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Education Committee
January 30, 2007

[LB66 LB72 LB73 LB205 LB490 LB563]

The Committee on Education met at 1:30 p.m. on Tuesday, January 30, 2007, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB72, LB205, LB66, LB73, LB490, and LB563. Senator present: Ron Raikes, Chairperson; Gail Kopplin, Vice Chairperson; Greg Adams; Brad Ashford; Bill Avery; Carroll Burling; Gwen Howard; Joel Johnson. Senators absent: None. []

SENATOR RAIKES: Good afternoon and welcome to this hearing of the Education Committee of the Nebraska Legislature. We are pleased you could be here today. You may have noticed on the outside of hearing room there are listed six bills, which will be heard today in the order they appear on that list. Our procedures, to review quickly, are for you to...well, first a member of the Legislature will introduce a bill, following that will be proponent, opponent, neutral testimony in that order, and a close by the introducer if so desired. If you would like to testify in any of those capacities, please do so. When you come to testify, fill out one of these little forms and put it in that box there on the table, state and spell your last name, if you would please, for our transcriber. And also, we will use a light system, and the lights are to kind of remind you of how time is moving along. We hope it will be toward the best use of everyone's time if the testimony is contained in five minutes. The green light will be on until four minutes are gone, and then the yellow light for the five minute, and the red light is the final reminder. Other procedural, please disable your cell phones as you choose to do so, and now I will move to the introduction of our committee. I am getting switched here. Usually, this guy, who is Matt Blomstedt, is sitting over there, but he is not right now. Next to him would be Senator Brad Ashford, from Omaha; Senator Gwen Howard is also from Omaha; Senator Carroll Burling is from Kenesaw; normally Tammy Barry, the committee's legal counsel, sits here, but I guess we switch depending on the bills; I am Ron Raikes, District 25; to my immediate left is Senator Gail Kopplin, the committee's Vice Chair; then we have Senator Greg Adams from York; Senator Joel Johnson from Kearney; Senator Bill Avery from Lincoln; and Kris Valentin, our committee clerk. So I think we are ready, and I believe, yes, Senator Fischer is on hand. Senator Fischer, if you would introduce for us LB72. []

SENATOR FISCHER: Good afternoon, Senator Raikes and members of the Education Committee. For the record, my name is Deb Fischer, F-i-s-c-h-e-r, and I am a senator in the Nebraska Unicameral representing District 43. I am here before you today to introduce LB72. LB72 would require all school districts to commence the start of the school year after Labor Day. I introduced LB72 on behalf of two constituencies. One reason is for teachers who live outside of a university or college town, and those who live in those communities who would like to take summer classes on campus. This bill would help them to do so. Teachers are concerned that the school year is starting earlier and earlier. They can attend the first five week session, but are unable to attend the second five week session, because next summer, that session ends on August 16.

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Teachers in my local school district began work on August 15 this year, and will begin on August 10 next year. As you know, professional development is a crucial part of every teacher's growth process, and I support our teacher's request that the Legislature explore this opportunity. The second reason is that I was approached by people in the travel and tourism industry. They have seen the effect this idea has had in other states in the Midwest to encourage more families to enjoy a summer vacation in August before school starts. Other states have passed legislation to delay the school starting date, and those include North Carolina, Texas, Minnesota, and Wisconsin. Ten states currently mandate school start dates. According to a survey of the Michigan Hotel, Motel, and Resort Association, 53 percent of hotels had a higher or significantly higher occupancy level after the school starting date was delayed. I believe this bill would allow the opportunity to increase our tourism economy in our state. I am sure that you are going to hear today concerns about the loss of local control, if we would pass this bill. I can assure you that I continue to strongly support local decision making, however, as a former school board member with over 20 years of service, I can say that I do believe that local districts already face local control challenges due to mandates that effect our school calendars. The State Board of Education determines the number of hours that must be met each year. The Nebraska School Activities Association, in effect, sets starting dates because they set the football schedule. What local school boards do determine is vacation time and in-service days, which in turn set the closing day of school on their local calendars. More urban districts have longer fall breaks, winter breaks, and spring breaks. That is a local decision of the board of education, and in turn, it determines the end date of their school year. Within this bill proposal, schools would still be allowed to hold athletic contests or practices and schedule in-service days or work days before Labor Day. This bill would not effect year-round schools. A school district may also request permission from the State Department of Education to commence a school year before Labor Day if they have extraordinary reasons. Now, in background and experiences in education, all of you know that education is a priority with me. You also know that I am a strong proponent of local decision making, of permitting teachers to enhance their professional development, and of our tourism industry in this state. I hope you will give LB72 your thoughtful consideration. Thank you. [LB72]

SENATOR RAIKES: Thank you, Senator Fischer. Do we have questions for Senator Fischer? Yes, Senator Johnson has one. [LB72]

SENATOR JOHNSON: The only question that comes to mind regarding it is this, is that at the end of the school year, of teachers being able to go to summer school. How does this fit into your plan? [LB72]

SENATOR FISCHER: Currently, teachers in my district, they cannot attend pre-session, they cannot attend the first eight week session, and they can't attend the second five week session. I don't believe that the bill is going to change that, because some districts

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may decide that they want to keep their long vacation periods that they already have, and they want a number of in-service dates for teachers. But it would allow teachers to have that opportunity to attend the second five week session on campus, which they don't have now. [LB72]

SENATOR JOHNSON: Thank you. [LB72]

SENATOR RAIKES: Other questions? Senator, you mentioned the vacation, if you move it to Labor Day or beyond, then aren't you shortening up the vacation periods during the school year when, in fact, tourist businesses may find business welcome? [LB72]

SENATOR FISCHER: Are you referring to not being able to travel then in May? [LB72]

SENATOR RAIKES: Well, either that or if you have a long enough period during the school year that you could take a trip someplace. [LB72]

SENATOR FISCHER: Most of the E-mails that I have received on this bill have been from people who live here in Lincoln, which I find interesting, and the comments on that... [LB72]

SENATOR RAIKES: Lincoln people are interesting people. [LB72]

SENATOR FISCHER: I left the dark side, Senator, as you know. [LB72]

SENATOR AVERY: Wait a minute. [LB72]

SENATOR FISCHER: I just lost a supporter over here with Senator Avery. [LB72]

SENATOR RAIKES: He was never there with you anyway. [LB72]

SENATOR FISCHER: Oh, okay. No need to worry then, right? Those people are saying that they don't travel anyway on the long breaks. I know there is the perception, I like to say, out there that students in Lincoln are able to travel to colleges on those long fall and winter breaks when they can check out colleges as juniors and seniors to see if that is where they want to attend school. In my school district, we permit students to take time off, two days a year, to visit colleges when they are seniors. There are different ways, I think, districts can handle this, and they can make those local decisions on their own. When you have school possibly going into June, which I know in Lincoln they currently do, at least that is what I have heard on E-mails, that they currently go into June. They will have to make those decisions. And most of the school districts in my legislative district, school is out by usually the third week in May, because we don't take real long vacations. And if the need would be there to extend the school year past that, I

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think the people in the travel and tourism industry would like that because they see more travel happen in August with families than at the end of May now. [LB72]

SENATOR RAIKES: Okay. Any other questions? I see none, thank you, Senator, and you may stick around, as I understand. [LB72]

SENATOR FISCHER: I hope to stay for closing. We are having telecom bills in transportation, so I may be called out as I was last time I was here. Thank you. [LB72]

SENATOR RAIKES: Okay. Thank you. How many proponents do we have for LB72? One, please work your way toward the front here. Any opponents to LB72? A couple...three. Please come toward the front here. Neutral testifiers? One. Again, please work your way to the front and we will begin with the proponents. Welcome. [LB72]

MARY MERCURE: (Exhibit 1) Thanks. Good afternoon, Senator Raikes and Education Committee. This I have never done before, so bear with me. I am really kind of shaking here. Just off the record, are you suggesting they go out of state to travel over the Christmas vacation? [LB72]

SENATOR RAIKES: Okay. Two problems, one is you got to tell us your name and spell it. [LB72]

MARY MERCURE: Oh, I am sorry. My name is Mary Mercure, it is M-e-r-c-u-r-e. [LB72]

SENATOR RAIKES: And then for reasons you will understand, we have got this thing rigged so we can ask you questions, but you can't you ask us (laughter). [LB72]

MARY MERCURE: Okay. That was off the record. I am here to represent, basically, the Valentine Chamber of Commerce and the Niobrara River Outfitters Association. I have some stuff that I printed off with my reservation program that is like a five-year period of August to show kind of where we have fallen since the school date has changed in '05 is when I see it the most. But my family and I own and operate Brewer's Canoers. Can you hear me? [LB72]

SENATOR RAIKES: I can. Please, go ahead. [LB72]

MARY MERCURE: ...on the Niobrara River in Valentine, and we have been in the tourism industry since about 1984. And the one comment that I need to make a note at, from the motel industry and our outfitting industry is the loss of the work so early when the kids have to go back to school and when sports athletic practices begin. Nebraska spends a lot of money marketing for tourism and we count on, you know, it starts not in June, July, but in January. We start taking reservations, marketing to the people who

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come and utilize the river and travel. And we just, I guess, everybody in this industry would like to have our summer back. [LB72]

SENATOR RAIKES: Okay. Well, thank you for your testimony. Are there questions? Senator Johnson has got one. [LB72]

SENATOR JOHNSON: No questions. Just want to give you a plug. A year ago, the Natural Resources Committee was up in your area and it is just absolutely wonderful canoeing down your river and everything associated with it. [LB72]

MARY MERCURE: Thank you. [LB72]

SENATOR RAIKES: Senator Avery has got a question. [LB72]

SENATOR AVERY: I have done it six times. It is a great place (laughter). [LB72]

MARY MERCURE: It is a great place, and August is one of the better months to go too, it is hot. [LB72]

SENATOR AVERY: He only went once. [LB72]

MARY MERCURE: Thank you very kindly. [LB72]

SENATOR RAIKES: Okay. Thank you. Are there other proponents for LB72? Okay. Let's hear from opponents. Brian. [LB72]

BRIAN HALE: Good afternoon, Senator Raikes, members of the committee. My name is Brian Hale. I am representing the Nebraska Association of School Boards. Before I get going, I would also like to say that we have been up there a number of years in a row for the school boards' group, and September is also a fine month if you can make a weekend out of it. So that aside, all of that pandering aside, the Nebraska Association of School Boards has a standing position that opposes state mandated uniform opening and closing dates for local school districts. Some of that, I think, our members believe are for good educational reasons. Some schools see the value in holding your 18 week semester and having the finals and concluding the semester before you turn them lose on the winter holiday for a week or 2 weeks or more. Instead of having that pause and the coming back and trying to test them on the knowledge that they learned way back in the fall. And so there are a lot of reasons locally why that works for school boards. They believe that having that flexibility is a positive thing. I think, also, as was suggested, this trying to compress the school year into the 180 days closest to the starting date does compress spring break, does compress the winter break, and limits some of the opportunities for families to do what they would do during that period of time. So with that, I think I will conclude my remarks take questions. [LB72]

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SENATOR RAIKES: Okay. Thank you, Brian. Couple questions. Senator Adams and then Senator Johnson. [LB72]

SENATOR ADAMS: Has the state school board association had conversations with the activities people? I am partly getting the sense that this is somewhat driven by football schedules and volleyball schedules. [LB72]

BRIAN HALE: That school calendars driven by football schedules? [LB72]

SENATOR ADAMS: Right, at least the start date. [LB72]

BRIAN HALE: Well, I think there is some interrelationship there. I think the Legislature itself has had some dealings with the activities association and understand that that is a beast that few people control. But indeed if you have high school aged kids, you summer vacation ends when football practice starts, not necessarily when the school year begins for classes or whatever your sport may be. So we have had discussions about that, but I think they are very much set in what they have built up to this point. [LB72]

SENATOR RAIKES: Senator Johnson. [LB72]

SENATOR JOHNSON: I was just going to point out one of the other things is that football may erode into the summer that way, but baseball erodes away the summer from the other end so that the time for family vacations and so on is probably compressed into two or three weeks at the start of the August. [LB72]

BRIAN HALE: And as somebody who, in my day, played a little baseball, it is difficult to play baseball in Nebraska in February and March and so you can schedule it then if you like, but you end up with an awful lot of double headers in May and later. [LB72]

SENATOR JOHNSON: But that is not a school sport in large part. [LB72]

BRIAN HALE: Well, it is not quite as consuming as a 40 person football team. [LB72]

SENATOR RAIKES: Is the beginning date for schools across the state, sort of, trending back into the summer? [LB72]

BRIAN HALE: You know, I think if you look over the last couple of decades, there has been a creep, if you will, back into the middle of August. There are some districts I am aware of that are now even beginning the second week of August, and I think, for a variety of local reasons. But probably, depending on how long you draw the trend, there probably was a day when a lot of them were starting Labor Day or the day after Labor

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Day. I think now, I would say, the predominate starting date now is generally around the last week of August, but there is variances on all sides of that. [LB72]

SENATOR RAIKES: Okay. Thank you, Brian. Next opponent. Jess. [LB72]

JESS WOLF: Thank you, Senator Raikes. My name is Jess Wolf, J-e-s-s W-o-l-f. I am the president of the Nebraska State Education Association. I want to thank you and the committee for allowing me to be here. I also want to thank Senator Fischer for introducing the bill. I have heard from a couple of my members in her district, and I heard the same thing that she has heard. There is some concern out there. However, not withstanding, we are going to oppose the bill, and there is some reasons for that. First of all, I hail from Hartington, Nebraska. For many years, the only news we got was from South Dakota and Iowa. South Dakota tried this several times, and each time has gone away from it. The first couple of times it was enacted by the legislature with the opportunity for school districts to move away from that starting date after Labor Day, and most school districts in the state of South Dakota chose to do that. In fact, the last time it was tried there, it was actually an initiative petition by the people, and actually the people voted it down. So I suspect that the majority of the people in Nebraska would probably do the same thing. The other, think I think school calendars are set by school boards who understand the local concerns. I think they have done a good job in the past, and I believe they can do that in the future. Pushing back the starting the date does push back, also, the ending date, in my estimation. Lincoln this year, I believe, has an ending date of June 7. If you pushed it back two weeks, they would be going until late June. There probably could be some modifications made in that, but it probably would effect it. Other school districts actually have longer school years. The typical contract for teachers in 185 days. There are some in excess of that. A lot of that addition toward the beginning of the year has been for in-service days, but there has been some creep forward in recent years. Some of the districts actually have negotiated agreements or actual consensus agreements with their staff that is true to their calendars. We find that that is a good way to handle things, and I think they staffs have liked that. I know that our school calendar has been based a large part on the agrarian schedules from a hundred years ago. I don't believe that that particular schedule should apply today. I believe the format is somewhat obsolete. And I guess most importantly, there is a fairly large pool of evidence that students retain information better if their time away from school I shorter. And so in my estimation by having those summer months being extended period of time, in fact, have less retention by the students as they move from grade to grade. I believe the intentions of this bill being proposed were good, but it just isn't the way to go in my estimation, and on behalf of most of the 26,000 members of our association, I would ask you to indefinitely postpone. Thank you. [LB72]

SENATOR RAIKES: Okay. Thank you, Jess. Questions? Senator Johnson. [LB72]

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SENATOR JOHNSON: I am full of questions today. How many schools are air conditioned? [LB72]

JESS WOLF: I don't the actual number. I don't know that for sure. There is a fairly substantial number or them. [LB72]

SENATOR JOHNSON: Are or are not? [LB72]

JESS WOLF: That are air conditioned. [LB72]

SENATOR JOHNSON: And a substantial number that aren't air conditioned? [LB72]

JESS WOLF: There are some that aren't. I also know that in Hartington, we did have air conditioning. We also had a bus sharing route with schools that did not, and we also had days off, not more days, but we had several days off in May for heat as we did in August. [LB72]

SENATOR RAIKES: Do you have teachers that raise this issue regarding off season employment, summer employment? [LB72]

JESS WOLF: We do have some people who express that concern because the do, obviously, supplement their income with the jobs that they have over the summer, and some of them have expressed a concern to me personally that they are concerned about the shortening of the summer months. Some of them have also expressed a concern about the classes, however, most of the colleges and universities, other than if you want to be on campus, do offer those course via Internet, E-mail at this point. [LB72]

SENATOR RAIKES: Okay. Thank you, Jess. [LB72]

JESS WOLF: Thank you. [LB72]

SENATOR RAIKES: Next opponent for LB72. [LB72]

BRIAN HALSTEAD: Good afternoon, Senator Raikes and members of the Education Committee. For the record, my name is Brian Halstead, that is H-a-l-s-t-e-a-d, here on behalf of the Department of Education and the State Board of Education in opposition to LB72. The board felt that this was best decided in the local community as to when the calendar should be set. I would note a correction, Senator Fischer indicated the state board sets the hours that school districts need to meet. The reality is the 1,032 for elementary grades and the 1,080 hours of instruction at the high school grades are set by the Legislature. That was done in the late 1980s and has remained unchanged since then. Be more than happy to answer any questions you might have. [LB72]

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SENATOR RAIKES: Okay. Thank you, Brian. Questions? Don't see any, thanks. Any other opponents, LB72? Is there neutral testimony? Al. [LB72]

AL INZERELLO: Senator Raikes, members of the committee, Al Inzerello, assistant superintendent for Westside Community Schools out of Omaha. And just a couple of comments from our perspective. We are one district, I guess, that has kind of pushed the envelope on the calendar issue in that for about 25 years, we have had 193-day student calendar, and 198-day basic teacher calendar for about 25 years. And what we found over that time is, generally, the adoption of multiple calendars seems to be something our public really desires. We think they only plan ahead for a year, but what we have discovered is that they plan ahead much further than that. And so we have taken up a procedure, I guess, where we adopt calendars three years at a time to give parents enough time to foresee a number of things in their planning. Also, with regard to Senator Fischer's proposal that the state department would oversee that, that is one of the reasons we wanted to comment today because if the state department did have the position to have input on school calendars and grant exceptions, that we would probably propose that elements be done so multiple year calendars could be adopted. The other issue is Memorial Day seems to be just as contentious in the calendar as Labor Day, with seniors and juniors in high school wanting to compete for summer employment. That is a growing issue, as you know, each year, as well as, the changing calendars for opportunities for teachers. Senator Fischer is correct. The calendar does pose challenges for our teachers in getting master's and post graduate work completed. But I will tell you also that our colleges and universities are doing a great job in trying to meet that need. I think Internet-based programs, Wayne, for example, now basically signs students up, as I understand, for programs that pretty much can be up to 40 percent independent study to complete their programs. So the postgraduate work for teachers in the summers is changing, and our university and college system is trying to be more accommodating there, and we anticipate that will continue. So with that, I will close. Just a couple of things to think about. Thank you. [LB72]

SENATOR RAIKES: Thank you, Al. Questions? I am curious, you said you are 193 or 5 student day? [LB72]

AL INZERELLO: One hundred ninety-three and a half student days, and we start, for example, this year our first student day was August 14, and we will run right up until the end of May to try to get all that in. And then also within a least the calendar that our community has chosen to put forward is we have various short, intercession breaks during the course of the year where students are allowed to come back and do extra work while the majority of students are on vacation. What we found is as previous speakers have mentioned, parents travel multiple, multiple times during the year, depending on the family and depending on so on. Some ski and some travel in the summer and, you know, for a variety of reasons, family choice and so on. So get those

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days in would be a real challenge for us, at least, taking the Labor Day. Yeah. [LB72]

SENATOR RAIKES: One hundred and ninety-three, how would that compare with other school districts generally? [LB72]

AL INZERELLO: Probably 175 days to 178 is probably more on the average for school districts, I think. [LB72]

SENATOR RAIKES: And your decision to go longer than that, I assume, was a conscious one and based on... [LB72]

AL INZERELLO: Right, that was something our community adopted over 20 years ago. We started adding a day to the calendar over about a 10-year period to get to 193.5 student days now. Yeah. [LB72]

SENATOR RAIKES: Have you leveled off there? [LB72]

AL INZERELLO: That is where it stayed now. I don't think we have added a day for about 15 years. Yeah. [LB72]

SENATOR RAIKES: Okay. Senator Avery. [LB72]

SENATOR AVERY: Am I to conclude that the state has no mandated number of days the schools must meet? [LB72]

AL INZERELLO: No, it really converted to hours a number of years ago. So a minimum of hours... [LB72]

SENATOR AVERY: A number of hours? [LB72]

AL INZERELLO: A number of hours. Both at the elementary level and secondary level are mandated by the state, and then each local community then can put together a calendar to incorporate those minimum hours. Most school districts exceed those hours across the state. Built in snow days and that kind of thing. [LB72]

SENATOR AVERY: I think that is commendable. [LB72]

SENATOR RAIKES: Any other questions for Al? I see none, thank you, Al. Any other neutral testimony? Senator Fischer? [LB72]

SENATOR FISCHER: Thank you, Senator Raikes and members. I am happy to hear that many of you have traveled up to my part of the state and enjoyed the Niobrara River, so thank you for that. I thought an interesting comment we heard from the

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Nebraska Association of School Board's representative was that the NSAA is a beast that few people can control, and I hope that members of this committee will remember that when you discuss other issues down the road. Local school boards do appoint a representative to the NSAA to attend their meetings. They meet by region, if my memory serves me correct when I was on a school board, and then the regions vote on issues and then come to the state and vote on issues. In my district, we used to start school the end of August, then the NSAA started setting football schedules, playoffs and that date has been creeping up. As Senator Johnson says, sports tend to erode both in the fall and in the spring. So now I have teachers that this year reported for duty on the 15th of August, and next school they are scheduled to report on the 10th of August. That is a concern, and to say that it is all up to local control, I don't believe, is being completely honest. I do thank you for your attention on this matter. And I see that Mary left some handouts here, Mary Mercure, when she was here. If I could have the page hand those out and this shows what happens to her outfitting business on the Niobrara River during the month August, and what is taking place there over the last few years. So thank you very much. [LB72]

SENATOR RAIKES: Okay. Are there questions for Senator Fischer? I see none, thank you, Senator. [LB72]

SENATOR FISCHER: Thank you, Senator Raikes. [LB72]

SENATOR RAIKES: That will close our hearing on LB72, and we will move to LB205 and Senator Gwen Howard. Senator Howard. [LB72]

SENATOR HOWARD: Good afternoon, Senator Raikes and members of the Education Committee. For the record, I am Senator Gwen Howard, and I am here to introduce LB205. The purpose of this bill is to require all school districts across the state of Nebraska to adopt policy to address the issue of bullying in schools. I believe that in order to provide the best educational environment we can for children, every school must be a place that encourages scholarship and allow students to focus on learning. LB205 offers a simple means of increasing academic success for students without unduly burdening our school districts. Similar forms of this bill have been introduced in the past, so I think it is important that I clearly describe what the bill does and does not do. As I have mentioned, this bill does require that every school district develop an antibullying policy, and school district would also be required to have the policy reviewed and approved by their school boards annually. LB205 does not prescribe a specific policy to school districts, nor does it require implementation of any specific educational curriculum. Past versions of this bill have included very specific language in numerating protective classes of children. While this version of the bill does not include enumerated class language, the intent is that the protections offered under this bill apply to all children. All children includes children being subjected to bullying based upon their actual or perceived memberships in any demographic group based upon race, color,

religion, national origin, disability, gender, or sexual orientation. It is also important the policies developed consider that bullying takes many forms, from verbal threats and intimidation to physical violence and numerous forms of electronic media. Regardless of the format, the message we want to send is that bullying is not acceptable. It is also the intent of this bill that antibullying policies take into consideration the frequency and severity of the bullying act when determining appropriate disciplinary measures for students who violate these policies. Many of you might be skeptical that a bill on schoolyard bullying can improve academic achievement, but the research is clear. Children who are fearful about getting through the day without intimidation, harassment, and possible physical violence are not concentrating on learning. Students who frequently experience bullying have lower GPAs than those who do not. In fact, one study reported a 10 percent drop in grade point average for students who are constantly harassed. Students who are bullied also have more frequent absences and are less likely than other students to plan on attending college. Bullying is not a new thing, but we are starting to change the way we address it. Just about all of us can think back to a time when we either witnessed bullying, were the target of bullying or maybe even bullied others. But as many wise mothers have said, just because everyone's doing it, doesn't mean it is right. Bullying is not a right of passage, and it is not a phase that all kids go through. And when adults fail to respond in bullying situations or when they react with a typical kid's attitude, they revictimize the children who have been targets of bullying. Adults who stand by and don't take actions to stop bullying enable the bullying to continue. Apathy not only harms the target of bullying, it sends a message to other children there will be no help for them if and when they are victimized, and it reinforces the inappropriate behavior of the bully. I don't believe that teachers and administrators want to ignore bullying behaviors in their schools, but I do believe that in some school districts, teachers lack the guidance and the support to effectively address bullying in school. By requiring school districts to develop these guidelines, we give classroom teachers the tools they need to recognize problem behavior, appropriately respond to these behaviors, and restore a positive learning environment to the classroom. Unfortunately we have all heard worse case situations, when bullying has resulted in tragedy. The best means of protecting teachers and school districts from litigation under those circumstances is a well thought out, written policy. The Nebraska Department of Education does and encourages school districts to adopt antibullying policy, but it does not currently require all school districts to have policies on bullying. Sadly, there are schools that still don't understand the importance of antibullying policy. For those school districts it is important to send the message that the state of Nebraska values the safety of all students by requiring policy. Following this opening, you will hear from a couple of different kinds of testifiers. You will hear from those who have been researching bullying behavior and its effects and how we prevent it in our schools, and you will hear from people who are experts on how school systems function and how antibullying policies would affect them. These testifiers will supply you with data, tell you about current research, and present rational justification for why we need this bill. You will also hear from children, families, and their advocates that have been directly

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affected by bullying. They will tell you about the hurt they have experienced. They may describe how hard it was for them to go to school each day and face fear, intimidation, or humiliation. They may even tell you about their own anger or self-hatred as a result of the bullying they have been subjected to. These testifiers will present to you a compelling, heartfelt justification of why we need this bill. LB205 is an opportunity to send a message to children that they are all valuable. They don't have to face ridicule and humiliation simply because they are targeted. It will send the message that we encourage high academic achievement, and we support our classroom teachers with firm and consistent bullying guidelines. But most importantly it sends a message that we will not tolerate bullying in Nebraska's schools. Now over the last two years I have worked on this issue, I have collected a lot of material, and I sat down with it last night to go through and see if there was anything in particular that I wanted to bring to you today, and I came across this letter that was just recently sent to me. And it is Dear Senator Howard, I am writing to express my support for LB205, the antibullying bill. I know from experience the effects of bullying in schools and the cycle of hurt that is created when children fear their peers. I am a biracial woman, and because of bullying, I felt ashamed about my race all the way through school. It started when all the white girls in my fourth grade class would make fun of this black girl in our room because of the dark color of her skin and the texture of her hair. She was taller than any of the other girls in our class. She probably could have beaten any one of them up, but she just wanted them to like her. Instead they taunted her daily and often made her cry. When no one was watching, some of them would play with her, but when they were in a large group or when one of them wanted attention, they would abruptly begin teasing and name calling. Our classroom was not a safe place for Angela (phonetic) and no one intervened. I could see how the actions and the words of the other girls hurt her and I would do anything to keep from being hurt that way. Anything, including joining in on the teasing and the name calling to avoid being in her place. She seemed the most hurt when she looked at me expecting that I would make things better, not worse. I still remember how the salt from her tears seemed to stain her dark skin leaving a visible reminder of the hurtful cycle of bullying. On occasion, she would lash out at the offending students, yelling at them or hitting them, and when this happened, it was often Angela (phonetic) who was punished. I never had the courage to ask the bullies to stop or to advocate on her behalf when she got in trouble. Now I am ashamed by my actions in that classroom. Now I have learned to confront the bullies instead of joining in. But it takes a lot of courage. I believe LB205 is important because one child can't confront bullying on their own. With antibullying policy in all schools, maybe some little girl a classroom will be spared the experience of childhood bullying. I would not feel comfortable testifying at your hearing, but I hope you can share my story and encourage members of your committee to consider how important it is for all children to feel safe at school. Signed, anonymous from Lincoln. Thank you. [LB205]

SENATOR RAIKES: Okay. Thank you, Senator. Questions for Senator Howard?
Senator Adams has one. [LB205]

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SENATOR ADAMS: Senator, is it safe to say that passing this isn't going to stop people from bullying? It has always been there. Kids are probably always going to continue to do it. Adults, unfortunately, will bully other adults. But is it your intention to create guidelines for suspension, for expulsion, for administrators as much as for classroom teachers? Would you say that that is the intention here? [LB205]

SENATOR HOWARD: Yes. [LB205]

SENATOR RAIKES: Okay. Any other questions? Senator Avery has one. [LB205]

SENATOR AVERY: Senator Howard, I want to congratulate you for bringing this before this committee because I think it is needed. [LB205]

SENATOR HOWARD: Thank you. [LB205]

SENATOR AVERY: Do you have anything in this bill that would provide for appropriate training of staff on how to recognize bullying, what it is and what to do about it? [LB205]

SENATOR HOWARD: I will give you sort of a round about answer to that question. We have worked on this bill for two years to perfect it. The conclusion that we came to was this really is a local issue. The policies will be formulated, adopted by each school, so it will be based on their need and their requirement. They will also development their own training curriculum, but it will be reviewed on an annual basis by the State Board of Education. So there will be a consistency in policy, but it will be individualized. [LB205]

SENATOR AVERY: May I continue? [LB205]

SENATOR RAIKES: Sure. [LB205]

SENATOR AVERY: I know that you include electronic bullying. That can only be the kind of bullying that would take place through E-mail, Internet, and on-campus activities, right, not off campus? [LB205]

SENATOR HOWARD: I am glad you picked up on this, because this is the first year when we brought this bill in that we have included tele-electronic, and you are absolutely right. It is through the Internet, but that is becoming more and more of an issue, and there is more and more bullying that is happening via the Internet. And I am very glad that we were able to include that media as a part of this bill, as something that we recognize that needs to be included. [LB205]

SENATOR AVERY: Are you familiar with Bully Police USA? [LB205]

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SENATOR HOWARD: I am not. [LB205]

SENATOR AVERY: It is a nationwide monitoring organization and advocacy group. Nebraska has a grade. It is F. South Carolina, of all places, has an A. And frankly, I am surprised when South Carolina gets a better grade than Nebraska on anything. [LB205]

SENATOR HOWARD: I would say to you, thank you for bringing that up. You are building my case. Thank you. (Laughter). [LB205]

SENATOR AVERY: That was my intent. [LB205]

SENATOR RAIKES: Other questions for Senator Howard? Senator. [LB205]

SENATOR HOWARD: Thank you, sir. [LB205]

SENATOR RAIKES: Could we have an indication of how many people plan to testify as proponents? Okay. How many as opponents? All right. We will begin the proponent testimony and given the number of people, I would just encourage you to try to make sure you are telling us something we haven't heard before. So, please, Virgil. [LB205]

VIRGIL HORNE: Senator Raikes, members of the committee, my name is Virgil Horne, H-o-r-n-e, representing the Lincoln Public Schools. We have had the pleasure of working with the senator since last year when we sat in this same chair and opposed the bill that she introduced last year. We think that LB205 has a great deal of merit. The fact that it allows local school districts to address the policies that they can then determine and enforce is a good point. The fact that as with other bills that have been introduced to this Legislature in past concerning parent involvement, an annual review of those policies is also a good practice. The greater level of zero tolerance that we can have in school districts concerning bullying, the better off the Lincoln Public Schools and the board of education thinks that we will be in the state, as far as encouraging greater educational opportunities for students. That concludes my testimony. [LB205]

SENATOR BURLING: Thank you, Virgil. Questions? Senator Burling has one. [LB205]

SENATOR BURLING: Thank you, Mr. Horne. What would this bill allow Lincoln Public Schools to do that they can't do now? [LB205]

VIRGIL HORNE: I don't know that it will allow us to do anything. We currently have rules on bullying. We have had rules on bullying for quite some time. I don't think it is a matter of allowing a school district to do anything. It would require them to address the issue and have a policy addressing the issue. So unless I am misinterpreting your question, I don't think it allows schools districts to do anything. It does require them to at least have a policy, but the policy is developed in that school district by that board of education.

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[LB205]

SENATOR BURLING: Thank you. [LB205]

SENATOR RAIKES: Thank you, Virgil. [LB205]

VIRGIL HORNE: Thank you. [LB205]

SENATOR RAIKES: Next proponent. Welcome back. [LB205]

SUSAN SWEARER: (Exhibit 2) Thank you. Hi Senator Raikes and members of the Education Committee. For the record, my name is Susan Swearer, S-w-e-a-r-e-r. I am an associate professor of school psychology at the University of Nebraska-Lincoln. I have been studying bullying in Nebraska for the past decade. What the page is handing out is data from last year, and it is a representative sample of over a thousand fifth through ninth graders in LPS, and I will cut to the chase because a lot of people are here testifying on behalf of the bill. Over 75 percent of students report involvement in bullying either as a bully, a victim, a bully-victim, or a bystander, and so I think the numbers really speak for themselves. I will tell an anecdotal story. I was conducting a training this past fall in central Nebraska, and over 50 educators and teachers were attending. And when I asked how many people came from schools with an antibullying policy, only eight said their school district had an antibullying policy, and of those eight only two could say what the policy was. So I am in support of this bill. I think the reality is unless there is a bill, many schools will not address bullying in the way that they need to. Thank you. [LB205]

SENATOR RAIKES: Thank you, Doctor. Questions? Senator Avery. [LB205]

SENATOR AVERY: I brought up, with Senator Howard, the need, perhaps, for training of staff. What do you think about training students, having students involved in workshops where they can, maybe, role play and they get to see what bullying is and how it might affect people, maybe have them be victims of some play role modeling in bullying? What do you think of that? [LB205]

SUSAN SWEARER: Well, there is actually a great group who is doing a play this Friday for the Nebraska Unicameral, I think it is in Room 1023, and the group is called Respect Too, and that is exactly what they do. They have trained, professional actors who act out what can happen during bullying scenarios, and so they have done hundreds of plays across, really, the Midwest and in the state of Nebraska, and it is a wonderful opportunity then for students to kind of experience vicariously, if you will, the negative effects of bullying, and then what is so important about this interaction is then the debriefing that happens afterwards. So for a number of us who have been doing a lot of trainings across the state of Nebraska, it is really important, not only as Senator Howard

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and as you point out, to train teachers and staff, but also to train children and students in schools regarding what they can do about bullying. [LB205]

SENATOR AVERY: Would you leave that up to local school boards, or would you have us mandate it? [LB205]

SUSAN SWEARER: I am not the expert in that area. [LB205]

SENATOR AVERY: I think we have some experts here. [LB205]

SUSAN SWEARER: I think so. [LB205]

SENATOR RAIKES: Any other questions for Dr. Swearer? I see none, thanks for being here again. [LB205]

SUSAN SWEARER: Okay. Thank you very much. [LB205]

SENATOR RAIKES: Next proponent. [LB205]

PAUL OLSON: (Exhibits 3 & 4) I am Paul Olson. I don't know where I put my little slip that I filled out saying who I am. Here it is. Just in response to Bill Avery's previous questions, I did survey the various teacher training institutions in the state, and by no means all of them are giving training to just incoming teachers as to what might be appropriate antibullying techniques or how to stop it. I have my testimony written out so the page might get it here. You have heard me, ad nauseam, since 2001 in one form or another questing for legislation and programs that would reduce violence and bullying among Nebraska youth. I have continued to work on this goal for six years, working with Nebraskans for Peace, the Turn Off the Violence group, and a broad coalition of organizations, including those you will hear today. I have spoken to you and worked with the Nebraska Department of Education, which, by the way, is doing all it can do under its present resources, fiscal and legal. The groups you will hear from today have spoken, or will speak, to the effects of bullying on school work, on the mental and physical health of young people, on its contribution to the development of social isolation and anger, and on its presaging in all too many cases a future career of domestic violence, gang activity, and crime. And if I could, I would like to leave with the committee this School Psychology Review, which is a very good summary of the data and also has some recommendations for state legislatures. Good antibullying programs do work. I ask you to go to Walnut Middle School in Grand Island where a systematic, school-wide program has been in effect for, perhaps, a decade. Look at Walnut's collection of confiscated guns, brass knuckles, and knives. Hear the accounts of the tensions among young men, yes, but also among young women. Look at the data the school has which shows it to have reduced bullying incidents to about 10 percent of what they once were. At Walnut you will see in little what you, Nebraska's senators, can

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do for the state. And it is a serious responsibility. Anecdotal evidence I have gathered from the Nebraska Department of Education and from teachers, administrators and children suggests that about 30 percent of the schools in Nebraska have responded to the Department of Education's call for proactive programs, programs that encompass the whole building, involve the creation of a common building-wide definition of what bullying is, keep track of its incidence in the building, and have a clear intervention strategy to deal with the group, the bully, and the bullied in a positive way. Presently, Nebraskans for Peace seeks the reduction of violence here on the home front and, if possible, abroad. We seek a Nebraska in which we do not only educate our youth to get good scores on the No Child Left Behind assessments. We wish also to educate them to be citizens who can trust the powers of reason and evidence to persuade others rather than the power of naked violence. When bullying dominates, the child learns that might makes truth, and the lesson is a bad one. When the former Soviet Union fell, we spoke of the need to recreate or create civil society in that part of the world, a social order based on reasoning, deliberation and voluntary action. We also need such a society at home and among our schoolchildren, we need to start creating it in the schools in Nebraska. Thank you very much for your courtesy. [LB205]

SENATOR RAIKES: Thank you, Paul. Questions for Paul? Senator Avery. [LB205]

SENATOR AVERY: Thank you, Dr. Olson. It is good to see you. [LB205]

PAUL OLSON: Thank you. [LB205]

SENATOR AVERY: I don't know if this proposed bill has any recommended disciplinary actions or not, but if it doesn't, would you have some ideas on what kind of action might be included? For example, repeat offenders could be expelled from school. How would you define a repeat offender could it be one, two three, four, five offenses? [LB205]

PAUL OLSON: Well, let me start with the other side of the issue. I think the most important work is not on finding the villains and destroying them. I think the most work is on creating a different climate in the schools. At Elliott school in Lincoln on some of the schools in Omaha that I visited, Walnut Middle School, what they do is to create an esprit de corps, which says we aren't the kind of school that does this kind of thing. This is not cool in our school. We pride ourselves on our respect for one another, on our respect for each others reasoning powers, on our respect for difference and tolerance. And I think that is the essential democratic message. Now, I think it should be left to the local schools...Mary Ann Lawsh (phonetic) in the State Department has done a lot on positive work on school climate, and I think the State Department can help the schools of the states in doing this. I have watched hundreds of teachers, hundreds of school buildings come in and work with her and with people that she brings in. But I think that what is important is that there be a definition of what bullying is, that it be clearly understood by every cook, every janitor, every teacher, every administrator in the

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school, and every kid in the school so they know when they are transgressing. Then I think there probably should be some kind of code of discipline. This is part of the code of discipline, and the other parts of the code of discipline do include expulsion in extreme cases. But I think that would be rare, and I think the important work is the work on creating positive climate so that people feel pride. I have seen schools where they give awards to people who have contributed to stopping bullying. They have public ceremonies. You know, that kind of thing is more important than saying, you know, you are a real bastard, you little kid, I want to throw you out of school. [LB205]

SENATOR AVERY: Well sometimes you need to do that. [LB205]

PAUL OLSON: Well, sometimes. I know that I am a bleeding heart and I probably don't have enough of that sort of will to punish. But I don't think that is our fundamental task, and I think local school districts can decide when that is necessary. [LB205]

SENATOR AVERY: But your approach, while I like it, is harder to do, to create that climate that you are talking about. That is harder than punishing the guilty. [LB205]

PAUL OLSON: Oh, sure it is, but it is the only approach that seems to work. We have had in the State Department a man named Jeff Sprague (phonetic) who does this in Oregon, and he has had wonderful results. Once you get it going, it makes a heck of a difference. I was in Elliott school in the sixties working with kids and I have been in Elliott school in Lincoln in 2005-06. You know and the difference between the climate then and the climate now, it has 21 different cultures. It is a perfect place for a cesspool of bullying. But it is wonderful. It is like going into a nice family. [LB205]

SENATOR AVERY: Because of the culture that has been fostered there by the administration? [LB205]

PAUL OLSON: Yeah. Exactly. [LB205]

SENATOR RAIKES: Okay. Thank you, Paul. [LB205]

PAUL OLSON: Sorry I was long winded. [LB205]

SENATOR RAIKES: Thank you for being here. Next proponent. [LB205]

BRIAN HALE: Quickly, and I come bearing proponents testimony from two different organizations. Mike Dulaney from the council of school administrators, also will second. The testimony I am about to give...my name is Brian Hale, again, B-r-i-a-n, I will spell my first name this time, from the Nebraska Association of School Boards. We in the past have sat in opposition to previous efforts, and that was mostly because it was limiting in its scope. This bill fits more in line with what we believe in that bullying is not

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accepted. No matter who you are, bullying knows no limits in terms of gender, in terms of race, in terms of sexual orientation. So the protective classes are gone. We also believe this is very important to set the bar for administrators and for the school district. The art of bullying in 2007 has truly been refined. When I was a kid you would get socked in the arm and you would get threatened with physical force. Today it is moved more and more into cyberspace, and there we have wrestled with a number of instances with parents, with boards, with administrators who have issues of kids bullying each other over Myspace locations, and filming things that present threatening images of one student to another, and so there are very real concerns about what is in the schools purview and what is not. And so for that reason and in addition to the others in term of providing the safe environment for kids, it is important for a school board to look at this issue on a regular basis and try to address the moving target that is intimidation and bullying that certain kids bring upon each other. So with that, without further adieu, I stole somebody else's place to get here and I will stand aside and allow them to say their words after any questions you might have. [LB205]

SENATOR RAIKES: Questions? Okay. Thank you, Brian. Next proponent. [LB205]

BRIAN HALE: You bet. [LB205]

SENATOR RAIKES: Next proponent. [LB205]

DEWAYNE MAYS: I am Dewayne Mays, M-a-y-s, and I am here on behalf of the Lincoln branch NAACP to speak in support of Legislative Bill 205. The NAACP has long been a champion for the rights of all people regardless of race, gender, ethnicity, sexual orientation, and mental, physical and linguistic abilities. We believe in the enforcement of laws in a fair and just way so that there is no profiling. We believe that learning will enhance when a positive and learner-friendly environment is encouraged, and we believe that a bill addressing in physical and emotional bullying is necessary in this society. Bullying is a real problem in our schools because it interferes with learning. Many of our most vulnerable students are victims of these unfortunate acts. Many times victims' lives may be scarred in such a way that leads to a more serious act later on in life. While some schools have policies to deal with bullying, others are lacking. The type of policy LB205 has should be extended to all school-sponsored activities. It is time for Nebraska to set into place the necessary legislation to encourage a safe and more productive learning environment for all students. By voting for passage of LB205, a framework in set into place to encourage dialog between school administrators, parents, law enforcement leaders, and leaders in the community in general, and to work together to come up with solutions that will promote a positive and safe environment that all children can prosper. Teachers and administrators will be able to place necessary tools and curriculum in place to facilitate learning in our Nebraska schools, and such broad-based support gives legitimacy to an effort to provide a positive learning atmosphere. We all want our children to grow up to be citizens that take advantage and

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exploit every opportunity that affords them so that all they may fulfill their own positive dreams, and so that they will have lifelong skills that they may teach their children. Again, I believe that LB205 is a bill that will improve the educational opportunities in the state of Nebraska, and I encourage you to pass this bill. Thank you. [LB205]

SENATOR RAIKES: Thank you, Dewayne. Questions? I don't see any, thank you for being here, Dewayne. Brian. [LB205]

BRIAN HALSTEAD: Good afternoon, Senator Raikes and members of the Education Committee. For the record, my name is Brian Halstead, H-a-l-s-t-e-a-d, with the Nebraska Department of Education and the State Board of Education. We are here in support of LB205. I am not going to say a lot of comments. This bill has been around in various different forms as many speakers have talked about for over a decade. I think one of the key things that I haven't heard today is nobody is objecting to how it is defined, and I think that has brought a lot of people together. In the past, trying to come up with the definition splintered a lot of the groups. And I think, today I don't think you are going to hear anybody object or contest the definition that has been put into this bill and that what you would put into statute. And I think that has brought a lot of people together. Obviously I am thankful to hear that there are people who think what the department has attempted to do in the past as positive. We have committed to Senator Howard that we will work with school districts on adopting or coming up with model policies that they may be able to use, but it is really something they are going to need to address. So with that, I would answer any questions you might have. [LB205]

SENATOR RAIKES: Thank you, Brian. Questions? Thanks. Next proponent. Next time. Welcome. [LB205]

SHEREEN SALFITY: (Exhibit 5) Thank you. Good afternoon everyone. My name is Shereen Salfity. I am a seventh grader here at Westside middle school and... [LB205]

SENATOR RAIKES: You will probably have to spell that for us. [LB205]

SHEREEN SALFITY: Sorry. S-h-e-r-e-e-n S-a-l-f-i-t-y. [LB205]

SENATOR RAIKES: Thank you. [LB205]

SHEREEN SALFITY: I am the author of the bullying book. It was passed around in many elementary schools last year in Nebraska and parts of Iowa. Today I am going to briefly tell you why I wrote this book about bullying, and also tell you why passing this law would be very beneficial for many kids. Well, personally I have been bullied and I have also been a bystander, and I know how it feels to be bullied. Most of the time there is a bystander, and sometimes kids are just like, you know, suck it up, or it is nothing. But you would be surprised how just one comment can ruin someone's day. Luckily for

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me I was educated about bullying and I just talked to my counselor, and she helped me and we made the situation right. But not all kids are aware on what they should do in a bullying situation. Some kids just sit there and just take it, and it really hurts, and eventually some kids just go crazy. They can either bully or it could be a tragedy, you know, like a school shooting or suicide. Another reason I thought, you see with this book it not only gives victims advice, it also encourages bystanders to do something, because most of the time there is a bystander watching. And I believe this book can also help bullies realize maybe if they are bully or not and this book can encourage them to become a better person. This is why I wrote this book. And I think it is also beneficial for adults, because at the very back of the book, in the last few pages, there is advice for adults, tips on how they can help kids. And so it is really beneficial, and everyone who reads this book can get some information out of this and it can help them. I believe this law would be very beneficial for kids because most kids, they still even today, they don't know what to do in a situation, and not just victims, bystanders or bullies or maybe even some adults. They just don't know what to do. And if we are to create a policy and emphasize bullying a lot more, more kids will be educated and victims will know what to do. They can handle the situation in a right way. Not by bullying back, but by doing something about it. And so if we were to keep on just making kids more confident, they will know what to do. And also, if we were to start at a young age, I believe many kids in the future, because most kids, they will eventually sometime or another in their life, they will be in a bullying situation, and the younger we start educating kids, the more prepared they will be. Thank you. [LB205]

SENATOR RAIKES: Thank you. Any questions for Shereen? Senator Ashford. [LB205]

SENATOR ASHFORD: Thank you. This is really amazing work that you have done. [LB205]

SHEREEN SALFITY: Thank you. [LB205]

SENATOR ASHFORD: I am glad to have this. Congratulations on what you are doing. [LB205]

SHEREEN SALFITY: Thank you. [LB205]

SENATOR ASHFORD: I haven't read it, but just by paging through it, it should be required reading for many of us, wouldn't you think, maybe, even adults? [LB205]

SHEREEN SALFITY: Yeah. Thank you. [LB205]

SENATOR ASHFORD: Especially adults. Thank you very much. [LB205]

SHEREEN SALFITY: Thank you. [LB205]

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SENATOR RAIKES: Senator Johnson. [LB205]

SENATOR JOHNSON: Do you know what a bully pulpit is? [LB205]

SHEREEN SALFITY: No. [LB205]

SENATOR AVERY: You are in it (laughter). [LB205]

SENATOR JOHNSON: You are in it. It is a very complimentary term, I think started by President Teddy Roosevelt in using his position to advocate for good change in the world, and you are to be complimented. [LB205]

SHEREEN SALFITY: Thank you very much. [LB205]

SENATOR RAIKES: Thanks for being here and thanks for the book. Next proponent. [LB205]

SHEREEN SALFITY: Thank you. [LB205]

SENATOR ASHFORD: Will you autograph mine? Okay. [LB205]

SHERYL MACHACEK: (Exhibit 6) My name is Sheryl Machacek, M-a-c-h-a-c-e-k. I had a speech planned out, but most everybody covered it. The things I want to point out now are Section 1, part c, "school's response". After reporting my sons bullying events, the guidance counselor took three pages of notes of things that had happened to him. After some time had passed, I began to be concerned that there were things that the hadn't told me. So I asked for a copy of the notes and they were refused. They gave me several excuses and after six months of trying to get those notes the guidance counselor told me that those notes were destroyed the previous year. Also, I am sorry I am having a bit of a problem here. In Section 4, part c, is the more perfect law, an antibullying law from the Bully Police. It is further detailed, although quite representative of LB205. I guess I will stop there. Oh, I did have one other thing I needed to say. About training, the National Education Association does provide no-cost training to school districts for developing and implementing bully prevention programs. If you go to their web site, you will find it there. [LB205]

SENATOR RAIKES: Okay. Thank You. [LB205]

SHERYL MACHACEK: Thank you. [LB205]

SENATOR RAIKES: Any questions for Sheryl? Thank you for being here. [LB205]

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SHERYL MACHACEK: Thank you. [LB205]

SENATOR RAIKES: Next proponent. Welcome. [LB205]

LAUREL MARSH: (Exhibit 7) Good afternoon, my name is Laurel Marsh, spelled M-a-r-s-h, and I am here today on behalf of ACLU Nebraska to speak in support of LB205, which would require each school district to adopt a policy concerning bullying prevention and education for all students. For the past 16 years I served as a legislative aide to state Senator David Landis, and in that capacity I had the opportunity to work in support of this issue. Three months ago I started to work for ACLU Nebraska and in each of the first two weeks of my employment there, I fielded a phone call where the parents asked for help because their children were being bullied at school, and actually I was quite surprised. Different job, but same subject. The first call was from a dad in northeast Nebraska. His junior high-aged son was bullied to such an extent that his parents had actually pulled their son out of the school in the town where his mother lived and had transferred him to a school in the town where his father lived. Both parents had repeatedly talked to school officials at the original school and were dismayed by the lack of response. And their question to me was what could they do to compel the school to pay more attention. The second call was from southcentral Nebraska and was actually more of a report. Again, it was a father. He told me of a series of incidents where his son had been bullied by the same kid over a period of years. When the family complained, they were told that their son just had to learn to stick up for himself. A culminating event resulted in both boys being arrested. But going to court should be the last resort. Such legal solutions always are too late to protect the child. LB205 takes a proactive report to ensure that neither school children nor school districts end up in court. And the handout refers to three other more specific cases in which ACLU Nebraska has been involved in the recent past. ACLU Nebraska strongly supports LB205. We believe that this is an equal protection issue under the 14th Amendment. Bullying is something more than the occasional physical taunt. It is defined in LB205, it consists of an ongoing pattern of physical, verbal, or electronic abuse. We do not believe that the definition of bullying will require school districts to adopt policies that harm First Amendment rights of students. Twenty-seven states already have antibullying statutes, and seven more are continuing them this year. Bullying can do more than result in temporary emotional pain. Others have talked to you at some length about that. A consistent pattern of bullying can create a hostile learning environment that can impede a student's opportunity for education. LB205 will force school districts to address this impediment and to create safer schools. And do you have any questions? [LB205]

SENATOR RAIKES: Thank you, Laurel. Questions? Thanks for returning. [LB205]

LAUREL MARSH: Thank you. [LB205]

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SENATOR RAIKES: Next proponent, please. You will be lost if you hesitate. Welcome. [LB205]

TRACY BELITZ: (Exhibit 8) Good afternoon, Senator Raikes and other senators. My name is Tracy Belitz, B-e-l-i-t-z, and in front of you should be a clear folder, and that is our written testimony that was sent earlier. Okay. As before, I think Sheryl had said, a lot of things were already brought up, but I do want to tell you that we followed protocol with our son. He has been bullied for four years, and we followed protocol. We went to teacher, principal, superintendent, and the school board, and I just want to reiterate what the school board told us. He said, after we presented a presentation on trying to implement a bullying policy in our specific school district, the president of the school board told us that, number one, they were not going to accept our policy. They were not going to change their policy. They would not change their policy until the state of Nebraska mandated it. Furthermore, our school does not have a bullying problem. My son was physically attacked, you know, illegally, it was assault and battery. So I guess I am not sure they understand what the definition of bullying is. I like Senator Howard's, the LB205, because I think the teachers need to be educated, and then so do the parents and on down to the students. You know, I look at what happened to my son and everybody knows that if you stand back and you watch whether you hit, whether you say anything, you are just as guilty as if you raised that hand or said that word. We need to make everybody accountable. This is a very serious problem. I hate that my son is a statistic. I wanted my son to be a statistic as in maybe the top 10 percent of his class, not a statistic of every seven minutes a child is hit during recess. That is not a very proud moment for a mother or father. The other thing I would like to leave you with, this is by author Paula White. It is from her book titled Deal With it! . One of her sayings is, you cannot conquer what you do not confront. You cannot confront what you do not identify. And that is exactly where we came from in our school district. They don't want to identify it. I believe Senator Howard has identified it. I think we are confronting it, and I think it can be conquered. And to answer Senator Adams' question you asked, this has been going on forever and do you honestly feel that maybe you will ever be a handle on it. I guess my question, I know I can't ask it back, but I am going to. Can we afford not to do anything? Can we afford not to? I heard a very disturbing statistic on Friday that the number one cause of death among teens in the United States is suicide due to bullying. That is very disturbing, very, very disturbing. And I don't want that to be something that my friends have to experience, and God forbid us. Thank you. [LB205]

SENATOR RAIKES: Thank you. Questions? Senator Adams. [LB205]

SENATOR ADAMS: May I comment for a moment? I support this. I wanted you to know that right up front, but I am also a realist. But also, in light of that, every school has policies dealing with what you wear, how you act in class, it would seem only reasonable to me that we take on an even more daunting challenge like bullying. If it gives administrators guidance, if it gives teachers guidance, if it gives students

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guidance, it doesn't mean we will cure the problem, but it isn't going to solve anything just ignoring it either. [LB205]

TRACY BELITZ: Right. [LB205]

SENATOR ADAMS: Thank you for your testimony. [LB205]

TRACY BELITZ: Thank you. [LB205]

SENATOR RAIKES: Again, thank you for being here. [LB205]

TRACY BELITZ: Thank you. [LB205]

SENATOR RAIKES: Welcome. [LB205]

SHERITHA SMITTICK: Hello. Senator Raikes and members of the committee. My name is Sheritha Smittick, S-h-e-r-i-t-h-a, last name S-m-i-t-t-i-c-k. Nebraska's first antibullying law was passed in 2003, but with the changing current trends being that bullying is taking place via Internet, text messaging, definitely modifications need to be made. Well conducted, comprehensive programs can be effective in reducing the number of bullying incidents and creating a climate that discourages bullying behavior. Such programs have been found to be effective in reducing occurrences by as much as 50 percent, while decreasing general antisocial behavior and increasing students satisfaction with school. The State Board of Education supports basic tactics to ensure students a safe environment while assuring faculty and staff have a basic guideline for managing harassment situations. The state board reiterates, and I quote, Nebraska schools should provide physically safe and emotionally secure environments for all students and staff. Local school policies should assist school personnel and identify bullying, intimidation, and harassment and provide a framework for an appropriate response that reinforces and encourages positive conduct. A large number of students report being bullied during school. While bullying is sometimes overlooked, it is a severe threat that may have damaging psychological effects, such as low self-esteem, depression, and in worse case scenarios we know about suicide. But in the past years, incidents of violent acts of payback by the victims of the bullying have led to increased awareness of the problem. Since '96, there have been about 40-plus school shootings around the world. Most memorable would be maybe Columbine in Colorado, and just recently in January there was a shooting in Henry Foss High School in Tacoma, Washington. Each case is suspected to have its origins in some type of mistreatment or bullying. Luckily, Nebraska was not on that list. But by supporting LB205, we are stating that we vow to keep Nebraska proactive, which is very important, and we say that we are against bullying, and the we want our children to be safe. Let us support LB205 and encourage our students to be positive to all. Thank you. [LB205]

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SENATOR RAIKES: Thank you. [LB205]

SHERITHA SMITTICK: Any questions? All right. Thank you. [LB205]

SENATOR RAIKES: Thank you for being here. Next proponent. [LB205]

ALAN POTASH: Good afternoon. My name is Alan Potash, P-o-t-a-s-h. I represent the Anti-Defamation League. I also have twin 13-year-old boys who have not yet become victims of bullying or bullies themselves. The Anti-Defamation League is a 90-year-old civil rights human relations organization that develops programs that combats bigotry, hatred, prejudice, and bullying around the county. We have heard a lot of statistics today and all of my research confirms most of the statistics, and our last proponent commented on the connection between bullying and school shootings. Last week I just finished reading a wonderful book by Katherine Newman, she is a Princeton professor in sociology and she studied four different communities where shootings took place, and there was a strong connection between the shooters, the victims and bullying. So it is an important issue to address, to be aware of. One of the things I have not really heard yet is that most of the incidences of bullying takes place out of the earshot and eyesight of teachers, principals, administrators in the schools, and oftentimes the students when they approach someone in authority, they are not taken seriously and they are told to deal with it in other ways. One of the positive pieces of this legislation is that it enforces this school to take a responsibility, by having this policy it places some responsibility on the school to be able to address how to do this. I think it is very important that we as a community explore ways to train, as some of the senators have asked before, our teachers and our administrators how to address the this. There are many great programs out there, but we need to bring them to our community and to implement them. Thank you for your time, and I hope you all here today pass this legislation. [LB205]

SENATOR RAIKES: Thank you, Alan. Questions? Thanks for being here. [LB205]

ALAN POTASH: Thank you. [LB205]

SENATOR RAIKES: Next proponent. [LB205]

TERRY WERNER: (Exhibit 9) Good afternoon, Senator Raikes and the rest of the Education Committee. My name is Terry Werner, W-e-r-n-e-r, and I am the executive director and registered lobbyist for the Nebraska Chapter of the National Association of Social Workers. That is a mouthful. And I want to point out that Sheritha did not identify herself. She is a social work student at Union College and I am very proud to say, an intern in our office. On behalf of the Nebraska Chapter of the National Association of Social Workers and our 600 member statewide, I am here to testify in support of LB205. Our primary mission is to enhance human well being and meet the needs and

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empowerment of people who are vulnerable, oppressed, and living in poverty. Our national association has long supported antibullying efforts. We have partnered with the National Education Association in an effort to reduce, and eventually eradicate bullying in American's public schools. Social work's official policy states that "the National Association of Social Workers, NASW, believes that all children have the right to attend a physically and emotionally safe school where they can maximize their academic potential. Although most schools are safe, violence occurring in the community has found its way inside many schools. All schools have the responsibility to develop comprehensive violence prevention plans so that every child in school is both emotionally and physically safe. NASW's position is that school violence reflects the social, economic, moral, and ethical problems of the larger society. Given this systems perspective, any approach to school violence prevention must be comprehensive in nature and seek the participation of students, parents, school staff, and community resources, including the police, to be effective. NASW supports the comprehensive approach to school violence prevention outlined in Safeguarding Our Children: An Action Guide. This approach identifies three levels for intervention: one, school-wide foundation and primary prevention; two, early intervention; and three, urgent response and crisis intervention. NASW strongly supports the position that preventative initiatives are the most desirable for controlling and positively redirecting these behaviors and that they have the greatest long-term effect. Early intervention plans must be in place if violence does erupt. These plans must include the evaluation of the situation and each of the students involved, with the guidance of the school discipline code, and any laws pertaining to the infractions. Crisis plans should focus on school-wide, and even school community, interventions to minimize the impact of crises of greater proportions." School social workers are trained in prevention and intervention of youth bullying. Because of their unique perspective, they should be involved with the development of school bullying policies. Thank you for your consideration. I urge you to advance LB205 to the floor of the Legislature. [LB205]

SENATOR RAIKES: Thank you, Terry. Questions for Terry? I don't see any, thanks for being here. Next proponent. [LB205]

CECILIA OLIVAREZ HUERTA: Good afternoon, Senator Raikes and committee. My name is Cecilia Olivarez Huerta, it is C-e-c-i-l-i-a O-l-i-v-a-r-e-z H-u-e-r-t-a, and I am the executive director of the Mexican American Commission. I am going to tell you a little story. You know bullying has been around for a long time. When I was growing up I used to hear all the time, sticks and stones will break my bones but words will never hurt me. But that was a fallacy because words were a very tough...it was very tough for me to deal with some words as a child coming up from a traditional Mexican-American family. We were different. We had different customs. We ate different foods. When we were in the lunchroom and we brought a lunch, usually taco, tortilla with something inside it, we would go off to the side by ourselves so we could eat so nobody would see us, and then we try and eat it so nobody could see what we had. We were always

teased tremendously about being people who ate lots of tacos. The rules are reversed now because everybody loves tacos. But in those days it was really a demeaning way of being in school. As a child, I was placed in a classroom that had two classes in it and everyone always said that the dummies were in that class, and the classroom was made up of the Mexican-American students, low-income students, students that had some other problem or challenge, and so we were always labeled the dummies in school. Other students that had bullying problems when I was growing up were students...there was a young man in my class who had juvenile diabetes. He was rather overweight and he had very, very thick glasses. He was bullied tremendously. There was another young woman who, by the time, lets see we were in the fourth grade, she was six feet tall, taller than any of the rest of us, and suffered tremendously because of the bullying. As a child I was always overweight, and so I always suffered tremendously from name calling and everything. So as a child I had panic attacks, and my parents could never figure out why I had panic attacks, and any time I was in a crowd where I was afraid, then I would have a huge panic attack. Sometimes coming to a group like this, appearing to a group, you know on a one-to-one I can carry on a very good conversation with everyone. But sometimes it is a little scary to appear here and by the time I walk out of here sometimes I am having a hard time breathing, a panic attack, and I feel that those are all results of early happenings when I was bullied a lot by students. You know, the Hispanic population in Nebraska has grown tremendously. Sorry is my time up? [LB205]

SENATOR RAIKES: No, you've got a minute left. [LB205]

CECILIA OLIVAREZ HUERTA: Not yet. Okay. The Hispanic population in Nebraska has grown tremendously, and we are a population that is very easily bullied. There are lots of names that we are referred to. And a lot of times the people who are referring to us in bullying us, hear words from adults, and oftentimes they don't know what the words mean. They just say them because they think it is really fun, and sometimes it is fun to bully someone. I don't think the bill goes far enough. It doesn't give any specific guidelines, but a guideline that I would suggest is that children, along with adults, get together and talk about the words, the names that they are called, and really understand what those words mean and how they hurt people. Violence today is, you know, we see violence on the TVs everywhere, and generally people who are the bad guys are the ones who are of ethnic diversity, and that leads to other problems in the schools. Sometimes it carries off the school grounds. The situations that we have had to deal with are from in the schools, the teachers say and the administrators say, well, that is not our area. We can't deal with that because that is off the grounds and we can't deal with anything, but when it starts off the grounds and carries into the school grounds also. So we think LB205 is really a good bill. I hope that the Catholic schools also will use this as a model because there is lots of bullying in Catholic schools and Catholic schools they are not covered in this. [LB205]

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SENATOR RAIKES: Okay. Thank you, Cecilia. Any questions? Senator Johnson.
[LB205]

SENATOR JOHNSON: We Lutherans aren't above bullying either. (Laughter). [LB205]

SENATOR RAIKES: Okay. Thank you. [LB205]

CECILIA OLIVAREZ HUERTA: Thank you very much. [LB205]

SENATOR RAIKES: Next proponent. How many more proponents do we have? Okay. Please come toward the front here if you would. We are getting toward the end. Welcome. [LB205]

JEN HERNANDEZ: (Exhibits 10 & 11) Good afternoon, Chairman Raikes, members of the Education Committee. My name is Jen Hernandez, H-e-r-n-a-n-d-e-z, and I am the community educator and registered lobbyist for Nebraska Appleseed. Nebraska Appleseed is a nonprofit, nonpartisan law project that addresses systemic issues facing low-income Nebraskans, and removes obstacles to self-sufficiency. I am here today to thank Senator Howard for her leadership and to ask for your support of LB205. Over the last couple of years, I have done quite a bit of outreach to welfare moms about their access to education. I take them through the steps of building a plan for self-sufficiency. They certainly know, as we all do, that education is the surest and most effective path out of poverty. Education is also the best way to prevent it. In my opinion, LB205 creates a safe learning environment for our children. If our kids feel safe at school, they are more likely to perform better. They are also more likely to stay in school. Kids who are the target of bullying are more likely to drop out, and kids who drop out are generally not prepared to enter the workforce and be self-sufficient. They can, and do, enter the workforce, but they are not self-sufficient. You have in front of you the Self-Sufficiency Standard for Lancaster County. This tool is available for all 93 counties, and for 70 different family types. Just a glance at Lancaster County reveals that one adult with no dependents in Lincoln (whose employer pays 75 percent of the health care premium) needs at least \$13,000 a year, or \$6.30 an hour, to meet their basic needs and become self-sufficient. How many dropouts do you know work for an employer that pays 75 percent of their health care premium and above minimum wages? I ask this committee to consider the preventative impact of LB205, and to move this bill out of committee. Thank you. [LB205]

SENATOR RAIKES: Okay. Thank you. Questions? Thank you. [LB205]

JUDI GAIASHKIBOS: Good afternoon, Chairman Raikes and committee. I am Judi gaiashkibos, the executive director of the Nebraska Commission on Indian Affairs, and I rise in support of this bill as well, and I commend Senator Howard for introducing this, and also Paul Olson for his consistent support and willingness to stay with this. I think

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today we have all agreed that bullying definitely exists and we have come to terms on our definition of bullying. And as Cecilia Huerta has so eloquently said, that she was a survivor of bullying. I too attest to the fact that as a first generation off-reservation Indian person growing up in Norfolk, Nebraska, I am a survivor of bullying, and today this is my bully pulpit, and my opportunity to advocate on behalf of all Indian children. And as a child at the time when I had to deal with that name calling, I thought then that some day when I grow up, an empowered adult, I am going to use my voice and give a voice to other children. And so today I am here to say that many of our Native children, as you have recently read in the paper, resort to the final escape from bullying through suicide, and that is really totally unacceptable. So the Legislature today has the opportunity to move this bill forward to the floor for full debate, and, I think, what you will do by doing this is for the children that don't have a safe home to grow up in, and they are dealing with poverty, and many challenges that many Indian people face, they will have a place to go to school where they can feel safe, where they can learn the skills, and get the educational tools to level the playing field. And I clearly think that education is what will empower our first citizens of Nebraska to enjoy the good life that we all hope that all children will have. So in closing, I, too, support LB205 and would be happy to respond to any questions. [LB205]

SENATOR RAIKES: Thank you, Judi. Questions for Judi? Don't see any, thanks for being here. [LB205]

JUDI GAIASHKIBOS: Thank you. [LB205]

SENATOR RAIKES: Welcome. [LB205]

MARGE SCHLITT: Good afternoon, Senator Raikes and members of the committee. I am Marge Schlitt, that is spelled S-c-h-l-i-t-t. I am a member of the Lincoln Friends Meeting of the Religious Society of Friends. Our Quaker meeting has carefully considered the problem of bullying and have agreed to support this legislation. I would like to speak from my experience as a volunteer in prisons for 18 years, both in New York state prisons where my husband and I lived in New York state for 15 years, and then in Nebraska since we moved back home 5 years ago. I want the people who are now in prison to come out being better people than they were when they went into prison because they are going to be our neighbors. I am active in a program called the Alternatives to Violence Project, AVP. This is a group which gives workshops in prisons, helping the participants learn how to react to conflict situations in ways that do not end up in violence. AVP has monthly, 20-hour workshops at the Omaha Correctional Center, Lincoln Correctional Center, and starting this weekend, at the penitentiary. AVP operates under the belief that there is something good in every person. Quakers call it: that of God in everyone. And that each person has the innate power within themselves to direct problems toward a nonviolent solution. When we don't deal successfully with bullying, people grow up believing that one way to make themselves feel good is to put

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down or hurt someone else. When someone is a bully or the victim of bullying they frequently make poor decisions, they act before thinking, and may do something horrible which lands them in prison. We know that there is definitely a correlation between how people are treated when they are young and how they behave when they grow up. In our AVP workshops, we try to help participants to gain self-confidence by seeking win-win solutions. We don't want anyone to feel that they are a loser as that leads to a downward spiral of thought and behavior. The subject of bullying comes up, one way or another, in nearly everyone of our workshops as it is of immediate concern to everyone, and many, many prisoners tell us that they wish that they had taken this workshop and gained these skills when they were young so that they would have made better decisions and they wouldn't have done what they did to put them in prison. Our society is increasingly complex and stressful, and our population is increasing. It is important that we equip our young people with the tools that they will use throughout their lives to treat each other nicely and with concern for the wellbeing of everyone. We would all benefit from more random acts of kindness. Making sure that all children learn how to deal with the problems they will encounter would help make the world a better place for all of us. Thank you. [LB205]

SENATOR RAIKES: Thank you. Questions? Don't see any, thanks for being here today. Next proponent. Welcome. [LB205]

JOE PRICE: Good afternoon, my name is Joe Price, that is P-r-i-c-e. I am the current cochair of the Omaha Chapter of the Gay Lesbian Straight Education Network, an organization of volunteers that advocates for the safety of all students in K-12 schools system, regardless of their real or perceived sexual orientation, or gender identity or expression, and I have come to speak in favor of this bill. I first want to thank Senator Raikes and members of the Education Committee, particularly Senator Howard, for their time and effort on LB205. I know that this bill has been the result of compromise, revision, and most of all hard work. I would hope, however, that enumeration would ultimately become a part of this legislation. Nationally, students report less overall harassment because they know their school has a comprehensive policy with enumeration. Students protected by such policies report that others are harassed far less often in their schools for reasons like physical appearance, sexual orientation, or gender expression. However, the assurances that all students are protected under this legislation is heartening and it is a wonderful step forward. As someone who was victim of bullying through high school because of his perceived sexual orientation, I hope to hear from other students today. Thirty-one years ago, I was harassed to the point where I had to have medication to get through my sophomore year of high school. The medication of that time was Valium, five milligrams, three times a day. My sophomore year of high school was a blur because I religiously took my medication as my doctor prescribed. No student should have to live through that. I want to thank you all for the concern you have shown children in our state and the commitment you have made to end school bullying. If I can be of any assistance or help, please let me know. Thank

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you. [LB205]

SENATOR RAIKES: Thank you, Joe. Thanks for being here. Questions? Thanks again. [LB205]

TYLER RICHARD: (Exhibit 12) Good afternoon Senator Raikes and other members of the Education Committee. My name is Tyler Richard, that is R-i-c-h-a-r-d, and I want to start by thanking all of you, specifically Senator Howard, for introducing this legislation and for paying careful attention to the many ways that bullying manifests itself in our schools by the broad language used in its definition in LB205. I asked one of the pages to hand out a written statement, but I won't read it because it says many things that you have already heard today. I do want to bring your attention to some experiences that I can talk about which don't come from K-12 education which this bill would directly effect, but from my years working with college students and being a college student in Nebraska. It is very clear to me through my conversations with students who have been victims of bullying in high school as well as in college that the effects of bullying last for a very long time. And in fact, the conversations I have been able to have with students who have exhibited bullying behaviors, many times the behaviors they have learned come from their high school or middle school years. So even in districts that do have a comprehensive bullying policy, students could be entering into a college with students that don't, and that can have an effect on the students in that educational environment as well, in addition to work place environments for students who do not choose to go onto college or are not able to go onto college. Since everything I have to say has been said, I won't continue, but I am open to any questions if there are. [LB205]

SENATOR RAIKES: Thank you, Tyler. Appreciate your testimony. Any questions? Thanks for being here. [LB205]

TYLER RICHARD: You're welcome. Thank you. [LB205]

JESS WOLF: Thank you, Senator Raikes and committee, again, Jess Wolf from NSEA, W-o-l-f. I will be very brief as well. NSEA is in support of this legislation. I have been pleased this afternoon to hear two references made to the NEA bullying initiative that has been taking place, and we do have some information that I can share with you at some later date, if you so desire. I want to just tell you that I believe that because of the problem of bullying that the implementation date of July 1 is very important for some kind of policy, but in fact most school districts will probably just adapt policies that have been written by somebody else. I am here to tell you that I believe that in order to have a truly effective preventative program, which I believe is the key thing about this particular piece of legislation, is to have the whole education community--teachers, administrators, parents, and students--develop a preventive plan and have it written at the local level. And I would encourage that if you could include in the legislation an implementation of that particular plan at a later date, that would be beneficial to the

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whole program. Thank you. [LB205]

SENATOR RAIKES: Thank you, Jess. Questions? Don't see any, thanks again. [LB205]

JESS WOLF: Thanks. [LB205]

SENATOR RAIKES: Are there any other proponents? Are there any opponents to LB205? Is there any neutral testimony? [LB205]

LUCAS PETERSON: Good afternoon, Senators. My name is Lucas Peterson, that is P-e-t-e-r-s-o-n, and I am a member of the Nebraska LGBT Democratic Caucus, and I am here to speak on reference for what they have told me. They have no official position on this, but they welcome and they want to see anything that can change the state of Nebraska as to more gay-friendly, and as to especially in the school arena. I, as a student, have faced multiple threatening encounters on my life or for my health. Now I believe that this piece of legislation is very, very effective one. However, some of my peers believe that this is only feel-good legislation policy and that there should be enumerated classes involved with it. There is much dialog and much debate between whether enumerated classes should be or should not be. However, I, for one, welcome anything that can help any minority status for a student or an individual in the state of Nebraska to obtain a very fair learning experience. Thank you. [LB205]

SENATOR RAIKES: Thank you, Lucas. Questions? I don't see any, thanks for being here. Is there any other neutral testimony? I see none. Senator Howard? [LB205]

SENATOR HOWARD: (See also Exhibits 31-34) Thank you to the testifiers who came here today and shared their time and personal stories with this committee. I personally can't remember when I have ever been in a hearing where we have had such a good cross-section of individuals come in and support a bill, and I will say I very much appreciate that. School is a place for learning. It is a place for children to come and prepare for the future. School should be free of intimidation and humiliation. I don't want Nebraska to wait until we have a tragedy in one of our schools before we take the issue seriously. On behalf of children across the state of Nebraska who fear classroom bullies or who have dropped out of school because they couldn't take it anymore, on behalf of parents who have pulled their children out of a school system or buried a child who committed a suicide as a result of bullying, I urge your favorable consideration of LB205. Thank you. [LB205]

SENATOR RAIKES: Thank you, Senator. Questions for Senator Howard? Thank you, Senator. That will close our hearing on LB205 and we will move to LB66, and Senator Stuthman. Require school districts to develop a driver's safety course. Shouldn't that be a cattle handling safety course? (Laughter). [LB205]

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SENATOR ADAMS: We better have a different introducer then. [LB205]

SENATOR STUTHMAN: Thank you. [LB66]

SENATOR RAIKES: Why don't you just wait a second until the room clears here. [LB66]

SENATOR STUTHMAN: I survived though. Tell me when. [LB66]

SENATOR RAIKES: Okay. Go ahead, Arnie. [LB66]

SENATOR STUTHMAN: Good afternoon, Senator Raikes and members of the Education Committee. For the record, I am Arnie Stuthman, Senator from the 22nd Legislative District. I am here to introduce LB66. Why did I introduce LB66? And I will tell you that first before I tell you the details of LB66 and what it includes. I think I have been contacted by several people that have been really concerned with the loss of life of very many of our youths today because of not having the knowledge and the ability to drive at a younger age. Also the fact that we have in the schools systems, the driver's education has been taken out, possibly due to budgetary crisis in the past and several years ago. But what I am trying to do is I am trying to create an awareness that there is definitely a need for driver's education. And LB66 would require public schools to offer driver education courses as an elective. The driver's safety course would have to meet the requirements of the subdivision (2)(a) of Section 60-4,121, which includes the time behind the wheel, which I think is very, very important. For a student to eligible to take this course, they must be at least 16 years old and not older than 18 years old. The Commissioner of Education would be directed to prepare the necessary teaching aids and materials for driver's safety courses. The operative date for this legislation would be July 1, 2008. I think there are some schools at the present time that do offer some classes. They're possibly not during the school hours, but they do have classes for driver's education and it is paid for by the students that want to participate. I think this is very good and it is very considerate of the people that offer those classes. But I think there are a lot of instances where schools do not offer the class, and I think driving is something that we will use the rest of our life. I think we are having education in classes that you possibly will never use the rest of your life, but driving is something that we will be using the rest of our life. And I think there is a good possibility that if we could educate these younger people the effects of speed and road conditions, I think that is very, very important. I feel that things are a lot different now as they were in the past when a lot of kids were raised on the farms or in the rural communities, those children did have an opportunity to get behind the wheel at a lot younger age and were able to get the feel of the wheel and know the circumstances of what could happen. The environment that we are in right now, a lot of kids do not have that opportunity and do not have the parents there that are willing to work with those children for a number of years in a driving experience. So with that, those are my opening comments and I would attempt to answer any questions. [LB66]

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SENATOR RAIKES: Thank you, Senator. Senator Adams has got one for you, it is a hard one too. [LB66]

SENATOR ADAMS: I doubt that. Senator, the bill calls for age 16. Don't most schools who are offering driver's education in the summer open that up to younger because of the provisional license and... [LB66]

SENATOR STUTHMAN: Yes, I will agree with you there. And I would be very agreeable to possibly change this, you know, lower this age to maybe 15.5, because I feel that at a younger age the children are very interested in learning and are more aware of the possibilities that could happen. At an older age, they feel that they have control and they don't take that into consideration. And I am very, very open to any changes in this. What I am trying to do is create an awareness because we are losing a lot of our youth, the leaders of tomorrow. [LB66]

SENATOR ADAMS: May I ask another question? [LB66]

SENATOR RAIKES: Go ahead. [LB66]

SENATOR ADAMS: Senator, I was looking at the fiscal note and I don't see one to the state, so I have to ask the obvious question, what is the fiscal impact to the school districts if this becomes an elective course if they have got to have faculty, and one of the things I underlined here to myself as I was reading the fiscal note, unless other curriculum changes are made, then in effect, if this were added, something else would have to go? [LB66]

SENATOR STUTHMAN: Well, this is one of those situations that I am not overly excited about. It is one of those unfunded mandates for the public schools system. How they are going to work it out, I do not have the answer. And I know it is going to be an additional tax burden on the schools, on the property owners, but I think it is something that we really have to take a serious look at. Is this something that we should be trying to improve our students with that education? [LB66]

SENATOR ADAMS: I don't have anymore questions. [LB66]

SENATOR RAIKES: Doctor. [LB66]

SENATOR JOHNSON: Well, you remind me of one other thing, and that is I recently saw something for the economic development of Nebraska that it is projected that there will be a significant shortage of truck drivers, over-the-road truck drivers. So we talk about training programs at the community college level in particular and so on, but maybe this would be another incentive to do it. [LB66]

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SENATOR STUTHMAN: Senator Johnson, I want to thank you for your comment. Because I did get several E-mails on the fact that the driver's training that should be offered, should offer, should have part of the course in is being one week in a semi truck driving one of those, because they feel that learning what it takes to run a big 18 wheeler down the road is a lot different than just a car. [LB66]

SENATOR RAIKES: Aren't you required to be 18 years before you get a CDL? [LB66]

SENATOR STUTHMAN: I don't know that...I think so. [LB66]

SENATOR RAIKES: Okay. Would this include fees? Did you have in mind that you would charge fees to those who want to take this class? [LB66]

SENATOR STUTHMAN: What my real intent here is that because it is an elective class, I think that the people that are going to benefit by it, I feel that there is an opportunity where there could be a fee charged and the parents would be willing to pay the fee for the kid to go to that. I continually hear about "paid to play" in sports, because kids that want to be in sports, they have to pay a certain amount to play in that sport. And I have no problem with a fee attached with this so that they can get an education. My main point is that there is an opportunity for these kids can get a driver's safety course and an education in driving. [LB66]

SENATOR RAIKES: Okay. Thank you, Senator. I don't see any other questions. Are you going stick around? [LB66]

SENATOR STUTHMAN: Yes. I am going to stick around. [LB66]

SENATOR RAIKES: Okay. How many do we have to testify as proponents for LB66? We have got four. Are there any opponents? One. Neutral? Okay. So please, proponents come forward and let's get under way here. [LB66]

JAMES MacMILLAN: Hello, Senator Raikes and the Education Committee. My name is James MacMillan, J-a-m-e-s M-a-c-M-i-l-l-a-n. I am from the 23rd District, Wahoo, and represented by Chris Langemeier. I would like to present a few statistics, if I could. Over 600 teenagers have died in the past ten years on Nebraska roads in violent car crashes. Forty percent of the students in Saunders County are unable to afford driver's education. Out of the 300 students, 120 are unable to take driver's education. I stand before you not as a statistician, but as a human face behind the cold hard facts. Mine is the face of a father who has lost a 15-year-old son, not because of an incurable disease or a random act of violence, but because of a deficiency in our educational system. Though the merits of individual statistics topics and duties of the state-funded educational system can and will be endlessly debated, especially in the times of

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marked, unprecedented federal and state deficits, one fact remains: every year 60 young Nebraskans die in violent car crashes that could be prevented with proper education. I would venture to guess that I am not the first Nebraska that you have met that has lost his child in this way. In fact, most of you can probably remember a classmate that died before you graduated high school. And those of you from rural areas can probably remember the many miles you put into getting to school, your own near misses on county roads, and two or three children that you grew up with that never made it to adulthood. All of you, as both survivors and educated representatives, have a duty to do to whatever is in your power to ensure the welfare of your constituents and their children. If asked, everyone of the parents of the 600 kids that have died on Nebraska roads in the past ten years will tell you that proper driver education may have prevented this sorrow. Of course the economics of this issue are debatable. Most of you in this room would probably have little trouble paying the \$300 or so for classes offered outside the school to private contractors. But this is not the case for many families in this state, families who are stretched paying their current bills and biannual property taxes. Additionally, a large proportion of your constituents live in geographically remote areas, too distant from the large cities where such classes are offered for such classes to even be an option for rural teenagers. Thus, economically and logistically it is incumbent upon you as legislators to remedy this deficiency in your state's educational system. In conclusion, I beg you to think about the statistics above, but more importantly to look beyond the numbers. I ask of you that when you debate bill LB66, you keep my face in your mind and know that behind your memory of my face is a parent who will always carry the inerascable sorrow if losing his son in an accident that was preventable through proper legislation and education, and know that in passing bill LB66 you will be preventing further devastation to Nebraska families, though the parents of the child's life you save may be none the wiser and may never thank you. And that is all I have. [LB66]

SENATOR RAIKES: Okay. Thank you, James. Questions for James? Senator Johnson. [LB66]

SENATOR JOHNSON: First of all, thanks for coming. I am sure it is not easy for you to do. And I don't think that there is anybody on this side of the table that doesn't want to help with this problem. One of the things that popped into my mind is we were going through here though is, would you support the use of child restraint devices for a higher level than what we have now? I think it is something like eight years of age or something like that that all children have to be restrained, and mandatory seat belts. I think that the statistics run up to about age 25 where there is a very significant increase in the death rate, then it starts leveling off or declining. [LB66]

JAMES MacMILLAN: Absolutely. I would support that. We have started a program which when our son was killed in the car accident for a "click for nick" program, which is we are trying to make seat belt awareness through our community, and we seem to be getting across, but, you know, it is going to take time. And we support that. Absolutely.

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[LB66]

SENATOR JOHNSON: Okay. Thank you. [LB66]

JAMES MacMILLAN: You are welcome. [LB66]

SENATOR RAIKES: Thank you, James for being here. [LB66]

JAMES MacMILLAN: Thank you. [LB66]

SENATOR RAIKES: Next proponent, please. [LB66]

SCOTT TINGELHOFF: Good afternoon. My name is Scott Tingelhoff, T-i-n-g-e-l-h-o-f-f, and I am the Saunders County attorney, and I would like to thank Chairman Raikes and the rest of the committee for allowing me time to testify. My main concerns are the safety of the children, and I don't feel that we currently have adequate training in place, the number of hours required, and the availability. I know we do have some very fine private, Nebraska Safety Council is one, but very fine private organizations that do provide driver's ed. I don't know to the extent that they go to all throughout Nebraska, but I do know in at least Saunders County there is a pretty good availability. The problem that we have encountered is that there are certain families, and quite a few of them, that are just unable to afford the dollar amount to send one or a number of their kids through this training. What we have done is on our own locally, is we have set up a stipend for low-income people that we provide. We try to pay for half of the driver's ed class for them. And I can tell you that each year, we only offer this once a year and there are driver's ed classes that are offered numerous times through the year, we are getting anywhere from 10-30 applicants, and we are just not able to meet those needs. I think the biggest problem is the cost, and if there is a way to incorporate this into the school system which would allow a subsidization of the cost for these low-income people, that would really help. The way it currently is set up, we can have parent that just writes off and says that they did do the driving, but all the statute requires is that someone be of 21 years of age and a licensee in the state of Nebraska or another state. It doesn't ask them, are they qualified to drive? How good of a driver they are? Do they have any past tickets or citations? So we don't look at the quality of the education when it comes outside of the formalized setting, which I think we could address if we allowed that to be inside of the school. [LB66]

SENATOR RAIKES: Okay, Scott, thank you. Questions? Senator Johnson. [LB66]

SENATOR JOHNSON: I am sorry to be the one, it isn't because I woke up either, but something popped into my head as you were talking and what it is this: Just checked with my colleague here, and I believe it is true that there is money that goes to schools from speeders out on the interstate and other places that this money goes to the school

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system. Wouldn't it seem to be appropriate that these moneys be spent for driver's education rather than just general school support? [LB66]

SCOTT TINGELHOFF: I know that the fine money does go to the school systems. I do not know how they budget that fine money. I am assuming that it is difficult to budget because they don't know year from year the numbers of citations. I can give you an example, this past year we typically have four state troopers work Saunders County area, but through retirement and people leaving, we were down to one for the year, and our traffic citations were cut 40 percent. That would be money that wouldn't be going to the school. So that would be some of the difficulty in that, but I would not object to that money being used for those purposes, and I think it makes sense that it is. [LB66]

SENATOR RAIKES: Okay. I don't see any other questions. Thank for being here, Scott. [LB66]

SCOTT TINGELHOFF: Thank you. [LB66]

SENATOR RAIKES: Next proponent, please. [LB66]

LAURIE KLOSTERBOER: (Exhibit 13) Senator Raikes and members of the Education Committee, my name is Laurie Klosterboer, and that is Laurie, L-a-u-r-i-e, Klosterboer is K-l-o-s-t-e-r-b-o-e-r, and I am the executive director for the Nebraska Safety Council. We are a private not-for-profit organization and a chapter of the National Safety Council. Our mission is to provide leadership and resources to promote a safe and healthy environment in our workplace community. And we are here today to testify in support of LB66. One of the programs our organization offers is teaching teens how to drive. Our program is certified by the state, and last year we taught over 1,400 students. We believe in the value of education, especially a life skill such as driving. It is a skill that most of us will use every day of our lives. Statistics reveal that traffic crashes are the leading cause of fatalities for teens nationally and in Nebraska. In 2005 in our state, drivers ages 15-24 had the highest percentage involvement of all age groups in both all crashes and fatal crashes. Teen drivers are at greater risk simply because of their youth and lack of experience. The council believes driver education for all new drivers is an important component in the effort to reduce the injuries and fatalities happening to our teens. The others components include graduated driver licensing laws, which Nebraska has one, and parental involvement. Since 1999, the Nebraska Department of Motor Vehicles has tracked the number of traffic violations and crashes for those teens that took a state certified driving education program versus those teens that completed the 50 hour log for their provisional operator permit. The results show that the teens that took a driver education course had fewer crashes and fewer violations than those that completed only the 50 hour driving log. For these reasons, the council supports LB66. And I do have for the page just some information, my testimony, also the information that I talked about as far as motor vehicles and the tracking and you will be able to see

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the differences in the statistics. I would be happy to answer any questions that you might have about our program. [LB66]

SENATOR RAIKES: Senator Adams has got one. [LB66]

SENATOR ADAMS: Amongst all of your data, do we know how many schools in Nebraska already offer driver's education? Do you have that number? [LB66]

LAURIE KLOSTERBOER: I don't. I do know that most of the schools are going away from offering driver's education, and when the graduated driver's licensing law came in 1999, we began to offer that program. So we teach it. We are trying to teach it in those areas that don't have driver's education programs. So we do teach it all the way out into western Nebraska, Chadron. We also teach it in Lincoln. We do teach it in various, various entities, but we are not all across Nebraska. [LB66]

SENATOR ADAMS: Okay. [LB66]

SENATOR RAIKES: Senator Burling. [LB66]

SENATOR BURLING: Thank you, Laurie. What is your source of resources? [LB66]

LAURIE KLOSTERBOER: It is user fee-based. So the students do pay a fee. We understand that there is an issue for families with the cost. Our program is \$260. I am sure that you realize it is an expensive program to run, the insurance, we give each child five hours behind the wheel with an instructor. We have in the past been able to get a grant. We received a \$5,000 grant from the Community Health Endowment here in Lincoln to be able to offer driver's ed for those families that can't afford the \$260 fee. So that is one of the things that we have been concerned about. We have been able to get some funding. We will continue to try and get funding for those families that can't afford the \$260 fee. [LB66]

SENATOR BURLING: Thank you. [LB66]

SENATOR RAIKES: You mentioned the crash results. Do insurance companies take this into account? Do you get different insurance rates if you have had a driver's course than not? [LB66]

LAURIE KLOSTERBOER: A course. Usually insurance companies, and it does depend on the insurance company, but the majority of insurance companies still do offer a driver's education discount if the young person has taken a course. So we have checked with at least State Farm Insurance to see what kind of savings it is for a parent if they put their child through driver's education, and usually they are able to recoup the cost of the driver's ed in two years with their insurance discount. That is what we have

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been told from State Farm. [LB66]

SENATOR RAIKES: Okay. I don't see any other questions. Thank you for being here. [LB66]

LAURIE KLOSTERBOER: Thank you. [LB66]

KEN JACKSON: Senator Raikes and committee, I am Ken Jackson, J-a-c-k-s-o-n. I want to thank Laurie. It was great to hear from the Safety Council. I am here representing the Wahoo Police Department, the Police Chiefs Association of Nebraska, both of whom are in support of LB66. I am here as the father of five young drivers and I support LB66. As you can tell by looking at me, I have been doing this for a while, and I was in this field and I was a chief of police in Holdrege, Nebraska for 16 years, and I was there when the driver's education program changed. And I am not sure what changed at the state level, but I know that there were hearings at the school board meetings on whether or not they would continue to offer driver training in the schools as part of the curriculum. And I went to the school board where I lived and spoke very strongly in opposition to them moving from a curriculum-based driver training to a safety center, which for Holdrege meant going into Kearney. One of the things that was said to me at that meeting is why I am here today. They said this is an experiment, and if the things that you predict, like falling enrollment in driver training courses and additional involvement by teenage drivers in crashes comes true, it can be changed. That is why I am here today, because I have seen the falling enrollment in driver training. I don't necessarily agree that it is all monetary, however. Driver training has become an extracurricular, usually summer or weekend activity, and high school-aged children find it easier to budget the money than the time. We know in law enforcement that if we want to do some kind of behavior modification program, we need a captive audience. We need to go to the school. If we need a captive audience of adults, we need to go the workplace. Otherwise the people that come to our training are usually the people who need it the least. Driver training, in my opinion, needs to be offered to every student during a time that he is going to be at that school house whether he is taking driver training or not. Because in the summer they have part time jobs, they detassle, they work at something, they have sports camps, they have so many activities that...I have six kids, you have to understand I just meet myself coming back, and I had a difficult time. The only way I got any of my children to take driver training was to force them to give up some other activity that they would rather have been doing. That is very difficult. And probably the very people that need it the most are the least likely to force that on their kids. I am also here as an old, tired policeman that is really starting to feel the emotional strain of seeing the aftermath of the crashes. I have spent my entire 40 years in law enforcement in small communities, which means when a child dies, it is somebody that I know. Other than the time that I spent in Lincoln, all of the victims were people that I knew. And it is not just the fatalities. When we talk about driver training, we talk about something that is different than restraints. I am a fan of air bags and seat

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belts, but those are things that protect the body after the crash happens. The \$30,000, \$40,000, \$50,000, \$60,000 worth of damage is already done. The injuries still happen. When we train a driver to avoid an accident, we not only miss all of the dollar amount of damage, but we miss those injuries that the mechanical means are not able to prevent. My colleagues in the Police Chiefs Association know that I am a real believer in education and less than education, the mechanical answers. So I took real pleasure in going to them to get support for this bill because it is something that I believe in very strongly. I watched your prior meeting on bullies, and there were a lot of people here, but I can tell you that if I could bring the parent of everyone of those kids that has died because they weren't properly equipped to drive a car, you would be here for weeks. Questions? [LB66]

SENATOR KOPPLIN: Thank you, sir. Are there questions? Seeing none, thank you. [LB66]

KEN JACKSON: Thank you. [LB66]

SENATOR KOPPLIN: Next proponent. Opponents? [LB66]

VIRGIL HORNE: Senator Kopplin, members of the committee, my name is Virgil Horne, H-o-r-n-e, representing the Lincoln Public Schools. I don't normally do this, but today I am going to tell you a little bit about my background. I have a specialist degree in safety education. Essentially that means I have got 30 hours of graduate credit above a masters degree. So I want you to take that into consideration when I testify today in saying that regardless of the topic of the subject that would be in a bill like this, as a public school system, we don't want anything in statute requiring us to teach it, even as an elective. Because I will assure you that as soon as this bill passes, there are thousands of other groups who have just the same type of very strong concerns--and very legitimate concerns--who will be here suggesting that that course should also be offered in the curriculum of a school district. And to that degree, that is why I am opposing this bill, so that you understand that. It has nothing to do with the safety education process. It has everything to do with putting in statute requirements for what is being taught. Now to address one other issue that has been talked about quite a bit by Senator Johnson, I was hired in Lincoln as the safety director for the school district, and at the time my responsibility was directing the driver education program. At that time, there was a users' fee on drivers license. I think it was \$1 for every person who took out a drivers license was assessed an extra dollar, and that was put into a driver education fund. And when Governor Kerry was in office is when we went through the years that were somewhat less than good, and that million dollars at that time which was a heck of a lot of money, still is, but it was even more money then, was taken from the driver education fund and placed for other purposes in the state, and when that happened, support for driver education from the schools was eliminated. And as you have heard other testifiers say, it is a very expensive program because it requires a

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minimum, and I can't tell you what it is now, the person speaking said five hours, but it is five hours of one-on-one instruction as compared to most normal classrooms that would be a rough range of 1-20 or something of that nature. So again, I repeat, my opposition to this bill is placing any type of requirement of a curriculum offering in state statute. That concludes my testimony. [LB66]

SENATOR KOPPLIN: Thank you, Virgil. Are there question for Virgil? Senator Avery. [LB66]

SENATOR AVERY: My wife tells me that when she was at East High, she received her driver's ed from Frank Solich. [LB66]

VIRGIL HORNE: That is true. [LB66]

SENATOR AVERY: That was way back. [LB66]

VIRGIL HORNE: That is correct. [LB66]

SENATOR AVERY: And I presume that the reason we don't do it anymore in Lincoln schools has to do with that dollar fee that was eliminated? [LB66]

VIRGIL HORNE: Well, that was one of them. It is a very expensive program and it also, quite frankly, we got it to the point we were offering it mostly in summer time, and with the amount of courses that kids want to take anymore, we have found that more kids were wanting to take it either after school or in the summertime and not during the school day. Now there were still many students who took it during the school day. I am not suggesting that they don't take it then, but the expense was a major concern of our board. [LB66]

SENATOR AVERY: Well, it is expensive. In fact, I have a 15-year-old who scares me every day when he gets in the car behind the wheel and I am next to him. But we are going to put him in school this summer, presume a private driver's ed program. [LB66]

VIRGIL HORNE: And right now in Lincoln to my knowledge there are three professional driver education places, and you know, if I start to name them I will forget the one. That is a wild guess, Senator. [LB66]

SENATOR AVERY: But it is an expensive program. [LB66]

VIRGIL HORNE: There is no question about it. [LB66]

SENATOR AVERY: But I think it is an important one, but I am not sure whether it is something that you can afford to do. If we brought back the dollar fee on the driver's

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license and created the fund, do you think that then would cause your organization to support it? [LB66]

VIRGIL HORNE: No. [LB66]

SENATOR AVERY: So it is not the money? [LB66]

VIRGIL HORNE: Well, it is the money, but the fee would have to be about \$10 a license in order to make it break even. That is a wild guess on my part. [LB66]

SENATOR AVERY: Sounds like you need about \$10 million. [LB66]

VIRGIL HORNE: Well, if you look at on a statewide basis, it would be...we are talking about negotiated contracts with teachers that say if you teach in summer school, at least in the Lincoln Public Schools, I can't testify for all school districts, but in the Lincoln Public Schools, we pay per hour what their daily average hourly rate is. So if you figure a teacher's salary, their hourly rate. In summer school we have to pay that hourly rate, even back when Frank Solich was teaching driver education. In some cases we had driver education instructors who were making anywhere from \$15-25 an hour. [LB66]

SENATOR AVERY: Even then. [LB66]

VIRGIL HORNE: Even then. [LB66]

SENATOR AVERY: Wow. I have no more questions. [LB66]

SENATOR KOPPLIN: Other questions? Thank you, Virgil. [LB66]

VIRGIL HORNE: Thank you. [LB66]

SENATOR KOPPLIN: Any other opponents? [LB66]

BRIAN HALE: Senator Kopplin, members of the committee, Brian Hale, H-a-l-e, from the Nebraska Association of School Boards. We would like to echo some of those concerns in mandating this particular class or any particular coursework. Obviously with No Child Left Behind and the state standards, there are a whole bunch of subject matters that schools must teach in some of the smaller communities in this state, even the larger communities. Mandating that this particular class get taught will cause a choice to be made, which advanced science or advanced math class might not be able to be taught in order to accommodate within the limited resource that every school district has to work with. Roughly speaking, there is, I think, on the order of about 22,000 students per grade level in this state. So you can do the math if they are charging \$260 per square head, you can sort of figure out what that dollar amount might

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be, and I don't think Virgil is probably very far off. But the faculty, the driver's training cars, I don't know if they are still doing simulators, whatever the case, that is showing my age a little. But in larger districts, obviously, they need multiple instructors to accomplish the task. In smaller districts, you have to pay for somebody who is going to conduct a class that may have five, eight, ten kids per term to instruct and that is a very expensive endeavor. And so we believe that this is something, although very worthy, and I think there ought to be some way in which kids can make themselves available to this training, that to put it on schools without any sort of provision that they just absorb it into their budgets is very onerous to school boards across the state. [LB66]

SENATOR KOPPLIN: Thank you, Brian. Are there question for Brian? Seeing none, thank you. Any other opponents? Neutral testimony. [LB66]

JEREMY MURPHY: (Exhibit 14) Good afternoon, Senator Kopplin, members of the committee. I have copies of my testimony for you. I may not read the whole thing. I am the associate director for education issues with Nebraska Catholic Conference, and first let me say, while we believe that driver's education is important, we do not think it should be required even as an elective as part of our school's curriculum. Our primary issue or concern with the bill may be a drafting error, and I will deal with that now. It deals with the breadth of the coverage of the bill. If you look in Section 1, it refers to "each school district," which generally means public schools. However, in Section 1(3), it refers to "school systems," which is a vague, ambiguous term, and later in that section it indicates it is intended to apply to both accredited and approved schools. All public schools are accredited in Nebraska. Some of our Catholic schools are accredited and some of the smaller ones are approved, and it is our understanding that only private schools have approved status under Nebraska law. So that paragraph would need to be clarified, in our opinion. The second problem or concern we have with the bill deals with the financial cost burden upon our private schools. Our schools that are accredited are already struggling to pay teachers and staff, and to maintain a core curriculum being required by an accredited school. Our approved schools do not have the resources to add an elective course to their curriculum that is already being provided by other providers. The third problem we are concerned with the bill is duplication. There are private contractors that already provide this. There are other schools that provide it. Our final problem with the bill is that it an unfunded mandate, and without the funds to pay for it, this bill should not proceed. Are there any questions? [LB66]

SENATOR KOPPLIN: Are there questions? Senator Avery. [LB66]

SENATOR AVERY: Let me get this clear, you are testifying in a neutral capacity, but you oppose it? [LB66]

JEREMY MURPHY: Well, we are testifying in a neutral capacity, but we are trying to raise concerns that we have about the bill. [LB66]

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SENATOR KOPPLIN: Other questions? Thank you. [LB66]

JEREMY MURPHY: Thank you. [LB66]

SENATOR KOPPLIN: Next neutral. [LB66]

DARREL JENSEN: Members of the Education Committee, my name is Darrel Jensen, J-e-n-s-e-n. I have been a safety educator for 37 years, most of those in Nebraska, but also some in Georgia, Missouri, and Michigan. I, too, remember the times that Virgil Horne was talking about when we had 90 percent of the high school students in Nebraska taking driver education when it was funded through the school system. I don't believe that we are going to go back to that. I would think that it would be a miracle if we would. I wouldn't oppose it, but I just don't think it is going to happen. I would suggest that we improve upon the graduated licensing bill. It was passed by this body, I believe, in '98, took effect in '99, and it was a step, and I thought it would improve things a lot more than it has. We got up to about 60 percent again, maybe a little bit beyond that, but now we have fallen back to less than 50 percent of the students taking it again. There are two major components that this bill does not address. One of those was mentioned previously and that is the log, which has become a farce. People sign it and many students have never driven with anyone of any substance at all. Maybe and forth somewhere, but not really taught anything. Now I am not saying every parent would do that, but there are still a large amount of them that this happens to. And of course the data that Laurie was talking about substantiates that in that there are significantly less accidents and violations with those that complete driver education as opposed to the log. Driver education is available throughout the state of Nebraska. Students can take it. And I guess I would differ with much of what has been said regarding cost. I think \$300 is cheap for a life. I wouldn't trade anyone of my kids for \$300. And if you talk about expenses, when you talk about gas, insurance, and operating a vehicle, \$300 is a very small percentage of that. Almost all of those schools that I know of also do provide some type of scholarship or attempt to at least, and I don't think it covers all the ones that really probably would be deserving of that, but at least it is an attempt. So I think getting rid of that log is the first component that ought to be done. And the second one, I think we need to ensure that we have adequate and qualified instructors. Right now, graduated licensing, that bill changed the instructor qualification and many instructors are now taught, and I don't have anything against community colleges, I think they do a good job with driver education, but I don't think the training of teachers belongs in two-year community colleges. It belongs with those that have a lot of experience in preparing teachers. I will leave that at that, I guess. The other one I would like to address, the last one is as the laws are now we do need to start it earlier than 16. Because we have a number of people in farms, and even close to town who are not on farms, that drive under the school permit. And I wouldn't be opposed to changing the school permit, but if you are not going to change the school permit, then we ought to

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allow people 14 years of age to take it. I think that is too young, but it is better that they receive the education as opposed to not receive it and drive anyway. That concludes my remarks. [LB66]

SENATOR KOPPLIN: Okay. Are there questions for Mr. Jensen? Seeing none, thank you, sir. Anyone else in the neutral? [LB66]

AL INZERELLO: Senator Kopplin, members of the committee, Al Inzerello, Westside Community Schools System superintendent. Just a couple of thoughts here in the neutral capacity. Again, in that, I was doing a little figuring back there, if, first of all, we could do it for \$270 at Westside High School, we have got roughly, I am thinking, 512 sophomores that are high school right now. From a budget perspective, that would be somewhere in the neighborhood of \$135,000 to our budget. That is really not the issue. I think if there was a will of the Legislature to do that, and certainly the need is there, and it is well substantiated. My caution is we have got to get a whole number of things in place here for schools to start dealing with this again as a requirement by 2008. So I would just suggest that, years ago, one of the reasons schools got out of the business is that number one, they couldn't do it very efficiently. It became a very expensive program because it is not an efficient one to provide. I mean, high schools cannot just go out and start buying simulators and vehicles and so on, because whether you are trying to educate 15 students or 500, ESUs came into the picture and really assisted with the instruction of driver's education years ago, and now they have slowly gotten out of the business as well. Because, again, with qualifications and so on. Quite frankly, the gentleman that preceded me mentioned the private sector providing this. They are doing it, I believe, more efficiently than schools were able to do that because of some of the requirements that schools had to meet. The other thing is the student fees issue is a real issue. Electives in high school if they count toward any requirement of graduation, as you know, are covered by the school. So all I am suggesting is that well-intentioned bill here, everyone in this room, obviously, and throughout the state would support making sure that our young drivers are well trained and well prepared before they get their license. No one would argue that. I would just say that there are lots of things that need to be put in place with the help of NDE, school administrators, a variety of groups if it is the will of the Legislature that those things need to be in place before we would certainly move forward, hopefully, with the bill that would require schools to do this by 2008. [LB66]

SENATOR KOPPLIN: Are there questions for Mr. Inzerello? I would have one. [LB66]

AL INZERELLO: Sure. [LB66]

SENATOR KOPPLIN: You mentioned being able to operate on the budget. Do you mean after all the equipment and everything is purchased? [LB66]

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AL INZERELLO: Senator, just doing quick calculation, I am not a finance operations person, I would say if this were mandate, I would say we would try to look at outsourcing this instruction because I don't think we could do it for...if we could do it for \$135,000 for 512 students, I think anybody would write the check rather than try to take that program into our own school program right now. Simply because of the requirements and some of those that Virgil had discussed earlier. But there are some things that we would have to look at with liability, vehicles, who owns them, all those things, again, would have to be revisited. [LB66]

SENATOR KOPPLIN: Okay. Thank you. Any other questions? Thank you, Al. [LB66]

AL INZERELLO: You bet. [LB66]

SENATOR KOPPLIN: Anyone else wishing to testify in the neutral? Seeing none, that bring Senator Stuthman to close. [LB66]

SENATOR STUTHMAN: (See also Exhibit 31) Thank you, Senator Kopplin and members of the committee. First of all, I want to thank all of those individuals that testified here today. I have a real concern of putting anything in a statute also. I think if we can try to develop something where we did not have to put it into statute, I would very pleased to do that. I would also like to also mention that of the things that happen in communities, I have a granddaughter that is in Lakeview Community Schools, and in the past six months, she has lost two of her classmates. And it does happen all around because of lack of the training or the ability to drive at that young of an age or things, also, that contribute to that. But in closing, I would like to work with the committee. I would like to work to the fact that I would like to have something come out of this bill, that we would maybe have something that would ask the school boards to consider that they would work with some type of driver's education, hopefully have school administration, school boards come up with some type of a plan that we could address this issue. I hope that this bill just doesn't drop here after I leave this table. I think there is an issue out there in the communities. We are losing the people, the leaders of tomorrow, we are losing those individuals. And I think that if we can just save a few of them, I am very concerned about that. So I would hope that the committee would be receptive to trying to work with me, that we can maybe adopt an amendment to offer something that this issue just doesn't die after I leave the room. Thank you. [LB66]

SENATOR KOPPLIN: Any questions for Senator Stuthman? Senator Johnson. [LB66]

SENATOR JOHNSON: Senator Stuthman, I had to leave and I have strong feelings that you are at least on the right track here. I don't know as we have determined how things should be done here this afternoon or anything like that. But I think that this is a place, if we are going to talk about public safety, you tell me where there is much better one where we are talking about people being more safety conscious and safer for their next

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60 years of their life than what we are talking here. Would you or did someone mention the amount of money that schools do receive from fines, etcetera around the state? I really think that maybe this should be explored because if they are not going to teach the safety courses regarding automobiles and so on, maybe there should be another way to spend these funds more appropriately. [LB66]

SENATOR STUTHMAN: Yes, Senator Johnson. I will totally agree with you because a lot of time when an individual has to pay a speeding fine, they say, well, you did help buy some books for the school. Well, I would like to see them buy books for driver's education. And I think and I will try to look up some of that information, get some of that information. Whether that just goes into the general funds of the school, I don't know, but very possibly. [LB66]

SENATOR JOHNSON: Thank you. [LB66]

SENATOR KOPPLIN: Other questions? Thank you, Senator Stuthman. That will end the hearing on LB66, and we are ready to proceed with LB73. Okay. Senator McGill, are you ready? [LB66]

SENATOR MCGILL: I think so. [LB73]

SENATOR KOPPLIN: All right. Let's open. [LB73]

SENATOR MCGILL: Good afternoon Education Committee. I am glad to be here. For the record, my name is Amanda McGill, that is M-c-G-i-l-l. I represent the 26th District, and I am here today to introduce LB73. Experts agree that breakfast is the most important meal of the day, particularly for children. Understanding this, in 1975 Congress established an entitlement program to assist schools in providing nutritious morning meals to the nation's children. Study after study of the breakfast program has shown that school breakfast is the key to better nutrition, child health, and improved school attendance and performance. Any student can participate as long as his or her school offers a breakfast program. The amount the schools are federally reimbursed is dependent upon the student's family income. Those federal reimbursement rates range from 24 cents for each breakfast that is paid for by the student to \$1.31, which are those that are the free lunches in the schools. In 2000, Nebraska's Legislature passed LB26 providing a five cent state reimbursement for every school breakfast served, supplementing that federal reimbursement. The Legislature found that for Nebraska to compete effectively in the world, it must have an educated and productive workforce. In order to have an educated and productive workforce, it must prepare its children to learn, and in order to do so, its children must be well nourished. The school breakfast program was declared an integral part of Nebraska's educational system. In 2003, funding for the breakfast program became based on a prorated amount, drastically decreasing funding for the programs that was going to each individual school. This past

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year alone, the appropriations for school breakfast fell short by over \$100,000. Consequently this effected Nebraska's children. At this point I want you to take a look, if you could, at the fiscal note. I actually want you to look at it, because the Department of Education has put together a nice chart detailing how the program has grown since 2000. By looking at that, you will see that over the years there have been, 8, 9, 12 percentage point growth in the number of students that are using these school breakfasts. And there will be plenty of people here to testify to the importance of expanding the program like that. But you will also see that the state aid appropriation has stayed the same at \$271,000 since 2003 when that change in the system was enacted, while the students continue to grow that are actually using the breakfasts. And, at this point, schools are only getting one or two cents, in some cases, per breakfast, as opposed to the five that we had told them originally. And so go ahead and mill that over a little bit. LB73 guarantees schools adequate funding for this program. Benefits of supporting this include increasing federal funds coming into Nebraska. Those federal reimbursements are set up in a permanent entitlement program. When Nebraska encourages more schools to participate in the program, then more federal funds will be declared for Nebraska's children. It also increases food security for Nebraska's children and it improves students school performance and diets, as well as reduce obesity and behavioral problems. LB73 is the first step to encouraging greater school and student participation in the breakfast program. There are others here today who will provide further detail on the impact of those cuts in '03, the benefits of the breakfast program, and innovative ways schools are implementing this program. At this point I would take any questions you might have. I also plan to stick around to answer questions that you might have in the end. [LB73]

SENATOR KOPPLIN: Are there questions for Senator McGill? Are you going to stay for...Senator Ashford. [LB73]

SENATOR ASHFORD: Do we have a...what is the fiscal note? [LB73]

SENATOR MCGILL: The fiscal note for each year, for next year it is estimated that would be approximately \$174,000, and the next year \$212,000. [LB73]

SENATOR ASHFORD: Over what it is presently? [LB73]

SENATOR MCGILL: (Exhibits 14-16) That is not including what we would have already dedicated to them. I also have three letters here from Lincoln Public Schools, Grand Island Public Schools, and Omaha Public Schools in support of the bill I can leave here. [LB73]

SENATOR KOPPLIN: Senator Howard. [LB73]

SENATOR HOWARD: Thank you, Senator Kopplin. Can you kind of give us a picture.

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This is across the state, correct? [LB73]

SENATOR MCGILL: Yes. [LB73]

SENATOR HOWARD: This is not any particular school that has run out of funds that is going to need to be subsidized. It is going to enhance the program for... [LB73]

SENATOR MCGILL: Yeah, it is across the state. And as I have learned, each school district runs their breakfast programs, charges for their breakfast programs differently. For instance, in Omaha, they receive a lot of federal funds to cover their meals because they have more kids needing those free lunches, and that is actually economically better for them. When you get out to other parts of the state where you don't have as many qualify for...or even other parts of Omaha, I guess, where there aren't as many kids who qualify for those and they get less money from the government, getting even less from us right now, and they have to try to make up that funding elsewhere through the paid cost. What students pay doesn't cover the cost of providing them that breakfast because they want to keep it affordable to kids. [LB73]

SENATOR HOWARD: Are all the schools across the state interested in providing this? [LB73]

SENATOR MCGILL: I haven't found any that aren't interested. In some cases, they don't have cafeterias. They don't offer the lunch. But there will be someone here to talk about some innovative ways where you don't necessarily need a cafeteria to provide a package lunch to them on bussed rides to schools, for instance. [LB73]

SENATOR HOWARD: Thank you. [LB73]

SENATOR KOPPLIN: Other questions? Are you staying for closing? [LB73]

SENATOR MCGILL: I will stay. [LB73]

SENATOR KOPPLIN: (Exhibit 17) Okay thank you, Senator McGill. I would like to say in addition to the letters presented by Senator McGill, we have one from Terry Werner of the National Association of Social Workers in support of this bill. One question, please. How many proponents do we have to testimony? Okay. Are there opponents? Neutral? Okay. I would just remind you to please pronounce your name and spell it, please, when you begin. Okay. [LB73]

KATHY BIGSBY MOORE: (Exhibits 18-20) Thank you. Kathy Bigsby Moore, K-a-t-h-y, Bigsby is B-i-g-s-b-y, Moore, M-o-o-r-e. I am the executive director of Voices For Children in Nebraska, and I am here in support. I wanted to thank Senator McGill for carrying this important piece of legislation and hope that this is the year that we will

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begin to restore some of the cuts that occurred during a deficit budget year in 2002 and 2003. Many of those programs affected the families who were least able to bear the brunt of some of those cuts. I, in the interest of time, I know you have had a lot of testimony today, I will not repeat the information that Senator McGill has given you. The handout we have provided and some materials that we have given you in the last couple of days do elaborate on that. But I do want you to know that the history behind the lunch and the breakfast program really ties, first of all, in the 1940s when school lunch was created during the time of depression, and then in the sixties when the breakfast was piloted and ultimately finalized in '77. That was focusing more on rural communities, particularly with breakfast where children had to leave their household early, they often had long bus rides. But even more recently, Nebraska, for the last 10-20 years, tends to have more parents in the workforce than any other state in the country. So not only do we have the rural factor, but we have parents with very busy, hectic lives. We have more households where parents are holding multiple jobs, sometimes three, four, five jobs. So it is not a matter of a parent choosing not to feed their child breakfast, some children resist that actually. But it is also a matter of our economics and the way our society in this state functions. So when we bring you this legislation, it really is in the interest of sending children off to school in a position of being able to maximize the educational opportunity that we are giving them. Nationally, the program has grown, again, from the mid-sixties when 80,000 children started the program to 9.6 million children nationally today, and importantly the low-income children represent over two-thirds of that 9.6 million children. We also know that nationwide, 82 percent of the schools providing lunches are also providing breakfasts. Unfortunately in Nebraska, we don't have the same level of success. We, in fact, rank in the bottom ten states in the country in terms of the percent of our schools who offer breakfast that are also choosing to offer breakfast, and only 64 percent of our schools do choose to offer breakfast. Nebraska receives, as has been pointed out, federal funds. We actually received almost \$8 million in federal funding for the school breakfast programs. So this five cent incentive is really intended to encourage schools to either expand their programs or add programs that they don't currently offer. I think is important to look, you asked why schools might not offer the program. Some of it, having met with school boards across the state, really is based on a feeling that this is the parent's responsibility, not recognizing the circumstances in many households. There are many children who don't have food in the refrigerator, in the cupboard to go off to school with food in their stomach. But additionally, there a number of our schools in rural communities that don't have a cafeteria, that aren't even offering the lunch program. And so we have been seeking our innovative ideas that have been implemented across the country. There are many local grocers and restaurants and individuals that have chosen to develop innovative lunch programs. I do have some information here, as well, from the The Wall Street Journal. It shows that school breakfast programs are a bipartisan effort. Senators McGovern and Dole have actually endorsed this program nationwide and are really trying to make sure that children have...if you want to pass this out, that children have access to these creative programs. And also, again,

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acknowledging the number of working parents that we have. The Nebraska Association for the Education of Young Children is endorsing this piece of legislation because they have to provide childcare and know how many children are needing before and after school care, which often means, again, the need for a breakfast that would be subsidized by USDA funding. So I would be happy to answer any questions. [LB73]

SENATOR KOPPLIN: Are there questions for Ms. Moore? Seeing none, thank you. [LB73]

KATHY BIGSBY MOORE: Thank you. [LB73]

SENATOR KOPPLIN: Next proponent. [LB73]

BRIAN HALSTEAD: Good afternoon, Senator Kopplin, members of the Education Committee, for the record, my name is Brian Halstead, H-a-l-s-t-e-a-d, here on behalf of the Department of Education and the State Board of Education in support of the concept behind LB73 to fully fund the five cent per breakfast that the Legislature started when the 21st century began, but because of the budget problems has been level-funded for the last couple of years. This is really about equity, and for most of us this isn't an issue because we can have a breakfast or we can afford to do that. But as you are well aware from a previous presentation the commissioner did here, the demographics in Nebraska are changing, and the poverty levels are increasing and equity is what this is all about. And the small amount of money this is, it is still \$180,000 more than what it currently is, but it is not that much to be asking. So obviously another key piece for this bill is going to be the Appropriations Committee. Our department has their budget hearing, I believe, on March 13, so I certainly would encourage all the proponents that are here today show up in front of the Appropriations Committee to make the same testifying to them because it is in the budget bill that they need to put the money in. And with that, I would be more than happy to answer any questions you have. [LB73]

SENATOR KOPPLIN: Okay. Questions? Thank you, Brian. Next proponent. [LB73]

ANNETTE CARMER: (Exhibit 21) Good afternoon ladies and gentlemen of the Education Committee. My name is Annette Carmer, A-n-n-e-t-t-e C-a-r-m-e-r. I am employed full-time as a psychologist at Pershing Elementary School here in Lincoln, and I am here today to testify in support of LB73. I am here representing the Lincoln Education Association. As educated adults with average or above incomes living in average or above neighborhoods, it is easy to slide into believing that most of the citizens of our state live much like we live. Our homes are warm. We have electricity. Our cars have fuel. We go to the doctor when we are sick. Our pantries and refrigerators are stocked. And we feed our children well and send them off to school ready to learn. Unfortunately, there truly are many in the state who do not live like we live. I would like to use Pershing Elementary School in northeast Lincoln as an example.

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Logistically, Pershing feeds into Dawes and Mickle Middle Schools. They feed into Northeast High School. Forty-eight percent of Pershing's 372 students are growing up poor enough to qualify for free and reduced lunch and breakfast programs. That equals 178 children in one school alone here in Lincoln. What is it like to be children who are poor enough to qualify for federally and state-funded school breakfast program? As the school psychologist in Pershing, I frequently become well acquainted with the poorer or poorest children. And I would like to share some examples from their lives. Many students who meet with me for counseling support tell me that they have no milk, no meat, no fruit in the home. I find that out because I ask them. I think nutrition is important and it is one of the things I want to know about why they are having difficulties. One day this past month, just to think about having no fruit in your house, this past month I was in the cafeteria and several different students called out to me individually and asked me to come over, and their eyes were sparkling and they were all excited because they had a whole banana on their breakfast tray that morning, and usually they get half. You would think that they were really going bananas over a new puppy the way they were carrying on, instead of going bananas over having a whole banana for breakfast. Students who meet with me say things like, we won't have milk until mom gets paid at the end of the month. I had several siblings meet with me weekly for a while and talked freely about what their home life was like. One of them said, I sleep on a mattress in the basement, on the basement floor. It is really cold in the basement. We have no lights down there. The bugs scare me. I don't like sleeping in the basement. And we don't have any milk right now, but we do have bread. And the student offered that he put mustard on his bread to eat it. And he said, it is okay, when I asked him what he thought about that. And when I said you don't have any meat or anything else to put on the bread? No, we don't have any meat. All of those children ate breakfast at our school. They were above average students, they were intelligent and creative, and they had potential to be college students. But for now, they are poor children, and they are a little less hungry because we do have a breakfast program at our school. From the pool of hundreds of stories that I could draw from, I would like to talk about one more student, a fourth grader that I have known him for several years now. He happens to excel at math. He has always been thin and pale with dark circles under his eyes. He has holes in the knees of his jeans almost all the time and duct tape wrapped around his shoes, and that is right here in Lincoln. His home is barren. It contains little furniture. He has two meals at school, breakfast and lunch, and he sometimes has a third meal at home in the evenings. I would invite you to come to a school cafeteria and watch him eat. He does not leave a single scrap of food on his tray. He eats everything. And if you visit with him while he is eating, he will tell you how delicious everything is. I don't know that I could say that when I eat a school lunch or breakfast. What would happen to this child without a quality breakfast program in Nebraska's schools? You don't need to watch a 20/20 program about poor children in Camden, New Jersey like we saw on TV this week to see what poor is really like. It is right here in Lincoln and across the state. There are hundreds of children who are in danger of malnutrition. They have families who are trying very hard to provide for them,

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families who support education. Those families come to parent-teacher conferences and math mornings and book fairs. Let's support our families and our students in return. Thank you for the honor of appearing before you in support of LB73. [LB73]

SENATOR KOPPLIN: Thank you. Are there questions for Annette? Thank you. Next proponent. [LB73]

BRUCE KROEGER: (Exhibit 22) Senator Kopplin, members of the Education Committee, my name is Bruce, B-r-u-c-e L. Kroeger, K-r-o-e-g-e-r, director of Food Service/Transportation for Fremont Public Schools. I am here today to testify in support of LB73. We would like to express our thanks to Senator McGill for sponsoring this legislation. Nebraska is changing at a record pace. Nebraska businesses are outsourcing, insourcing; and becoming international trading partners. In order for Nebraska to compete effectively, we must have a well-educated and healthy workforce. Strong school nutrition programs are a key component to preparing Nebraska children to learn and school breakfast programs can be the cornerstone of better child nutrition. Schools with breakfast programs ensure that all children have access to a healthy breakfast. Meals must meet federal nutrition requirements and must be offered for free or at a reduced price for eligible children. Many schools do not want to start a breakfast program because of the increased cost to their nutrition department. Often more employees must be hired and more hours must be scheduled to serve breakfast. LB73 would help offset all food service program costs, which would enable more schools to start breakfast programs. LB73 would also keep both lunch and breakfast prices lower, which would create more student participation. If LB73 were passed, schools would be able to serve more nutritious foods, such as fresh fruits and vegetables, which are more expensive to purchase. In Fremont we have three schools that serve breakfast. In our two elementary schools and our middle school, we serve more than 300 student breakfasts each day. Many children that eat in our elementary schools walk by themselves and arrive very early for breakfast because there is no adult at their home when the child leaves for school. Often the first adult those elementary students see each morning is the smiling face of the breakfast cook. Students are eager to pickup their breakfast tray and eat what is offered. Buses arrive at our middle school one hour before classes begin. Middle school students wait at the kitchen door until serving time. Many times during middle school breakfast time, students are checking their class work for that day. Many middle school students use the breakfast time as their study hall time. Lunch and breakfast is served to thousands of students attending Nebraska schools every school day. In October 2006, the average daily number was 225,256 lunches and 49,570 breakfasts. I believe that if LB73 were passed more schools would be able to start breakfast programs, more students would have access to breakfast programs, and more students would have the chance to enjoy a well-balanced, nutritious breakfast. Fremont Public Schools understands and appreciates the difficult budget situation the Unicameral is currently dealing with. We applaud the efforts of the Education Committee and the entire legislative body in this regard. Thank you for the

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opportunity to testify on this bill, and I am available to answer any questions that you may have. [LB73]

SENATOR KOPPLIN: Questions for Bruce? [LB73]

BRUCE KROEGER: I do have a little show and tell here. This is one of the alternatives that she mentioned about if you want to have labor saving costs, this is a breakfast that the USDA offers to schools to purchase which qualifies for a breakfast. If you add a carton of milk with this, it has two grains, it has the juice, and with the milk it qualifies for the breakfast. So this is an alternative that if a school doesn't have a kitchen or if you want to give them a breakfast on the bus or something like that, this is something that can be done. [LB73]

SENATOR KOPPLIN: Okay. Thank you, Bruce. More proponents. [LB73]

JEN HERNANDEZ: (Exhibit 23) Good afternoon Senator Kopplin, members of the committee. My name is Jen Hernandez, H-e-r-n-a-n-d-e-z, and I am a registered lobbyist for Nebraska Appleseed. I am here today to thank Senator McGill for her leadership and ask for your support of LB73. Ensuring that our children have enough to eat when they head to their classrooms is one of the most important economic investments that we can make. Our Legislature has committed state funds to our school breakfast and lunch programs in the past, as Senator McGill mentioned, with the very important findings that these programs are integral parts of Nebraska's educational system. As part of Appleseed's food and nutrition work, I have taken a close look at Nebraska's school breakfast programs over the last couple of years, and we have ranked very poorly, 46th to be exact out of the 50 states. Primarily due because of the cost of providing breakfast is the schools most inhibiting factor. Proving a solid five cent state reimbursement will allow schools to make sure kids can start their days off ready to learn in ways that work best for each school and local area. Some schools that are not currently providing the breakfast program are interested in doing so, and are looking at maybe providing a sack breakfast that children would eat during the first ten minutes of class, or other schools have thought about offering the breakfast on the bus, as a couple of testifiers have mentioned. So while the school breakfast program primarily serves children in poverty, the issue isn't simply about poverty. Some kids don't want to eat when they first wake up and some kids eat before they leave for school but the bus ride is lengthy and by the time they get there, they are hungry again. Offering kids breakfast at school ensures that all kids, poor or not, start their school day ready to learn. And I ask you to support LB73 and move this bill out of committee. [LB73]

SENATOR KOPPLIN: Thank you, Jennifer. Are there questions? Okay. Thank you. Next proponent. [LB73]

TOM McBRIDE: (Exhibit 24) Good afternoon. My name is Tom McBride, M-c-B-r-i-d-e. I

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would like to thank Senator McGill for introducing LB73 and the committee for hearing these testimonies, I am here to represent York Public Schools. I have been a school board member for 12 years. And you have heard the previous testimony as it regards to school breakfast. York started a school breakfast program this last August in 2006 as the school year began. In the first semester alone, we served 7, 575 breakfast meals to youngsters. In the 17 days after the second semester had begun, at the elementary school only, we had served another 965 breakfast meals. You know, we had hopes that this was going to meet a need for those children that didn't have a good nutritional basis in their homes or whatever. Interestingly enough, my wife is also a teacher and that makes for some nice discussions, school board member and teacher, but we manage that 12 years ago and have come to an understanding. But she forgot something one day and asked me to bring it out to school, and it was just before school started. I went to where she was at, she said come here, I want to show you something. And we walked through a couple of doors, we went over into the cafeteria area, the activity area, and I was amazed because it was absolutely packed with happy, young elementary school children that were in the process of or just finishing eating a breakfast. Some of the comments that I have received in regard to the school breakfast program from principals, at the elementary school one principle said, the drastic reduction in children complaining of hunger has been phenomenal, that they have seen a tremendous drop off in that. At the middle school, our principle said that they see kids having breakfast who had a poor meal or no meal at home the night before. At the high school, our principle reported that we were seeing an increase in students taking advantage of breakfast, especially those eligible for free and reduced lunch. As you look at all the studies surrounding school breakfast and the importance of that breakfast to have that internal furnace working, one of the things that comes out of some of those studies is that they see an increase in attendance by kids that are participating in breakfast programs. Meal periods are unstructured social times for the most part. Earlier you heard testimony on the bullying legislation. Now, I am not going to say that breakfast is going to stop bullying in schools, but I was surprised by one of our administrators, one of our high school principles who said, we are seeing students arriving earlier and building relationships with other students during the breakfast time they otherwise might never have made. And I thought that was just a tremendous add-on to this program. We are seeing this breakfast program reach those students that we had hoped that it would. Of those over 7,500 meals that we have served, 78 percent of those meals have gone to students that were eligible for free and reduced lunch. Fifty-eight percent of those meals were for students that qualified strictly for the free lunch. There is just so much literature, so many studies that support the importance of a breakfast for children and their ability to learn. And I have some written comments for the committee. I would encourage you to move this out of committee and support it as it would be deemed necessary. And if anyone has any questions, I would be happy to answer those. [LB73]

SENATOR KOPPLIN: Questions? Senator Burling. [LB73]

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SENATOR BURLING: Thank you, Tom. Can you help me understand, does the breakfast program work like the lunch program? In other words, those that can pay, pay for lunch and those that can't don't and you are reimbursed for that. How does the breakfast program work, same way? [LB73]

TOM McBRIDE: Same way. In fact, just in December at the high school...well, let me jump down to the elementary school. There were 538 lunches for children that qualified for free, there were 287 that qualified for the reduced, and there were 281 that didn't qualify that paid the \$1.20 that the district charges for those meals. [LB73]

SENATOR BURLING: So you don't usually have as many for breakfast as for lunch? [LB73]

TOM McBRIDE: Correct. [LB73]

SENATOR BURLING: Do they have to sign up ahead of time for these meals? [LB73]

TOM McBRIDE: No. [LB73]

SENATOR BURLING: They don't. So how do you know how many, you just kind of wing it? [LB73]

TOM McBRIDE: We have kind of winged it. At first we asked for an indication on who might be interested in this so we would have some kind of an idea, but it is just continuing to grow. And we will even have students that will get there at the last second, and we are not going to deny them that breakfast opportunity. So for the most part, we are serving cold breakfasts. At the middle school, they are going to start having one hot breakfast per week. But when they start adding that hot breakfast, our food service people are already anticipating that participation will go up even further. [LB73]

SENATOR BURLING: So you heard the gentleman from Fremont talk about the buses get in early enough to give them plenty of time. [LB73]

TOM McBRIDE: Yes, sir. [LB73]

SENATOR BURLING: Do you do that at York? [LB73]

TOM McBRIDE: Yes, we do. And like I say, previous to having this program, the youngsters that would get there before school started would be in the gymnasium area and they would be kind of centered at the elementary school by grade level and classroom. And those kids that need a breakfast then will move into the cafeteria, have that, and when they are finished, they will go back out and join their class, or if they are there late and don't finish their meal before school actually starts, then a paraeducator

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will take them down to their appropriate classroom. It was really amazing to me, one morning when I was sitting out in front of the high school, to see the breakfast of, I guess it is choice, of a lot of our high school students which consisted of a large Mountain Dew and perhaps a Snickers. And to see that we have had the participation at the high school level even has been terrific. [LB73]

SENATOR BURLING: Thank you. [LB73]

SENATOR KOPPLIN: Other questions? Okay. Thank you, Mr. McBride. Are there other proponents? [LB73]

BRIAN HALE: At almost five o'clock, I realized the briefer the brief is, the reliefer the relief is. My name is Brian Hale from the Nebraska Association of School Boards. We just want to express our support for this bill, thank Senator McGill for this opportunity for the Legislature to reinstate their standing as full partners in providing this important program which, we believe certainly brings a very good return on the investment. So with that, I will take any questions and move down the list. [LB73]

SENATOR KOPPLIN: Are there questions for Brian? Okay. Thank you. Next proponent. [LB73]

JESS WOLF: Senator Kopplin and members of the committee, again, I am Jess Wolf from the NSEA. W-o-l-f. I am here on behalf of our 26,000 members to speak in support of LB73. Research in how the young brain works have conclusively shown that nutrition is crucial to their early brain function. It is very difficult for a child to learn when they are hungry or thirsty. The Nebraska program helps subsidize all breakfast, not just those that qualify for free and reduced programs. I believe it is good for the economic, social and racial integration of society to encourage children, especially young children regardless of income, to eat breakfast together, and we had briefish reference to the bullying situation. Allowing middle and upper-income students to participate in the program strengthens support for the free and reduced program on a whole, and research show that middle and upper-income students are also not getting breakfast because both parents work and they often leave home without having breakfast. If you want to improve learning, accountability on test scores, then one of the best ways to do it in my estimation is to ensure that children are getting a nutritious breakfast that prepares them and their brain for the day. In addition, the fact that they get breakfast at school encourages attendance as has also been mentioned. And quite honestly, I think it is simply the right thing to do. Through any ethical, moral or religious lense, feeding children nutritious breakfast so they can learn is the right thing to do. School breakfast provide students with the nutritious start to the school day, which gets them off to a good and productive start for the day of learning. I urge your support. Thank you. [LB73]

SENATOR KOPPLIN: Are there questions for Jess? Seeing none, thank you. [LB73]

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JESS WOLF: Okay. Thank you. [LB73]

SENATOR KOPPLIN: Are there any other proponents? Are there any opponents? Anyone wishing to testify in the neutral? Senator McGill, would you like to close? [LB73]

SENATOR MCGILL: Unless there are questions I will just waive my remarks. [LB73]

SENATOR KOPPLIN: (See also Exhibit 35) Senator McGill waives closing. So that will end the hearing on LB73. And we will move onto LB490. I don't see Senator Harms. Okay, Senator Harms is on his way, so we will start that hearing shortly. Okay. Senator Harms has arrived so we will move to LB490. Senator Harms, your opening. [LB73]

SENATOR HARMS: Senator, my name is John Harms, H-a-r-m-s, from the 48th District. All I have right now is numbers in my head so you will have to forgive me. I might stumble around. I have just come out of Appropriations. This is pretty simple. We just need to repeal this law. It has been completed, the report has been submitted in '01, and it just needs to be taken out of the books. So it was successful. It was a great program. It created a seamless environment, which we wanted to. It was the first distant learning program in a public school in western Nebraska. The rest is history. They are all over the state, and it worked very well. It was primarily designed to prepare kids, young people for careers in business and industry and open up the whole academic aspects. It was successful and I just appreciate repealing it and getting it off the books. That is it. Do you have any questions? [LB490]

SENATOR KOPPLIN: Are there questions for Senator Harms? Senator Avery. [LB490]

SENATOR AVERY: I apologize for extending this meeting, but tell me what a seamless delivery system is? [LB490]

SENATOR JOHNSON: We have been waiting breathlessly. [LB490]

SENATOR HARMS: When we did it, we want it to be able to flow back and forth easily without any problems for the students. You know, they can take it and get dual credit back and forth with the institution. It was just a direct flow. Before, we got ourselves hung up on who was teaching and credentials and that sort of thing. This was just seamless, where they could come back and forth very easily. And it really turned out well. We found some students that we saved, gave them some hope and some thoughts about college, they experienced it, it was a great opportunity, and proved to be very successful. In fact, the college model now is just exactly that, except it is spread out through 30-some high schools in western Nebraska. [LB490]

SENATOR AVERY: Thank you. [LB490]

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SENATOR KOPPLIN: Are there other questions? [LB490]

SENATOR ASHFORD: Repealing is good. [LB490]

SENATOR HARMS: Well thank you. This was great. That is about the easiest one I have had. I like you guys. [LB490]

SENATOR ASHFORD: Not many people come in and ask that something be repealed. [LB490]

SENATOR JOHNSON: Do you know what a guillotine is? [LB490]

SENATOR HARMS: Well, I tell you what, come down to Appropriations Committee you will find out real quick. [LB490]

SENATOR ASHFORD: Repealing may be too mild. [LB490]

SENATOR KOPPLIN: Are there proponents? Opponents? Neutral? Closing, and Senator Harms waives closing. So we will close the hearing on LB490 and move to LB563. Senator Adams to open. [LB490]

SENATOR ADAMS: (Exhibits 25-27) Greg Adams, A-d-a-m-s, representing the 24th Legislative District. Chairman Kopplin and fellow committee members, at this late hour having to do this is like being asked to speak right after a big lunch, isn't it? When I left the classroom to come to the Legislature, I would tell you quite candidly that in the back of my mind I have an assortment of things that I think need changing. And having been in the classroom for 31 years and trying to accommodate all different kinds of students, I will tell you it is very easy sometimes to neglect the high-ability learner, because you have classroom of so many other people who need your help. Hence when I had some folks stop in my office and say, would you consider sponsoring some legislation that would draw attention to high-ability learners in Nebraska, it didn't take me long to say, sure, I would do that. What you have in front of you, LB563, is really brought before you today as a way of accounting for the moneys that the state of Nebraska set aside for high-ability learners in 1998, and it is also to draw your attention to this issue today. And given the late hour, I am going to make my introductory comments very short, and I am going let those who are here that are more astute in these matters and have more things to say take my time. In 1998, LB1229 was passed and what it did was to earmark dollars from the state in a grant program for high-ability learning from schools. This year, there are about \$2.8 million available and if the numbers serve me correctly, I believe that all schools in Nebraska, with the exception of about 13 schools made application for dollars and received some of those moneys. Which is all fine and good. The issue really is how is the money being used, and is it really being used

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satisfactorily? And what LB563 does is to lay down a series of criteria that say to schools if you are going to make application for this money for high ability learners, there is more to it than just filling out the paperwork and asking the Department of Education for the money. There are some other things that go along with it, and those things are outlined there for you, and as a way of saving some time, I am not going to march through every one of those. But that is the intention of the bill. And with that, I will field any questions right now. Otherwise, I am going to let others come up that understand the issue better than I. [LB563]

SENATOR KOPPLIN: Are there questions for Senator Adams? Okay. We will move onto proponent testimony. And I will remind everyone please spell your name for the record. [LB563]

MARY DUFFY: (Exhibit 28) Good afternoon Senator Kopplin and members of the Education Committee. For the record, my name is Mary Duffy, first name M-a-r-y, last name Duffy, D-u-f-f-y, with the Nebraska Department of Education, testifying in support of LB563. Since 1998, identification of high-ability learners in Nebraska's public schools is mandatory, but it has been up to local school districts to decide whether they will offer an accelerated or differentiated curriculum to students. When the legislation was adopted at that time, programming options were limited for these students. And in the past nine years, many program opportunities have been developed that our high-ability learners must experience in order to be competitive in a global society. This piece of legislation defines exactly what an accelerated or differentiated curriculum shall include, but does not limit other available options for districts. More opportunities for distance learning as well as many online programs are available for Nebraska's high-ability learners. These programs, as well as others, make it possible for small school districts as well as large districts to make available diverse content area for these students. This bill would give school districts guidance regarding the fundamentals that must be included in an approved high-ability learner program. Since this program was instituted some nine years ago, much research has been done in the areas of curriculum, and programming, and evaluation. The criteria proposed by LB563, based on best practices and current research in the field of high-ability learning, are standards to which all districts must strive, in order to give to Nebraska's high-ability learners the appropriate experiences that will make them competitive in a global society. Thank you. [LB563]

SENATOR KOPPLIN: Questions for Mary? Thank you. [LB563]

MARY DUFFY: Thank you. [LB563]

SENATOR KOPPLIN: Next proponent. [LB563]

JAN MCKENZIE: Senator Kopplin and members of the Education Committee, for the record, my named is Jan McKenzie, spelled J-a-n M-c-K-e-n-z-i-e. I am here in support

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of LB563 and am a registered lobbyist for the Nebraska Association for the Gifted, representing them today. I know you are absolutely brain-dead by this time having sat there before myself, but this is really a very important issue. So we have many young people who have come here today to talk to you a little bit about their experience. And what I want to share with you is sort of what was the logical planning that went into place to get us to where we are now. In 1994, I introduced the legislation that required school districts to identify students. We had never done that before in Nebraska. Some schools did. Some schools didn't. We really didn't know what the landscape was. So our first step was to say let's help schools learn how to recognize these kids. In some places we had schools who outright said, we don't have any. Now I personally find that hard to believe having taught in four different schools systems. But it took us a while to do that, and there was no funding in place. In 1998, Senator Bohlke introduced legislation that I helped draft as I was in Mary Duffy's position at the Department of Education at that time, to talk about how we could provide some funding to schools, and we did not mandate schools to provide services. We provided a grant process by which they could apply for either a base amount of money, which was money they could use to send teachers to training workshops or buy materials, and then a piece where they had to do a match based on a per pupil amount that was then matched by the state. They had to provide local funds, and then they were matched with state funds, to provide services directly to students. We have had eight years of time, or almost nine years of time, go by now, and it is time for us to take a step forward and look at what our schools are doing, look at what we need to do to be competitive with the states around us. Nebraska, with its 2.8, is sorely lacking compared to Colorado, South Dakota, Iowa, Missouri, and Kansas in terms of what we are doing to help our school districts provide appropriate learning opportunities for students, especially, I will tell you, in rural areas. The Lincolns and the Omahas of Nebraska can and do provide a lot of their local resources to provide programing for students in different ways based on the kinds of needs they have. But with that, I will also tell you that the purpose of what we put into this bill is meant for discussion as we hopefully will have an interim study to address what we need to do to strengthen and tighten up what our criteria are for local schools that we hope will directly help kids, and what kind of appropriate funding needs to be there in order to support them. We talk a lot about our best and brightest leaving Nebraska, but we have got to start thinking about our best and brightest the day they come to kindergarten and not just after they graduate, because quite honestly, we lose some as they move through the K-12 system out of sheer boredom. With that, I would answer any questions or because of the lateness, you know, I am always around. So I could certainly address your questions in the Rotunda or at a meeting at any time on any of these issues. [LB563]

SENATOR KOPPLIN: Are there questions for Jan? Okay. Thank you very much. [LB563]

JAN MCKENZIE: Thank you. [LB563]

SENATOR KOPPLIN: Next proponent. [LB563]

SHARON KRYGER: Hello, members of the Education Committee. I am Sharon Kryger, K-r-y-g-e-r. I am a school psychologist. I am also a child and family therapist, and I am a member of the Nebraska Association for the Gifted board. Our schools have been mandated to show adequate yearly progress for students. Gifted programming allow highly intelligent students across the state to grow intellectually and emotionally. Leaving gifted students to suffer through the typical drill and kill results in a plateau or decline of skills and frustrated kids who sometimes use their creativity in a negative manner. My guess is that at least 70 percent of us in this room were sneak readers. You probably had a novel inside of your history and you probably read ahead, much to the chagrin of your teachers. Did your teachers have the training and the resources to offer you a more advanced program, challenging you to analyze a different piece of literature on the same topic? Gifted and talented students often hide more than reading. They hide their ability daily. They refrain from answering every question. They may not hand in their work on time. They don't always see the value in regurgitation of the material. They aren't always organized students, and teachers often say, if you are so gifted why isn't this project done? Well, the project isn't done because the student went off in a variety of tangents, got really excited about it, and the perfectionism got in the way and the student didn't finish it. Students need resources, they need mentors, they need teachers who can guide them in these projects and in their academics in general. I worked in a variety of schools in northeast Nebraska as a school psychologist as well as in the Omaha area. The smaller schools often lack access to advanced classes. They lack mentors for special projects, and they lack staff with training in gifted education. We need equity in gifted education, providing the funding for statewide funding options that allow advanced classes, as well as social-emotional support. The students need to feel like there is value in achieving and like there is room for growth. You can imagine a seven-year-old who came to me last week saying, I don't like school because I already know how to read, I already know how to do math, they give me these worksheets, it is boring and the teacher won't listen to me. The child is very frustrated, and at age seven she is starting to act out a little bit, and her very intelligent parents are frustrated because they are not getting any resources from the school, and this is a district with resources. Now picture a 15-year-old who is very bright, but he hides it because he feels like he is a geek and there aren't classes that challenge him, and there aren't other kids that want to talk about structural DNA. He can't take AP chemistry in rural Nebraska. So I am asking you to consider this bill, which would allow more funding for a gifted education. Hopefully, we will look at how were actually implementing the gifted education programs, and will allow us to show adequate yearly progress for all students in Nebraska. [LB563]

SENATOR KOPPLIN: Thank you. Are there questions? [LB563]

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SHARON KRYGER: Thank you. [LB563]

SENATOR KOPPLIN: Thank you very much. Next proponent. [LB563]

TIM BURKE: (Exhibits 29 & 30) Senator Kopplin, distinguished members of the Education Committee, my name is Tim Burke, T-i-m B-u-r-k-e. I am the director of Gifted Education at Educational Service Unit 11 in Holdrege, Nebraska, and I am also here representing the Nebraska Association for the Gifted as that organization's treasurer and a past president also of that organization. We are here in support of LB563. I have been in education for 30 years, this is my 30th year, and spent the first 10 years in the classroom, and also as a coordinator of gifted programs for the school district that I was with. And then the last 20 years, I have been the director of the gifted programs in the ESU 11 area. It is very difficult in rural areas to provide these opportunities that high-ability learners so dearly deserve, and it is easier for students in bigger cities and urban areas to be able to get the opportunities, and they have access to a lot more things. And so we really strive at ESU 11, for over 30 years, to try to provide opportunities for students that they wouldn't ordinarily be able to get in a rural area. Funding is a critical issue and has been for a long time. We provided programs at the ESU 11 area for high-ability learners, because I remember school districts decided one day that they needed to provide programs for high-ability learners, gifted students at that time. So even before legislation gave funds out to the schools, we were providing programs. But then funding became critical for service units over the past few years. Some of the high-ability learner funds that our school districts received was pooled together in order to continue some of the great programs that we were able to put in place over the years. Our schools all receive money from the high-ability learner funding. And we try to provide consultant services for all the schools. We also provide staff development in the area of accelerated or differentiated curriculum strategies and that type of thing. We also provide a number of opportunities for schools to put program design into play so that they would have a program at their particular school. And we have a number of other opportunities for high-ability learners, such as summer programs, we have future problem solving, we have academic quiz pulls, and a number of other opportunities, invention, convention, anything that would give rural area students a better opportunity. One of the programs that will be the 30th year this summer, it is called the Summer Honors Program. And just to give you an example how important a program is for a high-ability learner. It is just amazing, the kids over the years, what they are doing today, and we have done surveys on that. But one of the things I want to share about that program is that a number of years ago, the alumni association for that program took a survey and found that 80 percent of the summer honor students still live in the state of Nebraska. Only 20 percent were living out of the state. About 50 percent were actually still living in the ESU 11 area, and when interviewed, I interviewed some of those students just to find out why they might still be living in the area, and I have had a number of students tell me that because they wanted their sons and daughters to have that opportunity as well. It is hard to explain

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what that program means, and there are a few here today that will share that with you. But I think that what that is showing is that if you provide opportunities for high-ability learners that they feel really good about, they are more apt to stay in the state rather than trying to go elsewhere to find out what they missed out on all the way through their school career. And so I think we talk about the brain drain. I think it is important that we start really providing opportunities for high-ability learners as they go through the K-12 system. In society we want to go to the best lawyer, the best doctor, the best legislator, but in education we want to teach every student the same curriculum and have them learn the same information. Are we providing educational opportunities for our brightest students so they will not want to leave the state? Are we leaving our high-ability learning students behind? How can cream rise to the top when there is no top to rise to? So we feel that it is really time to support high-ability learner education and we would support any legislation or even an interim study to talk about how we can do this better. Thank you. [LB563]

SENATOR KOPPLIN: Okay. Thank you, Mr. Burke. Are there questions? Okay. Thank you. [LB563]

TIM BURKE: I do have this to submit. I also have a letter that was submitted by a student that couldn't be here, but I don't think there are copies. Any questions? [LB563]

SENATOR KOPPLIN: Okay, thank you. Next proponent. [LB563]

ERICA HEIDEN: Good afternoon, senators. My name is Erica Heiden, that is E-r-i-c-a H-e-i-d-e-n. I am a 2003 graduate of Bertrand High School and am currently a senior at Doane College. And I remember every year getting one of those letters that said you have been identified as a high-ability learner, and my mom saying, congratulations, and we threw the letter out because living in a rural school my school probably wasn't going to do anything. We did have quiz bowl, but beyond that there really wasn't anything to offer the high-ability learners. Coincidentally at that same time, we had two math teachers at my school who recognized there were students that were interested in going beyond the work we were doing in class, and they said we will be here once a week at 7:30 in the morning for anybody that wants to come in and do higher little math problems. And since that was started, we had a consistent attendance of 10-15 students come in and want to do that. So I am in support of this legislation because not only do I think schools need to be held accountable for these funds, but I know that students will take advantage of these programs. Because, in addition, I graduated valedictorian of my high school class, and there is one thing I learned, it is not always cool to be the smart kid. There is a lot of pressure to not go to the top of your class and actually conform to the mediocrity because it is not cool to participate. You don't want to be the first to hand the test in even though you had it done. And I just think this legislation will help raise the standards for Nebraska students to rise to. Can I answer any questions? [LB563]

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SENATOR KOPPLIN: Thank you, Erica. Are there questions? Thank you very much. Next proponent. [LB563]

JASON GLANZER: Good afternoon. My name is Jason Glanzer, that is G-l-a-n-z-e-r. I am a cancer research postdoctorate fellow at the University of Nebraska Medical Center, and I am in support of the bill, LB563. I am sorry, I am a little bit nervous here today. I need to get to the lab. [LB563]

SENATOR KOPPLIN: Me too, so it is okay (laughter). [LB563]

JASON GLANZER: I got a grant waiting. So one of the advantages of being a researcher in an academic situation is that we are involved with the community and that we can have high school students, even as young as junior high students, will come into the lab and we can show them what we do, and show them the cool stuff about science, and if they have any questions, very simple questions or even the more complex ones, we can usually give some sort of an answer to it, and it makes us feel better that we can help them out, and then they go home and they can do more research and go on from there. Here in Lincoln where my lab is and also in Omaha where I worked before, there is a large pool of high school kids that can come and we do show them around. It is a little bit different back in western Nebraska where I came from. In the town of 200 where I was at, there was very few people who had any idea on how DNA worked or what these things were, and also how do you get involved in becoming a researcher? And luckily, about 20 years ago, the ESU provided a program among other programs that they do have for high-ability learners, the Summer Honors Program. And they took a dozen kids from that area up to Omaha for two weeks and we got to see the med center and we got to see doctors and the PT school and nursing school. But for me I got to see the research component, and I got to talk to some virologist. I was really interest in learning about virology. And I got to ask all the questions I always wanted to ask that no one could tell me the answers to, including the most important question for me was how do I get there? How do I become a scientist? And I got a lot of different answers, just kind of stay the course and here are some things that you can do. And a couple of years later I finally became one. And I attribute a lot of the impetus for me, I am kind of a nervous person as you can kind of tell and it is hard for me to kind of be confident in what I do. But the confidence that I got from these high-ability learning programs were very instrumental for me to kind of get out of my shell and pursue these dreams of going to the science field and jump away from the farm where I came from. So thank you very much and have you any questions? [LB563]

SENATOR KOPPLIN: Thank you, Mr. Glanzer. Are there questions? Thank you very much. Other proponents? [LB563]

DAVE BURCHELL: Good afternoon, Senator. Good afternoon to the Education

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Committee. My name is Dave Burchell. I am a computer consultant and author. I live in Lincoln now, originally from Minden, and Mr. Burke was my science teacher when I was in junior high school and he was a mentor to me. I am speaking in favor of LB563, mostly because I see it as an economic development issue. We know that Nebraska's economy is and needs to be diverse, and is and needs to be reliant on high technology. Any high technology enterprise in our state needs to rely on a highly educated and well-trained workforce. I have had the opportunity to work for eBay, which has part of its PayPal corporation location in LaVista, Nebraska. It is largely a call center and there is also some technical work that is done there. But much of the most important work done to run the company is done on the West Coast. And having an opportunity to visit the West Coast, I wanted to know what are the differences between what is going on at the home office and what is going on in the location where I work. One of the things I noticed was an emphasis on education, very important to the very well-trained and very intellectual workforce that I found there, my colleagues on the West Coast office was the importance of finding a good school and good educational opportunities for their children. So much to the point where it was expected that a person would move, pick up and establish a household elsewhere in the Bay Area in order to make sure that their children would have the best possible educational opportunities. This bill, as I see it, is going to help us bring accountability and also visibility to the high-ability learner programs that Nebraska offers. And when companies like an eBay of the future go to decide where to build, where to expand, they are going to see that visibility, and that accountability and they are going to say Nebraska is a place where we can locate because we know that the people that we need to have work for us will be comfortable putting their children into the Nebraska educational system. That is why I think it is very important for this bill to move forward. Thank you. [LB563]

SENATOR KOPPLIN: Thank you very much. Are there questions? Okay. Thank you. Are there other proponents? [LB563]

ERICA VANNIER: Hello. I would like to thank the Education Committee for allowing us to come and speak on this very important issue to us. LB563... [LB563]

SENATOR KOPPLIN: Would you spell your name? [LB563]

ERICA VANNIER: Oh, sorry. Erica Vannier, V, as in Victor, a-n-n-i-e-r. There is many of us that have really strong about gifted programs and the high-ability learner education programs. I grew up in a town of about 200 people, and when you are growing up, and as I have learned as an adult, there is several ah ha moments where you sit back and you go, wow, I think my brain just grew a touch there. You know it happens, you never know when it is going to happen, you never know how it is going to happen. Looking back at when I was growing up, so many of my ah ha, I think my brain just grew moments came from the programs such as the ones with high-ability learner education supports. When you sit back and you go, you know what, it is not necessarily learned a

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new fact. It is not that I can now do a math problem. It is not that I just read a book. It is that I took a fact, I took something I already knew and I flipped it on its head. I didn't just take what they taught you in the book, I didn't just take the answer for the test, but I applied it in a new and different way that, to me, was completely different. And sometimes it wasn't just completely different to me, it may have been different to the world. If I did not have that opportunity to flip ideas on its head, to take knowledge I already had and expand it out to places that I never knew it could go, I can't say I would be, as I am shaking now, as confident as I am today, and able to do what I do day to day to day in my job, in my home, in every aspect of my life. So was I a smart kid? Yeah, kind of. But did the opportunities that I got through higher-ability learner education programs help to expand not only who I am but what I can do for me, myself, my community, my family and my state. It made amazing difference in my life. [LB563]

SENATOR KOPPLIN: Thank you very much. Are there questions? Okay. Thank you. Any other proponents? Opponents? Neutral testimony? Then we will go to closing. [LB563]

SENATOR ADAMS: I will waive closing. [LB563]

SENATOR KOPPLIN: (See also Exhibit 31) Senator Adams waives closing. So that will end the hearing on LB563. Oh, one comment from Senator Johnson. [LB563]

SENATOR JOHNSON: What it is is this: As you know this has been a long day, but what a great way to end the day. And we talk about all the problems and this is a great opportunity. I sometimes think we get caught up in the No Child Left Behind as we transmit left behind as we transmit that into no child allowed ahead. And so this has been very stimulating to me and go get 'em. [LB563]

SENATOR KOPPLIN: Thank you, Senator. And that will end the hearing on LB563. [LB563]

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Disposition of Bills:

LB72 - Indefinitely postponed.
LB205 - Advanced to General File.
LB66 - Indefinitely postponed.
LB73 - Advanced to General File.
LB490 - Held in committee.
LB563 - Indefinitely postponed.

Chairperson

Committee Clerk