Thank you. And then one more question. I, I think a couple times it's brought up, separation of church and state.

**JESSIE McGRATH:** Yes.

**MURMAN:** I've always heard that interpreta-- interpreted so that the, the, the-- not that the state should-- or, the church should, should stay out of the state's business, but the other way around, that the state should stay out the church's, church's.

**JESSIE McGRATH:** Freedom of religion, the, the-- that is-- it's, it's freedom of religion and it's freedom from religion. It, it goes both ways. And-- so that, that's something I think that you have to understand. It's not, it's not an either-or.

**MURMAN:** So you're OK if it's voluntary, just not if it's--

**JESSIE McGRATH:** As far as somebody in the school--

**MURMAN:** --chaplain is voluntary, not-- I mean, not the only counselor.

**JESSIE McGRATH:** If, if they make them available for all students and there, there's an imam, a rabbi that they have that they can refer folks to, I-- there's no problem with them being available to a student who requests it. The, the question is, is having them there as the only person that the person can talk to as an employee of the school district.

**MURMAN:** OK. Thank you. Senator Conrad.

**CONRAD:** Thank you so much, Chair Murman. Thank you. Good to see you. I, I just wanted to follow up. And knowing your legal background, I know that you can help, help me build the record here on, on Chair Murman's really good question, you know, just trying to tease out what's similar or dissimilar about the installation of chaplains in prisons or in the military or in a hospital. And, you know, Jessie, I was hoping maybe you could help us walk through just how the law



recognizes pragmatic differences with-- in the military, you're not free to leave. In a prison, you are not free to leave. In a hospital, you usually aren't able to leave because you're there for treatment or what have you. And so there's, there's a different setting and a reason why we sometimes would allow for an installation of a chaplain in a setting like that versus in a public school where the faculty and the students are free to avail themselves of religious guidance and practice in accordance with their tenets outside of school hours as well. So I don't know if you had any thoughts about that that you may want to put on the record.

**JESSIE McGRATH:** I would think some students probably think that, that they're in a prison when they're at school because they're not free to leave.

**CONRAD:** Well, hopefully not, but, yeah. Right. Yeah.

**JESSIE McGRATH:** But, but-- yes, that, that is definitely one of the things that you have to take into consideration, is that in, in a school situation, you're, you're free. When you're in the military, you don't get to go where you want to go when you want to go. You are told where you're going and you're told what you're going to do. And so in that sense, having things that are available generally to everyone, you have to make that available for them because they have the right to the religion also. At, at a school, you're not moved away from your community. You're not moved away-- you are there. And so the fact that you can have that availability, if you want to seek it out, that is fantastic. And it-- and I, and I encourage that. And in fact, that's something that I found when I was in high school back in the '70s, that-- it was good. And we had baccalaureate. We had religious speaker-- but it was multiple different denominations. It was not a singular-- I mean, I, I'm not sure eve-- people on this committee would be really happy if some community decides to go off and, and, and-- and their chaplain, they hire somebody from the Satanic Temple, which would be entirely available under this interpretation of the law if you wanted to do that. So I, I, I, I just get frustrated when we try to inject too much religion into our schools when those are separate, separate things, religion and government. And even though I know this is, is one of the seven mountain mandates, is to take over education and try to get that into the school system, I, I, I don't think this is appropriate.

**CONRAD:** Thank you. Thank you, Chair.

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**MURMAN:** Thank you. Just one more questions. You said you, if I understood you right, you are president of Nebraskans Against Government Overreach.

**JESSIE McGRATH:** Yes, I am. It's a 501(c)(4).

**MURMAN:** Is there more than one group that goes by that name?

**JESSIE McGRATH:** Is there another group?

**MURMAN:** Yes.

**JESSIE McGRATH:** We're the only 501(c)(4), and we have a registered lobbyist with the state.

**MURMAN:** OK.

**JESSIE McGRATH:** Is there another group? There may be.

**MURMAN:** Well, I'm not sure. That's why I asked the question. I, I think so, but I don't know for sure.

**JESSIE McGRATH:** OK.

**MURMAN:** Thank you.

**CONRAD:** Great. Thank you.

**MURMAN:** Any other propo-- or, excuse me-- opponents for LB1065? Good afternoon.

**KURTH BRASHEAR:** Good afternoon, Chair Murman, members of the committee. It's good to be with you today. My name is Kurth, K-u-r-t-h; Brashear, B-r-a-s-h-e-a-r. I'm a resident of Seward, Nebraska. I am thankful for the shared concern for all-- that all have expressed today for our children. I think that's incredibly important. Informing my testimony today is that my wife is a school counselor. We have children in both public and Lutheran schools. And I am a lifelong member of Lutheran congregations, including serving as an elder of my church. All of that informs me speaking today against LB1065's proposal to allow chaplains to serve in public schools in place of school counselors. I've been blessed to know many ordained clergy in my life. I value and respect them, those heeding the call to serve the faithful in society, but I don't know one who would claim that they could fill the duties of a full-time school counselor as it exists

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today. School counselors are professionally trained to proactively develop program, programs addressing the academic career and social emotional skills, as you've heard about. They are the best friend for students, approachable when they may not know who to turn to, including their parents at times. And they are a trusted resource for those parents who are seeking help dealing with the challenges that children confront today. At the Lutheran school where my wife serves as a school counselor, there are 14 staff members who've been trained in Lutheran seminaries and colleges to be in that school. Every single one of them would tell you that my wife being on staff is a godsend and that she is an invaluable resource for students, facul-- families, and staff that they would not otherwise have. To believe a person trained in theology can bring the same experience and skills to a student betrays a lack of understanding and awareness of school counseling today. We take it seriously, as you've heard, in Nebraska. We expect them to be trained and prepared and certified just as we do for teachers. But LB1065 would allow a chaplain who passes a criminal background check to perform the duties typically required. Who is a chaplain? The bill does not say. I would hope it means being ordained. That'd be four years of graduate study in the Lutheran Church-Missouri Synod, but it could be somebody who buys a license online and registers and can perform the marriages we allow in Nebraska. Our children and families deserve a higher degree of professionalism than LB1065 would require, which makes clear that no real requirements apply. Finally, I appreciate that the bill says it is not meant to be an endorsement of any particular religion. However, as has been cited, the National School Chaplains Association and its parent organization, Mission Generation, Inc., in their public documents talk about chaplains being a way to discuss problems at school and home applying biblical solutions and prayer. Clearly, they contemplate a particular religion. The fact it's Christianity doesn't make it any less concerning for me. I am responsible for my children's faith formation, as is every parent. Not public schools. Not the state. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Brashear?

**CONRAD:** Good to see you. Thanks.

**MURMAN:** If not--

**KURTH BRASHEAR:** Thank you.

**MURMAN:** --thank you very much.

**ARYN HUCK:** Thank you. Thank you, Senators of the Education Committee. My name is Aryn Huck, spelled A-r-y-n H-u-c-k. And I'm the community organizer of OutNebraska, a statewide, nonpartisan nonprofit working to celebrate and empower gay and transgender Nebraskans of all ages. OutNebraska is here today to share our concerns with LB1065. School counselors are extremely important members of our education system, which is why they should be properly trained and certified to support the well-being of students from all backgrounds. They are essential resources for students across the state who may otherwise live in mental health care deserts who need help navigating relationships, identity, bullying, trouble with classes, and college applications. In many cases, school counselors are the first safe adult a gay or transgender youth confides in. The expectation of students, their parents, and their schools is that counselors will provide resources that support the academic, emotional, and social well-being of this student, not religious doctrine to pray away the students gay or transgender identity or their mental health struggles or their academic stressors. The trust a school counselor fosters then allows students to come back and seek help with feelings of sadness or depression, bullying, academic success, or-- and career planning. While a chaplain may have the best of intentions, the possibility of harm is too great. Those uncertified individuals will not always be trained in child development, counseling skills, mental health support, or suicide prevention. One of our concerns is the bill does not address what sort of training would be required for an uncertified individual to serve in this role. As others have highlighted, could anyone who's been ordained serve-- you know, like, ordained online serve in this role? I'm ordained. Am I qualified because I or-- got ordained to conduct someone's wedding ceremony? Nebraskan students need more than that. Nebraskan students need professionals who are trained to support them in dealing with serious matters like anxiety, depression, eating disorders, self-harm, suicidal ideation. We also need school counselors who are then ready, on the other hand, to help students create career plans, apply for colleges and trade schools, and succeed in the classroom. There are so many aspects of student life that a school counselor must be familiar with, which is why proper education and training is so essential. Replacing qualified professionals with uncertified chaplains will threaten the safety, education, and well-being of our students, so counselors are uniquely qualified and trained to meet the needs of students from all backgrounds, including those who may be gay or transgender. I've included for all of you the most recent Trevor Project report on LGBTQ youth mental health in Nebraska to highlight how important it is that

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gay and transgender youth have access to competent and credentialed school counselors. We urge the committee to support the best care for Nebraska students and to oppose LB1065. Thank you for your time.

**MURMAN:** Thank you. Any questions for Mr. Huck?

**CONRAD:** Thank you. Thank you.

**ARYN HUCK:** Thank you.

**MURMAN:** Thank you for testifying.

**ARYN HUCK:** Thank you.

**MURMAN:** Other opponents for LB1065?

**GRANT FRIEDMAN:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Grant Friedman, G-r-a-n-t F-r-i-e-d-m-a-n. And I am here on behalf of the ACLU of Nebraska, testifying in opposition to LB1065. There's no doubt that Nebraska needs more school counselors to support our students on their educational journey. The solution to this issue is to hire more certified counselors and for this Legislature to provide more funding to allow schools to do so while creating programs that help students pursue a school counseling career path. The primary role of chaplains is to provide pastoral or religious counseling to people in spiritual need. Allowing them to assume official positions, even if voluntary, in public schools will create an environment ripe for religious coercion and indoctrination of students. This is especially true under LB1065, which does not require chaplains to obtain the same educational degrees and professional certification that school counseling staff and other school staff must obtain. They are therefore not likely to have the training and experience necessary to ensure that they adhere to public schools' educational mandates and avoid veering into impermissible religious counseling and other promotions of religion. Parents and faith communities should provide religious guidance to their students, not school chaplains. All should feel welcome in public schools. Freedom of religion means that parents and faith communities, not government officials, have the right to direct their children's religious education and development. Allowing chaplains in public schools would cross these well-established boundaries and could result in children receiving religious instruction that are inconsistent with the faith beliefs their family is choosing to raise them in, as is their right. For these reasons, we

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ask that LB1065 be indefinitely per-- postponed. And I welcome any questions.

**MURMAN:** Thank you. Any questions for Mr. Friedman?

**CONRAD:** Thanks, Grant.

**MURMAN:** If not, thank you for testifying. Other opponents for LB1065? Any other opponents for LB1065? Any neutral testifiers for LB1065?

**STEVEN JESSEN:** Good afternoon.

**CONRAD:** Good afternoon.

**MURMAN:** Good afternoon.

**STEVEN JESSEN:** Senator Murman, committee. My name is Steven Jessen, S-t-e-v-e-n J-e-s-s-e-n. And I'm testifying in a neutral position. And-- so I want to clear up some things that I see going on through this discussion, both for and against. First thing is, is the separation of church and state. You've talked about that. And here-- and we know that that phrase came from Thomas Jefferson. We know that. And this is what he was referring to: that Congress-- this is the First Amendment of our Constitution-- says that Congress shall make no law respecting an establishment of a religion or prohibit the exercise thereof. So I feel we may be violating that by not allowing our faith children the ability to receive counseling in our schools with someone that they would go to. Second thing is, just real quickly, is-- you know, I've listened to both sides. I, I, I think Senator Lippincott had some statistics, but I have not heard any opposition show statistics of where they have made a difference. We know-- we got a big deal going on right now in the Capitol because of, of making awareness-- for suicide awareness right here, right now. And we know that suicide is exploding in our schools, in our students. And so I, I would say that if we keep doing the same old thing and expecting different results-- I'm not knocking anyone with their education. I think we need counselors. They're a great asset. But I also believe that we have the right. That's all I have.

**MURMAN:** Thank you. Any questions for Mr. Jessen?

**STEVEN JESSEN:** Yep.

**MURMAN:** If not, thank you. Any other neutral testifiers? If not, Senator Lippincott, you're welcome to close. And while he's coming up:

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in emails, we had 91 proponents, 129 opponents, and 1 neutral testifier.

**LIPPINCOTT:** Very briefly, we've heard separation, we've heard Establishment Clause, all these things. We handed out a ton of stuff. But I'd just like to read three sentences from the Mitchell Law-- a letter from the Mitchell Law law group from Austin, Texas. This is back in July of this past summer, 2023. Second paragraph reads as such: The Establishment Clause says that, quote, Congress shall make no law respecting establishment of religion, unquote. Making chaplains available to public school students is not an establishment of religion if the students remain free to decide whether they will use the chaplain's services. The only circumstance in which the presence of a public school chaplain could violate the Supreme Court's Establishment Clause doctrine is if schools coerce its students to participate in chaplain-led programs or activities. And that's not the case here. And recently, last June of 2022, in the Kennedy case before the U.S. Supreme Court, government may not make a religious observance compulsory, mandatory. It's optional. It may not, may not coerce anyone to attend church or may force citizens to engage in formal religious exercise. In the absence of coercion, there is no Establishment Clause violation. I'd like to just share very briefly a personal story. I was in the Air Force based at Ramstein, Germany back in 1988. And we had an air show-- it was the largest air show ever in Europe, 500,000 people there. And the Europe-- or, the Italians were doing an air show. One airplane crashed into two other aircraft in the formation, and one of the aircraft crashed right into the 50-yard line of all of the crowd. And this was only about 100 feet from where our squadron were selling T-shirts for a fundraising operation. And like that, 70 people were killed. They were just, you know, cut in half, de-- you know. Body parts everywhere. People were, were burned up. And it was a disaster. It was on a Sunday afternoon, August 28th, 1988. And the next four days, we had to clean up around the air base and get the airfield all cleaned up. I stayed around there for six hours and helped clean up, first off, the people who were injured but were still alive, and then start picking up body parts. And it was per-- pretty sobering. Well, for the next week-plus, several of the-- these F-16 fighter pilots that are trained to bring about destruction and drop bombs and shoot guns and missiles and stuff, they had a hard time getting over that. Do you think that chaplains were an essential part of that recovery operation? Yeah, they were. Because people had a hard time dealing with stuff. Now, one time we were all teenagers and we were all in school, and we had issues that were equally emotional. We

had breakups with boyfriends, girlfriends, didn't make first string, whatever it is. So the idea about giving the option to school boards and schools and parents and students the option of having a chaplain seems like a pretty reasonable idea to me. I heard a preacher one time who says, you know what? The first step to loving somebody is listening. And pastors know how to listen. And a lot of times-- you know, every time we hear about these school shootings, I think to myself, I wonder if anybody cared enough to listen to that kid that had problems and took it out on other people by killing other people. So unfortunately, too often what we do-- specifically here in the Legislature and in lawmaking-- is we are very reactionary instead of being proactive. This is an opportunity to be proactive and to place individuals in the school to help love the students, help them through their problems. They're teenagers. They're trying to grow up, but they encounter problems. This is just an option. Today we heard from a lot of people that are, that are school counselors, and-- I hesitate in saying this because I don't want to be critical, but I wonder, you know, how much resistance we're having to this in turf protection, protecting your own territory, so to speak. And I hope that's, that's not the case. We want to help our kids. That's our motivation here. And I think that this one tool-- and it sounds like a cute little saying, another tool in the toolbox, but it truly is. This is giving schools, parents, and students an option to help our kids. It could be either a paid position or volunteer. It's a good deal. I think we need it. Thank you, sir.

**MURMAN:** Thank you. Any questions for Senator Lippincott? Right at the end, you said paid or volunteer there. And I guess-- maybe I missed it in the be-- bill. Is, is that what the bill says?

**LIPPINCOTT:** Some states-- I believe in Texas, they are allowing, it could be a voluntary position or it could be paid. Again, it's the option of the local school board how they want to handle these things.

**MURMAN:** OK. Thank you. Any other questions? If not, thanks for bringing the bill.

**LIPPINCOTT:** Thank you, sir.

**CONRAD:** Thank you, Senator.

**MURMAN:** And that will close the hearing on LB1065. And we will open the hearing on LB1006. Good afternoon.



**WALZ:** Good afternoon, Chair Murman and members of the Education Committee. For the record, my name is Lynne Walz, L-y-n-n-e W-a-l-z. And I represent Legislative District 15. Today I'm introducing LB1006, which seeks to return 20% of a school district's income tax collected by the state, as opposed to the current 2.23%. I think this concept is really something important to talk about when we consider the changes that were made with TEEOSA along with the lid that was placed on the school districts last year. It's key that we take into account the original thoughts behind TEEOSA. TEEOSA has changed multiple times since it was established in 1990 and was created as a way to reduce the reliance on property taxes by school dis-- districts and pull in sales tax and income tax funding. It's important to note that, when originally passed, the bill increased sales-- when originally passed, the bill increased sales and income taxes to fund schools. The voters then put TEEOSA on a referendum, and the voters upheld it with a 56% support. When TEEOSA was introduced, pulling income tax into the system was seen as a way to better represent the income levels of a school district, as opposed to property. Some districts looked pretty good as far as property was concerned but were considered income poor while other districts were income rich and property poor. The model for TEEOSA was based on how Kansas funded schools, and part of that util-- part of that was utilizing the level of income from each district as a means to determine the overall wealth of a district. TEEO-- TEEOSA also operated this way, with modifications happening hereafter. But in 1996, LB1050 was introduced that would cap income tax rebate at the 1992-1993 appropriation level, which was \$102 million-- \$102,289,817. That stayed at the same level until 2016, when Chairwoman Sullivan introduced a bill to do away with that set appropriation amount in statute and rather calculate by multiplying the local system's income tax liability by 2.23%. That's a very brief background on how the income tax component of TEEOSA got to where it is today. It's important to note that TEEOSA was taken to the voters with a tax increase with the understanding that it would be used to fund schools. The voters supported that decision, and then a few years later pulled back the income tax funding. I believe that the original crafters of TEEOSA had it right by setting the income tax rebate at a significant amount. It truly represented the income levels of a district, and TEEOSA could step in when a district was income poor. LB1006 is straightforward. It maintains the current multiplication of 2.23% until school fiscal year '25-26. And starting at school fiscal year 2025-26, every school district would receive the local system's income tax liability multiplied by 20%. This bill's really meant to think further about how our funding system could be functionallin--

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functioning when we discuss property taxes in relation to school districts. I want to point out that the fiscal note estimates, by doing this, TEEOSA aid would increase by about \$247 million. Under this measure, we would be returning the income taxes collected to the school districts and the communities who support those districts and distributing it-- distribute it based on their actual income. I also want to point out that Farm Bureau, the Corn Growers, and the Pork Producers submitted a comment online in support of this measure. They stated that this helps alleviate property taxes currently paid to schools. With that, I'd be happy to answer any questions if I can.

**MURMAN:** Thank you. Any questions for Senator Walz? Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. And thank you, Senator Walz, for bringing this. So where's the \$247 million coming from?

**WALZ:** I knew you were going to ask that question, so I'm going to have to go to the fiscal note. And I might-- I'll, I'll find it, and maybe I can answer that on your clo-- on my closing. I know it's in the--

**LINEHAN:** Because in-- it's-- so you're adding another \$247 million to the \$0.3 million now. So it'd be-- we-- overall-- I mean, I can see why people are for this. We're-- it's more school funding.

**WALZ:** Yeah. It says, increasing the allocated income tax factor to 20% will increase the amount of TEEOSA state aid calculation with the increased funding going to nonequalized districts. The approximate cost to increase the allocated income tax rebate using the '23-24 TEEOSA certification is about \$247 million.

**LINEHAN:** But it's new money. We're not taking from one school district and giving it to another. It'd be new money.

**WALZ:** Right.

**LINEHAN:** Yeah. All right. Thank you very much.

**MURMAN:** Any other questions?

**WAYNE:** Am I, am I slow?

**MURMAN:** Senator Wayne.

**WAYNE:** I, I still, I still don't know where the \$247 million comes from. Oh. So we don't know where the \$247 million comes from?

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**WALZ:** Income taxes that are paid in would-- instead of 2.23% going back to the school districts, 20% would go back to school districts.

**WAYNE:** I understand that part.

**WALZ:** Affecting the revenue.

**WAYNE:** Right. By \$247 million.

**WALZ:** Yes.

**WAYNE:** So how do we as a state make up the \$247 million? Let the record reflect, she looked at the Revenue, Revenue Chair [INAUDIBLE]. I don't know. No, that's what I was trying to-- I'm just-- OK.

**WALZ:** Yeah.

**WAYNE:** Long as I know. OK. All right. We're on the same-- I didn't know where mine was coming from, so it doesn't matter. We got the answers. We don't know where the money needs--

**ALBRECHT:** I, I--

**MURMAN:** Sen-- Senator Albrecht.

**ALBRECHT:** Thank you--

**MURMAN:** Yeah.

**ALBRECHT:** --Senator Murman. I just have a question, Senator Walz. Like, who brought this to you? Did Farm Bureau or--

**WALZ:** No. They did not bring this to us. This was part of-- this has been a bill that's been introduced a couple times, actually. And it was part of the plan that we had last year, or two years ago, I think, our school aid plan.

**ALBRECHT:** OK. So did you have a interim study on where money should come from or-- I'm-- I guess I'm just wondering, where do they come up with-- who came up with 20%?

**WALZ:** 20% was what was originally in the original TEEOSA.

**ALBRECHT:** OK.

**WALZ:** It was 20% allocated income, 20% of taxes going back to the--

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**ALBRECHT:** So you're [INAUDIBLE] what they used to do and wanting to bring it back?

**WALZ:** That's exactly how we originally--

**ALBRECHT:** Got it.

**MURMAN:** Senator Meyer.

**MEYER:** Yeah. And I-- you're exactly right. And the way the formula was originally designed was much better than it is today. One of the Governors-- I'm not sure which-- thought, well, I could use that 20% to balance the state budget. So they just took it out of there. And I'm afraid the horse is out of the barn, to use a term like that. But originally, that was a double mechanism to measure a district's wealth. You had the real estate and you had the income, which was exactly right. And one of the Governors-- I think I know who it was, but I'm not going to say his name-- said, we can just take that state income tax and balance the state budget with that and take it out of TEEOSA.

**CONRAD:** Yeah.

**MURMAN:** Any other questions? I do have one. And I, I have a very similar--

**MEYER:** I can name names, but I--

**MURMAN:** Very si-- similar-- the way I've heard it is very similar to Senator Meyer. And I actually do agree that some form of a balance between income tax and sale-- or, excuse me-- property tax ought to be a determinant of wealth in a district. And we did get away from the way it was originally planned. I, I, at this time, would not be in favor of the income tax part rep-- I mean, I'd be in favor of it replacing the property taxes rather than in addition, you know, adding more. But would you not agree with that? I got to make it a question, so.

**WALZ:** Would I not agree with it--

**MURMAN:** With having a better balance, including the income tax alloca-- allocated income tax in determining the wealth of a district. Just with that part of it. I think that's what your bill tries to do, actually.

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**WALZ:** Yes. I would agree.

**MURMAN:** OK. Thank you.

**WALZ:** I'm trying to understand the question still.

**MURMAN:** Yeah.

**WALZ:** And it would be in-- I mean, I think that-- go ahead. Oh. I'm not the--

**LINEHAN:** No.

**WALZ:** --Chair.

**MURMAN:** Senator Linehan.

**LINEHAN:** Thank you. Have you-- did the Department of Ed run any numbers on how this would actually work in each school district?

**WALZ:** I don't have that.

**LINEHAN:** OK.

**WALZ:** No.

**LINEHAN:** Because rich school districts would get mon-- more money back. It goes against the whole theory that you got to take care of the poorer school districts. That's, I think, part of what's happened historically, but I'm not sure. But I think any serious look at this, we'd have to look at what school districts are winning and which ones are losing. Because it's surprising. Because I think when this came up two or three years ago, it was Humphrey, which has got a levy of \$0.40, was one of the districts that would get back a lot more money. So it, it's a totally different--

**WALZ:** They would get back a lot more money if it was the allocated income tax at 40%.

**LINEHAN:** Yes. So it goes against-- it'll be interesting to see who's here to testify for this.

**MURMAN:** Any other questions? If not, thank you. Proponents for LB1006? Any proponents for LB1006? Any opponents for LB1006? Opponents? Any neutral testifiers for LB1006? Senator Walz, would you like to close? And she waives closing. Do you have the email?

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**JACK SPRAY:** Yes. I'm sorry.

**MURMAN:** So email on LB1006: there's 3 proponents, 0 opponents, 0 neutral. So that will close the hearing on LB1006. And we'll open the hearing on LB1011. And Senator Albrecht will be taking over for me. I've got to go. Got to leave.

**ALBRECHT:** Lucky you. OK.

**CONRAD:** Oh, on our last hearing day.

**ALBRECHT:** On our last hearing.

**WAYNE:** Duty calls.

**MURMAN:** Dairy farmers are calling.

**CONRAD:** OK.

**ALBRECHT:** Dairy farmers are calling. OK. Go right ahead--

**WALZ:** Good afternoon--

**ALBRECHT:** --Senator Walz.

**WALZ:** --Vice Chair Albrecht and members of the Education Committee. For the record, my name is Lynne Walz, L-y-n-n-e W-a-l-z. And I represent District 15. Today I'm introducing LB1011, which would provide greater incentive for schools to offer larger pre-kindergarten programs and early childhood education by increasing the reimbursement in TEEOSA formula from 60% to 100% and creating an allowance for nonequalized districts to capture a similar benefit. The time between ages three and five is a critical window for child development. According to research done by Harvard, 90% of a child's brain is formed by the age of six. Additionally, it's been found that children who are given quality early childhood education are four times as likely to earn a living wage, three times as likely to own their own home, and twice as likely to avoid public assistance. In addition to the importance that childhood education provides to young children, it's also a top priority for our business community. Access to affordable, available, and quality childhood-- child care has been identified as essential for working parents to enter, reenter, or stay in the workforce, according to the Nebraska State Chamber. LB1011 is an attempt to provide solutions to this issue by incentivizing schools to consider offering preschool programs. I think this is an important

tool when we discuss the availability of child care, especially in rural areas. Under the current TEEOSA formula, schools are reimbursed at 0.6 of the normal student reimbursement, with the rationale that the school day is typically shorter than K-12 students. However, the actual costs reflected in educating preschools is closer to the full student cost. LB1011 better reflects the real work-- real-world cost by increasing the reimbursement to 1, the cost of a full student reimbursement. Because TEEOSA only covers equalized districts under the formula, this contains an early childhood education allowance for nonequalized districts. This is found by calculating the qualified early childhood fall membership times the statewide average General Fund operating expenditures, expenditures per formula student. This brings the amount eligible per child in a nonequalized district el-- at relative parity to the equalized schools portion of the bill. Finally, LB1011 contains a reimbursement for transportation of children in early childhood education programs. The reimbursement mirrors the current transportation reimbursement for K-12 equalize students. Especially in low-income communities, transportation concerns still present large barriers to education for many students. And in order to be successful in breaking down educational disparities, we must be able to offer transportation to these students. This bill is an updated version of LB640, which was introduced by Senator Day in 2021, the main difference being that her bill was 80% of the cost of a K-12 student rather than the 100% introduced in this proposal. While we discuss Senator Fredrickson priority bill, it's important to-- that-- it's important that we attack the child care and early childhood education shortage from all angles. Ensuring every student has access to these allows our state to benefit many times over and increase workforce availability, but, more importantly, through a generation of children who will have the ability to reach their full potential. With that, I'd be happy to answer any questions.

**ALBRECHT:** Thank you, Senator Walz. Are there any questions from the committee? Senator Linehan.

**LINEHAN:** So you're going three- and four-year-olds?

**WALZ:** Two years before kindergarten.

**LINEHAN:** So three- and four-year-olds. Because we already do four-year-olds. Because I had Mr. Spray here-- so right now, currently in public schools in Nebraska, we have 19,316 four-year-olds and 22,000 in kindergarten. So we're getting most of the four-year-olds.

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And then there's similar numbers in the nonpublic schools. So I'm frustrated with the fiscal note because-- I don't know. Are we going full day with four-year-olds then? If we're going to pay 1, are we going to go all day? Por-- if it's-- we're going to give them-- part of the reason-- I've understood that preschool was only 0.6 is because they're there half a day. So are we still leaving them there half a day or are we going full day?

**WALZ:** No, I think it's full-- I think it's a full day.

**LINEHAN:** OK.

**WALZ:** Yeah.

**LINEHAN:** So that's clearly going to cost more than half a day. And if we add a whole cohort of three-year-olds, which would be another 20,000 kids, it's got to cost something. I, I don't know where these fiscal notes are coming from. It's like you're going to put 20,000 more kids in school and it doesn't cost anything?

**WALZ:** The fi-- oh, that was from Omaha Public Schools.

**LINEHAN:** Yeah. Omaha's more accurate.

**WALZ:** Yeah.

**LINEHAN:** They say it'll co-- they say it would \$16.6 million for that one school district.

**WALZ:** Yeah. I see that.

**LINEHAN:** Yeah. So--

**WALZ:** It would equalization aid by \$8 million.

**LINEHAN:** And I hope the Fiscal Office is listening because they cannot send this fiscal note. They have no numbers in the box but in reality are probably \$150 million. It's fine. Not your fault. We're all dealing with this fiscal thing, but. I, I guess the only thing we have to go on is what OPS would say it would cost.

**ALBRECHT:** You done?

**LINEHAN:** Yep. I'm done. Thank you.

**ALBRECHT:** Senator Wayne.



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**WAYNE:** Never mind.

**ALBRECHT:** Well, just real quick. I have a yellow copy here that basically says a fiscal impact cannot be determined since we don't know how many additional early childhood students would attend early childhood programs if allowed.

**WAYNE:** They somehow could always figure it out for my bills.

**LINEHAN:** Mine too.

**ALBRECHT:** Do we have any other questions? Seeing none.

**WALZ:** And I guess, you know, it's, it's really just--

**ALBRECHT:** No, go ahead.

**WALZ:** OK.

**ALBRECHT:** You're good.

**WALZ:** It's just really a matter of what's important and what's a priority. If this is a priority and we want to fund something like this, great. If it's not a priority for this committee, then we don't fund it.

**ALBRECHT:** Senator Linehan.

**LINEHAN:** I don't think that's-- it's quite that easy. Earlier today in another meeting-- which other people in the committee were in-- if you take all the three- and four-year-olds out of the private sector, you're not going to have a private sector because they make money on three- and four-year-olds. They don't make money on babies. So it's a bigger-- like, every action has a reaction. So if we decide to fund all three- and four-year-olds, which is a policy decision, there's a reaction that we also have to consider that you're, you're going to close a lot of daycare because you don't make-- pe-- babies are, like, loss leaders. Like, you take the baby, you break even or lose money, and then you keep them until they're four. It's just-- which, if we had-- and I know. I'm not really picking on the Fiscal Office or the Department of Ed. They've got a lot of stuff on them. But this is-- it's frustrating not to have some idea of what something costs because you-- we can't do anything if we don't know what it costs.

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**WALZ:** Right. And-- I mean, I think that this is a conversation that we can have. But apparently, we don't have enough child care right now. So something has to be done. And we have to incentivi--

**LINEHAN:** I think, I think, Senator Fre-- Senator Dungan said we should do a interim study over the summer. I [INAUDIBLE]-- we got to-- we got to look at the whole picture and figure out everything. Every time we move something, something else is going to move.

**ALBRECHT:** Any other questions? Seeing none.

**LINEHAN:** Wait.

**CONRAD:** No, I-- thank you, Vice Chair.

**ALBRECHT:** Senator Conrad.

**CONRAD:** Yeah. And, and thank you, Senator Walz, for bringing this forward and the good questions on the committee. And I think we've talked about it on the floor, we've talked about it in other committees. We keep coming back to child care in this committee and early childhood. And I, I think it, it would-- maybe it's a joint interim study between Education and Revenue or Appropriations or whoever it has to be, but to figure out where all these revenue streams are, what they're supporting, what the outcomes are, what's not working, where the gaps are because we're still struggling with that. And from a fiscal perspective, I'm sure we have the model from when there was the expansion to the half and the older kids that you're building upon. So we know it, at least at that point in time with the fiscal estimate, was that we could use as a guide, right? And they have demographic planning tools. They know what the birth rate is in places. And of course, people move in and out, but they would have a general sense about how many kids might fit in that category someplace or another so we could kind of figure out what the dollars and cents of it might look like. But I, I appreciate you putting another solution forward to try and adje-- address access to early childhood care because I think we all realize the importance, every single person. We're just trying to figure out, like, how we get-- how we improve the continuum.

**WALZ:** Yeah. It sounds to me like the problem is-- and I'm not saying every school. I'm just saying that there are some schools that can't afford a preschool, child care education program.

**CONRAD:** That's true.

**WALZ:** So I guess that this was one way that we could address how to incentivize schools to open those programs that provide more child care.

**CONRAD:** Well-- and kind of like the idea that perhaps Senator Fredrickson put forward-- you know, the more on-site care that you have, whether it's at the hospital or a corporation or a nursing home program with the grand friends or whatever it is. I mean, I think it probably goes to maybe teacher shortage as well. If, you know, people who are going to be working in those schools have an access point for care. That could go a long way to the teacher recruitment and retention piece too. Might be kind of interesting tie-in, but. Just brainstorming.

**WALZ:** No, I think that's, that's what we need to do. And, you know, sometimes it feels-- can I still talk?

**CONRAD:** Yes.

**WALZ:** Sometimes it feels that it, it-- I'm going to respond to that. Sometimes it-- as we all know, everything seems like it's just being piecemealed together and we don't have a very comprehensive plan. That's really missing. This is a piece that I think could help that overall comprehensive plan. There's just so many pieces that need to be combined.

**CONRAD:** That's, that's important.

**WALZ:** That's really important.

**ALBRECHT:** Yes, it is. Any other questions? Seeing none. Thank you. Would you like to stay to close?

**WALZ:** Yes, since I have one more bill after this.

**ALBRECHT:** There you go. Proponents? Do we have any proponents wishing to speak? Good afternoon.

**KYLE FAIRBAIRN:** Vice Chair. Vice Chair Albrecht, members of the Education Committee. My name is Kyle Fairbairn, K-y-l-e F-a-i-r-b-a-i-r-n. I represent the Greater Nebraska Schools Association, GNSA. My organization represents 25 of the largest school districts in the state. The 25 school districts represent 75% of all the children attending public schools and 88% of all the minority children attending public schools. I come to you today in support of

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LB1011 and thank Senator Walz for bringing the bill to the Legislature. This bill would allow for an increase in the school district counts of early childhood students in the current state aid formula. The bill states that the early childhood would no longer count as a 60% student for reimbursement purposes, but a full 100% child. This would make it more cost-effective for a school district to run an early childhood program, which has been proven in studies to be beneficial to children attending these types of programs. The bill would cost the state some money, as we've discussed. In the end, would be beneficial for children that attend the programs. Lastly, this will be the last time I testify for a bill sponsored by Senator Walz, and I want to thank her for her undeni-- undying commitment to public edjusta-- education in Nebraska. Nebraska, according to U.S. News and World Report, ranked seventh in the nation for public education services and number five in a report by Public Schools of America. Public education in Nebraska's always been strong, and it is because of people like Senator Walz and the other people-- other members of the Education Committee that believe in public education. Public education is a huge selling point in the state of Nebraska, and it's something we need to be proud of. Please support LB1011. And I will try to answer any questions.

**ALBRECHT:** Thank you, Mr. Fairbairn. Any questions from the committee? Well, we're certainly going to miss you.

**KYLE FAIRBAIRN:** Well, no, it's just the last one for her. I'm going to be around, Senator. I'm not going anywhere.

**ALBRECHT:** There is many of us that will not be here.

**KYLE FAIRBAIRN:** That's true. Senator Albrecht, you'll be gone too.

**CONRAD:** We'll miss Senator Albrecht.

**ALBRECHT:** Just sending some love.

**KYLE FAIRBAIRN:** Yeah. Thank you.

**CONRAD:** We'll miss Senator Albrecht.

**ALBRECHT:** Senator Linehan.

**LINEHAN:** So would you agree with these numbers that almost most four-year-olds are in-- well, 80% of four-year-olds are in some kind of--

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**KYLE FAIRBAIRN:** Well, I think they're prob-- that's probably a good number, Senator, yes.

**LINEHAN:** 80%. So it's-- so we're get-- they get 60% of the cost in their array for those kids?

**KYLE FAIRBAIRN:** They would, yes. It would be 60% of their comparison group. That is correct.

**LINEHAN:** So do you-- does GNSA have an idea of how much money this would be?

**KYLE FAIRBAIRN:** It's going to cost a lot of money.

**LINEHAN:** That's why there's-- yeah.

**KYLE FAIRBAIRN:** Yeah. And I, I didn't--

**LINEHAN:** And we don't have three-year-olds now, right?

**KYLE FAIRBAIRN:** I-- and I didn't see the fiscal note, Senator, at all.

**LINEHAN:** Well, it wouldn't help you.

**KYLE FAIRBAIRN:** Yeah. But I imagine OPS is probably pretty close with their estimate.

**LINEHAN:** OK. Because we're not doing-- most-- some preschools probably have three-year-olds when they're-- like, little schools and they can afford it, if they have the space.

**KYLE FAIRBAIRN:** They could. The, the problem because with that 0.6, it's really difficult, though, because you have to have smaller, smaller classes. So that teacher-- yes, it's only part time, but those classes are probably half the size of a kindergarten class right now.

**LINEHAN:** So was this-- was part of this an idea that you would-- those four-year-olds would be there all day or are they still only half a day?

**KYLE FAIRBAIRN:** I, I think that would be up to the-- a local school board to decide that.

**LINEHAN:** Well, if they're transporting them, it would save them money if they don't-- take them home at noon and then come back and get--

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**KYLE FAIRBAIRN:** Yeah. If they're transporting, that's true.

**LINEHAN:** OK. All right. Thank you for being here.

**KYLE FAIRBAIRN:** You betcha.

**ALBRECHT:** Thank you, Senator Linehan. Any other questions? Seeing none. Thank you for being here.

**KYLE FAIRBAIRN:** Thank you, Vice Chair.

**ALBRECHT:** Any other proponents wishing to speak? Seeing none. Any opponents? Seeing none. Anyone in neutral position? Seeing none. Senator Walz, you're welcome to close. She's going to waive closing. So we had, we had 4 proponents mail in, 0 opponents, 0 neutral. And that will close LB1011. And we'll move on to LB1013, with Senator Walz.

**WALZ:** Good afternoon, Vice Chair Albrecht and members of the committee. My name is Lynne Walz, L-y-n-n-e W-a-l-z. And I represent District 15, which is made up of Dodge County and Valley. Today I'm introducing LB1013, which will create a grant program for family engagement in schools. And really, I'm bringing this because it's another piece of the puzzle that's missing. It's another part of an overall comprehensive plan that we need to put in place or think about how we put in place to engage parents into their child's education. As members of the Education Committee, we've all heard repeatedly how important it is for children to feel supported in their education journey. Increased parental support leads to higher academic outcomes as well as increased social and emotional skills. Study after study shows the impact that parents can have on their students. But I'm sure we have all seen personally-- we've all seen-- but I am sure we have all personally seen this impact as well. We have all as parents and grandparents seen just how important it is to help with the school field trip or attend a basketball game or even just help other kids with their homework. These small gestures can mean the world to students and show that their family is just as invested in their education as the student is. LB1013 aims to support family engagement in schools and to better connect families to their students' education. The bill creates the Family Engagement Grant Program, which provides grants for high-need schools to improve the level of family engagement. A high-need school district would be one that has high absenteeism and low academic achievement. The Department of Education would develop eligibility criteria and award grants. Grants can be

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used for a variety of educational-- of-- for a variety of engagement activities, including tutoring for parents to serve as volunteers, communications for parents, training for schools, providing materials for parents and students, or any other purpose to improve family engagement approved by the department. Additionally, school districts are required to submit a report to the department on how they use the grants and any measurable outcomes. The bill would appropriate \$1 million for the program. I believe this is a small step to have targeted aid to support our students. By focusing on high-need schools, we can help increase outcomes for students that need support. I know that every parent wants to help their child succeed in school and life, so it would be my hope that, after seeing how well this program works, future, future legislators would increase funds to capture all schools. By providing these grants, we can set our children and our state up for success. And with that, I'd be happy to answer any questions. But Senator Wayne, I did think about that newspaper piece of legislation that you had. That might be part of this.

**WAYNE:** Yeah. It's sitting on General File. We have a pathway.

**WALZ:** If it's part of a family engagement type of--

**WAYNE:** Yeah. Let's do it.

**ALBRECHT:** Very good. Any questions from the committee?

**WALZ:** No questions--

**ALBRECHT:** No questions.

**WALZ:** --about family engagement?

**ALBRECHT:** I think it's--

**CONRAD:** Who's against family engagement?

**ALBRECHT:** OK. So we'll just go ahead [INAUDIBLE]. Proponents wishing to speak? Oh, we have one.

**WALZ:** One of my favorites.

**PAUL SCHULTE:** How are you?

**WALZ:** Good.

**ALBRECHT:** Hello.

**PAUL SCHULTE:** Good afternoon, Vice Chair Albrecht and members of the Education Committee. I am Paul Schulte, P-a-u-l S-c-h-u-l-t-e. And I'm testifying in support of LB1013 as an educator and vice president of the Nebraska State Education Association. I've been a teacher in the Millard Public School District for the last 25 years. The first 13 years of my career were at Walt Disney Elementary. As a school, we sought to engage parents, encouraging volunteering at the school, and providing opportunities to develop strong parenting skills. We submitted a grant to the Millard Public Schools Foundation that focused on working with our community in the school and at home. Our grant was funded, and we were able to create two programs: the Disney Parent University and One Disney, One Book program. The Disney Parent University program focused on researching parenting programs, from which we selected Love and Logic parenting program. Then we sent two staff members to the Love and Logic training center in Denver, where they became certified trainers. To ensure parents could attend our resulting local Love and Logic training, we worked with staff and community volunteers to provide dinner for the participating families, as well as care for their children during the training time. This was a six-week course that was well-attended, and we had such a great reception that we had waiting lists to receive the training in the following years. Parents greatly appreciated the skills that were developed through the program, and we saw the benefits in the classroom when dealing with behaviors or discipline issues. The One Disney, One Book program was developed around the One City, One Book program. We were the first elementary school in Millard to offer the program to our community. So as a staff, we selected a book that was appropriate for our kindergarten through fifth grade families. We sent the book home on the first day after winter break in January. And then for the next six weeks, we would send home reading assignments along with questions and activities for the families to work on together. As a culminating activity, we had a school-wide celebration around the book, to which all families, school staff, and the community were invited. Through this read-aloud program at-home book program, the family focused on weekly family time to read and share the book. These two programs were generously funded by the Millard Public Schools Foundation, and the programs helped our school community become more engaged. We also saw parents developing critical parenting skills and strategies which were beneficial at home as well as at school. Unfortunately, the reality is that not all districts have a foundation that supports their schools. Fortunately, LB1013 could provide the



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financial support those districts need. And I encourage you to support this bill, and welcome any questions you might have about this program.

**ALBRECHT:** Thank you very much, Mr. Schultz [SIC].

**PAUL SCHULTE:** Thank you.

**ALBRECHT:** Do I have any questions of the committee?

**CONRAD:** Thank you.

**ALBRECHT:** Seeing none. Thanks for being here.

**PAUL SCHULTE:** All right. Thank you.

**ALBRECHT:** Thank you. OK. Any other proponents wishing to speak? Any opponents? Seeing none. Anybody in neutral? No. Senator Walz, we have 7 proponents that wrote in, 1 opponent, and 1 neutral.

**WALZ:** We had an opponent against family engagement?

**ALBRECHT:** One. Just one.

**WALZ:** All right. I, I just have some general comments. My time in the Legislature-- you know, I've always felt that we as a committee could put together-- could prioritize the needs of the schools and the families and the students and put together a real comprehensive plan. And over the eight years that I've been here now, almost, as I said before, I feel like it's all-- always been a piecemeal type of situation and we're just grabbing at straws. And it would be my hope that this year we as an Education Committee could really put our heads together and prioritize what is needed for students, what is needed for families, what resources are needed for schools, and, and come up with a good comprehensive plan, so.

**ALBRECHT:** Very good. Senator Conrad.

**CONRAD:** Thank you, Vice Chair Albrecht. And considering this is our last committee hearing for this session and the last committee hearing for some longtime members of this committee who've been incredible leaders, I just wanted to extend our beloved Nebraska's gratitude to each of you for your service, for your dedication. I'm looking at Senator Linehan, Senator Albrecht, Senator Meyer, who we'll lose all too soon, Senator Wayne, Senator Walz.

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**WALZ:** Gosh, that's--

**CONRAD:** It's up to me and you, Rita, moving forward.

**SANDERS:** So scary.

**CONRAD:** But, but truly, thank you. Thank you for the long hours that you've put in and the care and attention that you've devoted to, to our schools and our kids and our families. And I know Senator Murman would say the same if he was here today, so. It's been a pleasure to, to watch you work and, and see how hard you work and how much you care.

**ALBRECHT:** Any other questions? Thank you. Thanks for all your service.

**WALZ:** Thanks.

**ALBRECHT:** And we will close LB1013.