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Education Committee February 5, 2024  
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**MURMAN:** Good afternoon, and welcome to the Education Committee. I'm Senator Dave Murman from Glenvil in the 38th District. I represent eight counties in the southern part of the state, and I serve as Chair of the committee. The committee will take up the bills in the order posted. This public hearing today is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify, but would like to indicate your position on a bill, there are also yellow sign-in sheets back on the table. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer, if they wish to give one. We will be using a three minute light system for all testifiers. When you begin your testi-- testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It's just part of the process, as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least 11 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room. Such behavior could cause you to be asked to leave the hearing. Finally, committee procedures for all committees states that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). You may submit a written letter for the record or testify in person at the hearing, but not both. Written position letters will be included in the official hearing record, but only those testifying in-person before the committee will be included

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on the committee statement. I'll now have the committee members with us today introduce themselves, starting on my right.

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

**LINEHAN:** Good afternoon, Lou Ann Linehan, Legislative District 39, Elkhorn and Waterloo in Douglas County.

**ALBRECHT:** Hi. Joni Allbrecht, District 17, northeast Nebraska.

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

**MURMAN:** Also assisting us in the committee today. At my right is our legal counsel, John Duggar. And at my far right is committee clerk Shelley Schwarz. Our pages for the committee today are Isabel Kolb. And I'll let her tell us what she's doing.

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

**MURMAN:** And Shriya Raghuvanshi, and I'll let her, maybe, correct my pronunciation and tell her what she's doing.

**SHRIYA RAGHUVANSHI:** Yeah. So I'm [INAUDIBLE]. I'm Shriya Raghuvanshi. And I'm a political science major at UNL.

**MURMAN:** Thank you for helping us today. With that, we'll begin our hearing with today's LB1385.

**KAUTH:** Good afternoon, colleagues on the Education Committee. My name is Kathleen Kauth, K-a-t-h-l-e-e-n K-a-u-t-h, and I represent Legislative District 31, which is the Millard area of Omaha. This state has always been proud of our strong education system. When my family and I moved here in 2012, I spent much time analyzing the school districts to determine the best school fit for my kids. Millard, specifically Millard West, because they had swimming, German language courses, and robotics, was exactly what my oldest, who was entering high school, needed. We have had some truly exceptional teachers at Millard, one of whom is sitting behind me. Mr. Royer's taught two of my sons, and he was one of their favorites. As a parent, whenever I would speak with the student teachers at the schools or talk with college kids who are looking for student teaching positions. Millard was the top choice to get into for student teaching and later a full time job. There is stiff competition for these positions, with dozens, sometimes over 100 applicants for each open position. Many

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teachers preferred to be substitutes in Millard in hopes of getting a leg up to secure a full time position. As members of this committee know all too well, we are now facing a severe teacher shortage, even in Millard. We need to be able to attract, not just teachers living in Nebraska, but those who are outside the state and might be considering a move. To that end, I'm introducing LB1385. LB1385 is twofold. First, it allows reciprocity of teacher certificates with other states. To use this reciprocity, the teacher must have held their certificate or permit for at least one year, be in good standing in all the states he or she holds that certificate or permit, and have no pending investigation or complaints. Second, it directs the Department of Education to create a portal on the department website that allows a teacher to apply for endorsements. This is how teachers increase their salary and their skills. This allows, as an alternative to taking a course, the successful completion of a subject specific content examination. Basically, we're going to trust that a fully certified teacher who demonstrates competency in a subject will be able to teach it effectively. The goal is to make it more efficient for a teacher to use their subject specific skills, and encourage teachers from outside the state to make the move to Nebraska. I ask for your consideration of LB1385.

**MURMAN:** Thank you. Any questions for Senator Kauth at this time? If not, thank you very much. And first proponent.

**JIM PILLEN:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Jim Pillen, J-i-m P as in Paul, i-l-l-e-n, and I have the incredible privilege to serve as the 41st Governor of the great state of Nebraska. I'd be really, really remiss if I didn't say that all of us in Nebraska, we all agree our kids are our future, and we never, ever give up on kids. I had an extraordinary privilege this morning to speak to 350 kids at Boys Town. Half of the kids at Boys Town would be Nebraska resident kids. And, you know, as I told them, we all believe in you. We all will bet the farm on you, because you are our future and no kid can be left behind. And obviously, we need great teachers. So I'm here today to, to testify in support of LB1385, introduced by Senator Kauth. This legislation was a product of the workforce working group that met over the interim. LB1385 brings some much needed additions to our teacher certification process. These, these additions, the goal is to remove barriers to attracting educators and increase the numbers of teachers in our state. One cornerstone of this bill streamlines the process by which certified teachers from other states can obtain a Nebraska teaching certificate. Maybe it's kind of simple. If you're a great teacher in

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Texas, or Pennsylvania, or Illinois, you should be able to be a great teacher here in the state of Nebraska. It doesn't make sense to force these applicants to take more college courses to be able to teach in our classroom. I think we all agree on that. If out of state teachers meet the established baseline requirements, then they, they should be provided a conditional permit until other necessary checks are completed. I've received a number of emails throughout constituent services for people who have moved to Nebraska due to their spouse's career. But then they've tried to obtain a teaching certificate in Nebraska. And then, when they're confronted with the hoops that we have, they say no thanks, and they opt into a different profession. Basically, we've-- we're chasing people out of the classrooms. The fact is, they have already paid for their education. They've obtained the necessary experience, even though it's in another state. It simply doesn't make sense that we should create additional barriers that ultimately dissuades people from being teachers in the state of Nebraska. The second part of the bill creates efficiencies in adding endorsements to existing teachers certificates. It calls for the creation of a portal where a teacher can apply for an additional endorsement, as well as the means to take a subject specific examination to earn the endorsement if it is so required. Allowing for certified educators, educators to easily earn endorsements helps school-- should help fill our vacancies in specific areas, and allow teachers to broaden their expertise, if that makes sense. Secondly, I'd like to thank Senator Walz, that she's in support LB1377 on my behalf. It was created with the help of, I think we have a dozen superintendents across the state of Nebraska. One thing. All superintendents, as I've met with them numerous times in the last two years, have said that we have numerous mandates to check the box that doesn't do anything to help our children's education, but add to the cost of education. So we have an effort for not only education, but what we call operation clean out the closets. And the-- and we've had a dozen superintendents working on this project identify things that were in good intent a long time ago that doesn't make sense today. So the aim is simply to identify wasteful mandates that do nothing to contribute to the education of kids. And, and stop some of the box checking. So thanks to the work, work to this group, they've been able to identify a reduction of 12 training hours for school employees. These were unnecessary hours when removed, do nothing to reduce the safety. Instead, this legislation puts the determination of training hours squarely in the hands of local school boards. This would allow for greater flexibility and give districts the ability to identify and

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target resources more effectively. I appreciate the chance to be in front of you and happy to address any questions.

**MURMAN:** Thank you. Governor Pillen. Any questions for the Governor? If not, thank you very much.

**JIM PILLEN:** Thank you. Thanks for all your work? I appreciate it.

**MURMAN:** Other proponents for LB1385?

**AMBER PARKER:** Hi. Amber Parker, A-m-b-e-r. Parker, P-a-r-k-e-r. I do have to say that the teacher shortage is greatly concerning, especially in Millard, as we have heard, and I believe that it's greatly important that we do have safety measures in place to make sure there are no pending investigations pertaining to the reciprocity of other teachers coming from other states. It's greatly concerning. Right now in our state, and what I'm about to share, it highlights the importance of this, and I'm begging that the amendment to allow these teachers, the reciprocity from other states that nobody within the state Legislature would try to add an amendment to remove it, as such, with the filtration process of pending investigations on teachers. We know right now in this state, it's been shared, that there have been pending investigations on some teachers. There are people to which could explain and go into detail. But parents do need to be aware that this is happening, and they're still being allowed to be taught-- teaching in the Nebraska schools. We have an abuse that is going on, I know that Linc-- with the Lincoln Public School system in Lancaster County, I actually had read a report from Lincoln Journal-Star in which another student put his p-e-n-is, penis upon another student's head. Another student had bruises and things upon their neck and in these areas. This is greatly concerning. And the parents within, we want to make sure that our public schools are not being allotted or open doors to abuse upon these students. So, again, I, I do support the reciprocity, having good teachers coming in that don't have pending investigations. And yet here is my cry. Just say that we need to make sure, and do a better job here in the state of Nebraska, that our students-- it's not being hidden from the parents, sexual harassment, harassment and abuse happening in some of our Nebraska public schools. As well, Senator Albrecht's bill, I would love to see, in protecting children from pornographic measures and grooming. I question what is happening to the Nebraska education system with these types of things. And this is not just the one account on the Lancaster County. I actually was one to reach out in contact a branch, I believe, from the state in addressing that there was another student

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who grabbed another student's thigh in a Nebraska school and was, I don't know if you-- masturbating or something like this. And this happened. And so my question is, what is going to take place and be done when superintendents, like the Lancaster County in the Lincoln Public School system, superintendent is just turning a deaf ear towards these areas. How are the students in Nebraska going to be protected from sexual harassment and sexual assault?

**MURMAN:** Thank you. Any questions for Ms. Parker? If not, thank you for testifying. Any other proponents for LB1385? And I'll ask, if you are planning on testifying for LB1385, move up to the front row. Any other proponents for LB1385? And please move up if you're a proponent or opponent to this bill or neutral. Good afternoon.

**CHARLES WAKEFIELD:** Good afternoon, Chairman Murman, members of the Education Committee. My name is Charles Wakefield, C-h-a-r-l-e-s W-a-k-e-f-i-e-l-d, and I'm the Chief Operations and Talent Officer for Omaha Public Schools. The Omaha Public Schools is Nebraska's largest school district, serving over 52,000 students and their families. We're the third largest employer in the state. As the committee is well aware, like many of our fellow school districts, the Omaha Public Schools district is facing a shortage of teachers and other school staff. Our teacher shortage exists despite the fact that Omaha Public Schools has the highest starting teacher salary of any school district in the state. I am here today in support of LB1385. This legislation would provide meaningful changes to the Department of Education certification and endorsement processes that will have a positive impact on our educators and our educational system. Establishing a portal on the Department of Education's website for individuals to apply for an endorsement will substantially streamline the application process, providing efficiency and accessibility for educators adding an endorsement. Additionally, providing information about courses will, will provide transparency and accessibility for educators who want to enhance their qualifications. Further, allowing individuals to obtain an endorsement through a subject specific content examination will not only provide flexibility for educators and districts, but also help retain outstanding teachers. LB1385 is an important and needed step towards modernizing and providing efficiency for the Department of Education, and will allow us to retain highly qualified, outstanding educators in Nebraska. We appreciate Senator Kauth's efforts on this bill, and I'm happy to answer any questions.

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

**ALBRECHT:** I just have a quick question.

**MURMAN:** Yes. Senator Albrecht.

**ALBRECHT:** Yes. Thank you, Chair Murman. Thank you for being here, one of the largest schools. Or are you the largest?

**CHARLES WAKEFIELD:** In Nebraska, yes.

**ALBRECHT:** In Nebraska? Yes? OK. So you are the talent officer. So do you have to go to the Department of Education to get applicants, or how do you search for--

**CHARLES WAKEFIELD:** We actively recruit about 18 states across the nation. Pers--

**ALBRECHT:** You mean yourself.

**CHARLES WAKEFIELD:** No, I have staff who do that.

**ALBRECHT:** Like here-- I'm just saying that your school, OPS, does that.

**CHARLES WAKEFIELD:** Our school district sends staff to about 13 states across the nation, about a hundred colleges, to recruit outstanding teachers. Universities in Nebraska will freely admit they don't graduate enough teachers every year to support the needs in Nebraska. And additionally, Omaha being on the border of Iowa, we also compete heavily with Iowa for teachers when they struggle with certification. So this bill is a-- we're seeing this bill as a huge positive for Nebraska, because it helps us compete with our neighbor states, and helps us attract that outside talent.

**ALBRECHT:** And so, you feel that this bill would direct these teachers from outside of our state to go to the Department of Education? Or how would you find those candidates if they're coming here knowing that they can get a job?

**CHARLES WAKEFIELD:** Individuals looking from other states to, to move to a state, and I was one of them, I used to live in Kansas, and I moved to Nebraska, often start with the Department of Education website to look for what openings there are and what the certification requirements are. One of the decision factors many individuals make is how easy it is to get certified, is my license, is my certificate in whatever state I'm coming from going to be recognized, or am I going

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to have to spend additional dollars to take additional college courses to do that?

**ALBRECHT:** OK. Very good. Thank you.

**MURMAN:** Thank you. Any other questions for Mr. Wakefield? If not, thank you for testifying. Other proponents for LB1385? Any other proponents? Any opponents for LB1385?

**SUZANNE SCOTT:** Suzanne Scott, S-u-z-a-n-n-e S-c-o-t-t. Thank you, Chairman and committee. Any remarks throughout my testimony, reflect my personal and professional views, and are not necessarily the stance of my place of employment. I'm speaking specifically to lines 19 through 24 on page 2 of the bill. As a former school counselor for 17 years, and current school counselor educator, I want to point out the impact on the professionalism and qualifications required of school counselors and other specialized professions, such as school psychologist. I recognize that the school counselor Praxis 2 and other content exams are very specific to knowledge and skills related to specialized fields, and hope teachers would not be able to pass these exams without having specific coursework, training, and field experience. I'm concerned that this bill allows current certified educators to test out of all the training that's imperative to specific endorsements. For example, school counseling has traditionally required a master's degree. Just because somebody can answer multiple choice questions on the school counselor Praxis exam doesn't mean they have the skills and dispositions necessary to work with our most vulnerable population, the children in our schools. Completing a master's degree allows for counselor educators to gate-keep the profession, and do our best to ensure that our graduate students are fully prepared for working with and supporting children to help them flourish through their preK-12 education. Additionally, school counselor preparation programs throughout Nebraska require 100 hours of supervised practicum experience and at least 450 hours of supervised internship experience. For example, one question on the school counselor Praxis 2 Practice Document states, which of the following is most important for a school counselor to consider in preparing a statement to be delivered to the student body about the death of a student? It's one thing to be able to select the correct answer out of four choices, but it's an entirely different thing to know how to handle such a crisis within the student body, and how to support all students, staff, and the community after such a tragedy. I urge you to consider the critical qualifications of certain specialized endorsements as non-negotiable components. Additionally,

many of the cognitive and achievement tests that related service professionals like school psychologists administer have protocols that require the test administrator to have specific levels of training. Therefore, if a certified teacher were to pass the school psychologist Praxis 2 and want to be hired as a school psychologist, they would be limited in the tests they can administer, and ultimately this would negatively impact our students being appropriately identified for special services and supports. I firmly believe that LB1385 contradicts established standards, including those set by the Nebraska Department of Education, American School Counselor Association, and national accreditors such as the Council for Accreditation of Counseling Related Educational Programs. It is our ethical duty to ensure all staff are appropriately trained for initial endorsement. Thank you, and I welcome any questions.

**MURMAN:** Thank you. Any questions for Ms. Scott? If not, thank you for your testimony. Other opponents for LB1385?

**TIM ROYERS:** Good afternoon, members of the Education Committee. For the record, my name is Tim, T-i-m, Royers, R-o-y-e-r-s. I'm the president of the Millard Education Association, and I'm here on behalf of NSEA to speak in opposition to LB1385. I do want to make it very clear at the start of this that if we were assessing LB1385 on intent alone, I would happily be speaking in support. Improving the certification process, making it easier to bring in teachers from other states, these are absolutely critical in our fight to tackle the issues of recruitment and retention within our state. We're opposed to LB1385 because it largely focuses on providing an alternate path to endorsement by completing a subject-specific content exam. These exams do not adequately demonstrate whether a teacher is capable of teaching that subject, and in fact, in many instances, actually blocks qualified educators from being able to teach those courses. One of the biggest priorities we have right now is reducing the number of exams that are required to complete a certificate. Every year we hear about amazing teacher candidates who have great scores on their observations, their-- the administrators want to hire them, but they can't get past the Praxis. Another problem with exam requirements is the department of Ed is exclusively using the Praxis versus looking at other multiple exams. So like when I completed my master's degree in administration, for example, my program required me to complete the Ohio Assessments for Educators, which is essentially kind of how you have the SAT in the ACT, it's a rival test to the Praxis. So even though I completed it, even though I got high marks on it, I was not-- that was not allowed to count to get my certification here in

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Nebraska, I would have had to have taken the Praxis on top of that. While we do not feel that an exam works, we do think it should be possible for career experience to serve as a pathway to earning an endorsement. Districts, as I'm sure you know, do have-- allow a limited number of people to teach outside their content area. So like right now, in one of our high schools, we have a teacher who's certified in Latin, technically, and he's teaching some of our skilled and technical sciences, our industrial tech classes. The reason he's doing this is because he's also a carpenter. So it would be great if we could make it so that his carpentry experience would actually translate into an endorsement on his certificate, rather than teaching outside of his endorsement area. Finally, we would love if the Department of Education would have the capacity to work with districts and ESUs to do in-house training and development to secure these additional endorsements, because it's that kind of additional training that would truly be reflective of what it takes to be a, a capable teacher in a content area. I have what's referred to as a broad field endorsement. So my Social Studies endorsement allows me to teach geography, history, government, the social sciences, economics. For the first eight years of my career, my main class was geography. And after that I was asked to design and teach a new class for our district, which was AP World History. And while I already had the endorsement, from a practical standpoint I was going through what this bill hopes to resolve. I went to two different summer trainings to learn the basics of the content, I have-- we did in-house curriculum writing for the district. I read over 20 books to prepare. And I appreciate Senator Kauth's kind remarks, as I did teach two of our kids, they were great, and it, it turned out great. I had a great class experience, but it was only after that rigorous in-house preparation that I was truly qualified to be teaching that class. So my point is this. The Department of Education should recognize that process as an alternate pathway to earning an endorsement because it takes considerable work, it is rigorous, and it's a far better indicator of a teacher's capacity to teach that content. So again, we're completely sympathetic with the intent of the bill, but we cannot support the specific method that it prescribes. And we hope the committee would take this into consideration, because if there is an amended version of this bill, we would love to support it. Thank you. I'll answer any questions.

**MURMAN:** Thank you. Any questions for Mr. Royers? I have one.

**TIM ROYERS:** Yeah.

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**MURMAN:** I know we worked last year on the Prax-- debated the Praxis.

**TIM ROYERS:** Yes.

**MURMAN:** Can you update the committee as to what the requirements are now? Do you have that information?

**TIM ROYERS:** Well, with this-- so with this one in particular, I'll be candid, I didn't. I'm not working on that particular piece, so I don't know the results of the work that both the committee and the state board of Ed did. But what I'm-- I can speak firsthand to the, the Praxis 2, the content specific, both here in Nebraska and in other states, I know people firsthand who would be amazing for that class. They've tried to take it. They just can't pass the standardized test. So I, I wish I had a good answer for you, because I was very pleased to hear that we did that work, but I'm hopeful that we can consider that for this as well.

**MURMAN:** Thank you.

**TIM ROYERS:** Yep.

**MURMAN:** Any other questions from Mr. Royers? Yes, Senator Abrecht.

**ALBRECHT:** Thank you. You mentioned here that you'd be happy to see an amended version. What would you like to see in an amended version.

**TIM ROYERS:** Yeah. What I-- the two pieces that I mentioned towards the end of-- if we can do like a career experience pathway to earning an endorsement, or if we can set something up where districts take on the liability to build-- so I mentioned, like, the two summer programs I went to to get ready for world history. So in a lot of other states-- in Nebraska, teachers are very blessed that our districts do a good job of providing our staff development in-house. You know, the State Department of Ed says we have to do a certain number of hours a year. My district takes care of that for me. We have our own rigorous program. But in a lot of other states, teachers are expected to go out and complete their training on their own time and on their own money. So when I went to those trainings, they were run by the College Board for the Advanced Placement program, and there were a bunch of teachers that they would have to get certificates from the College Board to verify that those hours were completed to satisfy their state's training requirements. So these, these trainings that I referred to are already being vetted by other states' department of Education. So to, to us, from the teacher perspective, if you can honor that time

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that goes into preparing, we think that's a viable pathway to recognize a possible additional endorsement.

**ALBRECHT:** Thank you.

**TIM ROYERS:** Yeah. Thank you.

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

**TIM ROYERS:** Yeah, thank you very much.

**MURMAN:** Other opponents for LB1385. Any other opponents? Any neutral testifiers for LB1385? If not, Senator Kauth, you're welcome to close.

**KAUTH:** Thank you very much. I like the idea of making experience something that we also look at, so I'd be happy if that's something the committee thinks needs to happen, I'm happy to look at that. The goal is to get more good teachers in our schools, and to allow them to do more with the skills that they have. So however we can make that happen, I'm happy to work on it.

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

**KAUTH:** Thank you.

**MURMAN:** And we have three proponents and three opponents electronically for the bill, and zero neutral. That'll close our hearing on LB1385, and we will move on to LB997. Welcome Senator Ibach.

**WALZ:** Hello. Hello.

**IBACH:** Good afternoon, Chairman Murman and members of the Education Committee. I'm here to introduce LB997 for your consideration. LB997 creates the Childcare Wage\$ Fund, and will appropriate \$2 million for salary supplements to childcare and early education providers working within a licensed program. Last interim, I attended a conference where the presenter was touting a program known as the Wage\$ Program. My office researched this program, leading me to believe expanding this approach would benefit childcare providers in Nebraska. After speaking to the individual who runs the program in Iowa, they mentioned that the program did exist in Nebraska and connected me with those who administer what is essentially a pilot program here in our state.

Currently, this program is administered by the Nebraska Association for Young Edu-- excuse me, Nebraska Association for the Education of Young Children, and is funded by the Nebraska Department of Education by the tune of \$100,000. There are 30 recipients who serve approximately 240 children located in and around Lancaster County, and there's currently a waitlist with additional applicants. You will hear more statistics from testifiers following me, but of all the participants in 2022, 74% of those recipients either had at least an associate degree in early childhood education or had submitted education documentation to show their progress in college. 88% of these same respondents earned less than \$15 per hour. By participating in Wage\$ Program, recipients earned an additional \$2,134 per year. The salary supplements we are discussing today would be tied to the recipient's level of education. The higher level of education one receives, the greater the supplement. These supplements are disbursed biannually based after-- based after completing six months of service. So to be eligible to receive a salary separate supplement, the recipient must be, number one, the licensee of a licensed family child care home; number two, earning at or below the income cap of \$17.50 or less per hour; number three, working with children ages birth to five at least 35 hours per week; number four, participating in the Step Up to Quality at a Step One or higher; number five, have a current contract to accept child care subsidy, or be listed as a quote, currently do not accept subsidy but, but is willing to in the future, which is Title XX; and number six, have a level of education that appears on the Child Care Wages Nebraska supplement scale. Similar programs have found great success in other states, and have had some success in Nebraska, even though it is extremely limited due to this lack of funding. I would be remiss if I did not give a shout out to Senator Bostar. Last year he introduced LB319, which went to the Appropriations Committee. When I began exploring this program, I was unaware that Senator Bostar had introduced a bill which contained a \$10 million appropriation request to help fund this same program. That being said, I'm a firm believer in this program and wanted to bring more attention to the benefits this program could provide should it be enacted into law. While LB319, Senator Bostar's bill, asked for \$10 million, LB997 is asking for \$2 million to allow the program to simply expand and for the Legislature to examine whether further investment in this program is deserved or needed in the future. With that, I'm thankful for your time, and I appreciate your consideration of LB997.

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**MURMAN:** Thank you. Any questions for Senator Ibach at this time? I have one. I noticed you-- the bill transfers funds out of a lot of different--

**IBACH:** It uses Cash Reserve is what's-- it is noted.

**MURMAN:** Cash Reserve--

**IBACH:** Yeah.

**MURMAN:** --funds out of a lot of different--

**IBACH:** Yeah.

**MURMAN:** --entities, I guess.

**IBACH:** Yeah.

**MURMAN:** One of them is the Perkins County Canal project.

**IBACH:** Yeah, we are not going to steal money from Perkins County.

**MURMAN:** Pardon me.

**IBACH:** Yes.

**MURMAN:** OK. I, I just, I'm just wondering, does that put that project at any risk?

**IBACH:** No, not at all. And that's a priority as well. And this just really would, if there are cash funds available, we would tap into them.

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

**IBACH:** Thank you.

**MURMAN:** Any proponents for LB997? Good afternoon.

**TRACY GORDON:** Good afternoon, Senator Murman and members of the Education Committee. My name is Tracy Gordon, T-r-a-c-y G-o-r-d-o-n, and I am the Executive Director for the Nebraska Association for the Education of Young Children. Thank you for this opportunity to testify in support of LB997. The Nebraska Association for the Education of Young Children envisions a state where all of Nebraska's children,

families, and educators have access to high quality opportunities that support positive, lasting outcomes. Our organization is committed to supporting high quality care and education for young children in the state of Nebraska by providing opportunities that support excellence through education, leadership, and advocacy. Lack of resources and an effort to maintain affordability for parents often make it difficult for individual child care programs to reward or encourage teacher education through salary. As a result, many teachers leave the field, or never even consider the profession as an option. The Child Care Wage\$ program was created by Child Care Services Association in North Carolina, in response to research based evidence that shows that the quality of care children receive is lowered by high turnover rates and inadequate teacher education. Child Care Wage\$ Nebraska is a program that provides education base salary supplements to low paid early care and education providers working with children ages birth to five in licensed child care settings across the state of Nebraska. This program is designed to increase retention, education, and compensation of the early childhood workforce, and is the only program in Nebraska that offers wage supplements for child care employees. Nebraska AEYC was selected to administer Child Care Wage\$ in 2019, and we awarded our first supplement in 2020. Child Care Wage\$, with limited federal funding, is only available to family child care providers at this time. We currently provide salary supplements to 30 family childcare providers, serving approximately 226 children in counties across Nebraska. Our average supplement is \$1,126 per year. However, with a \$2 million appropriation of one time funding, it could be expanded to offer this opportunity to approximately 750 additional early childhood educators in both center based and family child care settings. The Child Care Wage\$ Nebraska program provides incentives for individuals to remain in the field of early childhood education, while improving the skills and abilities of the child care workforce and reducing turnover. Across the country, early childhood educators typically receive low wages, and the field experiences high turnover. In Nebraska, the average annual salary for childcare workers is \$28,000, half the average wage for all Nebraska workers of \$50,070. While the childcare industry still experiences high levels of turnover, it is currently experiencing the same staffing issues as many industries in Nebraska, including the K-12 population, Wage\$ recipients are incentivized to remain working in the childcare field. From-- we survey our recipients every year, and from the most recent survey, 95% said that we-- of Wage\$ recipients, that Wage\$ encourage them to stay in their current early education program, and that Wage\$ supplements helped ease their financial stress. I'll let you read the rest of them

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because my time is up. However, thank you for the opportunity to be here, I'll answer-- I'll take any questions.

**MURMAN:** Any other-- any questions for Ms. Gordon? Senator Albrecht.

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

**TRACY GORDON:** You're welcome. Thank you.

**ALBRECHT:** Did you say you have some federal funds that go towards the salary?

**TRACY GORDON:** It's currently funded by the Department of Education with federal dollars.

**ALBRECHT:** With the federal dollars. And how much would that be?

**TRACY GORDON:** \$100,000.

**ALBRECHT:** \$100,000 per year, like every year?

**TRACY GORDON:** Correct.

**ALBRECHT:** OK. There's not an end time on it.

**TRACY GORDON:** I hope not.

**ALBRECHT:** \$100,000.

**TRACY GORDON:** Not as of now.

**ALBRECHT:** OK. Thank you.

**TRACY GORDON:** You're welcome.

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

**LINEHAN:** Thank you, Senator Murman. And thank you very much for being here today. In-- on the first page here at the bottom, it says Nebraska AEYC was selected to administer the Child Care Wage\$. Selected by whom?

**TRACY GORDON:** By the National Center that first created the Child Care Wage\$ program. They hold the license, and then we get-- we receive the license from them.

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**LINEHAN:** So the money doesn't flow through the Department of Education?

**TRACY GORDON:** Our funding comes directly from the Department of Education. The license comes from the state-- through the National Center In North Carolina.

**LINEHAN:** I-- answer-- I asked that question wrong. Does the money flow through in the Nebraska Department of Education?

**TRACY GORDON:** Correct.

**ALBRECHT:** Thank you very much.

**TRACY GORDON:** Yeah.

**MURMAN:** Any other questions? Thank you very much for testifying.

**TRACY GORDON:** Thank you.

**MURMAN:** Other proponents for LB997?

**MITCHELL CLARK:** Chairman Murman and members of the Education Committee. Thank you for allowing me to testify today. My name is Mitchell Clark, M-i-t-c-h-e-l-l C-l-a-r-k, and I am a policy advisor for First Five Nebraska, a statewide public policy organization invested in the care, early learning and well-being of Nebraska's youngest children. I'm here to testify in support of LB997, and would like to thank Senator Ibach for her leadership and-- in advocating for the early childhood profession, and for introducing this important legislation. Nebraska needs a well compensated, highly skilled, early childhood workforce to support our working parents. Without these educators, childcare programs will close, forcing parents to find alternative care options for their children. Nebraska cannot afford this. In our state, 74% of children under age six have both parents in the workforce, ranking our state as seventh in the country behind the District of Columbia, Vermont, Minnesota, Iowa, South Dakota and Massachusetts. Despite the critical need for child care, the people who provide this important service remain some of the lowest paid individuals in Nebraska. According to the U.S. Bureau for Labor Statistics for 2022, child care workers earned a median hourly wage of \$13.34 in Nebraska, compared with \$21.20 for all other occupations. Not surprisingly, from 2018 to 2022, there was an 11% decrease in child care workers. Clearly, low compensation and few opportunities for career advancement means even the most dedicated early childhood

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educators are leaving the field for better economic opportunities. The quality of early care in education is directly linked to teacher training and education, as well as compensation. In Nebraska, many educators would like the opportunity to build skills to improve the quality of their care. However, taking time away from work and losing pay is often a barrier to increased education and training. The Wage\$ program addresses these issues by providing supplements to educators income while they work towards career advancement. In an industry with a 30% turnover rate, only 9% of Wage\$ participants left their programs. This statistic is impressive, and shows just how much this program is needed. Wage\$ focuses on the outcomes of increased retention, compensation, and education for the early childhood workforce. It has a proven track record, and this additional \$2 million investment would help programs serve more educators. Again, thank you, Senator Ibach for introducing this important legislation. And I urge the committee to move this bill to General File. I'm happy to answer any questions that you may have.

**MURMAN:** Thank you. Any questions for Mr. Clark? If not, thank you very much for testifying.

**MITCHELL CLARK:** Thank you.

**MURMAN:** Other proponents for LB997.

**BRANDEE LENGEL:** Good afternoon, Chair Murman and members of the Education Committee. My name is Brandee Lengel, B-r-a-n-d-e-e L-e-n-g-e-l. And I'm the Vice President for Quality Child Care Partnerships at the Nebraska Early Childhood Collaborative. At NECC, we give educators the support and resources they need so they can give the children the education they deserve. Home to the state's largest child care network, we hear from educators daily about the challenges they face personally and professionally. Including my role at NECC, I also have over 35 years experience working in early childhood education, 15 of those years directly in the classroom working with children and as an assistant in my mom's small family child care home. I am here today in support of LB997, and I first want to say thank you to Senator Ibach for introducing this important legislation. I appreciate the time and attention the committee is giving to consider addressing a long standing barrier for attracting and retaining early childhood educators that are highly qualified. Unfortunately, in early childhood, unlike most careers, increasing professional education and obtaining an advanced degree doesn't always lead to additional compensation. Many early childhood educators would love to remain in

the classroom teaching children, but they must make the difficult decision to leave for higher paying positions. Many times, this requires them to leave the early childhood profession entirely, because higher paying positions are not readily available, and almost all of them are outside of the classroom. The Child Care Wage\$ program is an effective national strategy that supports early educators and encourages higher education. This program provides a monetary incentive to obtain and continue to increase the educator's level of education, while also allowing them to stay working directly with children, which is what they love to do. According to the T.E.A.C.H National Center, 90% of Wage\$ recipients indicate that the supplement had an impact on their ability to stay in the field. We need highly skilled and passionate people working directly with children that are compensated based on their education experience. I want to share with you two quotes from family childcare providers that are participating in the pilot program. I do not speak for child care providers or our workforce, but they could not be here today because they're in the classroom with children. The first provider says, it helps that child care providers feel that someone sees us and knows how challenging this profession can be at times. It helps us to be able to pay bills and to get extra things on our wish list, to help allow our children to grow and explore that we may not have been able to otherwise. Early childhood professionals are essential, but it is definitely a job that has typically long hours and can at times be very trying. Pair that with low wages and people don't stick around. Wages helps incentivize people to not only better themselves with schooling or training, but also gives them money to help them do so. The second provider says this has been a great program that has given childcare providers a little bit more financial support without charging parents more. Many parents are unable to pay more for their childcare business, and have been able to keep that same rates using the supplement instead of increasing rates. And I see I'm out of time, so I will answer-- be happy to answer any questions.

**MURMAN:** Thank you very much. Any questions for Ms. Lengel? I have one. You mentioned that you worked in your mom's childcare home, was--

**BRANDEE LENGEL:** I did.

**MURMAN:** What would that be like a mom and pops childcare or--

**BRANDEE LENGEL:** I think that's called growing your own.

**MURMAN:** OK. I was just wondering if you could compare your experience there, to-- you, you've got 35 years of experience, some of your other experiences, how they would compare?

**BRANDEE LENGEL:** Working in a family childcare home is very different than working in a child care center. But for each of those positions that I held, I left for higher paying positions. So, family childcare providers typically make the least amount of money, and child care center teachers after that.

**MURMAN:** As far as the experiences with the kids in each of those settings, what-- could you maybe compare that a little bit?

**BRANDEE LENGEL:** I think kids are kids. It doesn't really matter the settings.

**MURMAN:** OK. Thank you very much. Any other questions for Ms. Lengel? Thank you very much. Other proponents for LLB997? Any other proponents for LLB997. Any opponents for LB997? Opponents? Any neutral testifiers for LB997? If not Senator Ibach, you're welcome to come up and close. And while she's coming up, we had, electronically, eight proponents, no opponents, or no neutral letters.

**IBACH:** Thank you, Mr. Chair, I appreciate it. And thank you too Ms. Gordon and Ms. Lengel, and, and Mr. Clark, who's been very, very helpful at First Five answering a lot of my questions and collaborating and coordinating with my office as far as early childhood education goes, because it is such a-- it's a challenge, but it has to be our goal. First of all, I would address your issue with the Perkins County Canal. And because Perkins County is in my district, I'm pretty protective of that. But, just for clarification, we're opening up that statute to include this program into it. So we're not actually taking money away from any of those programs. We're just opening up the statute so that we can place the wages program into it. And then I think your question, Senator Albrecht, alluded to sunset or how long the program would continue. It actually states on the fiscal note that it would sunset in June of '27. That's if the funds would last that long, which I don't anticipate they would, but we would have until '27 to use those funds. So I would just close with, you know, our goal has to be encouraging early childhood education, those who teach our early childhood folks in Nebraska. And so I thank you very much for your consideration.

**MURMAN:** Thank you. Any questions for Senator Ibach?

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**CONRAD:** Yes. Thank you Chair Murman. Thank you, Senator Ibach.

**MURMAN:** Senator Conrad.

**CONRAD:** Yes. Thank you, Chair Murman. Thank you, Senator Ibach for bringing this forward. And just so that nobody is caught off guard here, we had a fantastic interim study hearing on these very topics in 2023, where the committee went in pretty deeply to learning more about these programs and policies and issues. So in addition to a jam-packed agenda today, I think that the reason maybe you didn't hear as many questions from the committee is because we, we really went deep on these issues together in 2023. That helped us be more educated for the legislation you're bringing forward this year. So I really commend you and thank you for bringing the bill forward.

**IBACH:** Well, thank you, Senator, and she's alluding to the Planning Committee meeting that we had that really dove into, I think.

**CONRAD:** We had one too.

**IBACH:** We really dove into-- you guys had one too?

**CONRAD:** Yep.

**IBACH:** Everybody is focused on childcare, early childhood learning. We had a Planning Committee meeting that dove into it as well. So I think that just speaks to the importance of the, of the early childhood education in Nebraska. So thank you very much.

**CONRAD:** Thank you.

**MURMAN:** Any other questions for Senator Ibach? I just have a further clarification on, not only the Perkins County Canal, but the others, too. I'm trying to read to catch up on exactly what the wording is, but, does it take the money? Does this bill take the money out of those funds temporarily and then replaces them, or how does it--

**IBACH:** No, it's just in addition, it would be in addition to all these, if you look at every one of these in the statute, it says we shall transfer, we shall transfer, we shall transfer it. It just includes the Wage\$ program in this, in the-- in the same statute.

**MURMAN:** OK. Senator Linehan.

**IBACH:** Clarification.

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**LINEHAN:** Thank you. You take the money out of the Cash Reserve, right?

**IBACH:** Yes.

**LINEHAN:** Yes. That's where the money comes. And we have \$864 million in the Cash Reserve. So it wouldn't come from those programs. It would be money we'd transfer out of Cash Reserve into a new-- this program, which we're not funding now.

**IBACH:** That's correct.

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

**IBACH:** And all of these in the bill.

**LINEHAN:** Right.

**MURMAN:** And just further clarification then, is that money replaced in the Cash Reserve? I mean, I, I assume--

**LINEHAN:** It all--

**MURMAN:** --in the future--

**LINEHAN:** It all depends.

**MURMAN:** --it will be. Yeah.

**LINEHAN:** It all depends on whether we-- what the revenues are.

**IBACH:** Yeah. It's the-- it-- yeah, based on revenue and how much the Cash Reserve fund has.

**MURMAN:** OK. Thank you. Any other questions for Senator Ibach? If not, thank you very much.

**IBACH:** Thank you very much.

**MURMAN:** And that will close our hearing on LB997. And we will open our hearing on the next bill, which is LB1201. Welcome, Senator Hardin.

**HARDIN:** Thank you, Chairman Murman. Good afternoon, senators of the Education Committee. I'm Senator Brian Hardin. For the record, that is B-r-i-a-n H-a-r-d-i-n. I represent the Banner, Kimball and Scottsbluff counties of the 48th Legislative District in western Nebraska. I'm before you today to introduce LB1201. The idea for LB1201 was brought

to me by state school board member Elizabeth Tegtmeier, who identified this issue after conversations with many parents who brought the issue to her attention. Nebraska Statutes in 79-214 states that a school board shall not admit any child into kindergarten unless that child has reached the age of five years old on or before July 31st of the calendar year in which the child is seeking admission. Title 92, Chapter 11 sets the guidelines for which children can be served with the early childhood education grants that many schools use to fund their preschool programs. Section 007.01A of Chapter 11 states that the children who may be served with grant funds are all pre-kindergarten age children ages three to kindergarten entrance age. This is where the issue lies. Because of section 007.01A, children are forced to leave public preschool at age five, and parents are faced with a decision of entering their child into kindergarten regardless if they are developmentally ready or not, or they're faced to pay for a private preschool. This puts rural parents that may not have access to a private preschool, or parents that do not have the ability to pay for a private preschool, at a severe disadvantage when it comes to the development of their child. LB1201, will make a change to allow a student to be served with an early childhood education grant until they reach the mandatory attendance age. 79-201 states the child is of mandatory attendance age if the child has reached six years of age prior to January 1st of the then current school year. It's important to remember that LB1201 does not force students to stay in the public preschool and out of kindergarten until the mandatory attendance age. LB1201 simply gives the power back to the parents to make the best decision for their student on whether the-- to send them on to kindergarten at the optional entrance age, or have their child academic redshirt and delay the start of kindergarten. It's crucial that we create an educational system that respects and nurtures the individual, individual needs of each child. Research has consistently shown that delaying the start of formal schooling until the age of six can have numerous benefits for a child's overall development. Considering the cognitive aspect of a child's growth, at the age of six, children often exhibit increased cognitive abilities which enable them to grasp more complex concepts. Optionally delaying the start of kindergarten until the age of six, we are allowing children the time they need to develop foundational skills in a less structured environment, promoting a more natural and sustainable approach to learning. Emotional and social development also plays a significant role in a child's academic success. Waiting until six years old provides each child with the opportunity to further develop essential social skills, emotional resilience, and a sense of self before

beginning their formal education. This promotes a stronger foundation for future academic success and a more positive school experience. Studies have shown that the one year delay reduces inattention and hyperactivity in children by as much as 73%. Beyond the mental and emotional benefits of delaying the start of kindergarten. There are also physical benefits to consider. Delaying until the age of six ensures that children have had ample time to develop fine and gross motor skills, enhancing their physical capabilities. More mature and coordinated children are more likely to actively engage in physical activities, contributing to a healthier lifestyle and overall well-being. We must also acknowledge the long term benefits to the education system as a whole. Children who start kindergarten later often enter school with a higher level of readiness. Reducing the likelihood of academic struggles and overall dislike of school. If a child is able to begin school with better tools for success, they will in turn enjoy school more, and have an overall better academic experience. This leads to a better environment for all involved in academics, from students to teachers to administrators. For the sake of time, I'll in the list here, but the list could continue for hours. Happier students lead to happier school atmospheres. I'm prepared to answer questions that you might have. However, following me today will be a state school board member, Elizabeth Tegtmeier, who has been the person on the ground and is infinitely better equipped to answer your questions than me.

**ALBRECHT:** Thank you, Senator Hardin. Any questions from the committee? Seeing none, we'll take the next testifier. Proponent.

**ELIZABETH TEGTMEIER:** Good afternoon. Elizabeth Tegtmeier, E-l-i-z-a-b-e-t-h T-e-g-t-m-e-i-e-r. Before I begin my testimony, I want to clarify that I'm not speaking here on behalf of the board. The board is a proponent for this, but in keeping with precedents, we have sent a letter. I am, however, speaking on behalf of the constituents of District 7, because were I not their representative, they would not have contacted me about this concern. And so, interestingly, over the course of last year, I was contacted by parents from Wallace, Stapleton and Eustis, so widespread throughout the District 7. It was not a coordinated effort by a group of moms. Rather, it was concerned parents. Two of them cannot be here today because they are teachers and they are working today. They contacted me because their concern is that the one size fits all preschool system doesn't actually work for all children. The child, as Senator Hardin explained, once they qualify for kindergarten, being five by July 31st, they are no longer allowed to attend any of the grant-funded preschools. At our most

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recent State Board of Education work session, we discussed the arbitrary nature of school entry age, and you'll notice that it varies throughout the United States. And so Deputy Commissioner Brian Halstead, he recapped a discussion from the early '90s. And he said, you know, at that time, adults, they were struggling to define when a student ready to enter kindergarten. So they picked a factor that's easily defined for everyone your birth date. Unfortunately, birth date doesn't actually account for the developmental range that five year olds display. This bill would create flexibility within our current system to allow a child who might benefit from an extra year of, of preschool in developing before they enter kindergarten. And, and never once have I ever heard of a parent who regretted delaying kindergarten entry one year, though I have spoken to many who wish that they would have, in retrospect, kept their children back one year. This bill would create an opportunity for children, like I said, to develop from an additional year of preschool. Not only would the rural residents that I represent benefit from this opportunity, because that's often the only preschool in their area is the, the grant-funded one. But those living in our larger towns and cities who can't financially afford to put their children in for an extra year would be able to leverage this opportunity. And so this levels the playing field for children to have the best possible academic beginnings, not based on their birth date, but on their individual strengths and developments. Kind of-- Oh. I guess I have a red light, so I won't add what I wrote.

**ALBRECHT:** You do. Do you have a little bit left to finish?

**ELIZABETH TEGTMEIER:** I have two quick paragraphs. We were-- Is that OK?

**ALBRECHT:** Senator Conrad?

**ELIZABETH TEGTMEIER:** OK.

**CONRAD:** Thank you, Vice Chair Albrecht. Good to see you, Elizabeth, board member Tegtmeier. And I just wanted to thank Senator Hardin for bringing this forward. And I know I heard from you and my friend, school board member Patsi Koch Johns, who I know you had been coordinating with on this effort as well. And so it was really neat to be able to partner with you all and Senator Hardin on this. And, I was just hoping that maybe you could share a little bit more about your work experiences and conclude your, your testimony that you brought forward.

**ELIZABETH TEGTMEIER:** Sure. Sure. So, so, so one of the concerns, that had that come to me was there's a mom who teaches in Stapleton, and that's 30 minutes north of North Platte, and the only preschool available is the one that is run by the public school. And so she said, I have-- I have two options for my child next year. He is a little boy. His birthday is July 12th, and he, he, he won't be ready by that date, really, for, for kindergarten. So my options are start him in kindergarten, or keep him home for a year, and so we'd lose all the gains that we made through that, that early childhood year of preschool. Because she said, being a full time teacher, I don't have time to drive 30 minutes to North Platte, drop him off for half a day of preschool, drive back 30 minutes to go teach school, and then go pick him up midday. And so, so that was a big concern. And then my last bit is it's-- Senator Hardin and I had, had attempted, we had a long discussion and we attempted to, to estimate what, what would the fiscal impact of something like this be? And honestly, it's pretty hard to know exactly how many parents might choose this option, though we did come up with an estimate, and I do believe that that's in the fiscal impact of the bill. But I believe that there-- that genuine school readiness will impact academic achievement. A child who is not ready often tends to be a step behind all the time, which then impacts their confidence. And once that's impacted, it does make academic achievement more difficult. And, and we all know the impact of literacy. And we know, I know last year you all toured the prisons. And I'm bringing that up not as a leveraging tool, but as a reality that, that wouldn't we much rather see some fiscal impact going in rather than on the other end, where 75% of the incarcerated population can't read above a third grade reading level? So that's what I was thinking when he mentioned, you know, they might ask you about that.

**ALBRECHT:** Very good. Senator Meyer?

**MEYER:** Thank you, Senator Albrecht. I guess I'm somewhat familiar with this issue. The, the one-- what if you had a number of children, you have limited spots in whatever school that is.

**ELIZABETH TEGTMEIER:** Right.

**MEYER:** So what do you do when you have children who want to stay for a second year, taking up the spots of the kids that want to come in the first year?

**ELIZABETH TEGTMEIER:** Sure. So--

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**MEYER:** So how do you make that determination?

**ELIZABETH TEGTMEIER:** So, that ultimately would lie under the purview of the local district. So they would have that, that freedom to, to make that determination at the local level, according to Deputy Commissioner Halstead, who is much more familiar with state statutes and and that than I am.

**MEYER:** So some of that would be limited on the staffing that's available.

**ELIZABETH TEGTMEIER:** Correct.

**MEYER:** Preschool teachers.

**ELIZABETH TEGTMEIER:** Correct. Yes.

**MEYER:** Part time. So. OK. Thank you. Yeah.

**ALBRECHT:** Any other questions, Senator Linehan?

**LINEHAN:** Thank you, Senator Albrecht. I agree. Looking at the fiscal note, it's hard to tell because, because preschoolers count as one-sixth, right? When it comes to student counting?

**ELIZABETH TEGTMEIER:** I am not exactly sure on that.

**LINEHAN:** OK, well it has-- this affects the TEEOSA formula. So that's what we need some clarification on. I don't know-- like you said I don't think it would affect it very much. I also think Senator Meyer's question is a very good question. And then-- which-- I don't quite understand the whole grant process and who decides where they go? But are these gra-- public schools that receive grants for preschools, they're not necessarily free, right? Because some preschools charge, public preschools.

**ELIZABETH TEGTMEIER:** These would be the ones that are publicly funded. And so I think that-- I think that maybe the term grant-funded is maybe being used interchangeably where it shouldn't be. These are the ones that are currently being funded with, with federal and state tax dollars.

**LINEHAN:** Right, but--

**ELIZABETH TEGTMEIER:** Through--

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**LINEHAN:** --that doesn't mean that parents don't pay. I think it would be interesting for the committee to see-- take a look, because I introduced a bill to do this. I don't know if we'll pass it or not, but I don't understand who's getting grants, how their-- how the funding lays out. Then they get children in preschool, some get money from TEEOSA, some preschools charge, some preschools don't. I think it'd be helpful if we had a view of what's going on across the state with preschools.

**ELIZABETH TEGTMEIER:** OK.

**LINEHAN:** Thank you.

**ALBRECHT:** Any other questions? Do you have anything more?

**CONRAD:** No. Sorry.

**ELIZABETH TEGTMEIER:** OK.

**ALBRECHT:** Thank you very much for your testimony. Next proponent?

**KAYLEON SEHURR:** Hello, my name is Kayelon Sehurr, K-a-y-e-l-o-n, Sehurr, S-e-h-u-r-r. I'm honored to be here today to share my testimony in support of the preschool bill, LB1201. I come to you today from the small community of Eustis, Nebraska. I'm a mother of five children, four living, ages twelve, eight, four, and seventeen months. In all our years of having children in the school system, I can tell you that there has never been a shortage of obstacles in regards to preschool opportunities. All three of my school aged children have had different preschool experiences within and outside of our community. Private preschools in small communities like Eustis are struggling financially to keep up if they even exist. This issue has spurred the creation of public preschools within many of these smaller school systems. Our school uses Farnam as in its first few months of operating our Chapter 11 preschool. However, the biggest issue with the funding of these preschools is the age of eligibility requirements, and the disservice this is causing to the very children that they are designed to help. Under the current legislation, Chapter 11 preschool eligibility is defined as three to kindergarten entrance age. This means that in the state of Nebraska, the exact same moment a child is considered kindergarten eligible, they are also deemed preschool ineligible in the public school system, even though they are more than a year younger than the compulsory age of attendance. Every school year, there are countless children whom are not ready for

kindergarten that are either being forced out of the public school system to seek out a private preschool, or they're being sent knowingly unprepared into kindergarten for most likely an entire academic year of struggle. The decision or recommendation by a parent or teacher to retain a child in preschool reaches far deeper than a date on the calendar. Study after study shows that when we send our children into kindergarten, we are laying the foundation that is crucial to their academic success. The standard for kindergarten readiness in our state should include factors that consider the academic, social, emotional, physical, and physiological well-being of each and every child as a whole, not simply if they were born before or after July 31st. Imagine the landscape of our schools in ten years if we were able to lay the groundwork for our children now to go to school when they are ready to thrive versus merely survive. With late spring birthdays, as a parent, I knew it, it was in each of my children's best interests to retain them in preschool beyond the kindergarten age of eligibility. As a result, my children are at the top of their classes academically, thriving emotionally and socially, and are mature enough to be the positive leaders in their peer groups I always knew they were capable of. But making this an opportunity for them to thrive possible has been and will continue to be a monumental physical and financial struggle for our family if this legislation is unchanged, I know of families that are currently driving over 36 miles one way to access a preschool for their child. I know families that are having to homeschool their child because they cannot afford preschool tuition. I also know of families that have had no choice but to watch their child struggle through the cracks of the public school system, because they didn't have any other option but to send them on. It should be our right as parents to get to choose for ourselves if and when our child is ready for kindergarten, and not be dictated by our abilities to afford or access an additional year in a private preschool. Ultimately, this legislation is failing children. It's failing children who are not ready for kindergarten yet are deemed no longer eligible for public preschool. It's failing families, families who cannot access a private preschool or financially do not have the ability to pay for one. It's failing small communities, communities who are struggling to provide private preschools, especially once public preschools are put into place. This should not be happening. We can do better for these families, we can do better for these children, and we can do better for Nebraska. Thank you.

**ALBRECHT:** Thank you very much for your testimony. Questions from the committee? Let me just ask you a quick one, since nobody else has any.

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So when you have taken any one of the four to a preschool setting, did you have to pay at a school?

**KAYLEON SEHURR:** I can actually answer that question. Public preschools that, whether they relay a tuition or not to their parents or to the families is actually a decision on the school district. So none of the public preschools that I've been had-- actually have had to take. And you have to be in that district. You're in district, you give-- you're given first access to public preschool. So I actually live in a different school district than I, well, my town I live in, but I'm outside of that district. So my child goes to a different public preschool than my school because we didn't have one. So no, I haven't had to pay. Like, I know our Eustis-Farnam public preschool, they are not charging a tuition neither. A lot of these, like a lot of the public preschools don't. If they do, it's really minimal.

**ALBRECHT:** Ok. And so--

**KAYLEON SEHURR:** Private preschools like--

**ALBRECHT:** --your child went to preschool.

**KAYLEON SEHURR:** Mm hmm.

**ALBRECHT:** And you felt like they weren't ready to go the next year.

**KAYLEON SEHURR:** Yep.

**ALBRECHT:** Would they allow you to continue the next year or do you have to--

**KAYLEON SEHURR:** Not, not in a public preschool. Nope. And once they are eligible for kindergarten-- so if they turn five before July 31st, they have to be pulled back out and like right now in Eustis, the only public preschool, or only private preschool, is included in our daycare. It's so it's cau-- you're charged tuition based-- daycare tuition. It's \$480 a month. So there-- I mean next year, if this isn't changed like my little guy, he's got a late April birthday. We're held him. You know, studies show that boys definitely are, you know, at a disadvantage being sent earlier. We'll be one of those people that are having to drive 36 miles to get to a private preschool that we can afford. So.

**ALBRECHT:** You know, it's funny you should say that, because I have several grandkids and-- but I don't ever recall them saying that they

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had to pay when they were in a regular school. They just felt like, because she was a July birthday, that she should just be held back and let her-- because she wasn't emotionally and--

**KAYLEON SEHURR:** Yep, yep, there's lots of different reasons why--

**ALBRECHT:** A lot of different reasons.

**KAYLEON SEHURR:** So you have to [INAUDIBLE]. You have to find another route right now, so.

**ALBRECHT:** But I think we do need to dig into what Senator Linehan was asking, because I think it's a local control kind of thing, and everybody kind of does it differently. So we'll need to get more information. But I appreciate your testimony.

**KAYLEON SEHURR:** Yep. Thank you.

**ALBRECHT:** Thank you. Next proponent? Seeing none, any opponents?. No opponents, do-- anyone in a neutral position? Seeing none, Senator Harden to close? And we don't have any letters? Is that right? Oh, OK. I'm sorry. There's ten proponents of LB1201, two opponents, and zero in neutral for letters.

**HARDIN:** Thank you, Madam Chairman. It's actually, if you read through the opponents, it's, it's one opponent. The other person intended to be a proponent and used the wrong word. And so, that's good. The other person asked for us, who was in opposition, to make sure that we gave control to the parents, which is exactly what we're trying to do here. So even that ended up really not being an opponent. I will just provide some personal testimony. I own a child care center and have talked anecdotally with parents over the years who struggled with this issue of, is my child ready to go to kindergarten or not? And one of the challenges that we tend to hear is that it's hard to make it up, if you will, once they get started. Sometimes children start behind and they feel behind. And so certainly, Senator Meyer brings up a good point, that is, well, if you don't have space, you don't have space. And so that is another ongoing challenge here in Nebraska. But, thank you all for listening and appreciate it very much. And for those who came out to testify.

**ALBRECHT:** Very good. Thank you. Do you have any other questions, further questions, for Senator Hardin? Seeing none, thank you for being here. The next bill up would be LB3-- I think it's 9-- LB939.

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And that would be Senator Erdman, and he's ready to go. Whenever you're ready.

**ERDMAN:** OK. Thank you very much. Great to be here in front of the Education Committee. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent District 47. That's nine counties in the Panhandle. Today, I'm here to present to you a school choice bill, and we call it My Student. And so we're going to move forward with that. I would like to start by describing how we got here. A year ago, I had introduced LB177, which was a school choice bill similar to this one. And over the summer, the interim, we put together a committee to discuss and describe how this is going to work. We looked at several states that have school choice. The one that this bill mirrors, the closest is Arizona. And so we reviewed what they've done in Arizona. And I would say that I appreciate what Senator Linehan had done last year to start the conversation down the road about what school choice means. And I would bring to your attention the fact that our public schools, some are very good and some need assistance and improvement. And I think that Senator Linehan has correctly stated in the past, she has said even the best public schools are not actually going to help some students, and they need to have another choice. And so we've, we've come today to present this bill, LB939, and perhaps you've seen the fiscal note. It's pretty significant, it's greater than it was last year. And I think that is a testament to the fact that we have to understand that education is so important in this state, and we have fallen behind, and we need to bring that up to standard so that our young people, when they graduate from our school system, can compete, compete in this world. So the education in the public schools, as I said, is, is failing in some regards. In 2021, we asked for a review of the assessment of the schools. And as you know, LRO did a, an assessment of My Schools. And so we've seen that what they've come up with is only 46% of the students in our public schools are proficient in English, and so 44% of our students are proficient in math, and 50% of our students are proficient in science. And so when we look at the ACT scores and some of the other things that we gauge whether students are getting-- becoming educated, we find out that we're falling behind. And so last year as we introduced the Opportunity Scholarship Act, and that was an opportunity for those who wanted to make a contribution to get a tax credit of \$25 million, that that fund would be set up for anyone who was in need of sending their child to a public school or education that their child needed to get out of the public schools. And I think that was a great step forward. It was a great start for us. And I appreciated what Senator Linehan did. And I

would think that once we start the under-- get the understanding in our, in our community and our state about the significance of, of opportunity scholarships such as this, it just grows. And so other states near us and around us have, have done the similar, or similar things that we have. So My Stu-- My Student, My Choice Act will utilize educational self-- educational savings accounts. And under My Student, My choice Act, the money would allow the student to, to, take the money to go to the educational system that best fits their needs. The program would be mandatory for public school students. Private students, private school students have the opt-in to the program by applying for a student account and signing a contract. We had several people ask us last year on our bill if this was an opt-in or opt-out program, and it appeared that the best program for their needs was opt-in. So we may have people who homeschool who don't choose to be part of the program. We've given them the opportunity, they can opt-in if they would like. And so we've tried to cover some of that, and we spent some significant amount of time one day last year having an interim study. We had several people come and join us, talk about how we fix this so that everybody can have an opportunity to do what they need to do. So the state treasurer would set up, would oversee the distribution of the money. At the beginning of each semester, revenues would be transferred from the state's General Fund into the following-- this-- into the following the Student my Fund Act in order to cover the tuition where they go to school. Public school students, 100% of the average of public school plus 2% would be transferred into the student's public school fund in the school in which they are enrolled. There is an amendment that I put in because I don't believe that we had it correctly stated. The amendment basically covers the fact that if a student takes 50%, and that's what the bill says, takes 50% of the money that it normally costs to educate a student in the state of Nebraska to a private school, then the other 50% would then stay with the public school. And so just only 50% of what the average cost to educate a student would be transferred into their account. They don't be able to use the account for educational purposes, tuition or those kind of things or instruction. And that's a very important thing, so they don't spend money on things that aren't for education. The bill creates a Private School Expenditure Board, and that board would consist of five members, and they would represent those different portions of the educational system. And it also would have the, the director of education is to be an ex-officio member of of that board as well. So this is an opportunity for us to actually make a decision about where students let them-- let the parents make a decision where their students are going to be best educated. We have

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students, and I know some of those students, who have dyslexia and other things that haven't been instructed well in the public school, and they have an opportunity to go to a school that can handle their needs. And I think this is an opportunity for us in Nebraska to catch up with other states. And as I mentioned earlier, we do have some deficiencies in our state system. I looked up a couple of schools. And maybe you've seen that Schools At a Glance, but this system is Columbus Public Schools. Their proficiency in all grades in English is 44%, English in fifth grade is 41%, English in eighth grade is 49%. All math in-- all grades in math is 40%, in the fifth grade it's 34%, and in eighth grade it's 44%. Their graduation rate is 84%. The school system, the biggest school system in the state, is Omaha Public Schools. I seen an article last week that said it's projected that one half of the current freshman class in Omaha Public Schools will not graduate from high school. Their current graduation rate is 74%. And when you say that is terrible, that is a fact. But the other issue is it's a known fact that those people who can't read generally wind up in prison. So when we have a 50-- 74% graduation rate, you may think, where are the other 26%? And so it's quite obvious that they're not able to compete for a job or do those things they need to do. So these are just a couple of examples of how we need-- why we need to improve our public schools, and we'll have competition. That's exactly what happens. So there's many more things I can say, but I'll leave that there and there'll be some people testifying after me. But you may have questions that I can try to help answer, but we spent a pretty significant amount of time looking at this bill to make sure that we've written it in a way that will help those who need to make a decision about whether a child goes, they have that chance. Thank you.

**ALBRECHT:** Thank you, Senator Erdman. Questions from the committee? I have-- Senator Linehan.

**LINEHAN:** Are you going to stay to close? Are you going to stay-- will you be here to close?

**ERDMAN:** Yes, ma'am.

**LINEHAN:** OK. I'll, I'll wait till then.

**ALBRECHT:** OK. And I'll do the same. Thank you.

**ERDMAN:** Thank you.

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**ALBRECHT:** Any proponents wishing to speak? Will you come forward if you'd like, if you'll be speaking, proponent or opponent.

**ANGIE EBERSPACHER:** Hi. Good afternoon. My name is Angie Eberspacher, Angie Eberspacher. I'm here in support of this school choice bill. I attended parochial school through eighth grade, graduated from public high school, earned a teaching degree from UNL, taught in public schools, homeschooled my three daughters, and served on the ESU 6 board of education. Education is ingrained into my life, and I have experienced how all forms of education are important options. Funding education is increasingly complicated. In Nebraska, we have TEEOSA, which no one understands, with a budget of over \$1 billion. And in the '22-'23 school year, \$4,691,369,646 was spent on public school education. Even with spending billions of dollars on education, Nebraska's proficiency scores are abysmal. According to the Nebraska Department of Education's website, our students are scoring below passing in English and math. Additionally, the Nation's Report Card indicates that Nebraska's public school fourth graders have proficiency scores of 44% in reading and 48% in math. Our children are failing, and we must stop being content with these standards. Last year, the Nebraska Legislature passed the Educational Opportunity Scholarship Act. It is an encouraging first step for school choice. However, with the threat of voters repealing the act, the time now is to act to create school choice for all students. The My Student, My Choice Act would offer universal school choice to all public school students, as well as K-12 private school students who choose to opt in to the program. Parents should be able to use their tax dollars to send their children to the school that best fits them academically, or best aligns with their social and philosophical values. Students should not be held captive in a school where they cannot thrive. We must provide better options for our students. Currently, there are 11 states, including Iowa, which offer universal school choice, with another five in full pursuit. It's time Nebraska joins them. In fairness to all students, I ask that you advance LB939, the My Student, My Choice Act, out of committee. Thank you.

**ALBRECHT:** Thank you very much for your testimony. Any questions from the committee?

**CONRAD:** Nice to see you.

**ANGIE EBERSPACHER:** Nice to see you.

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**ALBRECHT:** Thank you for being here. Next proponent? Next proponent? Can you move to the front seats, please, so we can see how many are going to testify? Hi there.

**CONRAD:** Thank you a lot.

**CAROLINE EPP:** I'm Caroline Epp, C-a-r-o-l-i-n-e E-p-p. I am in favor of LB939. In America, we have progressed more than any other nation due to honoring God given freedoms. We have benefited greatly from the creativity in this nation which true competition burns within us. When choice is discouraged, the benefits of competition are lost. It is obvious with our current public school system, without competition, the quality of education has declined. Our scores for reading ability are rather embarrassing. If competition between schools was implemented by allowing the money to follow the student, I guarantee we would see improvement in the public school. We would do ourselves a great favor to allow tuition money to follow the child. Competition always brings improvement. Thank you.

**ALBRECHT:** Thank you. Any questions from the committee? Seeing none, thank you for being here. Next proponent. Hi.

**RALPH TATE:** Good afternoon, Chairwoman, and committee. My name is Ralph Tate, R-a-l-p-h T-a-t-e. And I am here testifying to heartily endorse Senator Erdman's bill, LB939, known as My Schoo-- My Student, My Choice Act. I appreciate Senator Erdman and the committee recognizing that parents are the only ones that have the constitutional right to determine the appropriate educational path for their children. It is time we align our public funds with our values. The bill is not about bureaucracies, it's about taking care of our children. Approximately 60% of the property tax is directed to public education. It's entirely appropriate that parents who believe the best educational option for their children is a private, parochial, or denominational school be afforded some tax relief. Providing half of the adjusted average per student cost for tax relief would result in significant financial relief for many Nebraska families, without adversely affecting public education. The paragraph that I would read, you have already heard now on several occasions, the only thing I would make to the last point is that those students who are black, the lack of proficiency is even worse than the average, and that is anywhere from a half to three quarters of those students are not proficient in either math or English language arts. When the public-- when the average public cost in Nebraska being approximately \$13,000, it's obvious alternatives are needed. Doctor Max Gammon's theory of

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bureaucratic displacement is applicable to this current situation. He stated, in a bureaucratic system, any increase in expenditure will be matched by a fall in production, or in this case, quality. Public education is no exception. As funds for public education have increased, there's been a corresponding decline in academic performance. However, has-- as has been demonstrated in other states that have implemented school choice options, when parents can send their students and their tax dollars to private schools, competition incentivizes the quality of public education to improve. The net result is that students in both public and private schools benefit. It should not be unexpected that the Nebraska State Education Association will oppose this bill. However, it is noteworthy that the president of the Chicago teachers union, Stacy Davis Gates, sends her eldest school-- sends her eldest son to a private school, and yet strongly opposes school choice. For lawmakers living in the D.C. area, how many send their children to public schools? None. So why is it acceptable for those who can afford to send their children to private school to do so, but for those who can't, it's not when it is their tax dollars that fund the public schools? In addition to funding, there are other reasons why parents may seek academic options other than public schools. The threat of physical or psychological injury due to student violence, drugs, and social bullying is becoming an existential threat in every school, at every grade level. There's a growing body of evidence that reveals a shift in emphasis from academics to social issues, such as critical theory, providing pornographic books in public schools that are protected by state law, encouraging gender dysphoria without informing parents, permitting biological males to use female bathrooms, and permitting biological males to compete in female sports.

**ALBRECHT:** OK, your red lights on, sir.

**RALPH TATE:** Thank you.

**ALBRECHT:** You can continue if somebody has a question for you.

**RALPH TATE:** You have any questions?

**ALBRECHT:** Any questions from the committee? Seeing none, thank you--.

**CONRAD:** Thank you.

**RALPH TATE:** Thank you.

**ALBRECHT:** -for being here. Thanks for everything. OK. Next proponent.

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**MERLYN BARTELS:** Good afternoon, Senators, and thank you for your time. My name's Merlyn Bartels, M-e-r-l-y-n B-a-r-t-e-l-s, and I'm in support of LB939. And I think you've already heard from the Senator a lot of reasons why we should support this, but I agree with the fact that this would give the parents a choice of public school or private school, with some financial help there. And the possibility of their child doing better in a private setting compared to the public setting. We all know that some kids struggle with the private or public school settings, so this would give them an option for that with some financial help. And you just heard Senator Hardin's bill. I feel like maybe if you'd move that one out of committee and titles these two together, we wouldn't have quite as many people needing to choose to get out of public school because they would have their, you know, extra year learning that they might need be able to read, write, and social skills when they went to public school. So maybe you can tie these two together and move them both out of committee. Thank you for your time.

**ALBRECHT:** There you go. Thank you for your testimony. Any questions from the committee? Seeing none.

**MERLYN BARTELS:** Thank you.

**ALBRECHT:** Next proponent.

**TOM VENZOR:** Good afternoon, Vice Chairwoman Albrecht and members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the Executive Director of the Nebraska Catholic Conference, and we thank Senator Erdman for bringing LB939. As usual, the Senator is thinking big as he's thinking about Nebraskans. And in this case, he's focused on parents and kids finding the proper fit for their education so they can thrive as human beings. Catholic social teaching recognizes this basic moral fact: as those first responsible for the education of their children, parents have the right to choose a school for them, which corresponds to their own convictions. This right is fundamental. As far as possible, parents have the duty of choosing schools that will best help them in their task as Christian educators. Public authorities have the duty of guaranteeing this parental right, and of ensuring the concrete conditions for its exercise. LB939 supports the two principles just articulated: first, support for parental responsibility and choice in their child's education, and two, the obligation of the state to concretely support parents in their educational choices. Another way to state this is that the government is called to assist parents in the formation of their

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children, but the state cannot displace or replace parents. As one education expert notes, if the Catholic Church had no schools, we'd still advocate for school choice because it's about parents' rights and children's opportunities. Senator Erdman's bill has, has multiple components, but a fundamental piece is called the Follow the Student Fund, a sort of education savings account. According to the bill, Section 5 and 7, an allocation of 50% of the state average cost per pupil for each student would be placed into an account for public schooling, nonpublic school tuition and fees, textbooks, tutoring, proctoring and other listed uses. In the world of school choice option, education savings accounts provide for maximum flexibility for parents to determine how best to support their child's educational endeavors, whether that be fully-- for paying for the cost of tuition, or mixed tuition expenses with other edu-- needed educational expenses such as tutoring or special education services. In the Church's long standing work in education, one fact is very clear to us. There are more students and families knocking on the school-- on our schoolhouse doors than there are scholarship opportunities available for them. While we do everything possible to provide every kid an opportunity in our schools, such as reducing tuition costs that fall far below the cost of education for the student, it's no surprise that resources are not limitless. School choice policies like LB939 would go a long way in guaranteeing parents a true choice in their educational choices for children. And just for a brief comment, just to go off script, on Section 7, I think Senator Eerdman is-- that's that section on the private education sort of expense board. And I think the concept is right there. And what he's trying to do with the concept is ensure that there's representation across nonpublic schools to help in implementing this legislation. I think one thing that could be done there is broadening that criteria to make sure that it's basically trying to get representation across the state, across nonpublic schools, geographical representation, different sizes of schools, to make sure that any type of nonpublic school has an ability to participate in, in that forward. But I think that's just one small implementation there. So thank you to Senator Erdman for introducing this. And I'll take any questions that you may have. Thank you.

**ALBRECHT:** Thank you very much. Do we have any questions?

**WALZ:** I just have a question.

**ALBRECHT:** Senator Walz.

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**WALZ:** Thank you. Thank you for coming today. I'm glad that you brought that School Expenditure Board up because I-- and maybe you can answer, maybe you can't, but it says a superintendent or a principal representing a private school may file an appeal for an educational vendor that was not on the report is an approved-- Can you explain a little bit? Do you know what that means?

**TOM VENZOR:** Yeah. So probably I might defer that question to Senator Erdman. But I think what's going on there is this board will have the ability to look at educational vendors that they think are appropriate for use by families in terms of seeking educational expenses. And just like anything I think we have in governmental processes, sometimes when you, you know, create these lists, sometimes somebody gets left out either inadvertently or perhaps purposefully. And I think that just gives an opportunity for making some sort of appeal so that people would have the opportunity to say that, hey, I didn't make the list, but I think I should make the list. And so it provides, I think, for that appeal process so that there's some level of due process so that somebody can get on that vendor list or make a better case for it.

**WALZ:** So the vendor is the school itself.

**TOM VENZOR:** I think the-- I think the school can be, yes, a vendor as well, because, under the bill, you'll have families who could utilize their-- follow their student funding at a-- at a nonpublic school. So.

**ALBRECHT:** OK, Senator Linehan.

**LINEHAN:** Thank you, Senator Albredcht. And thank you, Mr. Venzor for being here today. You mentioned this, but just for the record, so people understand. Most private schools don't fall-- don't-- their tuition does not cover their expenses.

**TOM VENZOR:** No, usually tuition, in a lot of our Catholic schools, is probably about a third of the cost of education. So oftentimes a parent will pay that portion and then maybe a third is fundraised by the parish. And then maybe the other third is, you know, built up through, you know, foundations and things of that nature. But usually tuition is about a third of cost of education.

**LINEHAN:** And then did you spend any time looking at the fiscal note on this bill?

**TOM VENZOR:** Very briefly.

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**LINEHAN:** It seems to me that-- and I'm interested because this has happened to me before. I don't think any funding was taken out of TEEOSA, because one note I saw it was that it's because of, however they say it, your credit language, because we don't know exactly, we couldn't figure out what would happen with TEEOSA. But clearly if we were sending half of the money to school children in public schools, and we would also keep \$5 million-- or keep \$1 billion in TEEOSA. So there's some confusion. OK.

**TOM VENZOR:** Yeah, yeah, I think on that, I mean, you know, not to fully speak to the fiscal note, but I think in that regard, I think this is things that we've seen in other states where a portion of the funding stays with that public school, because obviously that public school, you know, it's that they have some fixed costs in the education of that child. So sometimes when a kid leaves, obviously you have some fixed costs. Some of the numbers I've seen is that typically the, the variable cost of a public school, somewhere around two thirds of that cost to that child, whereas the fixed cost of that child is around a third. And I'm sure that's, you know, changes school by school. But I think that's probably-- I would-- I think that's part of the concept here, is that some of that funding stays in that public school because, you know, they still have certain costs that they have to incur even if a student doesn't stay with them.

**LINEHAN:** OK. Thank you.

**ALBRECHT:** Thank you. Another question.

**WALZ:** I'm sorry I've got a follow--

**ALBRECHT:** Senator Walz.

**WALZ:** --up on this. Thank you. Did you say a third of the cost is paid by the parent of the total tuition?

**TOM VENZOR:** Yeah, yeah. So usually at a Catholic-- at a Catholic school, tuition is never going to be the full cost of education. So, for example, the school that I go to, Saint Teresa's, the tuition is around \$2,500, but the cost of education is going to be somewhere \$6,000 to \$7,000. So the school doesn't charge that full-- doesn't charge that full cost of education to those families.

**WALZ:** But think an average is about a third. So--

**TOM VENZOR:** Yeah, roughly.

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**WALZ:** OK. Because when we sent our kids to school, it was about \$6,000.

**TOM VENZOR:** Yeah.

**WALZ:** So, 6 to 8.

**TOM VENZOR:** Sure.

**WALZ:** Somewhere in there, depending upon where they were at. So 6-- so really, if it was a third, the total cost to send our child to the school, our total cost of \$6,000. But the total tuition, if it was a third, is about \$18,000. When you add in that--

**TOM VENZOR:** Well yeah. So I mean again that's going to be dependent on the school. And it's also actually going to be dependent sometimes on whether the family who's going to that school, like for example, at the Catholic school that I go to, there's one cost for the family if you're a parishioner of the--

**WALZ:** Sure. Yep.

--parish, because it's assumed that that family is probably contributing to the, you know, to the Sunday collection, whereas a family who might be coming from outside of the parish might have a higher tuition because it's not assumed that they are, you know, providing, you know, for the Sunday collection, which helps maybe offset the school costs. So again, that's not an exact number that, you know, third, but it's somewhere it's going to be somewhere in that range a third to a half. But I think the basic truth is that I don't think there's any school that I'm aware of where the tuition and the cost of education are, are equal. So the school's--

**WALZ:** Right.

**TOM VENZOR:** --usually has a tuition that's lower than the actual cost of education.

**WALZ:** I just wanted to clarify that third thing.

**TOM VENZOR:** Yeah, sure.

**WALZ:** As an average. OK. Thanks.

**ALBRECHT:** Thank you, Senato Walz. Senator Conrad?

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**CONRAD:** Thank you so much. Vice Chair Albrecht. Tom, good to see you. Thank you for coming forward. And I-- just to qualify my witness and my friend here. Tom is, I think, probably one of the, the foremost experts on school choice matters that appears before this committee frequently. He's spoken out publicly on a lot of the, the topics involving these specific measures. And that being said, if you don't know the answer off the top of your head, we can follow up later, but I'm guessing you probably do. Can you help me understand how measures like Senator Erdman's bill interface with the ideas like-- so I'm trying to compare and contrast Senator Erdman's bill today, Senator Ben Hansen's bill that we heard last week, I think it was, for an educational savings account proposal. And then, of course, Senator Linehan's measure, which she passed last year, on the Opportunity Scholarship Acts. Can you maybe help me, help the committee, help the public understand how these proposals either work together, or complement each other, or if one moves, the others don't need to move. Is there a preferred approach? Could you, could you just help us to, to maybe connect the dots from your vantage point on those?

**TOM VENZOR:** Sure. Thank you. I can answer that question. I was really worried that you're going to give me a hard question, so I wouldn't be able to answer it after telling everybody I'm an expert. So, so yeah, basically, in the school choice world, there's essentially three main forms of choice. There's the scholarship tax credit approach. There's an education savings account approach, and then there's a voucher approach. And those are kind of the three main mechanisms for achieving school choice. Senator Linehan's legislation last year was a scholarship tax credit. I, I think we're all very familiar with that.

**CONRAD:** Yeah. Yes.

**TOM VENZOR:** Yeah. Education, education savings accounts are essentially, basically using state funding, and you put them in some sort of an account, like, like Senator Erdman's bill, and you put that account and you set it aside basically for parents. And then parents typically have a variety of flexible uses that they can use that for. So maybe it's tuition. Maybe it's special education services. Maybe it's tutoring. Maybe it's college testing. Maybe it's, you know, be able to take college courses, you know, while they're in high school, what have you. So it allows for that flexibility for a variety of uses. Then the-- then the third approach is basically a voucher approach. And the voucher approach is similar with state funding to the parent, but it's essentially just for tuition purposes. So what you've seen here in LB939 is an education savings account approach.

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What you saw with Senator Hansen's bill last week was essentially an education savings account approach, that one being for \$1,500 for nonpublic school families. So those are kind of the three main policy mechanisms by which you can do school choice. In some-- there's a number of states that have multiple school choice mechanisms. So like in Arizona, or Florida, even in Iowa, Iowa had a scholarship tax program for years, and then they just recently implemented an education savings account approach. And typically you write those policies so that they're interfacing and talking with one another so that, if a student's getting a scholarship out of one program, they may or may not be eligible for a program-- a scholarship in another program. Or sometimes, like in Florida, you have some school choice programs that are directed towards certain student populations, like children with special needs or students who've been bullied, and maybe you have a program that operates for them, but then you have other programs that operate for other classes of students or individuals. So so that's how those programs can potentially work with one another.

**CONRAD:** Thank you, Tom. No, that, that really is very helpful. And based on that analysis, and I think you would probably agree, that a lot of the political or legal or policy arguments that surround LB753 or Senator Hansen's measure or Senator Erdman's measure, would, would probably be similar, even though there may be some nuances in terms of program design in each of those proposals. But would you say that, that these are probably not new issues to--

**TOM VENZOR:** Yeah, I--

**CONRAD:** --to the Nebraska Legislature this year and, and-- would-- I just kind of want to make sure that those are acknowledged for the record, without having to relitigate everything there.

**TOM VENZOR:** Mm hmm. Yeah. And I think, yeah, you've got the same kind of underlying philosophical ideas and arguments, and a lot of them use very similar technical mechanisms. But yeah, sometimes they just switch a little bit here and there, so.

**CONRAD:** Great. Thank you so much. Thanks.

**ALBRECHT:** Thank you, Senator Conrad

**WALZ:** May I ask one more question?

**ALBRECHT:** Sure, Senator Walz, go ahead.

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**WALZ:** Just kind of bouncing off what she said. Do you-- do you have any idea, like the total amount of money spent on private schools in Nebraska. Like what would be, if you could put them all together, what would be that total budget?

**TOM VENZOR:** I don't know that, but what I can say is we have, you know, thirty-some thousand students in nonpublic schools. And I think the math on that is that those families sending their children to nonpublic schools, and the nonpublic schools that operate are saving the state somewhere around nearly \$500 million per year. So I don't know what the, the budgets are if you put all the schools combined together. But I know that the cost savings is somewhere around \$500 million for those schools operating and the families who utilize them.

**WALZ:** Do you know what an average tuition rate is?

**TOM VENZOR:** You know, it's obviously going to be dependent-- you know, some schools are going to be less some schools are going to be more, you know, they might be more of a private school or a boarding school--

**WALZ:** Right.

**TOM VENZOR:** --where the tuition might be higher, or it might be a K through five school where tuition is just generally lower. But I think we usually put the average around maybe \$7000, \$8000 somewhere in there across the board.

**ALBRECHT:** Thank you.

**WALZ:** Thanks. Senator Linehan?

**LINEHAN:** Thank you, Senator Albrecht. Great questions from everybody. There's a difference, too, between high school and grade school when it comes to tuition.

**TOM VENZOR:** Yeah.

**LINEHAN:** High school's going to-- because you said St. Teresa's, but they don't have a high school, right?

**TOM VENZOR:** Correct, yes It's a K through eight.

**LINEHAN:** So when you get to high school, just like in public schools, costs go up.

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**TOM VENZOR:** Correct.

**LINEHAN:** And then the example, you said 30,000, I think is actually more than 30,000--

**TOM VENZOR:** Yeah.

**LINEHAN:** --with 30,000 times what we pay per student, average per student. But that cost doesn't include the buildings and all the other things that would include. So I would venture to be over \$500,000-- or \$500 million.

**TOM VENZOR:** Yeah, yeah, yeah. And, and that number is-- I forget the exact number, but it's 35-- 36,000, 35,000 students. I forgot to check my math on that recently, but yeah.

**LINEHAN:** Thank you very much for being here.

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

**TOM VENZOR:** All right.

**ALBRECHT:** Thanks for being here.

**TOM VENZOR:** Thank you very much. Have a great day.

**ALBRECHT:** OK, do we have any other proponents? Proponents, come on up to the front. Please.

**WALZ:** Proponents?

**ALBRECHT:** Proponents. She's walking up, I don't know. Are you a proponent or opponent?

**LINDA VERMOOTEN:** Proponent.

**ALBRECHT:** OK. We need to get you up in the front, please, if you're going to be a proponent because that's what we're on right now. Thank you. How are you doing?

**LINDA VERMOOTEN:** Well, thanks.

**ALBRECHT:** Great.

**LINDA VERMOOTEN:** Good afternoon, Senators. Thank you for your time. I think this is a common sense move--

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**ALBRECHT:** Name?

**LINDA VERMOOTEN:** --to say--

**ALBRECHT:** Spell your name?

**LINDA VERMOOTEN:** My name?

**ALBRECHT:** Yes, please.

**LINDA VERMOOTEN:** Linda Vermooten, I apologize. L-i-n-d-a  
V-e-r-m-o-o-t-e-n.

**ALBRECHT:** Thank you.

**LINDA VERMOOTEN:** I've heard a lot of what I had intended on saying, so might summarize. We see what we have right now, and clearly we see it's not working for all of our students. When we're looking at our composite scores, they are horrendous, and we have a local school district that is making the statement that only 50% of their graduates, that should be graduating, will graduate. When I read that, I was quite shocked because I thought, now wait a minute, we are in the business of graduating students. If only 50% graduate, what's happening to the other 50%? Are we setting them up for failure already before they even get out of high school? We have a large number of our students that are graduating that are not able to read. If you can't read, how do you sign a contract? How do you apply for a job? How do you do all the basic skills that we expect our graduates of school to do? When we do not have any competition, and we have a corner on the market, we can continue to do the same thing we've always done, and we know the result. We'll get the same results. We have to attempt to do something different in our state for the sake of our children. Our children are our future, and their education is absolutely crucial to their success in our great state of Nebraska, and to the future of our state. This is a common sense approach to say the parent can choose. Until the last session that Senator Linehan brought the choice, the parents had no choice. The state dictated what school you go to based on where you live. For some people, that's OK because they had the money to afford a choice. But what about those that are locked in north Omaha, where some of our worst schools are in our state. They're in the 20s and 30s, not even as high as 50%. Those poor students are stuck there. Their parents would like to have a choice. And I think this is taking a further step in that direction to say, it's your

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child. You choose what you think the best for your child and their future, and thereby for our state. Thank you for your time.

**ALBRECHT:** Thank you very much for your testimony. Any questions? Seeing none, thanks for being here. Next proponent. Seeing none, no proponents, opponents. If we could just move that chair. Here, that'll be great. Thank you. How are you doing?

**JOSEPHINE LITWINOWICZ:** Senator Albrecht, members of the Education Committee. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. Legal name. Vincent. First of all, I'd like to mention to the Executive Director of the National Catholic Conference that the Pope recently blessed unions of LGBTQ, even though we had a rogue priest that decided otherwise. So either ex-Catholic or ex-Catholic, I don't know. But, and so even that sexual pleasure. No, I'm not making any-- is, is good to feel in the context of making love. I'm not drawing any connection on what should be taught in that regard. But, kids should know about me before puberty. Because what will happen then, is we might have a student that grows up to be a speaker of the Legislature and target someone like Mike Hilgers did to me. And he targeted me, and-- which I can prove. I don't know why people don't want to, I don't know. I'm tas--I'm a-- it applies to everything. And so, you know, now we have discrimination based on disability. I was targeted. I believe that someone, if someone were to be, you know, normal, then I think he would have accommodated, kind of a reasonable accommodation because there is no other. Next of all, I think as far as a public school, I mean-- could I start? I have a church, I don't, I represent the Higher Power Church. I've mentioned it here a couple or three years. So I could start a school? Because I guarantee I can teach all the courses. At least I'll get other people. And we can do it. Of course we want a female, you know, to do it in my apartment. I think that'd be great. Because I would give this a real Jesus, biblical Jesus, you know, influenced education in a spiritual sense. So I think I would be a great influence, because I'm a TeamMates mentor, too. And so we need to tell people-- Oh, and as far as what, what kind of bugs me, too. And, I don't know if we're going to have questions, but it'd be awesome. It doesn't happen often. Or ever. Private or not-- what do you mean by-- first of all, there should be a-- there is an Islamic school, and there is a Jewish school. We should have them on, on the committee. Right? And what, what exactly is meant by-- what is-- I'm telling you. It has to do with members of the board. What is-- there's a couple definitions. These words mean two different things, sectarian and-- secular and non-sectarian. So what does that exactly mean? I can't find it right

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now, and nobody's going to ask about what, what this is. But, so I would like to know, you know, what's going on with that? I've got a lot of questions, you know, especially in, how this bill is worded, and-- you know, all the-- all the religions that get you to cut. Who cares? The lines on the mat move from side to side. Painful, right? That's all that's going to happen. OK. That's it.

**ALBRECHT:** OK. Well, I appreciate your comments. Do you have any questions from the committee?

**JOSEPHINE LITWINOWICZ:** Does anybody-- I mean, this is rhetorical, but does anybody know? I can't find the words right now.

**ALBRECHT:** You're asking about the board and members of it. You can't ask us questions, we have to do.

**JOSEPHINE LITWINOWICZ:** I know, I know.

**ALBRECHT:** But I'm sure that we'll have somebody follow you out and probably visit with you about what that means.

**JOSEPHINE LITWINOWICZ:** Yeah. Because the language, and especially the use of the words secular and non --and non-- non-denomination, or those two words. All right.

**ALBRECHT:** OK. Thanks for being here. Appreciate it.

**JOSEPHINE LITWINOWICZ:** You should open the drapes, it's like great outside.

**ALBRECHT:** Don't tell us that till it's dark.

**JOSEPHINE LITWINOWICZ:** Have a good one.

**ALBRECHT:** Thank you. OK. Any other opponents? Here we go. Thank you. Thank you.

**SARAH CENTINEO:** Thank you. My name is Sarah Centineo, S-a-r-a-h C-e-n-t-i-n-e-o. I'm here as a proud school board member of Bellevue Public Schools, and a proud member of the Nebraska Association for Public Schools. We-- and, I'm also on the legislative committee, and I've testified in front of this committee a couple of different times. As a school board, the statewide School Board Association, we represent over 240 school districts. So the vast majority of public school students, and I'm proud to do that. I'd like to, first of all,

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correct a couple of things we've heard a lot about, 40%, some percentages to efficient-- or proficiency in math and English. I'd like to proudly report to this committee that those improved significantly between '22 and '23. Our most recent proficiency scores have increased to 58% and 61%, which is really a testament to the hard work that the districts and the teachers have really worked on in order to catch our students up after Covid. I was asked particularly to testify today because I'm a lawyer by trade, and to mention some of the constitutional issues that we would see. In our Nebraska Constitution, under Article VII, it prohibits religious-- money-- public money, public tax money being used for religious purposes. The scheme of this particular bill would mean that-- and if you all, I know we've talked about the fiscal note in kind of nebulous ways, but it's over five. This is more than we spend in TEEOSA formula. This is a third of the gross expenditures for the state of Nebraska for last year, and that is a conservative estimate because it doesn't keep in-- it doesn't, account, account for some of the other things. And that's all in the fiscal note. But this money would be, under this bill, sent to, it would under the fund would be administered essentially by this board. This board is non-elected board members that are not responsible to taxpayers. So-- this time always goes so fast for me. One of the other-- the practical implications I wanted to mention is, Senator Erdman has Bayard Public Schools in his district. Bayard Public Schools' average cost per student is \$22,849. They have 337 students in their district. It's a very rural district. It's expensive to, to, to educate students in rural districts for lots of reasons. Under this proposal, which would base on the six-- same \$16,213.89 is what the Nebraska Department of Education says that it cost per student in the state. That would mean that Bayard, it's 337 students, would lose over \$2 million in funding. This bill disproportionately affects rural districts and higher to educate. You would also be taking money from districts that get things like federal moneys for native-- for indigenous people--

**ALBRECHT:** You'll have to wrap it up, you've got--

**SARAH CENTINEO:** I know, so--

**ALBRECHT:** If someone wants to ask you more questions, they can.

**SARAH CENTINEO:** So this is-- this--

**ALBRECHT:** OK. Calm down.

**SARAH CENTINEO:** This is how that would affect all of that, so.

**ALBRECHT:** Do we have any questions?

**SARAH CENTINEO:** Sure.

**ALBRECHT:** Senator Linehan.

**LINEHAN:** I'm trying to-- and maybe you don't know this, which is fine. You know that the reason this-- part of the reason the scores improved so much is the Department of Ed changed the cut scores. They, they, they, they moved what was proficient down or up-- what am I trying to say. Down.

**SARAH CENTINEO:** There has been a years-long process in order, from my understanding, in order to make sure that we're addressing the things that we-- that we are atte-- I know that the testing process has evolved over time. I can't tell you the intricacies of all that, because we have that presented to us every year at our, at our school board meetings.

**LINEHAN:** Well, they, they did vote to, to lower the cut score, meaning lowering what proficient would be.

**SARAH CENTINEO:** Sure.

**LINEHAN:** And I'm not surprised if you don't know that because it was hardly any news about it.

**SARAH CENTINEO:** No, I absolutely remember doing that. But I also-- but you know how-- who's, who's to say that that cut score before wasn't too high?

**LINEHAN:** Well, that's but different than what you're saying

**SARAH CENTINEO:** You know.

**LINEHAN:** I agree. But it's different than what you're saying. You said that it improved that much.

**SARAH CENTINEO:** The testimony today has been that we have a non-proficient students because they are 44% proficient. And that is not what the most current data says.

**LINEHAN:** Because they changed the cut score. OK. What constitutional-- I mean I keep saying this, till I can't believe everybody hasn't

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heard. The US Supreme Court has held three times that these programs are constitutional. Three times.

**SARAH CENTINEO:** The Nebraska, the state of Nebraska con--

**LINEHAN:** They have held that a program that sends moneys to parents to use for their child's education, regardless of whether they go to a religious school or non-religious school, are constitutional. As a matter of fact, they have held, in the case with Maine, I think it's Maine, where they provided scholarships to children to attend high school because they don't have any high schools in their school districts, that they could not prohibit parents from using that money in a private school. They used to, but now the Supreme Court has told them, you cannot. If you have a program that gives parents the money for tuition for their children, you cannot prohibit them from using it for religious schools. I don't have a book in front of me. I should carry it my pocket. I can get you the exact cases.

**SARAH CENTINEO:** Senator, I don't know if there's a question in there or if I'm allowed to respond.

**LINEHAN:** Well--

**SARAH CENTINEO:** I-- from the Constitution of the Nebraska-- the state of Nebraska Constitution, it's pretty plain, plain language.

**LINEHAN:** But, but you can't just read the Constitution. You have to look at court cases. You would agree, right? You're a lawyer.

**SARAH CENTINEO:** Yes, of course, because the, the judicial system interprets how the constitution, or how the constitution is interpreted. In the state of Nebraska, the Supreme Court has often deferred to legislat-- legislative intent as to how it incorporates--

**LINEHAN:** OK. Let me ask this question. Have you reviewed or studied any of the US Supreme Court's decisions, decisions on school choice?

**SARAH CENTINEO:** I have not.

**LINEHAN:** Thank you. And I'm not sure how Senator Erdman's bill's written, but you said Bayard public schools was at \$26,000. Isn't his bill, say 50% of the average cost?

**SARAH CENTINEO:** Yes. Right. So--

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**LINEHAN:** So it wouldn't be Bayard, it wouldn't be the average cost.

**SARAH CENTINEO:** So the average cost to educate, according to the NDE, to educate a child in the state of Nebraska is \$16,213.89. Every district is required to report what their average cost per student is. Every district. These range from about \$12,000 a year to almost \$50,000 a year per district.

**LINEHAN:** Yes.

**SARAH CENTINEO:** So if, if under Senator Er-- under this bill, if these students, these 337 students in Baird Public Schools were-- all stayed in public schools, and they took their \$16,213 that they were allotted by the state of Nebraska, that would mean Bayard would lose over \$2 million in funding.

**LINEHAN:** Well, see, this is why I don't-- and this is confusing, I will admit. But-- Thank you, Ron. I don't think anybody's losing anything. If this bill cuts over \$5 billion, it doesn't seem like he's taking in money from anywhere. Because we already spent \$5 million on-- we spent \$5 billion with state aid, federal and tax-- property taxes, we're spending \$5 billion now on public education. So this bill costs \$5.386 billion. So I don't, I don't it, doesn't appear to me that he's taking any money away from public schools.

**SARAH CENTINEO:** The, the, the estimated cost of the fund is \$5 billion, that's for the, for the fund.

**LINEHAN:** OK.

**SARAH CENTINEO:** To, to distribute it. The money, the-- it-- according to the bill the way that it's written, that bill doesn't-- the bill that public schools goes 100% back just into their public schools. It, it doesn't not appear from the writing of the bill that, that public-- the students that are going, say these 337 students in Bayard. That money doesn't go to the fund and then be distributed back to Bayard Public Schools. That's not how this is-- that's not how this bill is written.

**LINEHAN:** OK. Well, I'll, I'll ask those questions of Senator Erdman, when he closes. Thank you for being here.

**ALBRECHT:** Thank you, Senator Linehan. And any other questions? Senator Conrad?

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**CONRAD:** Thank you so much, Vice Chair Albrecht. Good to see you, Ms. Centineo. Thank you for coming forward. So let me just kind of circle back to the conversation that has been generated by this measure in regards to how Nebraska kids kind of rank or match up compared to maybe our peers when it comes to proficiency or learning excellence, or things like that. My-- and I, I think that there was good points in the dialog thus far, but my general assessment, and if you don't know off the top of your head, that's OK, or maybe other folks can follow, is that typically Nebraska students perform fairly well compared to our sister states when it comes to a lot of different metrics--

**SARAH CENTINEO:** Over--

**CONRAD:** --on different tests. Is that --do you have anything that you could help me maybe walk through in that regard, or to cite to?

**SARAH CENTINEO:** Yeah. Overall, we're-- it, it depends what, what you're looking at. But we're ranked always in the top 15, but often in the top ten, and over 90-- and I'm sure Mr. Royer or someone else will be able to, but over 94% of our students are products of public schools. I can tell you from a personal--I was-- I went to DC to advocate for public schools. Bellevue Public Schools is one of-- is the only military impacted community. Meeting with Senator Fisher and Congressman Flood, they always talk about how much they get to brag up our public schools, because we are such a draw for our Air Force and have such a good relationship, and how important our public schools are, even when they talk about contracts for the Air Force and for military. So we're well known for our excellent public education.

**CONRAD:** Yeah, fair-- that's well taken. Thank you so much. And I've heard similar well-deserved accolades from members of the business community and economic development community as well that frequently tout our strong, high quality public schools as a selling point for recruitment and retention. And recognizing that, I know other members see that there, there are issues within public education, and see other alternatives to try and, and help more kids that aren't succeeding in our public schools for a variety of different reasons. And I know we have very strongly held different, different point of views on those issues, and we'll continue to carry those forward. But that, that's very helpful. I-- my mom's a retired teacher, and I've heard her say throughout our lives, Nebraska kids usually rank at the top of the list that you want to be on for, for school performance. And Nebraska teachers get kind of at the bottom of the list when it comes to teacher pay and talking about those things over the years.

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Not that people do it for the pay, but those are kind of burned in my brain. So I just, I kind of wanted to kind of reassess where we were with that student performance discussion. So thanks.

**SARAH CENTINEO:** Thank you.

**MURMAN:** And thank you very much. Any other questions? Senator Sanders?

**SANDERS:** Thank you, Chairman Murman. Miss Centineo, can I ask you to verify. Did you say you were a member of the Bellevue Public School Board, and you were here representing Bellevue, or--

**SARAH CENTINEO:** On behalf.

**SANDERS:** --in what capacity?

**SARAH CENTINEO:** On behalf of Bellevue Public Schools and the Nebraska Association of School Boards.

**SANDERS:** Thank you.

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

**SARAH CENTINEO:** Thank you.

**MURMAN:** Other opponents for LB939?

**TIM ROYERS:** Good afternoon, members of the Education Committee, again. For the record, again, my name is Tim, T-i-m, Royers, R-o-y-e-r-s. I'm the president of the Millard Education Association, proud parent of two kids attending public schools. And because I had so much fun talking about school privatization last week, I decided to come back again today on behalf of NSEA to speak in opposition to LB939. I am also speaking to you on behalf of Stand For Schools as well. LB939 will be harmful to the state in several ways. First, it expands government bureaucracy by establishing the Private School Expansion Board and by necessitating the creation of several additional state employee positions. The bill involves the exchange of so much money, the fiscal report indicates excess of 5 billion, as we've already heard, that the full impact to things like TEEOSA and other elements of the General Fund couldn't even be calculated currently on the fiscal note. It further expands government red tape by requiring school districts to hold hearings if there's levy growth in excess of 2%. The 2% assumption that is made throughout this bill would not even

cover the rise in prices related to inflation, let alone the necessary investment to improve staff compensation and benefits. This is on top of the soft revenue cap that was added last year, and the threatened hard revenue cap that would be imposed this year. In addition, this would be another example of a bill that would violate the Nebraska Constitution. and while I am not an attorney, I am a James Madison Fellow, which the James Madison Fellowship is a-- is a congressional program for training teachers in a masters of constitutional history. As I shared in previous testimony, the Nebraska Constitution explicitly forbids the appropriation of funds to schools not run by the state or political subdivision thereof. To the point that was raised in the previous questioning, however, I know that members of this committee have indicated that they feel that that analysis is incorrect because the US Supreme Court has purportedly ruled several times in favor of programs like this, but that is simply incorrect analysis. First, decisions like Carson v. Makin in 2022, which is the main case that Senator Linehan referred to, ruled in regards to state programs that offered funding to attend only non-religious private schools. The US Supreme Court made it clear that there must be equitable access to funding, regardless of the religious nature of the school, if public funds are accessible for any private institution. That is not what's at question here with this bill. Nebraska Constitution, Article VII, Section 11, complies with the standard that was first established in Trinity Lutheran v Comer in 2017, because it simply says that if you offer pri-- if you offer funding-- funding cannot only go to non-religious entities that are private. That's not the standard of the state of Nebraska as established in our Constitution. It says funding cannot go to schools that don't operate by the state or political subdivision thereof, which is why it's completely separate from the constitutional question related to the state constitution. Finally, many elements of the bill, as the sponsor of the bill alluded to, are modeled after Arizona. Arizona is the absolute last state you want to be basing a school choice program on. There has been no academic gains in the state, and what started to happen in Arizona is fly-by-night schools have popped up, literally in strip malls. They'll open up sections of a strip mall, slap the kids in front of a bunch of computers, and then those schools close in the middle of the year. They still get the revenue, but the schools are closed, and the kids will have to find a new place to get their education. And worst of all, this is also-- that drain of resources for Arizona's program has forced districts across the state of Arizona to rely on special property tax levy elections to secure the necessary funding to keep their doors open. So this bill wouldn't just be

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harmful for students, it would actually single-handedly undo the work this Legislature has done to tamp down the reliance on property taxes. For these reasons, and many others, I strongly encourage you to vote no on LB939.

**MURMAN:** Thank you. Any questions for Mr. Royers? If not, thank you very much for your testimony.

**TIM ROYERS:** Yep. Thank you.

**MURMAN:** Other opponents for LB939?

**RON CUNNINGHAM:** Senator Murman. Ron Cunningham, R-o-n C-u-n-n-i-n-g-h-a-m, representing myself. Fellow committee members, I'm in opposition because I think this bill is a use of taxpayer money that further promotes exclusiveness in this state. In an ideal world, which we can strive for but probably never achieve, it sounds great. One of my major concerns about the bill is that, I'm quoting now, it says, quote, the state is strictly forbidden from altering the curriculum or beliefs of a private school. I'm thinking, how-- how do we give a private school money, and they have a different set of rules than a public school? If a private school introduced in the curriculum a program for CRT, or if they started singing, Lift Every Voice every morning, I can guarantee you there would be an uproar from this Legislature and the Governor. They wouldn't allow that. And yet we say we're not going to do it. For those people that say, hey, taxpayers are paying taxpayer dollars, they should get to use the money to follow the child, it's kind of a strange example, but I'm saying, maybe it is, because we have private country clubs in Lincoln, Nebraska. You have private swimming pools, private golf courses. The next thing we're going to have is these people are going to say, you know what? I'm paying taxes to the city and I don't use the golf course. I don't use that swimming pool where the public people go. I want a credit card or a voucher that says I get credit. What you're comparing when you're used statistics are not-- they're just apples and oranges. There are so many outside influencers that affect test scores. If, if we went home with a-- I am from southwest Lincoln. If you went home with me in those areas of southwest Lincoln, you'd get a totally different picture than from sa-- from sa-- from a child that lives in a poverty area of Lincoln. And that has nothing to do with the school. So don't read me test scores, has nothing to do with it. If we have a problem with the schools, let's fix the public schools. But it's not right to take that money and use it. Those people that say to me, private schools are a choice. They're not God given. My

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observation over the years is that generally when money is involved, those with money expect something, and they want to receive something, and they want it to be a personal benefit. And in this case, I think that's what this is. Thank you for listening.

**MURMAN:** Thank you. Any questions for Mr. Cunningham? If not, thank you very much. Any other pro-- or opponents for LB939? Good afternoon.

**RACHEL GIBSON:** Good afternoon, Everyone. My name is Rachel Gibson, R-a-c-h-e-l G-i-b-s-o-n, and I am the Vice President of Action for the League of Women Voters of Nebraska. Thanks for the opportunity, Chair Murman and the Education Committee, to share our stance on this, this bill. I would like to say that this was penned by one of our wonderful members who works on our Education Policy Action Team, Emily Block. So I'm going to share her, her letter here. On the national level, the League of Women Voters believes that when governmental entities consider the transfer of governmental assets to the private sector, they must identify and consider the goals and community impact of such policy. We recognize that the operation and funding of services will vary. However, services fundamental to the governance of a democratic society, such as education, should not be privatized in its entirety. The League of Women Voters of Nebraska believes all students deserve a robust, quality and accessible education. The state government created Nebraska public schools to achieve this end, and therefore has a responsibility to aid local school districts in providing adequate and equitable school financing, while allowing local schools to manage these funds in a way that best serves their individual communities. The league agrees that parents can benefit from the availability of private school alternatives. However, taxpayer dollars should not be used to directly or indirectly fund schools that may not be available to all students. Public schools are explicitly required by law to accept any student, regardless of background or learning need. Even if a private school had a policy to accept any and all students as public schools do, in much of Nebraska, families have no private school within a reasonable distance. In addition to the inequitable access to these fund, this bill goes a step further and compromises the availability of public resources, and therefore threatens the quality of our public schools. The average cost per pupil is not solely used to purchase an individual's desks or books or classroom materials, keep the building maintained and warm, pay for their transportation, and, for the 87,528 students who may have limited or no access to food, pay for school meals. These resources also cover teachers' salaries. By redirecting money from the General Fund to follow the student, this bill will exacerbate the well-documented teacher

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statewide-teacher shortage, and will make recruiting and retaining qualified teachers even more challenging. Beyond the dollars directed to private school, the cost to administer the fund, including monitoring and auditing process outlined in the bill, would only further exacerbate the depletion of needed resources. While the fund may benefit some families seeking a less traditional education path, they do so at the expense of the broad fabric of Nebraska's school system in several ways. Finally, the bill creates an approval process for educational materials families may purchase using these funds, which is vague and opens the door for both profiteering and censorship. Empowering the State Board of Education to approve all educational vendors incentivizes lobbying and deal making with companies selling educational products. And this is why we oppose that bill, and I would be happy to answer any questions because I stop when the red light goes.

**MURMAN:** Thank you. Three questions for Ms. Gibson. If not, thank you-- Senator Linehan.

**LINEHAN:** Yes, thank you, Chairman Murman. So in your paragraph here, the third one from the last. Process for educational materials families may purchase using the Following-- Follow the student funds, which is vague and opens the door for both profiteering and censorship. Empowering the State Board of Education to approve all educational vendors-- I think that goes on now. Doesn't the Department of Education approve the educational vendors?

**RACHEL GIBSON:** It does. And the and the-- that was not clearly written here, but looking at the particular bill, the concern we have is the smaller bars that are being put around that, so--

**LINEHAN:** But, but are you saying in any-- I'm just reading what you're saying here, that approval of educational vendors incentivizes lobbying by and deal making with companies selling education products. So do you think that's going on now?

**RACHEL GIBSON:** Actually, I do think it is. I mean, when you look at policy and how it gets set with textbooks, I do think there is an element of that. The way the bill is written, and I apologize, that wasn't a particularly clear sentence, but, the concern we have is that the way that smaller subgroup is working is, is not to someone's point earlier an elected group that is looking at that, and is more susceptible to being influenced by that, that lobbying and what-not.

**LINEHAN:** You think a non-elected group is more susceptible to lobbying than an elected group?

**RACHEL GIBSON:** I think that the elected group, you can you have some-- the public has ways to access that information. And I know you've been a champion of, of the transparency, which we really appreciate.

**LINEHAN:** Thank you.

**MURMAN:** Any other questions? I have one. In the top paragraph on the second page, it says redirecting money from the General Fund to Follow the Student fund will exacerbate the teacher shortage. I don't understand how that would happen.

**RACHEL GIBSON:** So there's two pieces there. The one piece of, of-- there's the funding that's coming from General Fund, which, I mean, you all are in it. You know how complicated all the different funds are, but with that amount of money, it will have an impact on funds that are available to public schools. So that's one piece. The second piece is if those costs are reduced, our, our public schools do run pretty close, and the majority of their budgets are on teachers. So if that money is reduced, they're going to have to find some way to reduce that money. And you can't necessarily turn off all the lights, at some point that's going to hit a staffing issue. So that is our concern of as we're talking about how much we do need to incentivize teachers and raise their pay and compensate them appropriately. That's an area that's going to lose funding. And another example is the professional development that was talked about earlier. The fewer of those opportunities because the costs are needing to be cut again, is a detriment to being able to recruit and retain teachers.

**MURMAN:** So if the money follows the student, there's less money available for public schools, you're saying?

**RACHEL GIBSON:** Yes.

**MURMAN:** So if-- but because students would leave public schools, is that what you're saying? Is that the reason there would be less money available?

**RACHEL GIBSON:** No, it's that because of the way this bill is written, there's still the cost that exists for those students. And as was discussed earlier, the actual cost of educating a student in a private school is not-- is one third. It's not the amount that, that we talk about when we talk cost per student. It's comparing apples and

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oranges. So if you're moving that money anyway, and those other-- those other students have the additional two thirds just based on, you know, diocese's funds or, wonderful, generous donors, that money is getting moved and that's not being replaced for the student in the public school.

**MURMAN:** OK. It seems like if there's less students in a public school, there'd be less need for as many teachers also. And if the school was, you know, large enough where they can make them more efficient.

**RACHEL GIBSON:** Yeah.

**MURMAN:** Class sizes and so forth.

**MURMAN:** I would be really interested to hear some of the superintendents' thoughts on what that-- I'm not managing their budgets, so I'd be interested in what they would say that would look like for sure. And hey, unintended consequence, smaller class sizes are wonderful.

**MURMAN:** Sure. Yep. There are advantages. Any other questions? Senator Conrad?

**CONRAD:** Yeah, sorry, I just-- no.

**MURMAN:** Any other questions?

**RACHEL GIBSON:** You're not gonna give me a hard time?

**CONRAD:** No, no, no.

**MURMAN:** If not, thank--

**CONRAD:** This is going to remind the committee that I have a bill on class size.

**MURMAN:** If not, thank you for your testimony.

**RACHEL GIBSON:** Thank you so much.

**MURMAN:** Any other opponents for LB939?

**DAVID SPLONSKOWSKI:** Hello, Senator Murriman, members of the Education Committee, I'm David Splonskowski, D-a-v-i-d S-p-l-o-n-s-k-o-w-s-k-i. I serve as legislative liaison for the Nebraska Christian Home Educators Association. LB939 would make all nonpublic school students,

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including homeschool students, eligible for these state funds. You may recall that NCHEA was one of the proponents for LB1027 a few weeks ago, a bill that would simplify reporting requirements and provide greater protection to exempt schools from government intrusion. It'd be hypocritical for us to petition for greater freedom to educate our children, while at the same time asking for a government handout to support that effort of home education. We believe that acceptance of government money is tacit acknowledgment that the government, rather than parents, are responsible for the education of children. NCHA believes that this bill brings private education into the realm of government oversight, where none should be present. This seemingly free money is especially attractive to parents paying property taxes for schools, and then funding their children's private education on top of that. However, the relatively low restrictions that this bill starts with, will inevitably lead to a desire for more government oversight on how tax dollars are being spent. This bill's moniker, My Student, My Choice, has a pretense of liberty, but is actually creating a social welfare system in which redistribution of taxpayer money will slowly turn homeschoolers into another form of public schools. In an effort to maintain consistency for state oversight, we anticipate all private schools, including home schools, to eventually be subject to increasing regulations, regardless of whether a family decides to take public tax money or not. Now, I want to add something, since I heard Arizona was a model for this. Arizona governor Katie Hobbs, recently had something to share on this, as reported by the Arizona Mirror. And she said that Arizonans deserve to know their money is being spent on educating students, not on handouts, unaccountable schools and unvetted vendors for luxury spending. She also went on to say, my plan is very simple. Every school receiving taxpayer dollars must have basic standards to show they're keeping our students safe and giving Arizona children the education they deserve. She went on to say that her desired regulation would include background checks and fingerprinting of teachers of schools accepting vouchers, along with auditing the spending at the schools. So what started as minimal regulation has expanded to a call for oversight. We desire to promote religious freedom and the free market, which has created a smorgasbord of home schooling options that are both affordable and educationally rigorous without the need for government intrusion. And so we oppose this bill, LB939, as written.

**MURMAN:** Thank you. Any questions from Mr. Splonskowski?

**CONRAD:** Thank you.

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**MURMAN:** If not, thank you for your testimony. Other opponents for LB939.?

**JUDY KING:** Hello, my name is Judy King, and I am just a regular taxpayer here in Nebraska and very high taxes. And, I spent quite some time out gathering petitions for this last shady bill that we tried to push through. And I had-- all I had to do was just stand there. People would come up to me and say, I don't want to pay any more. I don't want to pay taxes for that. And I don't like the, the shady thing you put on it about the percentage they would get back a tax credit. Dollar, dollar for dollar. That's shady. And so I love public schools. All my kids went to public schools and they're all doing well. And, grandchildren, they're going to public schools, too, and they're all doing well. I know there's a shady group here also, that's Catholic Church. You know, they always want to be here when there's something that they can do, like, bodily autonomy on women, and want to get us so that we can, you know, take money from our taxes to pay for their schools. They've got-- they've got so much land that they don't pay taxes on right now. I don't know why they need any. And then the Moms Against Liberty is here also with her crazy group. Let's see. We just don't want any religion in our school and tired of the tax breaks for the Catholics. That's all I have to say. Thank you.

**LINEHAN:** Thank you. Any questions? Senator Linehan?

**LINEHAN:** Thank you for being here. Did you say that you worked on the petition process all summer?

**JUDY KING:** Mm hmm.

**LINEHAN:** And how did you describe it when you-- what was going on when you were--

**JUDY KING:** I just held it out and they read it, and I told them to go to the website and look it up and see what it said.

**LINEHAN:** Which website?

**JUDY KING:** I can't remember, but I can look it up. I can get you that info if you'd like.

**LINEHAN:** But you had them go to a website, but you didn't say anything like you said here today in your testimony.

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**JUDY KING:** No, that was my-- that's my opinion on it. But I didn't say that. No, I didn't Leni-- Mrs. Linehan.

**LINEHAN:** Thanks, Senator.

**JUDY KING:** I didn't say that. But that's the way it rolls out.

**MURMAN:** Thank you. Any other opponents for LB939?

**ISABELLA MANHART:** Hello, members of the Education committee. My name is Isabella Manhart. I-s-a-b-e-l-l-a M-a-n-h-a-r-t. And I wasn't going to speak on this bill today, but Senator Murman asked a great question to one of our previous speakers about how this impacts our teacher shortage in Nebraska. And I am currently studying teacher education at a Nebraska state university, so I wanted to share that perspective. Because I view this bill as a future Nebraska teacher, as divestment from our public school system. And I am getting a Nebraska teaching degree, and I am really excited to teach in Nebraska. I would be a third generation teacher in Nebraska, my grandma was a teacher in Nebraska, I had her doctorate in education. My mom is an educator here now. I really want to do that. But I don't want to teach in a state that is going to continue to pass bills that attempt to divest money from our public schools. I heard a lot of statistics that were cited without, you know, a lot of information behind them, where they got them, about our graduation rates, about literacy. I went to public schools, K-12. I don't think anyone thinks that I am stupid here today. But I will say that when I'm learning about working with students, and I intend to work in a public school, we have to think about the student populations that are being served. There's a lot of derision of OPS. I'm an OPS K-12 student, and we have a lot of English language learners in our schools, as many school districts do across the state. So I think looking at these literacy rates and things so critically is probably not a, a great reflection unless we really want to get down into the process for treating our English language learners and how we can improve that process. So I think that probably some of those statistics that were cited earlier are inaccurate, and I think that our Bellevue Public Schools person can attest to that as well. But I do think that this is a bill that doesn't represent those, you know, that won't really improve those literacy rates or graduation, graduation statistics, because it's taking money away from public schools. And as we talked about, fixed costs in public schools are a huge thing. Our English language learners who are already struggling, struggling to navigate the system or don't have the resources, their parents don't have the resources to pay the other two

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thirds tuition costs for a, you know, private school. So this isn't benefiting all students. Most of our Nebraska counties don't have a private school accessible, so I don't-- I think this is also a detriment to rural schools and rural students. And as a future teacher, I am, you know, happy to take my teaching degree elsewhere if bills like this that continue to divest from our, our, public schools pass. So I'd really like to see this bill not advance out of committee. And I'd like to see, you know, any further action on school choice wait until voters get, get to say, on, you know, LB753 in November when it's on the ballot. So I think that would be a better course of action and one that better supports future teachers like me. Thank you.

**MURMAN:** Thank you for going into education. Any other-- any questions? Senator Linehan.

**LINEHAN:** I agree. Thank you very much for going into education. It's the third generation, right?

**ISABELLA MANHART:** Yes.

**LINEHAN:** OK. Did you say, to watch us continue to divest from public education?

**ISABELLA MANHART:** Yes.

**LINEHAN:** So can you give me an example of when we've divested from public education?

**ISABELLA MANHART:** I think that LB753, with creating, you know, that this idea that money is following students neglects this idea of fix the, the, you know, reality of fixed costs in our public schools.

**LINEHAN:** There's some-- you know, we gave public schools a considerable bump up last year, right?

**ISABELLA MANHART:** Sure. But I think that continue-- like bills like this--

**LINEHAN:** You said divest.

**ISABELLA MANHART:** Yes.

**LINEHAN:** So--

**ISABELLA MANHART:** For-- My perspective as a future teacher, this is-- this bill and bills like it are divestment from public schools because they're taking money away from the necessary fixed costs of public schools.

**LINEHAN:** But you don't have any example of us taking money away from public schools.

**ISABELLA MANHART:** I think if a bill like this passes, money that is very needed is, is following students away from public schools. And we've, we talked about teacher retention.

**LINEHAN:** But you would agree that we increased public funding for public schools last year significantly.

**ISABELLA MANHART:** I will say I am a sophomore in my educator preparation program, so I'm not an expert on the Legislature's policies relating to public school funding.

**LINEHAN:** OK. Thank you very much for being here, appreciate it.

**ISABELLA MANHART:** Thank you.

**MURMAN:** Any other questions for Ms. Gerhart [SIC]? If not, thank you for testifying. Any other opponents for LB939?

**MARY HILTON:** Good afternoon, members of the Education Committee. My name is Mary Hilton, M-a-r-y H-i-l-t-o-n. I'm testifying today in opposition to LB939. While I believe that the writers and supporters of this bill are well-meaning, this is the case of when helping hurts. As a homeschooling parent, I wish to retain an exempt schooling status, which by definition means to be free and not having to comply with regulatory requirements as public and approved and accredited schools do in Nebraska. My concern is that this bill puts exempt schooling in jeopardy by lumping all private schools together. In section two of the bill, it states that the state of Nebraska shall provide for the education of students attending kindergarten through 12th grade. The bill includes up to every enrolled student in any kind of school in the state of Nebraska, and makes the state the provider of education where government money follows the child. If every student is funded, then every student shall be accountable to the state. No school will be exempt and free. What the government pays for, they will eventually control. The taxpayers will demand this. Before last year's LB177 and this bill's submission, I sought earnestly to provide input asking that exempt schools be left out of

the bill. My advice was not heeded, and I was told that this bill was intended to benefit homeschoolers. I'm reminded of the quote from President Reagan, the nine most terrifying words in the English language, I'm from the government, and I'm here to help. We haven't asked for help, yet we've been included in this bill. The homeschoolers I know believe that freedom is too precious to be bought, and think it is a bad idea to, to lure exempt school students with government money away from the freedom they now enjoy. As a home-- as a homeschooler, funding my local public school to this, to the tune of \$6,000 or more is a hard pill to swallow, but it has been important to make the best of the limited resources that my husband and I have, making the sacrifices we need, to fund our homeschool for the last 21 years. Along the way, the free market system has created affordable educational helps that we have used, including co-ops, dual credit opportunities from colleges, tutors, and teachers, all unsubsidized by the local government. However, once government subsidies enter the picture with money following children into private education, the once affordable home schooling helps will become inflated and expensive, making it unaffordable for those families who don't opt in, especially hurting families in need. In 2009, Sweden decided it would be a good idea for money to follow students to whatever school they were enrolled in, in public, private, or homeschool. In just two years, in 2011, another bill was passed in Sweden banning homeschool and forcing private schools to follow state-mandated, mandated curriculum. I know that Nebraska is not Sweden, but it proves the point that what the state funds, they control. This bill may currently protect curriculum choices of all private schools. And yet, next year, or maybe in ten years, another bill might, might force a state-mandated, mandated curriculum, and outlaw homeschooling. As the saying goes, the road to hell is paved with good intentions. Senators, the consequences of this bill matter.

**MURMAN:** Thank you. Any questions for Ms. Hilton? If not, thank you for testifying. Any other opponents for LB939. Any, any more opponents? Any neutral testifiers for LB939?

**ALLIE FRENCH:** Good afternoon. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I'm representing our grassroots group, Nebraskans Against Government Overreach, and we are actually taking a neutral position. Our group is fairly split on this issue. Those in the public school setting see this as a move towards accountability with their tax dollars. There are those in private and exempt schools as a-- there are those in private and exempt schools as a way to not be taxed for government services that they aren't using. We also have a strong

group of those concerned with attaching state funds to exempt schooling in any shape or form. That initial voluntary offer can turn over the years towards regulation over exempt schools. While we know that is not Senator Erdman's intent, it is a legitimate concern. Obviously, in the end, the best answer is to eliminate property taxes and provide a solution at the root of the problem. I did also have a little extra here. If a private school or exempt school student opts in, is there property tax relief provided? It seems that funds are loaded on a card for educational purposes. Does that include covering home bills? What if they don't use the funds? Is it diverted back to the public schools from that point on? So that's all we had. I did also have one of our members left me with some testimony of hers. She's in a proponent position. Can I leave that with the clerk?

**MURMAN:** I don't think that's permiss-- permissible. But if it's your opinion, go ahead.

**ALLIE FRENCH:** Well, I was just told that I could leave this with you guys, I wouldn't have to take up my time.

**MURMAN:** Yeah. That's fine.

**ALLIE FRENCH:** I just wanted to acknowledge that I'm doing so.

**MURMAN:** Yeah, OK. Yep That's fine. Any questions for Ms. French? If not, thank you for testifying. Any other neutral testifiers for LB939?

**ANGIE PHILIPS:** Hello. My name is Angie Philips, A-n-g-i-e P-h-i-l-i-p-s. I'm here today in the neutral capacity because I fundamentally believe that we should be supporting and correcting our public schools. I inherent-- I believe that private schools are inherently unequal. And I also struggle really hard with public funds going to any entity that would discriminate. A lot of these private schools do discriminate. I keep hearing-- I'm here to speak about my disabled child. I have a ten year old autistic son that's currently being homeschooled right now. The reason he's being homeschooled is because our public schools cannot serve him. Our private schools cannot and will not serve him. We have searched all across the state, and just don't have a good fit for him. On top of being autistic and developmentally disabled, my son was in a very critical age during Covid where a lot of services were also missed. So he's even further behind, developmentally and educationalwise, than perhaps he would have been without those additional obstacles. I do live in north Omaha, LD13, Senator Wayne's district, which has a huge struggle with

special resource teachers, stuff like that. And I know you guys are aware of that. So when I look at this bill, I'm torn between, like, I have one child that's in public school and she's doing fantastic, and I worry that this bill will pull away funds to where we finally found a school that works for her. And maybe this will, will harm that. But I also see some benefit in the idea of being able to get some funds to assist my son at home in his educational struggle, and us being able to obtain resources. There's a couple of things about the bill that I just want to point out. And like I said, this is just a mom trying to figure out how to educate her kid without harming other children. So, one of the things is I'm confused about how the homeschooling works, exactly how inclusive it is in this, and if it will be for the regulated if you also want the money. Two, the in-state vendors concerns me. As I said, we can't find anywhere in the state that's a good fit for our son. We can find some online out of state type of stuff. So I'm curious if the money will go-- to be able to go to that. Another concern I have is does this just move the curriculum and the teaching from the public school board into some, you know, this other entity that determines what curriculum is allowed? And then also just as far as if it covers, if it covers costs completely, because, you know, if I'm looking at between \$6,000 to \$8,000 to educate my child, a lot of the programs I have looked at because of his needs or even more than that. If you give me \$300, that's not really going to help. I need, like, the whole sum. So I think-- just being unclear on how-- what those amounts look like and what would be pulled away from the public schools and what would be given to, you know, these funds where we can pull from for different curriculums. And then I also just wanted to say real quickly that I think it's interesting that this bill is named after--in kind of in mockery of women's rights when we're bringing up Supreme Court rulings like they didn't just overturn 50 years of precedent. So.

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

**WALZ:** I don't really have a question, but I do want to thank you for coming to testify. And you brought up a good point regarding the cost for special education kids, which is way, way more than even half of--

**ANGIE PHILIPS:** It is really expensive. And if I made the--

**WALZ:** Yeah.

**ANGIE PHILIPS:** So part of what we try to do is we try to go through our health care to do, to get him some of the needs that we can. We

talk a lot about what special kids need and like it's separate educational wise. But you can't separate my son's autism and his special needs from his ability to learn. It's not like you can teach him at one school and then give him special needs services somewhere else. When you're talking about that, you're talking about things like speech and language therapy, stuff like that, that obviously is incredibly short in our school systems. My son never had access to it in public schools. Now when I go through it's trying to use our health insurance, get him medical access to it. Right now, he's on a yearlong waitlist for speech and language therapy, and I'm struggling to even be able to get him in anywhere. Everybody says go to the schools, but the schools don't have anything either. So.

**WALZ:** Thank you.

**MURMAN:** Any other questions? Thank you very much. Any other neutral testifiers for LB939? If not, Senator Erdman, you're welcome to come up and close. And while he's coming up, we had 59 proponents, 49 opponents, and zero neutral electronic.

**ERDMAN:** Thank you, Senator Murman, thank you for your time today, and I appreciate all the questions you had. Let me answer the question about a vendor, why we have selected that they have to have approve of vendor-- vendor-- approved vendor, is in the Arizona bill, it didn't give that opportunity for those homeschoolers or private schoolers. And so by having an approved a vendor, we make-- approve the vendor, we make sure they're buying educational material. It's an accountability structure that we've put in place to do that. And so I'll just say this. Winston Churchill once said, I don't agree with any study that I didn't create. And so when the-- when they come in and say our improved-- our scores have improved, Senator Linehan nailed it. So if you change the way you calculate the percentage of proficiency, it gets better. When I was serving on the Education Committee the first couple years I was here, Omaha Public Schools had 27 of the 81 public school grade schools that were failing in reading. And when they asked the superintendent what the answer, what the solution was, more money. And Senator Groene was Chairman, and he said, show me one time that we gave you more money that improved test scores or performance. And so they, they whine today about it's unconstitutional. We're sending the money to the student. Therefore it's constitutional because we can give the money to the student and not to the public or private school. I mean, the private school. And the issue that they've also concluded is that it's going to take money away from the public schools. So in a lot of those schools where the

average cost of a student is \$23,000, \$25,000, \$30,000, they're going to get one half of what the average cost is. They're going to get the \$7,000, \$7,500, whatever one half of that is, and the other \$21,000 or whatever's left over, goes to the public school, where they don't have anybody to teach. So the issue we have is that our public schools are failing in what we're trying to accomplish. And I'll give you a case in point. I have a good friend who owns a daycare center in Colorado. In that daycare center, he has 120 preschoolers every day. 120. The manager of that preschool has a high school education, and she moved here from Mexico. And he asked her when he hired her, had you ever thought about attending college? And she said, when I came to America, I begin to realize or understand that maybe a college degree is important, and I reviewed the classes that they would offer to me if I went to college. And she said, I took most of those in high school. As I said, I don't feel any need for me to go to college in America because I have already had those-- that training before. So when we compare ourselves from one state to another, we're not comparing ourselves to people who really excel in education. And so the whole problem that we have is comparing ourselves to ourselves doesn't improve much. And so they misunderstood the total fiscal note. The fiscal note says that if you go to the public school, you get all the funding goes with you to the public school. They're only getting one half of the average, as I spoke with before. There is a provision in the bill that they can levy for special ed. So the special education can be taken care of because they can still levy for that. And so they do not understand what the fiscal note actually said and what it does mean. The fiscal note is \$5 million-- a little over \$5 billion. And Senator Linehan is correct, we gave a big boost to education last year, and I don't know that it's going to increase the scores. And so we need competition. And if we don't have competition, we're going to keep getting what we've always got. So I think the answers are very simple. They're in the bill. We're trying to make it very simple and straightforward so that people could understand it. We had people from the Treasurer's office help us understand how the smart cards are going to work. We did offer an opportunity for some of those people who come in and testified against this bill, we offered an opportunity for them to join us this summer in our study to help resolve those issues they have. They declined. And the one that comment on Governor Hobbs from Arizona making some kind of comment. I wouldn't trust a thing she said, if you told me the sun came up in the East, I'd say I wait till morning to see. So saying Governor Hobbs recommended something means nothing to me. So with that, I'll stop there and try to answer questions.

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**MURMAN:** Any questions for Senator Erdman?

**ALBRECHT:** I have a quick question.

**MURMAN:** Yes. Senator Albrecht.

**ALBRECHT:** Thank you. I'd like to know, did you visit with some of the homeschoolers, because I hear homeschooling overall don't want any government handouts.

**MURMAN:** I did. And, and Senator Albrecht, we extended an offer to some of those to help us, and they chose not to. We did have some people join us who were homeschoolers. And I think you heard from one, the first testifier after I spoke. She was a homeschooler. She was also a public school teacher. And so that-- we did hear from those people, and we understood. This is an opt-in program, OK? The homeschoolers can opt-in, they can choose not to. And if they choose not to, there's no restriction from the government on what they teach. Now, the comment was made, if we pass this in a couple of years, they may change to be where they put restrictions on them. That could happen anyway. This bill has nothing to do with that. And so when you extend an opportunity for people that you think may have an issue with this, and you want them to be part of the discussion, so we can solve that issue and they choose not to, and then they come in and whine about what we did, and we gave them a chance to try to help us. And they chose not to. That's disrespectful.

**ALBRECHT:** OK. Thank you.

**MURMAN:** Any other questions? If not, thank you very much for your bill.

**ERDMAN:** Thank you. Thank you for your time.

**MURMAN:** That'll end our hearing on LB939 and we will move on to LB1066. Welcome Senator Lippincott.

**LIPPINCOTT:** Good afternoon, Chairman Murman and Education Committee. My name is Loren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t. And I'm here representing District 34. LB1066 gives parents and our school another tool in its tool belt. This bill gives power to individual school districts to create and give credit to students for religious study. The creation of this would be at no cost to the school district. All study of religion would be off school grounds. All transportation would be provided either by a parent or the sponsoring

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entity. It is limited to one hour a day or one period a day per semester for middle school and high school, and this would be allowable within written parental permission. We want to come alongside religious families and support them in the public school systems. States around us already have laws similar to this on the books, including South Dakota, Iowa, and Minnesota, and even states like California and New York have similar laws. As written, there is no liability to our school systems. We provide a breadth of elective courses in our schools, and I think that this is a legal change that can add a valuable missing component to the list. Schools are challenged each day to prepare students to academically and behaviorally succeed. Released time, which is what this is called, release time provides the opportunity for students to develop a stronger sense of morality and work ethic. It can lead to better academic performance, and this released time can help schools by decreasing behavioral issues and increasing academic performance. If we all told stories about those who influenced us to become better people, we would include the names of teachers, coaches, friends, parents, and some might include religious leaders and volunteers. Released time programs can incorporate character-based education in religious instruction provided to students. They can encourage students to develop internal controls such as honesty, self-discipline, and respect for others. This can also help students perform better, have fewer behavioral issues, and be more likely to stay in school than traditional students. Parents who want their students to have a moral component in their education may be less inclined to enroll them in private schools or elect homeschool options when released time education is an option. Again, to recap, what it does is it provides one hour or one period a day for middle school or high school. It includes all religions with the stipulation that they cannot undeniably promote lasciviousness or practices that are inconsistent with school policy. Now lasciviousness, we don't really use that word very often. It's promiscuous and unprincipled in sexual matters, lewd, sexually, and unrestrained. So it prohibits all that. No risk to school, because they don't have to pay for it or provide transportation. Again, why do I want this? It increases academic performance and behavioral issues. It also increases character based education, honesty, self-discipline, respect for others. It reduces attrition when released time is incorporated, and also decreases individuals going off to private schools or home schools and makes public schools more palatable to them. In essence, schools nowadays allow for kids to be released and go put in work and receive credit time, say go down to the John Deere store and work there for a while.

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Well, some kids want, once they graduate from high school, they want to go into the mission field, go to a Bible school, something like that, and this would then help them pursue, pursue that avenue. I'd be happy to answer any questions, sir.

**MURMAN:** Thank you. Any questions for Senator Lippincott? Senator Conrad.

**CONRAD:** Thank you so much. Good to see you, Senator Lippincott. I have just a couple of questions about this. This, this strikes me as perhaps a model bill that maybe you've worked with a different interest group or something to bring forward. And those can be really valuable to busy senators who are interested in maybe share some of the ideas or values that different groups have, and that can kind of bring forward emerging trends from different states. Is, is this something that you worked with an interest group on for a model bill? Or is this kind of just from the the Loren Lippincott list of fountain of ideas that, that came forward? OK.

**LIPPINCOTT:** Yeah, out of my sleeve. No, there's other states that presently have this. As I mentioned in my testimony, states around us and also states that are blue states--

**CONRAD:** Sure.

**LIPPINCOTT:** --so called blue states, like California and New York. So this is really something that has been widely used and accepted. And I think it's something that we can use too. And we know that just as Senator Erdman mentioned a few minutes ago, America is not leading the world academically right now in our schools. I mean, we all know that. Test scores and all those kinds of things. So status quo could need a tuneup, and this is one of them.

**CONRAD:** OK. That's not particularly responsive, but you're a senator and you can pursue your advocacy however you see fit. But let, let me ask then, kind of a practical question. Because I think peo-- I'm trying to just kind of think through how this would be utilized in practice. And I'm thinking of some of those experiences that we're all kind of generally familiar with. You've got your catechism on Wednesday night, you got your Sunday school on Sundays. Maybe you've got LDS Family Night on Mondays or whatever it might be. Usually those kinds of religious instruction and activities are outside of the school day. Are there existing examples of religious instruction during the school day that, that needs more attention?

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**LIPPINCOTT:** Yeah. I have heard of even businesses that allow their employees, during business time, to become enrolled in character building classes. So I think this is not just something that's restricted to--

**CONRAD:** OK.

**LIPPINCOTT:** --academia, but also in, in the business world. It's to help people become better.

**CONRAD:** Always room for improvement.

**LIPPINCOTT:** Yep.

**CONRAD:** I do not disagree with that. Senator, just one last question that when I was reviewing the bill, something that, that kind of jumped out to me, because this is an issue that I've been working on a lot and the committee has been struggling with a lot is our current truancy laws are kind of out of whack and being weaponized against a lot of families who maybe don't have the resources to fight back against schools or county attorneys and are actually sweeping a fair amount of families in for unexcused absences or truancy cases because of religious beliefs or religious practices. So I see here that you have listed that release time for religious instruction purposes will not count against their absent-- absences at school, which I think is important to clarify, because I think that is an important practice that is happening now. And so I want to figure out if we could maybe lift that up and work on that together, on truancy reform moving forward. So that's not exactly a, a question, but if you want to talk about how that section, you know, interplays with our truancy laws, that I-- that just jumped out at me in review.

**LIPPINCOTT:** Again as I-- as I stated in my opening, school boards would, they would have their input on this. It would be funneled through them.

**CONRAD:** OK.

**LIPPINCOTT:** The state also would be able to put their \$0.02 in in terms of ensuring that, that the kids are not just simply skipping out of school.

**CONRAD:** Sure. Yes. Very good. Thank, thank you, Senator. Appreciate it. Thank you.

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**MURMAN:** Any other questions for Senator Lippincott? If not, will you be here to close?

**LIPPINCOTT:** Yes, sir.

**MURMAN:** OK. Thank you.

**LIPPINCOTT:** Thank you sir.

**MURMAN:** Thank you. Any proponents for LB1066? Proponents for LB1066?

**DALLAS ASHER:** My name is Dallas Asher, D-a-l-l-a-s A-s-h-e-r. I live in Omaha. I grew up on a small farm, farming community north of the Twin Cities in Minnesota. I attended a one room school during my elementary years near our farm, but in my high school days, I consisted of getting up early, doing chores, and catching a bus for an hour, hour long ride into school and to attend classes and ride back home again to do chores. This was not much of variety, but the routine instilled a good, worth eth-- work ethic in me. One of the highlights of my school week was that when we were released to go to religious instruction during the released time on Wednesdays. I was not all that interested in religion, but there was an incredible man by the name of Tom Kyle who put-- who was a pastor that taught us. He was a big man, and he was not intimidated by the smart aleck remarks that the high school guys would throw at him because he had gotten-- because they had gotten some time off of school and would rather have been someplace else. I don't remember all the details that I was taught while I sat under Pastor Tom's teaching. But a few short years after I took those bus rides home to do chores, I found myself on a bus going to boot camp after I had landed in San Diego and joined the Marines. I was working 12 hour shifts in Vietnam, working as a hydraulic mechanic for F-4 aircraft. What I had learned in Tom's class really supported me while I was in Vietnam. So I have a lot of good things to say about the released time. It also helped me as-- when I came back to the States to give me the internal, internal guidance that I needed to reestablish my life in the U.S. and Pastor Tom's influence and his teachings still affects me to this day. At 76, I still reflect back on the learning in the released classes, and will ever be grateful for those hours of instruction that-- and I want to encourage this committee to pass LB1-- LB1066 to the General File. With the world in which we are living today, who knows what survival skills the students of Nebraska may gain from having a chance to go to these released classes? We need to give them the opportunity. And I did this in Minnesota back in the early '60s. So this release time has been around

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for a long time, and it didn't cost my school anything. Our churches were three churches that supported us. They would pay the, the bill for the school bus to take us to the churches for the, for the classes. There was-- it was just a very good time, and I think it really did help the, the attitudes of the students there, too, because we had the church, the pastors, people around us that were watching, and it made some good, good instruction for us. So, Senator Lippincott, I really appreciate the-- your doing this for the students of Nebraska. Thank you.

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

**WALZ:** You almost got away, but-- I liked the, the beginning of your testimony because it really reminded me of my childhood growing up, catching a bus, an hour ride, coming home doing chores. So thank you for that. I just have a quick question. The time release that you had, was it credit earned?

**DALLAS ASHER:** At that time, I don't think it was.

**WALZ:** OK.

**DALLAS ASHER:** But it-- we had to sign out and sign back in when we were through, and it usually was the last period of the day, so I didn't really interrupt, interrupt a lot of classes.

**WALZ:** Sure. OK, that makes sense. All right. Thanks. Thank you.

**MURMAN:** Any other questions for Mr. Asher? If not, thank you for your testimony. Any other proponents for LB1066? Other proponents for LB1066? And if you plan on testifying either way on or neutral on LB1066, could you move up the front row?

**LINDA VERMOOTEN:** Good afternoon again. My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n. So I remember growing up, we had religious instruction as part of our education. It was one hour a week, and they had a curriculum that they followed and we could ask questions. And it was a good time to learn about a different perspective than maybe what you knew of. And often you were talking about morality. You know, sometimes our schools are thinking we don't need spirituality and morality in our classrooms, but if we don't teach that, where do our children learn how to share, how to respect others, how to be obedient, how to be respectful. That's all of what we are wanting to teach them. And those are a lot of the principles that I remember from that hour of religious instruction. It was a

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little structured, but there was also kind of like a down time. So it gave a bit of a break from the hard day's work of school. You know, we had a 15 minute morning recess and a half an hour lunch recess. That was it. So you didn't have much of a break, so you kind of said, oh, good, it's Wednesday. OK. This week we don't have the structured class per se. It's a little bit of a reprieve. But yet we learn about things and we can ask questions that maybe we don't know we asked or ask a question of. And you don't always want to go to your parents, your religious leader, and ask those questions. So I think this is really a good bill that would help. We look at a lot of our founding fathers, they said that, you know, you have to have the ability to engage in spirituality as well as education, because that's the foundation of education in the United States when we go back and we look at the founding fathers and what their intent was for education, and we've kind of gone away from that. So I think this would be a good thing to instill and allow those students that moment to-- of reprieve. What we notice is when your day is so full and so structured, and they can choose to come or they can choose not to come, and I like that idea in the bill. Because it's not a you have to go. We, we didn't have that choice. We had to be there. It was considered one of our class time periods. But still, it is an opportunity. And I remember one of my teachers in particular, Mrs. Waddington [PHONETIC], was her name, and was actually my math teacher as well. And I learned so much from her because in that discussion, she showed a different side of her than maybe we saw in the classroom, or were like, oh! So there's more variety to people than we see just of our teacher in front of us. And I think this will enrich the lives of our students. So I would encourage that we would pass this legislation out of-- out of committee. Thank you.

**MURMAN:** Thank you. Any questions for Ms. Vermooten? If not, thank you for testifying. Other proponents for LB1066.

**MERLYN BARTELS:** Good evening Senators. Merlyn. Bartels, M-e-r-l-y-n B-a-r-t-e-l-s. I didn't really come prepared to speak on this one, but as I sat back there and listened to the Senator introduce the bill, some thoughts just went through my mind. I support this bill, and I think it would be a good thing. As growing up in a Christian family, sometimes-- kids that are Christians and express their faith, I feel like and I felt like they were kind of outcast at the school sometimes. And I feel like if you give them an opportunity, which it's voluntary, those kids can maybe group together and have some camaraderie that they wouldn't get otherwise from maybe some of the same kids in the school, because maybe they didn't realize, hey, so

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and so down in the classroom is a Christian and they just, you know, don't realize it. But if they have the opportunity to go to something like this, they each take that opportunity and they'll form a friendship that they wouldn't have ever had the opportunity to do. And I think, you know, just teaching some of the moral things that these religious or Christian classes would offer would be beneficial to the kids that are there. Plus, even their classmates from the examples that these kids could set to their classmates. So I urge you to really consider moving this out of committee. It's not costing the school or the state or anybody anything. So I don't think we can say, well, it's going to be an expense to our taxpayers. We can't say that. Somebody else is footing the bill for it. So it's an option for some kids that can maybe learn, grow, and create relationships with each other that they can take throughout their life. So thank you for your time. Appreciate it.

**MURMAN:** Thank you very much. Any questions for Mr. Bartels?

**MERLYN BARTELS:** Thank you.

**MURMAN:** If not, appreciate your testimony. Any other proponents for LB1066? Other proponents for 1066? Any opponents for LB1066? Let me clarify it. Opponent?

**JOSEPHINE LITWONOWICZ:** Opponent.

**MURMAN:** Opponent. OK.

**JOSEPHINE LITWONOWICZ:** Thanks again, Senator Murman, Chairman Murman and members of the committee. First of all, I think it's a great idea to--

**MURMAN:** Excuse me. Could you say and spell your name?

**JOSEPHINE LITWONOWICZ:** Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-i-w-i-c-z. And there's no fiscal note. You know, it's unfortunate that, probably other, you know, religious, you know, teachings won't be taught, you know. Presumably, you know, there is a bias these days because Islam is-- the countries are going through a dark time and practice the same kind of say, you know, like the Catholic Church did in the Inquisition. So it's just a matter of the foundation. We have a local mullahs are their dumber than-- because they just read one book. And similarly you have-- anyway, the lines on the map, all quiet on the western front. But I guess, you know, if it doesn't have a fiscal note, I just --it's just-- and I had-- I went to

Catholic school Brothers of the Sacred Heart, and I had some of the best teachers there. And if, if you teach ethics and the more-- you can teach spirituality aside from religion per se, but you can definitely and should include these other sources, because religious institutions do a lot of good too. It's just that, you know, when you're in a persecuted group, it's tough, but, you know. Anyway, I digress. The-- so I think, you know-- anyway, a child can, you know, you know, build character and so forth. I think it's great. My dad told me not to abandon my religion, and he never went a day in church in my life, because I think he didn't want to talk. Maybe the the next person, this is the south. And-- but he said, don't abandon your religion. And you know, and so I agree. And like the biblical Jesus is the bomb. But the mega MAGA NCCG this is not. And it's offensive because I'm being persecuted personally. And, and what the Attorney General did as far as targeting illustrates the need for equal protection. You know, the Governor says, oh, we don't need it because it's not a problem. You, you know-- I guess I'm-- I tend to digress a little bit. All of this is relevant to this and what I would really like to see, you know, in, on some kind of, you know, break time like this, it could be really good. And, you know, if the kids can't read and write in public schools, and teach the teachers how to read and write. I mean what's going on, that's a separate issue. Thank you.

**MURMAN:** Any questions for-- any questions?

**JOSEPHINE LITWONOWICZ:** No.

**MURMAN:** If not, thank you very much.

**JOSEPHINE LITWONOWICZ:** Thank you.

**MURMAN:** Good afternoon.

**JOHN BENDER:** Good afternoon. My name is John Bender, J-o-h-n B-e-n-d-e-r. I am here on behalf of the Academic Freedom Coalition of Nebraska. AFCON comprises a number of Nebraska groups and individuals who are concerned about academic and intellectual freedom issues. We have two complaints or problems with this bill. The first is that we think that the bill, as drafted, violates the First Amendment of the US Constitution, in particular that it is contrary to the non-establishment clause and also to the free speech clause. The bill would give an opportunity for students to have released time in the middle of the school day for religious instruction, but not for non-religious instruction, thus giving preference to religion over

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non-religion. We also have a problem with section 2(b) of the bill which-- and the language is a little bit different from what Senator Lippincott said. What, what is in the-- for-- the version of the bill that I have before me, it talks about prohibiting release time for curriculum that is-- excuse me, undeniably licentious, or undeniably promotes licentiousness, not lasciviousness. I'm not sure what either of those terms means, they're both rather vague. What might be lascivious or licentious to one person might be perfectly acceptable to another person. I'm not quite sure what they're trying to get at with that, but that vagueness, I think, is a problem. So while there may be a good reason for giving release time for students to take courses that are not part of the ordinary curriculum, courses that the school district is not offering for one reason or another, that should be open to other kinds of courses than just religious courses, courses that might give many of the same benefits that Senator Lippincott sees coming from the religious courses. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Bender? I have one. So if the school just allowed time for students to leave for an hour or whatever the period is, no restrictions on what they would use-- the students would use that for, you'd be OK with that?

**JOHN BENDER:** No, I think, you know what, what the bill says is that, that there needs to be an organization that is providing this instruction, and I think that would apply to anything. That, that would be reasonable. You know, I don't think you were just talking about giving students an hour to go off and get into some kind of trouble. It's-- some kind of structure I think is reasonable, but it's just that it shouldn't have to be religious. The same is this applies only to religion. Essentially it deprives the students of opportunities to explore other things. Yeah, religion is important, and I'm sure that some people might benefit from that, but maybe they'd benefit from other things as well. And those benefits shouldn't be excluded.

**MURMAN:** So if, if it didn't specify religious activity, would you, you know, suggest maybe some, any kind of structured activity that could be done during that hour or what--

**JOHN BENDER:** Yeah. Some--

**MURMAN:** I mean it's voluntary, so--

**JOHN BENDER:** --other kind of structured instruction. It could be in art history. It could be, I think yoga is something I mentioned. Or it could be some kind of athletic program. I-- there are, there are a lot of things that could be done, but there should be some structured program that the students would participate in.

**MURMAN:** So would the school have to specify what type of structured program, or just, say a structured program, for instance?

**JOHN BENDER:** I think that-- well, they're, they're-- I'm not sure I want to get into, into trying to draft the language for that. But I think it certainly would be reasonable to expect that there is some structure, that it's not just free time for the student, yes.

**MURMAN:** OK. Thank you. Any other questions for Mr. Bender? If not, thank you for your testimony. Other opponents for LB1066?

**ISABELLA MANHART:** So. Hi again. Members of the Education Committee. I'm Isabella Manhart, I-s-a-b-e-l-la M-a-n-h-a-r-t. Again, I'm speaking to you as a future Nebraska teacher, and I'm speaking in opposition to this bill. I'm not opposed to religious education in our schools. I think that's important. And my high school offered a world religions class that many of my friends took and really enjoyed. But the thing about this class was that it offers perspectives on a variety of religions of many of the different world religions, as the title would suggest. And I'm concerned that this bill has some subjective language that is not, you know, going to give equal treatment to different religions. And I think that that would be a real problem for our public schools and the principle of religious neutrality that we hold. So I'm first concerned that nothing in this bill is requiring school boards to authorize religious instruction in multiple faiths. I heard many of our previous testifiers talking about Christian values or Christian morality. And while I think that's great, there are lots of students in our school who are not practicing Christians, who are Muslims or Jewish or have many different faith traditions that I'm concerned would maybe not be represented. I know that Senator Lippincott gave us a excellent vocabulary lesson talking about lasciviousness, and I think that language is extremely subjective. I don't really know what that would mean, and I don't know if, especially since we're leaving this to school boards, that different school board members would take that through the lens of their own faith and perhaps look on other faith traditions as lascivious. I know I've had Christianity weaponized against me by members of, of this committee at points. So I'm just concerned that we

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wouldn't want to, you know, have these have elected officials, you know, making judgments about whether a, a religion is lascivious or not when we're allowing students to interact with that religion to get elective credits. I'm also concerned that the sponsoring entities in this are not required to be-- have any educational certification. I know that I'm working very hard on my educator preparation program to be certified as a teacher. And I'm just not sure, you know, what training they're required to have, what credentials they're required to have. I know we've had a lot of issues, with, you know, sexual harassment and sexual assault in different religious entities, in Nebraska and across the United States. And so I just would maybe be concerned about background checks or things like that for these people. I know teachers all have to do background checks. So I want to, you know, ensure that this bill is looking at the safety of our students. And then I, I do think that, you know, rather than having these outside entities, which we'd have to background check, I think that saying this is not a fiscal cost to our state is probably not accurate, because I do think we need to have background checks and those practices in place. So I think that we, we should maybe reevaluate that and perhaps look at expanding upon world religions courses and other religious courses that are already held in schools as, as a viable alternative to that. So thank you so much. I'm happy to answer any questions.

**MURMAN:** Any questions for Miss Manhart? I have one. You mentioned that you felt it restricted certain religions other than Christianity, I guess.

**ISABELLA MANHART:** I don't-- I didn't say that it restricted them. I just said that it, it doesn't have any requirements that they would have to authorize instruction in different faiths. It doesn't say anything about that. So that is my concern, is that it would, without that specific language, not be interpreted as applying to multiple faiths.

**MURMAN:** So the, the bill is voluntary. So you would prefer it would list--

**ISABELLA MANHART:** The bill is--

**MURMAN:** --whatever number of religions that--

**ISABELLA MANHART:** I don't know that--.

**MURMAN:** --can participate?

**ISABELLA MANHART:** --that's-- I don't know that that's necessary, but it does, it's leaving that, that choice of like what is a proper sponsoring entity up to school boards. So I would want to know, you know, what are the-- like, what are the restrictions to participate on their judgments that they're making about, you know, allowing a different program to be a sponsoring entity? Because it doesn't-- it doesn't really say anything about different faiths or about the credentials that those sponsoring entities would need to have to offer elective religious instruction. And I think there just needs to be more clarity. So I am against advancing this bill and until that's figured out.

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

**ISABELLA MANHART:** Thank you.

**MURMAN:** Other opponents for LB1066?

**JUDY KING:** Hi, my name is Judy King and I only oppose this because I just think there's too many things that are left unsaid in this bill. I mean, I know when the kids were my age, if there was any way they could get out of school, they'd do it. If there's no tracking of the school, the kids, that's going to be a big problem. And which religions are we talking about? You know, that was my concern, too. I just think there's too many unanswered questions for this bill. And I oppose it because of that. Thank you. That's all I have to say.

**MURMAN:** Thank you. Any questions?

**JUDY KING:** Thanks.

**MURMAN:** If not, thank you very much. Other opponents to LB1066?

**GRANT FRIEDMAN:** Thank you, members of the Education Committee. My name is Grant Friedman, G-r-a-n-t F-r-i-e-d-m-a-n, and I am here on behalf of the ACLU of Nebraska, testifying in opposition to LB1066. The ACLU works to ensure that all students, regardless of faith or belief, feel safe and welcome in our public schools so that they may obtain the quality education necessary to pursue their dreams. Our public schools are, as the Supreme Court pointed out in *McCullum v. Board of Education*, the symbol of our democracy and the most pervasive means for promoting a common decency. They should be welcoming and nurturing

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places for students and families of all faiths and beliefs. However, religious freedom in public schools can only exist if school officials maintain a religiously neutral environment. We oppose LB1066 for two reasons. First, schools already have and can establish elective courses, including those of a religious nature. Second, the proposed content moderation to ensure the instruction does not violate school policy creates an entanglement problem. Schools are able to create elective courses based on the needs of the community they serve. LB1066 is not allowing something that had been previously prohibited and is unnecessary, as demonstrated by the previous testimony of the proponents, these policies have existed for many years. Students wishing to partake in religious elective courses are able to do so under existing school policies that were crafted with the local needs of the specific community in mind. Furthermore, Section 2(b) of this proposed bill authorizes schools to content moderate these religious courses to ensure that it does not promote practices that are inconsistent with school policies. This results in schools having the ability to evaluate the content of religious education, entangling the school with the religious content, potentially causing an issue, or hindering the free exercise of religion. For these reasons, we ask that you indefinitely propose [SIC] LB1066. I'm available for any questions.

**CONRAD:** Thank you. Any questions for Mr. Friedman? Senator Conrad.

**CONRAD:** Thank you so much, Chair. Thanks, Grant. Good to see you. Thank you for being here. Quick question. And I know that you're a legal expert on these matters. So Senator Lippincott mentioned that a lot of our sister states, including our surrounding states, have similar policies on the books. How-- do you know, has the ACLU or anybody else challenged those policies?

**GRANT FRIEDMAN:** I'm not familiar with what other schools have done. However, I do know that the policies that promote one religious organization or create a kind of content moderation have been litigated in various cases, determining whether schools are abusing that and violating free exercise provisions.

**CONRAD:** OK. So do you have-- are you aware of the ACLU challenging-- Let me restate it here, because I, I don't think you were responding to my question. Can you tell me, has the ACLU or other entities challenged these types of release policies that are in place in other states?

**GRANT FRIEDMAN:** Not to my knowledge. I can look into that and get back to you.

**CONRAD:** OK. Because I have no disagreement that there is a complex set of case law out there in regards to the First Amendment and entanglement, etc. but I, I want to make sure that we're really specific instead of just talking in generalities here in terms of how and if and when those precedents would apply to this release bill. And so I know you've offered kind of a general take on First Amendment law, but do you have any specific information on this kind of law?

**GRANT FRIEDMAN:** I will look into that and get back to you, Senator Conrad.

**CONRAD:** You didn't bring it today?

**GRANT FRIEDMAN:** No, I did not.

**CONRAD:** OK, thanks.

**MURMAN:** Any other questions? I have one. I don't want to put words in your mouth, but-- think that I'm probably not verbalizing this correctly, but you said the ACLU would be open to policies similar to this that would include all religions and all faiths. Is that correct?

**GRANT FRIEDMAN:** I don't believe I said something of that matter. However, the ACLU does support students being able to practice their faith in their educational practice as they see fit.

**MURMAN:** OK, so that being the case, how would this bill prevent that from happening?

**GRANT FRIEDMAN:** The specific problems that are existing in this bill are not with preventing students from being able to practice their faith. It's that the state, through section 2(b), has the ability to determine if a religious practice is promoting or violating school policy. This kind of observation by the state means that schools are looking into the religious education that is happening outside of school grounds, that is not being funded by the school process, creating an entanglement between the school and the religious educators.

**MURMAN:** So even though this release would be outside of school grounds and school control, there's still an issue with promoting a certain religion over another in your view?

**GRANT FRIEDMAN:** Not promoting a specific religion over another, Senator Murman, specifically the schools having the ability to say, we're not going to allow that religious course to have an educational credit and be an elective because we disagree with the policy. So it's not necessarily one religion or the other. It's the schools having the ability to look at and govern what religious education students should be able to receive and not receive during this time.

**MURMAN:** OK, so, one more question. How is the school controlling that? Is it from the language of lasciviousness, whatever that word means?

**GRANT FRIEDMAN:** It's for-- looking in that same paragraph, looking at determining whether the program promotes beliefs inconsistent with the school policies. And if a school were to find that an organization was doing something inconsistent with the school policies, they would likely deny that elective course credit of religious instruction, saying that those religious practices do not qualify as covered under this bill because they have the ability to moderate that, which would either then the students being unable to partici-- participate in those religious practices, or the religious practices having to censor themselves and not be able to provide the instruction that they see consistent with their religious beliefs.

**GRANT FRIEDMAN:** But there is no credit in this bill, no school credit in this bill, right?

**GRANT FRIEDMAN:** I do believe it does provide an elective credit.

**MURMAN:** OK, I must have missed that, if that's true. Thank you. Any other questions? Senator Conrad?

**CONRAD:** Thanks, Chair Murman. Thanks, Grant, for being a good sport. So I think just to maybe tie together Senator Murman's questions and mine. If Section 1 sub 2(b) were stricken, the ACLU's opposition goes away.

**GRANT FRIEDMAN:** I, I do still believe that theres--

**CONRAD:** Because that's your main point of contention.

**GRANT FRIEDMAN:** That was my second point, Senator Conrad. My first point was focusing on the part that I believe the proponents hit on, that schools already have systems where they can determine the needs of their communities and see what is best fit in order to provide these elective courses that they need. So my second point that you hit

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on was dealing with the fact that this creates a potential First Amendment issue. My first one was focusing on the fact that these policies are already in place, and this bill is not allowing something that has been previously prohibited.

**CONRAD:** OK. And then how does that square up with your organization's position to push for statewide policies from time to time?

**GRANT FRIEDMAN:** Statewide policies--

**CONRAD:** Because, say, for example, I'm thinking about, you know, individual school districts already can write dress code policies or policies related to supporting pregnant and parenting students, but your organization has pushed for a statewide standard in those policies, even though local control exists and flexibility exists. But you would want a different standard for Senator Lippincott's bill?

**GRANT FRIEDMAN:** I believe this specific bill is touching on allowing states-- allowing schools would be able to do something, and it isn't a mandatory process, whereas the statewide bills I believe you are speaking about are dealing with equal opportunities for all students to be able to access education that meets the basic needs, whereas this one is a voluntary system that schools can choose into. So they can already choose into under existing law.

**CONRAD:** OK, I'm not quite sure I'm following that, but we can maybe agree to disagree. But just to be clear, your main contention is with that kind of vague language in, in (b) there. And if that were to go away, then it would remove your opposition, or it wouldn't remove your opposition?

**GRANT FRIEDMAN:** It would not remove the entirety of the opposition.

**CONRAD:** Thank you so much.

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

**GRANT FRIEDMAN:** [INAUDIBLE] Senator Murman.

**MURMAN:** Other opponents for LB1066? Any neutral testifiers for LB1066?

**RON CUNNINGHAM:** Maybe when I say this you won't think I'm neutral. Chairman Murman, Ron Cunningham, R-o-n C-u-n-n-i-n-g [SIC]. Fellow members, I, I don't have any objections to this bill, maybe, but as long as it academia or historical study of nature. But to me, there's

a broad spectrum here between when does it become religious teachings or praying or that type of thing versus academia, where maybe it's historical and much deeper. So I was visiting with a superintendent friend of mine this weekend, and he said we'd probably look to the Department of Education, so it doesn't sound like the Department of Education's even involved in this, which surprises me. I'm generally in favor of anything that causes a student to think, and maybe analyze what they're doing. But I'd also wonder whether it would be applied equally to someone that wanted to study atheism, or wanted to study Islam. I'm wondering what a school board would do. And so that, that would be my question. But overall, I don't think it's a bad thing. The other thing, thinking outside the box, with the importance of athletics today to parents and to kids, would the-- does a school, if-- I have a star athlete, a volleyball player, and we live in Lincoln, Nebraska, and, I say, hey, my girl wants to go to the university one hour a day, and she's going to take how to develop the premier volleyball player for one hour a day. Are they going to approve that or-- I just assume these things went to the Department of Education and they said, no, that's way out of bounds, versus it sounds like to me maybe each school's deciding on their own, so. It just seems like, to me, overkill when maybe this should be in the area of Department of Education and, and the educators should be determining where these boundaries are. So that's it. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Cunningham? Thank you very much. I'm just disappointed, I'm, I'm all for volleyball, I'm disappointed you didn't say volleyball or football, but-- Any other neutral testifiers for LB1066? If not, Senator Lippincott, you're welcome to close.

**LIPPINCOTT:** Regarding the questions of legality of this function, regarding of release time, the legality has been filtered already through two U.S. Supreme Court cases, two federal appellate court cases, and also one federal court. So it's legal. This happens and is carried on in, in multiple states surrounding us, and also the bookends on the east and west coast. So, that's something that should be considered. Also, just regarding the truancy issue, regarding kids just skipping out. In essence, the courts have ruled that these release time type classes have to follow local laws. So kids that go off and work for the John Deere company, the laws that apply to them would also apply equally that these kids. And then just finally my, my last little comment. Education's a business. Whether it's high school, colleges, whatever, it's a business. The kids are the customers along with their parents. And I'm always mystified why, when there are

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options being presented, that they are not embraced, but instead resisted. And I know that we all resist the status quo. I understand that. But I think that this is an opportunity for win, win. The parents, the s-- the students, the parents, and also the schools as well.

**MURMAN:** Thank you very much.

**LIPPINCOTT:** Thank you.

**MURMAN:** Any questions for Senator Lippincott? If not, thank you very much.

**LIPPINCOTT:** Thank you sir.

**MURMAN:** Well, let's see. The-- electronically, we had 17 proponents, 30 opponents and one neutral. And that will close the hearing on LB1066, and we'll move on to LB1238, Senator Walz.

**WALZ:** Thank you, Chairman Murman and members of the Education Committee. My name is Lynne Walz, L-y-n-n-e W-a-l-z, and I represent Legislative District 15. Today I'm introducing LB1238, which was an idea I came up with. This interim, we had a hearing regarding the special education shortage at OPS. The most recent teacher vacancy survey indicated that there were over 209 vacancies in special education across our state. So obviously, we need to take some serious steps to address the shortfall. So right after high school, I, I took a job with Encore, and it was a job-- it used to be called a direct care staff, they're now called direct support professionals. But I moved out of my home and lived in a residential facility with two ladies who had developmental disabilities. And I just helped them and supported them in their day to day lives so they could live as independently as possible. But during that hearing, I really started thinking about my time working with them, as well as all the other staff that I worked alongside. And I realized that the people who work in that field would really be a natural fit to be a special education teacher. Oftentimes, a DSP goes through a lot of training on how to work with individuals with disabilities. And for me, I had an entire month of training. Some of that training included med training, first aid, CPR, program training, assessment and data training, behavior management. So I had a lot of training my first month to three months, and it was ongoing. I am-- where am I? I had a lot of-- So currently DSPs, or direct, direct service providers, don't have a lot of opportunity for career development and significant pay increases.

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However, I'm happy to say that the Nebraska Association of Support Professionals and Munroe-Meyer Institute are working on changing this, which I think is fantastic. DSPs are much needed to work and support people with disabilities, but it may not be the long term path that they want to go down professionally. So what I'm looking at with this bill is to keep staff who already work with people who have disabilities to stay in the field. The disability field is very interconnected. Schools provide disability services until a person turns 20-- what happened here? Until a person turns 21. However, I want to say that sunset-- This is a different-- I think that there was two different bills here. I'm just going to go on to say that LB1238 creates a Special Educators of Tomorrow's Act, which provides a scholarship and then loan to DSPs who have worked at least one-- at least two years in the field. The reason the bill is set up first as a scholarship is because it's similar to the hearing we held on LB1116. Students don't declare their major until after they have finished their prerequisites, typically in the sophomore year. However, I didn't want to leave students hanging for those first two years, so we're providing up to a \$2,500 scholarship with the expectation that they will pursue, pursue a career in special education. On the back end of their college-- of their time in college, they would receive a \$4,000 forgivable loan for the next 2 to 3 years. Once the student graduates from a special education program and works as a full time special education teacher for two years, the loan will be forgiven, each year \$4,000. This provides reassurance that they will remain a special education teacher for at least five years after graduation. If the student fails to remain enrolled at an eligible institution and does not complete the program, they will be responsible for the repayment of the loan. This is set up similarly to the Attracting Excellence in Teaching forgivable loan. The bill also creates a cash fund that would appropriate \$1.5 million this fiscal year, and \$250,000 each year after. The program is also intended to operate starting next school year and extending to school year 2029-2030. My intention with the bills, for those who are anticipated to graduate in 2034 and 2035 to continue receiving this. With the full appropriation for each fiscal year, I anticipate that this program would help 160 students. If the committee would decide to move forward with only the initial \$1.5 million, that would still fund around 85 students. One thing I did want to point out in this bill is that if we do decide to move forward with this program, we make clear that the Coordinating Commission, who is carrying out the program, may use the money from the fund for administrative costs. The bill is intended to be a piece in the puzzle to addressing the severe special education workforce

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shortage. This is a bill that aims to keep industry professionals in the disability field, since DSP, DSPs gain invaluable experience during their time. This bill is attempting to bring that experience into the school situation. Thank you very much. I'd be happy to answer any questions.

**MURMAN:** Thank you, Senator Walz. Any questions for Senator Walz? I assume you will be here to close if we have any further questions.

**WALZ:** Yes, I definitely will be here to close.

**MURMAN:** OK, thank you.

**WALZ:** Thanks.

**MURMAN:** Any proponents for LB1238?

**JENNI BENSON:** Hello.

**MURMAN:** Hello.

**JENNI BENSON:** My name is Jenni Benson, Jenni Benson, and I am the president of the Nebraska State Education Association. I am here to represent NSEA as well as the Nebraska Council of School Administrators, the Nebraska Association of School Boards, Greater Nebraska School Association, Nebraska Rural Community Schools Association, Schools Taking Action for Children's Education, Stand for Schools, and the ESU Coordinating Council. Special education is focused on helping children with disabilities learn. It is tailored to be-- to meet the needs of children with disabilities. The service and support received by one child may be very different from the services another child receives. As I testified last week, there is a current shortage of teachers in the state, and this shortage is even more pronounced in the specialty field of special education. I have been a special education teacher for more than 30 years, and I will tell you that my very first job in the field was at a day camp that I worked at for seven summers, working with children 5 to age 21 and-- with disabilities. I also worked in group homes all the way through my college, and that was the most valuable experiences I had as I went into the field. But I don't think if I hadn't worked there, I would have probably chosen special education, because I really didn't know anything about it until I worked at that day camp here in Lincoln. I think that LB1238 is a creative approach to the continuing problem. To address this shortage, the bill provides forgiveness, loan forgiveness for support professionals who already work in-- with students and that

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are going to enter the special ed field. For this approach to be successful, we need to provide greater incentives for our state's current loan forgiveness program. LB1238 helps provide assistance in training people who already possess skills necessary to care for students with disabilities to become great teachers. This is commonsense idea to provide loan forgiveness so that they may change their current career track and became teachers, thereby creating a greater supply of these teachers that we ever increasing demand in this area. We believe the bill provides great and timely solution to help remedy the current special education labor shortage. Thank you for your consideration, and I'm willing to take any questions regarding special education or the teacher shortage which we continue to visit about. Thank you.

**MURMAN:** Thank, thank you. Any questions for Jenni Benson? If not, thank you--

**JENNI BENSON:** Thank you.

**MURMAN:** --for your testimony. Other proponents for LB1238? Any other proponents for LB1238? Any opponents for LB1238? Oh, sorry.

**ISABELLA MANHART:** Thank you, Senator Murman. Again, I'm Isabella Manhart, I-s-a-b-e-l-l-a M-a-n-h-a-r-t. And I think this is a great bill. I applaud Senator Walz for bringing up a bill that's really going to support, you know, special educators and support solutions to our teacher shortage. I'm not studying to be a special educator, but I do currently work in a preschool with deaf and hard of hearing students, and students who have a lot of needs. So it's a really great position, it's really rewarding. And I know that when I am in the public schools, I will get a lot of supports supporting the students who are in my general ed classes, but who are receiving support services from special educators. And I really appreciate all the work they do. I know my peers who are studying there getting their special education degrees are working really hard. And we definitely need more people who are willing to do that good work. So I think this bill is a great solution, and I hope to see it advance out of this committee.

**MURMAN:** Thank you. Any questions for Ms. Manhart? If not, thank you for your testimony.

**ISABELLA MANHART:** Thanks.

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**MURMAN:** Any other proponents for LB1238? Any opponents for LB1238? Any neutral testifiers for LB1238? If not, Senator Walz, you're welcome to close. And while she's coming up, there's electronically we have three proponents, zero opponents, zero neutral.

**WALZ:** Sorry. I apologize for, like, losing my spot here before. So, basically, I, I just go back again, listening to that hearing, or participating in that hearing. I did think about how great it would be for people who already had experience in the field of working with people with developmental disabilities to just be able to move in, I guess, to a special education teaching position. So I just want to-- again, so this bill would appropriate \$1.5 million, providing \$2,500 scholarships, for people who worked in the field as a DSP, each year to pursue their career in education. After the two years, they would then have a loan forgiveness at \$4,000 for the last two years. So I just wanted to reiterate that in case you were totally lost, like I was for a minute.

**MURMAN:** Thank you, Senator Walz. Any questions? If not, thank you, you very much.

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

**MURMAN:** And that one will close the hearing on 12-- LB1238.

**ALBRECHT:** We will open up next on LB1270, with Senator Murman. Start whenever you're ready.

**MURMAN:** Good evening, Vice Chair Albrecht and members of the Education Committee. My name's Dave Mirman. It's spelled D-a-v-e M-u-r-m-a-n, representing District 38. Today, I'm introducing LB1070, a bill seeking to make two small changes to the Door to College Scholarship Act. The act was created by LB750 in 2023, and is set to become effective this July. The goal of the act is to provide a scholarship to students who enroll in college after attending from a YRTC. Currently, the Department of Health and Human Services and the Coordinating Commission for Post-secondary education are working on the process of developing program guidelines and application processes. They found two areas which could use some improvement. In the original act, there was a requirement that a student graduate from a non-YRTC high school within one year of being discharged. This bill would remove that requirement, so there can be an increase in the number of students who are eligible by successfully completing high school after being placed into and discharged from a YRTC. There is

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also a change in the verification of a student's previous status at a YRTC. That information was previously verified by the college, but would be better verified directly by DHHS. This would ensure personal information is better protected. Thank you and I'm happy to answer any questions, although there should be a representative from CCPE behind me that would have more technical knowledge of the program.

**ALBRECHT:** Thank you, Senator Murman. Any questions from the committee? Seeing none. OK. Any proponents on LB1270? Proponents.

**MIKE BAUMGARTNER:** Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I'm the executive director of the Coordinating Commission for Post-secondary education. I am here today to testify in support of LB1270. I want to thank Senator Murman for introducing this bill. And I want to acknowledge Senator Walz, who originated the program back in 2021 in LB529. So, yes, you do know this program. LB1270 addresses some concerns that cropped up while we were at the coordinating commission, were meeting with DHHS staff and Scott English, superintendent of DHHS schools, to, to discuss program implementation. One concern was the relatively small number of students that the program is, is likely to serve. The number of students who graduate from a YRTC high school is typically very small and fluctuates from year to year. Some years they may not have any, some years they may have as many as ten. Most of the young adults who spend time at YRTC complete high school back in their home community. However, the law restricted el-- restricts eligibility for the scholarship to students who graduate from a non-YRTC high school within one year of being discharged from YRTC. So the proposed change will broaden the number of students who can benefit from the program by treating the high school graduates equally, whether they were at YRTC or back of their home school. Second, change takes responsibility for determining whether a scholarship applicant was in fact placed at a YRTC away from a post-secondary institution, and makes a coordinating commission in the Department of Health and Human Services responsible for that determination. So, the post-secondary institution will receive a student's application and determine the student's eligibility based on enrollment, completion of the FAFSA, their Nebraska time status, and enrollment in an eligible program, but no information about the student's past relationship to a YRTC will be shared directly with a post-secondary institution. as Senator Murman stated, the program becomes effective July 1, 2024. We have developed the program guidelines and application materials, and plan to have that information available to potential students by May so we can

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begin making awards during the 2024-'25 academic year. With your approval and passage by the Legislature, we'll be able to broaden the pool of eligible students and minimize information sharing regarding time spent at a YRTC. Be happy to try to respond to any questions you have.

**ALBRECHT:** Great. Thank you. Any questions from the committee? Seeing none, thank you very much. OK. Next proponent?

**SPIKE EICKHOLT:** Good evening, Vice Chair Albrecht and members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name is spelled E-i-c-k-h-o-l-t, appearing on behalf of Voices for Children as a registered lobbyist in support of Senator Murman's bill. And I want to thank Senator Murman for doing-- introducing the bill. This makes two small yet very important changes. Voices for Children advocates for young people who are exiting our juvenile justice system to provide them with resources and opportunities. And I don't mean to be duplicative. You've got my testimony. So I'll just summarize. The first change removes a one year arbitrary limitation for discharge eligibility from-- discharge from a YRTC. Sometimes kids go to the YRTC for a while, they complete their term of probation, but then they go back to their home community, and then they graduate sometime later, and that one year, it's just not possible. The second change that's important is that this does allow Health and Human Services to verify a student's eligibility on having completing-- or di-- been discharged from a YRTC. As some on the committee may know, if a student, if a youth does successfully complete probation in our juvenile system, their record is sealed. HHS has access to that, obviously, because they have jurisdiction over the YRTCs, but the institutions themselves, the post-secondary institutions, won't be able to get that stuff very easily. And frankly, neither will the youth themselves. So this resolves that sort of dilemma by allowing HHS just to represent to the post-secondary education that the student-- potential student is eligible. So we'd encourage the committee to advance the bill.

**ALBRECHT:** Thank you very much. Any questions of the committee? Seeing none, thank you. OK, next proponent? Hi.

**ELIZABETH EYNON-KOKRDA:** Good evening, members of the Education Committee. My name is Elizabeth Eynon-Kokrda, E-l-i-z-a-b-e-t-h E-y-n-o-n hyphen K-o-k-r-d-a, and I'm general counsel for Education Rights Council, which is a nonprofit here in Nebraska that advocates on behalf of children to ensure that all children can stay in school

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and thrive. As part of our work, what we often do is we are court appointed and throughout our court appointments to make sure education is appropriate in a multitude of venues. One of those venues is YRTC. I just wanted to echo that removal of those three small words, within one year, is very critical, in part because what we experience when we're working with children in the YRTC is not only do they often go back to their high school, maybe, you know, with a year or two left, but two things. They have the right, if they have any special education needs, to stay even longer. And so we don't want to put them in a choice of having to graduate without necessarily getting all the skills that they're allowed to get under special education because of this one year piece, as well as we have different credit that happens. So in other words, you may have a child that's attending YRTC, and West Kearney may have said you have these-- this amount of credits. And so the student wants to leave YRTC, go back to the general education classroom. And when they get there, the school district doesn't necessarily accept all those credits. So they are in a situation where they may have to go longer than they actually expected to graduate. So, in conjunction with my peers here today, I would just say, I would urge you to move this out of committee for consideration by the whole Legislature.

**ALBRECHT:** Thank you very much. Anyone have any questions for Betty? Seeing none, thank you for being here.

**ELIZABETH EYNON-KOKRDA:** Thank you.

**ALBRECHT:** Any other proponents? Any opponents? Anyone in neutral? Someone's moving. Anybody in neutral? Going once. OK. So that'll end-- we asked for neutral positions. We have zero proponents, zero opponents, and zero neutral on that. Comes to the letters. So, Senator Murman, would you like to close?

**MURMAN:** Well, I just want to say that with being on HHS a couple of years ago and now, with education also, we've made some improvements with education in the YRTCs and, and I think this is just another step to further improve the education with students that are in the YRTC program.

**ALBRECHT:** Very good. Any questions of the committee? Seeing none that will end L--

**MURMAN:** And, and by the way, I got a hand-out of my open that I forgot to pass out, so I'll hand that out.

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**ALBRECHT:** OK, we'll take that real quick before we close. He's got a hand-out. You've got another one. OK, so that'll close LB1270, and we're going to open with Senator Murman on LB1399.

**MURMAN:** Good evening, Vice Chair Albrecht and members of Education Committee. Today I'm introducing LB1399. My name is Dave Murman, spelled D-a-v-e M-u-r-m-a-n. Nebraska passed statute 79-530 in 1994, and it reads, the Legislature finds and declares that (1) parental involvement is a key factor in the education of children; (2) that parents need to be informed of the educational practices affecting their children; and (3) that public schools should foster and facilitate parental involvement-- or information about and involvement in educational practices affecting their children. And by the way, I do have a hand-out for this one also, LB1399, along with the amendment. Parental involvement and transparency were important goals 30 years ago, and they're important goals today. What I hope to do with LB1399 is not to alter that goal, but instead provide for a reasonable framework to be put in place to make sure the goal of the original 1994 law is really working. I brought a bill with a similar goal in mind last year, and while it did receive some great support, there were also teachers and school officials who had concerns that it may be a bit too burdensome on their part. Teaching is already a difficult profession, so I've tried to put in the work to find out some more reasonable compromises. Over the interim, I've worked to make a simpler and clearer bill. I'd like to thank the Nebraska Association of School Boards and several school board members from across the state, including Central City, Kearney, D.C. West, and Plattsmouth for their feedback and meeting with me. I understand that not everything in here they are on board with yet. But I do think with continued conversations we can find a path forward. School districts already should have a transparency policy in place. This bill makes sure that pol-- makes sure that policy has a few key features. Firstly, we want to make sure that-- is a parent wants to see an, an assignment book or other kind of learning material, that it has the ability to do that. Under this bill, the school would give ten days upon a parent request to facilitate that. The research data is clear that when parents are involved in their children's education, there is a positive relationship with that educational outcome. So it is important this component is in place. The second key component in this bill ensures that parents are properly notified about any surveys presented to students, and allow parents to opt out. With that notification, parents would be told how the data is collected, stored, and who it is given to. I've also brought an amendment which would

change it-- this to an opt-in process, and also clarified this would include not just class-wide surveys, but individual surveys as well. And I passed out that amendment also. While surveys can be a helpful tool for administrators, I have seen examples in which surveys ask of-- ask about extremely private topics such as sexuality, sexual behaviors, race, and religion. I find these surveys concerning, firstly, because they-- these topics are deeply personal, and may not be in line with every family's values, and secondly, because surveys about personal data could become a major privacy concern, or in the least, a risk parents should be able to have some consent in. The next major provision in this bill would require school districts to make an online library list. With this list, if a school has a digital library checkout software, a parent could opt-in to receive an email notice of what books their child is checking out. I believe this is an important component because the values of every family are different, and some parents might find one book inappropriate while another parent might not. This process allows parents to be informed and make their own decisions for their family. Next, this bill would ensure that parents have the right to present on a book within a school to the district so the book can be reviewed, and the district must then specify what actions they take. This process is important because it allows for a parent to present on what they find objectionable, and ensures the school board is clear with what their decision is. This bill does not ban any book, but instead ensures that both a parent has the opportunity to speak on what they find objectionable, and the school board then listens and has some form of response. In many cases, the board may find the content perfectly fine, but it is important that there is still some form of insurance, or insurance that the parent was heard out, and the board considers their concerns. Originally, the bill has-- had said the book would-- could be read aloud for up to five minutes, but we changed this to simply be presented on, which still could include being read aloud for five minutes. Finally, this bill ensures that school districts not in compliance and not making a good faith attempt to comply would be subject to appropriate remedial action within the Commissioner of Education's authority. Before I conclude, I want to address that-- what I expect to be a common objection to this bill. I expect some school officials to say that these procedures are essentially already in place in their district's policies, or are redundant. To them, I would say great, and I appreciate them taking transparency and parental involvement seriously. Some schools absolutely do have great transparency policies. However, I want to make sure every school in Nebraska has great transparency policies. Furthermore, if a school is already

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taking these actions, then putting it into place into state law does not harm them. If a school is already requiring consent before surveys or already informing parents of what books their children are checking out, then this bill would not pose a problem. To conclude, I want to thank the educators who came-- who have already reached out, talked with me, and met with me, trying to find the most transparent and least burdensome path forward. I'm committed to continuing these conversations and look forward to them. When we passed our transparency law in 1994, we set a great goal for our state, and I view LB1399 as the next step to carrying out that goal. Thank you, and I'm happy to answer any questions you might have at this time.

**ALBRECHT:** Thank you, Senator Murman. Senator-- we have questions, of course. Senator Sanders.

**SANDERS:** You had said in your statement where we have an amendment, I don't think we have that amendment.

**MURMAN:** Oh. I thought I passed it out. You should have gotten it. But if not, I'll give to you later, on close.

**ALBRECHT:** And the amendment said?

**MURMAN:** Oh, here it is.

**ALBRECHT:** There we go.

**MURMAN:** I can pass it out.

**ALBRECHT:** Boom.

**MURMAN:** You can read it for yourselves. It's, it's fairly long, so I won't--

**ALBRECHT:** OK.

**MURMAN:** --read it all.

**ALBRECHT:** So the amendment becomes the bill?

**MURMAN:** It's an amendment to the bill.

**ALBRECHT:** Do you have any other questions? Senator Walz?

**WALZ:** Thank you. Thank you, Chairman Murman. I appreciate your work on this. I think Senator Sanders has a bill on General File. It's pretty

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close to the same-- well, the same issue. So I'm just kind of wondering what the differences are between your bill and Senator Sanders' that just--

**MURMAN:** Yes. Thank you.

**WALZ:** --telling how you feel about them.

**MURMAN:** Yes. We did vote LB71 out of the committee last year. However, that-- and that is a transparency bill.

**WALZ:** Yeah.

**MURMAN:** But it does not include the library portion or the survey portion, if I remember correctly. And of course, Senator Sanders might want to double check that, but I think that's true.

**WALZ:** OK. But that one sits on General File. Is that correct?

**MURMAN:** Yes.

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

**ALBRECHT:** OK. Any other questions from the committee? OK, I understand that this is just an amendment to the bill, but not the bill, it doesn't replace.

**MURMAN:** That's the amendment to the bill. Correct.

**ALBRECHT:** And, you'll stay around, of course.

**MURMAN:** Yes, I will.

**ALBRECHT:** Great. So we'll start taking proponents of LB1399. Hello.

**ALLIE FRENCH:** Is it evening yet?

**ALBRECHT:** I think it's about.

**ALLIE FRENCH:** Getting pretty close.

**ALBRECHT:** I think it's after 5:50.

**ALLIE FRENCH:** My name is Allie French, Allie French. I am representing our grassroots group, Nebraskans Against Government Overreach. We are in support of LB1399. And not to repeat too much of what Senator

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Murman has stated, but many of the regulations or requirements in LB1399 are currently in place to some extent in many districts. The changes outlined in LB1399 clarifies and strengthens transparency and open communications between local school boards, local schools, and the parents of students. Currently, parents have access to school material. However, LB1399 goes a step further, outlining which materials are included within the confines of federal law. Should there be a request, the information must be provided within ten days. This is really a, a huge part of the bill for, especially, many of our members who have made FOIA requests or just general requests for materials from public schools, and are essentially left to wait. And they don't really have a clear answer when they might see that information, how long it's going to take. And I think ten days is reasonable. In many other areas with FOIA requests, you've got four days to have a response and then whatever additional time they choose to actually get that information to you. So I think ten days is a reasonable number in there. And it's a much needed clarification to ease the frustrations, as everyone is on the same page. LB1399 provides important measures of parental consent and oversight of their student's education, as well as a proper chain of command before going to the commissioner. Again, that was one area where parents have sought information from their public school boards. They feel, for one reason or another, they're not getting the answers they want, so they jump straight to go into the Nebraska Department of Education. I think that this, this bill clearly outlines the steps of who you talk to before it's moved up to the chain of command. And I think that's a very important aspect of this bill as well. Lastly, what we wanted to mention was our single and only concern of ponderance. And that was that the bill states that this wouldn't go into effect until the year 2025-2026. I'm guessing it's just because it wouldn't line up, if this bill were passed, to be able to get it in time for August '24-'25. But if at all possible, it would be recommended by our group that we have that ability.

**ALBRECHT:** Thank you, Ms. French. Do we have any questions from the committee? Seeing none, thanks for being here.

**ALLIE FRENCH:** Thank you.

**ALBRECHT:** OK. Next proponent?

**AMBER PARKER:** Amber Parker, A-m-b-e-r, Parker, P-a-r-k-e-r. I am as a proponent. Senator Murman, thank you for bringing forward this bill. I, I did read this. It was a fairly short bill. On page six, I wanted

to bring attention because what I had read is it actually still continues to give the schools back the power of whether they can release certain information or not, but it just would have to be shared with the parents per LB1399 is my understanding if those parents would be able to get extra information or not, but that part of the conversation would have to be related to the parents on that side of things. So it still gives the-- what-- I don't want to say something wrong here, but like a refusal to parental transparency. And I'll read that, it says on line 27, it says, the name of the company or entity that produces or provides a survey to the school district; an explanation of the purpose of the survey data collection, who uses the collected data, how the collected data is to be used, and whether the collected data shall remain private or be reported as individual or aggregate data. On that as well is to share, then, I have a question pertaining to-- now, this was an omnibus bill on LB43. This would be the enrollment and review 44. This is an amendment. On line 7 it says, to allow certain records relating to cybersecurity to be withheld from the public as prescribed. On line, it says, to provide a duty for the Nebraska Information Technology Commission; to require hearing officers and courts to interpret statutes and rules and regulations de novo, d-e n-o-v-o, on the record, and in a manner to limit agency power and maximize individual liberty. Again, bringing to attention seven, this is an omnibus bill, meaning multiple bills that have nothing to do with one another, but to allow certain records relating to cybersecurity to be withheld from the public. So my question is, as far along as this is, could that be undoing already this LB1399 pertaining to the transparency of parental rights, but again, to bring to the attention that it-- there's still power to where if the schools don't want to release certain information, then they would have to at least let the parents know what wouldn't, is my understanding, would be released. But the reason I'm a proponent for this is because I do believe it brings more clarification than what is present.

**ALBRECHT:** Thank you. Amber, I'll have to-- he's not our attorney, of course. He's the LA, right, in the Education Committee. But you can ask the question, but we'll have to get the information back to you later, because we wouldn't have the answer for you--

**AMBER PARKER:** Oh yeah.

**ALBRECHT:** --right now. But thank you for bringing that up.

**AMBER PARKER:** Yeah.

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**ALBRECHT:** Hold on. Are there any questions for Ms. Parker? Thank you for being here and bringing that to our attention.

**AMBER PARKER:** Yes.

**ALBRECHT:** Any other proponents? Have a seat. You might be next. Any other proponents wishing to speak? Seeing no other proponents, the first opponent? You're on. Opponents now. OK. Can we move the chair for him please?

**JEREMEY SHUEY:** Yes I can do that.

**ALBRECHT:** Thank you sir. OK, there we go. Just--

**JOSEPHINE LITWINOWICZ:** I can't believe I'm in. Anyway.

**ALBRECHT:** There you go.

**JOSEPHINE LITWINOWICZ:** My name is-- Good evening, members of the committee. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e, legal name Vincent, L-i-t-w-i-n-o-w-i-c-z. I mean-- what I have a problem with is-- what I concentrated on is like some of the language. Like I'm gonna read this whole sentence for effect. Survey means any schoolwide or classwide questionnaire which asks a student to identify personal characteristics such as race, ethnicity, religion, health, or sexual orientation or behaviors. As that reminds me from-- it ought to be Frank Zappa. You know, sexual orientation and behaviors. It just-- I mean, what is that-- why does it have to-- I mean, I don't know, if it's not spelled self-explanatory, I'll move on. I have a problem also with educational decision maker and guardian. Unless, maybe, it was willed, maybe, I don't know, we can create a system whereby if the parents, they might want their child raised in certain ways and not have a, a decision maker. You know, why can't we do it-- a will type-- don't know. Anyway. So, and-- I'm getting tired. And, like, in this other one, that parents, guardians, and educational decision makers possess the natural and legal right. A natural right. This reminds me of, you know, seeing prurient in people of ill repute in some of this, in some of the old statutes. And then, let's see here, and then we got something else. Well, I'll just sum it up with, you know, decision makers and guardians and what they can-- what they can do with it, how they can influence the child, is it, you know, foster type, and this is what happens then? Anyway, I, I really didn't address-- this is the only thing I actually, wrote something down for it, and I couldn't control my phone making noise. Anyway, next time. Thank you.

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**ALBRECHT:** Thanks for coming. Does anybody have any questions for Josephine? Seeing no, thank you for being here. OK. Next opponent, as we pull the chair back in front of the desk.

**KYLE MCGOWAN:** Good afternoon, Vice Chair Albrecht 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'm representing the Nebraska Council of School Administrators, the Nebraska State Education Association, Greater Nebraska Schools Association, Nebraska Rural Community Schools Association, Schools Taking Action for Nebraska Children's Education, and Stand for Schools. Our organizations support and encourage parental involvement, and in fact continue to support Senator Sanders' parental involvement bill, LB71, which is currently on General File. I'm not going to speak about the survey since Senator Murman mentioned that he had an amendment about the surveys. It's very common for schools to have a policy in which they notify parents and give them the option to not take the survey. A requirement the bill says-- Excuse me. How the school district will accommodate and handle requests to attend and monitor courses, assemblies, counseling sessions. So our question would be when a parent would make such a request, would a remote option be acceptable? What if the parent refuses a remote option to, to monitor and wants to be present? We would-- could very easily find a situation in which one parent doesn't want another parent in that same room with their child. As we mentioned on LB71, and Senator Murman mentioned, schools already are required to have a transparency policy. A new requirement listed within this bill is to put the student in the least restrict environment when they're being removed or excused for a specific instruction. And we're really not sure what would happen if a parent wouldn't agree with that least restrictive environment. Making available a complete listing of school library books is easy to do, allowing parents to have the option to approve their children checking it out is not a problem. It does appear to be unfair for the state to require school boards, who are elected, receive no pay, to possibly listen to five minute readings for unlimited times. I'm, I'm here for three minutes right now. I should-- parents should be able to work through the current process of objecting to material. Strong parental involvement is important to the success of a child. However, we think LB1399 is an overreach for the school boards' local control, and ensuring that parental involvement is promoted while not interfering with the rights of other parents who may have disagreeing perspectives. Thank you.

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**ALBRECHT:** Thank you very much for your testimony. Any questions from the committee? Seeing none, thanks for being here. OK. We have the next opponent. Good evening. It is now 6:00.

**ERIN FEICHTINGER:** Oh, gosh. Really? Should have changed the time today.

**ALBRECHT:** That's right.

**ERIN FEICHTINGER:** Got to get home for dinner.

**WAYNE:** That ought to do it.

**ERIN FEICHTINGER:** Thanks. Vice Chair Albrecht, members of the Education Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and the policy director for the Women's Fund of Omaha. Don't worry, I will not read the entirety of what's in front of you, it being 6:00. We appreciate that Senator Murman has addressed in this bill the more glaring concerns of LB374 from last session. But as I've discussed with the senator, we still have some concerns. We would suggest removing the approval portion of section 3(1)(b), that's approval of curriculum materials by parents, as this should already be covered, we feel, by the ability of parents to remove their students already from lessons and activities that they would view as objectionable or antithetical to their beliefs. This paired with section 6(3) at the bottom of page six, we fear, will create an opening for continued censorship and additional book bans. As we know from similar efforts across the country and even locally, there has been an increase in challenges to books containing LGBTQ+ themes, books discussing race, as well as books deemed sexually explicit by a small minority of parents, and even with the involvement of national groups. We would also suggest that if the intention of this bill is to further involve all parents in the education of their children, the school board public comment period prescribed in LB1399 should not be exclusive to only those who want to read excerpts from library books. Rather, any parent who has concerns or suggestions for their local school board should be allowed to participate in what is essentially an open public comment period. We also find concerning certain portions of LB1399 dealing with surveys. And I'm sorry, I don't have the amendment that he gave you in front of me. But specifically in section 3, allowing parents to view the survey responses of their children, which, again, should be unnecessary given the ability of parents to exempt their children from those surveys. This provision could actually put students in harm's way. For example, according to

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Nebraska's own 2021 data, 91.5% of substantiated child abuse and neglect cases were perpetrated by relatives and family members. 79.7% of those who would fall under this bill's category of educational decision makers, which could further reduce the likelihood of students feeling safe to report. I'll skip ahead. Of course, every parent wants to know what's going on with their child. But there are evidence based methods for creating safe and supportive environments where students feel they can talk honestly to the adults in their life. And this bill, as written, creates a scenario wherein only cer-- wherein only certain parents are afforded that opportunity, emphasizing the rights of certain parents while excluding the rights of others. We would offer that your responsibility is to ensure that all parents have the means and opportunity to be actively engaged in this way, one example being Senator Walz's bill upstairs in Business and Labor just today, LB1213, which would create leave for parents to be able to attend their child's school activities. And I will end there, and I'm happy to answer any questions you might have to the best of my abilities.

**ALBRECHT:** Thank you very much for being here. Do we have any questions of the committee? Seeing none. Thank you very much.

**ERIN FEICHTINGER:** Appreciate your time. Sorry you didn't change it.

**ALBRECHT:** Oh, well. There's always next year. OK. Next opponent.

**JEREMEY SHUEY:** Good afternoon, distinguished members of this committee. If you can't tell this is my first time testifying against at this point. My name is Jeremey Shuey. It's spelled J-e-r-e-m-e-y -S-h-u-e-y. I am an 11 year Air Force veteran, and I currently am a member of the Plattsmouth Community Schools Board of Education. I'm here today representing the Nebraska Association of School Boards in opposition of LB1399. I would like to extend my gratitude to Senator Murman for dedicating his time to listen to our feedback last week. Today, I'm eager to share our thoughts and perspectives with the rest of this committee. First, let me express our preference for Senator Sanders' bill, LB71, as it aligns with our vision for increased parental involvement in their child's education. We look forward to collaborating with the committee and any of you who are dedicated to advancing this bill. I will utilize the term parents to encompass both educational decision makers and guardians. As we delve into the specifics of the legislation, in no particular order, let us focus on the constructive feedback we bring forth. On page two, line nine the term behaviors is mentioned. We seek clarification on whether this refers to all behaviors or specifically sexual behaviors. Clarity in

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language is essential for effective implementation. We suggest eliminating the requirement for prominently displaying this specific policy. Instead, we advocate for language specifying that it should be accessible to the public, considering the importance of all of our policies in fostering a successful school system. Additionally, we propose a modification on page 3, line 27 regarding training materials for teachers. The challenge arises when these materials are owned by third party entities, limiting the district's access due to copyright or trademark constraints. We suggest language that ensures accessibility to pu-- to the public, recognizing the significance of all policies in fostering a successful school system. Moving on to page four, lines four through seven. The phrase will accommodate raises concerns about the autonomy of building administrators. We must safeguard the authority of district-- of, of districts to maintain-- or to manage their classrooms efficiently, especially considering potential disruptions resulting from the ability of parents to attend and monitor courses. This could cause significant learning disruption without common sense boundaries. For me, as a board member, I can't come and go to any of our buildings except for the admin building, for example. Page four, lines 27 through 30 delves into surveys, a critical aspect for the parent-- rights of parents. While we value the guidance provided, we propose a nuanced approach to opt-in versus opt-out, recognizing the need for anonymous surveys to address sensitive issues like babying, bullying, or cheating. Fostering honest responses crucial for effective solutions. Additionally, the provision-- provisions found in 20 U.S.C. 1-- 1232h, 34 CFR, Part 98, or PPRA, clearly delineates the rights of parents and students concerning survey participation, the gathering and utilization of information for marketing purposes, and specific physical examinations. We contend that this guidance offers districts a comprehensive framework. Finally, on page six, lines three through eight, the mandatory five minute reading of books at public meetings warrants reconsideration. The diverse dynamics of each district demand flexibility in solutions. We advocate for the preservation of district specific policies. In our school district, a former board member challenged 52 books in the past year. Under LB1399, this would equate to over four hours of reading during a board meeting. While I appreciate the intention of-- behind this request, a mere five minute excerpt does not provide a comprehensive understanding of a book's entire theme, making it insufficient for evaluating the material's overall impact.

**ALBRECHT:** OK, you have a red light.

**JEREMY SHUEY:** Yes, ma'am.

**ALBRECHT:** I'm following you, but--

**JEREMY SHUEY:** My apologies.

**ALBRECHT:** But if somebody wants you to continue, you can certainly do that. I appreciate your time. Anybody else have any questions this time? Well, we do have your testimony.

**JEREMY SHUEY:** Thank you very much.

**ALBRECHT:** Thank you for being here.

**JEREMY SHUEY:** Thank you for your time.

**ALBRECHT:** OK. The next opponent. Hi.

**ABBI SWATSWORTH:** Good evening, Education Committee members. Thank you so much for the opportunity to provide testimony tonight. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I'm the executive director of OutNebraska, a statewide, nonpartisan nonprofit working to celebrate and empower LGBTQ Nebraskans of all ages. We're speaking in opposition to LB1399. We know that all Nebraskans value educational settings where parents and guardians can engage with educators and administrators regarding their students' well-being. Students are more likely to thrive when we work together to ensure educational environments that are supportive for our diverse populations. Unfortunately, we believe LB1399 goes too far. This bill is one of the most egregious parental rights bills introduced in recent years, not just in Nebraska, but across the country. While it aims to increase transparency, it goes way beyond simple measures to help parents and guardians access information and instead dangerously violates student privacy. Under the definitions included in the bill, the parents could gain access to students' private information. And I know there was an amendment offered about the surveys, but I don't believe that it addresses this particular issue. It does mean that even the most well-meaning questionnaire by an educator could result in a situation that puts a student in danger. In a perfect world, every young person would feel safe and supported in sharing information with their parents and guardians regarding their sexual orientation or gender identity. We know that parents want to do what they feel is best for the young people in their lives. Sadly, there are too many instances where young people can face being ejected from their homes or physically threatened for being their authentic selves. It is

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heartbreaking to receive calls when young people are forced out of their homes. I've received far too many of these calls to discount the real danger posed by efforts like LB1399. When legislators force students to share private information before they feel ready, or if they feel that they could be rejected, we're creating statutes that have a significant potential for causing harm. Furthermore, LB1399 ignores the fact that different parents have different values regarding what reading materials or curriculum are appropriate. In our view, this bill empowers book banning. Capricious book challenges are already taking up significant time and resources in schools and school boards in communities throughout Nebraska. Simply put, there are already ample opportunities to engage with schools. We encourage the committee to trust local leaders, educators, and administrators rather than pushing this dangerous agenda, and I will answer questions to the best of my ability.

**ALBRECHT:** Thank you for being here. Thank you for your testimony. Any questions from the committee? Seeing none, thanks for being here.

**ABBI SWATSWORTH:** Yeah, they go-- I did just want to also say I included some additional information--

**ALBRECHT:** I saw that.

**ABBI SWATSWORTH:** --from a national partner, that you can reference. So thank you for your time and for being here all day.

**ALBRECHT:** Yes. Thank you. OK. Next opponent. Hi.

**NORA LENZ:** Hi. Good evening. My name is Laura Lenz, N-o-r-a L-e-n-z. I'm a 37 year veteran educator, and I'm here to rep-- representing the Nebraska State Education Association. I've proudly taught in the historic rural schools of western Nebraska, Pine Ridge, South Dakota, and in our highly esteemed Lincoln Public Schools. My opinion comes from a different point of view than the ones you've heard. Education is a multi-lane street. Administrators, educators, parents, guardians, and students are all stakeholders in their education. As you hold educators accountable for education of children, you must hold parents accountable as well. In LB1399, I do not see where parents are required to take a vested interest in the education of their children. On page two, line 28 through 30, it talks about strengthening the level of involvement, participation, to honor the right to transparency for educational decision makers. As we educators and public schools do honor that, right? How may you ask? Parent teacher

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conferences, open houses, IEPs, MDTs, musical performances, math night, reading night. So many events provided for parents. Even with much effort, guardians still do not answer phones when schools call, they do not accompany their students to open houses. Parent teacher conferences, which are poorly attended, check the data, are great opportunities to see and hold the material being taught. And you will love this because in the 21st century, all educational materials for LPS are online. Parents can read everything presented for the entire year: classwork, homework, any resource used in the classroom. In addition, most teachers send home newsletters and-- each week or month. To push this bill, LB1399, would we-- would create unfunded mandates, reduce-- reducing teacher pay, administrative pay, increased budget for education. Time would be taken from educators doing the real work of teaching, providing feedback, reteaching, and tending to the needs of students. On line six-- page six line seven you would like to read books during the school board meeting. Storytime for adults. Do you know that all books are online for parents to read with their students? Just open Chromebook and go to the library that LPS provides. It is open and it is free. You see, senators, all that you ask is there, parents just have to look. Parents must take a role, the role you are suggesting that schools take. Your part is to have-- your part is to have this-- to have public schools use more tax dollars on unnecessary expenses, doubling what, what is already done. Putting the sole responsibility of public education upon teachers. Where in LB1399 are the words private, charter, religious, home schooled, in this document? Are you not giving them public dollars to private charter, religious and homeschooled students? In LB753 you provided that. Why aren't those entities included in LB1399? Thank you.

**ALBRECHT:** Thank you very much for your testimony. Do we have any questions? I have a quick question. You said that all schools have the Chromebooks and the parents can get on and see all of the books.

**NORA LENZ:** Look at public schools provides Chromebooks for all students.

**ALBRECHT:** But do the parents have a-- the ability to get onto those Chromebooks?

**NORA LENZ:** As long as their kids are right there with the password, the parents see the passwords. We have Google Classroom, we have everything work, all the assignments, teachers posts their PowerPoints, their notes, everything. They post if it's-- if a child is missing, if a student is missing school, they can see exactly what

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was done in class so they aren't behind. We did that, or we've done that, ever since online became available.

**ALBRECHT:** That's interesting to me. Thank you.

**NORA LENZ:** If you'd like, I can give you a demonstration.

**ALBRECHT:** I've had them, thank you very much. OK, next opponent. Good evening.

**VICKY WOOD:** Hello. I am-- my name is Vicky Wood, V-i-c-k-y W-o-o-d. I'm representing the advocacy committee of the Nebraska Library Association, and I am here tonight to speak in opposition to LB1399. Reading through this bill, I was struck by the incredible amount of work that this would require for librarians, school staff, and even parents, all of whom are already overwhelmed and busy. Many school libraries contain hundreds to thousands of volumes in their collections. Books and other materials are always being added and withdrawn, and the idea that an up to date list could be available for everyone in the school community is patently unworkable. It is hard for me to imagine any busy parent taking the time to even glance at such a list, much less to investigate the content of each and every book on the list. As for librarians contacting parents about every book, their child checks out, would this process be automated? Or will this be a further burden upon librarians or other school staff to send an email every time a child checks out a picture book, a novel, or any material they're interested in, or that supports their classroom learning? I actually think very few parents would take advantage of this, but the minority who do would take an inordinate amount of staff time with their request. The provision that every-- any parent, guardian or decision maker read aloud a five minute passage from any book in the library collection is clearly intended to capitalize on the, quote, shock value of any kind of sexual content in any book. This technique has been effective in some settings, but most adults realize that one sexual scene does not pornography or obscenity make in the legal sense or in common sense. Book purchases and curriculum decisions for school libraries are done by professionals who rely on other professional publishers and reviewers to create their collections. These decisions are made at the local level in concert with school boards. These issues don't need to be debated endlessly in the Legislature. These are matters that can be and routinely are handled locally with public and parent input. But nevertheless, national groups are pushing this legislation and taking up the valuable time with legislators, educators, and librarians. This bill

is redundant and places an unfair burden on our already stressed and overworked school personnel, as parents already have the option of opting their children out of certain curriculum and reading choices. Libraries and school boards have procedures in place in which parents can challenge books in the library collection. Professional staff, not individual parents, can then follow a process to decide on the appropriateness of their material for the entire school community. Thank you for your time.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none, thanks for being here. Next opponent.

**JANE SEU:** Good evening. My name is Jane Seu, J-a-n-e S-e-u, legal policy counsel with the ACLU of Nebraska, and I'm testifying in opposition to LB1399. Children and adults alike have the constitutional right to privacy and not to have intimate facts about their lives disclosed without their consent. By requiring schools to disclose any student's survey responses, including responses to health, or sexual orientation, or behaviors, schools may be forced to disclose personal information to parents, including a student's gender identity or sexual orientation. This disclosure could put students in danger at home if they're not supported. For many LGBTQ, LGBTQ youth who are not supported at home, school may be the only place they can be themselves. Bills-- well, LB-- LB1399, puts queer and trans students at a particular vulnerability, but, really bills like this harm all students and their right to privacy and safety at school. Parents have a right to the care and custody of their children, but that does not give them the right to dictate curriculum, teacher training materials, or what books may be made available on school library. This bill opens up schools to be subject to parental ideologies and stifles students' right and freedom to explore ideas and their identities. I'm happy to answer your questions. we're in opposition to LB1399.

**ALBRECHT:** Thank you for your testimony. Anybody from the committee with any questions? Senator Conrad?

**CONRAD:** Thank you so much, Vice Chair. Thank you so much, Jane, for being here. Just a quick question, because I know the ACLU cares deeply about transparency. Do you feel a better remedy would be to strengthen our public records laws and our open meetings laws, rather than pursuing measures like this to facilitate parental engagement?

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**JANE SEU:** I think there's a benefit to strengthen transparency laws for other reasons. Perhaps pa-- parents could benefit from those.

**CONRAD:** OK.

**JANE SEU:** As well.

**CONRAD:** Thanks.

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

**JANE SEU:** Thank you.

**ALBRECHT:** OK. Next opponent. Hi.

**GALE HALL:** Hello, Senators. My name is Gale Hall, G-a-l-e H-a-l-l. I am here to testify against LB1399. I am a full time library science student, a part time youth specialist at the Saddle Brook Library. And I'm a transgender man. This law will make it more difficult for young people to access books that include topics deemed controversial, which will keep them from developing an understanding of the world around them, and of people who are different. It will also make it harder for minority youth, especially LGBTQ+ youth, to see themselves represented in books. School librarians, youth librarians, and youth specialists like myself are trained specifically to work with youth and their parents to curate a collection that is appropriate and representative of the community. LB1399 will make that job harder for school librarians, and will put those decisions in the hands of people who may not have the proper schooling or an understanding of what the community needs. On top of all this, releasing survey information to parents may cause LGBTQ+ students to be outed to their parents. Although I understand that many people here hold the sentiment that parents know best, this unfortunately, isn't always true. Some parents are so opposed to the idea of their children being anything but cis and straight that they may abuse their LGBTQ plus children, much like my parents did, or kick them out. Because of the abuse I suffered from my parents for my identity, I now struggle with anxiety, depression, and PTSD symptoms. The youth of Nebraska deserve better than this. Please do not let LB1399 pass, as it will cause more youth to face the same abuse that I did, or possibly worse. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing nothing, thank you for being here. Next opponent.

**ISABELLA MANHART:** Members of the education committee, I'm Isabella Manhart, I-s-a-b-e-l-l-a M-a-n-h-a-r-t. Thanks for being here with me all afternoon, and listening to all this testimony. I really appreciate it. I'll introduce myself again. I'm a third generation teacher. I'm studying, actually, to be a high school English teacher in Nebraska. I'm also queer and trans. And I am opposed to this bill because it endangers LGBTQ students, and it limits teachers ability to do their jobs. As a queer, queer student and a future teacher, this bill irreparably harms my community, by eliminating schools as a safe space for Nebraska students. Many of my friends growing up were not safe at home because their families didn't accept them. School is the only place where they could be themselves. Many of my friends then suffered from mental health issues, many attempted suicide, and their mental health, really, really matters. And I'm concerned that bills like this, which expose survey data to parents, will also ensure that schools are no longer safe. And as a teacher, it's a part of my professional ethics not to put my students in harm's way. So I can't support a bill that would require me to out my students or put them in, in harm's way because of, you know, legislation like this. This bill also has teachers who are already underpaid and overburdened to take on the immense task of, of making all of their educational content available, which I believe is a redundancy of our standards based teaching system. We are already developing all of our content based on Nebraska State Department of Education standards. I have attached some of those from my content area for you. And we teach those carefully developed standards, which are developed by experts so that we can ensure that our students are getting an appropriate level of academic content and prepared for graduation. This bill disregards the standards by making this subjective set of standards which don't reflect everyone in the state. I know that many of my parents, the parents of my students and LD 5, are working multiple jobs. They're living paycheck to paycheck, and they aren't going to be checking, you know, content all the time. They aren't going to be going to school board meetings and monitoring that, they don't have the time. So I'm concerned about that. And I am required to teach diverse perspectives. Kindergarten through 12th grade, we're required to teach students diverse perspectives. I can't do that without access to diverse books that provide diverse stories, and people who are prohibiting that, I don't think are looking out for the best interests of our students. When students don't see their stories in the classroom, they don't feel like they belong. They don't feel like their perspectives are important. And that's when students decide they're going to leave Nebraska. And that's what I'm considering right now, because bills

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like LB1399 so that people like me, students like me, teachers like me shouldn't be in our schools. Many of you have sponsored bills, run on platforms of teacher retention in Nebraska, and rightly so, because we have a teacher shortage, we need teachers. But if you vote to-- if you vote to advance this bill out of committee, I think you undermine all that valuable legislation. I want to teach in this school-- in Nebraska public schools. But there's no amount of money, no hiring bonuses, no tuition reimbursements that can make it worth it for me to stay and teach in a state where I'm forced to put my professional ethics aside and put my students in harm's way. So I ask that you oppose this bill. I'm not just speaking for myself. This, this bill was or this hearing was scheduled for 1:30 on a Monday. Obviously, that's not a convenient time for many teachers and students. And obviously it's no longer that time. But, you didn't hear from a lot of students and teachers today, so I'd ask that, you know, to take that perspective into account and make sure that our we're able to teach our content standards, which is what-- that's our job, and that we are, you know, able to support all of our students.

**ALBRECHT:** Thank you very much--

**ISABELLA MANHART:** Thank you.

**ALBRECHT:** --for your comments. And just wondering if anyone with any questions? And seeing nothing, Ms. Manhart for being here. Next opponent.

**JUDY KING:** Judy King. And I oppose this bill. This is-- I've had the chance to go to some meetings on the opposite side and listen to their plans of what they plan on doing. And this is a political-- this is a political stunt, and it's going across the nation, and they're trying to push more religion in school. Kind of started with the no maskers that they tried to make, you know, not wear a mask. But then it led into a whole bunch of stuff. It's a bunch of people that were upset they lost the election, when Trump lost the election. And it's been going on since then, and they, they, now they're in education. Well, first they were into women's bodies, now they're into education. And, they've been pushing religion in school, history against black-- they don't want the history taught about the black history. They don't want --they're against LGBTQ, they're against trans, they're against public education. They're trying to mess with it. Most are either elderly religious groups, or they're homeschoolers, or they're the orange man's disappointed followers, and they just are there to cause problems at schools and school boards. I've been to the school board

meetings where I was outnumbered 30 to 1, and they were violent at those school board meetings here. And they're just trying to cause chaos. And I think most of us are sick of it or unaware of it. Some are unaware that don't get involved, but I'm not. I get involved and I'm sick of it. And this bill is just another bill to push that agenda of the orange man. And, and that's, that's all I have to say.

**ALBRECHT:** Thank you very much. Any questions? Seeing none, thank you for being here. Do we have any other opponents? Anyone in neutral?

**MERLYN BARTELS:** Good evening Senators, Merlyn Bartels, M-e-r-l-y-n B-a-r-t-e-l-s. I'm in-- I guess I should have probably been a proponent, but didn't really know what to particularly say there. But sitting in the last few hours of this, I made a few observations just listening to the testimony of both sides here. One thing I guess I was made aware of. You said we have transparency laws already on the books. I guess my question would be whose responsibility is to make sure that the school boards are abiding by those laws? When somebody goes and ask for something, the school board says, we don't have to do it, or we ain't going to do it, or whatever, whose responsibility is that? The other observation I made was a gentleman that was representing the State School Board Association, I believe. He made the comment that school boards always have comment periods if people want to come comment. A district that I was involved with, probably two years ago we brought some stuff to them. They didn't particularly like what they was hearing, so they just shut the comment period down. I think it was at least three months, no comments. You know, why are they allowed to do something like that? Why do they not want to hear both sides? You know, when you're talking for them and praising them, man, everything's good. But are they not open to any criticism? I guess that's-- maybe he needs to talk at the next state school board meeting, hey, you guys have the comment period. You want people to be involved? You want parents to be involved? Leave the comment period open, even if you don't like what you hear. Deal with it. That's what you was elected for. I know you aren't getting paid, but you got to take the good with the bad. So anyway, that's just my couple observations. Thank you.

**ALBRECHT:** Appreciate your comments. Do we have any questions? I guess I can answer that, that there is a law on the books--

**MERLYN BARTELS:** Yeah.

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**ALBRECHT:** --that people do have to listen. Now, whether they only give you a certain amount of time, they still have to allow you to talk.

**MERLYN BARTELS:** See, they limited the time, at the times I did. But the next several meetings was, you looked at the agenda, there was no comment time there. So why go to the meeting if you aren't going to be able to express something to them?

**ALBRECHT:** Yeah. That happens.

**MERLYN BARTELS:** So.

**ALBRECHT:** Thanks for being here.

**MERLYN BARTELS:** Thank you.

**ALBRECHT:** Have anyone else in neutral position? Seeing none, we have some letters. We have 95 proponents, 111 opponents and zero in neutral. And Senator Murman, you can close.

**MURMAN:** OK, I got an answer to quite a few of the questions. Early on, who was said why, why doesn't it take effect in, '24-'25? Well, giving them more time to set up a website, wouldn't have enough time with people on vacation and so forth until '25-'26. I, I can be a little bit flexible on some of the things such as the five minute thing. I-- the important thing is that parents are given the ability to respond, and, and we can work on those details. And, and then a lot of the comments were saying there's too many restrictions with this bill and a lot of mandates and so forth. Actually, the bills that were passed in Texas and Florida, the transparency bills are-- have a lot stronger and restrictive language in them than this one. And then, comments were-- a lot of comments were saying, well, we're already doing all this already. And then at the same-- in the next breath, they're saying we have too many mandates. Well, if they're already doing it already, this isn't a mandate. They're already doing it. Let's see, just some of the other comments. The important thing is, is the language in it does say that how the school will, will accommodate those that request to attend, and it does not mean that the school has to accept their request. They just have to have a policy on how they will accommodate and handle requests to attend by parents. And then, another thing, the term behaviors was referenced, and that is a term that is used in the bill. And it is intended to mean sexual behaviors. And if that is unclear, we can make that more clear. And then crop-- a process could be automated to send mail notifications on

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book checkouts. I think the bill does say that if you have digital checkout software, that's the only time that would be mandated, which I think almost all the schools in the-- in the state do have that in their libraries. And then, a lot of the opponents claim that this bans book and curriculum, and neither one of those things is true. What it does include is ensuring policies exist to opt out ensuring, ensuring parents have the right to bring content they find objectionable, and that parents can be heard. So with that. I'll take any questions you might have.

**ALBRECHT:** Thank you very much, Senator Murman. Any questions from the committee? Thank you for being here.

**MURMAN:** And I thank very much.

**ALBRECHT:** [INAUDIBLE] go. OK. Next up, we have LB1193 with Senator Conrad opening.

**CONRAD:** Good evening, Chair. Very fast. Very fast. Good evening, Chair Murman. Members of the committee, my name is Danielle Conrad, it's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today to introduce LB1193. LB1193 is about enhancing parents rights and autonomy in their children's education and educational decision making. It would provide for a statutory right of parents to be the ultimate decider if one of their children needs to repeat a grade, for limited reasons, and those would be based, those would be delineated as academic, illness, or excessive absenteeism. I tried to be measured with this approach because I anticipated the schools might resist the concept, but I do believe that this is an important issue that should be discussed. And we hear a lot in this committee, and we've heard a lot today, about how the ultimate decision maker, when it comes to what's right for a kid and their, their education belongs to the parent. And so in the rare instances where there are disagreements between the school and the parents, and to be clear, most of the time there's not. Most of the time the parents and the school are really on the same page about whether or not a kid should be advanced or, or perhaps repeat a grade. But there are some instances where there is a disagreement there. And what this measure says in-- when these limited examples, or these limited reasons are available, that if there's a disagreement, the parents', the parents' decision should really carry the day. There's been a lot of discussion and concern in our committee and more broadly about social promotion and how that can impact a child and impact society. And this is kind of one small piece of that to make sure that the moms and dads who have the care and custody and control of that

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child, are ultimately making the call when they think their kid needs to, to be held back for a few specific reasons. So happy to answer any questions about it. Also happy not to belabor the point, because I know it's very late. And I have one more bill after this, so.

**MURMAN:** Thank you, Senator Conrad. Any questions for Senator Conrad?

**ALBRECHT:** Can I just--

**MURMAN:** Yes, Senator Albrecht.

**ALBRECHT:** I'm just, kind of, going to--

**CONRAD:** Yes, please.

**ALBRECHT:** --ask the question. You don't hear of very many kids getting held back.

**CONRAD:** Yeah.

**ALBRECHT:** And if they do it's usually early on, not later. But, but is there something in statute that says the schools have to send them on and hope they catch up? Or I mean, what, what have you found in putting this together?

**CONRAD:** Yeah.

**ALBRECHT:** Is it-- is it a s-- Do the schools want to just keep them going, hoping they'll catch up? Or is it truly a parent saying timeout, I think, you know, we're just so far behind here that we need to do it over?

**CONRAD:** Yeah, that's a great question, Senator Albrecht. So one, one response, in terms of just kind of when this comes into play, and this is something that research and preliminary conversations unveiled, you're right, we do hear about it more in the early grades. And that's because when the kids are in, I always say junior high, my kids always yell at me-- when they're in middle school, or they're in high school, they don't necessarily need to be held back from, say, ninth grade. They would just be in the same school. So they could essentially repeat the class that maybe they were having trouble with instead of kind of a more formalistic advancement it from fifth to sixth, or ninth to tenth kind of thing. So I think it's more readily apparent in the early grades, where you see that kind of more clear delineation in terms of how they progressed. So that's kind of the first piece of it.

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The second piece of it is, I think that overall, the, the practice has fallen into disfavor for a variety of reasons. I think our experiences, probably, growing up in back home where that from time to time, you know, a kid that maybe needed to be held back for a variety of different reasons. And I think some of the research out there is showing that that should really be a measure of last resort now, instead of something that was more common back in the day, because the social impacts, because of other alternatives to wrap support around the student to help them keep progressing. So I think it's kind of just an evolution of thinking and policy that we don't hear or see about it that much anymore. But I do think that it's still going to be the right solution for some kids at some point. And again, that's usually gonna find agreement between the schools and the parents. But when they get in a disagreement, I think we just have to be super clear that the parents get to make that call, because parents have a well-established right to make educational decisions for their kids. You know.

**MURMAN:** Thank you. Senator Meyer.

**MEYER:** Thank you, Chairman Murman. I guess I, I agree with you on bringing this bill. We, we had a large district in central Nebraska over the last couple of years had made kind of a practice of mandating that everybody moved on. And it has cost that district dearly in academic progress, and teachers who did not want to be in that atmosphere. And teachers and administrators moved out en masse because they wanted to teach their kids and have them accountable to a certain level, so that when the test scores came out, they knew that this was going to be what they were going to be graded on. And when all of them have to move forward, regardless of whether they understood the material or anything, it was just blatantly wrong. And I think-- I agree with you, parents need to have some input on when a child is not ready to move on, and they're usually the ones who know if they're honest with themselves. So, I agree with the premise of this bill, and thanks for bringing it.

**CONRAD:** Thanks for sharing that reflection, Senator. I wasn't aware of that experience, so it's helpful to inform the committee hearing.

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

**CONRAD:** Thanks.

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**MURMAN:** Any proponents for LB1193?

**ELIZABETH EYNON-KOKRDA:** Members of the Education Committee, I appreciate your indulgence. I know it's late, and I know we've got a lot on our minds. My name is Elizabeth Eynon-Kokrda, E-l-i-z-a-b-e-t-h E-y-n-o-n hyphen K-o-k-r-d-a, and I'm general counsel for Education Rights Council, which is a nonprofit that helps all students stay in school and thrive. And we do support LB1193 because in part, some of the work that we do is with children who are neglected, children who've been abused, children who have been trafficked, children who haven't been in school for a year or more because things like autism, PTSD, trauma, anxiety, depression. And one of the hardest things for these students is getting back up to speed after they've gotten out of these difficult situations. And it is in these situations where parents or guardians need to have the right to make a decision about what fits best for their child. In Nebraska, I think you, Senator Albrecht asked, if there's a law-- what it-- there's just basically no right of the parent here. The school district contains the entire body of rights here, and that's why I think this bill has guardrails and it's measured, but it does bring some rights back to parents. We know that there's a body of research out there, which is that children who have been forced by a school to be retained have suffered a-- you know, emotionally, they feel that they've been called failures. And so there's a body of research that says there's a reason for social promotion in terms of a school district not holding people back that don't want to be held back. But this is the opposite of that. This doesn't encourage school districts to retain children. Instead, it gives families in limited circumstances the right to make that decision. The circumstances are truly limited. The-- basically what this bill says is if a child is fourth grade or less, there are only three reasons that you would have that a parent could articulate to somebody and have a discussion about that would be appropriate. One is they're so far behind academically, they cannot meet the English language requirements of the next grade that they would go to. Two is they missed 50% or more of the entire school year. Or three is they've been hospitalized for two or more weeks with either mental or physical disabilities. The other thing I'd like to say is, while there's a lot of research out there that says this could be problematic, the National Association of School Psychologists, which generally opposes student retention, says retention may actually help students who have missed many days of school if they are then able to attend regularly. I have two stories in my testimony. One is about a young man who was in second grade. He'd been neglected educationally. He couldn't read.

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He was socially, emotionally behind. The parents, went to-- new parents, foster parents, went and said, can we please retain him? And the school said no. The second was a young woman who had been trafficked. She missed all of her ninth grade and mo-- well, about half of her 10th grade year before she was able to extricate herself from these circumstances with the help of the court. She-- I see my light is out now.

**MURMAN:** Continue your story.

**ELIZABETH EYNON-KOKRDA:** Thank you so much. Her guardians went and asked if she could please start in ninth grade because she wanted to, like, have a full high school experience, and they said no. So she ended up having basically half of tenth grade, eleventh grade and twelfth grade, because the rule basically is your age dictates where you go specifically, without regard to your circumstances. So like I said, there are big guardrails and all LB1193 does is seek to return a little control to parents in limited circumstances. We hold parents accountable when kids fall behind, but we're not giving them this opportunity. And we all know there's no question that they have a fundamental right to shape the direction of their school's education. So I think the freedom that 1193 allows is well contained, and I would urge you to move it out of committee.

**MURMAN:** Thank you. Any questions?

**WALZ:** I have a quick question.

**MURMAN:** Yes, Senator Walz.

**WALZ:** Thank you, Chairman Murman. You said your age dictates where you are?

**ELIZABETH EYNON-KOKRDA:** I'm sorry?

**WALZ:** You said in your testimony that your age dictates what grade you're in.

**ELIZABETH EYNON-KOKRDA:** Mm hmm.

**WALZ:** Is that correct?

**ELIZABETH EYNON-KOKRDA:** Yes it does.

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**WALZ:** OK, so if I'm 16 and I completely flunked math and reading, or whatever. I completely have flunked out. You're saying that if I turn 17, I have to become a junior?

**ELIZABETH EYNON-KOKRDA:** Yes. In my experience, I have seniors that I'm working with that have one credit. They've missed maybe a year of school or more. And until they become 12th graders, they are promoted every grade with the idea that they will catch up somehow. I have students that are trying to take ninth grade English and 10th grade English at the same time. They are always moved along a continuum. I have not yet run into-- I mean, there may be, I can't testify for every school in the state, but we work across the entire state, and I have yet to find a school district that has been willing to permit a parent to say, I really think my child needs to be retained.

**WALZ:** OK. I'm going to just [INAUDIBLE].

**ALBRECHT:** Yeah.

**WAYNE:** I just-- I'm confused because there-- sorry.

**MURMAN:** Yeah.

I'm just confused because there are--

**MURMAN:** Senator Wayne.

**WAYNE:** There are parents who are holding kids back for athletic purposes.

**ELIZABETH EYNON-KOKRDA:** But I don't think this bill would permit that, because it has just three situations. Either, if you're fourth grade or less, you would be able to hold-- be held back for one year if you could not possibly meet the reading English language arts goals. So that's little-- that's our young kids. Or if they'd missed 50% of their actual schooling, or if they'd been hospitalized for mental or physical health. And for older children, the only way that it would be permissible to hold them back is if they'd missed 50% or more of the entire school year. So I don't think that would actually impact the--

**WAYNE:** I, I don't know--

**ELIZABETH EYNON-KOKRDA:** The sports issue.

**WAYNE:** --that parents are--

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**ELIZABETH EYNON-KOKRDA:** I, I, I, I know that it's there, but I think that these guardrails would prohibit that gaming of the system that you're worried about.

**WAYNE:** So this bill would prohibit holding kids back?

**ELIZABETH EYNON-KOKRDA:** This bill would only permit you to hold the child back, a parent to make a decision to hold back, if the child in high school had missed 50% or more of the school year.

**WAYNE:** So they hold kids back for athletic reasons in fourth grade, sixth grade, eighth grade, because those are typically transition years where you go to a different school. So you can just easily hold the kid back, that there are numerous kids throughout Nebraska who are held back for athletic purposes.

**ELIZABETH EYNON-KOKRDA:** Regardless of their age.

**WAYNE:** Regardless of their age. Because by the time you get to high school, the rule is you got to be 19 at a certain date. And so if you turn 19 after that date, you get to com-- oh yeah, some of our better --some of our better schools got 19, damn near 20 year olds playing on them.

**MURMAN:** 6 foot 4?

**WAYNE:** Yeah, I was just-- I was just wondering. Yeah

**ELIZABETH EYNON-KOKRDA:** Senator, I think I-- you know, if there's a way to prevent that from happening that would be great. I think that the issue here is really that we have so many kids that are so far behind, and they're denied something that even they want.

**WAYNE:** Right. I know what you're saying. Thank you.

**MURMAN:** I have a question. I think it's in the constitution that the state takes responsibility for educating until age 21. So, in order to, to be in high school until you're 21, they would have to fit, the student would have to fit one of those four criteria you're talking about? Is that--

**ELIZABETH EYNON-KOKRDA:** Well, as I understand--

**MURMAN:** Am I understanding that correctly?

**ELIZABETH EYNON-KOKRDA:** --as I understand the bill is drafted, it will be like a one time thing, fourth grade or less, or a one time thing in high school. And the obligation of the school to educate a child into they're 21 arises when they are also eligible for special education. So I don't know that the two would go-- I-- it's possible, I suppose, that a child eligible for special education could be held back because they missed 50% of ninth grade, and then they will, they would be educated until they're 21. That-- they'd still go to 21, so it wouldn't extend it to 22 or 23.

**MURMAN:** OK. So that's-- it's only special ed, probably, that would affect going-- staying in, in school until 21.

**ELIZABETH EYNON-KOKRDA:** Right the law protects children who are eligible for special education if they continue to need transition services to be prepared to enter life at 21, they are allowed to stay till 21. But if you are not a child that has been verified for special education, you graduate when you graduate.

**MURMAN:** Thank you. Any other questions? Thank you very much for your testimony. Other proponents for LB1193?

**MERLYN BARTELS:** Good evening, senators. I am in favor of this bill that, that's before you right now, and I guess the lady that was before me did a way better job explaining why you guys should move this on out of committee. But I am just, like, a couple examples to back--

**MURMAN:** Excuse me I don't think you--

**MERLYN BARTELS:** Merlyn Bartel's, I'm sorry. Merlyn Bartels.

**MURMAN:** And could you spell that please.

**MERLYN BARTELS:** M-e-r-l-y-n B-a-r-t-e-l-s.

**MURMAN:** Thank you.

**MERLYN BARTELS:** So-- sorry, Senator Murman. But we have some good friends that had taken in foster kids for years, and they got, you know, grade school kids up into high school kids through the years that they did this. They got some kids that was the age of high school, could not read, couldn't do math. And they said, you know what? What happened? Well, some of it was just they were moved around a lot. But they said, due to their age, when they come to their

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school, you should be a freshman. So that's where they put them, even though they couldn't do that. And, you know, I think we've all heard of examples of kids getting to high school, junior high, can't read, can't write, and they've just kept moving them on because in the lower grades they couldn't do it. And they were troublemakers in the class, for lack of a better word. So everybody was tired of them and they just moved them on, thinking they would catch up. Proof is when you get to high school, you can't read and write, you haven't caught up. You've lost an opportunity there, and I know it'd be a tough choice for the parent and the school to hold that student back, but are you doing more harm by holding them back, or are you going to do them more good? If you hold them back one year and they excel and are able to learn what they need to when they get to high school, they're going to keep moving on and be where they're supposed to be, grade level, so. So I would encourage you to move this on too. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Bartels? If not, thank you very much.

**MERLYN BARTELS:** Thank you.

**MURMAN:** Any other proponents for LB1193? Proponents? Any opponents for LB1193? Opponents? Any neutral testifiers for LB1193? Senator Conrad, you're welcome. And Senator Conrad waives closing and electronically. Do you have the electronic? So just-- On 1193, we had eight proponents, three opponents, and no neutral. So that will close the hearing on LB1193 and open the hearing on LB1083. Welcome again, Senator Conrad.

**CONRAD:** Yes. Thank you so much, Chair Murman. Members of the committee, my name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm happy today to introduce LB1083. This is a measure to address and adjust and update the Nebraska Career Scholarship Program. That program was created years ago to support students at community colleges and private, nonprofit colleges and universities to enroll in an eligible program of study in identified shortage area or skilled trade that meets the workforce needs of the state. So the primary purpose behind this scholarship program was to provide incentive and support for students that were on a career path to fill those, those really most important and most difficult to fill jobs in our state, as identified by a lot of data and research. So, again, the program was created initially by the Legislature in 2020. It has had some tweaks and updates since that time. You remember, Senator Linehan asked about this in one of our prior, prior committee hearings. But the community

colleges received about \$4 million in fiscal year '23-'24, will receive another \$4 million in fiscal year '24-'25, and then that allows for community college students to be awarded up to about \$5,000 a year for three years to assist with progressing in their educational pathway in those really important areas that the Legislature has identified a workforce needs. Nebraska, private, nonprofit post-secondary institutions received \$3 million last fiscal-- this fiscal year and will receive \$4 million in the next fiscal year. These private, nonprofit colleges and universities can award a student up to \$10,000 a year for four years. So at its core LB1083 enhances the existing career scholarship program by expanding the eligibility to other statewide shortage areas to include early childhood education, which we've been hearing about a lot, including today and over the interim, at our community colleges, and education to address our teacher shortage, and engineering to address STEM needs at private and nonprofit colleges and universities in all of these areas that are facing deep workforce challenges. So, I've also worked very closely with representatives from the university system. And as you all know, I'm so proud to host the flagship university system in my district in north Lincoln. And they put their heads together with the other stakeholders in higher education to put forward a harmonizing amendment to make sure that we have equity across our different institutions of [CLEARS THROAT] excuse me, higher education. So that's reflected in AM2354 that I just passed out-- passed out to each of you. So I believe this is a sound program. I believe it is worth investing in. I think that we should boost it whenever we can because it's a top solution to addressing our workforce challenges, particularly our teacher shortages, early childhood education shortages, and engineering shortages. And I'm very sorry. I've got a froggy throat, and I'm just about to lose it, so. I'm happy to answer questions.

**MURMAN:** Thank you. Any questions for Senator Conrad at this time? Se--

**SANDERS:** Yes.

**MURMAN:** OK. You're going to make her talk. OK. Senator Sanders has a question.

**SANDERS:** Thank you, Chairman Murman. Just real quick, Senator Conrad, on the Education Committee--

**CONRAD:** Yeah.

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**SANDERS:** --report it says, increase funding to \$6 million for fiscal year, but it does see on the bottom \$5 million a year, then \$10 million a year. But which number is it?

**CONRAD:** I was looking at the fiscal note, Senator? I can pull that up, or maybe or looking--

**SANDERS:** There's two--

**CONRAD:** --at the internal briefings.

**SANDERS:** There's two pages here. The one that I'm looking at is--

**CONRAD:** OK.

**SANDERS:** --Memo - Bill Summary.

**CONRAD:** OK.

**SANDERS:** To: Education Committee from John Duggar, Legal Counsel.

**CONRAD:** OK. Well, learned counsel had provided that in our internal folders. And I don't have that handy. But let me double check, and if somebody doesn't address it behind me, I will give you a clear answer in my close.

**SANDERS:** Thank you.

**MURMAN:** Any other questions or [INAUDIBLE] right now? Senator Albrecht.

**ALBRECHT:** Thank you. Mine is about the fiscal note as well.

**CONRAD:** OK.

**ALBRECHT:** Because in the bill on page three, it talks about the intent of the Legislature to appropriate, appropriate \$8,240,000 for fiscal year 2024-'25 from the General Fund to the Board of Trustees of the Nebraska State Colleges for scholarships awarded pursuant to this section. And then on page six. It is the intent of the Legislature to appropriate \$12 million for fiscal years '24-'25 from the General Fund to the Board of Regents at the University of Nebraska. So you got two different colleges, right?

**CONRAD:** Right.

**ALBRECHT:** But then on the fiscal note, it says, from the estimate of the fiscal impact of state agencies, it says the current appropriation for these programs in the enacted budget of '24-'25 is \$4 million for community college scholarships and \$4 million for the private college scholarships. And then it goes on to say intent in the bill would increase the appropriation by \$4 million, resulting in an impact of \$8 billion [SIC] to the General Fund each year. So are you planning it just to be the one year of '24-'25, or are you gonna perpetuate it as it--

**CONRAD:** Yes. Thank you, Senator Albrecht, that's a great question. And I think it is, perhaps, a little-- a little bit confusing to work through there. But I think the goal is to infuse more resources into the program. So it would definitely have an impact in that regard. But we know that this is one that's really working, so I want to make sure we have enough money in there to cover all the kids who are on the right path at all of the institutions of higher ed that would be applicable, the community colleges, the private higher ed institutions, and the university. So I think that's why, why we're asking for a boost there.

**ALBRECHT:** OK. Thank you.

**MURMAN:** Any other questions at this time? If not, thank you.  
Proponents for LB1083?

**ROGER HUGHES:** Good evening, Chair Murman and members of the Education Committee. I'm Roger Hughes, R-o-g-e-r H-u-g-h-e-s. I'm president of Doane University, and I'm present today in support-- in support of LB1083 on my-- on behalf of my university and the Council of Independent Nebraska Colleges. Thank you for your support of Nebraska universities and colleges, so that we may continue to prepare the next generation of professionals and community leaders. When the Legislature created the Nebraska Career Scholarship Program three years ago for public, state, private and community colleges and universities, the goal was to provide scholarships for students who enrolled in, quote, an eligible program of study in an identified shortage area or skilled trade that met the workforce needs of the state, end quote. Over a thousand students studying in Nebraska colleges and universities have benefited from these career scholarships, which is helping our state compete for student talent due to increased affordability. It's also helping us retain these students in Nebraska once they graduate. In short, this program is promoting workforce growth in high demand fields. At Doan, 41 students

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have been awarded this career scholarship, and the clear majority, 25, are positioned to successfully graduate and continue their careers in Nebraska. Doan is not alone. Other colleges and universities are also seeing promising results. When our freshmen know they will be awarded a \$10,000 scholarship every year for up to four years if they study a high demand field, it provides a significant incentive to enroll and stay in those qualifying majors. I applaud the creation of this career-- Excuse me, I applaud, applaud the creation of this career scholarship program because it's demonstrating success. LB1083 proposes two changes to make it work for even more students in our-- and our state's economy. First, it is expanding the areas of study. When the Nebraska Career Scholarship Program was implemented, students studying at private, nonprofit institutions were offered only three choices in terms of qualifying fields of study. That included computer information systems, health care, or math. For context, the public universities' version of the Nebraska Career Scholarship Program also includes engineering as a high demand field. LB1083 adds engineering as a qualifying program of study for private, nonprofit colleges and universities. By making this change, we will help more students pursue engineering across Nebraska's institutions of higher education. LB1083 also adds education as a qualifying field due to the worsening teacher shortage in our K through 12 school systems. Second, LB1083 requests the fiscal year '24-'25 funding to shift \$8 million for community colleges and \$8 million for private, nonprofit colleges and universities in order to serve more Nebraskans. It's my understanding it will be \$4 million for each of those going forward. I defer to what was said earlier tonight if there have been changes. I recognize our state budget faces many priorities and demands, and would encourage the Legislature to increase the funding of this scholarship program to attract and retain more students in high demand fields. Thank you, Senator Conrad, for introducing this legislation to all the members of the committee. It's an honor to collaborate with you as we serve our great state of Nebraska.

**MURMAN:** Thank you.

**ROGER HUGHES:** I'll take questions.

**MURMAN:** Any questions for Mr. Hughes? If not, appreciate the testimony. Other proponents for LB1083?

**COURTNEY WITTSTRUCK:** All right. Good evening, Chairman Murman and distinguished members of the Education Committee. My name is Courtney Wittstruck, C-o-u-r-t-n-e-y W-i-t-t-s-t-r-u-c-k. I'm a registered

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lobbyist, and the executive director of the Nebraska Community College Association. I haven't had a chance to review the amendment that was just introduced, but I'm here today on behalf of my five member community colleges to testify in support of the underlying bill LB1083. Although we were not involved in the creation of this bill, we enthusiastically support it, provided that the changes to the career scholarship program that we've been working on with Senator Murman and his-- and his staff, and that were included in LB1329, are incorporated as well. As you know, community colleges, which are located in every corner of the state, play a key role in creating the skilled workforce that Nebraska so desperately needs. And early childhood education is no exception. Our colleges recognize a dire need for quality early childhood care in our state, and are eager to be part of the solution. We look forward to continued collaboration on this important issue. And with that, I'll close, make it short and sweet. But I'd be happy to take any questions.

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

**COURTNEY WITTSTRUCK:** Thank you.

**JEANNE MCCLURE:** I really wanted to testify next because I'm a proud graduate of both a community college, Southeast, and Doan Lincoln. So go Tigers! So, I feel like it's kind of a fun place to be between those two. I am Jeannie McClure, J-e-a-n-n-e M-c-C-l-u-r-e. I'm a registered lobbyist and the executive director of the American Council of Engineering Companies. I am not an engineer. But I am, I'm their official, I would say, cheerleader. I am here today to talk in support of LB1083, which includes additional scholarship opportunities for students studying engineering. These jobs are high paying. And they're-- we, we need many, many more engineers in the built environment in Nebraska. And I, I love what they said earlier about when you study where kids go to school, they end up staying in the state, and they, they, they take, take jobs here and they stay around. And that's what we need here, right? We need to keep our students here. The American Society of Civil Engineers has noted in a recent finding of the most recent census that there is a projected need for more than 25,000 new civil engineers each year through the end of this decade. And that number is based on the need to replace current workers that will retire. It doesn't consider the impact of the 2021 infrastructure bill that was passed, which makes that need even more. ACEC is working on many initiatives, including job shadowing, mentorships, and scholarships, and they're all crucial to our efforts

to increase workforce in all occupations. And we have a couple of great partnerships, one that we're doing with the University of Nebraska. And that is a program that is called MEET, Mentor Emerging Engineers Together. We're trying to get freshman and sophomore students signed up with seasoned professionals to sit down, keep them in their engineering programs, let them understand what goes on, have them meet several times a semester so they stay in the program and finish. And, we'll be seeking out Doan Univers-- University as well to get that going on with them. We also started a scholarship fundraiser last year where we get together. We have a great time. I get engineering firms to put up a lot of money for scholarships. We raised \$25,000 our first year out just by getting together, being silly, and playing bingo. So anything we can do to enhance the-- getting students into engineering, ACEC would be happy to be at the table. And we are very pleased with Senator Conrad for bringing this bill.

**MURMAN:** Thank you. Any questions for Jeanne McClure?

**JEANNE MCCLURE:** Thank you.

**MURMAN:** If not, thanks for testifying.

**JANE ERDENBERGER:** Well, I have some bad news and some good news. The bad news is that once again, I am testifying on the last bill of the day. But the good news is, it's the last bill of the day, and the last testifier. Chairman Murman and members of the Education committee, my name is Jane Erdenberger, J-a-n-e E-r-d-e-n-b-e-r-g-e-r, and I'm here today on behalf of the Board of Education of the Omaha Public Schools, and in my capacity as chair of our legislative committee. The Omaha Public Schools is Nebraska's largest school district, serving over 52,000 students and their families. We are the third largest employer in the state. As this committee is well aware, like many of our fellow school districts, the Omaha Public Schools district is facing a shortage of teachers and other school staff. Our teacher shortage exists despite the fact that the Omaha Public Schools has the highest starting teacher salary of any school district in the state. We support policies that would provide additional resources and encouragement to individuals who want to become teachers, as well as to those who are currently teaching. That is why we are here testifying in support of LB1083. LB1083 would expand the eligible areas of study under the Nebraska Career Scholarship Act. The Nebraska Career Scholarship Act provides scholarships to students pursuing degrees in high demand careers. Adding additional funding to this program, as well as expanding the areas of study to include early

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childhood education programs at community colleges, will support and incentivize individuals studying to become educators. For these reasons, we are pleased to support LB1083. Thank you to Senator Conrad for her work on this very important issue. And thank you to the committee for your long time today. I'm happy to answer any questions, although I don't anticipate any.

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

**JANE ERDENBERGER:** See, I told you. Thank you very much. Have a good night.

**MURMAN:** Any other proponents for LB1083? Any opponents for LB1083. Any neutral testifiers for LB1083? Senator Conrad, you're welcome to close. And she waives close. So that we'll end our hearing today, LB1083. Oh, I should say we have four proponents, and zero opponents, zero neutral. That will end our hearing for LB1083, and our hearing for the day. Thank you all for staying.