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Education Committee
January 28, 2008

[LB987 CONFIRMATION]

The Education Committee met at 1:30 p.m. on Monday, January 28, 2008, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB987 and gubernatorial appointments. Senators present: Ron Raikes, Chairperson; Gail Kopplin, Vice Chairperson; Greg Adams; Bill Avery; Carroll Burling; and Gwen Howard. Senators absent: Brad Ashford, and Joel Johnson. []

SENATOR RAIKES: Good afternoon, and welcome to this hearing of the Education Committee of the Nebraska Legislature. We're pleased you could be with us today. We're going to have on our agenda two confirmation hearings, followed by one bill, LB987. We'll consider them in that order. Our procedures for those of you who are new to this, well first off, we'll have an introducer followed by proponent testimony, opponent testimony, and neutral testimony. As you come to testify, please fill out one of the little forms, which hopefully we've got some around here someplace--we do, they're in the back, put that in this box and then state your name and please spell your last name for us so we can get it transcribed correctly. We do have a time limit on testimony, and I think for the relevant portion that will probably be up to, typically we do five minutes per testifier, but in some instances when it looks like we've got a lot of people that want to testify we may drop that to three so as to give everyone a chance to have a say. We always in testimony are interested in new information, so if you have something to tell us that we haven't heard before, that is most useful for us. I will introduce to you our committee. On my far right, soon I think, will be Brad Ashford from Omaha; next to Brad will be Gwen Howard, also from Omaha; there now is Senator Carroll Burling from Kenesaw, Nebraska; to my immediate right is Matt Blomstedt, our committee's research analyst; I'm Ron Raikes, I represent District 25. To my immediate left is Senator Gail Kopplin, our committee's Vice Chair; and next to Senator Kopplin is Senator Greg Adams from York; next to Greg will be Senator Joel Johnson from Kearney; and Senator Bill Avery from Lincoln; and our committee clerk is Kris Valentin. So that's our cast. We have a doubled crew over there of pages, Brennen and who else do we have? Tim? Tim. So that is our complete crew. Let me add that if you have cell phones, please don't let them go off during the hearing, shut them off or whatever. Can you think of anything that I've...all right. So we will proceed into our schedule, and the first will be a confirmation hearing, and this hearing is for Riko Bishop, appointee to the Coordinating Commission for Postsecondary Education. So, Riko, if you would come forward and tell us a little bit about yourself and why you are interested in this position.

[CONFIRMATION]

RIKO BISHOP: (Exhibit 1) All right. Good afternoon, and thank you all my K-12 education friends who came, especially for my confirmation hearing today. (Laughter) I'm an attorney here in Lincoln and with the Perry, Guthery, Haase and Gessford Law Firm, and we do a lot of work with the school districts across Nebraska, the K-12 school districts, so there's a lot of familiar faces here today. I'm a former teacher as well. I

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taught middle school, I taught seventh grade English and creative writing to gifted students for a number of years. I taught in Elkhorn. I taught in the Bellevue Public School District, and I worked a little bit in private business. I worked as an office manager and executive assistant to the president of a multimillion dollar advertising agency up in Wisconsin for a little while. So I'm pleased to be offered this opportunity to work on the Commission for Postsecondary Education, because I think it will give me an opportunity to help the group take a look at the big picture in terms of higher education here in Nebraska. I think that's what it's designed to do. We often get caught up in our little areas that we're working in, and we all have our personal interests, and so I think this group is supposed to put aside all those favoritisms or biases and take a look at higher education with a neutral viewpoint. I'm also excited to be part of this group because I think it needs to work hand in hand in the economic development of the state. Mr. Dennis Jones was brought in this last December, and gave us some pretty, I think, disconcerting information about the population migration here in Nebraska. We have an increasing population of people who will not attain more than a high school diploma. We have an increasing population, thousands of people who are migrating out of Nebraska who received their college degrees here or graduate, professional degrees here. So I think we need to look at opportunities for working through higher education with economic development to make sure we can provide jobs. I think he stressed that we maybe have more of a workplace issue today than a workforce issue. So I'm excited to contribute to helping in that regard. [CONFIRMATION]

SENATOR RAIKES: Okay. Thank you, Riko. Are there questions for Riko? I have one. I couldn't help notice on your list of publications. [CONFIRMATION]

RIKO BISHOP: Uh oh. (Laughs) [CONFIRMATION]

SENATOR RAIKES: There's one called, "The \$10,000 Haircut." Now, as one who is noted for frequent and expensive haircuts (laughter), I'm interested in what you had to say there. [CONFIRMATION]

RIKO BISHOP: Well, I think it had something to do with forcing a haircut by a school district, and a mother sued. And I think she was awarded a judgment. [CONFIRMATION]

SENATOR RAIKES: Okay. [CONFIRMATION]

RIKO BISHOP: So it's just a very small, but costly example of some of the issues that these folks are dealing with day to day, trying to make the right choices and providing a good education environment. In that case, the decision didn't pay off very well, but that's what that is. [CONFIRMATION]

SENATOR RAIKES: Well, I would just, for those of you who don't have this, I would just

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point out that there's a considerable list of publications and other mentions here that indicate a broad knowledge of school issues from a legal standpoint, and perhaps others. Any other questions for...Senator Burling. [CONFIRMATION]

SENATOR BURLING: Thank you for coming and offering to do this. You certainly seem to have the credentials to do that, and if you taught seventh grade, why, you're qualified. (Laughter) [CONFIRMATION]

RIKO BISHOP: Thank you. Yeah, I was going to say it does take a true passion for education to make middle school your first choice in education. [CONFIRMATION]

SENATOR RAIKES: Any other questions? I don't see any, thank you very much for being here and being willing to serve. [CONFIRMATION]

RIKO BISHOP: Thank you. [CONFIRMATION]

SENATOR RAIKES: Are there proponents? Uh-oh, you thought these were...(laughter) Opponents? Neutral? Okay, that will close the hearing on the confirmation of Riko Bishop, and we'll move to the confirmation hearing for Carol Zink. And Carol, if you would come forward and tell us a bit about yourself and your interest in this position. [CONFIRMATION]

CAROL ZINK: (Exhibit 2) I am Carol Zink and I am interested in the position. I am an elementary teacher. I have taught a year in Girard, Ohio, and I have taught for the last 36 years in the Lincoln Public Schools. I am an elementary person, unlike Riko who's a middle level person, but I have taught kindergarten for 20 years, grades 1 through 5 for another 5, and the last 10 or 12 years I've been a gifted facilitator for the Lincoln Public Schools. Presently, I'm in two elementary schools in Lincoln, and at that time I'm responsible for the referral and identification of gifted students for parent meetings, for workshops, for advocacy, materials, everything that would have to do with the gifted program in the Lincoln Public Schools that would affect elementary. On the district level, I do workshops, attend the Nebraska Association for Gifted meetings. My background is that I graduated undergraduate work from Youngstown State University in Youngstown, Ohio. The last 35 years, not too many people were interested about Youngstown, Ohio, but since we have a new football coach from that area, people are asking me all that they can about it. I received a masters in 1975 from the University of Nebraska. I have been in interested in the community, community volunteer, and different civic organizations, and a passion and an interest for education all of my life. [CONFIRMATION]

SENATOR RAIKES: Okay. Thank you, Carol. Questions for Carol? Senator Adams. [CONFIRMATION]

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SENATOR ADAMS: In your list here, your resume very impressive. I have to ask the obvious. After all that background in elementary education, why would you want to be part of postsecondary education coordination? [CONFIRMATION]

CAROL ZINK: I really do believe that we need to start having children have goals in the elementary school for postsecondary education. Whether it be a university degree, whether it be a community college degree, and we need to start sharing with them and goal setting that there are jobs out there, there are opportunities out there. And to achieve these goals and opportunities, you must need education. Not only as a community volunteer, as a teacher, as a civic member, but I also am the parent of three children who have all achieved postsecondary degrees and graduate degrees. In my heart, I've always felt I want to support youth and children and whatever they want to do and however I can, because I think postsecondary education equips you for not all that life could give you, but it truly gives you a good background and opportunities for employment. [CONFIRMATION]

SENATOR ADAMS: Thank you. [CONFIRMATION]

CAROL ZINK: Certainly. [CONFIRMATION]

SENATOR RAIKES: Quick question. You've worked a lot in gifted education, how would you rank or evaluate or otherwise determine how our postsecondary system in the state provides, how well it does in providing opportunities for gifted children? [CONFIRMATION]

CAROL ZINK: You know, Senator Raikes, I haven't really looked at that in depth and not studied it since I do not have all the availability, you know, of the data. Um, I'm thinking by the new programs I'm just reading about in the paper that the University of Nebraska-Lincoln has to offer, sounds very exciting for our gifted and talented in the area. Hopefully, if I appear before you another time with some experience under my belt, I will be able to answer that more succinctly. [CONFIRMATION]

SENATOR RAIKES: Okay, we'll look forward to that. Any other questions? I don't see any. Thank you for being here, and thank you for your willingness to serve in this position. [CONFIRMATION]

CAROL ZINK: Thank you for the opportunity. [CONFIRMATION]

SENATOR RAIKES: Proponent testimony. [CONFIRMATION]

MARSHALL HILL: Senator Raikes and committee, I'm Marshall Hill, executive director of the Coordinating Commission. Just want to take just a moment of your time to add on a little bit to Senator Adams' question and to let you know that both the K-12 and

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postsecondary sectors of our education are increasingly working close together with one another in developing a P-16 orientation to what our challenges and opportunities are. Not only do we formally get together and work on common projects, but we get together informally as well when we're working on issues like workforce, preparation, college readiness, frankly the same ones of us are talking about those issues with representatives from the Department of Education, the University of Nebraska, state colleges, community colleges, and so forth. The opportunity to have two people who have long careers and understanding of K-12 education is a natural for the way that this work is evolving in our state and elsewhere, and we're very pleased to have, the Governor having nominated, both Ms. Zink and Ms. Bishop, and we're looking forward to working with them. [CONFIRMATION]

SENATOR RAIKES: Okay, thank you, Marshall. Questions for Marshall? I don't see any. Any other proponents? Opponents? Neutral testimony? Okay, that will close the confirmation hearing for Carol Zink, and we will move, Mr. Vice Chair, to LB987. [CONFIRMATION]

SENATOR KOPPLIN: Okay, we will open the hearing for LB987. Could we do a quick show of hands, how many are going to testify as proponents? Opponents? Okay, I think we can use the five minutes. I would remind everyone, though, because of the number of people that want to testify to be concise and stick to the topic, which is LB987. And stick to the time constraints so that we can get everybody in. And with that, Senator Raikes, you're recognized to open. [LB987]

SENATOR RAIKES: Thank you, Senator Kopplin, members of the Education Committee, Ron Raikes, District 25 here to introduce LB987. Legislative Bill 987 would amend the Quality Education Accountability Act and create a Quality Education Accountability Commission and a Quality Education Accountability Office. The commission and office would be created in the executive branch and would have powers and duties for statewide assessment. The commission would be appointed by the Governor and control of educational assessment and accountability would be a function of the commission. Such powers and duties would be transferred from the state board and the Department of Education. However, the Commission would be permitted to work with the state board and the Department of Education, as well as other relevant educational entities, to develop a statewide assessment system. LB987 raises a very specific issue for the consideration of the committee and the Legislature as a whole. Ultimately, the issue is whether the State Board of Education and the commissioner of education should maintain control of school district assessment policy in the state of Nebraska, or whether the Legislature should assign that power and duty to another entity. There are several points I hope to make through the introduction of this bill. A second bill, LB1157 introduced late and scheduled for a late hearing, provides an opportunity to extend the conversation beyond today. I do want to start by recognizing the initiative of Commissioner Christensen to arrange a meeting with me and other

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committee members last Friday. We discussed the status of Nebraska's assessment system in regard to No Child Left Behind. We also discussed the steps being taken to implement LB653 passed by the Legislature last year. Although the commissioner and I disagree on the importance and necessity of statewide assessment, I think we have common ground on two things. First, it is clear that achievement data are an important part of improving education. It is and should be used by teachers, districts, or policymakers to improve education. I have no interest in such data being used to rank or otherwise unfairly compare schools. I believe that the commissioner and I also agree on the protocol of statute and policy implementation. It is the role of the Legislature to establish law and the role of the department to implement that law. The commissioner and I have divergent views about transitioning to a new system and whether that will put us at risk in the status of compliance with No Child Left Behind. The commissioner in our Friday meeting reported that we must make STARS compliant before we can implement statewide assessments. I do not believe that to be an accurate interpretation of the federal compliance agreement process. Instead, I think we can engage in a compliance agreement that includes a transition from local assessment reporting. I do not want to waste time or resources by continuing to burden our districts and teachers with the type of peer review necessary to meet No Child Left Behind requirements for local assessment systems. I need to point out that accountability matters in education. Educational accountability is not just about making sure that schools are accountable, it's about making sure that state policymakers and the public are accountable in providing the funding and leadership necessary. We can and should develop an assessment system that works for Nebraska at the classroom level, district level, and state level. I believe LB653 set us on a course to do that. I believe the commitment to improving instruction from the state board and the state Department of Education can keep us on track. We should not dwell on where we have been and instead should focus to the extent possible on where we are going. So where are we going? It is incumbent on us as a committee and a Legislature to amend statute as necessary so it is clear to the department, state board, and others what is required. This is a difficult task as we do not want to be putting regulation into statute. At the same time, it must be sufficiently clear that it is appropriately implemented. The committee will have the opportunity over the next few weeks to clarify the requirements of LB653. LB653 called for the development and implementation of statewide assessment in reading and math through joint efforts of the Department of Education and ESUs; an examination of state standards and an implementation of changes were appropriate; continued efforts to build a statewide student data system to include student achievement data. There are clarifying and substantive changes that I think we should consider. Grades three through eight and one grade in high school are to be assessed with statewide assessments. That needs to be made clear. Statewide assessments of science should be added to better match federal requirements. We should eliminate the requirement for reporting of locally based assessments to the state. Local assessments should be used at the local district or teacher discretion. Statewide assessment should reflect the degree to which students are able to master an appropriately rigorous curriculum in the

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topic area and grade level. It is incumbent on the state board and the Department of Education to move as quickly as possible to the implementation of LB653 and the changes we choose to make this year. LB987 would not be required if we are assured of a couple of things. First, locally based assessment reported at state level would be phased out as soon as possible. Second, rigorous statewide assessment in reading, math, and science will be implemented. I don't expect that the commissioner or state board will agree with this course. I do hope to engage them in the continued conversation and dialogue in the coming few weeks. I don't seek to ignore the efforts of so many across the state, but I think we have come to a point where we must build on those experiences. I encourage districts to develop and maintain a local assessment process that is appropriately used at the district level, but we need to create a statewide assessment system that follows legislative policy direction. I know that Department of Education staff has been busy trying to handle the federal process and the implementation of LB653. I believe we need to organize a group representing the state board, the Governor, and the Legislature to work on the federal compliance agreement process. This group could provide additional insights and improve communication while the committee considers LB987 and LB1157. From the standpoint of the committee, I believe we must use the time between now and the end of February to clarify as necessary the direction set forth in LB653 and consider any proposed changes in statute. Thank you. [LB987]

SENATOR KOPPLIN: Thank you, Senator Raikes. Are there questions from the committee? Senator Adams. [LB987]

SENATOR ADAMS: Senator Raikes, I picked up in your opening two things that you believe are essential. One is a phase out of the local assessment, and the second that reading, math, and science statewide assessment be developed. Do you have in mind any specific indicator that would say it's happening? [LB987]

SENATOR RAIKES: I do, Senator, and I mentioned the federal No Child Left Behind compliance process, and I want to make it clear that I am not overwhelmingly concerned with No Child Left Behind. But there is a process that must take place with No Child Left Behind, and I believe that will be an indicator that the direction that we, the Legislature, the committee and the Legislature, have chosen is being implemented. [LB987]

SENATOR KOPPLIN: Okay. Other questions? Senator Avery. [LB987]

SENATOR AVERY: Thank you, Mr. Chair. Senator Raikes, I'm glad to see in your last term you have decided not to be controversial in this term (laughter). I'm looking at the fiscal note, and I believe it is third paragraph: Some existing staff and funding in NDE, Nebraska Department of Education, will be transferred to the new commission. How much confidence do you have in these numbers that we have here, because if you're

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transferring existing staff and funding, wouldn't that be enough to cover any additional cost that might be incurred by this commission? [LB987]

SENATOR RAIKES: Well, Senator, the vision for the commission that it would be a contracting agency as contrasted to a workshop. Now, that's a little bit aside the question you ask. The fiscal note says that our current expenditures on assessment with the system we now have amount to about \$8 million a year. Presumably, and I think they refer to another place, that the notion they picked up in the fiscal office that if you were to move assessment out of the department, that those funds would follow. There is a fiscal note of \$402,000 to \$670,000 and basically, as I read the fiscal note, that's mostly because we are moving up the implementation of the math assessment by one year. So we're actually making a change that is going to cause that money to be spent sooner. [LB987]

SENATOR AVERY: May I have a follow up question, sir? In your comments, I picked up a tone of conciliation, I don't know if I can use that word with you or not, but it sounded like you were saying to us that this is a starting point for discussion in the committee and with the commissioner and the State Board of Education, that perhaps this is not the final bill that we will report out. Am I right? [LB987]

SENATOR RAIKES: You are right, Senator. And it's at least my intention, and I believe, I shouldn't speak for the rest of the committee, but I think that the rest of the committee would feel similarly, that if there are steps we can take that will bring us into resolution agreement, we are more than happy to do that. But by the same token, we have chosen a direction, a policy direction, and we are insistent that be implemented. So we are, speaking for myself, I am very interested in conciliation toward getting the will of the Legislature, if you will, or the letter of the law implemented. [LB987]

SENATOR AVERY: Thank you. [LB987]

SENATOR KOPPLIN: Are there other questions? Senator Howard. [LB987]

SENATOR HOWARD: Thank you, Senator Kopplin. As you know, I attended that meeting on Friday afternoon with you and I thought it was a very interesting meeting, and I appreciated your call later to say you felt that progress was being made, which certainly to me is the most important thing that you felt there were some steps on the right direction to implementing this. Not giant leaps, but I think it's safe to say some steps. And I agree with Senator Avery, I think that this isn't going to be your final, I don't want to speak for you at all, but this a bill that has some important merit, but I think it's a work in progress if I can be safe in saying that. Thank you. [LB987]

SENATOR KOPPLIN: Other questions? Senator Adams. [LB987]

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SENATOR ADAMS: Senator Raikes, are there other states that have these kinds of commissions? Would we be unique in having such an assessment commission, the way we are unique with local assessments? [LB987]

SENATOR RAIKES: Senator, that's a good question. I don't know that there's another state that has a separate commission patterned exactly as it is in LB987. I think I'm correctly describing the state of Kansas, though, to say that they handle standards and assessment in an entity outside the department, but within the University of Kansas. Now it is certainly I think there's a, cordial may be the right word, working relationship between the department and that center, but it is something that is outside what we would describe traditionally as the Department of Education. Another argument, if I might go on a little bit, is that it does make some sense at least to some people in an area as important and as extensive in state government as public K-12 education that you approach the execution, if you will, of state policy and the evaluation of that state policy in two parallel entities. And this I think would follow that pattern. [LB987]

SENATOR KOPPLIN: Other questions? [LB987]

SENATOR ADAMS: May I ask one more? [LB987]

SENATOR KOPPLIN: Yes, Senator Adams. [LB987]

SENATOR ADAMS: Senator Raikes, did I hear you towards the conclusion of your statement that you thought a work group made up of who might facilitate some final communication to get this where it needs to be? [LB987]

SENATOR RAIKES: Basically, the state board, the Governor, and the Legislature. I think that this in effect would be a policy statement representing the state of Nebraska. So I think all those entities are appropriately involved in developing that policy statement. [LB987]

SENATOR ADAMS: Thank you. [LB987]

SENATOR KOPPLIN: Senator Avery. [LB987]

SENATOR AVERY: Thank you, Mr. Chair. I have one more question. Newspaper reports indicated that, I believe it was you, maybe it was somebody else on the committee, criticized the department and the commissioner for dragging their feet in implementing LB653. Would you like to confirm or deny that? [LB987]

SENATOR RAIKES: Well, actually Senator, I'll be proven wrong as soon as I say it, I don't think that maybe was a quote of me. I think the concern was we were never going to get in our dealings, Legislature to the department, we were never going to get to a

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point where we were actually headed down the path of implementation. It seemed like there was always another question of well, you said this but we don't think you meant it--that sort of thing. Now whether or not the term "foot dragging" is fair or not, I will tell you that part of the message brought to us at the meeting with the commissioner was at least for him to say that in his view that they were proceeding on key aspects of the implementation of LB653. I guess what I'm here to say right now, I hope that we can look forward from this point, not backwards, and I think we need to move quickly, decisively, but the committee's role in all this is to, and the Legislature, is to clarify the direction so that to the extent possible we clear up confusion about what the end point is to be. Once that's done, I think we need to move quickly to get there. [LB987]

SENATOR AVERY: Well if I might comment, I think looking back is not unimportant, because looking back provides us with some basis for the proposal you are making. I was in that Friday meeting, and I remember being told that they had finally come up with some criteria upon which they would base standards, took 3.5 months to get to criteria. That's only seven sentences, which I find to be stunningly slow. So maybe I can say foot dragging, I don't believe I was the one that said it in the press, but that's the definition of foot dragging in my mind. Because you don't get to the standards until after criteria have been established, and you can't do testing until you get the standards. Now how long will it take to get standards? Another six, eight, ten months? That's not a question. [LB987]

SENATOR KOPPLIN: Any other questions? Okay, thank you, Senator Raikes. We'll move now to testimony. I would remind you to fill in your testimony sheets and leave them and please pronounce and spell your names before you testify. Proponent testimony? I don't see any, so we will move to opponent testimony. [LB987]

JOHN BONAIUTO: My name is John Bonaiuto, B-o-n-a-i-u-t-o, the executive director of the Nebraska Association of School Boards. [LB987]

MIKE DULANEY: (Exhibit 3) My name is Mike Dulaney, executive director for the Nebraska Council of School Administrators, and we do have written testimony. [LB987]

JOHN BONAIUTO: Senator Kopplin, members of the Education Committee, the Nebraska Association of School Boards and the Nebraska Council of School Administrators oppose the creation of a separately appointed commission to implement a statewide assessment system. Establishing and implementing an assessment and reporting system must be combined and coordinated with curriculum standards and instruction. [LB987]

MIKE DULANEY: We want to make a public statement that both organizations are united on this matter. We understand and we appreciate the circumstances surrounding the issue of assessment and reporting in Nebraska. First, we support continued, direct

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communication between the Department of Education, the commissioner of education, and the Legislature through this education committee. We understand there has been some recent dialogue that Senator Raikes just spoke about between the parties, and we offer our support for the dialogue to continue. [LB987]

JOHN BONAIUTO: Secondly, we recognize that LB653 from the 2007 session represents the current law on assessment and reporting in Nebraska. We support full implementation of this law. The intent of the Legislature must be met and if there is any clarification necessary, then we hope those issues will be resolved. Third, we believe that accountability is a fundamental part of state and local government. We believe there is a connection between fiscal accountability and academic accountability. [LB987]

MIKE DULANEY: Absolutely, and fourth, we believe the best course of action will be to do what is necessary to modify the existing law, as Senator Raikes spoke about a few minutes ago, as deemed necessary and appropriate to create a workable system. And Senator Kopplin, in closing we urge the education community of which we represent, to work with you the lawmakers, the policymakers, to resolve this important issue so that we all can move on to address other important issues in the 2008 session, and with that we will welcome your questions. [LB987]

SENATOR KOPPLIN: Thank you, Mike and John. Are there questions from the committee? Senator Avery. [LB987]

SENATOR AVERY: Thank you, Mr. Chair. Based on your current knowledge, do you think this legislation is unnecessary? [LB987]

JOHN BONAIUTO: Yes. Unnecessary as far as an implementation of removing these duties from the department. It is a message, and the way that the message has been I think set forth, with also an opportunity to work out the critical nature of assessment without having this implemented, gives us some hope. [LB987]

SENATOR AVERY: Would you characterize LB653 as a message? [LB987]

JOHN BONAIUTO: That is the law. [LB987]

SENATOR AVERY: Would you characterize it as a message? [LB987]

JOHN BONAIUTO: Yes. [LB987]

SENATOR AVERY: Okay, so you're saying we need a second message. [LB987]

JOHN BONAIUTO: No. [LB987]

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MIKE DULANEY: And Senator Avery, one thing's for sure, LB987 got the full attention of school administrators, school board members, and teachers across the state. It did exactly that. It got our attention, and as you know we spoke to you last week and your colleagues because we want to address this, we want to do what we can to help facilitate discussion. It's that important to us, and we know it's very important to you as well. [LB987]

SENATOR AVERY: Well, we thought LB653 was pretty clear, but apparently that's not how it was received elsewhere. When I voted for it and spoke for it on the floor, my intent was to send a message and a directive to the department. And what we got in return was, well we don't understand this, we don't know what it means. Because in clear English, which is our native tongue, you ought to be able to read it and decide what it means. It meant do it. So I guess if LB653 was a message, then let's not talk about a second message. Let's talk about doing something this time. Thank you. [LB987]

SENATOR KOPPLIN: Other questions? Senator Howard. [LB987]

SENATOR HOWARD: Thank you, Senator Kopplin. Do you feel that this bill that Senator Raikes has brought us, LB987, would move the process along any faster? In being in that meeting Friday afternoon, one of the things, my sense of it was, that there's always so many steps before you can even get to a step that's even moving toward a step to put the previous law that we passed last year into place. So do you see this as having any benefit in terms of the time frame? Or do you see it as maybe being not helpful? [LB987]

MIKE DULANEY: And by that, Senator Howard, do you mean if LB987 were implemented? [LB987]

SENATOR HOWARD: Right. [LB987]

MIKE DULANEY: Yeah, we really strongly believe that this is a function of the Department of Education, the State Board of Education. We support that role, that historical role, for those institutions and so our organizations would not support this separately appointed commission to do that--taking it out of the authority of the Department of Education, the state board. I don't think that would be the case. I know what you're getting at, and I believe that what you saw Friday afternoon with the commissioner of education coming over here to talk to you was a very, very good first step. And I know there had been discussions in the past, quite a few discussions, and obviously you have passionate viewpoints on this, very passionate, even within our communities and our organizations, very passionate viewpoints. And so I think the commissioner is, we anticipate, he will be making efforts to communicate. We certainly

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will be urging him to do that because we know you need answers, and you're looking for that. We, too, are looking for answers. We would like to know where we stand on No Child Left Behind in Nebraska, and the commissioner has provided some of that information recently. So we feel we're moving in the right direction. [LB987]

SENATOR HOWARD: Well I certainly agree with you. Having the commissioner come over Friday afternoon to have a sit down talk, it's always so much better when the parties are able to express their feelings, and sometimes their frustrations. But I don't pick up from you that you see putting this into place would in anyway pressure things to move a time frame forward. You know, somebody that's had antibullying for three years, I know it's all a process. And I really do respect that, and I do appreciate the help that I've gotten on that issue, but I don't know. I don't see this as an additional leverage that would make things move faster from my perspective. I didn't know if you agreed with that or not. [LB987]

JOHN BONAIUTO: I would agree with that in the sense that what you'd be looking at is creating a new office, hiring personnel, and really recreating something that the department has the wherewithal to implement. So I don't think it would move the process along any faster, it may even slow it down. [LB987]

SENATOR HOWARD: I appreciate that, thank you. [LB987]

SENATOR KOPPLIN: Senator Adams. [LB987]

SENATOR ADAMS: Maybe more of a comment than a question, but whether the vehicle is LB987 or the discussions that Senator Raikes just mentioned, would your organizations agree that we need to get assessment business behind us. [LB987]

MIKE DULANEY: Absolutely. [LB987]

JOHN BONAIUTO: We both agree wholeheartedly, Senator. [LB987]

SENATOR ADAMS: Thank you. [LB987]

SENATOR KOPPLIN: Anyone else? Thank you, Mike and John. [LB987]

JOHN BONAIUTO: Thank you. [LB987]

MICHAEL DULANEY: Thank you. [LB987]

SENATOR KOPPLIN: Next opponent. [LB987]

FRED MEYER: (Exhibit 4) Good afternoon, ladies and gentlemen of the committee, I

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am Fred Meyer, president of the State Board of Education, and I appear here today in opposition of LB987. The board's opposition is based on governance issues and our belief that we do not need to create more state government to deal with standards, assessment, accountability in Nebraska. I have for you, and for the record, a handout that provides further information on what the state board and the department have done to implement the current law in Nebraska that was enacted under LB653 and information on meeting full approval under No Child Left Behind. I think this is the document that some of you were handed at the meeting on Friday afternoon, and we just wish everyone on the committee to have a copy of that and to enter that into the record. And the NDE staff is here as well to answer any questions that you may have or on the information I have handed out to you. The State Board of Education supports the concept in another bill, LB1157, that was mentioned briefly, and we certainly request further discussion between the board and the Education Committee so that we can be partners in working together on the concepts contained in LB1157. And with that, I guess, I thank you for your time, and I'd be happy to answer any questions that you might have. [LB987]

SENATOR KOPPLIN: Questions for Mr. Meyer? Senator Adams. [LB987]

SENATOR ADAMS: Fred, how long have you been on the state board? [LB987]

FRED MEYER: I'm just starting my tenth year. [LB987]

SENATOR ADAMS: So you've been here since the get-go with assessments and No Child Left Behind? [LB987]

FRED MEYER: I certainly have. [LB987]

SENATOR ADAMS: And is it correct to say that in all of those years, we have continued to work with the feds to be in compliance with STARS? Have we ever been given a clean bill of health from the feds? [LB987]

FRED MEYER: No, and I don't know if any state has in the union. This has been an ongoing dialogue literally between every state in the nation and the Department of Education in Washington, and I would hope it never happens in Nebraska where educational issues get so political that it's hard to get a straight answer from certain people, but in Washington it seems like the rules have changed from time to time. And the commissioner and his staff have been unbelievably strong in their support of education in Nebraska. I think it's also noteworthy to point out to members of the committee that all five members of our national delegation have been behind all the work we've done from the very start. In 2002, I had breakfast in the basement of the Governor's Mansion with the Secretary of Education, Rod Paige, at that time. All five members of our federal delegation were there, as was Governor Johanns, and there

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was unanimous support behind the work we were doing in Nebraska. The work we're doing in Nebraska is based on what is best for the student and what is best for the classroom. Now sometimes maybe that doesn't always equate to a test figure that's readily available and readily usable for everyone, but we have worked diligently with that emphasis on the classroom in Nebraska, and I think with the change of demographics that we've had in Nebraska, I think the schools in Nebraska have just done a fabulous job in maintaining academic accomplishments in literally all academic areas. It would've been very easy and has happened in most other states that have had this challenging shift in demographics to see their test scores go down precipitously just because of the work that was being done in the classrooms was not centered on what's best for the students. So that has always been a baseline for what we try to do, it's been a long process, but Nebraska certainly not alone in working with the feds under No Child Left Behind. If I could, like a lot of things, Nebraska does things a little bit different with their standards. Educational policy and making shifts in educational policy is a time consuming and very difficult process and I would like Pat just to talk briefly about how we do academic content standards in Nebraska. It was alluded to earlier that maybe it's taken too much time, and maybe it has. But I guess after being on a local board for eight years and the state board for ten years, you do not change educational policy real rapidly. We've always prided ourselves in involving as many educators across Nebraska in these types of decisions. So, Pat, would you please outline the process that we've gone through with standards revision? [LB987]

SENATOR KOPPLIN: You'll have to pronounce and spell your name, if you would. [LB987]

PAT ROSCHEWSKI: I will do so. My name is Pat Roschewski, R-o-s-c-h-e-w-s-k-i, director of statewide assessment, and before I address the point that Mr. Meyer has asked me, I would like to also, Senator Adams, answer your question. In 2003, we did have complete bill of health with NCLB, to quote you. Then with the signature of the NCLB, a whole new set of requirements came out to all states, so it has been that second round of approval that every state has been seeking that has created obstacles for us. The other thing I would add is actually on June 29 of 2007, we received a phone call that we had a clean bill of health and had indeed been approved, only then to have a phone call on July 3rd that that was being rescinded and we had a whole new set of requirements to do. So in answer to your question, 2003 was the landmark year for full approval. The development of standards seems slow to all of us only because we involve a great lot of input from across the state. If we were to hole up in the department, a few of us and a couple of content experts, we could write standards, but we don't do things like that in Nebraska. We have put, and I know one of the visuals that you received on Friday afternoon is the outline of the workflow process, the committee structure that we have used to develop standards, but that work did begin right after the legislation was passed. Those groups were put together, we began all of those discussions in September, the meetings have followed on a monthly business. The

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State Board of Education has provided each month an update, but even they have not yet received the level of detail that they will start to receive in February. We are clearly looking at the old standards in relationship to the new standards. We have new pieces of the standards, let me specific, something like fluency, for example, in the reading standards, which had not appeared 12 years ago. There also things that are being streamlined, but we want to make sure the language is not so very, very different--target date, May. There are certain things then that has to happen with regards to standards before we can initiate the assessment discussion. The assessment will actually, the first work group set of folks are coming in less than two weeks. We will be examining other state reading assessments. We are going to be asking all of the districts in the state if they would so choose to submit samples of exemplary reading and math assessments. So we're moving, even though it feels slow even to us, we will have a target of draft standards, reading standards, to the state board in May, and we intend to field test of a reading assessment instrument in this upcoming 2008-2009 school year. And even though I have not had as much experience directly working with testing contractors, I think I could be very confident in saying there isn't anybody who can develop field tests and implement a test any faster, particularly when there are standards that have to be revised first. [LB987]

SENATOR KOPPLIN: All right, are there questions for Pat? [LB987]

FRED MEYER: Long answer to a short question. [LB987]

SENATOR ADAMS: It's all right. [LB987]

SENATOR KOPPLIN: Any other questions? Senator Avery. [LB987]

SENATOR AVERY: Thank you, Mr. Chair. I have a question for Mr. Meyer. Last year the Legislature received a performance review audit of assessment and compliance with the state statutes by the Department of Education. Do you recall that report? [LB987]

FRED MEYER: Yes, sir. [LB987]

SENATOR AVERY: Do you remember the conclusions that the report came to? [LB987]

FRED MEYER: Some of it, yes. I couldn't quote them specifically, no. [LB987]

SENATOR AVERY: I couldn't either but the overall conclusion, do you recall what that was? [LB987]

FRED MEYER: Yeah, briefly, yeah. [LB987]

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SENATOR AVERY: Would you care to share that with us? [LB987]

FRED MEYER: Well, there seemed to be some difference of opinion as to whether the initial law was being implemented exactly as it was supposed have been, and I don't remember the year that was even. [LB987]

SENATOR AVERY: I think it was late nineties. [LB987]

FRED MEYER: Late nineties. [LB987]

SENATOR AVERY: And you're right. The conclusion was that the department did not interpret the law as we intended it to. They were not implementing it. That was the conclusion. I agree with you, this is a governance issue. And if the organization that's being charged with implementing statute is not carrying out its responsibilities as the Legislature intended, then the governance issue becomes really a question for us in the legislative branch of how and when do we assert our constitutional mandates. We have constitutional responsibilities, and when we pass a law and the implementing agency simply says I don't agree with this law, or I interpret it differently and therefore we're not going to implement it, we have very few options. We can't hire and fire people in the Department of Education. So you have to understand that while this is definitely a governance issue, if the governing body is not doing the job, what are our options? There's a certain level of frustration here, on my part at least, where I feel like we've done all we can do. We sent that message and we sent again. At some point, we have to do more than just send messages. [LB987]

FRED MEYER: Well, I guess all I can respond is the state board and department have every intention of implementing LB653, and I think in the copy of the materials you've been given, I think there's no doubt that's what we intend to do. And if there are changes in that, via LB1157, we will certainly implement those. But like Senator Raikes had said earlier, you know, we need to work on moving forward from here, you know, not what had happened in the past. So with all due respect, we just hope to move forward from here. We look forward to working with the members of this committee, I guess, to make sure that whatever needs to be done gets done. [LB987]

SENATOR AVERY: I am glad to hear that. Thank you. [LB987]

SENATOR KOPPLIN: Are there other questions? Seeing none. Thank you. Next proponents. [LB987]

MARILYN MOORE: (Exhibit 5) Senator Kopplin and members of the Education Committee, we appreciate the opportunity to provide testimony today on LB987. My name is Marilyn Moore, M-o-o-r-e. I'm the associate superintendent for instruction for the Lincoln Public Schools, and joining me today is Leslie Lukin, L-u-k-i-n, who is the

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director of evaluation and assessment for Educational Service Unit 18. We want to speak to three major points in our comments, and we do have written copies of what we're saying. First, we understand that this bill is not about whether or not Nebraska will have a statewide test. That's already been decided in previous legislation, and the development of those tests is proceeding according to the timeline in the statute: implementation of the reading test in 2009-2010, and implementation of math test in 2010-2011. We have several LPS staff members who are involved with educators across the state in work groups formed by the Nebraska Department of Education to give input and direction to the implementation of the statute. I serve on the design team, Leslie serves on the assessment advisory, and you can see the names of other persons who serve on other advisory and work groups that are a part of this process. All of the groups have met, including most recently on January 14, when members of the design team, the assessment advisory, and the standards advisory met in an all-day meeting in Kearney with NDE staff members who are providing the leadership for this work. At that time, it was clearly stated that the reading assessment would be ready for field testing in 2008-2009 in preparation for full implementation in 2009-2010 as specified in statute, and that work on the math assessment will follow a year later, as its implementation is a year later. We appreciate that in an effort of this significance and magnitude, Nebraska educators are involved in revising the standards and designing the assessments. [LB987]

LESLIE LUKIN: Second, we offer the following educational considerations regarding LB987. First, the separation of assessment from standards, curriculum, instruction, professional development, and teacher quality decreases the effectiveness of this overall system. In fact, it makes no sense from an educational perspective. Assessment is a piece of an overall system and to remove it from the rest of the system fractures the time and effort of students and teachers. Second, according to LB987, the commission would be responsible for selecting a subset of standards to be assessed. This is a critical choice to have persons making this choice who have not been engaged in the development of the standards creates the potential of selection of other than the most important standards for assessment. Number three, the date of implementation is a concern. The bill requires the implementation of statewide testing in both reading and math in 2009-2010 to develop and field test two instruments in at least seven grade levels required for No Child Left Behind reporting. In one year, we'll stretch the resources of the state schools significantly. [LB987]

MARILYN MOORE: Finally, we would speak to a governance consideration regarding LB987. This bill essentially creates a second K-12 education policy body in the state. And it's likely that schools will find themselves between two groups, responding to different requests for information, different reporting requirements, and different policy formats and directions, all of which will take more time from teaching, planning for teaching, and professional development. Those are the comments that we would share with the committee, and we thank you for the opportunity to provide testimony related to

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LB987. [LB987]

SENATOR KOPPLIN: Thank you for your comments. Are there questions from the committee? Senator Adams. [LB987]

SENATOR ADAMS: We have...the timeline for implementation, I understand your concern there. And in the interim, we have a host of things from the Department of Education that now have to be met with our existing system. What do we do in the interim between now and the statewide tests being developed? [LB987]

MARILYN MOORE: I think...clearly information related to student achievement has to be gathered, has to be collected, and has to be used in making various state-level decisions and federal accountability decisions. There is a system in place. I assume that the present system continues until the new system is ready to replace it. [LB987]

SENATOR ADAMS: Even with the potential compliance issues that we have with the feds? I mean, I look at this whole host of things that we have to do in Nebraska to be in compliance and a lot of that imposition's going to go right on local school districts. [LB987]

MARILYN MOORE: I must say that those compliance issues look absolutely daunting to me, and I'm glad I'm not Pat Roschewski having to manage that and correct all of that... [LB987]

SENATOR ADAMS: Okay. [LB987]

MARILYN MOORE: But I don't see a way to shut down the present system until the new system is ready to move in place. Unless you can negotiate that with the feds, then we'd be grateful. (laughter) [LB987]

SENATOR ADAMS: Well, I'd like to negotiate with them. [LB987]

MARILYN MOORE: I know you would. (laughter) [LB987]

SENATOR KOPPLIN: Any other questions from the committee? Seeing none, thank you very much. [LB987]

MARILYN MOORE: Thank you. [LB987]

SENATOR KOPPLIN: Okay, next opponent. [LB987]

MARK NORVELL: I'm Mark Norvell, N-o-r-v-e-l-l, Fillmore Central Schools, superintendent. And I appreciate the time you give us to testify. We have worked very

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diligently with the Department of Ed., and Pat Roschewski in particular, on standards and assessment. We're not against a statewide exam. It does take time and I think we need to be thorough. You know, part of my hesitation on a statewide exam is we're assigning a number or a grade or a level to a student, and I don't think we should take that lightly. I think that develops over time, and we have to show a way to show how that student has achieved. Maybe they have come from a low-level student and moved up, and still is not at average, but made great gains. How are you going to show that in a statewide test? I have tremendous trust in the commissioner and the State Board of Education, and I don't think we need this other level of bureaucracy. We worked hard to get where we're at, we're not against a statewide test, but it takes time. We're talking about children and their lives. It's not a political venture here, and I think that this Department of Education and school districts are more capable of doing an assessment process than politicians and legislators. And I think we need time, I think you heard it's going to be implemented. I think they're following a timeline. I ask you to grant them that opportunity to meet that timeline and have some faith in the people that work with these kids and have worked hard on the assessment system. Thank you. [LB987]

SENATOR KOPPLIN: Thank you, Mr. Norvell. Are there questions from the committee? I see none, so thank you. Next opponent. [LB987]

JESS WOLF: (Exhibit 6, 7) I have some documents here if you guys can hand them out. Senator Kopplin and members of the committee, my name is Jess Wolf. I'm the president of the Nebraska State Education Association, and I'm here to testify today in opposition to LB987. And as per your request, I'm handing out my written comments, and I'll just sort of paraphrase a little bit a couple of the things that have already been mentioned. One is the thing that has been mentioned most recently about the perhaps the constitutionality of creating a whole new entity to govern the classroom, what's happening in the schools across the state. Obviously the constitution grants to the State Board of Education that authority to reach the determining factors about the schools in the state of Nebraska. And we have some concerns about this particular legislation of creating a new entity that would in fact remove or disenfranchise the voters who have elected those individuals to be on that board of education. Last year, you did ask the State Board of Education to bring together teachers and administrators to revise the standards. It's our understanding that process is moving forward, as has also been mentioned. We're most appreciative of that process because it does involve the classroom teachers, who are in fact the experts on teaching and learning, and are the experts in testing and reporting of those standards. The one bit of new information I think I can add for today, I'll also hand out some other documents to you. And that is that Senator Dubas came to us a while ago and asked us to contact the educators in her district and she had some specific questions about STARS, and we did do that. And we have collected that data, and I'll ask the pages to hand that out to you as well. To be very honest with you, I was very pleased with the educators and Senator Dubas' district. We've heard complaints for years, too, about the amount of time that it's taken to

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develop the standards and to develop the testing. The assessments have been taking place in the schools across the state of Nebraska. But by and large, what all of these people replied to was in fact that now that they've done all of that and have put in seven or eight years to developing that particular system, that we ought to let that particular system move forward. I'm especially pleased with some of the comments that some of those particular educators make in terms of describing what the actual process was, how much work they put into developing those particular assessments, and in fact how that process has moved forward and how it is gathering additional information. In fact, we believe that the work, although it was very time consuming and was extremely hard, what we're actually seeing now is that there are some assessment systems that the teachers can rely on, and that children in the state of Nebraska are actually benefitting. Teachers have become better, their assessments have become better, and in fact we believe that the process of educating the state of Nebraska has also improved. Our professional educators, those teachers in the classroom who work with children everyday, believe that we're headed in the right direction, as those letters will tell you. They also ask that we be given additional time and resources to reach those destinations of the Legislature have asked us to meet. One of the things that was sort of omitted when we originally started was resources to allow for additional contract time for teachers to develop those assessments. Basically, we did it on our own time outside of school, regular classroom time because they had their regular classroom duties still to do. The staff developed additional funds needed to be required, and we believe that substitutes need to be hired so that process can continue to go forward as we revise those standards as we've mentioned here today. The administrative task, the instructional task that some of the things that can be given to the paraeducators to do in terms of the process so the teachers would have the additional time to actually teach, and to develop those assessments. And so for these reasons, I ask you to indefinitely postpone LB987. Thank you for listening to my comments, and if you have questions I will try to answer them. [LB987]

SENATOR KOPPLIN: Thank you, Jess. Are there questions from the committee? I do not see any, so we will move to the next opponent. [LB987]

JESS WOLF: Thank you, Senator. [LB987]

SENATOR KOPPLIN: Thank you, Jess. [LB987]

JEF JOHNSTON: (Exhibit 8) I'm Jef Johnston, assistant superintendent at the Papillion-La Vista Schools, that's J-e-f with one f, you'd have to ask my mother about that, (laughter) and Johnston is J-o-h-n-s-t-o-n. I'm here to tell you that Papillion-La Vista Schools would be opposed and we're greatly concerned about the intent of LB987. And I think as I listened to the Education Committee this afternoon, one of the things that concerns me even more is an understanding that we have a battle, I think, between who's making educational policy in the state. And the point that I would want to make,

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as Senator Raikes pointed out, is it the Legislature or is it the Nebraska Department of Education, and I would frame it like this: Is it policy-making bodies that are going to design the quote from the bill says "...prioritize essential standards and other standards appropriate for statewide assessment and design the curriculum and design the tests that go with that," or should that be those people who work most closely with our children, and that's our teachers. I believe that educational improvement comes when we involve teachers, when we involve principals, when we involve buildings in the school improvement process, and I think the intent of LB987 takes us away from that. And I am concerned about that. I passed out a handout, I won't go through all those pieces, but I think there is some confusion about comparability and accountability. I believe that accountability is created when teachers who take state standards and design curriculum around those standards and design what they're teaching and what they're testing and doing that in the best interest of children because they can make decisions about how we're going to modify curriculum to meet the standards, and they can make decisions about what training we need. If you came to our school district and you visited tomorrow, you'd be welcome to visit any of our 16 school buildings to talk with teachers and principals about their school improvement plans, they have a great deal of ownership. And accountability means that along with that ownership they have to show results. We have to improve. And I think we would all agree on that; that improvement and better learning for our children is what's at stake here. It isn't a battle between the Legislature and the Department of Education. It's about children and learning, and I think we'll do that well in schools. I'm asking you to continue to let us do that. [LB987]

SENATOR KOPPLIN: Thank you, Jef. Are there questions from the committee? Senator Adams. [LB987]

SENATOR ADAMS: Not really a question, but I'm looking at the bullet points you have and I'm going to draw your attention to one of them, the very last one. Accountability should be based on multiple assessments measured over time. Statewide testing might be one the measures, but not the sole measure. I agree with you. And all we've done with LB653, if I were back in the classroom, I want to look at more than just one thing to determine what the difficulties a student may be having. A state assessment, what we're asking is that that be included in the list of other assessments, and whether LB987 is the vehicle for that or time or further discussion, it needs to be part of the mix. And that's what LB653 did, and that's the direction that we should be headed. [LB987]

JEF JOHNSTON: And Senator Adams, I agree with you on that, but I think I would disagree on the vehicle to get there. Again, I think teachers who are working with children need to be at the heart of how to get there, and I think that is happening with LB653. [LB987]

SENATOR ADAMS: Okay. [LB987]

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SENATOR KOPPLIN: Other questions? Seeing none, thank you, Dr. Johnston. Next opponent. [LB987]

TOM KING: Good afternoon. My name is Dr. Tom King, K-i-n-g, I'm professor of secondary education at Doane College and I'm a member of the Crete School Board, and I have taught high school social studies for 15 years. And I'm speaking as a citizen, as well as being one of many public servants that serve on school boards across the state. And I have some concerns and I have with me Kyle McGowan who is the superintendent of Crete Public Schools, and there may be some specific things that I may not be able to address to school board members, so I brought Kyle as my hired gun. I am opposed to this piece of legislation for basically four reasons, some of which you've already heard so I'll be very concise. First off, I want to say that I support the work of the Department of Education and the commissioner of education. I've had the privilege of working with that organization in assessment areas, in standard writing for the last ten years, and it's a very long process, a complicated process, but it's been a good one. I think the STARS system works and will continue to work as long as we give it time to work, and constantly changing the rules of education like we've seen on the federal and the state level over the years sometimes makes that very difficult to do. Secondly, I don't believe it's necessary to have another level of bureaucracy to incorporate into our system to make education be more successful. Being an old history teacher, I'm reminded of a statement that the government that governs the least governs the best, and I think that would be something we must remember, especially in a Unicameral organization. I'm a native of the state of Oklahoma, and we have a bicameral legislature, and if we're going to add a commission onto the Department of Education, I guess we could also add another house of representatives to our government system here--could be good, adds a level of bureaucracy. I think it's expensive, and I think we don't need to go that direction. Thirdly, I think the commission will do an end-around to the democratic process. I agree with those who have spoken before me that we have a process. I've been involved in electing people for the State Board of Education. Their job is to work with the commissioner to carry out the will of the people in the state of Nebraska, and I trust them to be educated, to be talking to professionals in assessment and standards in order to do their job. I think they've done their job well. It's difficult and I support them, and I want you to remember that they are there working for us and I think that's important. Number four and finally my statement, I think standards and assessment are much too important to be something that's thrown around in politics. I've been in public school teaching and education for over 30 years now. This is a complicated area; it takes time, it's very slow, but we do make attempts to try to get everyone involved in the educational process. Being a public school teacher, being a college professor in education, being a school board member, I've had the opportunity to see education from all the different levels, and let me tell you, in each of those areas it's very complicated. And I believe we ought to keep the standards and assessment and the education issues in the area in government where it can be addressed and be

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addressed appropriately, and one that's efficient and I think we have a system presently. I was looking for some information recently, and I noticed back in 2003, in September, former governor Ben Nelson made this statement. It says: "Nebraska should be recognized, not punished for developing its own system of accountability that works. Nebraska schools are already meeting the stated aim of No Child Left Behind to ensure that every child receives a high quality education. Not only is Nebraska doing well, Nebraska is doing it better than anyone else and the education commissioner, Doug Christensen, deserves accolades for that. Our success is evidence that total local control can produce excellence in education. If every state were as good as Nebraska at assessing the quality of education, there would be no need for this federal mandate at all," and he is referring to No Child Left Behind. "There is certainly need for the mandate in Nebraska." Thank you very much. [LB987]

SENATOR KOPPLIN: Questions? I see none, Dr. King, so thank you for your time. [LB987]

TOM KING: Thank you very much. [LB987]

SENATOR KOPPLIN: Do we have other opponents? [LB987]

HARRIET GOULD: Hello. My name is Harriet Gould, G-o-u-l-d, and I'm principal and K-12 curriculum and assessment at Raymond Central Public Schools. I am here today to testify in opposition of LB987. I am opposed, as our school district is and their members of our school improvement committee and our assessment team and teachers, to the establishment of an accountability commission that is outside the office of the Department of Education and outside of the Board of Education. We are opposed to having a commission with two education experts and three citizens. We're about schools and learning, and the people that know best about that are the teachers that are in our schools, the principals, the curriculum directors, the Department of Education people, and the state board, as you've already heard. Why would the Board of Education, or the state board, even want to put three people on a commission as ex officio with no power to vote? My goodness. We're opposed to having a commission that would recreate a process that's already in place, a process that is working, a process that has received national acclaim, a process that supports a conference in the fall to bring people in across the state to look at what's happening here in Nebraska--research-based, founded, and developed by people here within this state. We're opposed to having a commission hire a director of state assessment. We have a renowned person that came before you already today, Dr. Pat Roschewski. I've been working with her and involved in this process since its inception. The growth and knowledge of this woman has been remarkable, and to take that knowledge and expertise and throw it away, to me, would be very wrong. The assessment system in our state is well respected, it has been tweaked and changed over time to meet the guidelines of the federal government. We're getting there, as in any other process, it

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takes time. I have the utmost confidence in our State Board of Education and our state Department of Education, appointed with Doug Christensen as our leader, to do what's right for children and learning. That's why we have jobs. Accountability is important. Let us do our work, and let us continue. Are there questions? [LB987]

SENATOR KOPPLIN: Are there questions from the committee? Seeing none, thank you, Harriet. Next opponent. [LB987]

CHRIS GALLAGHER: Good afternoon, my name is Chris Gallagher, G-a-l-l-a-g-h-e-r. It was not my plan to speak this afternoon, but I did want to address one issue. I am one of the co-facilitators along with Jody Isernhagen, we're both from the University of Nebraska, of the implementation team including the design team that you heard about earlier, the assessment group that you heard about earlier. And because I've been in that room I feel the need to tell you that these people are working incredibly hard, and it is not easy for them to get out of their classrooms, to get out of the buildings and to do the work they're doing. I think I would like to offer a modest proposal. I'm an English professor, so I have to come up with a literary reference each time I speak, I would love it if you or someone that you would send would come to one of our meetings, would see how people work, would see what's going on in the work groups so that you could understand how complicated the work is that's going on and how hard they're working. If you'd be willing to join one of those groups for a couple of hours and really roll up your sleeves, and see what's going on, I don't think you'd be surprised at all at the pace at which this process is moving. I'm impressed, I admire the work they're doing. I'm proud to be an educator in this state. Thank you for your time. [LB987]

SENATOR KOPPLIN: Questions for Dr. Gallagher? Senator Howard. [LB987]

SENATOR HOWARD: Thank you, Senator Kopplin. You said you're on the implementation team? [LB987]

CHRIS GALLAGHER: I co-facilitate that team with Jody Isernhagen, yes. [LB987]

SENATOR HOWARD: How long has your team been working? [LB987]

CHRIS GALLAGHER: The team began just after the passage of LB653 when we started put together various groups so that we made sure that we had representation across the state at the various levels of education, and to make sure that the right people were in the room. [LB987]

SENATOR HOWARD: Okay. And what do you anticipate for a time frame for actually moving forward toward the implementation? [LB987]

CHRIS GALLAGHER: Well, I believe you have in your notes the workflow process.

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We've been meeting monthly with various groups, and you know, as far as I know we have not missed any deadlines, we don't consider ourselves behind on the implementation of LB653, and we have every intention of living up to the requirements of LB653. That's been our charge from the very beginning. [LB987]

SENATOR HOWARD: What is the projected, if I could put it this way, date to roll it out, the actual implementation? [LB987]

CHRIS GALLAGHER: We want to have the field testing of the first state assessment in the fall, as Pat Roschewski mentioned earlier. [LB987]

SENATOR HOWARD: In the fall of this year? [LB987]

CHRIS GALLAGHER: Yes, and we will have the standards to the state board in May. [LB987]

SENATOR HOWARD: That's helpful to know those time frames, thank you. [LB987]

SENATOR KOPPLIN: Are there other questions? Okay, thank you, Dr. Gallagher. Any other opponents? Anyone wishing to testify in the neutral? [LB987]

JIM WALTER: (Exhibit 9) Senator Kopplin and members of the Education Committee, I'm Jim Walter, W-a-l-t-e-r, associate dean of the College of Education and Human Sciences at UNL. Following a conversation with Senator Raikes, Chancellor Harvey Perlman asked our dean, Marjorie Kotelnik, to invite a group of six faculty from our college to meet with Senator Raikes and research analyst, Matt Blomstedt. That meeting took place on January 10, and we appreciated the opportunity to be involved in the discussion on assessment and accountability. After LB987 was introduced, that group decided to compile a list of questions and ideas that represented what we talked about at that meeting and questions and ideas that we had after we read LB987. Our questions were not written to debate the merits of LB987, but to help focus the discussion on assessment issues we consider important. We grouped our 15 questions and ideas around several themes. Themes were learning from other states, standard setting, teacher involvement, time considerations, costs, use of test results, and then a couple questions we couldn't classify. I'd like to choose one or two of the questions and go through them, and then I'll just leave the others for you to look at your own pace. From the learning from other states, one of the questions we ask is: What are the positive lessons that can be learned from other states regarding the safeguards that can be included to ensure that kinds of assessments used are developmentally appropriate for young children and children of special needs, including those whose first language is not English? In the standard-setting category, it's stated that new standards that are applicable to statewide testing would be set prior to the development of new tests. What process would be used to determine these standards, and once again, to ensure the

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involvement and transparency to all relevant parties? And then the one from teacher involvement, at the present time the only statewide test is in writing. Teachers in the state were heavily involved in setting standards for writing, teaching to the standards, collecting student samples of writing, and assessing the samples to arrive at the results. Does LB987 strive to have similar levels of teacher involvement, as tests in reading and mathematics are developed? I'll leave the other questions with you, and with the comments of Senator Raikes today, it would appear that there's going to be a lot more ongoing discussion relative to assessment and accountability. [LB987]

SENATOR KOPPLIN: Thank you, Dr. Walter. Are there questions from the committee? Seeing none, thank you for your testimony. Anyone else wishing to testify in the neutral? If not, Senator Raikes, would you like to close? Oh, excuse me, someone is making their way. [LB987]

ERICA ROGERS: My name is Erica Rogers, E-r-i-c-a R-o-g-e-r-s, and I'm here today on two levels: One, I am a parent, and the other is I'm a graduate student at the University of Nebraska. I am opposed to LB987 for multiple reasons as a parent. The first is it places another layer of control on top of the teachers and administrators that are trying to do what's best for my kids. But it's also the question of the word "accountability" itself. It's a very popular word, but I can't figure out who we're being accountable to. I know that accountability is big business, and as soon as we use that word, businesses line up to hand us curriculum, tests, options, because we're busy people. And the people in the middle, the people responsible for trying to implement the laws that keep getting passed in the name of accountability in Nebraska's children, we're spending money we don't have, making demands of people that they can't always fill. As a student who is studying the rhetoric of accountability and watching ways in which the messages sent down from the powers at top to the people down below, I have an issue with the way LB987 continues to be in hierarchal structure from top to down instead of a linear structure that allows the people that are most affected by the policy to play an active role in shaping assessment, in shaping education. Just looking at LB987 if it were a business model, it reflects an outdated form of people management, where the rules are made at top and filtered down below. Fortune 500 companies, the top performers, are using management styles that bring workers together with their leaders because people perform better when they feel they have a say about the policy that affects their daily work. I don't understand the language of LB987. As a parent, I find it very difficult to get into the discussion that affects my children and my granddaughter, who will be in school in four years. So I ask that when we use the word accountability in the political context, that we at least unpack the players and those that are using the word the most with the most power, so that people like me, parents at home, can understand what's really at stake for our communities on the local level. Thank you. [LB987]

SENATOR KOPPLIN: Any questions for Erica? I see none, thank you very much. Okay, Dr. Raikes, would you like to close? [LB987]

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SENATOR RAIKES: Thank you, you're used to speaking to educators, calling people doctor. [LB987]

SENATOR KOPPLIN: Sorry. [LB987]

SENATOR RAIKES: I once did have a proponent for one of my bills (laughter), it didn't happen today, but... [LB987]

SENATOR KOPPLIN: I'll look in my notes. (Laughter) [LB987]

SENATOR RAIKES: Today, however, I think the conversation worked well. I think both the testifiers and the committee did a good job of uncovering the issues, and I would tell you we have some work to do in the next few weeks, but I always have great confidence in you to be successful in that. So... [LB987]

SENATOR KOPPLIN: (See also Exhibits 10, 11) Any final questions for Senator Raikes? Seeing none, that will end the hearing on LB989 (sic). Thank you for your participation. [LB987]

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Disposition of Bills:

LB987 - Indefinitely postponed.

Chairperson

Committee Clerk