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Education Committee  
March 10, 2009

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[LB257 LB461 LB476 LB548 LB549]

The Committee on Education met at 1:30 on Tuesday, March 10, 2009, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB476, LB257, LB461, LB549, and LB548. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Brad Ashford; Bill Avery; Robert Giese; Ken Haar; and Kate Sullivan. Senators absent: Abbie Cornett. [LB476]

SENATOR ADAMS: Welcome to the Education Committee. And let me first of all lay out some of the rules of the road today so that we can hear all that needs to be heard in preparation for making a decision down the road. First of all, I'd ask that if any of you have those darn cell phones, turn them off. There's a lot of people here today and I wouldn't be able to find out where the noise is coming from. I wouldn't know who to send the Sergeant of Arms after. And in addition to that, we want everybody to be able to hear the testimony today. To my right is Becki Collins, and she's the committee clerk. And if you decide you're going to testify, in whatever position you're going to testify, we'd ask that you fill out the appropriate form and come to the table, hand her that form. And if you're going to testify on more than one bill today, I doubt it, but if you are, you'll need to fill out two of those. And then when you do come to the table, I'd ask that you state your name and spell it so that we can get it into the record properly. And what we're going to do today, we have a light system here in this committee, and when you start your testimony the green light will go on, and we go for three minutes. And that will be it. And I might grant you a little latitude, but not a lot, particularly given the number of people that we have today. And I have a list here of people who most probably will testify and I don't know how many questions we're going to have. I don't know if there's going to be any opposition or any neutral testimony, so I'm just going to say that we're going to go for an hour today. And if we get done early, that's great. We have five other bills, four other bills to hear yet today. And if we get to that hour mark and I have to cut it off, I apologize, but that's just what we have to do in order to get on through the day. Next to Becki will be Brad Ashford, a Senator from Omaha. This is Senator Bob Giese from the South Sioux City area. Next to him...I think Senator Cornett is sick today. Chris Valentin, the research analyst for the committee; I'm Greg Adams representing District 24; Senator Howard had to go introduce a bill in another committee, she will be right back. She is the Vice Chair of the committee. Senator Sullivan is also introducing a bill. They're not running away from you, they just have other obligations today and they'll be right back. Senator Avery represents Lincoln; Senator Haar representing the Malcolm area; and our legal counsel, Tammy Barry, will be here after a bit. So with that, we will begin with LB476, the one that we've all had tremendous amounts of communication on. Senator Stuthman. []

SENATOR STUTHMAN: Thank you. Chairman Adams and members of the Education Committee. For the record, my name is Arnie Stuthman, A-r-n-i-e S-t-u-t-h-m-a-n, and I represent the 22nd Legislative District, and I'm here today to introduce LB476. LB476

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creates a center for student leadership and extended learning within the Department of Education. This center of operation will ensure that funds from this act are used to support the state administration of student leadership organizations and not other activities and initiatives in the department. The organizations that I'm very much concerned with, and I do support by this center, include FFA, FBLA, FCCLA, DECA, SkillsUSA, and HOSA. Currently, the state career education student organization advisors and some operations of the association are funded through the Perkins, the Federal Perkins Act. The Federal Perkins Act provides fiscal resources for state administration of the act. The state is required to provide funding as a match for the federal dollars in the Perkins Act. Federal and state dollars have not increased for the past 17 years since 1992, as costs have increased, including salaries increases, the transportation, technology expenses, and so forth. This lack of increased funding has resulted in the loss of 14 career and technical education staff and reduced services to schools and community colleges. Student organization expenses are an allowable use of Perkins funds, but are not required by federal law. Because of the required activities of the Federal Perkins Act such as grant monitoring, accountability, technical assistance, support for corrections and support for nontraditional programs, the Nebraska Department of Education will no longer have the fiscal resources from the state and federal levels to support the ongoing administration of the career education student organizations at the state level. Career education student organization members paid dues to support the operation of state associations. These dues range anywhere from \$4 to \$14 per student depending upon the organizations that they belong to. This represents only a small part of the total operations of the state association, approximately 8 to 10 percent. Students also pay registration fees to participate in district and state conferences and activities. Again, this usually covers facility rentals, meals, and materials. However, these funding sources do not support the salaries for professional staff and assistants or the general operation expenses of the state administration. Some are wondering, what would happen should LB476 not advance from this committee. There's a chance that should funding from the state not increase, the Nebraska Department of Education will no longer be able to fund career education student organizations beyond July 1, 2010. That means that the state advisors and professional assistants positions, office space, and all support and resources will cease to exist. The reality is, without the passage of LB476 there will be no state conferences, no chapter awards on the state level or recognition events, no state awards or degrees for individual members, no coordination with national association for awards, competitions or recognitions, no state officers, no leadership camps and conferences, and no state leadership skills or competitive events. I think this is very, very important because of the fact that if you do have the local organizations and not have a state organization for a competitive competition on awards or anything else that is involved in those organizations, you know, they will not be able to go on to the national level. And there are national organizations for the majority of these organizations. LB476 does have a \$450,000 fiscal note to it. I've been looking for some sources of this money and we have currently in existence a Career Education

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Partnership Act that was created by LB690 in 2005, and there's a good possibility that we will be able to utilize some of that funding out of that bill. I am not offering an amendment at the present time, but we are taking a look at that situation and hopefully be able to fund it with that money that is in that program at the present time. I just hope that we can get some funding for this, and I feel very, very confident that we will be able to do this because the fact is, we need to continue these organizations on a state level. You know, I had wished that all students in school would be able to participate in one or more of these leadership organizations, and if that could happen, you know, we would not have as many people that we're concerned about as we have discussed this morning on the floor the issue of, you know, what do we do with the children that are, have problems, what does the state do for these children. And the fact that we are paying for a lot of them in institution and detention centers. There are individuals here from the Department of Education that can answer some of your technical and budgetary questions. There are also students from across the state in this room and in the overflow room, and I understand the overflow room is also full. And they have an interest in this legislation. And I want to thank them for their involvement in this legislative process. I respectfully request that the Education Committee advance LB476 out of committee to the full Legislature for consideration. I had hoped that this can happen. I hope it can happen, you know, very soon because I want to make this bill my Senator priority bill, because I think this is very, very important. Because one thing that I have noticed in the past years as a person leaves the high school, leaves, you know, going to school, college or anything like that, and gets out into the community to work, you see these people surface continually because of their leadership skills. And that's why I wish that, you know, everyone would have the opportunity to belong to some of these organizations. These are people that get involved with their family, with their school, with their organizations, and I think they are going to be assets to the state of Nebraska, and these individuals will be coming back to Nebraska after they get their education. With that, I will attempt to answer any questions. [LB476]

SENATOR ADAMS: All right. Thank you, Senator Stuthman. Are there questions for the Senator? Senator Haar. [LB476]

SENATOR HAAR: Thank you. Just a comment. I want to commend you on your ability to organize. (Laughter) [LB476]

SENATOR STUTHMAN: Thank you, and I... [LB476]

SENATOR ADAMS: It's really nice to see so many people here. [LB476]

SENATOR STUTHMAN: (Exhibit 1) And it's so nice to me to see so many youth that come to the Capitol and are willing to watch and see what happens and see how the process goes as far as what it takes to get a legislation passed. I do have...I had a list of people that want to testify and I've given that to the Chairman Adams there. I have one

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individual that called me is not going to be able to come down today because of the icy roads in the Columbus area and I would like to have the page pass out her testimony and that testimony is coming from Kori Wendt. So Chairman Adams, you can check that one off. [LB476]

SENATOR ADAMS: All right. Very good. Are there other questions for Senator Stuthman? Senator, I have some questions about organization and funding but you indicated that those might be deferred to someone else who has better answers or has answers to those kind of technical issues, is that correct? [LB476]

SENATOR STUTHMAN: Yes. Yes, that is true. [LB476]

SENATOR ADAMS: Okay. Okay. Are you going to stay around to close? [LB476]

SENATOR STUTHMAN: Yes. Yes, I will. [LB476]

SENATOR ADAMS: All right. Thank you, Senator. [LB476]

SENATOR STUTHMAN: It pleases me to see the fact that so many youth are here to watch and I want to see this, the whole thing this afternoon. [LB476]

SENATOR ADAMS: Well, and they came to watch you. (Laughter) [LB476]

SENATOR STUTHMAN: Oh, no. Thank you. [LB476]

SENATOR ADAMS: Thank you, Senator. We're going to start with proponents to the bill. So if the first proponent would come forward and hand your registration sheet in. Whenever you're ready. [LB476]

RICHARD KATT: (Exhibit 2) Okay, thank you. Chairman Adams and members of the Education Committee, I am Rich Katt, the state director for Career Education at the Nebraska Department of Education. I am testifying as a proponent for LB476 at the direction of the Department of Education and the Nebraska State Board of Education. The state of Nebraska has been supporting career student organizations since the first state charter of FFA back in 1928. The Nebraska Department of Education remains committed to providing quality educational experiences through the career student organizations. That in essence is the purpose of this legislation. Research conducted in 2007 by the National Research Center for Career Technical Education documented that there is a positive association between students who participate in career student organizations and their academic motivation, academic engagement, grades, career self-efficacy, college aspirations, and employability skills. Nearly 20,000 Nebraska secondary and postsecondary students participate annually in one or more of these organizations. They are our future work force and future leaders of our state. The career

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educations student organizations provide a meaningful laboratory for them to develop their leadership and employability skills. Senator Stuthman highlighted the fiscal reality that brought us to this point. Seventeen years of level funding from the state and federal level has limited our career and technical administration and leadership dollars to the point where the resources must be used to meet the required activities of that federal legislation. As Senator Stuthman explained, career student organizations are a permissible or allowable use of funds, not a required use of funds. The fiscal note provided by the legislative fiscal analyst documents the details of the legislation. Sandy Sostad suggested that we point out a correction on that fiscal note. Paragraph three identifies a total of \$1,950,000 of federal funds available. That is actually the total amount of funds available, the combined state and federal. Out of the economic challenges created by level funding, came forth this vision. So LB476 does more than just provide fiscal resources, it accomplishes three purposes. Provides statutory recognition of the Center and the career education student organizations for long-term sustainability. It creates a vehicle for continuity within the Department of Education of the student organizations to the career technical curriculum offered in Nebraska schools and community colleges. As the curriculum changes due to business and industry needs, the student organization activities and competitions change to respond to this need. This direct link to curriculum is what makes the organizations unique. It also defines the Center as a part of state operations of the Nebraska Department of Education and separates it from the established maintenance of effort as required by the Federal Perkins Act. Currently the salaries and operations of student organizations are a part of our maintenance of effort requirement. Creating this Center in statute will clearly document to the United States Department of Education that the resources invested in the operation of the Center should not be included in Nebraska's maintenance of effort to support the Perkins legislation. We appreciate your consideration of this proposed legislation and the impact it will have on Nebraska students. Thank you. And I'm open for questions. [LB476]

SENATOR ADAMS: Thank you, Mr. Katt. Are there questions? Let me begin then, so that I fully have the background and understand. So right now, school districts, the Carl Perkins money that comes from Congress and it typically has been used, a certain proportion of it goes to the local school districts to support these various programs and a percentage of it stays over here at the Department of Ed to maintain...be more specific with me. [LB476]

RICHARD KATT: That is correct. Okay, 85 percent of the money by law flows directly to the schools and community colleges. Okay. Of the remaining 15 percent then, 5 percent can be set aside strictly for state administration. There's an additional 10 percent then that can be used for leadership kinds of activities. The law is pretty explicit in terms of defining what we have to do with some of the money. We have to provide support for corrections. For nontraditional, we have to provide professional development, technical assistance. There's a list of required. There's also a list of allowable kinds of resources

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and the career student organizations are a part of that allowable resource. They're not a required, but it's allowed. And so we've chosen to be able to fund those with those resources while we have the resources available because we believe in the impact of them. [LB476]

SENATOR ADAMS: And what's the state's commitment up to now? [LB476]

RICHARD KATT: The state has annually contributed about \$780,000. [LB476]

SENATOR ADAMS: And what has that gone for? [LB476]

RICHARD KATT: That goes into that...it's figured into the...along with the federal appropriations. So that 15 percent of the federal plus that and that's where we get that \$1.9 million total. [LB476]

SENATOR ADAMS: I gotcha. All right, so the \$788,000 that has been coming from the state rolls into that 15 percent and 5 percent of that is used for administration. [LB476]

RICHARD KATT: Right. Right. [LB476]

SENATOR ADAMS: And 10 percent is used for the leadership initiatives. [LB476]

RICHARD KATT: Leadership types of activities, right. [LB476]

SENATOR ADAMS: Okay. And so what brings us here today is the fact that the Perkins money has not increased over time, and tell me again. [LB476]

RICHARD KATT: The Perkins, the federal side has not increased and neither has our state's maintenance of effort because Perkins is unique in a requirement for maintenance of effort from other federal legislation because it's 100 percent. The way the legislation reads, a state must maintain 100 percent of its maintenance of effort or risk losing all of the federal funds. Some of the other bills, you can take a proportional reduction. That is not language that's found in the Perkins legislation. What has happened on the state level is we have not received any increase in funding there either. [LB476]

SENATOR ADAMS: This \$788,000 has remained pretty static. [LB476]

RICHARD KATT: It's gone from \$778,012 in 1992 to \$788,000, so we've had an increase of roughly \$10,000 in 17 years. And so every time a salary increase, health insurance increase, rent, any kind of that upkeep, 100 percent of that came out of our federal set aside, which has put the squeeze on that to the point where we do not have the funds to do the allowable kinds of activities like the career student organizations.

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[LB476]

SENATOR ADAMS: Okay. Explain to me. I'm trying to differentiate here between the money that's necessary to, at minimum, maintain these programs versus the concept of a center. [LB476]

RICHARD KATT: When we looked at designing the legislation thinking about the center, if we were to do 100 percent of the cost of those salaries, I think right now it would be in the neighborhood of like \$625,000. So... [LB476]

SENATOR ADAMS: For which salaries? [LB476]

RICHARD KATT: Just to maintain the career student organizations. [LB476]

SENATOR ADAMS: Just to maintain at the Department of Ed. [LB476]

RICHARD KATT: Right. [LB476]

SENATOR ADAMS: Those folks who are responsible for the...all right. [LB476]

RICHARD KATT: Right. And their operations. Rather than asking for the full amount because we still would be able to utilize some of our leadership dollars in that capacity, we were looking to create the separate center for part of our staff. Our concern is separation from maintenance of effort so we're not tied into this on a long-term basis, and what do we need minimally to sustain. The dollars then that we would free up from our federal resources on that leadership side, we could put back to the efforts in professional development and technical assistance to schools that we have had to curtail over the last 17 years because of a lack of resources. So the federal dollars that are not going to be used anymore to support these organizations will be reinvested back into the services we can provide to schools as required by the law. [LB476]

SENATOR ADAMS: Okay. Senator Haar. [LB476]

SENATOR HAAR: Thank you. On the fiscal note here, it says...and it's a little confusing because now it says, LB476 intent language seeking \$450,000 or more per year is unnecessary. So have you seen this or not? [LB476]

RICHARD KATT: I have, um, I can't explain that. From our perspective, that money...we have a finite amount of leadership and administrative dollars as we currently operate. And so our budget projections, as Senator Stuthman identified, we are at a point on July 1, 2010, that we're going to have to make our next major programmatic cut, and the only thing we have left to cut are the student organizations. So I really can't explain why this says what it does here. [LB476]

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SENATOR HAAR: Okay. Thanks. [LB476]

SENATOR ADAMS: Other questions? Thank you, sir. [LB476]

RICHARD KATT: Thank you. [LB476]

SENATOR ADAMS: Next testifier. Whenever you're ready. [LB476]

SARAH NOVOTNY: (Exhibit 3) Good afternoon. I'm Sarah Novotny representing Nebraska FFA Association and all of Nebraska career student organizations including FBLA, DECA, FCCLA, SkillsUSA, and HOSA. I'm from Kimball, Nebraska, and my parents are Rich and Nancy Novotny. I'm a member of the Kimball FFA chapter, served as a Nebraska state president, and am currently a student at the University of Nebraska-Lincoln. Career student organizations are about preparing Nebraska youth for future careers. Through competitive events, conferences, and conventions, there are hundreds of opportunities that guide students to a career. Specifically in FFA, we have supervised agricultural experience programs that allow students to create a business and gain career-oriented experiences when they are as young as freshmen in high school. These programs get recognized at the state convention where other members can see the opportunities in our state. Each career student organization has a similar entrepreneurship component which places a value on preparing for careers and owning your own business. Many students continue developing full-time businesses, providing economic development for our state. Career student organizations are about applying real skills to situations. Each organization has competitive events ranging from public speaking and parliamentary procedure to demonstration of technical skills such as web design, carpentry and the culinary arts. These skills are learned at a local level, but through these organizations, students have the opportunity to compete at districts, states, and even the national levels. This is where true growth and development happens. This is where students develop confidence and poise in their performance. For example, I participated in the agricultural sales contest. It's an event where students sell a product to a buyer. I gained the ability to talk to potential customers, be confident in business situations, communicate over the phone, and understand how a real business can work. I had the opportunity to compete at the state and national level and the skills that I learned, I still use today. These are the skills that make the youth of Nebraska employable. Without state and national competitions, the students only have these experiences at the local level. It's similar to an athletic team practicing hard every day, but never getting to play in an actual game, except for intramurals or scrimmages. Career student organizations are about providing opportunities beyond the local communities. Nebraska is fortunate to have quality education programs in our communities, but there's also value in gaining experiences beyond those communities. Career student organizations are about developing leaders. In every career student organization members can serve as a local or state officer, committee members and

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chairs. Serving as a Nebraska state FFA officer, I was able to develop leadership skills which I use every day. These leadership skills some day come back to the local communities in Nebraska. Members serve as Chambers of Commerce, business owners, city council members, and school board members. Without a state association, state officers and state leadership experience will not be part of the career student organizations. State career student organizations help provide these opportunities for the future of Nebraska. Thank you for supporting LB476. [LB476]

SENATOR ADAMS: Well, you timed that pretty good. (Laughter) Thank you, Sarah. Are there questions for this testifier? Senator, yes, Senator Howard. [LB476]

SENATOR HOWARD: Thank you. Thank you, Mr. Chairman. You did a great job. You're a good example of what you learn in your program. What county are you from? [LB476]

SARAH NOVOTNY: I'm from Kimball County. [LB476]

SENATOR HOWARD: Okay. Well, you did a terrific job. Thank you for coming in. [LB476]

SARAH NOVOTNY: Thank you. [LB476]

SENATOR ADAMS: Are there other questions? You did do a good job. Thank you. [LB476]

SARAH NOVOTNY: Thank you very much. [LB476]

SENATOR ADAMS: Next proponent. [LB476]

JANE MILLER: Good afternoon. My name is Jane Miller and I'm chief operating officer of the Gallup organization, a large employer in the state of Nebraska. And I have to say or hope that Sarah's was a perfect segue for me. Maybe I'm Sarah 25 years from now. We had many of the same similar experiences. I cannot imagine a world without vocational ed and from my own personal experience from DECA. As a large employer, there are many people who are employed as part of the Gallup organization because of vocational ed. I have to apologize because traditionally I need statistics to tell a story, to verify facts, volume or the magnitude that a person or organization is making in order to fully paint a picture of its impact. However, in this situation, I've been out of town and have not had the time to gather the data and therefore, have only my own personal passion, experience and beliefs. Starting with myself, my nieces, my nephews, and now my daughter, as to why DECA is so important to me and ultimately the state and our education program. At Gallup we ask thousands of leaders that come through our doors annually to reflect upon what has helped shape them into who they are today. We ask

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them to make sense of the experiences that they've had. It's one of the most critical ways that leaders can better realize who they are and how they continue to shape their future and others. As I reflect on my past and the numerous activities that helped shape my development and leadership beliefs, one of the most important, if not the most important, was my experience with DECA at Lincoln East High and also at the University of Nebraska at Lincoln. Not only did I have the opportunity to learn about business and marketing on a daily basis in the classroom, I had the opportunity to earn classroom credits from my after school job at a retail store in Gateway. The classroom experience took me to a district and state competition where I won first in the state and was able to practice public speaking as I ran for state vice president as a junior. As a state officer, I was able to continue to help the organization expand across the state by learning firsthand how to work with an executive team of students from many diverse backgrounds and cities. My senior year I won first place in the category and was able to qualify for nationals in Miami. From the travel to the teamwork to the conferences, the experiences for a 16 or 17-year-old were numerous and taught me about business that I still use today. Not only were each of the experiences invaluable at that time, but as or more importantly, I met the teacher that made the greatest impact on me and my future. When asked who was your favorite teacher or who made the most impact on your life, mine was Trudy Perkins. And evidently Trudy went on to win national teacher of the year for voc ed or marketing ed in the last year. She helped me see how I could combine my love of business, marketing, and fashion with my love of teaching. And as Gallup goes, when you find your strengths, you can maximize others potential as I was able to. My degree also is in secondary ed, as a teacher for DECA, or marketing education teacher. Needless to say, I did not end up a teacher because I took that degree and applied it to business when Gallup was a small \$3 million company in Lincoln known as selection research. Back then we provided high school students with a great work opportunity so they too could earn credit for their job while attending DECA classes. Our support for DECA was so strong we have hundreds of students participate in our workplace while being marketing students through the years. I knew that by recruiting more DECA as high school students, we would have a stronger future as an organization when they graduated from college and became full-time associates. The experience for me was so powerful, and I believe in commonsense entrepreneurial curriculum so much, I refer all my nieces, my nephews with a business interest to be in DECA, and now my daughter. One is a best selling author selling over millions of books. One is a global consultant who travels the world. One is a fashion marketing manager in New York City. One is a stay-at-home mom, and now my 16-year-old daughter has a future in front of her. All agree single-handedly, it was one of the best experiences they can have as high school students in Nebraska. Lastly, and in addition, we have over 97 associates on our Gallup Riverfront campus who have come from voc ed. Of course, I had to do a poll when I knew I was going to testify and ask how many have participated. Actually, I think the number climbed right over 100. And we have over 30 that are employed in other cities around the country. We are fortunate to attract some of the best teachers also within part of voc ed who care and help develop future business leaders

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for our state to grow. It's one of the best teaching opportunities also for a secondary teacher to have and one of the most fulfilling. Gallup also gives scholarships to voc ed, but more importantly our recruiters know our future is best cultivated through students who participated in any of the voc ed programs. I would ask that you retain all programs associated with voc ed. It makes a significant difference in our state and our economy. Thank you. [LB476]

SENATOR ADAMS: Are there questions for this testifier? If not, thank you. Next proponent. [LB476]

DAN NOVAK: (Exhibit 4) My name is Dan Novak, N-o-v-a-k, the superintendent of the Elmwood-Murdock public schools. I have served in that position for 15 years and been the administrator in the state of Nebraska for 25 years. I'd like to thank the committee for providing this opportunity to provide testimony today. The Elmwood-Murdock public schools has as it's mission statement, "To Empower all Students to Achieve Success." In my opinion, the heart of the statement is the fact it takes into account all students, not some or most. In our district, career education is a vital component of achieving our mission statement. In good conscience, we do not believe we could keep our mission statement without providing extensive career education opportunities for students. In essence, educating all students to achieve success requires a strong career education program. I would imagine most, if not all, schools in Nebraska view their career education programs with this same degree of importance. The success of our programs is directly related to the leadership and guidance provided at the state and local level. With the leadership and guidance provided at the state level, we are able to develop the well-rounded program, which combines the theoretical knowledge of the classroom with the practical application of these theories. It is safe to say that providing a well-rounded career education program is dependent on a strong classroom experience connected to the educational opportunities provided at the state level. The infrastructure provided at the state level is imperative to the success of our career education programs. It doesn't hurt that the individuals leading our career education programs are student centered in conducting their duties. We are so fortunate to have outstanding leadership for our career education programs at the state level. I am proud to say that we have qualified over 100 students during the past decade for the National Future Business Leaders of America Conference. I am proud to report that we do well on tests, but our success has been in community leadership programs. Our programs have been important and I would be safe to say, serve as the impetus for positive change in our community. From developing a local Chamber of Commerce to having a portion of Highway 34 between the Lancaster County line and Highway 1 named in memory of Elmwood author Bess Streeter Aldrich, to spearheading and raising over \$5,000 to renovate the Grand Army of the Republic Hall, which is one of three in Nebraska, our local FBLA chapter is the driving force behind community action in Elmwood and Murdock. Financially, we understand the state of the economy and the fact we face economic challenges during these recessionary times, but to provide the state level infrastructure at a cost of \$20

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per student per year seems like a very sound and extremely reasonable investment. In our district we are doing a \$9.3 million renovation and expansion project that requires us to continuously involve value engineering. In essence, we are continuously reviewing our project to make sure we are getting the most out of every dollar invested. I can tell you, without a doubt, the money provided through this legislation is educational value engineering at the highest level. To get the leadership, guidance, support, and most importantly, infrastructure in order to provide the wide variety of career education programs to our students is money well spent and extremely responsible utilization of state resources. In conclusion, the difficult economic times we are in will require educational programs more than ever to assist our students in becoming more creative, imaginative and paradigm breaking in their thinking. The funds provided through this legislation will allow for the continued development of this type of thinking among our students. Most importantly, the funds being provided through this legislation will allow for the continuation of our outstanding career education programs as we prepare our future family, business, and agricultural political leaders. We will depend on the students involved in our career education programs to provide the leadership that will keep our nation the greatest democracy in the world. I ask you to support LB476. [LB476]

SENATOR ADAMS: Thank you, Dan. Are there questions for Dan? Yes, Senator Avery. [LB476]

SENATOR AVERY: Thank you, Mr. Chair. You may not want to answer this. In fact, I wish I had thought of it in time to ask the first testifier. But the fiscal note is rather substantial, \$450,000, and at the bottom of the fiscal note, comments from the Department of Education indicate that this money is not necessary because the program can be created without the money. Are you able to comment on that at all? [LB476]

DAN NOVAK: On the fiscal note I know any money is considerable in this day and age. At the same time, \$450,000 per year, when we compare that to a \$800 million state aid apportionment, seems to be reasonable. As far as the fiscal, at the state level, I'm not really able to respond to that. I just don't know those numbers. [LB476]

SENATOR AVERY: Yeah. It's unfair for me to ask you. I should have gotten the first testifier. Thank you, Mr. Chair. [LB476]

SENATOR ADAMS: Other questions for Dan? Seeing none, thank you, sir. [LB476]

DAN NOVAK: Thank you. [LB476]

SENATOR ADAMS: The pages have asked me to announce to you that if you have things that you want to hand out to us, you will need to have 11 copies. And if you don't have that, you can probably hold your copies up and the pages will come along and

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collect them and get the extra copies made and make sure that by the end of the day we all have a copy of what you'd like to hand out. So you might think about that. The next proponent to the bill, please. [LB476]

DELAYNE HAVLOVIC: (Exhibit 5) Good afternoon. My name is DeLayne Havlovic, D-e-L-a-y-n-e H-a-v-l-o-v-i-c, representing the Association for Career and Technical Education of Nebraska. I am a true proponent of Nebraska's career student organizations. As a Wayne State College student in the mid 1990's, I was involved with the school's Phi Beta Lambda chapter, the collegiate division of Future Business Leaders of America. During my three years of involvement with that organization, I served as a local chapter officer, attended both state and national level conferences, and competed and was recognized in a variety of events. One of my proudest accomplishments during my career student organizations was during my senior year in 1998 when I was named the state's future business teacher. This accomplishment led me to the national FBLD-PBL conference in Orlando, Florida, that summer where I completed multiple activities, including events that test my skills and knowledge of business and education, a writing component that illustrated by competencies toward business education, and an interview with a panel of judges that assessed my qualities of being a potential leader and business educator. Through that process I was named the top future business educator in the nation, something I am still proud of today. This accomplishment gave me the additional skills, drive, and the determination needed to soon become a business education teacher in Nebraska. I could have gone anywhere in the nation and I chose to come back to Nebraska. My leadership skills did not end with my college graduation. As a professional educator, the concepts instilled in me through my involvement in career student organizations have allowed me to continue as a leader in my own field. Between the years 2002 and 2005 I served as the treasurer of the Nebraska State Business Education Association and then in 2006 and 2007 I served as their president. Currently, I am serving as the president-elect for the Association for Career and Technical Education of Nebraska. Also as a former Future Business Leaders of America adviser at the high school level and a current volunteer and professional member to the association, I have seen firsthand how CSOs can impact students aside from myself. Students oftentimes receive connections through leadership experiences, hands-on career activities, and extended classroom opportunities. Career student organizations also bring a new element of diversity to students, bringing students from all across Nebraska together. Also the values and traditions of multiple communities come together as well. LB476 will respond to continuing the improvements and extended learning opportunities for Nebraska students. The skills, certifications, leadership development, learned work ethic, and professional growth that students involved in CSOs will gain will benefit the economic climate of Nebraska by providing skilled workers who are ready to work and compete in our work force. I ask you for your positive affirmation of LB476 for the future of Nebraska. Thank you. [LB476]

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SENATOR ADAMS: Thank you, DeLayne. Are there questions for this testifier? Seeing none, you're off the hook. Thank you. [LB476]

DELAYNE HAVLOVIC: Thank you. [LB476]

SENATOR ADAMS: Next testifier. [LB476]

JAYNE MANN: (Exhibit 6) Good afternoon, Chairman Adams and Senators. My name is Jayne Mann, J-a-y-n-e M-a-n-n. I reside in Aurora, Hamilton County, Nebraska. I am involved in our family-owned businesses including a Ford dealership, motels and housing rentals. I am here to ask your support of LB476. This bill would provide funding to continue to prepare Nebraska high school students for life in the real world. As a business owner in small town America, I know that it is vital that we interact with youth and foster the free enterprise system beliefs. FBLA, FFA and the other career student organizations provide students with hands-on experiences. We are able to interact with them through job shadowing, mock interviews, and help them to prepare for civic, economic and entrepreneurial leadership roles. And even more important, we hope that our connection with them will some day instill a desire for them to return to their roots and keep small town America alive and vibrant. The state and national conferences are a stimulus for the students to set goals and achieve these goals, while at the same time improving their skills and their self-worth. Please consider your support of LB476 for the future of our students, the local business sector, our communities, and our great state. Thank you. [LB476]

SENATOR ADAMS: Thank you. Are there questions? Senator Haar. [LB476]

SENATOR HAAR: Yes, thank you. One of the things we talk about a great deal is keeping students who are educated here in Nebraska. Talk a little bit about how your program does that. [LB476]

JAYNE MANN: Well, as a business person I am called on quite often by our local groups in our high school along with many other of our business community, and they will set up something and a group will come up and interact in a number of different ways. And being able to call those students by their first name when you see them at church or in the grocery store, is extremely important to keep that relationship going. [LB476]

SENATOR HAAR: Thank you. [LB476]

SENATOR ADAMS: Senator Sullivan. [LB476]

SENATOR SULLIVAN: Thank you, Senator Adams. So in those interactions, what particular organizations, is it FFA or FBLA, or which? [LB476]

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JAYNE MANN: In our community, in Aurora High School, it's basically FBLA and FFA. [LB476]

SENATOR SULLIVAN: Okay. Thank you. [LB476]

SENATOR ADAMS: Other questions? Thank you. [LB476]

JAYNE MANN: Thank you. [LB476]

SENATOR ADAMS: Next testifier. [LB476]

DWAYNE PROBYN: (Exhibit 7) Chairman Adams, ladies and gentlemen, my name is Dwayne, spelled D-w-a-y-n-e, Probyn, spelled P-r-o-b-y-n. I am the executive director of the Nebraska Advanced Manufacturing Coalition, commonly referred to as "Dream It, Do It." And I am here in particular support today for SkillsUSA and also on a minor level with the FFA. Let me redefine SkillsUSA as a national nonprofit organization partnership of students, teachers, and industry working together to ensure America has a skilled work force. And it's on this particular point where I really want to draw your attention. Because according to the U.S. Bureau of Labor statistics by the year 2010, this country will be short approximately eight million skilled workers. That level will increase to 2020 at 14 million. Those are the kinds of problems that we currently face. The SkillsUSA to me will instill in moms and dads and educators the importance of what we refer to as STEM, science, technology, engineering, and mathematics. Because no matter what kind of an organization that you join as a part of industry, in the research that I have done is that it takes approximately 20 different kinds or 20 different types of career pathways to run a plant. Most of them will be founded in those four levels, science, technology, engineering, and mathematics. We have an image problem, folks, in this country. Manufacturing and related industries has a very bad name. Moms and dads don't want their young people going into these industries. They think they're dark, dreary, drab and dangerous. Nothing could be farther from the truth. We have, in those industries, in those support mechanisms, the highest level of technology of any areas that we have in the United States. Also the Brookings Institute recently said that an associate degree in one of those industries will make 33 percent more than a high school graduate. That goes up to 62 percent with a baccalaureate degree. So I maintain that the business of America is making things. We got great in this country by manufacturing things. We are not a service nation. We have to get back and excite the young people, reinstill in them the entrepreneurial spirit that made this country great. I would like for you to consider very carefully about this bill. It is most important toward the young people that you see in this room and in the overflow rooms. Thank you very much for the opportunity. And I'm open for questions. [LB476]

SENATOR ADAMS: All right. Thank you Dwayne. Are there questions for this testifier?

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Senator Sullivan. [LB476]

SENATOR SULLIVAN: Thank you, Senator Adams. I'm not familiar with SkillsUSA. Is it primarily in larger schools? [LB476]

DWAYNE PROBYN: According to the research that I've done it's in all but something like six school districts around the state. So it's not only in the larger schools, it's also in the smaller schools as well. [LB476]

SENATOR SULLIVAN: Okay. All right. Thank you. [LB476]

SENATOR ADAMS: Senator Avery. [LB476]

SENATOR AVERY: You mentioned that it was manufacturing that made this country great. You're right about that, but you did not say anything about the fact that we're now service economy. You might wish we weren't, but we are. How is this program you're talking about going to reverse that? [LB476]

DWAYNE PROBYN: Let me, uh, let me answer your question from a different standpoint because the information that we have is that, yes, we have lost about three million jobs out of the manufacturing sector. But the manufacturing sector still has 14 million jobs in the United States. It is the strongest part of our economy, is the equivalent of some eight or nine countries banded together. That's how strong the United States still is. Being a service country, I'm not sure that I agree with that because we still manufacture more than all of the other free world and countries like China, Japan, and Germany all rolled together. [LB476]

SENATOR AVERY: I don't know where you're getting your numbers, but I'd certainly like to find out. [LB476]

SENATOR ADAMS: Senator Haar, did you have a question? [LB476]

SENATOR HAAR: No, that's okay. [LB476]

SENATOR ADAMS: All right. Are there any others? Thank you, then. [LB476]

DWAYNE PROBYN: Thank you. [LB476]

SENATOR ADAMS: Next proponent. [LB476]

ROY BAKER: (Exhibit 8) Chairman Adams, members of the committee, my name is Roy Baker, B-a-k-e-r. I'm superintendent of the Norris School District. I'm going to try to talk to you in about three minutes about high school reform and how I think this fits. I

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know the conventional wisdom is that any legislation has a price tag on it, this probably has an uphill battle but I think this is certainly worthy of consideration. I think things have changed. You know, we're clearly in a global high tech economy. That's an environment in which our students will be competing. It's clear to us at Norris that high school diploma is not the, is not the end goal any more. I'm handing out a sheet. On one side is the Nebraska career education model and the other some notes I scratched out this morning. But our belief is, and I think that Norris is probably representative of school districts not only in Nebraska but all across the country, as we in the last three, four years in particular, have honed in on what happens at the high school level and beyond after many years of focusing on early child education. So our belief is that every student needs to be college ready and career ready and focused on their future. I think it's not a choice anymore, are you going to college or are you going to have a career. It's both. There just...high school education is not enough for almost anybody anymore. There has to be more. You have to be ready for more education and everybody has to be...have a career some day, or that's our wish, that everybody be employed. So what we're doing, and if you're on the Education Committee, you're probably familiar with the Nebraska Career Education Model. What we're doing...of course, information about career starts in elementary. But by middle school we're really going to start to focus. We're going to have direct instruction with students about the best career education model, about the various occupations within each of the six big fields. And for them to go through things like the StrengthsFinder, the Gallup organization, interest inventories, and by the time they leave eighth grade, to have at least tentatively identified maybe one of the six big fields as being an area which some day they will find an occupation. And the occupation career paths listed there are present day occupations. You know, we are preparing students for actual jobs that don't exist today but the belief is that the preparation toward a career field will prepare a student for those new emerging occupations. So we want that to be flexible as students come into high school to be able to change their mind to find out something they don't want to do. We are talking about career academy approach and that involves many things. It's making course selections carefully as we go along. It's been a time, students, our juniors and seniors, to be able to take college credit classes, do a credit high school and college credit. And also to have the academy experiences which means some days they're receiving academic classroom work. Other days they might be doing some online course work, and in other days they're doing off campus types of learning. So that's a part of the academy approach. The student organization is a critical component and that extends to the traditional classroom setting. You know, that's a part of our academy approach in our ESU6. We have two academies up and going, education and training, and health sciences. We're going to start the one in the business field next year and the year following something in the industrial manufacturing, engineering systems. My hope is that every student would be able to lay a clear trail coming out of middle school through the high school courses, the dual credit classes, the academy experience into higher education and to a career. My hope would be that every student would be a part of an organization such as has been described to you up to now. And, you know, I would like

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every student to have experiences such as, for example, FFA has provided their students for years. My three minutes went rather fast. (Laughter) [LB476]

SENATOR ADAMS: I thought I was going to have to call you down, Roy, but you ended it. (Laughter) [LB476]

ROY BAKER: It wouldn't be the first time. (Laughter) [LB476]

SENATOR ADAMS: Are there questions for Mr. Baker? Senator Haar. [LB476]

SENATOR HAAR: Yes, thank you. Do you have any idea how many schools actually use this model? [LB476]

ROY BAKER: My...what I do know, is that the career academies are based on the career education model. Our education six, southeast Nebraska was the first. I think by next year and the year following, almost every service unit in the state will have career academies going on, so I'd be guessing. But I can't imagine anyone not using the Nebraska Career Education law, which by the way I don't know if you realize this or not, but this is an area where Nebraska is on the cutting edge in the country. Nebraska Career Education model is looked to by other states. And that may not be true in every area but in this one it is. So we have an excellent, excellent career education department and plan in our state. [LB476]

SENATOR HAAR: Well, my understanding of this and this kind of what I was trying to get at a little earlier with a question is, that these six areas are actually areas which are likely to have employment in Nebraska, correct? So that young people can even decide to stay in their communities. [LB476]

ROY BAKER: Certainly could, certainly could. If there are opportunities, they certainly could. I think our jobs prepare all students no matter where they end up. Ideally, there will be opportunities in Nebraska. Some of our best and brightest and all students, for that matter, can remain in Nebraska. [LB476]

SENATOR HAAR: Thanks. [LB476]

SENATOR ADAMS: Other questions for Roy? Thank you, then. Next proponent. [LB476]

PATRICIA ARNESON: (Exhibit 9) Good afternoon. I'm Dr. Patricia Arneson, A-r-n-e-s-o-n, from Wayne State Collage. Thank you for allowing me to read a statement on behalf of my teaching colleagues within the School of Business and Technology, which include the disciplines of business and marketing, early childhood, family consumer science, and industrial technology. My comments reflect our collective

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voice as administrators, career education faculty, and student organization sponsors, all of whom urge you, the Education Committee and Unicameral, to continue support of Nebraska's outstanding career education, student organizations at both the high school and postsecondary levels. As a former high school business teacher and a veteran Wayne State College business professor for 30-some years, I have observed the firsthand value of career student organizations throughout my career. CSOs provide the venue for all students of all abilities from diverse socioeconomic and ability levels to participate in activities that prepare them personally and professionally for their future as productive citizens. In higher education, career student organizations add a value added component to our respective disciplines. In fact, we, the above, feel so strongly about the need for continued state support that we have compiled a list of five "This We Believe" statements regarding the value of CSOs. One, CSOs build character and leadership, competence and confidence as future leaders, entrepreneurs and productive citizens of Nebraska. CSOs encourage students not only to stay in school, but to stay in Nebraska. Two, CSOs support Nebraska's career cluster educational initiative by providing student organizations that align with 12 of the 16 career clusters. And in answer to your question, Senator, the career cluster model is adopted by the majority of the schools and we in higher education at our teacher training preparation align as well. Three, CSOs provide opportunities for direct and indirect measures of authentic assessments, yes, the A word, to be utilized by educational institutions. Four, CSOs foster the educational 4 R's, rigor and relevance to curriculum, recruiting for courses, programs and colleges, and sometimes the only retention incentive to stay in school. We have found that students belonging to career student organizations in high school come to college more career focused and better prepared academically. And five, CSOs provide a valuable return on investment for your state funding dollars. For example, FBLA alone has nearly 2,000 high school students that attend its state sponsored leadership conference. Your dollar investment per student is nominal compared to the return it yields to Nebraska's economic development. Although I will not read their statements, I do have individual statements of support from the Dean of the School of Business & Technology at Wayne State College, the Department Chair of Industrial Technology and Family Consumer Science representing FCCLA and from the PBL sponsor. In closing, Wayne State College faculty and organizational sponsors would like to reinforce that Nebraska is widely respected for its educational and financial commitment by the Department of Education in supporting quality career student organization and educational programs. Nebraska's state support of CSOs has provided strong, effective leadership and guidance for high school and collegiate programs. Thousands of Nebraska students have benefited. But students and schools are not the only beneficiaries. As legislators, I know you share the concerns of the Governor and employers that Nebraska's talent remain in Nebraska. CSOs provide the seeds which will take root for greater educational and economic growth and development. Your continued support and funding is needed more than ever. Can we, as a state, really afford not to continue investing in our youth? Thank you, and do the right thing. [LB476]

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SENATOR ADAMS: Thank you. I'm assuming we didn't have any questions for that testifier? (Laughter) [LB476]

PATRICIA ARNESON: Yes, any questions? (Laughter) [LB476]

SENATOR ADAMS: Well, you're trying to avoid them, which is it here? [LB476]

PATRICIA ARNESON: No, no, I'd welcome them. [LB476]

SENATOR ADAMS: Do you have questions? All right. Thank you. [LB476]

PATRICIA ARNESON: Thank you. I just wanted to make way for the next speaker. [LB476]

SENATOR ADAMS: May I...Tim, before you begin, how many more people intend to testify as proponents? We're running short of time. We've been at this almost an hour, so I want you to think about that and if you do come up if you could add something new to what we've had heard, that would be helpful to the committee. Let me ask this. Are there any here who are in opposition? Dare you raise your hand? (Laughter) Okay, go ahead. [LB476]

TIM ESSER: (Exhibit 10) Senator Adams and committee members, thank you for your time today. My name is Tim Esser, E-s-s-e-r. I am vice president of Human Resources for Central Valley Ag. I'm here to testify in favor of LB476. We have locations in 40 communities in northeast Nebraska and employ about 400 employees. Many of our locations are in small rural communities. With declining population in baby boomers rapidly exiting the work force, recruiting is my primary focus in my work. A key component of our recruiting efforts have been working in supporting FFA. In FFA we see two valuable things. One is that they're promoting agriculture as a career choice and the other thing is that they're learning valuable skills that will help them in any career they do choose. Agriculture has a great story to tell. There has never been a better time to enter agriculture as a career. And FFA does a great job in telling that story. And one thing that we really like about what they're doing is more and more of their members are from nonfarm, that didn't grow up on the farm. And that helps us to get our message to a greater audience. When I was in high school many years ago, FFA stood for Future Farmers of America and much of their training involved production agriculture. Today's FFA is much different. They have programs in leadership, public speaking, decision making, team work and job interviewing. And in my work in human resources, these are skills that are much lacking in our students today and they're vital. In these economic times that we're facing, many of us are budget cutting right now. CVA is no different. What we're trying to do is maintain our core business so that when the economy does turn around, we will use that to fuel our growth. We feel that with what students learn in FFA today that is a core part of their learning experience and that is

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why Central Valley Ag supports LB476. Thank you. [LB476]

SENATOR ADAMS: Thank you, Tim. Are there questions for this testifier? All right. Thank you. [LB476]

TODD BAKER: (Exhibit 11) My name is Todd Baker, T-o-d-d B-a-k-e-r, and I am both the executive vice president and general manager of Bakers Candies, Inc. Bakers Candies is a family owned and operated chocolate manufacturer that goes back three generations in Cass County, Nebraska. We're the largest confectionery manufacturer in the state and one of the largest remaining in the Midwest. Bakers Candies currently employs roughly 20 hardworking Nebraska citizens, and I am here today as both a representative voice of Nebraska business and industry as well as a concerned citizen. We in industry, and especially in manufacturing, feel that in order to survive in the current economy and in the growing global economic situation, we must resort to one of three ends in order to compete. Many of our contemporaries are turning towards cheap and affordable, often illegal, foreign labor to cut costs and grow margins. Others are moving out of the country in order to capitalize on cheap commodities and while legal, still often unethical foreign labor. Those of us who are committed to staying in the state and in the United States have really only one viable option we feel and that is to turn to automated production technology, to do more with less. We rely on skilled labor not cheap labor in order to design, build, run and maintain equipment that can produce more than anyone else can in any other country by capitalizing on people who will work for standards that United States citizens quite frankly can't. We rely on skilled labor in order to survive. And I am here today to ask the Unicameral and the Education Committee to show Nebraska manufacturing the same level of commitment that we have shown the state for generations by passing LB476. Senator Avery, you may be correct. We may be moving towards a service based economy but we are asking you not to abandon those of us who are still committed to manufacturing in the United States of America because we are committed, and it's the only reason we're still here, to providing Nebraskans with good paying blue collar jobs. We're the largest employer in our community of Greenwood, Nebraska. We only employ 20 people but it's not a real big town. (Laughter) According to the last census, there was about 400 people and we're pretty sure they counted a few cats and dogs to come up with that number, but at one point or another we've probably employed almost half of the community. And so the community needs us and we need the community, and we desperately rely on our CSOs to provide students within these small towns and communities to grow students in skills and through competition so that they're competent and ready to come and work for us when they're able. Through their skills we're able to make money and remain as a viable manufacturer in the state of Nebraska, and so that's why I was so passionate about getting up here and testifying today. [LB476]

SENATOR ADAMS: Thank you, sir. Are there questions for this testifier? Thank you, then. Next proponent. [LB476]

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KATHY GIFFORD: (Exhibit 12) My name is Kathy Gifford, K-a-t-h-y G-i-f-f-o-r-d. I am the family, consumer science teacher at Kearney High School. I also sponsor family, career and community leaders of America, and I also sponsor health occupation students of America. These two student organizations have been a viable part of our high school and of our state. I will not repeat what has already been said. It's written in my written testimony that you will receive, so I'll just refer to the second page and I'll look at paragraph number 9 to start with. It says, preparation for these events teaches the members discipline, responsibility and teamwork as well as the subject matter information. I think that's important that we keep in mind that those are the things that we're trying to teach those students through our CSOs. Then in paragraph ten it says, when students apply for colleges, scholarships and internships the institutions look for students who have been involved in more than course work at school. For many students the CSOs are the place that they can find the opportunities needed to further their education. Extremely important for high school students. Paragraph eleven, CSOs address the current trends and issues in the work place and the society. When technology changes, events involving technology adjust. When a new society issue arises such as internet safety, identity theft or bullying, all a part of FCCLA, the CSOs develop programs and partnerships to address those issues. They prepare students for real life and career situations. And paragraph twelve, it says 21st century learning includes core subjects, which as you will notice defined a little differently than what we usually do, it's called global awareness, financial, economic, business and entrepreneurial civic literacy, and health literacy. Life and career skills including flexibility, initiative and social and cross-cultural skills, learning and innovative skills, information and media technology skills and finally, paragraph thirteen, it says, we hear concerns about where are our future leaders and where are they coming from? They are coming from the CSOs and they are about 20,000 strong in Nebraska. [LB476]

SENATOR ADAMS: Thank you. Are there questions? I guess not. Thank you. [LB476]

KATHY GIFFORD: Thank you. [LB476]

SENATOR ADAMS: Next testifier. [LB476]

MIKE ZABROCKI: (Exhibit 13) Senator Adams, members of the committee, thank you very much for the opportunity to speak to you today in support of LB476. My name is Mike Zabrocki, Z-a-b-r-o-c-k-i, and I'm from Bellevue, Nebraska, District 45. I'm here today to speak in support of retaining funds for Nebraska state DECA and the other CSOs. As the parent of a former chapter president and national finalist as well as a former member of DECA myself, Bellevue High School class of '77, I can say that the education, training and opportunities provided by this program are vitally needed in today's education world. For young entrepreneurs who wish to one day own their own companies or become the next generation of business professionals, there is no better

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program of instruction at the high school level than DECA and the CSOs. We educate our children to become many things, doctors, lawyers, sports professionals, teachers, police officers, musicians, the list can go on and on, but where and how do we teach our children to become the next generation of business professionals. Sadly, we don't. We just expect them to pick it up along the way and when they graduate from high school and go out into the real world, they're unprepared for the realities of life in the business world. I, myself, am a business owner in Bellevue and I have run my own company for the past 18 years. I have a BA in business administration from Bellevue College and I often wonder if I got more hands-on training from my high school DECA program or the college classes I took to obtain my degree. Next week I will have the privilege of judging at the Nebraska State DECA championships here in Lincoln. I will be judging the entrepreneurship participating event. This is creating an independent or franchised business. This is basically an event that encourages a student to put together everything that is needed to start a new business that can be franchised. There are five entrants and I have to say that all five are very impressive. After reading their proposals I am convinced that we will see all five of these young men and women opening up their businesses in the coming years and becoming the next generation of new Nebraska state taxpayers as well as employers. Learning of this kind is invaluable. If you have the opportunity to take a walk down the street next week to the Cornhusker Hotel, I would encourage you to do so. You will be very impressed by these students from all over the state of Nebraska. You need not identify yourselves, just stand for a moment and watch them. Their energy level will make you tired just observing them. They have fresh faces, well combed hair. You don't find any underwear hanging out of the back of the saggy pants or the jeans. (Laughter) The shoes will be tied, the handshakes will be firm, and a professional manner honed by many hours of practice studying and making their presentations the best that they can be for the chance to go to the DECA nationals. An employer's dream if there ever was one, rooms full of highly motivated and quality potential employees and there is no other program in the state at the high school level than the CSOs that I know of that can provide this type of training, support, and character development in a business environment. The support you see as state senators give these students is vital to maintaining this valuable developmental resource for the state of Nebraska. The amount of aid to these students is spread throughout the state by the state committees. The amount of aid is small compared to the results achieved. At a time when this nation's history when we're spending billions of dollars on trying to improve the future of education for our children, let us not forget the things that are already in place that are working so well. I would respectfully ask the committee to look very hard at maintaining the funding for Nebraska state DECA as well as the other CSOs and would like to thank you all for allowing me to speak to you on behalf of them. Thank you. [LB476]

SENATOR ADAMS: Thank you, Mike. Are there questions for Mike? Thank you.  
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MIKE ZABROCKI: Just one side note, if I could. [LB476]

SENATOR ADAMS: Quickly. [LB476]

MIKE ZABROCKI: I'm going to judge these five individuals and I can't wait to meet them next week but these are kids who are looking to start their own business. And when I say that I thoroughly believe that they're going to be in business, some of these kids have already raised up towards \$40,000, \$50,000 to start their own companies right out of high school, which is just incredibly impressive and I don't know where you go to find that kind of motivation or that kind of learning at such a young age, so. [LB476]

SENATOR ADAMS: Thank you, Mike. Next testifier. [LB476]

JESSICA KOLTERMAN: (Exhibit 14) Thank you, Senator Adams, members of the committee. For the record, my name is Jessica Kolterman, J-e-s-s-i-c-a K-o-l-t-e-r-m-a-n. I'm here today on behalf of Nebraska Farm Bureau Federation as I'm one of their lobbyist. I'm not going to repeat what's just been said today. I just want to let you know that we stand in support of this bill and appreciate all the testifiers that have been here to share their stories. And also I have a letter from the Soybean Association for the record in support, so. I'd be happy to answer any questions. [LB476]

SENATOR ADAMS: All right, thank you, Jess. Are there questions for Jess? Yes, Senator Avery. [LB476]

SENATOR AVERY: I'm glad to see you here. I wonder why we haven't yet heard from the Chamber of Commerce, State Chamber. [LB476]

JESSICA KOLTERMAN: From what I understand the students have participated through FBLA and have a good partnership with the Chamber and they have talked to the Chamber about the bill and the Chamber is interested in it. I'm not sure why they're not testifying today. [LB476]

SENATOR AVERY: Thank you. [LB476]

SENATOR ADAMS: Maybe, because I didn't let them. (Laughter) Trying to keep the numbers down. That's not true. Are there questions for Jess? Any others? Thank you, Jess. Next testifier. [LB476]

KRISTEN EGGERLING: (Exhibit 15) I'm Kristen Eggerling, and I am here...oh, sorry, K-r-i-s-t-e-n E-g-g-e-r-l-i-n-g. I am here representing the thousands of Nebraska cattlemen members that are in support of LB476. I serve currently on the board of directors for the cattlemen organization as the co-chair of the Education Committee. And so we had the pleasure of reviewing this bill along with all of the other education

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bills that were of interest to our organization. Obviously, many of the things that have been stated already I certainly agree with as well as our membership, the value of these organizations for students in retaining their ability to stay in school, to get good grades, to be involved in things. A couple of points I just wanted to make. The Cattlemen obviously is concerned about agriculture as an industry, several billion dollar industry in the state of Nebraska. And FFA is an organization that serves that industry by providing a very wide range of opportunities for students to be involved in and to learn from. And so I wanted to reiterate that. We want to maintain the health of agriculture in the state of Nebraska in order to maintain the health of our economy in general in the state of Nebraska. We all know how that affects it. Also I see all of these organizations as inclusive rather than selective. Some of the selective organizations may be a sporting event or something like that where you may have to try out or not everyone may get to participate. Whereas the CSO organizations are ones that everyone has a chance to participate in if they wish in whatever level. The other interest the Cattlemen has with the career organizations is the tie in to postsecondary education. The Nebraska Cattlemen has made a large effort, I guess I should say, to sustain the health of IANR, the Institute of Agriculture and Natural Resources at UNL and to maintain and increase the enrollment at that portion of the university. And so these career organizations obviously tie into students wanting to further their education at places like the University within areas of agriculture. Also the interesting conclusion, I realize that resources are extremely limited or nonexistent but I think dollars that are proactive are certainly ones that are well spent. And the other thing, as a former teacher myself, I know probably Senator Adams you agree, we only have one shot with students and you see the students in this classroom that will only attend high school one time in their life. They will only be 9th graders once, they will only be seniors once. And if we mess that up, we don't get a do-over. And so those are things that we think about, I think, as people in positions to help make decisions on what's best for children, so. Thank you. [LB476]

SENATOR ADAMS: Thank you. Questions? [LB476]

KRISTEN EGGERLING: I was going to get up and leave too. (Laughter) [LB476]

SENATOR ADAMS: All right. Thank you. [LB476]

KRISTEN EGGERLING: Thank you. [LB476]

MAKAYLA HIPKE: (Exhibit 16) Hello, my name is Makayla Hipke, M-a-k-a-y-l-a H-i-p-k-e. I'm a freshman at the University of Nebraska at Lincoln and I graduated in 2008 from Stuart High School. I was a five-year member of FCCLA, and I served as a member of the State Peer Education Team my senior year, specifically as a student body vice chairman. There's been much talk this afternoon about education, business and, of course, money. But for a moment I invite you to step out of this room and take a journey with me. We will be travelling about four and a half hours northwest of here to a

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small town named Stuart, population 620, in the 43rd Congressional District, along Highway 20, surrounded by grassy pastures and right along the Elkhorn River. So what is significant about Stuart? The answer is this. There are few towns in this state that have been more positively impacted by student organizations than my hometown. In Stuart's FCCLA and FFA chapters we've had two national officers, three state presidents, another four state officers, several state peer officers and many district officers. We have sent students to compete in state and national competition with great success. We have received awards on the local, state and national level for chapter excellence. This comes from a high school of less than 75 students. Our FFA and FCCLA chapters bring opportunity to my little hometown. Where else could these small town kids get the opportunities to travel to the places we have been? Dallas, Washington, D.C., Anaheim, Louisville, Japan, and the list goes on. FFA and FCCLA taught the youth of my hometown to speak with self-assurance. They taught us how to work with others. They taught us how to think critically and solve problems. They taught us how to lead with confidence. They developed us from high school students into poised, confident and charismatic young leaders who are not afraid of the challenge, exactly the type of people who we need to guide our state as we move into a changing, expanding, and globalized world. An investment in student organizations is an investment in the youth of Nebraska and an investment in the youth of our state is an investment in the brighter tomorrow for Nebraska. On behalf of Stuart, Nebraska, and all past, current, and future members of FCCLA and FFA from my hometown, I ask you to advance LB476. Thank you. [LB476]

SENATOR ADAMS: Thank you, Makayla. Are there questions? Thank you, then. Next proponent. [LB476]

JAY SEARS: For the record, I'm Jay Sears. I represent the Nebraska State Education Association, the 24,000 educators in Nebraska who get to work with these young people. I just come before you to say we support the bill. Please get it out of committee and on to the floor so these young people can continue their hour and a half civic lesson as they watch, so. (Laughter) Be glad to answer any questions but we have more work to do and I thank you for plenty from these people. So thank you. [LB476]

SENATOR ADAMS: Thank you, Jay. Are there questions? Thank you, then. We're running out of time. Are there any more proponents? Great. (Laughter) Well, I shouldn't have said it quite that way, should I? Then let's move on. Are there any opponents? Any neutral testimony? Senator Stuthman to close. [LB476]

SENATOR STUTHMAN: Oh, excuse me. Thank you, Senator Adams. I hope I didn't break your foot or anything like that. First of all, I want to thank each and everyone that testified here today. I think that is very good to see that these people are coming forward and testifying. And in one of the, one of the testifiers stated, you know, the fact that, you know, you know, what a better feeling than we could have here today is having

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a roomful of supporters and highly motivated people that want to see, you know, that allow people to get an education, get a business education, you know, perform. One thing also is when a school student gets involved, that also involves the parents and the family. And I think that's very important. And once we can accomplish that, you know, have the parents, the students, you know, involved together, I think we don't have to worry about that family for the rest of our life. I mean, they're going to take care of themselves. We don't have to be concerned about that. And, you know, it's very good to see businesses getting started like some of those, some of those groups starting their own little business. You know they're going to stay in Nebraska hopefully. And they're going to have, you know, a tough road to hoe. But, you know, they're going to stay here and be an asset to the state of Nebraska. I just want to make one comment as far as the questions on the fiscal note part of it is, that on the third paragraph on the fiscal note, the \$1,950,000, that is the federal and state funds together and that is correct. The other portion of it is, I don't know where that came from. But the box in the bottom, that came from the Governor's office from the Department of Administrative Services. They feel that there is money to take care of these programs as it is stated there and that did not come from the Department of Education. So that came from the fiscal office from Department of Administrative Services. So, you know, hopefully we can work through this. I feel very confident that, you know, we will get this funding taken care of, and I'll do that in the next couple of days with your committee and Senator Adams. And with that, I ask for your support in moving this bill out. And I want, again, thank all of the people that came and testified and all of the people that are here. It's very good to see that there is so much interest, and it's not just the interest in one organization. As was with the testimony, there's a lot of different organizations that youth and students can participate in of their interest, and I think that's very important. So with that, I would answer any questions, if you have any. [LB476]

SENATOR ADAMS: Any questions? Senator Avery. [LB476]

SENATOR AVERY: Uh, thank you, Mr. Chair. Senator Stuthman, this box down here on the fiscal note. It does indicate that the Department of Education staff seeks additional money for staff positions, I believe. And is the entire, that entire box note from DAS and not from the department? Or is the last part here that indicates that this is not necessary? [LB476]

SENATOR STUTHMAN: The entire box. It is my understanding that the entire box is from Department of Administrative Services. [LB476]

SENATOR AVERY: Do you have any idea why they would have been asked to contribute to this fiscal note since this is a program under the Department of Education? [LB476]

SENATOR STUTHMAN: I will try to get that answer for you, Senator Avery, and we can

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communicate on that. [LB476]

SENATOR AVERY: Yeah, it's important. Thank you. [LB476]

SENATOR ADAMS: Senator Stuthman, do you have amending language or you still working on that? [LB476]

SENATOR STUTHMAN: I'm still working on an amendment to go with this, depending upon, you know, what we can do if we can get some funds transferred in the Department of Education for a program that is in existence already and maybe we can utilize that arena of funds. [LB476]

SENATOR ADAMS: Okay. [LB476]

SENATOR STUTHMAN: But I feel very confident that we will get this accomplished. And I did visit with the Appropriations chair, and he said if we get this thing, you know, if I get it on the floor, get it debated, and if we need, you know, some money we should come back to him. So I feel very confident that we will accomplish this goal. [LB476]

SENATOR ADAMS: All right. Thank you, Senator Stuthman. Are there any final questions? That will end the hearing then. Thank you all for being here. (See also Exhibits 25-30.) We'll give you a moment to retire if you choose not to stay with us. We have exciting things yet to happen today. (Laughter) Could I ask that you leave the room with your conversations so we can proceed on the rest of our hearings this afternoon. All right. We're going to begin with our next hearing. It will be LB257 and Senator Harms, the floor is yours. [LB476]

JOHN HARMS: Thank you. My name is John, J-o-h-n, middle initial N., Harms, H-a-r-m-s, and I represent the 48th Legislative District. This is an easy bill. Just asking you to repeal this bill, this law. It's out of date. We completed the seamless model in 2001 and it's time to remove it from the books. It was very highly successful and we accomplished everything we needed to accomplish and everything has been submitted. All the reports have been submitted, so I would close. And if there's any questions you'd like to ask, I'd be happy to try to answer them. If not, I'm gone. [LB257]

SENATOR ADAMS: Well, this is a rarity, Senator Harms. We get to repeal something, huh? [LB257]

SENATOR HARMS: Yeah. [LB257]

SENATOR ADAMS: Are there questions? Senator Sullivan. [LB257]

SENATOR SULLIVAN: Well, just the obvious is to...why was it held in committee the

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last time it was introduced? [LB257]

SENATOR HARMS: Two years ago I came to have the bill introduced to have it removed and somehow in the process it got lost in the shuffle. So I'm coming back to have it removed from the law and so that we no longer are held accountable for, so. [LB257]

SENATOR SULLIVAN: Okay. Thank you. [LB257]

SENATOR AVERY: I'm going to recognize myself. [LB257]

SENATOR ADAMS: Okay. Got right ahead, Senator Avery. [LB257]

SENATOR AVERY: I think probably the reason it got lost is we were preparing those 600-page bills on the learning community and things like that. How did you find this? [LB257]

SENATOR HARMS: Pardon me? [LB257]

SENATOR AVERY: Did you already know about this? [LB257]

SENATOR HARMS: Oh, yes, I participated in it. It was at our college and we were instrumental in bringing the pilot program together when I was in my previous life. And it was designed to bring a secondary school, which would be the Scottsbluff Public Schools on a college and business together to design curriculum and then offer it over the airway, make it interactive. And it was highly successful and we accomplished what we wanted to accomplish. And it was really, I believe, one of the first programs ever offered into a public school through the electronic media, through television. And we were very pleased with it. And from that point on, we moved into calculus and foreign languages and all the things that are important, beyond what business would require, so it was successful. And it was kind of a pilot project that opened the doors for the rest of Nebraska, so. Any other questions? [LB257]

SENATOR ADAMS: Are there any? [LB257]

SENATOR HARMS: Well, thank you for giving me the opportunity to come before you this year. You've been very gracious and kind, and this will be the last time you're going to see me, so thank you very much. (Laughter) [LB257]

SENATOR ADAMS: You're sure about that? [LB257]

SENATOR HARMS: I'm sure about that. I always feel very good when I come in here and very comfortable because I think it's my background. So thank you very much.

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[LB257]

SENATOR ADAMS: Are there any questions for Senator Harms? Did you need to close on this at all? [LB257]

SENATOR HARMS: I did. [LB257]

SENATOR ADAMS: Okay. (Laughter) Okay. Thank you. Is there any proponent testimony? Any opponent testimony? Any neutral testimony? And we know the closing has been done, so that will end the hearing on LB257 and we'll go on to the hearing on LB461. [LB257]

SENATOR HOWARD: Senator Adams, welcome to the Education Committee. It's our privilege to have you here. [LB461]

SENATOR ADAMS: Unlike Senator Harms, I find this to be a scary committee to be in front of, huh? (Laughter) I don't feel all that comfortable. Well, the first bill that I have for you today, LB461, let me give you a little bit of background. If you recall, towards the end of our short session, we filed for an interim study to review the statutes that describe the relationship of the Commissioner of Education, the State Board of Education, and the Legislature. And along with that study, we distributed the study to the State Board of Education. And then, I don't recall the exact date, but at one point during the interim several of us, I think Senator Avery was one and Senator Raikes and I met with commissioner-elect Breed and a couple of members of the state board to review the interim study, and to find some common ground on legislation that we would bring to you now that would try to clean up some of those statutes, and try to reflect some of the things that we, as a committee, thought were important to change, and at the same time, equally important, if not more important, to reflect some of the changes that the members of the state board thought were important. And recall that some of these statutes were created clear back into the 1950's and maybe even into the 1940's. So what you have in front of you, LB461 is really a compilation of those things that we believed as a committee and at the same time the members of the state board believed were good language to get corrected. What we would be doing, and you can see them there in your packet, first of all, would be to eliminate the duty of the Commissioner of Education to, and I quote, "decide disputed points of state law, which decisions shall have the force of law until changed by the courts." I think that we felt that was very problematic language giving our three-branch system and the role of the executive, legislative, and judicial, and this would clear that up. We would insert new language to provide the commissioner with the authority to faithfully execute the policies and directives of the State Board of Education, which is different than deciding the law in effect. Also to specify that the Commissioner of Education shall not be a member of the State Board of Education. That clarifies some language. To eliminate language prohibiting an individual from serving on the State Board of Education if he or she is a

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candidate for state office. My understanding is that the State Board of Education is the only position, I believe, in state law right now where you're prohibited from running for another office and at the same time holding that position, and this would eliminate that prohibition. It would eliminate the requirement that the state board meet during the first week of June and December each year. And as I wrestle back to our discussions on that, I don't recall the reason for that, but I know that a member of the state board, Bob Evnen is right behind me and he can probably...he can answer that question. I'm not even going to begin to try. And also to require...and this is rather obvious, require all meetings of the state board be called in accordance with the Open Meetings Act. But there are the changes that we would make in the existing statute, and I believe that Mr. Evnen is here from the state board and he may have some comments on it as well. But these are reflective of our intentions and our meetings with that group. [LB461]

SENATOR HOWARD: Does the committee have any questions? Yes, yes, Senator Avery. [LB461]

SENATOR AVERY: Thank you, Madam Chair. I see that there is no mention here that the commissioner shall faithfully execute the laws that the Legislature passes. Is there some reason why? (Laughter) There is history behind that question. [LB461]

SENATOR ADAMS: Yeah, I understand that. (Laughter) I understand that and we also have some...Kris has prepared some clarifying language on that particular item that we will bring here as an amendment, but I know where you're coming from. [LB461]

SENATOR AVERY: Okay. Thank you. [LB461]

SENATOR ADAMS: Other question for me? [LB461]

SENATOR HOWARD: Any other questions for the speaker? [LB461]

SENATOR ADAMS: All right. [LB461]

SENATOR HOWARD: Proponents. [LB461]

ROBERT EVNEN: (Exhibit 17) Good afternoon, Madam Chair, members of the committee. My name is Bob Evnen, E-v-n-e-n. I appear before you today as a member of the State Board of Education. I have to say that after one of the prior bills you heard today, I feel my appearance is somewhat anticlimactic, and I will also try to be brief. The State Board of Education supports LB461. It is, as Senator Adams mentioned, the outgrowth of a legislative study. The state board is fully in accord with the legislation that's been proposed, and we would also ask the Legislature's consideration and your committee's consideration of an amendment, which either has or will be circulated to you that inserts some language that will allow a little bit of greater flexibility on the part

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of the board in the process of selection of Commissioner of Education. And I would say to you as well, that that amendment...a resolution supportive of that amendment was adopted by the board last week on a vote of 7-0 with one member absent. So we would ask your favorable consideration of the amendment in that respect. With that, I would be happy to answer any questions that the committee might have. [LB461]

SENATOR HOWARD: Does the committee have any questions for this testifier? Looks like you covered it. [LB461]

ROBERT EVNEN: Good. Thank you. [LB461]

SENATOR HOWARD: Other proponents? Welcome, Mr. Bonaiuto. [LB461]

JOHN BONAIUTO: Thank you. Chairman Howard, members of the committee, John Bonaiuto, B-o-n-a-i-u-t-o, executive director of Nebraska Association of School Boards. Support the bill as amended and an area that we wanted to speak to, in support of the bill, is the area that deals with state board members having the opportunity to run for other office without resigning their position. And that is what this section of the bill talks about. We have had in the past state board members who had decided to run for the Legislature and had to resign as a member of the state board and then were unsuccessful in the primary. And so we lost a person that was a potential good member of the Legislature and also a member of the state board. And so we think this does correct something that was, I think, unintentional in the law. I can't imagine why a state board member would be the only elected official that can't run for another office without resigning their position, (laugh) so with that I will end my testimony and we support the bill. It's a good idea to clean these things up every once in a while. [LB461]

SENATOR HOWARD: Do we have any questions? Yes, I knew you would. Senator Avery. [LB461]

SENATOR AVERY: Thank you. I think there's a story behind that. I'll tell you off mike. [LB461]

JOHN BONAIUTO: I appreciate that. You know, so often in the Legislature there are stories behind these things that, and so...that predate, you know, an individual so I would appreciate that very much, Senator. [LB461]

SENATOR HOWARD: John, a question. I assume that when they...if they did win office, if they were elected, then at that point they would resign. [LB461]

JOHN BONAIUTO: Yes. Then there is a provision in law and that was something that this body took care of a number of years ago, having people hold dual elected positions. Because we found a number of years ago that we had people that were school board

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members that were also state board members and which could create a conflict of interest. And so that change was not done that long ago, but I want to say in the last 10 or 12 years. [LB461]

SENATOR HOWARD: Okay. So you're comfortable with the language. [LB461]

JOHN BONAIUTO: Very much so. [LB461]

SENATOR HOWARD: Okay. Good. Any other questions? Good job. [LB461]

JOHN BONAIUTO: Thank you. [LB461]

SENATOR HOWARD: Thank you. Any other proponents? Any opponents? Neutral? [LB461]

JAY SEARS: Senator Howard, members of the committee, Chairman Adams, for the record I'm Jay Sears, J-a-y S-e-a-r-s, representing the Nebraska State Education Association. I appear before you representing NSEA in a neutral capacity leaning toward proponent. We supported Senator Adams original bill and for all the reasons that have been stated so far. And having seen a copy of the amendment in its second or third iteration from the State Board of Education, along with a member who was absent and was the one absent, not voting. We were in San Francisco together. I think we can probably support the proposed amendment also, so. [LB461]

SENATOR HOWARD: Thank you. Do we have any questions? Okay, you've summed it up, thank you. Any other neutral testifiers? [LB461]

SENATOR ADAMS: I'll waive closing. [LB461]

SENATOR HOWARD: All right. Moving right along then to LB549. [LB549]

SENATOR ADAMS: (Exhibits 19 and 20) This will probably be...Senator Howard and members of the committee, this will probably be the most exciting bill that the Education Committee will have to hear this session. The bill that you have in front of you, LB549 is the technical bill of the Education Committee, and it has been a couple of years...yeah, why don't we. I've got some things to pass out to you that will bullet point what's in this great big bill. I would tell you that it's been a while since we've had a technical bill, and a lot of this stuff is repealing, it's harmonizing, it's getting up to current practice. It is in response to things that happen at the Department of Ed over time, procedurally, and we hear of these kinds of things and intend to correct them. This is kind of the collection of those...of those corrections. I don't mean to minimize any of these things, but I don't know that I'll go through every one of them for you. We can do that in an Exec Session as well, and Tammy may have more specific answers to your questions. But I do want

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to generally go over a couple of...two or three of the things that may draw your attention. The first portion of the tech bill has to do with option enrollment, and you see that there are several things here, several bullet points about option enrollment. I'm not going to read through every one of those for you. But I would tell you this, on its face, they are all procedural cleanup things; things that we have run across in talking to superintendents and the State Department of Education about option enrollment, and so these things are procedural things to try to make it smoother, make it easier, clarify, all the way through each one of those bullet points. The next section is transportation, and again, we review issues that come before us from the Department of Education regarding transportation issues and probably the biggest one might be if you look at bullet point three, and basically what it is saying is that if we have students that qualify for free transportation, if they live beyond that three mile mark, then what we're going to do is to compensate them at the current rate or their families to get to the bus stop or the school, if you will. But outside of that, beyond the three mile mark, is what that's doing. Another portion...if we go to the section on student records; very simply what it is saying is that, you know, a student may actually have someone from outside of the school that the parents would like to have; it might be a behavioral health counselor or social worker, something like that, that would like to have access to the records and with written consent, those records could be provided to that person. Exempt schools--here again, what we're trying to do is to make things a little bit easier. But we're really in essence saying here is that when you come to school and you enroll in the exempt school that at the time of your enrollment, also bring your birth certificate with you, and we can take care of both things at once. School board language; a requirement for voters present to elect someone to preside. We still do have some Class I language and this is...it's still there, but this, you know, piggybacks onto that and some day, we'll have to look at the Class I language that's there in the bill. But for right now, we're just trying to clarify what's there. The second bullet point is probably more important for all of our school boards across the state. And in essence what it's saying here: a requirement that would eliminate for school boards to, the necessity of conducting a public hearing on the itemized estimates for environmental hazards, accessibility to barrier elimination. Basically the reason we're eliminating a separate public hearing on those things is because when a school board does its budget and these things are included in its budget, that budget has a public hearing. And so there's plenty of opportunity for people to come in and to testify at that point. A reorg, the amount of time that a school district could contract out all of their students would be reduced from three to two years. And there is an amendment coming around...it's clarifying, it's bullet point three of the Amendment 650 to LB549...reduces from five years to two years the number of years before the state committee is required to dissolve a district that is contracting for the instruction of students. Quite often...I don't know about often maybe, but we will have school districts that will, they're in the process of dissolving and they may send their students some place else, and we're saying that that's for two years that that could happen. And then after that, it's over with and so is the dissolution of that school district. We also have a category here for school district reporting. And I think all of this is clarifying and is technical in nature about how the

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reports will be filed and oaths of office don't have to be made prior to things being filed with the county clerk and so on and so forth. It really is just, we believe, commonsense things that have been brought to us by various school districts to respond to. ESU's on the last page: we developed a formula for the distribution of core service dollars to the ESU's two years ago, and so what we're virtually doing here is, is trying to let the statute reflect how we're distributing those dollars and repealing old language. And if you notice there, it's also the requirement for the commissioner--if we have two ESU's that are changing their boundaries, they align with one another and they're changing their boundaries and they're reorganizing, current statute says that the commissioner of education has to call a meeting of those board members to handle their reorganization--we believe that's unnecessary. The two ESU's can call a meeting and get together and the presidents of those ESU boards can do the same thing that the commissioner under current statute is asked to do. This next one, you see child versus pupil versus student, basically what we're doing is trying as much as possible throughout the statutes to put the word student in rather than, rather than pupil or child. Veteran education: it would be clarified that the state board has jurisdiction over the administration and supervision of on-the-job and apprenticeship training, on-the-farm training, flight training programs for veterans, and we do have a letter of support, by the way, from the veteran's officer for that portion of the bill. And displaced homemakers, this was a new one to me; and we are cleaning that up as well. So that is the initial bill, and I don't know that I can answer all of the questions about this technical bill, and again, I would try as best I can, but I would guess that 90 percent of them, if not more, could be answered in Exec Session by our legal counsel if you have issues with them. So I would conclude with that. [LB549]

SENATOR HOWARD: Committee, do we have questions for our chairman? Maybe not. Wait until Exec, I guess. [LB549]

SENATOR ADAMS: All right. [LB549]

SENATOR HOWARD: Proponents? [LB549]

RUSS INBODY: Good afternoon, Senator Howard and members of the Education Committee. I'm Russ Inbody, R-u-s-s I-n-b-o-d-y, with the Nebraska Department of Education. And I think Senator Adams pretty much described these are technical changes that you have heard as from the school districts and we've heard, and I'd be glad to respond to any questions that you may have. We are in support of the bill, excuse me. [LB549]

SENATOR HOWARD: Committee, any questions? They're taking your word for it. Thank you. Other proponents? Welcome back, Mr. Bonaiuto. [LB549]

JOHN BONAIUTO: Chairman Howard and members of the committee, John Bonaiuto

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with an H and B-o-n-a-i-u-t-o, in support of the bill. It is important to have a technical bill to do this type of cleanup. And there have been years where we have had technical bills and they have just kind of sat around. And in this particular cleanup, I don't think there's anything that should create a controversy that would hold it up. So I would urge you to move it forward. [LB549]

SENATOR HOWARD: Thank you for your brevity. We didn't even give you the light. (Laughter) Any questions for Mr. Bonaiuto? [LB549]

JOHN BONAIUTO: (Whoosh) The hook. (Laughter) [LB549]

SENATOR HOWARD: Well, any other proponents? Any opponents? Any neutral? All right. LB548. [LB549]

SENATOR ADAMS: LB548 is another technical bill but one that may raise more discussion, hence we separated out from the other one. This particular bill, in essence, has two significant sections in it. One of them has to do with the transfer of academic and disciplinary material from one school to another. And the other section has to do with transportation and, in essence, already the effect is that it would say that vehicles owned, operated or contracted by any public, private, denominational, or parochial school would have to comply with state board rules and regulations which are to reflect federal law. That really is the essence of that bill. We've got two things, the transfer of records, disciplinary as well as academic records, and then the provisions regarding vehicles. And I suspect we'll have some testimony on this one. [LB548]

SENATOR HOWARD: Committee, any questions for our Chairman? Senator Sullivan. [LB548]

SENATOR SULLIVAN: Thank you, Senator Howard. Would you prefer, Senator, that we just then defer our questions to those...I mean, I'm just looking for maybe rationale behind some of these. [LB548]

SENATOR ADAMS: You know, I think maybe what we could do, we could potentially have better discussion if maybe you hear the testifiers and then maybe in my conclusion we could talk about it and also in Exec Session. [LB548]

SENATOR SULLIVAN: Perfect. Okay. Thank you. [LB548]

SENATOR HOWARD: Thank you. Proponents. [LB548]

SCOTT SUMMERS: Good afternoon, Senator Howard and members of the committee. My name is Scott Summers, S-u-m-m-e-r-s. I'm an attorney with the Department of Education. And the department is supportive of the changes to, added...proposed to be

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added by LB548. And I will expand on some of the things that Senator Adams mentioned about rationale. Beginning with the Section 1 piece about the transfer of student, not only academic records but disciplinary records upon the transfer of a student. This came to, at least our attention in the general counsel's office in that there's a statute...this piece proposes to amend 79-2,105. The statute in front of that, 79-2,104 appears to maybe have caused some in the public schools to conclude that you do not transfer disciplinary records when a student transfers within Nebraska from one school to another because that particular statute, 79-2,104 provides and I'm quoting, "All such files and records shall be maintained so as to separate academic and disciplinary matters." It then goes on to provide that the disciplinary materials removed upon a continuous absence of three years from any one school. Our position is and has been that while in existence, those disciplinary records should be interpreted as still a file or record of a student that is to be transferred under 79-2,105. If it were not, we think 2,105 would be worded quite differently. Other rationales, the No Child Left Behind Act requires that as a condition of receiving federal funds, states assure that they have "a procedure in place to facilitate the transfer of disciplinary records with respect to a suspension or expulsion by local education agencies to any private or public elementary or secondary school for any student who is enrolled or seeks to enroll" and so on and so forth. The upshot of that, I think, is that if you...by you, I mean any person, not this committee, would interpret 2,105 to mean only transferring academic records upon the transfer of a student, it very possibly would leave Nebraska without a system under the NCLB that facilitates the transfer. This revision would leave no room, I believe, for that interpretation. Clear that up. In addition, the idea that disciplinary records are transferred upon transfer of a student is much more consistent with federal regulations, the Family Educational Rights Privacy Act, FERPA. The interpretations of that and specifically in new revisions to the regulations themselves, make it quite clear that disciplinary records are student records, as that law and those regulations deal with. And lastly, I think that transferring of disciplinary material upon the transfer of a student makes sense in light of state statute 79-266.01. That law addresses enrollment in a public school when the student has been expelled from any other school and it prohibits that subsequent enrollment if the terms of the "expulsion" have not been satisfied unless a district, governing board, local board approves that enrollment by a majority vote. Seems to me that actually being in possession of the disciplinary records from the previously attended school goes a long way in that regard in making that decision that the local elected officials are called upon to make. And finally, and I suspect you heard testimony about the private school piece. When a student has been previously expelled from a private or parochial school under Nebraska statute, if they then try to enroll or intend to or seek to enroll in a public school, the district board is called upon by our state law to make a determination of whether or not the expulsion from the private school would be for "an offense for which expulsion is not authorized for a public school". Which, of course, makes sense in light of not keeping someone out but for the fact it was at a private school. Again, it strikes me that the public school being in possession of the disciplinary records from the private school would be almost...very

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important in that regard. Otherwise, it may just be anecdotal, I don't know. And lastly, I'll speak real briefly to the point about the transportation piece. This seeks to align the statutory language with long-standing Department of Education, Nebraska Department of Education regulatory language in our Nebraska Administrative Code chapters on people transportation. I found looking through our old...excuse me, a regulation's file as far back as '87, the Department of Education has adopted, the Attorney General has approved regulations that govern minimum equipment standards and those regulations say they apply to "all vehicles used to transport public and nonpublic school students". I believe that to be under the auspices or authority of 79-318 which speaks of the state board in conjunction with motor vehicles having standards, reasonable standards on the general design, equipment, color, operation, and maintenance of vehicles of 11 passengers or more, i.e., buses, which just say, used for the transportation of school children. There's some inconsistencies beyond that but I believe that to be the authority for that and like I said, going back over 20 years now, that has been in regulation. So I'd be happy to try and answer any questions you might have about the two provisions. [LB548]

SENATOR HOWARD: Okay. I was going to cut you off but I know how hard it is for lawyers to abbreviate, so I gave you a few extra minutes. (Laughter) Do we have any questions? All right. Looks good. Thank you. [LB548]

SCOTT SUMMERS: Thank you. [LB548]

SENATOR HOWARD: I'm sorry, Jay, now you only get one minute. [LB548]

JAY SEARS: That's fine. I think I can do that. [LB548]

SENATOR HOWARD: All right. [LB548]

JAY SEARS: For the record, I'm Jay Sears, J-a-y S-e-a-r-s, representing the Nebraska State Education Association. It's always good to follow the attorneys because they're so thorough and they get down what you need to know. NSEA is in support of the two provisions in the bill and I urge your advancement to the General File, so thank you. [LB548]

SENATOR HOWARD: Good job. Do we have any questions for Mr. Sears, committee? Nope. Thank you. Mr. Bonaiuto. (Laughter) Come to the table. [LB548]

JOHN BONAIUTO: Make it complete. Thank you. [LB548]

SENATOR HOWARD: Welcome, again. [LB548]

JOHN BONAIUTO: John Bonaiuto, J-o-h-n B-o-n-a-i-u-t-o, executive director of

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Nebraska Association of School Boards. We are in support of the bill and the provisions that are outlined. I think clarifying the student records this year is very important, having that uniformity. And then we would help if this bill moves forward and this clarification is made, we would help districts as they work through policies so that it is done in a uniform way across the state. I don't think there's ever been any discussion or any problem with the academic piece, but the disciplinary area is one where I think there's been some difference of how that was interpreted, so this will be very helpful. The transportation one, we're fine with it and we think that makes great sense. [LB548]

SENATOR HOWARD: Senator Sullivan. [LB548]

SENATOR SULLIVAN: Thank you. John, with respect to the disciplinary material, do you think some districts are doing that now in terms of transfers? [LB548]

JOHN BONAIUTO: I do. [LB548]

SENATOR SULLIVAN: Okay. [LB548]

JOHN BONAIUTO: And again, its...it would be helpful to have that interpreted uniformly so your districts would know what to expect and what they could expect. And I think it is important in this time where security and safety and all of the things that we're much more aware of, in providing a safe school environment is so important to understand, as you have students moving not just from district to district but from state to state, what kind of history the student has, and what you're dealing with independent of just the academic portion. [LB548]

SENATOR HOWARD: I have to say it seems illogical to withhold that information. [LB548]

JOHN BONAIUTO: Yes. And I think, again, it's on one hand, it's important information to share. On the other hand, people are very sensitive to the privacy and what should be shared and what should not be shared and so this does help. [LB548]

SENATOR HOWARD: Okay. Thank you. Yes, yes, Senator. [LB548]

SENATOR HAAR: Yes, is there any difference here between medical records and the kind of records we're talking about. [LB548]

JOHN BONAIUTO: That is a good question because the medical records also should be information that is very important and should be shared. And I think that has been one where schools have tried to honor that and, you know... [LB548]

SENATOR HAAR: But HIPPA kind of things would come in there, I would think. And

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maybe we can ask our legal counsel about this one later. [LB548]

JOHN BONAIUTO: And see what kind of things would be prohibited as far as if a student were on a medication or if a student were...if there was a medical condition. And one of the things that you often want to know is, if there are any restrictions for the student. [LB548]

SENATOR HOWARD: Any other questions? Looks good. Thank you. [LB548]

JOHN BONAIUTO: Thanks. [LB548]

SENATOR HOWARD: Other proponents? Well, Ms. Campbell, welcome. [LB548]

MARY CAMPBELL: Thank you. Madam Chair, members of the committee, I'm Mary Campbell, C-a-m-p-b-e-l-l, representing Lincoln Public Schools. I hadn't intended to come forward but our director of student services did have one concern and as long as this bill is intended to clarify the language...any disciplinary material. His comment was, difficult to define and manage. Not that there was any opposition to that objective and I feel...my hesitancy in coming forward was that I didn't today have a good suggestion for improvement in that language, but will certainly give that thought. But I just wanted to share that. [LB548]

SENATOR HOWARD: Thank you. Do we have any questions, committee? Thank you. [LB548]

MARY CAMPBELL: Thank you. [LB548]

SENATOR HOWARD: Opponents. [LB548]

JEREMY MURPHY: (Exhibit 21) Good afternoon, Vice Chair Howard, Senator Adams, other committee members. My name is Jeremy Murphy, spelled J-e-r-e-m-y M-u-r-p-h-y, and I serve as associate director for education issues for the Nebraska Catholic Conference. I have copies of my testimony if a page could distribute those, please. We oppose this bill...really the portion of this bill we have a problem with is just on Section 1 on page 2. We are uncomfortable with the bill's language, "any disciplinary material" on page 2, lines 4 and 5. And to follow up, I guess on Ms. Campbell's comments, the term "any disciplinary material" is undefined and it's unclear to us as to its scope both with regard to its connections to FERPA and NCLB and with regard to what constitutes any disciplinary materials for purposes of this proposed change in law, which is completely open-ended. We don't know if there's a problem that's driving this change but I guess we would ask the committee members to consider that. We have two problems with this bill. The first, our opposition to the bill is based upon the use of the language "any disciplinary material" being applied to private schools due to the very limited application

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of FERPA and NCLB to private schools. If FERPA and NCLB are in fact the rationale or basis for this language, and I think they are according to Mr. Summers' testimony, we would direct you to the nonregulatory guidance entitled Title IX, Part E Uniform Provision Subpart 1-Private Schools; Equitable Services to Eligible Private School Students, Teachers, and Other Educational Personnel. This was published by the Office of Non-Public Education of the U.S. Department of Education in August of 2005. And a question was asked in that document on pages 15 and 16 that is directly on point to the application of this language to private schools. The question asked was, are private schools whose students or teachers receive equitable services subject to FERPA? And the answer was, no. Private schools whose students or teachers receive equitable services are not subject to FERPA unless they otherwise receive federal funds from a program administered by the U.S. Department of Education. There's a further paragraph there from the statement. I'm going to let you just read that. I don't think it's necessary for me to read that. Secondly, discipline does not necessarily mean the same thing in a faith-based school as in a public school due to religious connotations, especially in counseling and family contexts. As faith-based schools, we are asking for the slightest bit of discretion in what is disclosed from our schools' disciplinary records in transfer student cases. Vice Chair Howard, may I finish? I see my red light is on. I just...I guess I need to... [LB548]

SENATOR HOWARD: Let me ask you, what is it that you would like to finish within the...you can. [LB548]

JEREMY MURPHY: (Exhibits 22, 23 and 24) Okay. Thank you. Two years ago, I testified against the "any disciplinary material" language in LB651. The Senator Raikes asked us to provide an amendment, which we did in March of 2007. We provided the committee with two different options for an amendment. We received no response to our suggested amendments and now this bill comes forward with identical language. We would be happy to work on trying to reach an understanding with the Department of Education as to what constitutes "disciplinary material" for purposes of this revised change. We think we understand the idea behind this revision of longstanding current law, even though we question whether there really is a need for this. We have three possible amendments that we would like to offer for the committee's consideration, and I have copies of those. This would clarify the language of "any disciplinary material" within the bill. I also have a e-mail from Maureen Dowling of the Office of Non-Public Education of the United States Department of Education about the FERPA issue and it's applicably or lack thereof to private schools, depending on whether they're receiving direct funding under NCLB. So I'd like the page to distribute that as well, please. I'd be happy to answer any questions. [LB548]

SENATOR HOWARD: Thank you. Committee, do we have any questions for...yes, Senator Giese. [LB548]

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SENATOR GIESE: Thank you, Senator Howard. Mr. Murphy, then, so what are your concerns with...in this process of, this information? [LB548]

JEREMY MURPHY: Well, I think our concerns are two-fold. One is, if FERPA does not apply to a private school because they're not receiving direct federal funds, we think there's a potential problem with creating a conflict with federal law dealing with FERPA and privacy laws. There's also a concern that...well, and I think there's...if there's an expulsion, I think that has to be reported to school district personnel in some way but how much information you want, I think it's possible to maybe provide a summary that there was an expulsion, the reasons for it. And one of our amendments does address that. It would add the language...well, let me find it. It would add the language, "relating to any suspension or expulsion" to the end of the, any disciplinary material clause. So that would limit its scope a little bit. I think "any" to us, means all. And I'm not sure that the school districts or private schools want to be in a situation where they're having to provide the complete disciplinary record of students to the point of showing that, you know, they were on detention 30 times. They were forced to, you know, peel chewing gum off chairs, things like that for minor infractions that don't rise to level of a suspension or an expulsion. So part of it is the scope and part of it is the potential conflict with FERPA and NCLB as they relate to private schools. [LB548]

SENATOR GIESE: Thank you. [LB548]

SENATOR HOWARD: Any other questions? Yes, Senator Avery. [LB548]

SENATOR AVERY: Thank you, Madam Chair. Mr. Murphy, could you give me and the committee an example of a kind of disciplinary action that you would not want to be made...be available to parents. [LB548]

JEREMY MURPHY: Well, I think our amendment mentions expulsion. One of the amendments says that our disciplinary records pertaining to expulsion could be disclosed, maybe suspensions as well. I think those are situations that would rise to level of being an official record. Now what events occurred that created that official record, I...you know, I'm not...I guess I haven't been exposed to a lot of those so I guess I'm uncertain what would rise to the level of reaching a suspension. It's a little easier to determine what would rise to the level of an expulsion because some of the facts would, you know, trigger an expulsion in either a public or nonpublic school. So I guess I can't think of a concrete example but if you have someone that's not a troublemaker but they're not rising to the level of being suspended from school, I'm not sure that that's helpful to be disclosing that. It just places an added burden on the school that's having to disclose it. [LB548]

SENATOR AVERY: Could it be that the student may not be towing the line on religious dogma and there's a disciplinary item associated with that, would that be an example?

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[LB548]

JEREMY MURPHY: Well, I think there... [LB548]

SENATOR AVERY: Be something you would not want to disclose? [LB548]

JEREMY MURPHY: There is a dimension in faith-based schools of students may have behavior that might be perceived as troublesome by some. It might be perceived as being sinful in our school systems and that might lead to counseling and things like that where you might have a private relationship which could be, you know, related to a, you know, a therapist-patient type of privilege, if there is such a thing in a school context. But we think some of the counseling about what might be sinful behavior that's short of the level of rising to a suspension could be problematic if it's conflicting with our faith-based schools mission. [LB548]

SENATOR AVERY: But forming a young Democrat's group and not being in that group, right? (Laughter) [LB548]

JEREMY MURPHY: Well, Senator, there... [LB548]

SENATOR AVERY: I know of a case. [LB548]

JEREMY MURPHY: ...there are people of all parties that have all different types of faiths and that's, you know, that's something the students go through all kinds of shifts in their political philosophies as they grow up, as I'm sure many students do in college as well. But I don't know that that would really be much of a problem. [LB548]

SENATOR AVERY: Yeah, I know of a case like that. That's all I have. [LB548]

SENATOR HOWARD: Any other questions? I think you covered it. [LB548]

JEREMY MURPHY: Thank you. I do have a...I want to also give out...I just copied the page of the guidance from the ONPE from the U.S. Department of Ed. I didn't copy the whole document. If you want the whole 20-page document we can certainly provide it, but I know all of you have many demands on your time to read a lot of bills and other materials. But I think it would be helpful for you to at least look at the portion of that that intersects my testimony so you can understand how FERPA and NCLB apply a little differently in private schools. Thank you. [LB548]

SENATOR HOWARD: Thank you. Other opponents? Neutral? I think that's it. [LB548]

SENATOR ADAMS: Well, I'll close only if you have questions of me as I promise not that I will have answers, but... [LB548]

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SENATOR AVERY: I have one question. I remember LB651 last year and we had this same issue come up but... [LB548]

SENATOR ADAMS: Yeah, two years ago, maybe was it? [LB548]

SENATOR AVERY: Yeah. And that bill just never, never was able to succeed because of competition with the learning community and other things like that. Yeah. [LB548]

SENATOR ADAMS: Exactly. And that's kind of why we're back again now. We need to catch up. [LB548]

SENATOR HOWARD: Thank you. [LB548]

SENATOR ADAMS: And I if remember right, that ends the hearings for today. (Laughter) [LB548]

SENATOR HOWARD: Yes, yes. I should have said that. [LB548]

SENATOR ADAMS: And committee, we need to Exec. [LB548]

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Disposition of Bills:

LB476 - Placed on General File with amendments.

LB257 - Held in committee.

LB461 - Indefinitely postponed.

LB549 - Placed on General File with amendments.

LB548 - Placed on General File with amendments.

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Chairperson

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Committee Clerk