

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Good afternoon. Welcome to the Education Committee public hearing. My name is Lynne Walz from Legislative District 15 and I serve as Chair of the committee. The committee will take up the bills in the order on the posted agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please turn off or silence your cell phones or other electronic devices. The order of testimony is introducer, proponents, opponents, neutral and closing remarks. If you will be testifying, please complete a green testifier sheet and hand it to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute before you begin testifying. We need ten copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state your-- state and spell your name for the record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. If you would like your position known but do not wish to testify, please sign the yellow form at the back of the room and it will be included in the official record. If you are not testifying in person and would like to submit written comments to be included in the official hearing record as an exhibit, you will find the required link on the bill page of the Nebraska Legislature's website. Comments are allowed once a bill has been scheduled for public hearing and must be submitted and verified prior to 12 p.m. on the last work day prior to public hearing. The comments submitted online and verified prior to the deadline and identified as comments for the public hearing record will be the only method for submission of official hearing comments other than testifying in person. Letters and comments submitted via email or hand-delivered will no longer be included as part of the public hearing record, although they are viable option for communicating your views to an individual senator. Finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green means your time has started and you may begin speaking. Yellow, there's one minute remaining and you'll wrap up the comments when you see the red light. The committee members with us today will introduce themselves beginning at my far right.

**McKINNEY:** Good afternoon. Senator Terrell McKinney, District 11, north Omaha.

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Education Committee February 22, 2022

**MURMAN:** Hello, I'm Senator Dave Murman from District 38 and I represent eight counties in the southern part of the state.

**LINEHAN:** Hi. Lou Ann Linehan, District 39, Elkhorn and Waterloo.

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

**WALZ:** I'd like to introduce committee staff. To my immediate right is research analyst, Nicole Barrett. To the right end of the table is committee clerk, Noah Boger, and our pages today are Bhagya Pushkaran and Aleks Glowik. Please remember that senators may come and go during their hearing, as they have bills to introduce in other committees. I would also like our committee members to speak directly into the microphones and limit side conversations and making noise on personal devices. We are an electronics-equipped committee and information is provided electronically as well as in paper form. Therefore, you may see committee members referencing information on their electronic devices. Please be assured that your presence here today and your testimony are important to us and crucial to our state government. And with that, we will open on LB838. Senator Kolterman, AM1889.

**KOLTERMAN:** Good afternoon. My name is Mark Kolterman, M-a-r-k K-o-l-t-e-r-m-a-n, and I represent the 24th Legislative District. I'm here today to introduce AM1889 to LB838, a bill to create a program within the Nebraska Department of Education to support health insurance coverage for our early childhood workforce. First, I want to sincerely thank Chairwoman Walz, her research analysis [SIC] Nicole Barrett, and the committee for taking the time to review the new language for LB838 and for your time today hearing about this issue once again. As we've been working on LB838 and improving the language since our original hearing, we wanted to make sure that the new language truly addresses the committee's questions from January. Those questions included what the requirements were for the distribution of funds, who would be eligible for this support and what exactly we wanted the Nebraska Department of Education to use the funds for. I believe AM1889 addresses those questions and offers a more nimble and strategic solution for the challenge of workforce retention among quality early childhood programs. What I'd like the committee to remember overall is that LB838 is an innovative solution to the challenge of the early childhood workforce retention, and it would be Nebraska on the map in terms of attracting and retaining talented individuals working for our youngest citizens. I would like to now walk you through the new language starting on page 1. Lines 3 through 12 are essentially the same definitions as the original bill.

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Education Committee February 22, 2022

These include a licensed childcare program, part-- participating in Step Up to Quality, a pre-K and a Head Start, or an Early Head Start. Lines 13 through 19 define what a full-time employee actually is, deductible and a premium and these definitions align with what is already existing in statute. At line 20, you'll see the new and better description of the program itself, narrowing the scope of these funds to all or a portion of the health insurance premiums, deductibles or other expenses related to health insurance. The committee had previously had some concerns about paying for the entirety of the premium, and this would clarify that the Nebraska Department of Education may use the funds for a portion of the premium or the deductible. Continuing at the bottom of page 1 at line 27 until the top of page 2, line 5, you'll see which individuals are eligible for support for their health insurance. These include all full-time employees and self-employed individuals who provide childcare or education programs as defined on page 1. Page 2, lines 6 and 7 clarify that the Nebraska Department of Education may contract with any third party to carry out this program. That could be a third-party administrator, the EHA, the exchange marketplace, or even an insurance company. Again, this is merely an attempt to address the committee's questions of how this might work, while still allowing the Nebraska Department of Education to be nimble in how they administer this program. Finally, page 2, lines 9 through 16 clarify the appropriation of \$15 million allocated for this program. Here's a key takeaway I want you to remember for this new language: previously, we had truly wanted to figure out if there was a way to provide premium support for this population as part of a potential opportunity with Educators Health Alliance, or EHA as it's known. As we worked on this bill further, we realized that we couldn't create special legislation naming EHA and we wanted to make sure that the Department of Education was not bound to work with the Educators Health Alliance, especially since the EHA is still considering the underwriting of this population. After the previous hearing, my office was contacted by members of the EHA board with concerns about the original statement of intent, which is why I've distributed a new statement for you today. While we can't upload this new statement online, this document represents the intent of AM1889. The EHA executive committee also asked that I read the following into the record. The Educators Health Alliance executive committee greatly appreciates and supports the creation of a program that will provide aid to employees, self-employed individuals or providers of activity to support early childhood workforce recruitment and retention. We must inform members of the Education Committee, however, that the EHA cannot be obligated through legislation to enroll any group or subgroup without the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

authorization of and by the EHA executive board, which is compromised-- is, is comprised of members and staff of NSEA, NASB and NCSA. It is the standing policy of the EHA to evaluate risk of prospective new members, which is customary and necessary for all insurance plans and for, and for the protection of the existing EHA members. The language you have before you does not require, call for or even allude to a partnership with EHA. AM1889 merely outlines a program but does not bind Nebraska Department of Education's hands in how they carry out ensuring that this population receives support for their health insurance coverage. We know that a lack of reliable care has negative consequence, consequences for Nebraska's economy. Workforce shortages in the childcare industry are tied directly to the workforce shortages for every other sector of our economy. And upon reflection from our first hearing in January, I felt that one voice that was missing from our previous conversation was that of the providers. At that time, you'll remember Nebraska was dealing with the Omicron wave and it was a gift-- it was difficult to get providers to come to speak with you about how important LB838 would be for them. Today, I've invited three childcare providers from across the state to speak with you about the importance of LB838. You will also hear from First Five Nebraska, which originally brought me to this innovative idea for workforce retention in early childhood. Again, I appreciate your time today as well as your attention in January. I think we all agree that retaining the early childcare workforce is critical for the success of business in our state and LB838 offers a creative solution to this challenge. I'd be happy to try and answer any questions you may have. I will tell you that after the first hearing, the EHA-- some members of the EHA had reached out to me. It was my impression that they'd all agreed to what we brought before because that was my understanding and apparently they had not all been contacted. So there was some heartburn and dismay about that. So I'm just here to try and rectify and make it right with all, all parties involved. And I hope that you see that there's some good compromise legislation in this, this amendment. So with that, I'd try to answer any questions you might have.

**WALZ:** Thank you, Senator Kolterman. Questions from the committee? I don't see any. Thank you.

**KOLTERMAN:** Thank you.

**WALZ:** First proponent. Good afternoon.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**THELMA SIMS:** Good afternoon. Hope everybody's doing well today on this windy, cold-- it was a windy ride. So we got here ten minutes earlier based on the wind. I-- my name is Thelma Sims. I am a--

**WALZ:** Can you spell your name?

**THELMA SIMS:** Thelma, T-h-e-l-m-a, last name Sims. I am an owner, director and a provider of early childhood services in north Omaha. I have over 45 years' experience, not as an owner, but in this particular field of work. And I know how critical what we do or what I do on a day-to-day basis is to now and to the future. When we talk about the shortage, this is precious time for me to be away from my facility today, but it's important for me to be here because I'm an advocate for change and I'm an advocate for opportunities. In LB838, when I heard about the bill, I get excited, but I was elated because one of the greatest challenges we have is maintaining a healthy staff. I've owned my own business for almost nine years. Even though I've been in the business, I've decided if I'm going to work this hard, let me do my own thing because other people really didn't see my agenda. One of the greatest challenges I have is providing those health benefits to my staff. And I've tried every single year and what happens is I'm priced out. You know, it's sad to say, but we don't always have the healthiest staff. We have very loving, caring, nurturing staff. So when you have those preexisting health conditions, diabetes, health despair-- other health disparities that are prevalent in most communities, but primarily in the community where I live, you know, when you have that initial conversation and they say, yeah, we could probably get your staff benefits for \$200 a month. OK, I'll split that down the middle. But after they do their research, put the packets together, that \$200 went from-- to \$600 for some and \$1,800 for others. So it just saddens me because healthy people present healthy outcomes. Healthy-- that continuity of care, that consistency for the children, that presence always there. That's what kids need because they're lacking that in so many other areas. Early childhood, we are the first point of contact to that world of education. And so my ultimate agenda is make sure when the kids leave my facility as other facilities-- and I speak for the greater mass because they say, Thelma, you-- you're not afraid to say what we need to say. It's important to maintain that continuity of care and make sure as our kids transition to the school systems, that they are academically ready. But when you deal with massive health disparities with the staff and with the children-- and COVID, man, I tell you COVID changed my life, as it changed everybody's. And so when they initially started talking about essential workers, we were the lowest man on the totem pole. Never stopped. Never missed a beat. But I've been blessed. I'm

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Education Committee February 22, 2022

going to stay blessed because I haven't had to shut my doors for COVID. I changed my standards of operation because of COVID. I paid medical bills. I paid other services out of the-- out of my own personal or out of the business to keep that flow of care going for the kids. So, you know, to pass this bill, I'm a big cheerleader. There's some might-- that might say or have said to me, what's the catch? Stop looking for the catch and let's start looking at the opportunity. Let's, let's look past ourselves and look at what we can potentially do for this business. I tell some of the newer providers, I'm an old chick, and I said I wasn't going to do this at 70. But what I realized when I said that, oh, I'm only five years away from 70. I said, well, I don't have a lot of time, but I have a lot of energy and I have a lot of desire to make sure whatever happens for us that I'm going to speak out. Even if you don't want me to, I'm going to say what I have to say, but I'm speaking for the masses. So I hope that you really take this bill into consideration. It will be what the future of early childhood needs. I came from Head Start and I was with Head Start for eight years. And what I say to people-- as they said, well, you, you operate differently. The most rewarding experience I've had in my years of doing this is, is being a part of a high-functioning Head Start program that addressed all of the needs of the entire family. And that's what that-- this will do for us.

**WALZ:** Thank you. Thank you so much. Let me see if we have any questions. Senator McKinney.

**McKINNEY:** Thank you, Senator Walz, and thank you for your testimony and coming down. I have one question. Since you've been in business and from your experience, have you had any issues with Step Up to Quality?

**THELMA SIMS:** Wow. You know, I didn't bring that up because that's a whole day's conversation. Initially, because I came from Head Start, I understood regulations, performance standards and quality care. So when you look at these standards of operation on state-to-state level, we were a little behind. So when Step Up to Quality was initially put into play, I thought, this is awesome because now we're going to go from quantity to quality care for children. It hasn't really worked because it's-- it started out the intent was good. Because of the lack of trust with the system and the lack of involvement, people were kind of refusing to become a part of or, or just automatically enrolling in the Step Up to Quality program. So because this is what's going to become our standard of operation, you know, you guys started talking about it. So now I went from it being an optional choice for me to enroll in Step Up to Quality to a mandated choice for me to

participate in Step Up to Quality or receive a civil penalty as a licensed childcare facility for failing to do so. OK. Thelma, what do we do? I told you to sign up because of the benefits. If you look at the packet, the coaching, the financial reimbursement or the support, the training, all of those things that give you quality care were part of Step Up to Quality. Well, there's-- something, something broke down somewhere because the minimum is step two. Step one is to fill out the paperwork and enroll. Step two was to get all of your staff signed up. I want to get to five, but I've been trying for three years to get to three. That involves a coach. It provides some services. I came from a program where if you gave me a mandate, you gave me some capital to meet that mandate or you made the specs or the expectations for me to participate achievable. I'm stuck. But that does not mean that I am not doing my own step up to quality and that I'm not working with the program. And then I-- you know, we're participating in all the professional development above and beyond the things that we're required to do, but because quality is the key to early childhood, not quantity.

**McKINNEY:** Thank you for that. And I asked that question not to kind of get at this bill, but I hope the Department of Education is listening to what you just said and they're looking to-- and hopefully they look to find some ways to improve the trust and communication issues that you and others have with Step Up to Quality because I've heard them since I've been in the Legislature. And, you know, if we're going to basically mandate individuals be a part of Step Up to Quality in order to receive this benefit in this bill, I believe the department needs to do their part in improving the processes and the trust and the communication for other individuals to take advantage of these opportunities. Thank you.

**THELMA SIMS:** And talk with us and not at us.

**McKINNEY:** Yes.

**THELMA SIMS:** And put the-- you know, make us a part of that loop. You can't give me something. It's like, dang-- I love, I love gooey candy and you can't give me Red Hots-- or give me chocolate when I really like gooey candy.

**McKINNEY:** Yeah.

**THELMA SIMS:** And so that's kind of what, what's happening. And when I seen that that was an initial prerequisite to be a part of this,

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Education Committee February 22, 2022

again, you take away that sense of hope and that possibility when it's, it's way, way beyond our control.

**McKINNEY:** Um-hum. Thank you.

**WALZ:** Thank you. Any other questions? I don't see any. Thank you. Thank you for your dedication.

**THELMA SIMS:** Thank you.

**WALZ:** Next proponent.

**CHRIS BRUNER:** Good afternoon, Senators. My name is Chris Bruner, C-h-r-i-s B-r-u-n-e-r. I'm a director of a nonprofit childcare, step four in Step Up to Quality and I've been there for 40 years. I, I appreciate your time to hear my voice today on AM18-- AM1889 to LB838. As a small center, we do not offer health insurance. I have-- I've been-- I'm licensed for 60 children. I have 11 employees. Two of my employees that are part time are on their parents' insurance plans. One is covered under her husband's. I have one staff that is on Medicaid due to major health issues. Three do not have insurance at all and four have been on the marketplace. Have any of you had to deal with the marketplace? It's not fun. It's very discouraging that I have staff come to me and say, I can't take that raise because it's going to put me over on the marketplace to-- for my, my premium. I can't afford that. So that's kind of a bummer when, when we have to, have to do that. My personal experience, I've been-- I'm married and I've always been on my husband's insurance. He recently retired last year so it forced me to look out to the marketplace as well. But prior to that, I went out seeking new employment for the benefit of health insurance. But I've been at my job for 40 years, so-- and at my age, it was kind of scary to branch out and go look for something new. I had a few job offers with the benefit of health insurance, but the cut in my salary just did not justify taking the new job. My center is fortunate that most of my full-time staff have been there now for over 25 to 35 years. So my only turnover is my part-time girls who come in to work and most of them are college students. But I believe if there is a solution for childcare workers to obtain health insurance, their turnover in staff would lessen and our pipeline to the future staff would increase. Childcare is essential to the economics of our state and this is the workforce behind the workforce. Childcare has been the backbone of our state during this pandemic so that parents who serve in the frontline positions, as well as positions to keep our state open and running, relied on childcare to do their jobs. Childcare workers will continue to be essential as we transition to life after

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Education Committee February 22, 2022

the pandemic, yet many childcare employees do not have health insurance and cannot afford health insurance. Despite the importance of childcare workers, many do not have insurance to protect themselves against the virus, including long-term cases, as well as health insurance to address other health needs. There simply isn't an affordable option for healthcare coverage. We're experiencing a workforce crisis and the lack of affordable healthcare exacerbates the issue. There's no COVID vaccines for the young children in our care. Not to mention, young children also have a higher rate of illness. And as we work with those kids, we're exposed every day to all these things, snotty noses and all. Longtime employees are leaving the field of early childhood in numbers and we've seen-- than we've seen before. Many are leaving to protect their own health and to find positions that provide that healthcare benefit, and I expect those numbers to continue to increase unless we do something to support this, this workforce. You know, the first five years-- we've heard it for how long-- are the most formative and we simply are shortchanging the children in this state when we shortchange their teachers. The ability to offer insurance as a benefit to current staff as a means to retain them and as, as means to gain new employees is critical to our workforce. Having access, access to health insurance should not cause the employee to go broke by paying their complete premium. Childcare business are-- is already stretched thin, and it comes from the-- comes to their bottom line. We already know without public investment, the system is unstable and employers can-- simply cannot afford to cover their premium. Very few small, nonprofit providers are able to offer health insurance. Reliable quality childcare has a return investment to the children of our state. Retaining the workforce and recruiting quality educators factor into this investment, and don't parents want consistency for their child while they're in childcare? Don't they want a place where they can be safe and loved and they know that they're taken care of? We do not invest-- if we do not invest in childcare, there will continue to be turnover, which provides inconsistency for children and a workforce shortage and closure, closure of more childcare centers. Again, I thank you for your time, and I hope you'll consider advancing this legislation to help providers find and retain qualified early childhood.

**WALZ:** Thank you so much. Questions from the committee? I see none. Thanks for coming today, appreciate your testimony.

**CHRIS BRUNER:** Thank you.

**WALZ:** Next proponent.

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Education Committee February 22, 2022

**ADAM FESER:** Chairman Walz and members of the Education Committee, thank you for allowing me to testify today. My name is Adam Feser, A-d-a-m F-e-s-e-r, and I am a policy adviser with First Five Nebraska. First Five Nebraska is an early childhood policy organization dedicated to promoting quality care and early learning experiences for Nebraska's youngest children. I want to thank Senator Kolterman for introducing LB838 and AM1889 and thank the Education Committee for their time and attention for the second hearing on the bill. I also want to thank Thelma Sims and Chris Bruner for taking time away from their programs and their kids to testify about the importance of this legislation. Before I speak to AM1889, I want to reiterate the challenge of health insurance coverage for early childhood providers and how much of a game-changer LB838 could be for workforce retention in the field. Nebraska's economic leaders know that early childhood programs are a key enabler of workforce participation and employer productivity in all areas of business and industry for Nebraska. High turnover in the early child professional workforce makes it harder for programs to stay open and to support state and local economies. Turnover in early childhood workforce is driven by factors such as low wages, demanding work environments and the lack of healthcare benefits. Only 39 percent of the Nebraska center-based early childhood teachers have health insurance, and the median wage for early child professionals is \$25,030, which is too low for most childhood-- early childhood workers to be able to afford to purchase private health insurance. So AM1889 outlines a-- outlines a program created within the Nebraska Department of Education to provide assistance for health insurance costs to early childhood-- the early childhood workforce. Workers must be full time and employed at an organization that provides quality early childcare, which includes licensed childcares, Step Up to Quality-- enrolled in Step Up to Quality, pre-K, Head Start, and Early Head Start. These funds would also be available to self-employed individuals who meet quality requirements outlined above. As outlined in AM1889, the funds may only be used to support premiums, deductibles or other health insurance expenses. AM1889 clarifies the intent of LB838 and outlines a program that can make Nebraska remarkably competitive in the early childhood space. I can only imagine the dinner table conversations for early childhood workers after this program is implemented when they are deciding whether to work in Nebraska, where they receive health insurance benefits, or Iowa or South Dakota, Kansas, Missouri or any of our other neighboring states where they do not. LB838 could ensure Nebraska attracts and retains quality early childhood workers in an innovative way. I also want to note that NDE is still a proponent of LB838 and is willing to work with the Education Committee members and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

others on this bill. I appreciate the committee's time and attention to this issue both today and in January, and I'm happy to try to answer any questions you have.

**WALZ:** Thank you. Questions from the committee? I don't see any. Thanks for coming today. Next proponent. Are there any opponents? Anyone who would like to speak in the neutral capacity? Senator Kolterman, you're welcome to close.

**KOLTERMAN:** Again, thank you for the time, allowing me to introduce AM1889, bring some clarity. And I'd also like to thank the people that spoke in support of the bill, taking time out of their busy schedules. It's an important issue and would, would encourage you to take a hard look at it and advance it to the floor. With that, I'd answer any questions you might have.

**WALZ:** Thank you, Senator Kolterman. Questions from the committee? I don't see any.

**KOLTERMAN:** Thank you.

**WALZ:** Thank you. That closes our hearing on AM1889 to LB838 and it will open our hearing on LB1027. Senator Hunt. Hold on, we're waiting for Senator Hunt.

**PANSING BROOKS:** She might be in another committee.

**WALZ:** Welcome, Senator Hunt.

**HUNT:** Hi, there. Colleagues, thanks for your patience. Chair Walz and members of the Education Committee, I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I'm here today to present LB1027. I'm introducing this bill in partnership with the Nebraska Commission on Indian Affairs. Some of our public institutions, our schools, continue to use the names, images and icons that are sacred to Native American tribes as mascots for school sports teams and activities. Many Native people in Nebraska have been telling us for years that this is harmful and hurtful to them. Only in recent years has this been getting more recognition, as some sports teams and colleges and schools nationally have started to discontinue the use of Native mascots. There are many reasons why and I believe some of our testifiers will speak more to the impact of the use of Native mascots on Native people and their legacies in history. To broadly summarize, many Native people say that the use of Native mascots makes a caricature of their people and dehumanizes their experiences. Historically, the creation of Native mascots was part of a larger strategy to justify our nation's inhumane

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

treatment of Native Americans and to reinforce white Americans' views of them as uncivilized, violent group of people. As we continue to use this imagery, we're continuing to reinforce prejudices and stereotypes while failing to educate our students properly about our true history. The American Psychological Association recognizes that the use of these mascots in schools has a negative effect on the social identity, development and self-esteem of American Indian students and contributes to an unwelcome and even hostile learning environment for them. This can magnify the cultural trauma these students already endure and have ripple effects well into adulthood. The American Psychological Association has called for the retirement of Native mascots for nearly 20 years now. Over the summer, I was moved to draft a potential bill that would have banned schools from using Native American mascots in Nebraska after reading about our neighbor, Colorado's success in passing this type of ban. However, shortly after Colorado's ban was passed, a lawsuit was filed challenging the constitutionality of the law. That lawsuit raised questions as to whether the forbidding of only Native American mascots, but not mascots of other racial or ethnic groups is constitutional. That is, the plaintiffs allege that under the 14th Amendment, the state cannot discriminate against or give preferential treatment to any racial or ethnic group. After discussing it with the Nebraska Commission of Indian Affairs, Senator Brewer's office and the Revisor of Statutes Office, we made the decision to not pursue a ban until that federal case was decided. This case is still working its way through federal district court. Instead of a ban, I opted for a different approach, which is to incentivize those schools currently using Native mascots to make a change and to provide them with the resources necessary to make those changes. I would also like to acknowledge Senator Wishart, who had the original idea for this bill. She serves with me on the State-Tribal Relations Committee and we've discussed this several times over the past few years. And as a member of Appropriations, she thought that this would be a good solution, and I agree. I thought it was a good solution so I'm proud to be the one carrying this forward. This is a very commonsense and fair solution to this problem. With LB1027, we're not telling any school that they have to change their long-standing mascots if they're truly averse to doing that. But for those schools that do realize that their mascots are hurtful and wish to change them but may not have the resources to do so, the state is offering them the funds they need to do that. A community might have the will and the desire to replace the school's mascot with something more appropriate and maybe they've wanted to do that for a long time, but they haven't had the money to do it. You have to change the scoreboard. You have to repaint the, the field and the basketball

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

court and the new uniforms. There's a lot of costs, of course, with this kind of thing. So what we're doing with LB1027 is enabling those schools that want to make a change to finally be able to do it. I want to mention the fiscal note. The fiscal note is estimated at up to \$4,400,000. This is assuming that all 22 of the schools in Nebraska take the full \$200,000 grant to offset these expenses. So hypothetically, the cost could be that high, but I don't think that it's likely that it would be that high. It would just depend on how many schools applied for the grant and how much money they really needed to make those changes. So I think the fiscal note is a little bit inflated. There's no doubt that people you will hear from, whether it's in testimony or in email or in, in the common discourse, can say things like, well, this isn't harmful because what we're doing is we're honoring the people, we're honoring the tribe. But I would just ask us to listen to the Native Americans who are affected. And remember that it's not our right to define the image of a group of which we are not members. It's exploitation. And I would also like to note that our Nebraska Rural Community Schools Association recently conducted a survey of their members on this issue, which is really informative, and I'm grateful for their efforts and their help. In that survey of the 16 members of the NRCSA, 8 out of 12 responded that they have had conversations exploring the changing of their mascots. So I do think this is something that many of the schools would use. I'll turn it over to testifiers now and I will offer some additional points at closing.

**WALZ:** Thank you, Senator Hunt. Questions from the committee? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for bringing this bill, Senator Hunt. I love this new twist. I really like the idea of offering grants to help the schools change the, the various forms of, of their, of their, of their mascot and I just-- I'm proud of you or I'm grateful for you bringing it forward.

**HUNT:** Thank you. I, I think that-- you know, I'm a, I'm a supporter of schools, too, and public schools and education and I know that our rural schools are already stretched very thin. And I am also one of those people that's against putting unfunded mandates, especially on already hard-hit and underfunded groups of people and communities. And so I don't think that this is a lot of money to ask from the Legislature in the big picture and I think that this will improve the culture in these schools, but that money will also improve the experience for the students. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**PANSING BROOKS:** Thank you.

**WALZ:** Senator Linehan.

**LINEHAN:** Thank you, Chair Walz. Thank you, Senator Hunt, for being here today. So in the green copy of the bill, it does say \$200,000 per school district. So what was the-- what's-- how did you come up with \$200,000?

**HUNT:** Two hundred thousand was the number that was estimated by several of the school districts as the cost to change their uniforms and their scoreboards and their sign and-- you know, just kind of all the costs that would go with rebranding basically the school and changing the mascot. It's not necessarily going to be that high for every school and I didn't hear any estimates that it would be higher.

**LINEHAN:** So do they have to submit what their cost is before they get the \$200,000?

**HUNT:** They have to apply for the grant and the Nebraska Department of Education would establish all of the rules and regs and procedures and criteria for granting that money.

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

**WALZ:** Any other questions? I don't see any. Are you staying for closing?

**HUNT:** I will stay. Thank you.

**WALZ:** Thank you, Senator Hunt. First proponent. Good afternoon.

**DARREN WOLFE:** Good afternoon, Chairman Walz and members of the Education Committee. I am Darren Wolfe. I am a-- I'm from Macy, Nebraska.

**WALZ:** Can you spell your-- I'm sorry.

**DARREN WOLFE:** I'm sorry.

**WALZ:** Can you spell your name?

**DARREN WOLFE:** Darren, D-a-r-r-e-n W-o-l-f-e.

**WALZ:** Thank you.

**DARREN WOLFE:** OK. I am from Macy, Nebraska, and I am a member of the Omaha Tribe of Nebraska, and I have served on the Thurston County Board of Supervisors for 12 years and on the Omaha Nation School Board for four years. I was appointed to the Nebraska Commission on Indian Affairs by Governor Heineman, and I still serve presently. In addition to that, I've also served as a coach for both the Umo'ho' Nation school and the Walthill school, which is in Thurston County. I am here today to speak in favor of LB1027, eliminating Native American mascots from Nebraska schools. I do not see Senator Hunt's effort as an act of political correctness or a symbolic act. When you hear political correctness, it is an attempt to make something political that's really about a larger narrative and the way that we treat groups that are not the dominant group. These mascots are symbols, and it's assumed that symbols don't have real-world consequences for living people. This is incorrect. Imagery and the lack of understanding of Native American communities can harm and have real-world consequences. Studies show that exposing Native American teenagers to Native Americans-- Native sport mascots decreases their self-esteem, lowers their achievement-related goals, and diminishes both their sense of community worth and belief that their communities can improve. Other studies have shown that the use of Native American mascots increases suicidal ideology, ideation-- excuse me-- ideation and depression among Native Americans. Native American communities have the highest rate of suicides in the nation and juvenile numbers are the most shocking in those numbers. For those who consider themselves as being Native American and this being important to their sense of well-being, people who vote in tribal elections and attend Native ceremonies and powwows and speak their language are offended by the use of Natives as mascots. In addition, intergroup relations are also affected. Studies show that the use of Indian mascots increased stereotyping of Native people as primitive, aggressive and savages. It leads people to dehumanize-- dehumanize Native people. Studies also show that when exposed to Native mascots, white college students are more likely to discriminate against other people of color. The only benefit to using Natives as mascots, studies show, is that whites get a boost in self-esteem. When you think about this both from an equity perspective and include the big picture, there is just no benefit to Native people of Nebraska-- to the Native people of Nebraska and keeping Native mascots at schools that have little to no Native students. We have a real problem in this state and in country-- and country in how we deal with race issues and the Native mascot issue is important because it is about our identity. Mascots are yet another way in which we systematically discriminate against Native people. It basically gives license to schools who dress up to play Indian and mock Native song

and dance. The dehumanization of Native people on the playing field is reflected in the high rates of death of Native people at the hands of police, not to mention the 500 to 600 Native people that are-- Native women that are murdered and/or missing. These incidents are not reflected in the national media, media. However, if a person that is white and is missing, there are nightly updates on the efforts to find them. LB1027 is an effort to humanize Natives. It's about allowing us to be seen for who we are. If you really want to honor Native people, learn the truth. Our Native nations are survivors. We've endured government-sanctioned efforts to eliminate us as people. We were and are still here and it's important that people recognize not only that we are here, we have families and children that we love and who we want to have opportunities. Now you may be thinking that these schools in Nebraska only intent was to try to honor-- to try and honor the Native people that were once there. I want the remembering, but I don't want them playing Indian. These Nebraska students and their Native mascots with little to no Native students, every day basically affect Native kids. May I continue? The light is-- OK, thank you-- basically affect Native kids by lowering, lowering their self-esteem, their community efficacy, efficacy and kill their achievement goals. Sorry, I'm nervous. If a school wishes to honor Native Americans, a school can change their name to honor a Native American person. Some schools have already undertaken this here in Nebraska, and there are many to choose from. There are many people of distinction and service to the country and to society. LB1027 is not an effort to make Nebraskans feel bad. It's about allowing us to walk into the future together with no dehumanizing perspective, viewed through a stereotypical lens. Then we can really grow and build together and change Nebraska. Thank you.

**WALZ:** Thank you so much for testifying. Senator Pansing Brooks.

**PANSING BROOKS:** Wow, what beautiful testimony, Mr. Wolfe. Thank you for that. I love the vision of allowing us to walk together into a future with no dehumanizing perspective, perspective. That was wonderful. Thank you for this and powerful testimony.

**DARREN WOLFE:** I just want to touch on a few things, Chair, is that our suicidal rates in my community and my neighboring community of Walthill and Winnebago are not reported nationally or even statewide. But we have a large number of young men and women that have recently lost their lives in all those-- three of those communities. The suicide rates are not reported directly to the state, but there are numerous young men and women, within the last two months, that have taken their lives. I think this proposal is a step forward in us

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Education Committee February 22, 2022

trying to address some of those issues of how our young people view themselves, and those are the victims that we're dealing with right now. We've had within the last two months-- since probably Christmas, we've had at least five suicides and ranging from 13 years old to 30 years old. A friend of mine, her name is Sarah Rowland [PHONETIC], she just lost her sister. My cousin, Pat Walker [PHONETIC], just lost his daughter not more than three weeks ago. So I hope that we take serious consideration for LB1027 so that we can move forward and try to eliminate some of the issues that our young men and women have to deal with in our communities. I wanted to speak-- imagery. I stopped at the Planet Fitness here in north Lincoln before I came here. And my-- seen a young man, he had a t-shirt on that said-- had a skull head with feathers-- a headdress on it. It said-- excuse me-- Broken Arrow Indian football. I don't know if that was a, a school or intramural team that was at the university, but it was just the imagery. And that may come from a lack of understanding of who we are as people, our customs and what we believe in. But that imagery has impact, it has serious impact on people and gives a perspective of, oh, you're Native? Is that what you guys do? Is that how you are? Is that your demeanor? Is that all you guys do? So again, it goes back to imagery. Thank you.

**WALZ:** Let me see if we have any other questions. Senator Murman.

**MURMAN:** Yeah, thank you, Chair Walz. In your testimony, you-- and thank you for testifying, you referred to studies that show that exposing Native American teenagers is not good for, like, self-esteem and, and some other things there, increase suicide ideation. I'd be interested in seeing these studies.

**DARREN WOLFE:** OK. I will make sure I get a copy to you through the-- our-- the commission.

**MURMAN:** Thank you.

**DARREN WOLFE:** All right.

**WALZ:** Thank you. Any other questions? I see none. Thank you for coming today and testifying.

**DARREN WOLFE:** Thank you.

**WALZ:** We appreciate it. Next proponent.

**DAN FEHRINGER:** Good afternoon,--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Good afternoon.

**DAN FEHRINGER:** --Senator Walz and the Education Committee. My name is Dan Fehringer, D-a-n F-e-h-r-i-n-g-e-r, and I am the current superintendent at Winnebago Public Schools and I've been at Winnebago for 22 years; as principal for 8 and superintendent for the past 14. Over the years, we've been-- we started a few years ago trying to push to get rid of the mascot. We've had NSAA up. We also kind of let it die down a little bit because it-- we kind of follow the sports, the pros. And when the Redskins, the Washington football team, now changed theirs, it was an avenue for us. We're in support of, as a school-- I'm representing the school and we're in support of LB1027 as a starting point. It does have repercussions, emotional for our students. We-- when we met with Jay Bellar and NSAA, we had the tribal council. It was a Zoom during COVID times, so-- but we had students there testifying on why. And a lot of it has to do with the other schools not understanding our culture and mimicking during times. And we found that out when we made the state tournaments over the last years. It started out with the first year, the firewater, and then the next year was the prairie dogs. So we've had all that stigma tied to it. We, we, we believe that this is just the starting point as a district. Again, I know you had some testimony written. Marian Holstein was supposed to be down, but she is ill, so she just sent something, I believe, to you, Senator Walz.

**WALZ:** Yeah.

**DAN FEHRINGER:** And so it's damaging to our students, to our, our, our community because we try to go out and teach. We've been-- ever since the firewater, we've tried to go down to other schools and share our culture, and it's amazing because they're not aware of what it really means. I myself have been there 22 years and I've learned so much over the years, just in the culture, just dealing with the funeral processions and how that's handled. It's a whole different meaning, being a pallbearer in a Native funeral than it is in our culture funeral. And I have been a pallbearer for-- to two members of the community, so I understand that part. I understand the stereotypes. Again, I learn every day and something new on how to deal with powwows, how to deal with what the meanings of the words are. And the social studies standards I believe are going to help. As we just introduced those, we're working with our tribe to have our kids learn more about our tribal, changing our social studies curriculum to that. But that's, that's, that's a start and this is a start to take away that stereotype that's out there and the act that they don't really understand and what Darren said is mimicking us in games and things

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

like that. So again, thank you for your time. And if I can answer any questions, I'll try my best.

**WALZ:** Thank you so much. Questions from the committee? I don't see any, but I do want to say thank you for your dedication and thank you for trying to educate other schools.

**DAN FEHRINGER:** And that kind of started with one of our counselors going down to Bellevue area and she started bringing them in down there and just the culture and the dancing and the, and the-- and at the state tournament, they have allowed us to do some things that have been very enticing to the state so thank you.

**WALZ:** Thank you. Next proponent. Good afternoon.

**EDWARD T. VENTURA, JR.:** Good afternoon. Edward T. Ventura, Jr., E-d-w-a-r-d T. V-e-n-t-u-r-a, Jr., J-r., 2811 Bryan Avenue, Bellevue, Nebraska, 68005 and Prairie Band Potawatomi. My late grandmother, Mary Rose Puckee Ramirez, was a survivor of the Genoa Indian Industrial School. Sorry. I thank the Legislature for passing earlier this session the resolution for the day of remembrance for the survivors of the school, their descendants and affected communities. Just like Genoa, the race-themed mascots undermine education efforts regarding the struggle of American Indian/Alaska Natives who were wiped out by white greed and racism. This lessens the value of education because 22 Nebraska school districts continue the legacy of racist oppression and humiliation. By turning Native Americans into caricatures, these school districts invalidate our identities and make our voices less accepted by those in power. While there are many issues we as indigenous people must address, our task is much more difficult when mascots and caricatures prevent others from seeing indigenous people from what we are; people. Addressing the issue of race-themed mascots is not political correctness. It is not about racial identity-- or equity and justice. It requires the courage of a whole society to stand up against an accepted norm to overcome racism. As Nebraskans, we must push to advance a more equal and just society for all people. I have to give a shoutout to the following states: Nevada, Washington, Utah, Colorado, Connecticut, and Massachusetts for bans. Nebraska must now accept that the time to advance equality for America's First People is long overdue. In 2015, I alerted the Bellevue Public Schools that Adidas was offering to help schools nationwide drop Native American mascots with financial support to ensure that the cost of changing is not prohibitive. The company said it would provide free design resources to schools looking to drop Native American mascots, nicknames, imagery and symbolism. The Bellevue Public Schools did not

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

take up this offer. I hope this bill will encourage districts to strengthen the spirit of tolerance and social justice in all Nebraska schools. American Indian/Alaska Natives constitute roughly 2 percent of the United States population and less than 1 percent of students in many districts. Thus, if Native American voices must outweigh the voices of those who want to retain harmful mascots, our battle will never be won. Rather than engaging in a heated, divisive debate, it is time to start listening to research and voices that have been drowned out for decades. I recognize that many may feel a sense of pride and identity with race-theme-- race-themed mascots adorning the halls and sports facilities. I recognize that a call to retire familiar mascots will bring feelings of anger, defensiveness and confusion. I recognize that it is easier to name and call out racism in other communities and institutions than to do so within an institution we have grown up in and, and identified with. I recognize it is difficult to speak the word "racist" in association with the school district in which we feel great pride. I also recognize that many students, educators, alumni and, yes, even you may feel uncomfortable with a mascot, but are hesitant to say so publicly at the risk of upsetting friends and family and perhaps loss of elected or appointed position. I close by reiterating that the Genoa Indian School Resolution acknowledged the physical and emotional abuse students were subjected to at the schools, just like the race-themed mascots in our 22 school districts. Please vote to send LB1027 to the full Legislature for debate. Thank you.

**WALZ:** Thank you so much for coming today. Questions from the committee? I don't see any. Thank you. Next proponent.

**JACQUELLE LANE:** Hello, Senator Walz, and thank you, Education Committee, for listening to me here today on my testimony. My name is Jacquelle Lane. That's J-a-c-q-u-e-l-l-e, last name is L-a-n-e and I am the practice and policy teaching fellow for the Nebraska State Education Association. More importantly, I am a friend to the Native people of Nebraska, but I am not Native myself. I am also a strong advocate for suicide prevention and mental health services in our youth in the state of Nebraska. I am here in support of LB1027, which will provide for two grants to schools that discontinue the usage of American Indian mascots and give powers and duties to the State Department of Education. NSEA is a strong supporter of LB1027. According to the NSAA, at least 22 schools in Nebraska have Native mascots. There are 11 warriors, 7 Indians, 1 chief, 1 brave, and 2 chieftains. In 2001, the American Psychological Association issued a resolution affirming the harmful effects of American Indian mascots, symbols, images and personalities by schools, colleges, universities,

athletic teams and organizations. The statement calls for the immediate retirement of Native mascots, stating that their continued use undermines the educational experiences of members of all communities, especially those who have little or no contact with indigenous peoples. It establishes an unwelcome and often hostile learning environment for American Indian students that affirms negative images and stereotypes that are promoted in mainstream society and appears to harm the self-esteem of American Indian children. The social science research and literature on this issue overwhelmingly shows that using these caricatures is detrimental for everyone. Notably, it's terrible for our children. For Native kids, it damages their self-esteem. For non-Native kids, it largely ensures them toward racism toward Native people. It gives them the sense that Native peoples are a thing of the past or are to be caricatured so that they are less likely to have empathy with Native peoples. And they come to see them as relics of the past and stereotypes rather than vibrant, viable, productive human beings. In 2005, the American Psychological Association called for schools and teams to stop using American Indian mascots, symbols and images, as well as personalities because they harm Native young people's self-esteem and social identity development, as well as undermine the learning environment for everyone, especially people who don't have much exposure to Native people. The APA says that symbols, images and mascots teach non-Nat--non-Indian children that it's acceptable to participate in culturally abusive behavior and perpetuate inaccurate misconceptions about American Indian-- about the American Indian culture. These practices also amount to discrimination, leading to hostile relations amongst these groups. This imagery shapes how non-Native people view Native people even when these stereotypes are positive and regardless of their intent. One study found that these mascots subconsciously reinforce stereotypes even with only incidental exposure. It found that people who live in cities with teams with Native American mascots were more likely to think of Native Americans as warlike. These names and images demean Native people and convey they're not like you and me. They're other. They're dehumanized, says Victoria Phillips, professor at American University Washington College of Law. Phillips coauthored the report, "Missing the Point: The Real Impact of Native Mascots and Team Names on American Indian and Alaska Native Youth." Advocacy-- advocates say that this harm adds insult to injury, as many Native American communities are struggling right now. Victoria Jackson, a history professor at Arizona State University, says these communities are still dealing with ongoing legacies of colonization, poverty, depression, alcohol and drug abuse, as well as domestic violence. These harmful stereotypes and caricatures don't do any good

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

for the communities that we should be doing more to care for and whose sovereignty and humanity we should be respecting. I have been a teacher since 2009 and I have worked hard to instill in my students a sense of love and acceptance of all people and cultures. I ask that you please pass LB1027 so that my Native and non-Native students will not be another generation to perpetuate racial stereotypes of any persons in our great state of Nebraska and in, and in the United States of America. Let's teach them that every child matters and every culture matters. Thank you.

**WALZ:** Thank you so much. Questions from the committee? I see none. Thanks for coming today.

**JACQUELLE LANE:** Thank you so very much.

**WALZ:** Next proponent.

**ROSE GODINEZ:** Good afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska in favor of LB1027. First, we'd like to thank Senator Hunt for introducing this legislation. LB1027, as you've heard, provides school districts who discontinue the Native American-based mascots with a financial award. This is an important bill to promote and foster a safe and inclusive learning environment for all Nebraska students not promoting racist stereotypes and imagery. Race-based mascots and imagery undermine the educational experience of our students. I won't repeat the studies, but I will just inform Senator Murman that one of the studies is from the University of Michigan and the citation to the studies is in that one-pager. And I don't want to repeat what other testifiers have mentioned, but the use of, of Native American mascots does undermine the effect of educational achievement and self-esteem of Native American students. It also is simply disrespectful because it does not honor the heritage and culture of Native American history and this echoes the sentiments of hundreds of organizations that have expressed so. For example, the United States Commission on Civil Rights has called for an end to the use of Native American mascots in non-Native schools because they teach all students that stereotyping is acceptable. This bill is an important step towards meaningful compliance with federal and state laws. Both federal and state laws protect students from discrimination and include protections against a hostile work-- a hostile school environment on the basis of race and national origin. Perpetuating Native American mascots creates a hostile environment for indigenous students. For those reasons, we urge the committee to advance this

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

bill to General File. Thank you and I'd be happy to answer any questions.

**WALZ:** Thank you so much. Questions from the committee? I don't see any. Thanks for coming today.

**ROSE GODINEZ:** Thank you.

**WALZ:** Next proponent. Any opponents? Proponent?

**JUSTIN ALEXANDER:** Proponent. Hello, my name is Justin Alexander, J-u-s-t-i-n A-l-e-x-a-n-d-e-r, and I'm here today just as a member of the community of the state of Nebraska and I am also an enrolled tribal member in the Omaha Tribe of Nebraska. I have to be honest, when I first heard about LB1027, you know, I raised-- I had my own questions of what did this exactly mean or go through? So I went through a little bit of research because obviously, as some of the other proponents have said, you know, I find the use of Native American mascots demoralizing and dehumanizing to my race and culture. But I wanted to find out more and kind of see, you know, as one of the other proponents mentioned, is this just trying to be politically correct? And I don't believe that it is and I don't believe that it's just something that's popular or en vogue right now to do. Just in looking into this, I saw that in 1971, the University of Omaha [SIC] used to be called the Indians as their mascot as opposed to the Mavericks. So 50 years ago, these changes were happening in the state. You know, with these 22 remaining public schools that are probably more facing young children and their communities, you know, I feel that, yeah, this is something-- I didn't see, from my own perspective, anything that was opposition to this. I think it's something that should move forward and that is just due in this time period, you know? And yeah, it just seems like the right step for the state to take action towards. Another concern, you know, that I had to look at was financially, the budget for the \$200,000 possible for these 22 schools. That led me to look into actually the Department of Education's budgets, which is-- that \$4 million total for those 22 schools probably is equal to the smallest district in Nebraska. And if this could be something that kind of just puts an end to, like, this issue or brings it forward in the conversation, you know, I'm for this bill going forward. With that, that's kind of all I have today. Thank you.

**WALZ:** Thank you so much. Questions from the committee? Senator Murman.

**MURMAN:** Thank you, Senator Walz, and thanks for testifying. I think I understood you correctly that you are a member of the Native American community.

**JUSTIN ALEXANDER:** Yes.

**MURMAN:** And I think some of the early-- earlier testimony said it would be OK to use a Native American mascot for a majority Native American school. Do you agree with that and I guess why or why not?

**JUSTIN ALEXANDER:** Well, in the tribal communities, I believe, you know, as their own distinction and representing their culture, they will have and take more pride in that. But I feel like other communities that don't necessarily have those connections as being a member of those tribes, it really leaves the door wide open for just racist, mocking behavior that I don't think could be represented by someone outside of the tribal community.

**MURMAN:** OK. So if, if, if it is a majority Native American school, it's-- the intent is good, but if it's not, it's possibly bad, I guess?

**JUSTIN ALEXANDER:** I wouldn't say possibly bad. Just from what we've seen through, you know, the actions of other mascotting or taking that-- I mean, a Native American school, as an example, using their own culture and representing it as their own, I don't-- I think that's a lot different than someone else taking ownership or representing themselves fictitiously as that culture.

**MURMAN:** You mentioned Mavericks. I'm not sure what a maverick is, but--

**JUSTIN ALEXANDER:** So the UNO Mavericks had changed their logo from the Indians and they also had a female depiction of a Native American woman as their mascot. And they changed it to the Mavericks and now their symbol is, like, a bull.

**MURMAN:** A bull, OK. Because I'm, I'm not sure what a maverick is, but I'm not sure if that would be discriminatory toward mavericks. You know, see what I'm saying? I guess I thought of a maverick is probably some kind of a cowboy, but--

**JUSTIN ALEXANDER:** Yeah.

**MURMAN:** --not sure what--

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Education Committee February 22, 2022

**JUSTIN ALEXANDER:** Yeah, it has relation to do with just more of the cattle, you know, aspect of the Omaha area as oppose of appropriating, like, a Native culture.

**MURMAN:** Yeah, I just-- I'm not sure the intent is necessarily always bad, I guess is what I'm trying to say. I'm not saying it couldn't be, but it's just-- I'm not sure about the intent, you know, that the intent is always bad.

**JUSTIN ALEXANDER:** You know, intent-- the classic adage, the road to hell is paved with good intentions. I don't think that people intend to be offensive, but they don't know also the ramifications, as was mentioned before, of what that does to someone growing up seeing your culture, you know, yeah, dehumanized.

**MURMAN:** Sure. Thanks a lot.

**WALZ:** Thank you. Any other questions?

**PANSING BROOKS:** I guess I have--

**WALZ:** Senator Pansing Brooks. Whoops, one more.

**PANSING BROOKS:** Sorry.

**WALZ:** Sorry.

**PANSING BROOKS:** So I think just adding to that discussion, there is an issue with appropriating a culture and using a culture's sacred symbols. And it's just having, having had the blessing of working with a number of different people from different tribes and the-- Judi gaiashkibos from the Indian Commission, I've learned a lot about the fact that, you know, if, if, if white people are appropriating and taking over the culture and, and trying to appropriate tribal symbols and things that are sacred, that's where the, where the problem arises. And one of the things I looked at when I went down recently to a, a legislative meeting in, in Arizona, there was-- you know, I, I had concerns about what kind-- because I find the art beautiful and want to purchase some of it. And, and I think that as I talk to people, there's a difference of when, when the art is being created by non-Natives. If there's Native art being created by non-Natives, that is an appropriation of the culture and it's taking over the symbols and the culture. And I think that's, that's part of what is concerning and the fact that, that, of course, our First Peoples can use their own culture in the ways that they see fit and appropriate. So I think that's, I think that's part of what the discussion is. I also have

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Education Committee February 22, 2022

looked up maverick and it is a type of animal: an animal, usually a form of cattle. So I think that, that was purposely chosen because it was not intended to offend a group of people or any, any kind of entity. So anyway, that's just what-- I wanted to add that. Do you agree with those, those comments--

**JUSTIN ALEXANDER:** Yes.

**PANSING BROOKS:** --about appropriation and--

**JUSTIN ALEXANDER:** Yes. I mean, respecting one's culture or wanting to find out more knowledge or information about it is more, you know, passing that, that olive branch and extending that. And that's the human experience, finding out about-- more about other cultures and people. But yeah, trying to take ownership or represent that is a whole nother scenario.

**PANSING BROOKS:** Thank you for that explanation.

**WALZ:** Thank you. Any other questions? I don't see any this time. Thank you so much.

**JUSTIN ALEXANDER:** No problem.

**WALZ:** Next proponent. Good afternoon.

**ANNIKA JOHNSON:** Hello. Thank you for having me here today. My name is Annika Johnson. That's A-n-n-i-k-a J-o-h-n-s-o-n, and I'm here testifying as a citizen today. I'm an art historian, which means that I study the history of images and how they came into being. So a lot of the mascot imagery that we're looking at is, of course, fabricated, as many of the testifiers have talked about. These images continue to carry meaning today. We've also heard quite a few moving testimonials about this. And I want to just emphasize, you know, my specialization is on the history of images of Native Americans made by non-Native people. So these images have, have been made since the start of the colonization of the Americas. So mascot imagery is really drawing on this long legacy of oppression that's been part of our visual culture in America for a long time. So I'm a proponent of the bill. I think it's an exciting and really important step. I think it's, it's a little bit overdue. So I, I just wanted to share an anecdote about my work and how I think this connects to the bill and can support this bill. I'm a curator. I recently worked on a show that was all representations of indigenous people made by a non-indigenous person and that was a really complicated show to curate. We were just discussing some of the complications of, of non-Native representations

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Education Committee February 22, 2022

of Native people. And what I noticed, especially as a newcomer to Nebraska-- I've only been here for about two and a half years-- what I noticed is when you foreground dialogue about the personal significance of images that Native and non-Native people are looking at and when you, when you foreground that dialogue, what I've seen is a very open, a very open interest on behalf of Nebraskans in the indigenous history of this place. There's been no resistance to conversations about the history of colonization, about the impact of, of images on our psyches, on youth, but a major support for learning more about indigenous history. So all this is to say that I think that this bill is an important step forward. I hope that as this dialogue progresses and as schools make considerations and start to discuss the retirement of their mascots, that they do this in conversation with Native communities. It's, it's really exciting to hear that schools are already considering this work and that they simply need the funding, in which case this is a really practical bill. But I hope that that dialogue continues because it can be effective and it can move towards a more inclusive, a more inclusive understanding and representation of community that I think is forward looking. So thank you for your time.

**WALZ:** Thank you so much. Questions from the committee? I don't see any. Thank you for coming.

**ANNIKA JOHNSON:** Thank you.

**WALZ:** Next proponent.

**JUDI GAIASHKIBOS:** Good afternoon, Madam Chairman Walz and the Education Committee. My name is Judi gaiashkibos. That is spelled J-u-d-i, gaiashkibos, g-a-i-a-s-h-k-i-b-o-s. I am the executive director of the Nebraska Commission on Indian Affairs, and I'm also a member of the Ponca Tribe of Nebraska and I'm also a Santee Sioux. I was going to testify in the neutral capacity on this bill, LB1027, because originally-- I'd like to thank Senator Hunt for introducing this bill and she brought it to our commission and my board approved that we would support, last fall, a bill to eliminate mascots. So since then, because of what you heard her present, she chose to go with this creative bill, LB1027. So I was a bit hesitant to come forward as a proponent, but after hearing everybody's eloquent testimony, I want to thank everyone that spoke before me. I really don't need to say a lot. I think they did a great job in laying out a reason why it's time for Nebraska to do the right thing. I guess I was hesitant because my board officially didn't approve this new bill. But secondly, I really would have rather preferred a funded mandate,

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Education Committee February 22, 2022

perhaps, and also that we took away the stick and we dangle the carrot and in a way, we're kind of bribing the schools to do the right thing. But it's a first step and I visited with some of the tribal people here today and they felt-- the schools felt like this is a start. So for that reason, I decided to be a proponent and not neutral. On behalf of the Commission on Indian Affairs, we have worked tirelessly over the years to address stereotypes and demeaning actions in our state that have really been harmful to our people. Going back to the efforts to close Whiteclay, it just took so many, many years. And I have been the director-- this is my 27th year and it just took year after year that this was never going to happen. And we tried a lot of different approaches, the moral approach that it-- people should do the right thing and that didn't work. And finally, we found a senator that was an attorney that found the legal reasons why. And sometimes you have to do things that are creative to get the job done. And in this case, maybe, maybe we can get these schools, the 22 schools that seem to think they're honoring us with these mascots-- I don't agree with that. As an Indian person, I am not an Indian of your imagination. I am here to tell you that I find the mascots are turning us into a caricature. I am not a caricature and my daughters aren't, my grandchildren aren't and our Indian people aren't. But when you continue to portray us that way, you are not honoring the spirit of Standing Bear and Dr. Susan La Flesche Picotte on Centennial Mall. You are perpetuating dehumanization of Indian people and that is why Whiteclay stayed open all those years. So as the Governor prepares to name the building across the street, the Justice Center-- Nebraska Justice Center the Chief Standing Bear Center for Justice, I think it's time for our state to walk the talk and take action. And this bill isn't the ideal, perfect solution; but at the end of a certain time frame, I would hope that if the 22 schools don't agree to do this, then you revisit and say, OK, the reason you've been saying you don't want to get rid of mascots is a financial reason. We gave you the opportunity to eliminate that. You still aren't doing it. So now we're going to ask you in a nice way and we're going to mandate and we're passing a bill. And I'd like to know if there are any schools in our state that do this to any other race of people. I don't think so. And I don't know about Colorado, what mascots they had over there that were disrespecting Hispanics, African-Americans. That wouldn't be tolerated. And why is it the First People are the last people to get respect? You know, at the Genoa Indian school that my mother attended, that closed in 1934 and we're looking for the children that died there. And the motto was "kill the Indian, save the man" and these mascots are still trying to kill the Indian spirit of our children. And as you heard testifiers, we've had numerous Indian children hang

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

themselves in our state and no one's doing anything about it. So I think it's time to do something about it and I hope-- I know that this bill is not a priority bill. It's not going to be heard this session, most likely. But let's find a way. I think you all can do that to get this a part of another bill, another package and we get it through. And I know some of you are leaving us and I'm sorry you won't be here to be our advocate, but with that, I would close and say thank you. Thank you, Senator Hunt and all of you. And I am really honored to serve our First Peoples. And I wish the senate-- Senator Murman was here to say-- hear that it isn't right. And I do feel the pain of all our people and we are not honored by these mascots and we can't control all the actions that go along when our children go to games and hear these words said, prairie you-know-what. And I'm not going to say those words, but I have been called those things. And I have seen signs in windows in Norfolk, Nebraska, where I grew up, where no dogs or Indians allowed. That day should be over and mascots should be over. So with that, I would be happy to answer any questions.

**WALZ:** Thank you. Questions? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for your powerful testimony, Ms. gaiashkibos, and I-- again, you're a wonderful leader, a wonderful teacher and mentor about the traumas that Native people have experienced. And I just thank you for coming forward to testify. And yes, it would be a lot better if we just say, quit doing it, but I do think it's a good idea because this is taking away the excuse that, oh, it just costs so much money. So I at least appreciate this effort by Senator Hunt to try to at least take that excuse away, so. And we'll see what happens on that. And it seems like it could be added to a tribal bill so that's once we get it out of committee.

**JUDI GAIASHKIBOS:** To regale your bill, maybe--

**PANSING BROOKS:** Yes.

**JUDI GAIASHKIBOS:** --which is a priority?

**PANSING BROOKS:** Yes--

**JUDI GAIASHKIBOS:** It's an idea.

**PANSING BROOKS:** --because that does deal with education, so.

**JUDI GAIASHKIBOS:** OK.

**PANSING BROOKS:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Any other questions? Senator Linehan.

**LINEHAN:** Thank you, Chair Walz. Do you have any-- thank you for being here. Appreciate your testimony. Do you have any idea how many schools have already changed mascots?

**JUDI GAIASHKIBOS:** Oh, I can get that information for you. I know, as they said, 22 still haven't. And I did work years ago over in Omaha with some schools to get them to change their mascots and--

**LINEHAN:** So some have changed.

**JUDI GAIASHKIBOS:** Some have.

**LINEHAN:** OK.

**JUDI GAIASHKIBOS:** Yes.

**LINEHAN:** Yeah, if we could have a number, I would appreciate that very much.

**JUDI GAIASHKIBOS:** It seems like mascots are usually animals or Indians and I don't think that's right.

**WALZ:** Any other questions?

**JUDI GAIASHKIBOS:** We will get the data for you. And last year, the U.S. Civil Rights Advisory for Nebraska [SIC], we had a hearing and we had data presented by academics all over the United States and I have that full report that I can get to the committee.

**WALZ:** All right.

**JUDI GAIASHKIBOS:** And the advisory is in full support of some action. Of course, like me, they would like to see this, you know, totally eliminated, but we're willing to take little steps and try to get Nebraska to where we need to be.

**WALZ:** Thank you. Any other proponents? Any opponents? Anybody who would like to speak in the neutral capacity? Senator Hunt, you're welcome to close. I will say that we had position comments for the hearing record. We had five proponents: Tanya Encalada Cruz, Edward T. Ventura Jr., Aubrey Mancuso, Stephanie Henderson, Angie Philips; two opponents, Jim Moudry and Robert Andersen.

**HUNT:** Thank you, Chair Walz, and thank you very much to the tribal leaders and advocates who came here today to share their experiences

and testify. And colleagues, all I have to hear are their words. When Judi gaiashkibos, a member of the Ponca and Santee Sioux Tribes, tells us this is not what Native people like, we do not want to become caricatures, this is not honoring us, for me, that's all I need to hear. I say, OK, I've got a platform to do something about it. Why don't we take the opportunity to fix it for you? And I, I also want to acknowledge that I think we would have had many other tribal leaders here, but we understand the problems with taking time off work and a lot of travel time for the tribes in Nebraska. And I passed out a letter from the Ponca Tribe of Nebraska in support of this bill so you have that on the record as well. As I was listening to these testifiers and thinking about all the letters we've received and the conversations I've had over the past four years here in the Legislature about Native American issues and injustice, I was thinking about the conversation we were having on the floor this morning, actually, and the points I was, I was making and that I really believe about people should not have to reveal and perform their trauma for people in power in order to receive their basic human dignity and rights. I, I think always the people who are willing to expose their vulnerability and talk about the harms that they've suffered in a plea for justice and equity. But colleagues, they should not have to do that. Nobody should have to come up here and talk about the suicide statistics or the, the horrible racial epithets our children are called on the football field. In a meeting earlier this year, I was told by an education leader for one of the tribes that they weren't even going to play non-tribal schools anymore in sports because they were hearing so many racial epithets being thrown at these kids. And what is this doing for their educational experience, where they've got to go to, to South Dakota to play football and basketball? Like, that's-- it's really against the whole mission of public education here in Nebraska and there's something that we can do about it. Another factor I feel it's important for me to acknowledge and that we've heard from, from Ms. gaiashkibos, for example, is that Native American people, of course, are not monolithic in their views and their values or in their support for this approach. There's enough support from Native American people who I spoke to to make me feel like this bill was a worthwhile effort. But I want to acknowledge that there are many Indian people who don't feel that they can support this and would rather see a full ban, as, as Judi gaiashkibos said, a funded mandate because incentivizing, incentivizing schools to make the right decision by giving them money is in a way enabling or rewarding an oppressive institution. It's saying you've oppressed us for all these years, now here's some money to stop oppressing us when really they should make the decision to do that themselves. And some

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

people believe that this is what we, as white institutions, have done as part of our legacy of oppressing Native people and that it's our responsibility to make it right. So I hear that and I'm willing to explore solutions, but I'm proud of this bill because I think it could actually serve as a model to other states because this bill, LB1027, it's not about shaming. It's not about telling the schools how racist they are. It's about growing and it's about giving institutions the opportunity to correct their wrongs, which frankly, realistically, let's be honest, in 2022, it costs money. It's not going to be free for these schools to change. And a lot of the schools that would be affected are not in rich parts of Nebraska, in wealthy parts of our state. So, you know, as members of the Legislature, we have access to some wealth that we can distribute. And I think that this is a very moral, correct decision. I encourage-- I'll speak to Senator Murman. I encourage all of you to speak with him as well. I hope that we can vote this out unanimously because there are a number of bills and, and a number of priorities that this could be amended onto and we can just kind of see what happens. I'd love to see what the schools do with this opportunity and I'd love to see them take, take the opportunity to better their institutions for everybody in Nebraska. Thank you.

**WALZ:** Thank you, Senator Hunt. Questions from the committee? I do have one question. On the fiscal note, it says that the beginning and end dates of the grants awarded are not stated. Is there a-- are you thinking that this would be done in one year or could this be done over, you know, a couple of years or a few years to reduce the fiscal impact? I know it would be nice to have it done.

**HUNT:** I'm wondering what you mean. I mean, I think according to the bill, any time somebody wanted to apply-- you know, we only have 22 schools in Nebraska. So over the next, you know, year, I hope that all schools would take advantage of the opportunity and we could put this to bed. But no, I think that we should reserve the opportunity for the future to any schools that want to change as well. To your question, Senator Linehan, many schools have already chosen to change their mascot. And in those cases, it was always in a wealthy community like Millard or Elkhorn or, you know, other parts of Omaha, Lincoln, and it was always student driven. In every case, it was driven by the students who were activated against having a racist mascot and who organized in their school to ask their administrators to change. And I think that if we pass LB1027, we can see the same kind of thing happen in schools across Nebraska, is students will be activated. To me, this is ideal for civic engagement for young people. This is the kind of stuff that would have acted me as-- activated me as a young person and I just, I just don't see a loser here in this situation.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Senator Linehan.

**LINEHAN:** Thank you, Chairwoman Walz. I wasn't going to bring this up, but that, that's one of my concerns. What about all the schools that have already done this and they've already spent the money and now we're going to turn around and hand out-- not handout, well, a handout, yes-- give-- bribe, somebody else used the term-- \$200,000 for them to change when we've had other schools already pay for it themselves?

**HUNT:** To me, that's like the argument of, you know, why should we forgive student loans when there are people who are 40 and 50 and 60 who have already paid off their student loans? You know, do we want to invest in-- what kind of future do we want to invest in? There are always-- there's always a new incentive coming down the chute from the Nebraska Legislature for schools, for communities, for construction, for all kinds of things. And in my conversations with school administrators who have already changed their mascots, they were all in support of this. There was nobody holding their hand out saying, but why can't I have my money too? So that's a good question, but in reality, I haven't encountered any administrators who have that sentiment.

**LINEHAN:** Thank you.

**HUNT:** Thank you.

**WALZ:** Any other questions? I see none. Thank you so much, Senator Hunt.

**HUNT:** Thank you and I'm glad you asked that. Thank you.

**WALZ:** That closes our hearing on LB1027 and it will open our hearing on LB852. Senator Day. Good afternoon, Senator Day.

**DAY:** Good--

**WALZ:** You can wait a minute.

**DAY:** Yeah. OK. Good afternoon, Chairwoman Walz and members of the Education Committee. My name is Jen Day. That's J-e-n D-a-y and I proudly represent Legislative District 49 in Sarpy County. I am here today to introduce LB852, which provides a process for parents and students to quickly access available behavioral health service providers in their community. We do not need to reinvent the wheel to get access to these resources, but simply utilize the geographic

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

listing already kept and updated by the Nebraska Family Helpline, currently housed at Boys Town and funded through the Department of Health and Human Services. As our schools are responding to the mental health needs of students, providing information for parents to determine who is available to provide treatment and counseling should not be an obstacle. LB852 puts the system in place by having the schools identify the person in each school building who keeps the information and can access it for parents. The Department of Education, working with the Department of Health and Human Services, can distribute the information to the schools by, by, by geographic area and keeps the information updated annually. In this bill, we do not require the school personnel to have any specific training, but rather identify who is the mental health point of contact and get them the resources so that they can serve parents and students. We establish a deadline of August 1, 2023, for the designation of points of contacts around the state by school districts. If services are available during the school day at the school, the point of contact will help facilitate that process. We were experiencing a youth mental health crisis prior to COVID, but we know the pandemic has greatly exacerbated this issue. These are difficult times for our students and I believe that LB852 is one of the simplest ways we can provide better access to mental and behavioral healthcare to students. Thank you for your time today and I am available to answer any questions.

**WALZ:** Senator Linehan.

**LINEHAN:** Thank you, Chairwoman Walz, and thank you for bringing this, Senator Day. Is it in every building or every district?

**DAY:** Every building.

**LINEHAN:** Every building. OK, thank you very much.

**WALZ:** Any other questions from the committee? I see none. Thank you. First proponent.

**LIZ LYONS:** Good afternoon. Good afternoon, members of the Education Committee. My name is Liz Lyons. That's L-i-z L-y-o-n-s and I am the director of advocacy and government affairs at Children's Hospital and Medical Center. I'm here today on behalf of Children's. I'm also here on behalf of the NSEA, NABHO and the Nebraska Child Health and Education Alliance, of which I am chair. I want to thank Senator Day, Senator Linehan and Senator Walz. You have been exemplary in your dedication to this issue for years to come, and I want to thank you for that. I want to make it clear that LB750-- or I'm sorry, LB852

does not change the way schools and healthcare providers work together to meet the needs of children. It would just streamline the role we both share in making sure that each student has access to timely care. Children's is a safety net provider for children throughout the state of Nebraska, reaching over 138,000 unique patients each year, ranging from the common cold to highly complex chronic conditions. Across the state, Children's has 14 primary care offices, which operate as an accredited, patient-centered medical home. This term, patient-centered medical home, is a care delivery model whereby patient treatment is coordinated through their primary care physician to ensure they receive the necessary care when and where they need it. This team includes physicians, advanced practice nurses, pharmacists, social workers, and this is just to name a few. But it's designed to build teams throughout the community to offer services in a teamwork fashion. Under, under LB852, we hope to strengthen this existing pathway to build teams within schools. The bill requires each school district to designate one or more behavioral health points of contact for each school building, to Senator Linehan's question prior. This individual may be an administrator, a school nurse, a school psychologist, social worker, anyone that's already doing this role, but just putting it into paper. With a parent consent, providers like Children's are already communicating into schools for both behavioral health and physical health treatment plans. Schools are a huge resource to the medical home model, as our patients often spend eight hours a day, five days a week in the classroom. This is a prime example of how providers are using this medical home to surround the needs of the child and isn't new practice, just one way to improve upon generating a point of contact in each school across the state to streamline that effective communication. As Senator Day opened or mentioned in her opening, the Department of Education would also work with the Division of Behavioral Health to provide each school district the resources and the geographic area, and this is already a resource provided from the Boys Town hotline. The passage of LB852 is one great step of many proposed before the Legislature this year. No one entity can be responsible for solving the mental health needs of children across the state. We all share in this work and there is plenty of work to do. Emerging data illustrates that the COVID-19 pandemic has had a significantly negative impact on the mental health of children and adolescents. Symptoms of depression, anxiety and risk of suicide among children and adolescents have increased over the course of the pandemic, leading the U.S. Surgeon General Vivek Murthy to issue a mental health advisory stating, it would be a tragedy if we beat back one public health crisis, only to allow another to grow in its place. Prior to COVID-19, one in five children experienced a mental health

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

condition. Today, data suggests that number to be one in four. According to Children's Hospital Association, from April 2019 to October 2020, children's hospitals have seen a 24 percent increase in the number of mental health emergency room visits for children 5 to 11. For teens, it's 12 to 17 years old; about a 31 percent increase. In the first half of 2021 alone, children's hospitals have reported cases of self-injury and suicide in children aged 5 to 17 at a 45 percent higher rate than during the same year prior in 2019. Without early intervention and adequate access to mental health across the state, we are not doing our job to protect the most vulnerable among us. I want to thank all of you for the opportunity to address the mental health crisis facing our youth today. We urge the committee to pass LB852 this year to strengthen the communication between educators and healthcare providers. Happy to answer any questions.

**WALZ:** Thank you. Questions from the committee? I don't see any.

**LIZ LYONS:** Thank you.

**WALZ:** Thanks. Next proponent.

**KYLE MCGOWAN:** Good afternoon, Chairperson Walz and members of the Education Committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n, and today I am representing the Nebraska Council of School Administrators. We're supporting LB852 and would like to thank Senator Day. We think it's a great concept to designate a point of contact within each building in order to support communication of behavioral health services in the area. It appears the legislation is similar to Senator Walz's LB529. That might have been last year, but it's, it's a, it's a good concept. Schools definitely need to be able to respond to the emotional and physical needs of students. It would be nice if schools, you know, just really had to worry about reading, writing, arithmetic, but that's really never been the case. Good educators know that it's the whole child that needs to be addressed when we're trying to serve them. So when we're talking about stressors for children dealing with mental, behavioral health, these are concerns that are stressors at home; family, food insecurities. It could be a lot of different things. We all know that schools are often the first contact or identifiers of issues that children are having. And many of these issues are difficult enough that a more comprehensive approach needs to be taken than maybe what can happen just during the school day. We believe we have great partners out in the community, and we know that these partners would like to assist schools. So having a systematic way to assure that we can help families get further assistance we think is a great idea. So thank you again, Senator Day. That's all.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Thank you. Questions from the committee? I don't see any. Thanks for coming today. Next proponent.

**COLBY COASH:** Good afternoon, Senator Walz, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h, and I represent the Nebraska Association of School Boards here today in support of LB852. I'm also submitting a letter in support from the Nebraska School, School Psychologists Association, which will outline their important role in supporting students with mental health needs as well. This has been an issue that has been at the top of the list for school boards across the state, which is making sure that the, the mental health needs are, are accounted for as they ed-- as districts work to educate children and we certainly know it's never been more important than now. A lot of districts do something similar to this already, as proposed in the bill. But what we see-- what LB852 does is kind of streamlines that process and makes it more uniform across the state and that'll be a benefit to the students and their families. So we see a great cooperation between districts and the community mental health professionals and that's really important. And we see LB852 as putting the state on a path to, on a path to increase collaboration. So for those reasons, we urge you to advance LB852.

**WALZ:** Thank you. Questions from the committee? I don't see any. Thanks. Next proponent. Good afternoon.

**JOHN SKRETTA:** Good afternoon, Chair Walz and distinguished members of the Education Committee. My name is John Skretta. That's J-o-h-n S-k-r-e-t-t-a. I am the administrator at Educational Service Unit 6. We're headquartered in Milford, serving 16 public school districts in that region, impacting over 14,000 students and supporting nearly 1,000 certified teachers in our area. And I'm here today on behalf of ESU 6 and ESUCC, which is the coordinating council. That's the formal collaborative structure for Nebraska's 17 ESUs. I'm here as part of the choral refrain as a proponent in support of Senator Day's LB852. Just a few things here. First off, there's four separate handouts you're getting, and I'm providing those because I want to make sure that I establish the context for Senator Day's proposal, which we believe fits very coherently within the comprehensive mental health supports that our schools are seeking and that ESUs endeavor to provide in cooperation with other healthcare providers and service providers such as Children's, whom you heard from earlier. Those four handouts, the first is just a copy of the testimony. The second is an article on school-based mental health therapists from ESU 6. And I wanted to share that in part because if you'll note the date on it, it was published in 2019. Just kind of a hint here that these issues

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

preceded the pandemic and as previously noted, the pandemic has definitely exacerbated and heightened our awareness of how important and how profound those mental health needs are for students. You're also receiving an excerpt from our educational service unit's annual report that is focused on student services and highlights-- the highlights there on your copy are the mental health services that our ESU provides. And then you've got a slide deck excerpt that, I apologize, it's in educationese or "edujargon." It's got some acronyms on it, but I'm giving it to you because it's a one-page snapshot that shows what we do at ESU 6 in mental health supports. And everything I'm sharing that's from ESU 6 is simply emblematic or representative of what you'll see across the state from Nebraska's ESUs. So first and foremost, the needs analysis has been done for what Senator Day is proposing. It's an excellent idea. It's timely and helpful proposed legislation. There are some key data points worthy of mention. One of those is the recently deployed Safe2HelpNE anonymous reporting platform for schools. There's only about a quarter of the Nebraska schools that have had the ability to actually implement that already. And since January 2020, there's been more than 1,000 reports made to that helpline, with concerns about potential suicide being the most prevalent cause for prompting a call to that. Want to make it clear that the efficacy of the proposed interventions for mental health services-- like, when you look at the list of what we've got at ESU 6, for instance, that is less helpful and less able to have the impact it could if you don't simply have the logically prior-designated point of contact in place, and that's why we like the systematizing approach that this bill suggests. We believe that it would really help us and other ESUs across the state bring greater synergy and momentum to a statewide NDE mental health grant that was launched in the fall of 2021. We also think that it's really important in that designating a point of contact elevates this. It dignifies that role and it continues the process of destigmatizing the seeking and the support of mental health services, which we believe is profoundly important. Thank you.

**WALZ:** Thank you so much. Questions from the committee? I don't see any.

**JOHN SKRETTA:** Thanks.

**WALZ:** Thank you for coming today.

**KYLE KINNEY:** Good afternoon, Chairwoman Walz and members of the Education Committee. For the record, my name is Kyle Kinney. That's K-y-l-e K-i-n-n-e-y. I'm the manager of the Nebraska Family Helpline

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

for Boys Town, a licensed mental health practitioner in the state of Nebraska and a member of the DHHS 988 Implementation Coalition. I'm here today to testify in support of LB852 on behalf of Boys Town. First, Boys Town would like to thank Senator Day for introducing LB852 and for her commitment to the health and safety of Nebraska's children and families. The bill seeks to streamline access to behavioral healthcare for students and their families. Boys Town provides an array of quality physical, mental and behavioral healthcare services that meet each child and family where they are so they get the right kind of care at the right time in the right way. Even before the COVID-19 pandemic, our country was facing mental health challenges on multiple fronts. Suicide is the second-leading cause of death among adolescents. Across our country, people are stressed and Nebraska is no different. Our schools, teachers and education leaders see this every day in their classrooms, hallways and playgrounds as they work to help the many students experiencing mental health challenges. Schools often serve as a family focal point for their health and social services, cultural and recreational events and other community partnerships. So it stands to reason schools may be the first and in some cases, the only place they attempt to seek assistance. Ensuring schools are equipped with the resources to connect children and families to the mental and behavioral health supports they need is key to healthy school environments and communities. LB852 would facilitate a response through dissemination of local resources through a standardized process. It ensures that students and their families are aware of the services available to them in their community. When students and families can address their mental and behavioral health needs outside the classroom, they're better able to function and learn and maintain in the classroom. Boys Town believes that when teachers can remain focused on teaching, all students benefit, experiencing fewer disruptions and the greater chance for quality educational success. The Boys Town national hotline is a crisis call center receiving crisis calls, texts and chats in order to de-escalate crisis, triage concerns and link callers to appropriate community-based mental and behavioral health resources. In 2021, the hotline responded to 124,268 nationwide contacts. Additionally, Boys Town supports the Nebraska Department of Education Safe2Help program, provides help to parents through the Nebraska Family Helpline. And suicide crisis prevention is a crisis center for the National Suicide Prevention Lifeline, which will be transitioning to 988, a national emergency mental health line, in July of 2022. We are here to serve as a 24/7 resource to youth, adults and families, and we would be happy to lend support to schools and communities in addressing mental and behavioral health needs across Nebraska. Again, thank you for the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

opportunity to testify today in support of kids and families. I welcome any questions you may have.

**WALZ:** Thank you. Questions from the committee? Thank you so much for coming today. Next proponent.

**ROSE GODINEZ:** Good afternoon or-- yeah, afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska in favor of LB852. We thank Senator Day for introducing this legislation. At the ACLU, we support equal access to educational opportunities for people with disabilities and continue to challenge the school-to-prison pipeline, which disproportionately funnels students with disabilities into the juvenile justice system. LB852 creates a critical connection between public school students and community mental health resources, a connection needed more than ever with the onset of the pandemic. In 2019, we published a report on the lack of counselors across the country called, "Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students." We found that in Nebraska, approximately 4,212 students, or 1.3 percent of our Nebraska students, are attending a school with a police officer, but no counselor. We are also not meeting the recommended ratio of students to social workers or to psychologists. The recommended ratio for students to counselors is 250 students to one counselor. We have 347 students to one counselor. The recommended ratio for social workers is 250 students to one social worker. We have 3,350 students to one social worker. The recommended ratio for psychologists is 700 students to one psychologist and we have 1,164 to 1. With that, we not only urge the Legislature to support the mental health of Nebraska students by advancing this bill to General File, but also further invest in on-school-grounds mental health support for students, which will only enrich their lives and prepare them for a successful future. With that, I'd be happy to answer any questions.

**WALZ:** Thank you. Questions from the committee? I don't see any. Thank you for coming today.

**ROSE GODINEZ:** Yeah, thank you.

**WALZ:** Next proponent. Any opponents? Anybody that would like to speak in the neutral capacity? I see none. While you're coming up, we did have position comments for the hearing record, seven proponents: Joan Daughton, Andy Hale, Annette Dubas, Melissa Germain [SIC], Stephanie Henderson, Jason Buckingham from the Nebraska Council on Developmental Disabilities. Five opponents: Rebecca Lundberg, Heather Reid, S. Wayne

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

Smith, Dwane Rauscher, and Merlyn Bartels and John Schwartz, Laurie Kohmetscher, and Teri Hlava. And no--

**DAY:** Those were opponents? OK. OK. So there's an amendment that's being handed out that just-- it strikes some of the ambiguity in the original language. It's not a significant change, but it just ensures that every school building will have someone designated, so that's what the amendment is, AM1607. You guys all know that mental healthcare, behavioral healthcare access for kids is at the top of my priority list, and so I was very excited to have the opportunity to introduce this bill. And then speaking about Nebraska specifically, I did want to mention there was a recent article that came out in NPR on February 16 that highlights a recent study that says, state by state, here's how well schools are doing at supporting kids' mental health. And it basically, they-- some-- they had done a study that they basically called America's Mental Health-- America's Mental Health Report Card, and they went state by state, designating what's good and what's bad in each state in terms of how well we're taking care of kids and their mental health. And there was a really important quote in here that I want to read. It says: some of the lowest rated states were Georgia, West Virginia, Missouri, New Mexico, Nebraska and South Dakota. These are places which have invested very little in mental health support in schools. I think, as you heard the last testifier talking about some of the ratios that we have in terms of students to social workers and school psychologists, we're not in a good state, as a state. I think that this bill is a very simple and easy thing that we can do to start to make sure that we're taking care of Nebraska kids in all schools, like we should be doing. So I'm happy to answer any questions you may have.

**WALZ:** Thank you, Senator Day. Questions? I don't see any. Thank you so much.

**DAY:** Thank you.

**WALZ:** That closes our hearing on LB852 and opens our hearing on LB1211.

**LINEHAN:** Good afternoon, Chairwoman Walz and members of the Education Committee. Again, my name is Lou Ann Linehan, spelled L-o-u A-n-n L-i-n-e-h-a-n, and I'm here to introduce LB1211. LB1211 is intended to prevent discrimination in option enrollment. During my time in the Legislature, I have heard varying reports of parental-- preferential treatment and option enrollment given to certain students or groups of students, most strikingly when people talk about children with an IEP

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

and they've got siblings in the school, but the school will not accept them as an option student because they have an IEP. I think it's a conversation we need to have, and that's why I'm bringing the bill.

**WALZ:** All right. Questions from the committee? I don't see any.

**LINEHAN:** OK, thank you.

**WALZ:** Oh, wait, Senator McKinney. Sorry, Senator McKinney.

**McKINNEY:** Thank you. Thank you, Senator Linehan. What are some of the concerns you were hearing? Could you re--

**LINEHAN:** It's the first question on the option form: Does your child have an IEP?

**McKINNEY:** Wow. I didn't know that.

**LINEHAN:** I know. A lot of people don't know that.

**McKINNEY:** Oh, wow. Why is that the first question I would ask?

**LINEHAN:** Because it's up to the schools whether they accept the student or not in option enrollment.

**McKINNEY:** OK, thank you.

**LINEHAN:** You're welcome.

**WALZ:** Any other questions? All right, first proponent.

**LAUREN MICEK VARGAS:** Good afternoon, Chairman Walz and the committee members. My name is Lauren Micek Vargas, L-a-u-r-e-n M-i-c-e-k V-a-r-g-a-s-- it's long-- and I'm here on behalf of Education Rights Counsel, where I serve as the executive director, in support of LB1211. Education Rights Counsel works to remove legal barriers to educational equity. Nebraska's open enrollment statute is one such barrier when it comes to open enrollment for students with disabilities. Nebraska's current open enrollment statute discriminates on the basis of disability on its face, and LB1211 will repair that fatal flaw. Current law permits a school board to adopt a resolution that states, "We have no availability for students with disabilities." There is no requirement to provide any supporting information as to why there is no availability and there's no definition of what "availability" even means. The district does not have to show any lack of capacity to serve, and the resolution doesn't have to be made

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

annually. It only has to be made once at any time in the past. The net result of Nebraska's current law is that most districts have set their capacity to take in option students with disabilities at a zero. Districts have gone so far as to refuse to accept students who were not receiving special education services if they have a disability under the grounds or the thought process that they could be called to serve the student at some point, even in the future. I reviewed all of Nebraska's contested open enrollment cases since 1998 concerning special education capacity. Every single case, based on the current statute, let the district deny enrollment because all the district had to say was, sorry, our special education program is full. They do this while even accepting members of the same family who don't have disabilities, as Senator Linehan mentioned, and simply rejecting the one sibling who does have a disability. Families always lose their challenge because the only thing that can be challenged is the factual determination as to capacity. But districts do not have to maintain or provide any data that would reveal what the capacity was. This situation has become extremely concerning. In the most recent case concerning denial of option enrollment, the State Board of Education actually found that the school district had not established that its special education program was at or over capacity, that district-- excuse me that the district did not set a specific capacity of its special education program as required by Nebraska state statute, and did not adopt a resolution declaring that its program was at capacity as requirement by Nebraska Statute, yet they still affirmed the denial of option enrollment because of the way the current law is written and permits this ongoing discrimination. LB1211 brings equity to all children seeking option enrollment. It ensures that the specific standards related to capacity are the same for all students and that option enrollment is permitted where there is capacity on a first-come, first-served basis, without considering whether a child may or may not have a disability now or in the future. For this reason, I would urge you to vote LB1211 out of committee. Thank you, and I'm happy to take any questions.

**WALZ:** Thank you so much. Questions from the committee? Senator Sanders.

**SANDERS:** Thank you, Chairman Walz. Thank you for being here. The statistics you talked about, was that for public school or was that just in schools in general?

**LAUREN MICEK VARGAS:** The statistics that we have are through public schools, the case that I specifically mentioned, but I can get more information to you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**SANDERS:** Yeah, be nice to see if there's a difference at all if it's a public school versus a private school.

**LAUREN MICEK VARGAS:** I can get that information to you after this hearing.

**SANDERS:** Thank you.

**LAUREN MICEK VARGAS:** Thank you.

**WALZ:** Senator McKinney.

**McKINNEY:** Thank you, and thank-- thank you for your testimony. Do you have any data on the outcomes of the students that are denied? Because I'm-- because what I'm thinking about in my head is, a parent has a kid that has a IEP and probably having some issues in their current school and they would like to get into another school because of the issues and, once they're denied, I'm curious on what are their outcomes. So thinking about a kid in high school that is looking to transfer to another school but gets denied because of IEP, what happens to that kid? Does the kid still graduate? Do they end up in DCYC? What happens?

**LAUREN MICEK VARGAS:** I can-- I guess I can say, in regards to option enrollment, the data that the ERC has specifically is really qualitative in terms of the families that have contacted us who have attempted to get, you know, their students in. In regards to actual data of children with disabilities who end up in DCYC, that's about 80 percent of those students actually do have disabilities. Whether or not they opted to try to get into another school district, I don't know if that data is available. I can provide the data in regards to individuals with disabilities on a whole in Nebraska for you, but qualitatively, for students who have contacted us or families who have contacted us, specifically it's been under families having a sibling who they've attempted to move into a district and then they have been completely denied, and there's absolutely no reason. In our instance, it was a child who did not have a disability-- well, excuse me, did not have a verified disability through the school district but had a disability, and they refused the child.

**McKINNEY:** OK, thank you.

**LAUREN MICEK VARGAS:** No problem. Would you like that information?

**McKINNEY:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**LAUREN MICEK VARGAS:** OK. I can provide that as well.

**SANDERS:** Me too.

**LAUREN MICEK VARGAS:** OK.

**WALZ:** Any other questions from the committee? I don't see any. Thank you so much.

**LAUREN MICEK VARGAS:** Thank you so much.

**WALZ:** Next proponent. Any opponents? Anybody who would like to speak in a neutral capacity? Are you--

**DANIEL BOMBECK:** [INAUDIBLE] opponent.

**WALZ:** Opponent? OK, sorry.

**DANIEL BOMBECK:** Senator Walz and the members of the Education Committee, thank you for having me. My name is Daniel Bombeck, D-a-n-i-e-l B-o-m-b-e-c-k. I'm here on behalf of the Nebraska Council of School Administrators, with affiliate of NASES, Nebraska Association of Special Education Directors [SIC]. I also work at Educational Service Unit 2 out of Fremont and serve 16 districts there. I gotta tell you, I have-- I have mixed feelings about this because I understand the point of having the ability to be able to choose your school district through option enrollment and pieces like that. I feel the-- the need to-- to understand that position and-- and know that that is a hardship for families. I also-- in thinking about the capacities and things that school districts currently face, how-- how they're providing those services to students is-- kind of gets to be in question sometimes when we start seeing numbers rolling into districts at times when they're not staffed appropriately, especially towards the middle of the year, things of that nature. Right now, I think we're seeing unprecedented times with staffing issues in our school districts where, especially in special education, we-- we don't have enough special education service providers specifically in speech-language pathology, school psychology and other providers such as that. When we start opening up the gates on option enrollment, we can quickly overwhelm, especially in our smaller districts, we can quickly overwhelm their ability to provide quality, adequate services that meet IDEA-- IDEA mandates in-- in a manner that's going to be successful for students. So again, I-- I really-- I come up conflicted on this with the idea of those-- those pieces. What I'd like to see is some type of understanding of how can we get to that, the notion of what Senator Linehan is-- is proposing, with the adequate resources in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

order for school districts not to become overwhelmed and not to have to provide less robust services to their-- the students that live in their district of attendance. I'd like to see those matters addressed within a bill to try to help-- help offset the pieces that we're talking about today.

**WALZ:** All right. Thank you. Questions from the committee? No. Thank you so much. Next opponent.

**BETH MORRISSETTE:** Madam Chair Walz and members of the Education Committee, my name is Beth Morrisette, B-e-t-h M-o-r-r-i-s-s-e-t-t-e, double letters just like "Mississippi." I am here in opposition of LB1211 on behalf of the Nebraska Association of School Boards. I serve on the NASB legislative committee and the board of education for Westside Community Schools. NASB is a strong supporter of option enrollment program in Nebraska. NASB appreciates the Legislature maintaining option enrollment as a key component of the K-12 school finance formula and a critical component of education policy. According to the statement of intent, LB1211 is to prevent discrimination in option enrollment. NASB agrees with the intent; however, we do not believe LB1211 achieves that goal. Current law provides guardrails for school districts to accept option students and to tailor policies best suited for the students and families in their respective districts. A first-come, first-served policy could preclude policies to keep siblings in the same school district. The first priority of option enrollment is students at Westside, is to keep families in the same school district. Disallowing siblings of prior-enrolled students would be extremely disruptive to our families and whose-- whose other siblings are not already enrolled at Westside. We believe the required guidelines the Legislature has established in 7-- 79-238, which includes keeping siblings in the same district for learning community schools, is sound policy and, most importantly, prevents discrimination with the option enrollment program. A practical problem for LB1211 is what to do if a school district receives more option enrollment application than capacity. If it is a first-come, first-served basis and the applications are received at the same day, it is unclear how a school district would handle that situation. Additionally, creating an equitable process is very important for families who are unaware of option enrollment. As a school district, we need to provide a process that permits families to learn more about the option enrollment process, discuss it as a family, and determine if it is in the best interest of their child and family. This bill would place these families at another disadvantage. LB1211 eliminates local control for Nebraska school districts, and we believe school districts are administering the program appropriately

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

today. For those reasons, NASB opposes LB1211. I'm happy to answer any questions.

**WALZ:** Thank you. Any questions from the committee? Senator McKinney,

**McKINNEY:** Thank you, and thank you for your testimony. I guess my question is, how do we fix a kid getting denied for having a IEP? Because when you say the districts are applying this appropriately, I get that, but I find an issue with it when on the application it asks and kids are being denied for IEPs. And if that's appropriate, that's the-- that's a huge problem to me that a kid can get denied just because they have an IEP. It doesn't say they're a bad student or they're-- they won't be successful. They just have a IEP.

**BETH MORRISSETTE:** So what I would-- well, I guess the question that brings to me is I believe that the Department of Education is the one who has created that application and that school districts can modify it if they want to. And so maybe the question goes back to, is that an appropriate and relevant question to have on the application that the department-- and I could be wrong if that's-- if that is. But that's one of the things that, you know, is a good question. For us, for our school district, what we're looking at is also looking at how do we make our buildings accessible to other kiddos in their community. When it-- and for us, it's also looking at whether they qua-- qualify for free and reduced lunch and what does that help with the diversity of our-- our buildings as well, so there's lots of considerations. I understand the IEP and I think that that would be an interesting to look further into. I think Ms. Vargas gave great explanation that they are looking at on the qualitative level. But really, what is the quantitative data saying? Which would be something interesting to know more about, I think.

**McKINNEY:** Did-- did your district make any modifications?

**BETH MORRISSETTE:** I'm not sure about that. I can look into that and find out for you.

**McKINNEY:** All right, thank you.

**BETH MORRISSETTE:** Absolutely. Thank you, Senator.

**WALZ:** Thank you. Any other questions? I don't see any. Thank you for coming today.

**BETH MORRISSETTE:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Any other opponents?

**DANIEL RUSSELL:** Thank you, Chair Walz and members of the Education Committee. My name is Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l, and I'm the interim executive director at Stand for Schools. Stand for Schools is a nonprofit organization dedicated to advancing public education in Nebraska. Stand for Schools opposes the changes set out in LB1211, which removes certain language from the option enrollment statutes and generally changes the option enrollment program to a first-come, first-served basis. We oppose the bill for two reasons. First, LB1211 amends Section 79-238 (1) to remove the option for school boards to consider the availability of appropriate special education programs operated by the school district when determining option enrollment standards; and in (3) and (4), further indicates that an option district shall not ask or consider whether a student has an individualized education plan. Without the ability to consider whether a school district has the appropriate special education programs to serve option enrollment students before admission, LB1211 would obligate the school district to create an appropriate special education program. Our concern is that this obligation would create financial hardship, especially for smaller school districts, in order to serve nonresident students. Further, even for IEP students without high needs who would not need specialized programs, the ability to consider IEP status may be important for districts when determining capacity. An IEP student with a special-- with a specific learning disability that requires instructional services but has no other communication, behavior, or self-help deficits requires legal obligations outside instructional time, namely quarterly progress reports to parents, evaluations, written notice of all decisions to the student's parents, and team meetings. Removing the language around the disclosure of an IEP during the application process would hurt the ability of districts to plan to meet these students' needs. Second, we have concerns about the removal of the diversity plan language from Section 79-2110, which deals with open enrollment in the learning community. Currently, certain preference is given to open enrollment students that would increase the socioeconomic diversity of a school building in the learning community. This plan is consistent with research that indicates that low-income students attending more affluent schools tend to score ahead of low-income students in high-poverty schools. The change to a first-come, first-served model, in particular for schools with more applicants than capacity, does not serve-- serve the aims of equity of opportunity that public schools strive for. As David Rand, executive director of research and accountability at Kansas City Public Schools, which recently changed

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

their enrollment policy from a first-come, first-served model, explains, quote, not only has every-- not everyone has the means to not be working or to be able to allocate that time exactly when the enrollment window opens, end quote. Our worry is that changing to a first-come, first-served model would give preference to those parents or guardians who are able to devote the time and resources necessary to navigate the application process and apply quickly. For these reasons, we oppose LB1211, and I would be happy to take any questions.

**WALZ:** Thank you. Questions from the committee? Senator McKinney.

**McKINNEY:** Thank you. Does Stand for Schools have any suggestions on how to address the question with the IEP issue on the app-- on the application?

**DANIEL RUSSELL:** Yeah, and I wanted to clarify a little bit. So schools are not allowed to discriminate based on disability. I think that many schools, however, set their capacity levels as full, but they're not making that discrimination just solely based on IEP status. It's rather about capacity. So my suggestion would be to increase capacity, which would mean increasing school funding so schools could provide more of those programs and have more buildings.

**McKINNEY:** Are they setting it at full because they're full or because it's a loophole to not accept?

**DANIEL RUSSELL:** I guess I can't speak to their intentions. I believe that schools make the determinations on capacity for any number of reasons, including future planning reasons. So, for example, I know school districts think about housing developments in their district as they set capacity standards for open enrollment.

**McKINNEY:** So in the current statute, is it possible to go through this loophole to say I'm full when I'm not full to not accept IEP students?

**DANIEL RUSSELL:** Perhaps. I don't have an answer to that. I will look into it and get back to you.

**McKINNEY:** All right. Thank you.

**DANIEL RUSSELL:** Yes.

**WALZ:** Any other questions from the committee? I don't see any. Thank you. Any other opponents? Anyone who would like to speak in the neutral capacity? Senator Linehan, you're welcome to close.

**LINEHAN:** Thank you, and thanks for everybody who came to testify, appreciate it. I've worked-- this is just wrong. It's just wrong, and I can't believe somebody hasn't sued over it. The law of the land since the 1970s has been that we have to treat all children equally, so we have a form, a state form. And I'm wrong. They've changed it. The first question, is it a special ed student; the second question is, do they have an IEP? The money follows the child, so an option student, I think it's \$10,426 goes from the state to the school that accepts the student. Then the state funding and federal funding for that student would also follow the student. It's just wrong. And the idea-- I'm going to have to check out open enrollment. It's never worked the way it was supposed to through the learning community. And Dr. Logan expressed this when we were doing the debate on the floor. We have-- we have kind of-- the whole community thing that was put together has been kind of pushed aside, the open enrollment. There was busing, then we took the busing out, so that's really not worked. And then finally-- and this is not something I'm imagining or making up, it's something I have lived-- if you don't think people of wealth and education can call a superintendent and ask for their child to get into a school, you're not living in reality. It happens all the time. So this is a-- it's not maybe a huge issue, but this is something the Education Committee needs to look at. Maybe it's not first come, first served, but we should make sure that it is a fair process, and I don't think anything about it is fair.

**WALZ:** Questions from the committee? Senator McKinney.

**McKINNEY:** Thank you, Senator Walz. Thank you, Senator Linehan. So I'm looking at this policy at 79-238, says (1) is sibling of option student and the op-- so the (1), (2), (3), (4) or (5). None of this asks in this policy, which is in statute. It even has the special education, IEP in it. So if that's the case, why on this app-- why do you think on this application those are the first two questions when in the policy it's not even there?

**LINEHAN:** Because I do have an understanding of why the schools can say they're full and they want to have protection from a very expensive student. I understand where they're coming from. I just-- it's not OK. It's not that I don't understand what they're saying. It's just wrong.

**McKINNEY:** I agree with you. I don't think a kid should be denied because they have special education needs or an IEP. I would hope that, you know, our state could find a way to help these school districts that may be smaller, that don't necessarily have the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

resources. But to just deny a kid because of their special needs or their IEP is kind of a stretch.

**LINEHAN:** So thank you for reminding me of something I was going to say. I find it a little bit troubling that when we're arguing about money and the TEEOSA formula, the larger school districts say that the little school districts are rich and they don't need any state aid because the way the formula works, if you have local resources, you don't need state aid through the TEEOSA formula. But then every subject that comes up, the big schools show up and say that they-- they can handle it, but they're worried about the little schools. I don't-- those two things are like, OK, are you worried about the little schools when we're discussing TEEOSA? No, but every time we come to a policy, we're worried about the little schools.

**McKINNEY:** Thank you.

**LINEHAN:** Thank you.

**WALZ:** Any other questions? Senator Sanders.

**SANDERS:** Thank you, Senator Walz. I find it troubling that they can deny without a reason. Coming from a mother with a handicapped child, it would only educate me if they said, no, you cannot-- you're not accepted this part because of-- the capacity is too large or they don't have the equipment, and then I would know next time what school to look for. So hopefully we can change that so there's at least an answer of why.

**LINEHAN:** But-- thank you-- I don't expect this to change overnight, but we need to look at it. And, yes, there should be more. As to the first proponent of the bill said, there should be at least a reason given. And when you're saying it's capacity, then you should be-- have to show it's at capacity. I don't know. I think maybe this has changed. But at one point, nobody was even keeping a tally of who's getting turned away and who's getting accepted. There was no numbers. You couldn't look at ethnicities. You couldn't look at income levels. We don't have any-- we don't-- we don't see how it's working now. I think maybe-- and the Chair would probably know better-- I think maybe the Department of Ed is now trying to keep track, which is an improvement. Well, we've asked them to keep track, so maybe they'll hear us today.

**SANDERS:** Wow. Thank you, Senator Linehan.

**LINEHAN:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Just a second. I'll-- I'll talk to you on that one in-- in a little bit.

**LINEHAN:** OK.

**WALZ:** I'm just-- I'm kind of curious, how many kids-- do you have any, like, data on how many kids are not being served in their school districts?

**LINEHAN:** No, I don't because I-- to the point, I don't think anybody keeps the data.

**WALZ:** OK.

**LINEHAN:** They're not required. The districts aren't required to turn into the State Department of Ed here's the people we accepted, here's their income level, here's their status, as far as they have an IEP, here's their race. They-- we don't have them turn any of that in.

**WALZ:** Yeah.

**LINEHAN:** So it's all behind the curtain, which is bad.

**WALZ:** And then my second question is if-- and I'm just--

**LINEHAN:** That's OK.

**WALZ:** --just asking. So I think about the waitlist that we have for development disabilities, the waitlist, and--

**LINEHAN:** The one we're getting rid of?

**WALZ:** Yeah.

**LINEHAN:** Yes, finally.

**WALZ:** And it concerns me sometimes because we'll have, you know, a lot of individuals who are ready for services, but services aren't ready for individuals, so-- and I-- I agree that absolutely nobody should be denied service, but how do we work together to make sure that schools are able to provide the best service prior to a student coming to their school, just to make-- does that make sense?

**LINEHAN:** It does, except that it's just-- I can't even believe it's legal, frankly. You don't move into a school district and then they can tell you yes or no because of what services you need. So we either have an option enrollment that treats everybody fairly-- and I think

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

people like option enrollment. I've stuck up for option enrollment, as you know. We got 24,000 children accessing, and that was last year's numbers so I don't know if it's more or less, but a large number of children accessing option enrollment. I just think it should be fair for all children.

**WALZ:** Have-- have you talked with Department of Education?

**LINEHAN:** I'm sorry?

**WALZ:** Have you had discussions with the department on--

**LINEHAN:** Yes, I've had--

**WALZ:** OK.

**LINEHAN:** --many discussions with the department on this issue. They may have actually brought it to my attention.

**WALZ:** Yeah. And I know that bill was in the lottery bill last year to--

**LINEHAN:** Yes.

**WALZ:** --collect the data.

**LINEHAN:** But that didn't pass either.

**WALZ:** OK. Any other questions? Thank you. Oh, did you want to say something else?

**LINEHAN:** Well, I was just saying, on the one that-- well, nevermind. Well, there just needs to be a way that we get Day's bill done. That's been going on too long. Thank you, Senator Day.

**WALZ:** All right.

**LINEHAN:** OK.

**WALZ:** We can talk later.

**LINEHAN:** Yeah, yeah.

**WALZ:** All right, that closes our hearing on LB1211, and we--

**NICOLE BARRETT:** [INAUDIBLE] this one that--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**WALZ:** Oh, and this one.

**NICOLE BARRETT:** No, this is the next bill [INAUDIBLE]

**WALZ:** OK. Sorry. We did have no proponents and three opponents: John Schwartz, Laurie Kohmetscher and-- and Teri Hlava. That closes on LB1211 open on LB1212.

**LINEHAN:** Hello, Chairwoman Walz and members of the Education Committee. Again, my name is Lou Ann Linehan, spelled L-o-u A-n-n L-i-n-e-h-a-n, and I'm here to introduce LB1212. I was going to make a joke, but Senator Pansing Brooks left. Once I forgot to spell my name and then I spelled it wrong in the hearing. I was so stressed out. LB1212 is intended to allow students with an individual education plan, IEP, to take the financial resources they would receive for their IEP and use those money at any educational establishment. It would have to be one approved by the Department of Ed. I'm hoping that's what the bill says, but if it doesn't, it should be. So it would have to be an accredited school by the Nebraska Department of Ed, or accredited somewhere.

**WALZ:** OK.

**LINEHAN:** OK.

**WALZ:** Any questions from the committee? Senator Linehan, I do have one.

**LINEHAN:** Oh.

**WALZ:** Does that include, oh, services like [INAUDIBLE] or Bethphage, if those aren't the wrong names, Mosaic, if-- if--

**LINEHAN:** Yes. I mean, OK, I think this is a subject I have never quite unwound. A lot of those services for those children are covered by Health and Human Services. So there's-- there's Health and Human Services pays some of the bills. Senator Murman may know more about this than I do, but-- and some of it comes from special ed. So that's-- that's a-- not-- I have not completely unraveled, but I think some of-- when you have cases where it's more involved than speech therapy, that that-- I think there's Health and Human Services money too. I will give you an example of a school, I would think-- and I'm going to forget the name of it. It's the school in Omaha that helps struggling readers, the Phoenix Academy. So you have a second, first or second grader and you can tell they're falling behind and they're not learning to read, you could take the funding and go to Phoenix

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

Academy, which several people have enrolled their children there for one or two or three years, and they've caught up and they are readers. So-- because that's what they do there. They, like, focus on that issue. So that would be one example where you could use the money to get your child caught up in reading.

**WALZ:** OK. Any other questions from the committee? Senator Day.

**DAY:** Thank you, Chairwoman Walz. And just to clarify, maybe she-- some of what you answered Senator Walz's question would answer my question. So if a student with an IEP were to go to a private school, let's say, but they were still receiving services from a public school district related to their IEP, how would this bill fit into that situation?

**LINEHAN:** This would mean the parents could take the child and the money and go to the private school. Then they wouldn't get the services from the public school.

**DAY:** So the private school would then be providing the services that the public school district would normally be providing?

**LINEHAN:** Right, and how that would probably work is there would be some agreement between the private school and the public school as to how to proceed.

**DAY:** OK, thank you.

**LINEHAN:** Um-hum.

**WALZ:** Any other questions? I see none.

**LINEHAN:** Thank you.

**WALZ:** First proponent.

**JORDAN ENGLE:** Good afternoon, Chairman Walz and the Education Committee. Thank you for having the heat on. My name is Jordan Engle. That is spelled J-o-r-d-a-n E-n-g-l-e. For the past four years, I have served as principal of Grand Island Central Catholic out in the third city. And for the past two years, I have served as superintendent of the Diocese of Grand Island, and in that capacity I serve four high schools and eight elementary schools, which geographically span from Grand Island all the way out to the Wyoming border and Scottsbluff. And I am just really thankful for everything that you guys do as an Education committee, the sacrifices that you and your families make to not only serve Nebraska but, more specifically within this committee,

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Education Committee February 22, 2022

continue to advance education within our state. As an educator who is married to an educator and the grandson of a 20-year principal veteran, I can't possibly understate [SIC] how appreciative I am that you guys make these sacrifices. During this session. I've kept my ear close to the ground as this committee has heard testimony on a number of bills which would advance education within Nebraska, and all of the ideas for improvement and for funding and programming across the board have just been so encouraging to hear, even today hearing about legislation that would advance-- advance our schools in the way of students who are from Native American backgrounds, have mental health priorities, or students on special education plans. But one of the themes that is continuously manifested in some of these hearings is the lack of support or inclusion for students with disabilities at Nebraska's private schools, and I-- I just want to take an opportunity today to speak to what-- what what life actually looks like right now in my private school specifically. In Grand Island Central Catholic, in my four years as principal, we have prioritized helping those who are most victimized and marginalized in our society, and we've-- we've put our money where our mouth is in this. This is the central mission of our church and our school, and currently with our enrollment of 273 students, we have 18 students who are on IEP plans and an additional 10 students who are served by 504 plans. So that means that our special education population of students on IEPs is over 7 percent and if we include 504 plans, that puts our special education population at 10 percent, and we've invested heavily in serving these students. During my time as principal, we have hired a special education teacher who is currently serving those students at our school. We have hired our special education teacher, a full-time para, and we've also purchased curricular resources to help students who are on these IEP and 504 plans to be successful in our school. But not only do we welcome these students with disabilities at our school, but we strive to help them grow to the best of their potential. You will hear me often talk about my high school as a college preparatory school, and that is what we pride ourselves on. But we also understand that every student who wants to call our school home is going to have a different skill set and different needs and different paths. Our goal is to help all of the students who choose Grand Island Central Catholic to be successful, whether that's career readiness, college prep, or another accommodated basis. But I can tell you that these remarks are not unique to my school in Grand Island. I speak to my administrators at my 11 other schools in-- in my diocese, and I hear the same stories and we enforce the same mission. We want to serve everybody who wants to be served at our school, and that's regardless of religious beliefs, disability status, etcetera. And I would encourage this

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Education Committee February 22, 2022

committee to challenge those who come before you and state that private schools are not being equitable because I would wager with a fair amount of accuracy that not one of those people has spent an entire day in a private school to see just how equitable we are, and I invite them to and that is a sincere invitation. I am more than willing to host those individuals for an entire-day session at GICC to see not only what those services are, but to meet the students who have disabilities, show them the growing diversity within our student body, and to help them understand the renewed vision and mission of our schools to love all students as children of God. This bill would be immensely helpful for our schools as we work forward to create equity within the dioceses, and opportunities for students with disabilities are becoming more abundant in private education across the board. And I do appreciate the positive relationships we have with our public school counterparts, but this bill would allow us to remove part of that burden from public schools and create more equitable experiences for students with disability who might be seeking a private education in Nebraska.

**WALZ:** Thank you. Questions from the committee? Senator Murman.

**MURMAN:** Thank you, Chair Walz. I do know of some private schools that work together with the public school on a child with disabilities to provide those services, I guess, in cooperation with the public school. Is that-- something that is being done? Could you address that?

**JORDAN ENGLE:** Correct. So currently, the letter of the law is that, when a student with a disability enrolls at a private school, their IEP plan is still housed with the public district in which that student resides. So for us currently, we serve students on IEPs who are residents of Grand Island Public Schools, Northwest Public Schools, Aurora Public Schools and others. The rule is that proportionally they have to expend that amount of their SpEd funding according to how many of their students with IEPs that we serve, serving those students within our building. Because of the small enrollment at my school in comparison to Grand Island Public Schools, what I can tell you is that proportional share at Grand Island Central Catholic amounts to 50 minutes per week with one special education teacher from Grand Island Public Schools. That's not enough to serve 18 students on IEPs. And not only that, but when we have one teacher trying to meet with 18 students in a 50-minute window, nothing constructive is happening there. I hired my own special education staff because I know what meaningful accommodations look like. I'm married to a special education teacher and I want to see-- I want to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

see our school serve special education students to full equity, and that means that we-- we hire the staff and this bill would allow us to do that more often.

**MURMAN:** Thank you.

**WALZ:** Any other questions? I see none. Thank you for coming today.

**JORDAN ENGLE:** Thank you.

**WALZ:** Next proponent.

**RAINA VOLKMER:** Thank you, Senator Walz and members of the Education Committee, for the opportunity for me to testify today. My name's Raina Volkmer, R-a-i-n-a. Volkmer is V-o-l-k-m-e-r. I coordinate student support services at Pius X High School. In my role as the coordinator at Pius, I'm the point of contact for teachers and parents if a student is struggling and needs academic support. Currently, I oversee the student assistance process, which covers a range of accommodations and interventions. I direct and manage students at Pius on 504s, along with students in our concussion protocol. I help transition incoming eighth-grade students who will need additional support and resources. Another part of my position is I work very closely with Lincoln Public Schools' nonpublic staff that have been assigned to Pius to support students in our building, and I would like to take a moment to say they have been fantastic. They have been great to work with. They're confident, they're reliable, and we've learned a lot and grown as a school district-- or as a school because of-- of them. In my nine years at Pius, my role has grown as our school continues to implement inclusive practices that provide students with the supports they need to reach their God-given potential. Prior to my work at Pius, I was an adjunct instructor and student teacher supervisor at Portland State University in Portland, Oregon. I'm a former Nebraska/Kansas public schoolteacher and I'm all but dissertation in educational policy and leadership from the University of Kansas. I'm here to support LB1212 because I believe it does three things. First, it allows us to welcome even more exceptional children. Second, it enhances the family's right to pick the best school for their child. Lastly, it helps us partner even more closely with our public school colleagues. Now the programming we have developed at Pius is student-centered. We have grown from what we call the ABLE program, which focuses on study skills and organizations for all students, to adding two para positions in our leveled classes. Currently, close to 7 percent of our student population has an identified disability. These students are supported with either an IEP

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

from LPS, and we have coordinated with other schools besides just LPS to-- and receive-- OK, I'm sorry-- and they receive accommodations under section 504 of the Rehabilitation Act. When I began at Pius, we roughly had 20 students on an IEP. We began this year with 36, and next year's projections show we have 9 more students enrolling at pace with an IEP. Now students who have verified for an IEP receive a set amount of minutes to work with one of their-- LPS's special education teachers. It usually trans-- for us, it'll be about once, once a week, maybe 15 minutes they'll get to see their special education teacher and work on goals. The students that are on IEPs at Pius, it's a-- it's a variety. We have specific learning disabilities. We have physical impairments. Some require wheelchairs. We have other orthopedic impairments, ADHD, ADD, anxiety, autism, Down syndrome, and behavior disorders. From my time being at Pius, we have not denied a student because they have an IEP. We accept everybody and we work very creatively to come up with plans of support to make sure that they can be successful with the resources that we have. And when I began at Pius, we had only a handful of students on a 504 plan. To date, we have 45 students who have a 504 plan, with 7 students enrolling at Pius next year on 504s. And this is why LB1212 is so important. Pius's student population is becoming more diverse and inclusive. Families in the city of Lincoln have embraced the fact that Pius has opened its doors to students with disabilities and they like what we are doing. The latter resources and supports I have mentioned all have been added on a finite budget. The work that is being done is coming from people who truly care about students and their future. And in the past, families have been put in a difficult position. They wondered if Pius could meet their child's needs or if they would have to explain to their child why they could not attend the same school as their siblings. Administrators and teachers at Pius will continue to work within our means to ensure students' academic progress. We have been wise with our finances and blessed to have a Pius family that believes in welcoming all students. We look forward to continuing to partner with LPS while growing our programming at Pius with the passage of LB1212.

**WALZ:** Thank you. Questions from the committee? Senator Sanders.

**SANDERS:** Thank you, Chairman Walz. Question: Services that you can partner with the public school, so the public school holds the IEP and the funding, can you give me an example of some of the services, materials or equipment? What does that look like?

**RAINA VOLKMER:** OK. Well, when I first got there, they assigned us one special education teacher. Now we're up to three special education

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

teachers for those students on IEPs. And so then within the meeting time, during one of our meetings, they'll decide how many minutes that they will be served. And so then they would go meet with that special education teacher, maybe once a week for 15 minutes, and work on-- work on goals. The students that I'm thinking of that are wheelchair bound, LPS has given us eight tables that we borrow and we put them in the classroom so the wheelchair fits and then they take them-- take them away. We've had hearing impaired, too, and so there's different, like, devices for that. Does that answer your question?

**SANDERS:** Um-hum.

**RAINA VOLKMER:** So it's usually a small amount of time with that.

**SANDERS:** Thank you.

**WALZ:** Other questions from the committee? So an LPS teacher comes into Pius?

**RAINA VOLKMER:** Yeah, three of them, and that's not-- those are the three special education teachers. And then I work with their physical therapist. We've had OTs there. We've had their hearing-impaired teachers. They'll come in and work with the students for, again, a short amount of time. But they send us lots of-- lots of people and then it's my job to get everybody shuffled into place.

**WALZ:** You have special education teachers on staff full time?

**RAINA VOLKMER:** We have one, and she is our freshman ABLE teacher. We specifically put her with the freshmen that are incoming, like I was speaking about, trying to catch them early and get them those quick supports and routines in place. But we have one special education teacher that's really kind of working in that capacity, but we have other ABLE teachers, two other ABLE teachers with a total of three, but those two don't have a special education degree, and that's what I-- and so it-- it would be nice for them to have that knowledge.

**WALZ:** And you have 36 students on an IEP right now?

**RAINA VOLKMER:** Yeah, and--

**WALZ:** Is that what you said?

**RAINA VOLKMER:** Yeah, and, you know, I tried to combine the IEPs and the 504s, too, because if a student doesn't qualify for an IEP, that doesn't mean the disability goes away. You know, they're still there,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

and so then they get oftentimes put on a 504 or if they're on an IEP and they have met their goals, but that doesn't mean the disability goes away. They go on a 504, typically, to maintain accommodations.

**WALZ:** All right. Any other questions? I don't see any. Thank you.

**RAINA VOLKMER:** Um-hum.

**WALZ:** Next proponent.

**CALANDRA PLAMBECK:** Hello. I'm extremely nervous, but I'm here to speak. My name is Calandra Plambeck. Calandra is C-a-l-a-n-d-r-a. Plambeck is P-l-a-m-b-e-c-k. Sorry if I cry. It's a little-- I'm here as the mother of a special needs child. As you can see, God blessed me with a son, Levi, nine years ago. Though I didn't know it then, he gave me someone that would truly test my patience, strengthen me, and forever allow me to see the world through the eyes of a special child. Thank you. I brought my own. Sorry. You see, Levi is my third child. When he didn't begin to speak around the age of one, I began to suspect that he was special in ways that I was not prepared to deal with. I immersed myself in research and set out to learn all that I could about autism, and I cont-- continue to learn new things every day. Levi was nonverbal until the age of four. At four, he began to receive speech services to increase his verbal language. It was at this time that my anxiety began. I had anxiety about what his future would be like, and I had anxiety about how he would-- excuse me-- be treated by others. But most of all, my anxiety increased when I began to think about how difficult life would be for him to navigate it. As we all know, life itself is difficult with constant ups and downs, and I thought, how was my baby going to navigate this world when he already came into this world with a disadvantage? Once my son turned six, his nonverbal-- his verbal language had increased and he was old enough to attend Holy Name. You see, my child, my middle child, Devyn, attended Holy Name since pre-K. My husband was baptized at Holy Name Church. That was our home so I was bursting with joy that they would now be together in the same school. I knew that Levi would always have someone to turn to in need while at school, so my anxiety began to decrease. That was short lived. Once COVID hit, I felt that my son was left in the dust, and it was extremely hard to watch him get discouraged during virtual school as he struggled to keep up with other children in his grade. My anxiety was back with a vengeance and was accompanied by fear. This fear and anxiety stuck around, and about a year ago it was elevated as I was approached by many sides stating that my son may have a better chance of receiving more services at OPS due to the lack of resources available at Holy Name. Many things ran

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Education Committee February 22, 2022

through my mind. My child-- my children would be separated. My son's world was about to be altered. How is he going to handle this when he's become so comfortable in his daily routine at Holy Name? When I approached my son to discuss this possible change in school districts, he was devastated that he would not be at Holy Name. He was now in crisis mode. For several months, he would approach me and say, but I want to stay at my old school, my friends are there, my brother is there. His anxiety increased, as well as mine, and I felt the pain that he would be separated from his brother and from a place he and I felt was home to us. As you all know, children with special needs thrive on routine and consistency, and his world was about to be altered significantly due to lack of resources and funding for these resources. So I set-- set out, like many other mothers, to see what resources were available. I was told by several OPS staff that my son would be receiving the same services he does now, but the only difference would that-- would be that instead of being in a class with 12 to 15 kids max, he would be in a class with close to 25 or more. My anxiety and fear magnified again. How would he navigate through a class that was almost double the size of his current class when he's already struggling? So I'm here today to just share my story and my son's story in hopes that we can make a change for all special needs kids and reduce the anxiety and fear felt by many other children and mothers in the community. We all want the best for our children, a world they can thrive in and equal opportunity. The schools in this community should be seen as one. We are all in this together and our children should be treated as such regardless if they attend private or public. I'm sorry.

**WALZ:** No, you're fine. Thank you so much. Questions from the committee? I don't see any. Thank you for coming to testify today. Next proponent.

**BHAGYA PUSHKARAN:** You could just sit.

**DONNA FORBES:** OK, he'll be fine. Want to sit up? Hi. Dear Senator Walz and members of the Education Committee, my name is Donna Forbes, D-o-n-n-a F-o-r-b-e-s. I am here on behalf of my son, Paul Forbes. Paul is one of 13 children and is currently a seventh grader at St. Robert Bellarmine School. He attended OPS school for his early childhood education. He-- Paul started his first grade at Madonna School for Special Needs. Three years ago, the president of Madonna informed my husband and I about a transition of Madonna's self-contained to an inclusion program at St. Robert Bellarmine School. As a mother of special needs child, I did not foresee all the benefits of the inclusion program. Inclusion has given Paul the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

opportunity to go to school with his siblings. He recognizes positive behaviors through peer modeling, giving the opportunity for other students in the school to accept Paul's differences. Acceptance has helped Paul to build friendships and self-confidence. Paul is nonverbal and uses a communication device for language and academic purposes. He has intellectual and some physical disabilities, which is not uncommon for Down syndrome. He is currently receiving therapy outside of school. This affects Paul's learning day. Transitioning from one activity to another can be difficult for Paul. One goal for Paul before entering high school is to be able to use his communication device to advocate for himself. We currently are trying to update Paul's communication device. His referral by his speech therapist and his physician has been denied by insurance companies. It can be extremely frustrating advocating for someone who doesn't have a voice. This bill would benefit other children just like Paul, allowing a special needs child to receive services they need and in an environment that they do best for them. Thank you for listening to Paul's story.

**WALZ:** Thank you very much. Questions from the committee? I don't see any. Thank you so much--

**DONNA FORBES:** OK.

**WALZ:** --for your testimony today, appreciate it.

**DONNA FORBES:** Thank you for listening. Thank you.

**WALZ:** Next proponent. Any opponents?

**DANIEL BOMBECK:** Senator Walz and Education Committee, thank you. My name's Daniel Bombeck, D-a-n-i-e-l B-o-m-b-e-c-k. I'm here representing the-- representing the Nebraska Council of School Administrators and their affiliate organization, Nebraska Association of Special Education Supervisors. I've also been asked to represent the Nebraska State Education Association in this matter as well. I'm here today to talk a little bit about LB1212 and the funding sources, as well as the obligations for education that take place within these bills, within the overall federal bill, I should say. As it stands right now, there is concern that LB1212 does not meet federal obligations and may not be a legal bill in order to provide the funding sources and receive federal education funding for our schools. I will refer to some of my colleagues' comments through public comment pieces. They informed me they'd provide a little more robust than maybe I provided within my testimony here today, so I can-- I will

encourage you to visit the public comment sections and read through those that state and reference some of our different laws indicating what-- what happens with the funding. Essentially, what it comes down to is we receive some of our special edu-- education funding from the federal government in the form of IDEA funds and grants. Although this was not fully funded as promised by the federal government at the 40-- 40 percent that they initially designated back in the '70s, we are currently getting about 14.9 percent of our special education funds from them. Regardless how we look at that, that's a big number for the state of Nebraska, and it's something that we can't put in jeopardy based on how we want to allocate these funds. In the bill itself, it isn't very specific about how those funds would be allocated then, other than it would follow the student. IDEA funds, nor special education reimbursement funds to the state, are specifically attached to a student. Rather, they're attached to the program and services being provided within that school district, meaning a school district has a dollar amount that we spend on special education programming. We turn that in for the various allocations and reimbursements that we get. Along with that, there is also the question of IDEA regulation or just our-- our-- our need and our needing to have to fill certain requirements within that law. As it stands right now, it's the public entities that are required to report on the fulfillment of those requirements in IDEA. As I'm aware, I don't believe private schools need to report on those pieces, and I think that some of the separation pieces that come into that play there. My fear in that particular area is that if we're not careful with that-- in how we-- we address those particular requirement reporting pieces, it could put our federal funding at risk in actually receiving that funding from the federal government. Again, that's a pretty large number for the state of Nebraska and does help our-- our taxpayers here. Finally, I'd like to end with just discussing a little bit. I, as the student services director at ESU 2, we have a couple of districts that have private schools within their boundaries, and I get the privilege of sitting in on their nonpublic meetings, which is a meeting that's required for us to utilize a proportionate share dollars that were mentioned earlier in previous testimony today. In that meeting, we talk about how we're going to use those proportionate share dollars, we talk about the services that will be provided to students in special education, and we-- we basically lay out a plan of what we want to do to make sure that students in-- in private schools receive the educational services that are required under IDEA. I've mentioned this in years past. IDEA is one of those laws that I believe in wholeheartedly as a special education-- as a member of the special education community of educators. I've been in-- working with

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Education Committee February 22, 2022

individuals with disabilities for at least 20 years, 20-plus years now, whether in professional capacity or as a-- a job prior to that. The tenets that are placed in that law, I believe in wholeheartedly. It's-- it's founded under good research and good-- just good ideation of how we should work with students in special education. That's the kind of reporting that we have to-- the-- the reporting that we have to live up to, basically. That's what we have to do in order to make sure that we meet those needs. I guess my last and final thought-- I know I'm on red here-- is those meetings that I'm able to sit in on, those are very collaborative meetings, the meetings where we were able to come up with good plans and-- and meet the needs of the students in those districts. Thank you for your time.

**WALZ:** Thank you. Questions? Senator McKinney.

**McKINNEY:** Thank you, Chair Walz. And thank you for your testimony. I've got a couple of questions. So districts have individuals that-- are they working in both public and private or are they just designated to be employed by the district to go work in the private schools?

**DANIEL BOMBECK:** Yeah, that's a great question. It depends. For certain districts, what they find is, depending on what their services need to look like, they may split time between the public school and the private school and transition between during that day, understanding that those are public school employees that are providing those services in most cases. There are occasions when those services might be provided by an outside contractor, such as an ESU, to provide the services. Overall, though, the public school, having housed that responsibility of implementing Individuals With Education Act [SIC], it's upon them to be able to provide those services. Otherwise, I mean, technically speaking, a school district, a private school district could take a student with special needs, implement their version of an IEP. If it's not being met fully, then it's still the public schools' responsibility to provide those services, meaning now we're providing services without funding.

**McKINNEY:** So do you think overall, when someone is splitting time between public and private, the needs of students is being met fully?

**DANIEL BOMBECK:** So I have to say yes on that. Just with the idea of-- in IDEA, it's outlined that every student with disabilities have access to an individualized education plan. Within that plan, we outline the student's needs and, in response, the goals that we need to work on and the service times and-- that are needed to address

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

those needs, understanding that we're not looking for anything fancy. We're looking to make progress on goals that are adequate and provide the services, again, that are outlined within the education plan that are needed. Within that IEP, it's not just one individual making those decisions at that table. We have private school at the table. We have the public school at the table. We have the parents at the table. We have a general education teacher at the table to speak to curriculum and the needs and the rigor there. We have special education providers to speak to their various disciplines, whether that be a special ed-- a special education resource teacher to talk about needs-- needed access pieces or a speech-language pathologist that might talk about language in those capacities.

**McKINNEY:** OK, and last one, because I wasn't old enough to kind of-- well, I just wasn't old enough once the IDEA was created. What was the thinking behind not allowing private schools to receive funding, but still allowing a public schoolteacher employee to still go inside the private schools? Because it still seems like you're essentially still paying somebody to work inside of a private school, so what was the thinking behind that?

**DANIEL BOMBECK:** Certainly. I believe what the intent was-- again, IDEA-- IDEA was before my time, really, so I can't recall too much of it. I know I have-- I talked to teachers who have had experience in that time, and it wasn't great. We had kids being pulled out and put into resource centers and things like that. Disabilities like ADHD may not have been addressed in appropriate ways or even recognized. Those would be my impressions of that. I can't speak to that specifically. When the law was introduced, there was reporting pieces to assure that the law was being implemented as designed, which meant, are we providing special education students and a free, appropriate education? I believe where the funding mechanism came in with that, and I-- I'll have to get some more information, so-- to give you the full history of that, but I believe where the funding mechanism came in is we-- the federal government can ask and request documentation from the-- the local public districts. They do not ask that same information from private entities.

**McKINNEY:** OK, thank you.

**DANIEL BOMBECK:** Yeah.

**WALZ:** Any other questions? Senator Murman.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 22, 2022

**MURMAN:** Thank you, Senator Walz. So the way I understand it now, the public and the private schools do share the services that a special ed student needs, but the funding doesn't necessarily go to the private school. Is-- would that be a good assessment?

**DANIEL BOMBECK:** That's correct. The funding is allotted to the-- the public school in the form of proportionate share, and then that money is designated to be able to provide services to the students at the private school, understanding that in that calculation we're not just looking at the students who are actually receiving services; we're looking at the students who are eligible service-- for services. So we may have had a parent that denied services, said, you know what, I'm-- I think we're going to go ahead and try to work with this without special education services. Those students count in that equation, so that kind of inflates that number a little bit. But along with that, proportionate share is a portion of the money that the school, the public school district by law is still required to provide that free, appropriate education to a student that lives within their district boundaries that might be either attending a private school within their boundaries or outside of their boundaries. So if the parents asked for those services, if proportionate share doesn't necessarily cover the full apportionment of that, they still are required to provide the-- the services as designated in the IEP.

**MURMAN:** And this may-- may be a more appropriate-- or a better question for Senator Linehan, but do you know if any other states do share like the financial resources with private schools?

**DANIEL BOMBECK:** You know what, I'm not aware enough to be able to-- to speak to that. I could get you some more information on that.

**MURMAN:** That'd be great. If you can find some, that'd be great. Yeah, thank you.

**WALZ:** Any other questions? I don't see any. Thank you.

**DANIEL BOMBECK:** Yeah, thank you for your time.

**WALZ:** Any other opponents?

**DANIEL RUSSELL:** The second Daniel, Daniel Russell, from Stand for Schools. I handed out my testimony, and I don't want to repeat a lot of what Daniel-- oh, excuse me, D-a-n-i-e-l R-u-s-s-e-l-l. I don't want to repeat a lot of what the other Daniel has already said more eloquently and better than I could, so I just wanted to say Stand for Schools is here in opposition. We especially have concerns about the

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Education Committee February 22, 2022

legality of the bill, and you'll find the citations to the IDEA Act in my testimony that I passed out that we believe LB1212 may violate. I would also just like to thank especially the proponents of this bill. I know that it's nerve-wracking being up here, and so I very much appreciate them sharing their stories. And so I'm happy to answer any questions.

**WALZ:** Thank you. Any questions from the committee? I don't see any. Thank you.

**DANIEL RUSSELL:** Thank you.

**WALZ:** Any other opponents? Anybody who would like to speak in the neutral capacity? Senator Linehan, you are welcome to close.

**LINEHAN:** Thank you, Chairwoman Walz, and thanks-- you for the committee and thank all the proponents and opponents coming. I know it's been a long day for all of you and for them, so I appreciate them showing up. I just want to-- I am old enough to remember 1970, so old that I graduated in 1973. So just quickly, for those of us who can't remember or weren't born yet, unfortunately, what happened prior to that is kids were put in homes. Parents would try to keep them until they couldn't keep them anymore, and then they would be dropped off at the Beatrice Developmental Center, where when I was in high school we used to go and-- once a year, maybe twice a year, as a project-- and we would, like, wash people's hair and fix girls' hair and it's awful. It was awful. So the federal government said, you can't do that anymore, can't ship them off some school and leave them on the doorstep. You need to help these families take care of their kids. So they passed IDEA. They did promise, as someone mentioned, that they would pay 40 percent of it. They've never come close. When I worked for Hagel, we got to 20 percent because we had Kennedy and Harkin and Hagel all push for it. Nobody's pushed for it since then. I'm not saying there's not other things on their mind, but we need to increase the federal funding. Senator Wishart has worked on that. So the other option you had before IDEA passed was Catholic schools. You mentioned-- the Chairman mentioned Mosaic, which is, I think, Lutheran schools. There were a lot of organized religions that helped take care of these kids and helped families. So as early as 1870, Nebraska Catholic schools embraced children of need. And we, you know, we all are-- you know, famously, know Boys Town's story that-- you know. But when they changed the law in 1975, pri-- public schools did and could contract with religious organizations, but over time, that's slipped, has gone-- so it's gone completely the other way. There are, somebody said, significant funds. For instance, the IDEA grant to Nebraska

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Education Committee February 22, 2022

public schools for 2020 was \$73.2 million, so that's how much federal money. And when you split that up between all school districts, it doesn't, but it's significant. As somebody said, it's significant. In addition, there was \$231 million appropriated from the State General Funds for public schools, so that's on top of the TEEOSA formula. So it's probably a legitimate argument that we can't send the federal funds, but it has been done in other states. States can send-- the money that they send from their public school formulas can follow the child. That's been done in other states. Most of them limit it to 75 percent or 80 percent, so it's never as much as if they stayed in public schools. But it's-- but it can follow the child. And I expect some of the reasons that-- this is just a guess on my part, but I'm willing to say it out loud because I'm-- feel it's probably true. Some of the reasons that kids in private school are now getting services from a public school is somebody sued, and if the kid lives in your district, you have to give them the services. It's the law. So going back to my earlier bill, this isn't a matter of people are doing-- they are now doing it out of the good of their heart. But in the '70s, it was not out of the good of the heart; it was because the federal government came down and mandated, you're not going to warehouse kids anymore. You're going to put them in schools and you're going to treat them like human beings and they're going to have a chance at a decent life, so.

**WALZ:** Any questions from the committee? I don't see any. Thank you, Senator Linehan.

**LINEHAN:** Thank you, Committee Chair.

**WALZ:** We had position comments for the hearing record: one proponent, Jeremy Ekeler, from the Nebraska Catholic Conference; and six opponents Angie Philips; Ellen Stokebrand, representing ESU 4; Colby Coash, Nebraska School Boards; Mary Bahney, Nebraska Chapter of-- of Social Workers; Teri Hlava; and Tanya Encalada Cruz. And that ends our hearings for the day. Thank you, everybody.