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**MURMAN:** Welcome, welcome to the Education Committee. I'm Senator Dave, Dave Murman from Glenvil. I represent the 38th District, and I serve as chair of the committee. This public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. The committee will take up agenda items in the order posted. If you wish to testify on the mic today, please fill out a green testifier sheet. The forms can be found at the entrances to the hearing room. Be sure to print clearly and provide all requested information. If you will testify on more than one agenda item, you will need a new green testifier sheet each time you come forward to speak on the mic. When it is your turn to come forward, please give the testifier sheet and any handouts you might have to the page as you are seated. If you have handouts, we express that you provide 12 copies for distribution. If you do not have 12 copies, please alert the page when you come forward. At the microphone, please begin by stating your name and spelling both your first and last names to ensure we get an accurate record. Observers, if you do not wish to testify but would like to indicate your position on an agenda item, there are yellow sign-in sheets in notebooks at the entrances. The sign-in sheets will be included in the official hearing record. We will begin with the introducer giving an opening statement at the mic, followed by proponents, opponents, and those wanting to speak in a neutral capacity. The introducer will then have an opportunity to give a closing statement if they wish. We will be using a 3-minute time system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you'll have one minute to wrap up your thoughts, and the red light indicates you have reached the end of your time limit. Questions from the committee may follow off the clock. A few final items to facilitate today's hearing. Please mute your cell phones or any other electronic devices. Verbal outbursts or applause are not permitted. Such behavior may be cause for you to be asked to leave the hearing room. Know that committee members may need to come and go during the afternoon for other hearings. I will now ask the committee members with us today to introduce themselves, themselves, starting in my far right.

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

**CONRAD:** Danielle Conrad, north Lincoln.

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**HUGHES:** Jana Hughes, District 24, Seward, York, Polk, and a little bit of Butler County.

**MEYER:** Glen Meyer, District 17, northeast Nebraska, Dakota, Thurston, Wayne, and the southern part of Dixon County.

**HUNT:** Megan Hunt, and I represent District 8 in the northern part of midtown Omaha.

**JUAREZ:** Margo Juarez, District 5, south Omaha.

**MURMAN:** And staff with us today are to my immediate right, research analyst, Jack Spray. And to my far right is committee clerk, Diane Johnson. If the pages who serve with us today could stand up and introduce yourselves, tell us a little bit about yourselves.

**SYDNEY COCHRAN:** I'm Sydney Cochran. I'm a first-year student at UNL, and I study business administration and U.S. history.

**JESSICA VIHSTADT:** Hi. My name is Jessica Vihstadt. I'm a second-year student at the University of Nebraska-Lincoln, and I'm studying political science and criminal justice.

**ARNAV RISHI:** Hi. My name is Arnav Rishi. I'm a junior political science and biology student at the University of Nebraska-Lincoln.

**MURMAN:** Thank you very much for helping us today. And with that, we'll begin today's hearing with LB551, Senator Lippincott.

**LIPPINCOTT:** Good afternoon, Chairman Murman and the Education Committee. My name is Loren Lippincott. That's L-o-r-e-n L-i-p-p-e-n-c-o-t-t, and I'm here representing District 34. LB551 removes the authority from the Nebraska Regents to grant tenure going forward. It also includes the governing boards of the Nebraska State College System and also the Nebraska Community College System. Tenure is a contractual agreement, so this bill would provide the ability to grant tenure starting at the bill's implementation date, and would not remove tenure from anyone who already has it. Tenure is a unique quirk in the university and educational systems that needs a tune-up. What other job can someone hold that elevates an employee so high that they are basically unable to be fired for means or grounds without a strenuous legal process. This is not something seen in the corporate

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world, and at the very least, it's something not seen by our Nebraska University football coaches. We have a university with a budget of \$3.5 billion. Education in total is about 40% of our state's budget. Tuition nationwide goes up around 8% every year, which means every 9 years, tuition doubles. This bill seeks to give the Board of Regents more power and definitive metrics for a review process instead of tenure. Florida has placed higher restrictions on tenure reviews and allows for tenure to be reviewed at any time via Florida Senate Bill 266. Ohio is discussing similar policies via Ohio Senate Bill 1, which has passed in the Senate as in-- and is now in the House. Texas House Bill 1830, North Dakota House Bill 1437, all of our higher state education systems are funded in some way with taxpayer dollars. Federal and state funding are all taxpayer dollars. So when I hear stories of professors who have tenure bragging about how little they work, how little they put in, or how few hours they show up to teach classes, it is disheartening. And it should lead the Nebraska taxpayers and this Legislature to take action. We need a better system to hold our tenured professors accountable. This is why more power should be given to the Regents and review boards. They should have the keys to let loose the weight of those not helping to carry the load. Now, we're all well aware of the state of university systems nationwide, as presidents have been removed from Harvard and other institutions for their mishandling of protests or other things on campuses. And while our own University of Nebraska-Lincoln is no stranger to past public mishandling, the goal is not to stifle academic freedom. The goal is to put benchmarks in place to allow for more transparency and accountability, and it is to allow better oversight of taxpayer funds. We are having discussions all the time about having more oversight in the Legislature and at the local level. Why can't we give the Regents the ability to have more oversight over our university professors? Thank you to those of you who stand up and report what is happening in the state university and college classrooms. This bill asked the Regents at the University and the Board of Trustees at the College System and the Board of Community Colleges to instead create: (1) Employee agreements; (2) Acceptable grounds for termination of faculty, which shall include, but not limited to, just cause, program discontinuance and financial ecstasy [SIC]; annual performance evaluations of all faculty; (4) Minimum standards of good practice for faculty members; and (5) Standards for review and discipline of faculty members, and procedures for dismissal

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for cause, program discontinuance, and federal exigency. That's the urgent need or demand. I might also add that just this past week, last Wednesday, a fiscal note was added to this bill, which showed it would cost an extra \$8.1 million in order to address the issues that we're concerned about in this bill. So I'm aware of that. We know that this year, that money is very tight here, in the Legislature, in our, in our budget, so that was something that was just made known to us very recently. So I do look forward to the testimony from the university and also the state colleges regarding this. Again, I want to make known I'm not us versus them. We want to work together with the leadership of these schools to ensure that we have the very best educational system in the state of Nebraska possible. And if we can help eliminate any type of getting rid of professors that are not pulling their weight, that's what this bill is all about. We want the best for our state schools here in the state of Nebraska. Thank you, sir.

**MURMAN:** Thank you, Senator Lippincott. You mentioned a, a Florida bill, and also an Ohio and Texas and a North Dakota bill. Is LB551 modeled off any of these bills or a hybrid of, of more than one or what--

**LIPPINCOTT:** There are some similarities. Obviously, this is catered to just us here in Nebraska, but as we've seen, there is a movement around the country to do some tune-ups on the tenure program so it's more merit-based.

**MURMAN:** Thank you. Any other questions? Senator Hughes.

**HUGHES:** Thank you, Chairman Murman. Thank you for bringing this, Senator Lippincott. With-- you said this fiscal note just kind of came about now. Is your opinion then, because you just said it came down-- we're the-- what we're in right now financially-- is this something then, that you think we should maybe wait on, or you want to-- do you not believe the fiscal note, or kind of where are you at with that, I guess, is my question.

**LIPPINCOTT:** Well, I believe the fiscal note. I understand that this would cost--

**HUGHES:** Right.

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**LIPPINCOTT:** --the university something. And they, they will make the point. And I fully understand what they're saying, in terms of Nebraska being competitive with other schools, whether it's in our conferences. The same is true for the state colleges. There is a teacher shortage, not only in high schools, but in colleges. And so I understand we're in a competitive environment and we have to be mindful of that. We do live in "reals-ville." So this is an effort to give the leadership at the university some tools in which to be able to get everybody pulling their own weight.

**HUGHES:** And then I guess with that being said, you kind of alluded to it. Is there any risk of us like, staying within the Big Ten or with-- I know we're trying to get in the AAU, since I know that was one of Dr. Gold's big things with being president of the systems. Will this risk any of that, that you know of, when you were doing your research on this topic?

**LIPPINCOTT:** Yeah. Well, it's my desire to work with President Gold and his staff on this, not against him. I'm a university graduate. I love the University of Nebraska. That's my school, and I want it to be number one. And so this is just something to hopefully help them. It's not to work against them. Obviously, we do have to be competitive.

**HUGHES:** OK.

**LIPPINCOTT:** I'm repeating myself right now, so sorry.

**HUGHES:** Thank you. Appreciate it.

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

**CONRAD:** Thank you, Chair Murman. Thank you, Senator Lippincott. Couple of questions. You mentioned some vague descriptions about faculty bragging in other states they weren't conducting their work. You have any evidence about that happening in Nebraska?

**LIPPINCOTT:** Phone calls and conversations. I carried this bill last year.

**CONRAD:** So hearsay.

**LIPPINCOTT:** I'm sorry?

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**CONRAD:** Just hearsay? No evidence, just hearsay.

**LIPPINCOTT:** I've had people talk to me in the past about individuals that do brag about how much-- how little they work, so if you want to classify that as hearsay--

**CONRAD:** Well, that is the actual definition of hearsay.

**LIPPINCOTT:** Yeah. Correct.

**CONRAD:** OK. So you didn't bring forward any information or evidence that this is happening in Nebraska?

**LIPPINCOTT:** They did not write anything down and I did not request for that.

**CONRAD:** OK. Very good. I just think it's important that we're clear for the record. Senator, you brought a similar measure last biennium, and it sparked additional analysis from the Fiscal Office so that you, you knew that there would be fiscal costs--

**LIPPINCOTT:** Yes.

**CONRAD:** --associated with the measure this year as well. None of that's a surprise. Yes.

**LIPPINCOTT:** Correct.

**CONRAD:** OK.

**LIPPINCOTT:** The fiscal note is included in your package.

**CONRAD:** Very good. Senator, and because you brought it last year as well, you're familiar that there's existing case law in Nebraska that says the Nebraska Legislature cannot dictate policy to our institutions of higher education, including the university, through the Exon decision. Yes?

**LIPPINCOTT:** The Exon decision.

**CONRAD:** Yes. So you understand that this legislation is not legally permissible?

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**LIPPINCOTT:** It's-- this is an effort to work with the leadership of the university in order to bring about a better product. Period.

**CONRAD:** OK. You understand, though, that the Nebraska Legislature is prohibited from dictating policy to the university. We can set appropriations. We cannot set policy like this. You're aware of the Exon decision?

**LIPPINCOTT:** I am aware of it. Yes.

**CONRAD:** OK. And so is it your contention that this measure that you've brought forward is in conformance with Exon, or is prohibited by Exon?

**LIPPINCOTT:** It's in conformance with it.

**CONRAD:** How so?

**LIPPINCOTT:** There's a movement nationwide in all these other states, yes.

**CONRAD:** That's not responsive to the question.

**LIPPINCOTT:** OK. I'll get back to you on that.

**CONRAD:** OK. You brought this measure last biennium. We talked it-- we had the same conversation then. You've reintroduced it today. It comes up in regards to any issue dictating policy at the university. So you, you would have to have some sort of general understanding as to whether or not this is permissible or prohibited by our existing law in Nebraska.

**LIPPINCOTT:** I think the taxpayers have something to say about it. We're the ones that provide the money to run the university.

**CONRAD:** Yes, I'm aware of that.

**LIPPINCOTT:** Yep. And we give them--

**CONRAD:** OK.

**LIPPINCOTT:** We give them over \$700 million to operate, from our state tax money.

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**CONRAD:** That's true. Yes. That's not responsive to the question. So in addition to the hearsay from other states that you've brought forward in tying this into a national movement, is really your goal in bringing this forward to chill free expression and academic freedom?

**LIPPINCOTT:** Yes.

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

**MURMAN:** Senator Sanders.

**SANDERS:** Thank you, Chairman Murman. Senator Lippincott, last year when you presented this bill, and this is speaking and working with the leadership at the university. At that time, Chancellor Gold responded that if people are taking advantage, he would like names so that they can correct any misuse of tenure. So did you respond to that, and did they respond and reply to your concerns?

**LIPPINCOTT:** Cha-- President Gold and I have had conversations and confidential conversations. I believe that we're working together on this, along with other things. So, we are making some progress in this area.

**SANDERS:** So he did respond, trying to fix what, what you made-- perfect.

**LIPPINCOTT:** He's always been very responsive, and I'm very, very grateful for that.

**SANDERS:** Perfect. Thank you. Thank you, chair.

**MURMAN:** Any other questions? If not, thanks for your opening.

**LIPPINCOTT:** Thank you, sir.

**MURMAN:** We'll ask for the first testifier, proponent for LB551. Any proponents for LB551? Any opponents for LB551? Welcome, President Gold.

**JEFFREY GOLD:** Thank you. Chairman Murman, members of the Committee. Thank you for the opportunity to speak with you about the critical issue of academic tenure. My name is Dr. Jeffrey Gold, J-e-f-f-r-e-y



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G-o-l-d, and I have the honor of serving as the ninth president of the University of Nebraska. I'm here today to express the University of Nebraska's opposition to LB551. For 155 years, the University of Nebraska has been the cornerstone of our state, educating students, driving innovation, and fueling the growth of communities and economic prosperity across the state. As we continue our mission to serve this great state, I wish to emphasize that tenure is one of many integral components to the university's ability to remain competitive and continue making a positive impact in Nebraska. Historically, tenure ensures that our faculty are empowered to push the boundaries of research and innovation. From agriculture to healthcare and national defense, it gives us the opportunity to support experienced faculty as they explore bold and innovative ideas. And this is not just theoretical. It has led to tangible successes that benefit Nebraskans, such as lifesaving medical advancements, groundbreaking research that attracts nearly \$0.75 billion in research funding and contracts every year. Today, tenure also plays a critical role in competing for and retaining world-class faculty. Our ability to compete with other top tier higher education institutions depends upon offering the opportunities that tenure provides. Without tenure, Nebraska would be the only member of the Big Ten and the only potential future member of the Association of American Universities, the AAU, that did not offer these protections, a reality that would severely harm our standing and our reputation as a leader in research and education. The loss of this competitive edge would put us at risk of losing faculty and jeopardize our aspirations for being invited to rejoin the AAU. Further, the private philanthropic community very frequently funds endowed chairs and named professorships to tenured and tenure-tracked faculty for outstanding achievements or remarkable future promise. Now, exactly 459 such faculty members are involved. Let me be clear. We fully support the high standards of quality, productivity, and accountability of faculty. Tenure is not a shield from annual reviews or responsibility to meet performance metrics. All of our tenured faculty undergo annual rigorous pre-tenure and post-tenure reviews. The post-tenure reviews are conducted to ensure that all expectations and performance remain high. This guarantees our success. We are proud that the University of Nebraska's long history of excellence-- we look forward to the future, and remain committed to working in partnership. In closing, I urge you to consider the impact of LB551: the sustained loss of reputation, faculty attrition, and long-term recruitment and

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economic growth that would challenge the state. We are more than just an institution. We're an essential driver of Nebraska's future. I thank you, and I'm happy to answer any questions that you may have.

**MURMAN:** Thank you. Senator Lippincott, in his opening, mentioned, I think the bill that it was law in Florida, I believe, or else they had a bill in Florida, and also in Ohio. So other colleges are at least looking, possibly being forced to look at doing something different with tenure. Have you studied any of these other-- any of this other legislation or heard anything about how the other colleges would respond?

**JEFFREY GOLD:** I would have to do a little bit more research to tell you the similarities and the differences. But I can tell you that during my decade in Ohio, we did a lot of work with the state legislature and the governor, under-- this was under Governor Kasich's time in Ohio, where we didn't look at tenure. We looked at faculty workload, which was really what, what the state was interested in, in looking at overall educational research and service levels of workload, which became much more of a focus for us at that time than whether there was tenure or not tenure. And what we discovered was that the overwhelming majority of tenured faculty met or exceeded the faculty workload standards that we put into place.

**MURMAN:** OK. Thank you. Any other questions for President Gold? Senator Hunt.

**HUNT:** Thank you, Chair Murman. Thank you, Jeffrey, for being here. Appreciate you. Can you talk a little bit for-- because I think some people really don't know. Can you speak to what kinds of metrics or, I guess, accountability there is for tenured professors at University of Nebraska. I mean, Senator Lippincott, in his introduction, said that there are professors bragging about how they don't do any work and that, you know, there's a stereotype that receiving tenure is kind of, you know, you kind of quit after that. You skate by and you slide by and don't work as hard anymore. Can you speak to what, at the University of Nebraska, in different departments, we have in place now, to make sure that tenured professors are held to high standards?

**JEFFREY GOLD:** Absolutely. Well, it varies somewhat from campus to campus, college to college, discipline to discipline, as you might

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imagine. What might be expected for a physician might be different than for an engineer. However, all of our faculty, whether they're tenured, tenure-tracked, adjunct, part-time, full-time, have to have annual reviews which look at such things such as quality and quantity of educational work effort, research productivity, whether it's grant-funded or not grant-funded, measured in papers, publications, textbooks, citations, et cetera, service, meaning service to the community, service to the university, and then any administrative role they might have, such as, for instance, serving on an admissions committee or a, or a, or a graduate doctoral committee, et cetera. And these are required for every single faculty member, staff member, myself included, by the way, which I have done for the last 11 years of my time here at the university. These are rigorous, and they're as, as close as we can get to 100% compliance. I think, in addition to that, there's a very specific so-called post-tenure review process that exists within every university that I've ever been part of, and certainly in-- within the University of Nebraska system, that if there is an individual who is tenured, who for one reason or other, based upon their annual review or perhaps one or more years of their annual review does not appear to be meeting the qualifications, that triggers a post-tenure review process, which is codified in the, in the statutes and the rules of the university that then initiates a formal process, which can result in hopefully remediation, but if not, discipline and/or separation. And during my decade here, I have seen that more than once, as well.

**HUNT:** OK. Thank you, Dr. Gold.

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

**CONRAD:** Thank you, Chair. Thank you, Dr. Gold. Good to see you. I think that sometimes, if, when thinking about or discussing proposals like Senator Lippincott's before us today, there's some sort of purposeful myth or misinformation that exists in the public dialogue that tenure exists only to protect professors and academics who hold progressive political viewpoints. And the research that I've been able to conduct it, it demonstrates that, in fact, these protections are critically important and available to all professors who meet the qualifications and otherwise, in order to protect academic freedom and free expression, which equally protects professors that hold conservative viewpoints, and that I hear from people like Senator

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Lippincott are frequently under fire on-- at institutions of higher education. So I was wondering if you would like to talk just a little bit about that, because I think that this discussion has been so misinformed and these bills have been weaponized to try and advance a political ideology, but aren't really grounded in the facts in terms of what's happening at the University of Nebraska and how tenure protects academics equally, regardless of their course of study or their political ideologies, if you'd like to respond.

**JEFFREY GOLD:** Well, I think you said it very well, Senator. The, the policies and procedures we have for awarding tenure and for monitoring the performance of tenured and tenure-tracked faculty are blind to political ideology. They're blind to subject content. They're all based on pure merit. They're, they're based on productivity that, that is very carefully measured, quantified, and-- you know, tenure is a very high goal to be achieved. And frankly, there are quite a few faculty members who go up every year for tenure that are turned down and have to recur in following years, and others that are turned down and end up leaving the institution that they're involved with. So, you know, it's-- it is a very highly coveted type of thing, and it is completely blind to political ideology.

**CONRAD:** OK. And then just one last--

**JEFFREY GOLD:** Sure.

**CONRAD:** --follow-up question. Just because I know we have some new members of the committee this year, so maybe they haven't had an opportunity to think through some of the, the related concepts to measures like this, that which, by the way, for the record, has not been prioritized, and so hopefully will not be moving forward this year, but just want to let people know that. Could you talk, Dr. Gold, about why academic freedom is important? I know that's a very broad, general question, but I think that it's, it's missing from this discussion thus far. And I know that we've had some really rich conversations about this on this committee and in the Legislature, but I want to make sure that that's included in the hearing record on, on this measure, as well.

**JEFFREY GOLD:** Well, thank you. One of the major roles of any university, any great university, is to inspire our faculty to think

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big thoughts and to ask hard questions, whether it's, you know, curing the next child with brain cancer or whether it's in the area of energy or agriculture or, you know, fill in the blank and the, the freedom within their academic discipline. You know, academic freedom is an extremely carefully defined subject and very different from, for instance, freedom of expression.

**CONRAD:** Yes.

**JEFFREY GOLD:** Academic freedom is within a subject content area, where we want people to think big thoughts and to push back on areas where there are serious questions. You know, I can think about, just in my own career as a physician, how much has changed in the diagnosis and treatment of diseases that have taken-- for instance, pediatric cancer when I was a resident, was about a 85 or 90% fatal disease. I mean, this is now about a 95% curable disease, because people pushed back and asked questions and said the standard of care is just not good enough, and we need to ask the hard questions and change it. And hopefully, in my lifetime, it will go to 100% curable. Who knows? I hope to live that long. But, I think, in answer to your question, we need to be sure that we have an environment which, by the way, as I said, all of our Big Ten peers and all of the 71 members of the Association of American Universities cherish, which equals their success in competitive research funding, intellectual property transfer, which means commercialization of new drugs, and better farming and, and so many other things.

**CONRAD:** Very good. Thank you. Thank you, Chair.

**MURMAN:** Thank you. I-- when I attended the University of Nebraska, we had-- and of course, that's been a long time ago, but we had student questionnaires at the end of the semester. The students would be able to rate their professor on a, a whole list of questions. Is that still done at the university?

**JEFFREY GOLD:** Absolutely. It is an accreditation requirement for every course, and the information is not only fed back to the individual faculty and staff that deliver the course, but it's part of the annual performance review.

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**MURMAN:** Well, really glad to hear that. And then, I, I know-- if I'm correct in saying that some professors, their main focus is research, but they still may do some teaching. Is, you know, is it possible to have a professor that's really good at maybe research and maybe just so-so at, at teaching that you would want to keep a pro-- professor there for that reason?

**JEFFREY GOLD:** Yeah. So the, the, the, the critical domains of our, our faculty, of course, are teaching in the classroom, but also experiential learning in the field and-- you know, on farms and ranches, as well as in clinics and hospital beds, but also our research-intensive faculty, you know. So if we have individuals that are funded tens of millions of dollars in research, I would hope that they spend the majority of their time mentoring their graduate students, but successfully competing for those research grants, as well. So, you know, what we call semester credit-hour generation, which is a measurement of classroom teaching activity, is just one of the many domains that our faculty are involved with. And more commonly than not, as you described, Senator, is our faculty have multiple domains. You know, when I was an active faculty member, I can remember back that far. I, you know, obviously did a lot of clinical medicine in my field of pediatric surgery, but I also taught and I also was funded by the National Institutes of Health to do research. So, yeah, a very broad spectrum.

**MURMAN:** Thank you. Any other questions for President Gold? Yes, Senator Juarez.

**JUAREZ:** President Gold, I'm a new person in the Legislature, so I'm not familiar with you-- the committee's hearing this before. And I just wanted to try to get an idea of what-- with the professors at the university, is it really a requirement that everyone achieves their PhD? Do you-- can there be some who just have their bachelor's degree or some who can survive OK in the environment with a master's degree? Could you give me a little bit of real-world aspect of that, please?

**JEFFREY GOLD:** Sure. Well, the university employs a very wide spectrum of academic backgrounds to provide educational experiences and mentoring. So not all have PhDs, although the majority of tenure and tenure-tracked faculty are what we call doctorally prepared, so it could be a doctorate of education, in my case, for instance, a

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doctorate of medicine, Juris Doctorate, et cetera. However, we have a good number of individuals who have master's degrees, graduate certificates, or even bachelor's degrees who teach. We have, we have people that are faculty, you know, that our students will encounter during their experiential rotations. We have a lot of what we call service learning, where students will go out in the field and work for farms or ranches, or they'll work for companies, or they'll provide healthcare, you know, in a setting. And they'll be mentored by individuals that may not have a grad-- any graduate degree. So there's a very wide spectrum. But of the tenure or tenure-tracked faculty, I would say-- and we could get you an actual number, Senator-- the overwhelming majority, I would say, are doctorally prepared in one level or another.

**JUAREZ:** OK. Thank you.

**MURMAN:** Any other questions for President Gold? If not, thank you very much, Dr. Gold. Other opponents for LB551?

**JULIA SCHLECK:** My name is Julia Schleck, J-u-l-i-a S-c-h-l-e-c-k. I am here speaking as a citizen of Nebraska, who believes very much in academic freedom and in the tenure that protects it. But I should say that I'm also a tenured professor at the University of Nebraska-Lincoln. I just completed over 100 working hours on one of these annual reviews, and so can speak very-- in very detailed ways to the specifics of how that worked for me and my department. The university is a big place. And so I can speak from my personal experience, as someone who works in this environment and has used their tenure to attempt to benefit the people of Nebraska and the country more broadly. But I-- some of my area of expertise is in the history of academic freedom and tenure. And so I wanted to take a moment, actually, to speak to Senator Conrad's point about the broader reasons why tenure was established in the United States. It's somewhat unusual. You don't find that in the UK, for example. But within the U.S., it became a widespread practice around World War II, shortly before and going into it. And it really kind of swept the country and became locked in as a necessary criteria for higher-- for, for competitive, high end, higher education institutions-- in during the Cold War period. It was seen as simply critical that the United States be at the top end of generating the best quality, independent information and research that it possibly could, both for defense

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reasons and because we were competing with the USSR for all kinds of-- you know, for, for top honors in sport and in culture. And, you know, we were, we were out to prove that we were the best. And one of the things that was most critical to that was to have a cadre of people who dedicated their lives to doing that, and to have a set of people whose ability to do that was hampered by anxieties that they might lose their job if they tried something that might fail, or they tried something that might take so long that-- to get results that it might-- ultimately, they might lose their jobs ahead of time or that might frustrate somebody in power. That became something that was seen as hampering the, the ability to generate high-quality information. And so, there is another job quality-- another job in the U.S. that has tenure, and that's judges. Right? The-- we wanted to keep them independent. And we also wanted to keep our knowledge production and dissemination to our students independent of all of the, the tides and flows of the history of our politics and of our society, and we used that to benefit the people. Tenure is, in fact, something that was designed to protect the common good, not actually the faculty or a particular institution, but what we thought of as our common ability to generate and disseminate knowledge.

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

**JUAREZ:** I have a question, please.

**MURMAN:** Yes, Senator Juarez.

**JUAREZ:** So another question in regards to the school college environment. Can professors at the college level, do they have unions?

**JULIA SCHLECK:** Some of them do. So the University of Nebraska at Omaha is unionized. The University of Nebraska at Lincoln is not. So it is possible to have unionized campuses.

**JUAREZ:** OK. Thank you.

**MURMAN:** Any other questions? If not, thanks for your testimony.

**JULIA SCHLECK:** Thank you.

**CARTER GRIER:** Good afternoon, Chair Murman and members of the Education Committee. My name is Carter Grier, spelled C-a-r-t-e-r



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G-r-i-e-r, and I am here today on behalf of the Association of Students of the University of Nebraska, representing more than 23,000 students at the University of Nebraska-Lincoln. I am here to testify in strong opposition to LB551, which seeks to eliminate certain tenure protections at Nebraska's public universities. For students like me, this is not just an abstract policy debate. It is about the quality of our education and the future of our university system. Tenure is what allows our professors to engage in research, challenge students to think critically, and teach without fear of political or financial retaliation. Without it, we risk losing the very faculty who make the University of Nebraska a place of academic excellence. Eliminating tenure would have devastating consequences. It would make it harder to recruit and retain top-tier faculty, weakening the reputation of our university and devaluing the degrees we are working so hard to earn. Students do not want to attend a university where professors are constantly worried about job security instead of focusing on teaching and research. We want to learn from experts who are free to push boundaries, explore new ideas, and engage us in meaningful academic discussions. This bill also has long-term consequences for Nebraska's economy. When tenure protections are removed, talented professors will leave for states that respect academic freedom. This will discourage research innovation, weaken our ability to compete for federal grants, and ultimately hurt job creation here in Nebraska. A weaker university system means fewer opportunities for eventual graduates like me and my friends to find good paying jobs here, forcing many of us to leave the state in search of better prospects. I urge you all to consider what this bill would mean for students, for faculty, and for the future of higher education in Nebraska. Our university system should be something we invest in and strengthen, not something we undermine. Please stand with students, faculty, and the future of Nebraska by voting against LB551. Thank you for your time.

**MURMAN:** And thank you for testifying as a student. Any questions?  
Senator Conrad.

**CONRAD:** Thank you, Chair Mur-- Murman. Thank you for being here today. Just-- you did a great job, by the way. Really, really grateful for your advocacy, and taking time to engage with your government here today. I was wondering, just because this is kind of a current thread in our public discourse and politics at this point in time, but can you just share a little bit from the students' perspective, about what

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are your kind of thoughts when you read the headlines or see things on your social media feed about state or federal politicians that are just continually attacking the university and higher education and public education in general? How, how does that impact, kind of, your decision-making, in terms of where to go to school or where to build your family and career after college, or is that a, a source of discussion amongst students at the university, if you'd just like to talk about that generally?

**CARTER GRIER:** Yeah. Thank you, Senator. I would say that, you know, seeing all those headlines makes me feel discouraged as a student, makes me feel almost not welcomed in the state that I love quite a bit. And I see the sentiment shared all across the student body from all the students that I've talked to. It's almost discouraging in a way, like, like our education can be just threatened at any moment in time. Yeah.

**CONRAD:** Yeah. I, I really appreciate you sharing that for the record, because my district encompasses north Lincoln, so I have both City Campus and East Campus in my district, and then a lot of students who go to Southeast Community College, a lot of faculty, a lot of staff, so I get a chance to hear from the university family a lot in regards to how these issues play out. But I think measures like this are so harmful, in terms of how they really undercut our ability to recruit and retain not only top talent in our classrooms, but also in our student body, as well, which we know is critical to Nebraska's future, to make sure the, the great Nebraskans we educate K-12 stay here, go to college here, start a career and a family here. And these kinds of unsolicited and unwarranted political attacks against institutions that are a really important part of Nebraska have great reverberations, and those reverberations are very negative and thoughtless and harmful. So I really appreciate you sharing that perspective.

**CARTER GRIER:** Thank you, Senator.

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

**JOSEPHINE LITWINOWICZ:** Hi, 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. I look at it like this. You know, we're just continue on on the path of fascism. Because if you--

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the reason, underlying reason-- I'm not really a cynic-- cynist [PHONETIC]. I'm a realist. And so with that, I'll be a-- if these-- some of these universities, they receive federal funding. Well who can you grab? I mean, how would that-- you know, that's what we're going to. Make no mistake. I mean, this is serious. I have to speak about the more important thing. Trump is-- I don't see why we don't have more action. I mean, it is bad. And I'm, I'm, I'm scared, man. Anyway, I just think it's that important. And I, I think tenure protects in a good way. I went, I went to grad school at U-- UNL. I, I got out when I got MS. And I didn't-- you know, the engineering department. And there was-- they didn't, they didn't-- there weren't any lightweights. And, you know, the grad students talk. We all talk to each other. We find out who the weenies are, if there are any, you know. And so, at least it's Malthusian, and-- at least it was in my department, you know, and U of M-Ann Arbor, more so. And, and so, I don't-- I mean, I just have never seen in my, my experience, an engineering professor not pull his weight. As a funny note, [INAUDIBLE] by Michigan Tech, where I got my bachelor's, you know, they're trying to push the current department [INAUDIBLE]. He was good. But-- so somebody gave him a, a t-shirt. It says, I'm not your profe-- ah, hell. See what you say.

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

**JOSEPHINE LITWINOWICZ:** I've been 6-- I've been--

**MURMAN:** Sorry. Go ahead.

**JOSEPHINE LITWINOWICZ:** I've been department head for 16 years, and all I got was this lousy t-shirt. OK.

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

**CONRAD:** Thank you.

**MURMAN:** If not, thanks for your testimony.

**JOSEPHINE LITWINOWICZ:** Thanks.

**MURMAN:** Other opponents. Well, let-- let's have somebody else go ahead and get started. We've, we've got a lot of testimony today. Thank you.

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**JAMI HOLBEIN SWANSON:** Good afternoon, members of the Education Committee. My name is Jami Holbein Swanson, J-a-m-i H-o-l-b-e-i-n, Swanson, S-w-a-n-s-o-n. I'm a professor of teacher education, focusing on the teacher shortage at the University of Nebraska at Kearney. In addition, I'm an executive member of the UNK Education Association, which is affiliated with the Nebraska State Education Association. I'm here today to speak in opposition of LB551. First, the bill supporters claim that it will advance the use of merit in assessing the work of faculty, something that supposedly is absent in higher education. However, merit exists throughout higher education. First, and for anyone to get tenure, they must meet an array of benchmarks demonstrating their excellence in teaching, research, and their service to the university over a 6-year period. There is nothing automatic about receiving tenure. Different faculty committees and members of upper administration assess an applicant's record before it is determined that they have earned tenure. We are continuously assessed even with tenure. For example, faculty are reviewed every semester by their students, whose evaluations are reviewed by our superiors. If there is cause for concern, we meet with the chairs of our departments and figure out how to best improve our performance. At UNK, the dean of the college believes that if we have not performed satisfactorily, then they can deny us from receiving our raise. And finally, faculty can be fired through a post-tenure review process if a supervisor has identified a substantial deficiency in their work. Second, the removal of tenure would simply do grave damage to our ability to retain quality faculty to Nebraska or to recruit them to begin their careers in our state. Faculty salaries have been stagnant for well over a decade across the country, and in Nebraska, tenure is viewed by the individuals pursuing PhDs today and the faculty currently working in higher education as a central part of our compensation as professors. We simply cannot compete with other universities in the United States if tenure is removed from Nebraska. Third, tenure is vital to protecting free speech and creating an intellectual environment conducive to pursuing an array of pedagogical and scholarly endeavors without fear of retaliation or political intervention. This protects not only those radical leftist professors, but also many conservative professors on our campuses. Whether they are advancing causes to strengthen protections for transgender athletes or seeking to prevent them from participating in sports,

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tenure ensures that the free speech of all faculty is perfected-- doesn't matter, it's protected.

**MURMAN:** You have the red light, but if you--

**JAMI HOLBEIN SWANSON:** Oh, no. I'm so sorry.

**MURMAN:** --can fi-- fi-- finish up quickly, go ahead.

**JAMI HOLBEIN SWANSON:** In the end, faculty in universities in Nebraska are regularly evaluated and addressed. The ending of tenure would substantially damage our ability to retain and recruit quality faculty, and the elimination of tenure risks narrowing the extent of free inquiry and debate on our college campuses. Please vote against LB551. My-- I apologize for not paying attention to the light.

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

**JAMI HOLBEIN SWANSON:** Yes. Any-- I'm happy to answer any questions you might have.

**MURMAN:** If not, you said you were a-- you're-- a lot of your focus was on the teacher shortage in Nebraska.

**JAMI HOLBEIN SWANSON:** I worked for public schools for 30 years here in Lincoln. And now I am working in education, specifically working on a teacher shortage grant. Rural Nebraska is hurting. I know that Ingersoll just did a re-- just did a study, 2003, that talks. All the focus is on urban schools and the teacher shortage there. I work with the transitional certification program, and we are filling classrooms pretty much any time we can with somebody who has a bachelor's degree and the heart and the desire to be in a classroom.

**MURMAN:** What are maybe your-- couple of your top solutions for the teacher shortage? Couple of suggestions--

**JAMI HOLBEIN SWANSON:** Well, I am focusing--

**MURMAN:** --to address the teacher shortage, I should say.

**JAMI HOLBEIN SWANSON:** Right. So, so, you know, who are these people? As a, as a teacher at North Star High School, I had a substitute one

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day, and he was a veteran and he was a medic. And I'm like, hey-- because I was teaching adjunct for UNK at that time. You have a degree in science, don't you? He was my sub. And I-- he said, yeah, I do. And I said, have you ever thought about like, getting your certificate? And he said, well, what would it take? I'm like, well, come with me and let me talk to you about what it would take. We review your transcripts, we compare it to Rule 24, and then we see what you need in order to have that job. And you can actually teach while you're going to school.

**MURMAN:** OK.

**JAMI HOLBEIN SWANSON:** My other group is veterans, I mean veterans and then truck drivers. I've got a lot of truck drivers calling me right now, who are looking for jobs as teachers that have all kinds of degrees. You'd be amazed at how talented the truck drivers are.

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

**JAMI HOLBEIN SWANSON:** Thank you very much.

**BARBARA PICKERING:** Thank you. Good afternoon. My name is Doctor Barbara Pickering, B-a-r-b-a-r-a P-i-c-k-e-r-i-n-g. I am an emeritus full professor and past president of the UNO chapter of the American Association of University Professors, to your question, Senator Juarez. I'd like to begin by a short anecdote about my professional career. I've had experience working in universities in both tenure-track positions and what are known as rotating term appointments, typically 3-year contracts. I can tell you that the uncertainty of those positions led to frequent turnover in faculty, costing universities thousands of dollars in recruiting, interviewing, and onboarding expenses. In fact, I came to you, I know, in part because of the tenure opportunity and commitment of the university to academic excellence. I urge you to vote against LB551 for 3 reasons. (1) Much of the conversation about LB551 stems from what is seen as a lack of oversight for faculty once they have achieved tenure. I would like to clarify that first, faculty go through an extremely rigorous process of earning tenure, evaluating both our teaching and our research productivity. However, the evaluation process does not end there. Each year, faculty members must submit materials to demonstrate

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their contribution to the university in the form of an annual evaluation. This process ensures that faculty continue to be productive members of the university committee [SIC]. Second, without the protection of tenure, there would be an immediate impact on both student and faculty recruitment. For faculty, tenure-track positions are essential to attracting high-quality faculty who conduct significant research and provide students with quality experience in the classroom. Passage of LB551 would reduce the ability to attract such faculty and reduce the prominence of the University of Nebraska system and also directly impact student recruitment. For students, with the governor's stated goal of keeping high performing students in Nebraska to reduce brain drain, it is worth considering what impact LB551 would have on students. Students come to the University of Nebraska system seeking high-quality education and the opportunity to work with outstanding faculty. Passage of LB551 would lead students to pursue degrees elsewhere, at a time when student enrollment numbers are challenged by the declining number of college-age students. Third, and finally, I urge each of you to examine the impact of measures such as LB551 in other states. For example, in Wisconsin, such a measure was implemented in 2015. And by 2017, according to a former Wisconsin chancellor, 1 in 5 faculty had received offers to leave Wisconsin and move to other universities. In summary, because measures are already currently in place to evaluate faculty productivity in an ongoing way and the negative impact LB551 would have on faculty and student recruitment and retention, I urge you to vote no on LB551.

**MURMAN:** Thank you. Any questions for Dr. Pickering? Senator Juarez.

**JUAREZ:** Thank you. So I wanted to know if you could give me an idea of a college professor who didn't survive and didn't get tenured. Could you tell me what went wrong? And I wanted to know, do they get assistance in trying to improve so that they can reach their goal of being tenured? Could you comment on that, please?

**BARBARA PICKERING:** Sure. There are a number of elements to your question, the first of which, yes, I am familiar with, with people who have not received tenure. There are a variety of reasons for it. What I will say, in my experience, is that it can often be a combination of in reality, whether it is a fit with the university, whether the person's credentials match up with what the university needs. It is typical that the university tries to help people get tenure. You know,

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if it becomes clear that a faculty member is struggling, then they'll, they'll get assistance. I mean, the goal is to get people to that, that line of receiving tenure. It starts with good hiring practices, but then it also has to do with support that comes from the various different entities within the university. It is a, a, a bar that is not easily reached, but with the cooperation and the collaboration of department chairs, faculty, student assistance programs, the goal is to get people tenured.

**JUAREZ:** OK. Thank you.

**MURMAN:** We've heard from opponents that if Nebraska was not able to tenure-- the University of Nebraska was not able to tenure that being in the Big Ten would be at risk. And, and according to your testimony, a measure was passed in 2015 in Wisconsin.

**BARBARA PICKERING:** Mm-hmm.

**MURMAN:** Were-- was the University of Wisconsin at risk of being kicked out of the Big Ten?

**BARBARA PICKERING:** I can't answer that question. That would be a question, perhaps, for Chancellor Gold to, to answer. But I can tell you that if universities make decisions about not having tenure on their campuses, it reduces the, the stature of those campuses. I'm from UNO, and our conference is the Summit League Conference, which is different. Different expectations are there for UNO, which is a, a comprehensive campus, which is primarily master's degrees with some PhDs. But having that kind of commitment by the university and by the state is really important.

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

**MEYER:** Thank you, Chair Murman. I want to follow up a little bit with what Chairman Murman was, was inquiring about. Once again, in 2015, a measure was implemented similar to what we're discussing here today. And by 2017, 1 in 5 faculty had received offers to leave Wisconsin. Do you have any idea the churn rate-- normal churn rate, of, of college professors?

**BARBARA PICKERING:** You know, I can't speak to that. I'd need to do some research to, to find out what that average departure rate is.



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**MEYER:** Does that seem--

**BARBARA PICKERING:** It's, it's not typical.

**MEYER:** 1 out of 5. Does that seem high or low to you?

**BARBARA PICKERING:** To me it seems high.

**MEYER:** Does it?

**BARBARA PICKERING:** But I would need to, to look at some of the data since 2015, to see what has happened.

**MEYER:** Thank you.

**MURMAN:** Any other questions for Dr. Pickering? If not, thanks for your testimony.

**BARBARA PICKERING:** Thank you.

**KENNETH HOOVER:** My name is Kenneth Hoover, K-e-n-n-e-t-h H-o-o-v-e-r. Ladies and gentlemen of the Education Committee, Mr. Lippincott, and all those tuning in online, good afternoon. My name is Kenneth Hoover, and I'm here to speak as a resident of Nebraska in opposition to LB551, which is part of a national effort by the Republican Party to undermine the public education system of the United States. As Chapter 11 of the now-infamous Project 2025 document states, quote, federal education policy should be limited and ultimately, the federal Department of Education should be eliminated. This bill, of course, was not directly ordered by anyone in Washington, D.C., and it concerns matters of state level interest. So let me speak first on the matter of tenure. I'm originally from Iowa and have been a resident here since the summer of 2021, when I enrolled as an English MA graduate student in the degree program at UNO. I oppose this bill because I believe it-- that tenure has been successful in attracting and retaining scholars, educators, and poets of the highest class. In support of this position, I offer personal experience with 3 great teachers, all tenured, as evidence and confirmation of the truth. Dr. Bob Darcy is a scholar of early modern English poetry and literature, meaning he teaches Shakespeare. I took his graduate seminar in the fall of 2023, and we read an average of one play per week, an entire Shakespeare play every week for 15 weeks. Lectures and discussions

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were highly engaging, providing cultural context on the society of Shakespeare's time and place, and modeling close reading of a text to bring out poetic layers of meaning beyond the prosaic. Dr. Lisabeth Buchelt is a specialist in Old English, Anglo-Saxon. She taught Beowulf and the Exeter Book translation from Old English. And the Exeter Book contains stories from the Bible that predate the King James version of the English Bible by several hundred years. Dr. Kwame Dawes was, for 12 years, teaching poetry at the University of Nebraska-Lincoln, where he was editor-in-chief of Prairie Schooner, director of the African Poetry Book, Book Fund. He now teaches at Brown University. He left Nebraska. So that's money leaving Nebraska. It's just one way in which he enriched our state. You might argue that if they're teachers, then passion should be their sole motivation, as if they were football coaches. But a-- but the question--

**MURMAN:** You have the red light--

**KENNETH HOOVER:** Yeah.

**MURMAN:** --but could you finish up real quick?

**KENNETH HOOVER:** Sure, sure. But the question is not whether they will teach, the question is whether they will teach in Nebraska, and removing tenure disincentivizes the, the highest quality educators, scholars, and researchers to be here. So, thank you for your time. I'll answer any questions.

**MURMAN:** Any questions? Yeah, I have one. Do you have evidence that it's the Republican Party that's trying to eliminate tenure? I know you mentioned Project 25, but--

**KENNETH HOOVER:** Well. As the leader of the Republican Party, I would refer you to some statements by Donald Trump that he plans to abolish the Department of Education.

**MURMAN:** Yes, that's true, but he has rejected Project 25, also.

**KENNETH HOOVER:** He, he distanced himself from it from-- during the election, but his statements since he was elected conform to that idea, within Chapter 11.

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

**KENNETH HOOVER:** Thank you.

**PATTY BICK:** Chairman Murman and other esteemed members of the Education Committee. My name is Dr. Patty Bick, P-a-t-t-y B-i-c-k. I'm an associate professor in the College of Business Administration at the University of Nebraska at Omaha. I have the privilege of serving as the Faculty Senate President at UNO. I'm here today on behalf of all 4 of the University of Nebraska System Faculty Senates in opposition to LB551. The first time I set foot in Nebraska was when my family and I came to watch the Olympic trials for swimming. I turned to my husband and remarked how Omaha felt like the kind of place we might consider calling home someday. So when a tenure-track position opened up at UNO, I applied. After earning tenure, my husband and I planted 2 cherry trees and a pear tree in our backyard, symbolizing our decision to put down roots not just figuratively, but literally. There are 2 key reasons why tenure should remain in place: (1) to attract and retain top talent to educate the next generation of Nebraskans; and (2) to protect faculty freedom to explore even the most unpopular research topics. First, let me address how tenure attracts and retains talent. I've heard from faculty across the NU system who, despite receiving higher offers elsewhere, whether from top, top-- nontenure-track positions at top-ranked universities or from private industry, chose to come to or remain in Nebraska because of the possibility of earning tenure. Tenure offers faculty future stability. Because of that benefit, tenure allows University of Nebraska to attract and retain the best talent at a fraction of faculty's true market value. Second, tenure is vital for fostering research that advances our understanding of the world. It provides faculty the freedom to tackle long-term, high-risk projects without the pressure of short-term performance metrics or the fear of reprisal. My main research area is executive compensation. I can draw an interesting parallel between top-level executives in companies and administration at universities. Now that I'm tenured, I'm free to explore the relationship between the effectiveness of university administration and administrative compensation, research that might not be welcome for those in leadership positions who would have the power to decide the future of my career if tenure were not in place. Anyone who has gone through the tenure process will attest to its

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rigor. It's a multi-year, demanding journey where tenure is never guaranteed. We wouldn't subject ourselves to the process if we didn't have a true passion for teaching and research. Even after tenure, we continue to submit annual reviews and are held to high standards in research, teaching, and service. The faculty of the University of Nebraska have made a deep, lasting commitment to the people of Nebraska. By honoring tenure, the state acknowledges this mutual investment and commitment, ensuring that both the faculty and the state benefit from a shared dedication to excellence. I respectfully ask that you do not advance LB551. Thank you for your time and consideration. I'm happy to answer any questions.

**MURMAN:** Senator Meyer.

**MEYER:** Thank you, Chairman Murman. You mentioned that administrative compensation is kind of your-- that's your wheelhouse.

**PATTY BICK:** Yep.

**MEYER:** Is there an increase in pay with tenure?

**PATTY BICK:** There is. So, I'm at UNO, and we are under contract. So there's like a \$5,000 increase or something like that, much more minimally compared to other universities. I've been at other universities. I've heard-- you know, I've got coauthors in other universities where the jump is much, much larger, to go from associate to full, or from assistant to associate. So, at UNO, the advancement is really monetarily, very, very little.

**MEYER:** So would it be advantageous to go somewhere else and make more money--

**PATTY BICK:** It would.

**MEYER:** --as a tenure?

**PATTY BICK:** Yep. Absolutely. I will preface that I love my position. I love my department, so I'm in here for the long haul. However, if tenure were not here, then I would be looking at other, at other positions elsewhere, because there is a benefit to me to being tenured.

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**MEYER:** Sounds like we're lucky to have you here. May I have just one more question?

**MURMAN:** Sure.

**MEYER:** Must you be tenured to do research?

**PATTY BICK:** You don't. However, I believe at UNO, almost 100% of our researchers are on the tenure track.

**MEYER:** OK. Thank you very much.

**PATTY BICK:** Yep. Thank you.

**MEYER:** Appreciate it.

**MURMAN:** Any other questions?

**PATTY BICK:** Thank you.

**MURMAN:** I have one. Of, of course, we-- there are definitely benefits from tenure, but there's also benefits in a free market system for competition, you know--

**PATTY BICK:** Sure. Yep.

**MURMAN:** --between professors, you know, to be your best.

**PATTY BICK:** Mm-hmm.

**MURMAN:** So, so you feel the, the system we have now is the best balance to do that?

**PATTY BICK:** I do. And I think that-- you know, I'm in finance. So I hear all the time from my colleagues that they're getting offers that are twice the amount of what they're getting paid currently. So I do believe if we go to a nontenure system, university would actually have to pay a lot more for these faculty, because now the tenure isn't there and that has some value to almost all the faculty that are tenure-track.

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

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**PATTY BICK:** Thank you.

**MURMAN:** --for your testimony. Other opponents for LB551.

**SAM MITCHELL-STURGEON:** Hello, Chairman Murman and members of the Education Committee. My name is Sam Mitchell-Sturgeon, S-a-m M-i-t-c-h-e-l-l-S-t-u-r-g-e-o-n. I've come to testify in opposition of LB551, and I think I have a-- sort of a unique perspective as an independent student with a bachelor's degree, not looking to move into a master's or PhD. I'd like to foremost acknowledge why Senator Lippincott has put this bill forward, and it's, as he said, the idea of tenured professors not caring about the job they do, or whose focus is primarily on research without the desire to do a good job on their teaching part of their job. I'd like to say, I'm sure you can find an example of this in some capacity, maybe not exactly in the way I put it. But my position as a student is that these professors aren't as common, and I don't think this bill adequately addresses the problem higher education is facing right now. The purpose of this bill is very clear. By diminishing this job security tenure gives and focusing on student outcomes and performance reviews, it is Senator Lippincott's belief that this will end up holding professors more accountable and subsequently improve the quality of students' education. To offer a different perspective, though, I believe the main problem in higher education right now is the lack of people desiring to enter the field. Professors I know that have been at the university for a long time-- 40 years-- all of them are expecting to retire soon or looking for opportunities elsewhere. And really, right now, the problem is acquiring and keeping talented professors, and it has never been more difficult. And I believe this bill will only make it more difficult. The only reason a highly educated person would desire to be a professor is for a love of educating students and the job security and benefits associated with tenure. We see even now, that professors are en masse leaving education to enter the private workforce. This is not because they hate teaching or hate their position, but because of the recent trend of increased administrative oversight and the low quality of employees who work in administration. Professors love teaching and they love the work they do. But even with tenure-- even with tenure that they have now, it is still difficult to stay, given these issues. The bill has good intentions. And obviously, we want the quality of education to be as great as possible, but we do that by making professors now feel their position is secure and ensure that future

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professors will feel the same. The way to improve higher education is not to increase administrative oversight, which this bill would do, but to make professors feel valued and secure in their positions at the university. Removing tenure is the best possible way to ensure no exceptional candidate will ever take a position here.

**MURMAN:** Thank you.

**SAM MITCHELL-STURGEON:** I'd be happy to answer any questions.

**MURMAN:** Yep. Any question-- questions for Mr. Mitchell-Sturgeon? If not, thank you for your testimony.

**SAM MITCHELL-STURGEON:** Thank you.

**MURMAN:** Other opponents for LB551.

**CONNOR HERBERT:** Thank you, Chairman Murman and members of the Education Committee. My name is Connor Herbert, C-o-n-n-o-r H-e-r-b-e-r-t, and I'm admittedly not a graduate of the University of Nebraska system. After graduating from Pius X here in Lincoln, I weighed my options between a Regents scholarship at the University of Nebraska-Lincoln, or a proper full-ride scholarship covering housing and tuition, called the Presidential Scholarship, at, at the University of Cincinnati. I went there and graduated there and was deeply involved in student government, and befriended both the current and former provosts of that institution. Afterward, I came back here to Nebraska, as I'm not a fan of brain drain, and was sent to the UK for a year on a Fulbright scholarship, where I did a master's in research methods at Durham University, one of the top 100 universities in the world. As someone who's originally from Ohio and attended an institution there, I can tell you that SB1 there is damaging for their institutions, and any suggestion otherwise ignores the highly competitive reality of the job market for employment at post-secondary institutions. The provost of my university admitted to me privately that given the political climate in Ohio, he was considering leaving, as he didn't want to come to work every day wondering how his place of work that serves students would be politicized by individuals with little insight into their-- into campus life. Here in, in Nebraska, we speak of brain drains, but often, the individuals who take the position-- or who speak of this take the position that the best

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solution to that issue is taking a violent, destructive approach to the institutions that promote, promote the development of the state economy, namely public services. And oftentimes, they're thinking the least productive terms possible. What we young people want is a state that serves our needs, not one, not one that directs-- directly threatens in us and our future, which won't exist if many of us cannot make use of the [INAUDIBLE] mobility engine that is our universities. I'm planning on getting my JD/PhD personally, so perhaps I have a stake in this conversation. But I just wish that the individuals who propose these kinds of jackhammer-style solutions to universities, and specific and public services in general, would actually give like maybe 5 seconds' worth of thought about the long-term consequences of their policy proposals. It's rather demoralizing for young people to see individuals approach our-- approach problem-solving in this manner. Thank you.

**MURMAN:** Thank you. Any questions? If not, thanks for your testimony.

**HUGHES:** Thank you.

**CRYSTAL GARCIA:** Greetings, representatives. My name is Crystal Garcia, C-r-y-s-t-a-l G-a-r-c-i-a. I have a PhD in educational leadership and higher education and am an associate professor at the University of Nebraska-Lincoln. I'm here speaking on behalf of myself and do not represent the views of the university. I strongly urge you to oppose LB551. This bill would prohibit tenure at certain post-secondary institutions, and as a result, this attack on tenure is a direct attack on Nebraskan freedoms and our state's economy. Colleges and universities are intended to be spaces wherein students can enjoy the freedom to learn, and faculty have the freedom to teach and research without censorship and restriction. Tenure is a crucial safeguard in protecting academic freedom. As the American Association of University Professors argues, when faculty members can lose their positions because of their speech, publications, or research findings, they cannot properly fulfill their core responsibilities to advance and transmit knowledge. Importantly, tenure not only protects faculty's ability to teach and research about necessary content, it also signifies to the faculty that they're valued within an institution and is therefore a crucial component of faculty retention and institutional competitiveness. I'm going to offer up myself as an example. After graduating from high school, I completed over a decade



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of post-secondary education, culminating in earning a PhD. I then spent 7 years as a faculty member before earning tenure and promotion. In that time, I published dozens of peer reviewed journal articles, was awarded hundreds of thousands of dollars in grants, co-edited a book, earned glowing teaching evaluations, served on numerous committees and service roles, earned multiple awards distinguishing myself as a top scholar in my field. After nearly 2 decades of work, I earned tenure alongside my under \$100,000 base salary. Tenure is a competitive edge in retaining highly educated and skilled faculty members like myself. Without it, we will most certainly lose some of the best and brightest to other universities and the corporate world. But why does this matter? Because attacks on higher education institutions within our state of Nebraska are a direct attack on our state's economy. President Gold of the University of Nebraska shared findings from our economic impact, highlighting that the university has a \$6.4 billion annual-- billion dollar annual economic impact. And for every \$1 that the state invests in the University of Nebraska, we generate \$10 in economic activity. At the federal level, a tax on higher education are threatening our already financially precarious situation. We do not need Nebraskans voting to decimate systems that uphold our state's ability to thrive through our higher education systems. Do not vote to take away our freedoms and hurt our economy. Thank you.

**MURMAN:** Thank you. Any questions for Dr. Garcia? If not, thanks for your testimony.

**CRYSTAL GARCIA:** Thank you.

**TYLER LEMBURG:** Hello. My name is Tyler Lemburg, T-y-l-e-r L-e-m-b-u-r-g, and I live in Lincoln, Nebraska. And I'm here to speak in opposition to LB551. My text here mostly gets into the competitive advantage that Nebraska has by offering tenure, as well as the difficulty in earning tenure, but I think we've litigated all that pretty well so far, and I couldn't say it better than my predecessors have. I do have a personal anecdote, however. I used to live in Georgia, where my wife was a professor at the University System of Georgia. And in 2021, Georgia opted to start stripping some of their tenure protections. I can only speak to a small, small portion here, but my wife and 3 of her fellow up-and-coming professors basically immediately left that role. And the silver lining is I was able to

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come back to Nebraska. But unfortunately, that biology department that she worked in since then has decayed pretty heavily. So, I can only just-- I don't, I don't want to see that happen to the University of Nebraska, as well. That's all I'll say for now. I urge the Education, Education Committee to drop this bill and not pass it on. Thanks.

**MURMAN:** Thank you. Any questions for Mr. Lemburg? If not, thanks for your testimony.

**PAUL TURMAN:** Chair Murman, members of the committee, my name is Paul Turman. That's spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System. I'll maybe try to conclude the opponent testimony by also reinforcing that not only the university system is included in this bill, but also the state colleges, but it also provides, I think, a somewhat different lens of the experiences that we face in Chadron, Peru, and Wayne State College. I've had the opportunity to visit with Senator Lippincott, not only this year, but last year, as he brought forward this bill. And I think his primary premise focuses around accountability. I'd like to continue to reinforce, I think, the things that Dr. Gold had indicated, as well, is that really nothing about the way in which we approach tenure or even the evaluation process for our faculty, tenure does not keep or preclude my presidents from holding our faculty accountable for the things that we ask them to do. Certainly very different in the state colleges, in the fact that we are not Research 1 institutions, and so we have very talented faculty who come, come to us with an expectation that they will teach and mentor our students, but also have a commitment to the region and the area in which they are expected to serve. One of the things-- and I shared this with the committee last year as well-- when we look at the total number of qualified applicants that we get for positions in our state college system, right now, that average is 4. We had 4 applicants who were qualified for the positions. And so we have very good, talented faculty, but we do not have a, a plethora of individuals who are applying to, to make the transition to Chadron, Peru, and Wayne State College. Those that do fall in love with the area, fall in love with the students, and I think we do everything we can to ensure that we have made a long-term commitment to those individuals, as well. So you're going to come, and we will commit to you to have the opportunity to be able to enroll or be a part of a tenure-track structure, which is a mutual correspondence and engagement that we have. Overall, I think, I think

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about my own experience as a tenured faculty member, prior to making the transition into administration. I think what everyone else had indicated up here going through that work is very arduous. It's a considerable amount of effort and not something that I think any board or any institution gives lightly. But I do also contend that it was one of the major factors. When I applied for jobs leaving my PhD program, I was certainly looking primarily for institutions that provided the opportunity for a tenure track. And I would hope that in the future, as I have the opportunity to continue to work with Senator Lippincott, the things-- if he has issues about what he's hearing for our system that we have the capacity to be able to kind of work through that in a way that our board can continue to do the fine work that's it's expected to do, to have the faculty that we need to meet the workforce needs of the state. I'd be happy to answer any questions that you have.

**MURMAN:** Thank you. Any questions for Chancellor Turman? You mentioned you don't have a lot of applicants for a lot of the openings. On tenure, what, what is the percentage of rejection of those that apply for tenure, not only in state-- you're-- in the state college system, but maybe in some other [INAUDIBLE]?

**PAUL TURMAN:** I think that's-- it's-- yeah. It's a very good question. I think there's some nuances associated with it, as well. Normally, our tenure-track faculty go up in their sixth year. And a lot of times, we have individuals who are, throughout the process, as they are given feedback yearly, oftentimes choose to, to go a different route. I would say that we have a handful of individuals that-- and we're doing that process right now-- at our institutions that went up for tenure were not awarded tenure. But also, I think that some of the conversations I've had with Senator Lippincott, just because you have tenure, does not occlude us from eliminating positions for cause, financial exigency or not fulfilling ongoing commitments that you have for the institution. We do not have what the university system has in a post-tenure review process. I don't want to speak for Dr. Gold, but we also aren't heavily research driven. And so a lot of times, getting tenure at a research-level institution comes with the expectation that you become and continue to be a very active scholar in your discipline. That is not normally the, the main requirement for the faculty we have in our system. And so at post-tenure review, the evaluations of teaching and, and mentoring are what we focus on, and

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individuals who are not fulfilling that will be asked to leave our institutions.

**MURMAN:** Thank you. Any other questions for Chancellor Turman? If not, appreciate the testimony. Other opponents for LB551?

**CHRISTIAN OLSON:** Good afternoon. My name is Christian Olson, C-h-r-i-s-t-i-a-n O-l-s-o-n. I am a transfer first-year, equivalent to relative-- relatively a junior electrical engineering and religious studies major here at the University of Nebraska-Lincoln. The University of Nebraska-Lincoln, as has been well established, is the standout university in our state and it is indisputable that there's no institution that comes close, in terms of research and community support. That's also why I rise in opposition to LB551. It would have a disastrous impact on our flagship university, but the effects would trickle down. In states in the south where tenure has come under attack, a recent study found that two-thirds of professors polled would not recommend their institution, and this would represent an existential threat for our university. Professors talk, at conferences and in discussion groups, and word gets around when the people are attacked. If we are not able to recruit the best and the, the brightest to teach and do research at our public universities, there's no other option for Nebraska. The largest private university in our state, Creighton, does only 10% of the research dollars compared to just the University of Nebraska-Lincoln. This state relies on the University of Nebraska-Lincoln. To give an example of that, recently, one of my good friends was telling me about how she has been wanting to be a beekeeper as a side gig while applying to do her graduate degree in entomology. She previously worked at the UNL Bee Lab. The thing about the Bee Lab here at UNL is that it's not just research here at the UNL. If you're a beekeeper across this state dealing with a problem, who do you call when you have blight or another disease? You call the Bee Lab here at UNL. This extends farther. Many of our state agencies rely heavily on the research and the mission of the university. This includes the Department of Game and Parks, which has headquarters on East Campus, as well as Nebraska Extension Offices, which provide support for thousands of commun-- or thousands of people on best farming and ranching practices, as well as how to support our farmers during the bad times they face. And who does the research on this? Our UNL research professors. Some will suggest that this will not stop. I would push back on this. Without tenure, it is very

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possible that only politically expedient research will occur, and that professionals in our state will fail to do the work or leave because they cannot do the work. Currently, UNMC, in conjunction with UNL and UNO professors, is researching what is happening in Mead, Nebraska. What would we do if they're not there or were too scared to follow the facts to a politically unpopular conclusion? People would die. That is why is it so important that we preserve tenure. As noted before, tenure does not prevent a, a professor from being fired for not doing their job. It simply just gives them more job security. As the fourth generation of my family to attend the UNL, I can attest that the university creates innovation and leaders in this states. Members of my family have attended have gone on to found community in-- institution, become civics leaders, teachers, military men, farmers, ranchers, businessmen, and engineers who have helped this state move forward, none of them here in Lincoln, Nebraska. That being said, this bill will only set us back. If we are going to continue to do the good work we do not only here in Lincoln, but in small towns from Falls City to Alliance, McCook to South Sioux City, we have to have a strong university. I strongly beg that you vote against LB551.

**MURMAN:** Thank you. Any questions for Mr. Olson? If not, thanks for your testimony. Other opponents for LB551. Any other opponents? Other-- any neutral testifiers for LB551? If not, Senator Lippincott, you're welcome to close.

**LIPPINCOTT:** This is a great discussion. I remember working at Delta Airlines. We had fantastic leadership at the airline, and we felt protected. We had a union, and the union protected us to a large degree. And it was well known, just don't lie to the company and don't steal from the company. Otherwise, they will protect you. But I am very grateful for people like Jeff Gold, and for Paul Thurman [SIC], and the, the leadership that they have, because I believe they want the same thing I want, and that is to have the best education system possible here in the great state of Nebraska. Thank you, sir.

**MURMAN:** Thank you. Any questions for Senator Lippincott? If not, appreciate your--

**LIPPINCOTT:** Thank you sir.

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**MURMAN:** --close. And on-- online, for LB551, we had 18 proponents, 199 opponents, and 1 neutral. So that will close the hearing on LB551. And we'll open the hearing on LB552, and welcome, again, Senator Lippincott.

**LIPPINCOTT:** Good afternoon, Chairman Murman and the 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. LB552 aims to prohibit public post-secondary education institutions from establishing or maintaining offices dedicated to diversity, equity, and inclusion, DEI. The bill defines a DEI office as any unit within an institution that: influences hiring or employment practices based on race, sex, color, ethnicity, gender identity, or sexual orientation, except when using color-blind and sex-neutral processes compliant with state and federal anti-discrimination laws. Also, it promotes differential treatment or provides special benefits to individuals based on the aforementioned characteristics; implements policies or procedures referencing these characteristics, unless developed by legal counsel to ensure compliance with applicable laws or court orders. It also conducts programs focusing on concepts such as power structures, privilege, systemic oppression, or related theories. LB552 would: Prohibit post-secondary institutions from establishing or maintaining DEI offices; forbid hiring or assigning employees or contracting third parties to perform DEI-related duties; also, ban requiring or soliciting individuals to provide DEI-related statements or giving preferential treatment based on such statements. Also, it would disallow preferences based on race, sex, color, ethnicity, gender identity, or sexual orientation in employment or participation in institutional functions; also prohibit mandating participation in DEI programs, such as condition for enrollment or participation in instructional or institutional activities. 94-year-old Thomas Sowell said, quote, the next time some academics tell you how important diversity is, ask how many Republicans there are in the sociology department, unquote. Eliminating diversity, equity, and inclusion offices in public post-secondary institutions is necessary to uphold merit-based policies, protect free speech, and prevent ideological coercion on college campuses. The report you have before you from Speech First, quote, The real cost of DEI: How Diversity, Equity, and Inclusion Programs are Harming Students, Faculty and our Nation's Universities, gives a great outline of why we

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must defend merit-based systems versus subjective ones. The document, Why doesn't diversity training work, which I handed out, is a study by Frank Dobbin of Harvard, Alexandra Kalev of University of California, Berkeley, and Erin Kelly of the University of Minnesota, and was printed in Archeology Now, has some conclusions that I would like to point out. The article says short-term educational interventions in general do not change people. What does change people is meaningful relationships that lead to core-value changes. Chief Justice John Roberts wrote, quote, eliminating racial discrimination means eliminating all of it, close quote. (1) DEI undermines merit and academic excellence. The bill explicitly prohibits preferential treatment based on race, sex, color, ethnicity, gender identity, or sexual orientation. According to the Speech First report, DEI offices often push hiring and admission policies that prioritize identity over merit. This can lead to the lowering of academic and professional standards, ultimately harming students by prioritizing diversity quotas over qualifications. (2) DEI stifles free speech and open debate. DEI offices create an environment of ideological conformity. That is Group Think. Many universities enforce DEI training and require diversity statements from faculty and students. LB552 would prevent institutions from requiring such statements, ensuring that faculty and students are not compelled to express agreement with DEI principles as a condition for employment, promotion, or participation in university programs. It was Frederick Douglass who said, quote, there can be no right of speech where any man, however young or however old, is overawed by force and compelled to suppress his honest sentiment. Students are being silenced or having their grades sometimes suppressed by having DEI so intertwined with the curriculum. (3) DEI programs promote division instead of inclusion. While DEI initiatives claim to foster inclusivity, they often do the opposite by emphasizing identity politics. The Speech First report highlights how DEI programming frequently focuses on systemic oppression, privilege, and power structures, which can create a culture of grievance rather than unity. LB552 directly addresses this by prohibiting the implementation of DEI programs that emphasize these divisive concepts, ensuring that public institutions focus on equal treatment rather than identity-based categorization. It was Paulo who said, education either functions as an instrument to bring about conformity or freedom. (4) DEI bureaucracies are costly and ineffective. DEI bureaucracies have expanded significantly, often at great financial cost to taxpayers and

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students, without clear evidence of effectiveness. The UNL DEI office that closed this summer had a budget of \$1 million. Many universities employ entire offices dedicated to DEI efforts, diverting resources from academic programs and student services. By eliminating DEI offices, LB552 would redirect funding toward academic priorities rather than administrative structures that do not directly contribute to educational outcomes. Conclusion: LB552 protects fairness, free expression, and academic integrity. By prohibiting DEI offices, LB552 ensures that Nebraska's public colleges and universities remain centers of free thought, academic excellence, and equal opportunity. The bill prevents ideological enforcement, eliminates divisive-- divisive, identity-based programming, and redirects institutional resources toward education, rather than the DEI bureaucracies. Nebraska taxpayers, students, and faculty will benefit from a system that prioritizes merit, open discourse, and equal treatment over ideology activism. And I finish with just a quote here from F.A. Hayek. He's an Austrian economist who said, quote, there's all the difference in the world between treating people equally and attempting to make them equal. And the president of Parents Defending Education, Nicki Neily, said, quote, DEI was never about equity. It was about enforcing ideological conformity and institutionalizing discrimination. Shutting down these wasteful, divisive programs is a win for every student. Thank you, sir.

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

**HUGHES:** Thank you, Chairman Murman. Thank you for coming in today with this, Senator Lippincott. So I think you kind of acknowledge this in your-- when you're speaking. Chancellor Bennett has closed the DEI office that was University of Nebraska-Lincoln this summer. It was August. UNO has also closed. I don't remember what that one was called. I mean, these things are happening. And then we just-- I mean, you're maybe not aware of this, but we just had an update from President Gold that he handed out a letter from Craig Traynor, who is the United States Department of Education civil rights person. But basically, discrimination on the basis of it was race, color, it's-- et, et cetera. But it, it basically says you cannot discriminate on any race, including white, Asian, I mean, everything. So I guess my question is, and you knew these offices were closed because you talked about it, is this bill relevant now, or should it have-- because you name



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specifically closing offices and I feel like that's been done. I guess, what-- why are you still pushing this, or is there other parts to it that you want to approach or--

**LIPPINCOTT:** Well, I introduced this bill, obviously, along with everybody else, the first 10 days of this session, which is well before a lot of these things took place. So this is just an effort to codify this into state statute so that this becomes law.

**HUGHES:** So-- OK. That's it.

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

**CONRAD:** Thank you, Chair Murman. Thank you, Senator Lippincott. You-- I, I have your, your testimony in regards to the bill and setting aside the already discussed kind of reality in regards DEI offices in Nebraska institutions of higher education which are no longer, this bill is actually much broader than just seeking to shut down, I guess, quote unquote DEI offices. But it, it prohibits, actually, the teaching of a host of historical facts, as well. So, Senator, my question to you is how would an institution of higher education explain something like the Trail of Tears without describing differential treatment on the basis of race?

**LIPPINCOTT:** That's fine. To teach, to teach history, that's not a bad thing. That's a good thing.

**CONRAD:** But how would that happen under your bill, which doesn't allow for that kind of teaching if it's based upon differential treatment on the basis of race?

**LIPPINCOTT:** No, you can absolutely teach the truth of events that have happened in our history.

**CONRAD:** Are, are you sure about that with how--

**LIPPINCOTT:** Yes.

**CONRAD:** --you've written this? And the same question would hold for Jap-- Japanese internment?

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**LIPPINCOTT:** Absolutely. We've got black eyes in our past, and you should teach that so that we don't repeat it.

**CONRAD:** How can you teach that without talking about--

**LIPPINCOTT:** Because it's the truth.

**CONRAD:** --racial differences?

**LIPPINCOTT:** It's the truth.

**CONRAD:** But your bill prohibits teaching about racial differences. I'm reading your bill. It's on page 3.

**LIPPINCOTT:** It's a, it's a historical fact. Yes, you can teach history.

**CONRAD:** How would you teach those aspects of history without talking about race?

**LIPPINCOTT:** It's a historical fact. You can teach it.

**CONRAD:** How would you teach it without talking about race, which is prohibited in your bill?

**LIPPINCOTT:** With English.

**CONRAD:** With what?

**LIPPINCOTT:** English.

**CONRAD:** OK. So give me an example of how you would teach Japanese internment without talking about race or ethnicity.

**LIPPINCOTT:** You can teach history.

**CONRAD:** Without talking about race or ethnicity--

**LIPPINCOTT:** No.

**CONRAD:** --according to your bill. OK.

**LIPPINCOTT:** I think you're reading more into it than--

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**CONRAD:** Well, I'm actually reading the text of your bill. I'm looking at page 3. So we--

**LIPPINCOTT:** That's fine.

**CONRAD:** --should we strike that? Is your--

**LIPPINCOTT:** No.

**CONRAD:** --intent not to prohibit any sort of teaching? Your intent is just to eliminate DEI offices?

**LIPPINCOTT:** Yes.

**CONRAD:** OK. So then you would be open to striking all of the other language in the bill?

**LIPPINCOTT:** No.

**CONRAD:** OK. And Senator, we've already talked about this in previous legislation, and I'm going to repeat it again here, for the record. You understand that this bill is not legally permissible at this juncture. The law in Nebraska says the Nebraska Legislature cannot dictate policy to the institutions of higher education, including the University of Nebraska, under the Exon decision.

**LIPPINCOTT:** How did the Legislature then dictate the fact that the University of Nebraska cannot overcharge their textbooks?

**CONRAD:** I don't know what you're talking about. We don't set textbook rates.

**LIPPINCOTT:** The Legislature, I think it's Nebraska statute number 85-115 stated that textbooks cannot be charged more than what the publisher says.

**CONRAD:** Are you talking about the textbook loan program or something?

**LIPPINCOTT:** I'm not sure what it's--

**CONRAD:** OK. I'm not-- I, I will go back and double check to see exactly what that, that reference is in regards to, but it's, it's well-established common knowledge that we cannot dictate policy to

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institutions of higher education, under the Exon decision in Nebraska. It's a separation of powers, the university is a separate, independent entity. The Legislature can't do that. We can give the appropriation. We can't micromanage policy. That's what the court decision says. It's been in place for decades. You're familiar with that.

**LIPPINCOTT:** I am familiar with that.

**CONRAD:** OK. And this seeks to dictate minutia of policy in institutions of higher education, both in terms of operations and curriculum. So how would this conform or comply with that decision?

**LIPPINCOTT:** Well, I think Washington, D.C. has, has handed down policy, saying that funds would be withheld from these various colleges. So the legislative branch of government holds the purse string on these different entities, like the university.

**CONRAD:** OK. So yeah, that's not responsive to the question. But actually if you wanted to, I guess, punish the university, which apparently is your point in bringing forward this legislation, you could effectuate such through the appropriations process. Is that what you're planning to do if this measure doesn't move forward?

**LIPPINCOTT:** Dr. Gold--

**CONRAD:** Why do you want to punish the university?

**LIPPINCOTT:** Say again?

**CONRAD:** Why do you want to punish the university?

**LIPPINCOTT:** I don't want to punish the--

**CONRAD:** Why is that the policy goal?

**LIPPINCOTT:** No. Uh-uh. No. I think Dr. Gold, Paul Turman, I think we all want the same thing. We want to have a excellent academic environment at school, serving the students and their parents for the best possible outcome. That's what we want.

**CONRAD:** Right. And how does this make tuition any more affordable for any family in Nebraska?

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**LIPPINCOTT:** Well, one thing, it will save money.

**CONRAD:** Your fiscal note shows zero. It doesn't save any money.

**LIPPINCOTT:** Yeah. They, they closed the DEI office here at the university campus. \$1 million. There's another office in Omaha. It's \$461,000. That's going to be closed.

**CONRAD:** OK, again, fiscal note on this measure shows a \$0 savings to the--

**LIPPINCOTT:** That is correct.

**CONRAD:** --taxpayers. So if you-- your purported goal is to continue a tradition of excellence in our institutions of higher education, which I agree exists, this does nothing to accomplish this. It doesn't make college more affordable. It doesn't make college more accessible. It doesn't help us retain and recruit top talent in our classrooms. It doesn't help us recruit, recruit and retain top students in our university. This is a divisive culture war issue which seeks to single out our institutions of higher education for our political agenda, to shame people for talking about dark chapters in our history.

**LIPPINCOTT:** That's judging the motive. Senator, that's incorrect.

**CONRAD:** Then what is-- what, what is the goal? You've given me platitudes. It doesn't match what's in your bill.

**LIPPINCOTT:** May I, may I give a, may I give an example of this in answering her question?

**CONRAD:** Yeah. And I'm asking the question, Senator, not the chairman.

**LIPPINCOTT:** Yeah. This helps give a better quality product to the students at the university. It's merit-based.

**CONRAD:** What's not merit-based about today's system without this bill?

**LIPPINCOTT:** What this bill does is it takes away any of the filters that some schools have for bringing people on board, whether it's teachers or students.

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**CONRAD:** So your real concern is some sort of vague concern about affirmative action in hiring policies or admissions policies?

**LIPPINCOTT:** People need to be hired and kept on board by merit, how they perform.

**CONRAD:** Senator, you understand that Nebraska has had an affirmative action ban in our constitution for many years, when it comes to things like admissions and employment?

**LIPPINCOTT:** Then why do we have DEI?

**CONRAD:** Because we, we have a merit based system in terms of employment and admissions. Your main quibble is with the words, diversity, equity and inclusion? That's your main concern?

**LIPPINCOTT:** No. We need to hire and keep people on board through merit, how they perform.

**CONRAD:** We do. Affirmative action is already banned in the Nebraska Constitution.

**LIPPINCOTT:** Then why did we need to spend \$1 million on a DEI office?

**CONRAD:** Well, again, the Nebraska Legislature doesn't dictate policy to the University of Nebraska. Have you taken this proposal to the Board of Regents?

**LIPPINCOTT:** No. I'm taking it to the president of the university right here.

**CONRAD:** OK. But the Board of Regents wouldn't have the same legal problems as we have in the Legislature, in terms of dictating policy. Did you not pursue that because, in fact, the court--

**LIPPINCOTT:** Well, it'll be interesting to see what Dr. Gold has to say here in a few moments.

**CONRAD:** OK. Did you not decide to pursue that strategy because the Board of Regents has rejected policies like this in the past?

**LIPPINCOTT:** They didn't, didn't seem to have a problem with it.

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**CONRAD:** Who didn't seem to have a problem with it?

**LIPPINCOTT:** Anybody that we showed at the university.

**CONRAD:** OK. Well, and just to be clear, I mean, I didn't bring forward the bill. You did.

**LIPPINCOTT:** I'm sorry?

**CONRAD:** So I'm trying to understand more about your motives and about the law as it is written here, and the legal context and what the purported policy goals are and what the fiscal implications are. And it doesn't seem like what's in the record and available to us matches the rhetoric, so I'll leave it there. Thank you.

**LIPPINCOTT:** Thank you.

**MURMAN:** Thank you. Any other questions? I have one. Your bill is toward-- directed toward all post-secondary education. [INAUDIBLE].

**LIPPINCOTT:** Yes, sir. That's correct.

**MURMAN:** Thank you. Senator Meyer has a question.

**MEYER:** Thank you, Chair Murman. You and I are kind of contemporary, although you look much younger than I do. When you were in school-- grade school, high school, college-- did you learn about Japanese internment camps in World War II and this initiative by our government, slavery, which was a terrible thing in our history, many of the blemishes on our past history, you learned all that in school?

**LIPPINCOTT:** Yes, sir. I did.

**MEYER:** Was there a DEI section in your school at any of them at the time?

**LIPPINCOTT:** No, sir. There was not.

**MEYER:** Thank you.

**LIPPINCOTT:** Thank you, sir.

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**MURMAN:** And yes, I, I have a question also. So your goal is that everything involved with the university, with our post-secondary education system will be based on merit, rather than a person's ethnicity or color of skin. Is that correct?

**LIPPINCOTT:** Yes. We need to emphasize individuals, not groups.

**MURMAN:** Thank you very much. Any other questions? Senator Conrad.

**CONRAD:** Thank you, Chair Murman. Thank you again, Senator Lippincott. To follow up on the chair's discussion, you, you noted that you brought forward this legislation to ensure that we can focus on merit. How are we not focusing on merit, in terms of employment or admissions today?

**LIPPINCOTT:** It's what we need to do. We need to focus on merit, performance.

**CONRAD:** We do. Where are the deficiencies in the laws, policies or practices today that this bill seeks to fill?

**LIPPINCOTT:** Well, my question would be why did we have to have a DEI office in the past? Because what that does is it forms different groups of individuals, which is divisive.

**CONRAD:** Do you think things like the UNL Women's Center is divisive?

**LIPPINCOTT:** Say again?

**CONRAD:** Do you think things like the UNL Women's Center is divisive?

**LIPPINCOTT:** No.

**CONRAD:** Would it be allowable under this measure--

**LIPPINCOTT:** Yes.

**CONRAD:** --if it advanced? How so? It segregates on the basis of, of gender.

**LIPPINCOTT:** Yeah, that's why we need to keep boys and girls separate in dressing rooms.



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**CONRAD:** OK. That's non-responsive, but thank you.

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

**JUAREZ:** Yes, Senator Lippincott. So I'm trying to maintain my composure here, because this topic is tough. And the message that I'm hearing from you is that diversity doesn't mean quality. Is that your message? Diversity is not quality. That's what I'm hearing. Is that what you're trying to get across?

**LIPPINCOTT:** No. I think that each one of us have infinite worth as individuals.

**JUAREZ:** But you're saying that you want someone of merit to have quality. Is merit the only way that you get quality? I mean, we're a, we're a diverse body sitting here right now.

**LIPPINCOTT:** Correct.

**JUAREZ:** When there's diversity in the schools, when there's diversity in the community, I do believe it means quality, and I guess that's what I want you to understand. Do you understand that?

**LIPPINCOTT:** I do understand that, and I, I appreciate that. The other day, I was sitting in my chair in the Legislature. I looked behind me and Senator McKeon there, to my left, Lonowski, Sorrentino, one seat over. Each of us look different. We are different. Everybody's different, and that's how we should be looked at. Each person has worth, and it's to who they are as an individual, not necessarily as a group. And what I think society does is they have different groups and that itself is very divisive. And we need to do away with that.

**JUAREZ:** Yes, but we're not all the same.

**LIPPINCOTT:** That's correct.

**JUAREZ:** We're not the same.

**LIPPINCOTT:** That is correct. We are not the same. That's, that's right.

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**JUAREZ:** And just be-- and just because having-- to me, having diversity does not mean lack of quality. I guess that's what is important to me to have you understand my perspective, like the perspective that you're trying to bring forth in this bill. I absolutely-- and I don't care if it goes down on the record. I do not agree with not having diversity and not having policies that don't support diversity. I absolutely disagree with going this route. That's the only comment I wanted to get across. Thank you.

**LIPPINCOTT:** If I may, something that's got-- really motivated me for this. When I was in the Air Force and then at, at Delta Airlines, in 1994, Pat Schroeder, who was the U.S. Representative from Colorado, she was the chairman of the Armed Services Committee. And she said, we need to have female fighter pilots. So the military services, they saluted and they say-- they started. And it was a race between the Air Force and the Navy as to who was going to have the first female fighter pilot. The Navy won. It was a lady that was-- she was fighter-qualified. She went through fighter upgrade training, but she did very poorly. And I flew with some guys at Delta that actually had flown with her, and they said that she was weak, but they were pushing her through training because of this directive from Pat Schroeder to have the first female fighter pilot. Well, she was out on the line for about a month. She was making just a final turn to land on the aircraft carrier, and she stalled the airplane. And the backseater, he initiated the ejection sequence. He went out when the airplane was about an 80-degree banked turn. She ejected a fourth of a second later with about 110-degree bank turn. She ejected right into the ocean. They recovered her body about 10 days later, 3,000-foot-deep water. And I thought to myself, maybe Pat Schroeder should be the one that tells her parents of her death. Not good. And contrast that with an instructor that I had, going through pilot trainer. Her name was Eileen Collins. Fantastic pilot, fantastic officer, a great instructor. She was a T-38 instructor going through pilot training while I was going through. And then she went off to test pilot school. That was her next assignment, followed by a time when she taught at the Air Force Academy, in math. And then after that, she got picked up with an agency called NASA. She went up on the shuttle twice. And on her third mission, my boys and I got to see her do a midnight launch, and she was the first female shuttle commander. Eileen Collins did not need any sort of quota. She earned her spurs on merit, whereas the

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young lady who flew the F-14, not good. So I don't see that any particular group of people is inferior or superior, but each person should be judged on their own personal merit and worth.

**MURMAN:** Thank you. Any other questions? If not, appreciate your open.

**LIPPINCOTT:** Thank you, sir.

**MURMAN:** And we'll ask for proponents for LB552.

**TERRI CUNNINGHAM-SWANSON:** Hello, Senators. Thank you for allowing me to speak. My name is Terri Cunningham-Swanson, T-e-r-r-i C-u-n-n-i-n-g-h-a-m-S-w-a-n-s-o-n, and I'm here to address diversity, equity and inclusion. Much of my statement today is based on the views of one of my own biracial adult sons when I asked him what he thought about DeEI. For context, my family is not just biracial, but multiracial and multicultural. And we do celebrate diversity. It's a strength of our family, our communities, and we value seeing different backgrounds represented. But the way DEI is applied in practice is deeply flawed, unfair, harmful to our students, our community, and our state. DEI prioritizes identity over merit. Qualified candidates miss out on jobs and other opportunities because they don't check the right diversity boxes. In Nebraska, we pride ourselves on fairness, and DEI feels like reverse discrimination. For example, a teacher's ability to inspire and instruct should matter most, not their race, gender, or background. When we tilt the scales to favor certain groups, we don't just sideline talented people, we weaken our entire education system. Worse, DEI teaches Nebraska students at all levels that equity instead of equality. Equality means that everyone gets the same chance to succeed based on effort and ability. Equity, as DEI frames it, adjusts outcomes by holding some groups back while propping up others. That's not how the real world should work. It's not what we should be modeling by our colleges and universities to all of the schools and students in Nebraska. Life rewards hard work and resilience. My son proposes that we ditch DEI mandates and instead recruit widely from diverse applicants, but hire and promote based on merit. He also suggested that we use blind evaluations to keep bias out and keep it from rigging the process. Diversity is a natural outcome of fairness, but not a goal to be forced. Let's build a system that's fair for everyone and promote-- or prepare students for the world as it is. Please vote yes on LB552. I believe that this bill is needed because,

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as we have seen, closing an office does not equate to compliance. And there is absolutely a difference between teaching actual history and promoting Marxism in our schools. Thank you.

**MURMAN:** Thank you. Any questions for-- is it Kerri?

**TERRI CUNNINGHAM-SWANSON:** Terri.

**HUGHES:** Terri.

**MURMAN:** Terri? OK. Any questions? If not, appreciate the testimony. Other proponents for LB552. Any other proponents? Any opponents for LB552? Welcome back, President Gold.

**JEFFREY GOLD:** Thank you. Chairman Murman, members of the committee, thank you again for the opportunity to speak to you today. My name, once more, is Dr. Jeffrey Gold, J-e-f-f-r-e-y G-o-l-d, and I am the president of the University of Nebraska. And I'm here to speak to you today, and, of course, answer your questions in opposition to LB552. Our newly mentioned strategic planning document opens by boldly statement, and I quote, we lead the world in transforming lives and communities to an extraordinary future through our enduring commitment to creating and sharing knowledge, inspiring and nurturing discovery, and through forging and sustaining relationships built upon trust, unquote. We do this as a university community by building upon our legacy of excellence and our commitment to the future. The University of Nebraska is committed to a future of the extraordinary for and with the people of the state of Nebraska. As such, we are equally and fully committed to complying with all federal law and guidance, including the U.S. Department of Education's most recent Dear Colleague letter on diversity, equity, inclusion. We take the requirements outlined by the Department of Education, federal law, and state statute very seriously, and have been actively working for decades on ensuring that our policies align with federal and state requirements. This is not a matter of choice for us. It is a responsibility that we take seriously as stewards of federal and state funds that support our educational opportunities for tens of thousands of Nebraskans. In addition, we fully honor the voice of Nebraska's citizens. In 2008, voters passed a constitutional amendment that prohibits discrimination or preferential treatment based upon race, sex, color, ethnicity, or national origin in public education. We respect that decision and, as always, continue

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to do our best to operate within the legal framework. The Board of Regents, elected by the people of Nebraska, is currently actively reviewing all bylaws and policies in the light of evolving federal guidance. We trust the board's leadership and its clearly defined constitutional authority to make decisions regarding university policies. These deliberations are being conducted thoughtfully, transparently, and in full compliance with the law. We are committed that all students receive the full support that they need to succeed in their academic journey and their professional endeavors, and to enhancing Nebraska's future. We believe that no additional statutes or regulations are necessary to achieve these goals. We will continue this important work in collaboration with our Board of Regents, ensuring that our policies, procedures, and actions align with rapidly changing federal guidelines and evolving increasingly complex federal landscape. I thank you for your time and consideration, and I'm very pleased to answer any questions that you may have.

**MURMAN:** Thank you, President Gold, Dr. Gold. And would you say that the university is totally compliant with all the federal guidelines now?

**JEFFREY GOLD:** And to the very best of our knowledge, any time we identify any document, program, or other, we look at it very critically and make a decision as to whether it is compliant or not. And if it's not, we either change it or eliminate it. As I think has been stated here previously, there are no DEI offices on any of our campuses currently, and I just confirmed prior to this hearing today that as of March 1, there is not a single state dollar going into any DEI program at the University of Nebraska. That was not true previously, as Senator Lippincott described, and certainly that is accurate. But as of today, that is the case.

**MURMAN:** Thank you. There's been some question about the fiscal note. There, there apparently was at least a \$1 million savings to the university with the closing of the office of DEI. Of course, that took place before this bill was written. Has there been any savings since then that you can identify?

**JEFFREY GOLD:** Well, we are constantly changing programs, and the budget is a very dynamic thing. I, I can do a little bit more research and ask you whether there is any savings, but to the best of my

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knowledge-- well, maybe that's not true. The-- when UNL closed its Office of Diversity, Access and Inclusion [SIC], several employees were separated from the university, so that would have potentially created some savings and allowed the repurposing of very precious dollars.

**MURMAN:** I think we heard on the open that that was about a \$460,000 savings. Does, does that sound about right?

**JEFFREY GOLD:** I'll take your word for it, sir.

**MURMAN:** OK. Thank you. Any other questions for Dr. Gold? Senator Hughes.

**HUGHES:** Thank you, Chairman Murman. Thank you for being here today, Dr. Gold. It's been a long afternoon already. I just have a question how-- this is just something I was in when I was at a univers-- I went to Texas A&M University. I got an engineering degree there, and I was a member of the Society of Women Engineers, and we had different groups like that. Does what we're doing now across the board eliminate those kind of things, those kind of programs? Is that-- I mean, we were women. It's a different gender and singled out. It wasn't-- I don't know. I-- we met separately and did activities according-- you know, under engineering. Is that something that's targeted by all of these things? And I'm imagining there's other examples of that, as well.

**JEFFREY GOLD:** What-- it is my understanding what's being targeted predominantly is discrimination, as defined in the letter from the Undersecretary of Education, and, and certainly defined in legislation from the state of Nebraska in 2008. That is to say that there is no issue in having an organization for women engineers, as long as it's open to all. In other words, if it's focused on issues related to success in engineering for women, and as a fellow engineering graduate, I understand the challenges broadly and across that curriculum, it is the restriction that-- the discrimination that would potentially be associated with that.

**HUGHES:** OK. Thank you.

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

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**LONOWSKI:** Thank you. Chair Murman. Thank you, sir, for being here. I really appreciate your, your testimony. And I got here a little bit late, but I've understood DEI since they called it multiculturalism. And I assume --and so you can just agree or disagree, but I'm pretty sure you probably practiced equity and equality since the very beginning of your educational career. Probably the, the one thing here is that now we lose these federal funds, but I still believe that every instructor and Dr. Turman and everybody else in the state colleges, they probably treat everybody pretty equal. I know I did since 1988, when I became a teacher. And I didn't know that we needed titles or, or tags to tell me when I was doing right or wrong. Would, would you agree with that assessment?

**JEFFREY GOLD:** Yes, sir, that as long as I've been associated with the University of Nebraska system, and I'm now in my 12th year here, we do everything we can to be sure that we do not discriminate and provide opportunities for every student to meet them where they are, and to try to make them as successful as we can. Similarly, we work with all of our faculty and staff to be sure that they're successful, and again, meet them where they are, as an individual.

**LONOWSKI:** Thank you, sir.

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

**HUGHES:** Sorry. Thank you, Chairman Murman. I kind of thought of one more thing when you guys were talking. So I also served, like, around the Seward area on a scholarship committee. And a lot of times, scholarships are targeted toward-- it might be-- it could be-- oh, I'm a woman. I'll just use that-- a woman going into ag from a rural area. I mean, we have very targeted-- or it could be somebody with Indian descent doing, you know, X, Y, Z. Is anything like [INAUDIBLE] scholarship programs and stuff affected by this, this happening?

**JEFFREY GOLD:** The univer-- well, most of those scholarships, as you describe them, are managed through the University of Nebraska Foundation. And we are actively-- the University of Nebraska Foundation is actively going through all scholarship fund agreements right now, looking for any that might be of concern to the recent letter from the Department of Education. And if they are identified,

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we'll work very closely with the donor to be sure that there is no element of discrimination in any of those. Maybe then, our--

**HUGHES:** But is it discrimination if it's woman from the rural area, because you're discriminating against a woman from an urban area or a man. You know what I'm saying?

**JEFFREY GOLD:** But there is no question that this could possibly affect those types of scholarships.

**HUGHES:** Wow. Thank you.

**MURMAN:** Any other questions? If not, we really appreciate you being here.

**JEFFREY GOLD:** You're very welcome. Thank you.

**CARTER GRIER:** Good afternoon, Chair Murman and members of the Education Committee. My name is Carter Grier, spelled C-a-r-t-e-r G-r-i-e-r, and I am testifying today on behalf of the Association of Students of the University of Nebraska, representing the more than 23,000 students at the University of Nebraska-Lincoln. I am here to express my strong opposition to LB552, which seeks to eliminate Diversity, Equity, and Inclusion offices and programs from Nebraska's public colleges and universities. For many students, DEI programs are not about politics. They are about creating a campus environment where all students, regardless of background, have the opportunity to, to succeed. LB552 threatens that progress by dismantling the very offices and initiatives designed to support first-generation college students, students of color, LGBTQ students, and others who have historically faced barriers in higher education. I have seen firsthand the impact of DEI efforts on our campus. These programs provide mentorship, academic support, and community for students who might otherwise struggle to find their place in a large university setting. They help students from rural areas, underrepresented communities, and different walks of life connect with resources that make a real difference in retention and graduation rates. Eliminating these programs does not create a more equal playing field, it takes away vital support systems that help students succeed. Beyond the student experience, LB552 would hurt the university's ability to recruit and retain talented faculty. In today's competitive academic landscape, top educators and



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researchers are looking for institutions that foster inclusion and value diverse perspectives. By outlawing DEI programs, Nebraska risks losing faculty to states where they feel supported and free to engage in meaningful scholarship without political interference. This not only degrades the quality of education, but also weakens our ability to attract research funding and innovation to Nebraska. Additionally, this bill sends a damaging message to current and prospective students. As a student leader, I want my university to be known as a place where everyone has the opportunity to thrive, not as a place where diversity and inclusion are treated as threats. LB552 is a step backward, one that will make Nebraska's higher education institutions less competitive and less welcoming. Students want and need spaces that foster belonging, ensure fair treatment, and provide equitable access to opportunities. I urge you to listen to the voices of the students and faculty who are directly impacted by this bill and vote against LB552. Thank you for your time.

**MURMAN:** Thank you. You mentioned the several groups that you thought could be discriminated against because of this bill. If, if merit or academic performance or whatever the quality that we're looking for in whatever area it is, if that is a determining factor as to who gets hired or who gets the scholarship or who gets admitted to the university, how does that discriminate against those groups?

**CARTER GRIER:** Right. Thank you for asking that question, Senator. I feel as if these groups are provided resources that DEI offices provide them, such as academic, academic counselors, counselors in other groups, and it also just kind of helps students find their place on a large university. It helps them, I guess, find their own community in a place where it might otherwise be unfamiliar or unwelcoming to them.

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

**CARTER GRIER:** Thank you.

**MURMAN:** Other opponents for LB552.

**JOSEPHINE LITWINOWICZ:** To touch on the left. Side for the Hi. Good evening, members of the committee, Chairman Murman. Hi. My name is

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Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And, you know, I'm just going to say, this queer might be the most intelligent applicant for a job. And so, the thing is, is that I've thought about this forever. And, you know, I've seen it in New Orleans and-- you know, the systemic racism, because I was, I was able to view that through a certain lens. So we've totally redlined and, and like, the, the black population, and we just burned their community. I mean, the problem is, is that we need to invest more-- or I don't know about money, but the-- you know, do something about schools, inner-city schools, you know. Where I'm from, you know, if you're going to go to, you know, a New Orleans public school, you'd have to-- your parents would probably put toilet paper in your bag. And, you know, I don't know if there's any places that exist like here. But-- and this, this, this notion of what would be included in DEI. I mean, what could be? What could come later? How are we progressing? Because I, I worry. I, I just think I know a common sentiment here, like is-- viewing me, for example. I think you think I'm abhorrant, and that's too bad-- just from voting, just in the past. I, I still get along with you, and I-- but I, I know what's what, as far as what I've seen in the last few years. So-- and it's critical race theories that are all-- some of these are going to merge and morph into [INAUDIBLE]. Because what, what, what else could it apply to later? I mean, it's kind of vague. And you combine that with Trump's persecution of, of college students. And I'm not going to compare myself or whoever to that person. But, you know, that, that desire-- you know he unpardon-- he wants to unpar-- unpardon-- this is fascism, people. I mean, he's trying to unpardon? Are you exasperated by such a thing? I-- the only people that should be unpardoned are the cop killers that-- he sat for 3 hours. They should compare it to a football game, and not to hear them argue about did he meet-- did he incite or didn't he? Yeah. You know, mention this a football game, an NF-- or whatever, and, and watch-- imagine watching a whole football game while people are getting clobbered. Anyway, but that doesn't happen. I don't know.

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

**JOSEPHINE LITWINOWICZ:** Thank you.

**MURMAN:** If not, thanks for the testimony.

**JOSEPHINE LITWINOWICZ:** Thank you.

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**EDWARD VENTURA:** My name is Ed, E-d, Ventura, V-e-n-t-u-r-a. I'm a member of the National Education Association board of directors, representing Nebraska, as well as a leader with the Nebraska State Education Association. I'm also a graduate of New Mexico Highlands University, Peru State College, and the University of Nebraska at Omaha. I'm here today to oppose LB552. When I chose my undergraduate institution, I was in the hope of embracing my identity with a supportive community. However, I was met with harsh reality, a deep-seated hatred towards black individuals in that town. One of the most haunting memories is the night when I held the head of one of my black friends, a talented basketball player, after he was attacked by members of a local fraternity. The pain of that moment still resonates with me and serves as a reminder of the urgent need for change. The current landscape surrounding diversity, equity, inclusion initiatives in higher education is alarming. It is also indicative of a troubling trend: the system's apparent attempt to repeat past mistakes. In the political arena, we frequently witness the misrepresentation of history, where language is manipulated to disrupt meaningful dialogue. Tactics such as fear-mongering and the distortion of historical facts have been employed to sidetrack serious conversations. Sadly, misinformation has become a leading factor in the decisive movements surrounding diversity, equity, and inclusion. As misinformation about DEI efforts continue to spread, it necessitates reevaluation of our understanding of the First Amendment, freedom of speech, and the principles of democracy. Alarming, many legislators and policymakers seem to lack a proper understanding of what diversity, equity, and inclusion truly entail and how legislation targeting DEI undermines higher education's ability to support marginalized communities. Equity, equity is a cornerstone of DEI efforts, ensuring all students have an access to the resources and opportunities necessary for success. This means addressing not only financial barriers, but also providing tailored support services that recognize the unique challenges faced by rep--underrepresented groups. By leveling the playing field. Institutions can empower all students to thrive academically and personally. Inclusion fosters a sense of belonging to every individual on campus. It involves actively engaging students in decision-making processes, creating safe spaces for dialogue, and promoting culture and competency among faculty and staff. When students feel valued and included, they are more likely to engage fully in their educational journey, which leads to higher retention

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and graduation rates. We must recognize diversity professionals as subject-matters experts rather than isolating or sidelining them. Legislation should not treat diversity professionals as expendable. Their roles and responsibilities are integral to the mission of educational institutions. The work of these profession-- professionals is grounded in decades of esteemed best practices and research. Our campuses cannot thrive without their expertise, which supports, uplifts, protects, and educates faculty, staff, students, alumni, and administrators of DEI initiatives. In conclusion, neglecting the importance of DEI could have severe consequences. We risk losing individuals who enrich our ademic-- academic communities, resulting in a decline in enrollment and recruitment efforts for talented students, faculty, and staff. We must advocate for DEI, ensuring that our educational institutions remain vibrant, inclusive, and capable of fostering a diverse range of voices and perspectives. The future of education depends on it. Thank you.

**MURMAN:** Thank you. The incident that you talked about earlier in your testimony, did that happen in Nebraska?

**EDWARD VENTURA:** No, sir.

**MURMAN:** Well, we're very happy that that didn't happen here. Were the people that did it prosecuted at all?

**EDWARD VENTURA:** Not to my knowledge, sir.

**MURMAN:** Well, that's, that's very unfortunate. Sorry about that. Any, any questions for Mr. Ventura? Yes. Senator Juarez.

**JUAREZ:** Thank you. Thank you, Mr. Ventura, for being here today and for your statement. So I wanted to ask you, has there been any discussion in the school system about the potential impacts if the Department of Education is eliminated?

**EDWARD VENTURA:** The, the impacts? Overall, I mean, just-- I mean, a variety of ways from the civil Rights office to I mean, IDEA. I mean, there's a variety of things that are happening with the Department of Ed nationwide that can affect us. I mean, we already have troubles with educator shortages overall, and not just teachers, but paraprofessionals and everything else.

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**JUAREZ:** And do you think that if the Department of Education is eliminated, that it'll have a major impact on our students in special education?

**EDWARD VENTURA:** Yes, Senator Juarez.

**JUAREZ:** OK. Thank you.

**MURMAN:** Any other questions? If not, appreciate your testimony.

**EDWARD VENTURA:** Thank you.

**DEWAYNE MAYS:** Senator Murman and other members of the Education Committee. I am Dr. Dewayne Mays, and I'm representing the Lincoln branch of the NAACP, National Association for the Advancement of Colored People in opposition to LB552, which is referred to as--

**MURMAN:** Excuse me, could you spell your first and last name, please?

**DEWAYNE MAYS:** Dewayne, D-e-w-a-y-n-e, Mays, M-a-y-s.

**MURMAN:** Thank you.

**DEWAYNE MAYS:** The NAACP-- this bill is in opposition of LB552, which is referred to as an anti-DEI effort, drafted on behalf of the people of the state of Nebraska. The NN-- the NAACP is the largest civil rights organization in this country and has advocated for civil rights, including social justice for all citizens for over 100 years. It is our mission to advocate, encourage and support fair and equitable treatment for all people. Through our collaborative effort with community partners, we have determined that LB552 is heavily weighed against people of color, women, the disabled, and the poor. LB552 is an attempt to limit free speech and other rights in post-secondary state institutions, and efforts to express those freedoms that allow us to reach our potential. This is-- there is an old adage that says when there is progress in achieving civil and jus-- civil rights and adju-- and justice, change, change the rule. LB552 is an effort to put people of color, women, LBTQ, the disabled, and other marginalized groups in their place to advantage the majority population. Such efforts have increased-- have existed for such a long period of time, post-Civil War and beyond. And this equates to some of the things that happened during the next-- Nazi era, era. In this

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political and economical uncertain time, we ask you to be sensitive to the needs of the Nebraska population that is often overlooked and not considered. In other words, they fall through the crack when the laws of the state are implemented. For good-hearted citizens of Nebraska, this is embarrassing. We all know that stoking racial division and resentment among some of our majority citizens and pandering to their misguided fears and resentment of people of color and of people of disenfranchised uses it as a political expedient tool. I assure you that we can do better in Nebraska. We must display the courage to do the right things, even when it is unpopular with some who fear-- who-- whose fear, anger, and resentment are misplaced. Supporting LB552 will pander those fears and misplace represented. Therefore, we are depending on you, the state representatives of, of Nebraska, to have the wisdom, the moral courage that will address the needs of Nebraskans by opposing LB552, a bill that will undo many years of progress in Nebraska. We are asking you to stand strong for the least of these. Vote no on LB552. Thank you for your public service to all Nebraskans.

**MURMAN:** Thank you. Any questions for Mr. Mays? If not, I have one. You mentioned the Nazi area-- era.

**DEWAYNE MAYS:** Yes.

**MURMAN:** Would you agree that during the Nazi, Nazi era that people didn't have the worth because of who they were, because of their worth as humans-- rather, it was because of their nationality?

**DEWAYNE MAYS:** Their nationality and their race.

**MURMAN:** Yes. Correct. Thank you. Any other questions? If not, thanks for your testimony.

**GUILLERMO PENA:** You asked what a DEI hires feels like. I almost gave up speaking. That's what a DEI hires feels like, but my name is Guillermo Pena. I'm from Grand Island, Nebraska. I'm LD 35. G-u-i-l-l-e-r-m-o, Pena, P-e-n-a. I'm, I'm here on behalf of the NDP Latinx Caucus. And let me start by saying that history is controlled by those, you know, who make it or twist it. Let me read a couple words from a wise woman. We are accompanied by many friends, religious leaders of the state, spearheaded by migrant ministry, the student

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groups, civil rights groups that make up the movement that has been successful in securing civil rights for Negroes in this country. Right-thinking citizens of our staunchest allies, organized labors are all in the revolution of education. That was Dolores Huerta. I just twisted it a little bit for education. I cannot believe what we see here today. I'm proud that we have diversity, equity, inclusion. Sometimes, sometimes my party forgets, as well, but not, not me. Not this Democrat. I am inspired by Dolores Huerta. And I cannot specify how the ghost of Jim Crow, the ghost of the past, comes to haunt, haunt us with diversity, equity, inclusion. Am I qualified enough? Is it because how I speak? This-- these are questions. These are questions that I ask myself, right there. That-- that's how children feel. Maybe you will never experience it because of this, this, this color, the cardboard color. The, the cardboard color of the American worker, of the Latino worker. That's who I stand for, for the children, for the children who can't have an opportunity, who can't get a scholarship like I did. I could have gone further. I loved government class. I loved it. But people made fun of me, people bullied me and things like that. DEI protects us. It gives us a space to grow, to continue forward with education. And you want to take that away. I don't know why. I don't know what's in the past, but its just haunts you. It's the Jim Crow haunting past that scares you, and you try to revive it. You try to scare DEI, but we will stand firm. I stand firm with the Nebraska children and all the Latino children and all my African brothers and sisters. I stand with you today. I say nay to LB522. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Pena? Hold up, just a second. We can see if we have any questions.

**GUILLERMO PENA:** Yes.

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

**JUAREZ:** Thank you, Mr. Pena.

**MURMAN:** Other opponents for LB552.

**JaQUALA YARBRO:** I would say good morning, but it's almost dinner. All right. You ought to order pizza in here. I'm JaQuala Yarbrow, executive director of the Compete Institute of Socioeconomic Policy and

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Education in north Omaha, although we serve as 22 collaboratives throughout the state of Nebraska. I actually was not here to testify on behalf of this particular piece of legislation, but I was perturbed and could not restrain myself. So I am the daughter of a-- granddaughter of a Black Panther who was hogtied and shot by the Omaha Police Department in 1975, and it just amazes me that we are even discussing such legislation as we are today. To listen to the, the writer of this and the origination of this and to hear such dismissal of the need. Might I remind you of Ruby Bridges or James Meredith, who was gunned down trying to attend, right, hoping that people who did not look like us would allow us a fair chance. So let us not be dismissive of our very racially divided history. Those of us who are now being excluded, most of us did not come here voluntarily. We were brought here. We do not know our history. We don't know where to go back to. So us and our ancestors, our ancestors worked to try to develop some form of infrastructure for us to function within. And then we bought into integration, which usually ended up with us on the bottom, us just conceding to what majority white people wanted us to do. And so, as I sit here before you today. I really want to get to the bottom of, are we in Nebraska moving back into Jim Crow? I really want-- I was born in 1987. I heard your reference, I believe, 1988, the history of, of, of you being able to make good decisions, and I'm, I'm glad you have. But as a black girl with a capital Q in my name, life has been hell in Nebraska. I do not-- I'm not the pick of the litter. I got a 32 on my ACT and a perfect score on the SAT, and I was not the pick of the litter. If I didn't come from Duchesne Academy, and if I did not have a white, gay foster parent advocating for me, sponsoring me and putting me into certain places, I would not be where I am now. And so we are remiss-- we would be remiss if we did not just take a step back and acknowledge this for being just blatant racism. The state of Nebraska is what, majority white. Majority white males make up the legislative, right? Let's acknowledge that. And it's OK if that makes you uncomfortable. But as we say in the 'hood, don't play in my face. We're not, we're not going to do that. It doesn't get us-- it doesn't get any of us anywhere. At just-- what-- my problem with DEI is that I feel like civil rights took a backseat. And the moment we let civil rights take a backseat, that's when this old Jim Crow started to creep back in. And so let us revisit our very nasty black eye of a past, I believe someone mentioned earlier. Let us revisit what that looks like. But removing DEI is not going to get rid of



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native people. It's not going to get rid of black people. We will find a way to continue to build, to continue to be in these spaces. We will continue to make sure that we are represented. And I'm open for questions.

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

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

**ZACKARY H. BURSH:** Good afternoon. My name is Zackary H. Bursh. That is Z-a-c-k-a-r-y H. B-u-r-s-h. And I'm many things. I'm a black man from Omaha, Nebraska. I am an educator. I'm a boxer. I'm autistic. And I, like so many other of the black men and women that came from north Omaha and filled with an unrelenting anger, every single day of my life. I wake up and I get to read the news every morning, where I am told every day that me and people like me, people like the people-- the men and women in this room, don't matter. As a future educator, but one that is not incompetent by any means, I am appalled by the existence of this bill, not the conversation surrounding it, not the opinions that are taken on it, by the fact that it exists. When I think DEI, diversity, equity, and inclusion, I don't think a lot of the things that I feel like a lot of the people in this room think. I think of women's suffrage. I think of the civil rights movement. It's been mentioned many times today that we didn't have a DEI office for so long, but that's because it wasn't called DEI. It was called those things. The civil rights movement is diversity, equity, and inclusion. The purpose of equity is not to give those who have more. It is to establish equality. The end goal of equity is equality. I am a biracial man. If I was born 20 years earlier, my parents would have been killed in the streets and I burned at birth. My folks from Louisiana. They were both raised Baptist and Pentecostal Christian. And when, and when my brother was born, the things they had to endure, just on the virtue of the fact that they were a black man and a white woman together having a child would give some of y'all nightmares. And I get to exist and I get to be here. And the fact that I get to be here, where I am talking to you all the way that I am, without fear of persecution, without fear of being lynched the second I walk out of here is because of diversity, equity, and inclusion. I'm allowed to be in this room because of DEI. Omaha, Nebraska, where I come from, she is my first love. I love the neighborhoods I grew up on. I love the

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restaurants I got to go to, and I love the students that are there. But the reason I will never teach in Omaha Public Schools is because its administration, time and time again, has shown its teachers that it does not care about them. Omaha, as a city, was built on the backs of several people, wave after wave after wave. And "North O" and "South O," where I and my Latino brothers and sisters call home, are the places in which the poorest have always lived. They weren't always black in "North O." There wasn't always Latino in "South O." It used to be the Polish, then it was the Jewish, then it was the Russian. Time and time again, the lowest rung of society as they came into society, were put in these places. That is something I could not share with you all without DEI. That is a lesson that, as an educator, I could not teach under the existence of this bill. So I ask you all to oppose it, because if you don't, you're spitting in the face of everything that education is, was, and will be. I'm done.

**MURMAN:** Thank you. Any questions for Mr. Bursh? Senator Lonowski.

**LONOWSKI:** Thank you, Chair. Thank you, Mr. Bursh. Did you say you're a teacher now or you're an aspiring teacher?

**ZACKARY H. BURSH:** I am a secondary education major at the University of Nebraska-Lincoln.

**LONOWSKI:** OK. And you've been a boxer and, and--

**ZACKARY H. BURSH:** Yes, sir.

**LONOWSKI:** --and so I, I just submit to you that I don't think it was DEI. I think it was your own ability, your, your intelligence, your wits, your ability to speak in public that got you there. And, and I'm probably-- I might be wrong. I don't know. But I just think that the fact that you-- you've been able to overcome things on your own is what have given you the ability to be the good man you are or the aspiring teacher. And I hope you make it. I, I hope that you can inspire other people along the route.

**ZACKARY H. BURSH:** Sir, when I say that I'm here because of diversity, equity, and inclusion, what I mean by that is that in 1965, black people were allowed to go to universities. That was a DEI effort. And

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without diversity and equity and inclusion, I wouldn't be. My, my brothers and sisters in that row wouldn't be.

**LONOWSKI:** Do, do you think we'll need DEI or programs like DEI forever, or for 20 years? I mean, when I taught and I had minorities in my classroom, I didn't try to, I didn't try to use DEI. I tried to make sure that everybody felt the same in my classroom, on my wrestling team, on my football team.

**ZACKARY H. BURSH:** Yes, sir.

**LONOWSKI:** And I really thought that by trying to point someone out as, as the only minority or 1 of 2 or 3 in my class, I thought that was more damaging than it was good, I really felt-- same thing in the National Guard, and when I was down in Louisiana helping with, with Hurricane Katrina cleanup and such. I thought, man, everyone's the same here. And we need to make sure we treat all brothers and sisters the same, not, not on a different scale because of some program that I didn't, that I didn't put into place and that I don't want to keep out necessarily, but just treat you like an equal.

**ZACKARY H. BURSH:** Yes, sir. And, and I find that mindset to be a healthy one. I, I can agree with that. But as I said before, the end goal of equity is equality. I agree that we should be able to treat everybody in every space equally, but I don't believe that anybody in this room can say with full confidence that every rung of society, every class, every race, every gender, every sex is treated the same. And the purpose of equity is to get them to that point. I would love to be able to think like you do and act like you do blindly, but I can't not acknowledge the fact that we aren't equal.

**LONOWSKI:** One sec. Do I have permission to, to just invite him to my office at some point or out for coffee? Can we do that? I'd love, I'd love to--

**MURMAN:** You have to ask him in a question. [INAUDIBLE].

**LONOWSKI:** I guess I do now. I'd like you to come back to my office at some point, and we just have a long conversation and maybe I'm wrong. Maybe I'm right. But I'd just like to get to know, like, what you've been through better.

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**ZACKARY H. BURSH:** Absolutely, sir.

**LONOWSKI:** OK. Thank you.

**MURMAN:** Any other questions?

**JUAREZ:** Thank you.

**CONRAD:** I have a question.

**MURMAN:** Yes, Senator Conrad.

**CONRAD:** Thank you, Chair Murman. I think that one thing that's really--perhaps we need to maybe reaffirm or put a finer point on in regards to some of the discussion I've heard on this measure here today. There seems to be some sort of misguided policy underpinning from proponents that diversity, equity, and inclusion equals less than merit or less than, which, of course, is not the case, in regards to employment or admissions or the broad speech code that Senator Lippincott seeks to impose on the teaching of truth in our institutions of higher education. But I think what my friends in the Legislature are pushing this bill are missing is the fact that even when things are equal in terms of merit, because of racism, because of gender discrimination, because of discrimination against people who are differently abled, because of discrimination against people with different religions, they don't have an opportunity to succeed even when merit is the same.

**ZACKARY H. BURSH:** Yes. My mother's side of the family-- my mother was white. She and her family were rural. She was a farm girl. My dad, on the other hand, my black side, in Leesville, Louisiana, a town of 40,000, named after Robert E. Lee, is-- are some of the most educated people that I know. They-- my grandmother, my aunts, my uncle, and several of my cousins on several different generations all graduated from Grambling University. They were only able to go to Grambling and not any of the dozens of other universities that they applied to that they were just as qualified for, because Grambling had black people on the admissions council. My family is so educated. They have their roots in education. My grandmother, Lydia Lasagne [PHONETIC], has been an educator in this country for over 30 years. She's retired 3 times, but she keeps coming back out because she understands that she can't

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quit yet. And I know that-- I don't have dementia. I'm not 93. I'm 19, so I know I can't quit yet.

**CONRAD:** Yeah. Well, I really am glad that you're here, and I appreciate your advocacy and your family's commitment to education. And of course, it's always a good thing to continue the dialogue, so if you choose to do that with Senator Lonowski, that belongs-- that decision belongs to you, too. But Senator Lonowski knows, as does every adult in this room, that there are dark chip-- chapters in American history that have excluded Black Americans, women, Latino Americans from participation in employment and education. And this measure seeks to whitewash that chap-- those chapters in our history, and it seeks to chill speech and expression when we talk about them. So thank you for being here.

**ZACKARY H. BURSH:** And as a future educator, I am more than happy to educate anybody who wish to seeks it-- who wishes to seek it out. So.

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

**ZACKARY H. BURSH:** Thank you, all.

**BIANCA SWIFT:** I apologize if your documents don't exactly mention-- or match up with what I'm going to say. I was much angrier when I wrote them. I also just want to clarify before I get into my statement, my name is Bianca Swift, B-i-a-n-c-a S-w-i-f-t. I would also like to clarify before I get into my statement something that was mentioned earlier-- previously by Senator Lippincott, was Speech First. And as someone who is highly educated, I know the value of research, and so I looked up the sources of Speech First. I saw many unrelated sources. Even if they were related, though, the sources that I did find that were related were highly conservative-based or highly right-wing. This has nothing to do with my testimony. I just think that you should know. OK. I'm here to strongly oppose LB552. I have come in front of committees similar to this one, and I have been lovely and I have been funny and I have been charming, because I'm all of those things. However, now, unfortunately, I'm also disappointed and I am angry, and I'm sorry to say that I am not surprised. Senator Lippincott, who has brought forth this bill, got his degree in broadcast journalism. This is a difficult degree. I know because I now teach one of the courses

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that support it. I too graduated from UNL and then went back to get my masters. I'm the first person in my family to have an MA, and I'm only the second to graduate college after my older sister. And though this is not the only proof of success, I know that it is the one most everyone is willing to recognize. Now, whether a DEI program put me there or not, I do not know, though I'm sure this will be quietly debated behind closed doors. What I do know is that I graduated with honors in my undergrad, and with distinction in my masters. And so regardless of DEI, I did deserve to be there, but without it, I might not have been. So I'd like the record to state that if and when I do bigger and better things than people like Senator Lippincott, whose largest desire seems to be passing laws that rollback progress, it will be because I deserve it and it will be because I have earned it, like many black and brown people before me. I have no naive belief that any testimony will change the tides of those who are invested in the oceans. But I want you to know, just for the sake of me saying it, that I am leaving Nebraska. I also would like you to know that I would have done brilliant things here. And it is bills like this one and others passed previously by your legislation that I will instead be doing brilliant things elsewhere. Lastly, if you'd let me, I'd like to end on a small anecdote. There's a memorial site for Malcolm X in Omaha, Nebraska. I know this because I was born and raised and cornfed in Omaha, Nebraska, and as such, I have visited [INAUDIBLE]-- I have visited this memorial many times. And though Malcolm X is a man who I'm sure many of you could find much wrong with, the fact of the matter is, he was important and he did live here. But then, you burned down his house and he left. So I'm sorry, but we do not deserve that memorial. So know that when you pass this bill, though I deeply hope you do not, when I am amazing somewhere else. I ask that you do not dare to claim me. Thank you.

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

**CONRAD:** Thank you, Chair. Thank you for being here, Bianca, and offering your powerful advocacy and testimony. And I just want to let you know that it, it does matter. And Senator Lippincott and proponents of this measure note that this bill has a variety of legal problems, and it has not been prioritized, which makes it unlikely to advance. But nevertheless, citizens and policymakers must remain vigilant against hateful, harmful measures like this. And so, he has decided to direct our time and attention to this, and we will build

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the record accordingly so. But I did want that to be clear for the record, and I did want to tell you that your testimony does matter. And thank you.

**BIANCA SWIFT:** Thank you.

**MURMAN:** Thank you. And we hope you change your mind and stay in Nebraska. We'd like to keep you here.

**BIANCA SWIFT:** Thank you. I will not.

**MURMAN:** OK.

**RON CUNNINGHAM:** Chairman Murman and fellow committee members, Ron Cunningham, R-o-n C-u-n-n-i-n-g-h-a-m. I am in opposition, and I only represent myself. Here we go again. Another bill from Project 2025. The National Republican Party wants our state legislators to push through supposedly our nonpartisan Legislature, a partisan bill. I see a strong correlation between Title IX, which has undeniable success, and many of the initiatives in DEI, which most politicians right-- far right-wing mischaracterize. DEI has complimented Title IX by promoting, promoting inclusiveness and equitable environment. The overall success of Title IX should give validity the potential of DEI initiatives. The fate of several current bills and CA proposals will be determined by our senators' belief about Title IX and DEA [SIC]. The LB3, winner-take-all, exclusively considers Republican voters. That's structural inequity. If that bill becomes law, it will be a result of biases of senators who speak of fairness, diversity, and a level playing field, yet put national partisan politics above fairness to their fellow Nebraskans. Many Republican senators want equality for all, for their daughters and their granddaughters in another current bill, but not for the voters of our 3 congressional districts. Eliminating DEI will only give more and more power to the partisan groups to use structural inequity. It is essentially an assault on our public colleges and an endorsement for white nationalism. I doubt that most appointments to the commissions and boards and along with political appointments to our state have been or ever will be based on anything but bias and favoritism. I'm guessing a lot of it's because of a connection. I'm concerned more about our pay-to-play groups and how these groups influence our state laws. Are the citizens of Nebraska to assume that those of-- members are all merit-based, or

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does help paying \$10,000 make them the most qualified? Equality and equity are not the same. So people that are trying to equate those two, they're not the same. DEI attempts to create a level playing field, and no matter how it's currently tilted. But honestly, most of us, we prefer a tilted playing field, especially if it favors us. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Cunningham? Senator Lonowski.

**LONOWSKI:** Thank you, Chair. Thank you for your testimony, Mr. Cunningham. So I, I find it an unfortunate equation when you compare it to Title IX, mostly because Title IX-- and I was a wrestling coach. Title IX cut wrestling from many, many programs-- Colorado, Notre Dame, Kansas, Kansas State. None of the SEC teams have Title IX. Because what it did was in order to get equal with the amount of scholarships for men and women, and it couldn't bring women's sports up so it took men's sports down to that equal level. So only now, even though Title IX has been in, in effect for decades, even now-- or only now are colleges finally adding women's wrestling and high school women's wrestling to help put women's sports on an equal level, at least in that sport. So there are-- there were also some bad, some bad parts of, of Title IX, but--

**RON CUNNINGHAM:** Can I respond to that?

**LONOWSKI:** Yes, sir. Please do.

**RON CUNNINGHAM:** The only thing is, I think if, in order to bring some up, you've either got to have a pause, you know, or something has got to go down. And I think I, I think you'd be hard pressed to find someone to say that Title IX was not good. I agree-- I used to coach myself years ago. And I can remember the first girls basketball game. If they called anything by the rules, the girls couldn't have got it past half court. But now, you go watch a girls basketball game and they're very entertaining. The professional, Caitlin Clark, look what she's done. And so, they've come up. And I-- but I don't think you criticized the intent of Title IX because it handicapped the men. They had such an advantage at that time that it was-- what would you do? How would you make them equal, other than to do it by law? The men-- it's just like any group. Any group that has power says, hey, stay down here, guys.



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**LONOWSKI:** I, I don't disagree with that, but I'm just saying there are also some unintended consequences.

**RON CUNNINGHAM:** Sure. Yeah. Everything-- I don't care what law you pass. There's going to be a challenge. There's going to be something that's not there. Like I say, equity and equality don't mean the same thing. I, I coached last year, at my age, a, a YMCA group of young boys. And they-- I gotta be careful what I say here. But the area of Leighton, where they were from, even though we had equal facilities, equal number of basketballs, equal number of blah, blah, blah, blah, we were not equitable. Because some of the teams we would play, their parents had their kid in a select basketball program for several years. It wasn't because of the boys I was coaching didn't want to play select basketball, right?

**LONOWSKI:** I, I agree.

**RON CUNNINGHAM:** Mom and dad didn't have money. So you can say everything was equal, but it was not equal.

**LONOWSKI:** No, that's exactly my point.

**RON CUNNINGHAM:** Yeah.

**LONOWSKI:** Thank you, sir.

**RON CUNNINGHAM:** You bet. Thank you.

**LONOWSKI:** Thank you for your testimony.

**MURMAN:** Any other questions? If not, thank you. Other opponents for LB552.

**CRYSTAL GARCIA:** Greetings again. My name is Crystal Garcia, C-r-y-s-t-a-l. I have a PhD in educational leadership and higher education. I study higher education. I'm an associate professor at UNL, but speaking on behalf of myself, I strongly urge you to oppose LB552. As a higher education researcher, I am well aware that educational disparities exist by race and other identity factors, and that as educators, it's our job to recognize and address those disparities to ensure that every person has the ability to earn the education that they deserve. The question is, Representatives, is--

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are you aware of the disparities within your own state? Nebraska's Coordinating Commission for Postsecondary Education reported Nebraska public high school 4-year graduation, graduation rates by race/ethnicity in the 2022-2023 school year were as follows: 92.4% of white non-Hispanic students graduated, compared to 88.4% of Asian students, 76.7% of Hispanic students, 75.9% of black non-Hispanic students, and 73.9% of Native American students. If we look at those numbers, that's nearly a 20% difference, comparatively between white non-Hispanic students and Native American students who graduate from Nebraska schools. These are the same students who may enroll in our colleges and universities. No matter whether the actual words are banned or not, inequities exist. Diversity, equity, and inclusion has been atrociously vilified, but these initiatives are used to identify where educational disparities exist, to ensure that all have access and supports needed to be successful. Many believe diversity, equity, and inclusion only pertains to race. And yes, absolutely, they play an important role in addressing racial inequalities. However, what many fail to realize is that these programs and initiatives support all students, students of color, students from poor and working-class families, rural students, students with disabilities, queer and transgender students, first-generation students, the list goes on. As a researcher, I don't base my beliefs on anecdotes and individual quotes that fit my perspective. I look to research, and decades of research has established that diversity and inclusion work on college campuses can be profoundly impactful in the lives and academic trajectories for students, as well as the well-being and retention of staff and faculty. The body of research has illuminated time and again that diverse college campuses can significantly cultivate significant benefits for all students, yet intentional campus efforts are critical to promoting their sense of belonging and academic success. Make no mistake, attacks on diversity, equity, and inclusion practices are direct attacks on Nebraskan students' success. Thank you.

**MURMAN:** Any questions for Crystal? If not, I've got one. NESPER [PHONETIC] does a lot of good things, I mean, to see where the weaknesses are in our educational system.

**CRYSTAL GARCIA:** I'm sorry, what was that? NESPER?

**MURMAN:** Yeah. What--

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**CRYSTAL GARCIA:** What did you say? I'm sorry.

**MURMAN:** I think it's NESPERs. I'm probably using the wrong acronym. But you talked about-- I think you talked about the system that we use to identify where the needs are after education--

**CRYSTAL GARCIA:** Educational research.

**MURMAN:** OK.

**CRYSTAL GARCIA:** We, we majorly rely on federal government databases for research so that we can understand where educational disparities exist. Unfortunately, we don't collect that information on all identity factors, but we do by race and ethnicity, and by gender.

**MURMAN:** Yes. Well, that's my question. I think we're going to have to move away from that soon because we have so much interracial, interracial, so many interracial groups. So we can't-- it's not easy to classify everyone to being black, white, you know.

**CRYSTAL GARCIA:** Absolutely. I, myself, right, my father is white. My mother is Mexican. And so, you know, thinking about how I categorize and those types of things is important, but it, it doesn't negate the fact that disparities do exist by identity factors. And by ignoring those things-- we do have identity markers as multi-racial, by the way, to, to kind of capture some of those nuances. But by completely ignoring that and denying the fact that inequities exist, and then denying the fact that we need targeted efforts to address inequities within our state population. We want every Nebraskan to succeed, not just those that are already positioned in to be able to do so. Right. So for me, as an educator, even whenever I see 94 or 92.4% of white non-Hispanic students graduating, I think what, what else can we do to also support those other students that didn't make the finish line, whatever the, the case might have been. And that might have been other factors, right-- socioeconomic status, it might have been, you know, thinking about their abilities, et cetera. But if we don't think about the ways that different people experience the world, we can't best support all of them, if that makes any sense.

**MURMAN:** Yeah. I'm much more supported-- supportive of identifying other factors other than race that--

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**CRYSTAL GARCIA:** Well, unfortunately, you know--

**MURMAN:** --highlight those disparities.

**CRYSTAL GARCIA:** Yeah. We talked about the-- we-- the, the black eye analogy that we brought up earlier seems to be kind of carrying through the conversation. But as someone that studies the history of higher education, for example, there's a clear trajectory between times when, for example, black people in our country were not permitted ed-- ed-- educational access at all, to times when they were but their schools were being burned down, to times whenever we moved to Jim Crow and segregation laws were so horrific that they did not get the same educational opportunities that the rest of the folks-- white people in our country were, to the times whenever segre-- desegregation was ordered and mandated, but not carried out with expedition. And so, we still see red-- the effects of redlining in our neighborhoods. We still see the effects of who goes to school where, how those schools are funded. Who has opportunity? Who has the chance? And when we talk about merit, I, I think about questions like, well, what does merit entail? Is that good grades? Is that good SAT scores? We know that students who take the SAT multiple times, who can afford to do so, do better whenever they take it multiple times. We know that students who can afford preparation for those types of things do better because they can afford it. We know that students who have parents that don't work strenuous hours have rides to and from extracurricular activities so that they can take leadership opportunities within their schools. They may not have to care for their siblings at home. They may not have to have a job as they're working through high school. All of these things dictate what merit looks like, and it's completely flawed, and, and really ignores the ways that inequities permeate within our society.

**MURMAN:** Yes, I'd much rather look at poverty, family dynamics or lack thereof, all those kinds of things, because you, you said multicultural. But, you know, we we-- now we have a lot of Asian and, and white, American Indian and white, black and Hispanic, you know, it's multicultural. So--

**CRYSTAL GARCIA:** Yeah.

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**MURMAN:** --it's difficult to try and-- to categorize people that way anymore.

**CRYSTAL GARCIA:** I know. And I, I would really recommend, for folks that have a hard time thinking about that concept, to really engage in conversations with people that don't hold the identities that you do. Because that's helped me to learn a lot, I have to admit. Whenever I talk to my friends who have parents-- I have friends who are my age, who have parents who were not permitted to enter into the postsecondary institutions of their choice because of their race--

**MURMAN:** Sure.

**CRYSTAL GARCIA:** --and who are still being taught, who are still being told, be careful where you stop along the way, from a trajectory from point A to point B. Because of your race, you could be targeted. And those aren't things that I have to think about day-to-day, and so I don't. But whenever I talk to friends and colleagues or people in my community that have experienced those things, it really opens my eyes to understanding what that looks like. And certainly, when we think about resources and supports that are necessary for students in postsecondary education and educational institutes, we need to listen to what the students are telling us and what they need, as opposed to thinking from a, a top down perspective of us telling them what they should or shouldn't have, or how they are living their lives, how they're not living their lives, et cetera.

**MURMAN:** If we can't get away from those racial categories or identities now, when do you foresee that we can get away from that and everyone being treated as equal as possible?

**CRYSTAL GARCIA:** Yeah. I--

**MURMAN:** 20 years from now?

**CRYSTAL GARCIA:** I know. I wish, I wish it was 20 years from now. I think that's more optimistic than what I actually believe it might be, because I think we're heading in the wrong direction of addressing those things. I think that by running away from the problem and saying, I don't want to hear it, or I don't want to talk about it, because we need to stop talking about it. That prevents us from

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solving the rest of the issue. The roots of the issue, right. It's just like a cold. You know, if you keep treating just the symptoms, then you're not going to get to the root of the problem. I think having more explicit conversations with our community members, asking them, how, how are you experiencing Nebraska? What does that look like for you? How can we better serve your needs? How can we address the things that are continuing through the pipeline? And, you know, whenever we think about public education, for example, is the answer to continue to defund it? Does that solve anything? Does that continue to help people? Absolutely not, in my mind, as an educator. So yeah, I think we need to have those conversations and embrace it head on, in order to, to move away from it.

**MURMAN:** OK. Thank you.

**CRYSTAL GARCIA:** Maybe 20 years, I would hope.

**MURMAN:** Thank you.

**CRYSTAL GARCIA:** That would be great. My lifetime.

**MURMAN:** Senator Lonowski has a question.

**LONOWSKI:** Thank you, Chair. Thank you. And, and congratulations, Doctor. And it seems like you're very well-established. And I, I first got to tell you this. When I went to Afghanistan, I went with a, with a Alabama National Guard unit, and some of them were asking me about the reservations in Nebraska. And they really believed we still had tepee tents. I, I would just chuckle and say, no, you know, we kind of got rid of those a few years ago and built houses. But so I'm looking at some stats you gave me. Decades of research have established that diversity and inclusion work on college campuses. And then up here you've got there is a 20% difference comparative between white non-Hispanic students and Native American students who graduate from Nebraska schools. Are we closing that gap or has that gap stayed the same? Can you-- do you know?

**CRYSTAL GARCIA:** I mean, well, what I will say that is, at a big picture, across the country, we have moved, we have moved towards closing the difference-- the, the gap between educational attainment. As you can see, whenever we look at Nebraska figures alone, there's so

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much more work that needs to be done, but we are moving toward some semblance of progress. But the, the issue for me historically, whenever I think about progress, is that as soon as we start to make progress, that folks feel like there's something to be lost when others make progress, that there's something to be-- that the other is losing. It's a zero sum game, right, of if you have something, if you have a resource then I can't have access to that resource, and it means that I'm losing. And I just think that we need to reposition our minds and our, our perspectives around thinking about us winning as a whole, as a collective, as a society. And the more that we continue to do that, then I think that we'll continue to see those numbers change, but not without concerted effort.

**LONOWSKI:** I agree.

**CRYSTAL GARCIA:** They're not going to magically heal.

**LONOWSKI:** I agree. And I think we need this conversation as well, rather than just people just always agreeing no matter what. But thank you for your testimony.

**MURMAN:** Senator Juarez.

**JUAREZ:** Thank you, Chair. Thank you, Ms. Garcia, for being here today. I've really been inspired by your testimony, and I just appreciate the time that you took. And I think that our state and our university should feel very lucky to have you teaching there, that's for sure. One question that I had was, I do appreciate this handout that you provided, because I think it's going to provide some excellent resources for me in the future. But if you were to reflect on your PhD program, for example, besides, you know, the other classes that you've taken, what-- can you tell me a couple classes that you feel have really provided you some good educational work, you know, in this-- in the field of looking at educational disparities? Could you just tell me a couple of the classes that you took?

**CRYSTAL GARCIA:** Could I tell you a couple classes I teach that I really--

**JUAREZ:** Sure. Thank you.

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**CRYSTAL GARCIA:** I-- I've taken-- it's been a, a-- almost 10 years since I took a class. But for me, one of the things that I enjoy teaching the most is the history of higher education. We've mentioned this before in conversation, but understanding history helps us to understand where we're at in our current moment and how we can move forward so much more clearly. There's a wonderful documentary. It's called, Tell Them We Are Rising. It's the history of HBCUs in the United States, and it provides a, a context and a trajectory of where we came from, in terms of educational access and higher education, and where we have-- and how we have moved forward. So for me, a history class of understanding where we started, how our systems have changed over time, how they have not, and where we can go in the future is huge and key. But another is an overview, college students in America or college students in higher education. I'm a, a college student researcher, so my research focus on-- focuses on the experiences of minoritized college students specifically, but thinking about various identity groups and populations, the ways that they've experienced higher education, education generally, what those disparities look like, what opportunities look like moving forward. So for me, topically, those are two that really stand out to me. But as a researcher, research methodology courses, of course, have trained me to understand and identify research versus-- and, and supported evidence versus anecdotes or, or, or quotes that fit our agenda that we would like to patchwork together to make a claim.

**JUAREZ:** Thank, thank you for sharing that. And I would have never guessed you were out of school that long. Thank you.

**CRYSTAL GARCIA:** Well, thank you.

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

**CRYSTAL GARCIA:** Thank you.

**MURMAN:** Other opponents for LB552?

**VERONICA SARGBAH:** Thank you, Chairman Murman and the members of the Education Committee, in gracious afternoon. My name is Veronica Sargbah. Veronica is spelled V-e-r-o-n-i-c-a. Sargbah is spelled S-a-r-g-b-a-h. I'm a first-generation Liberian American, born and raised in Omaha, Nebraska. I'm also a second-year attending the



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University of Nebraska-Lincoln, where I study U.S. history and political science on the pre-law track. And I'm also here to strongly oppose LB552 on behalf of the Afrikan Peoples Union at the University of Nebraska-Lincoln, I want to begin by saying I don't want to leave Nebraska. Nebraska has done so much for me and my family, and I feel like I could give back in so many ways. But I also want to say that DEI isn't just a 3-letter discriminatory monster. Diversity, equity, and inclusion is a resource and safe haven for marginalized students, women, people of color, people in the LGBTQIA-plus community, disabled people, the elderly, the low-income, and veterans. And those are just some people who have utilized diversity, equity, and inclusion initiatives and programs to be uneraser and rewritten. Our experience as Nebraskans are connected to our identities, and simply ignoring that is being inconsiderate and ignorant. And especially in a country where the systems that we hold have been historically oppressive. As a student who conducts research at the university, I can't help but feel like the subjects I research are at risk. Many of my peers have already given you a history lesson or will give you a history lesson, and those history lessons are at risk of also being oppressed. So I want to speak bluntly and frankly, personally, before I close, because we're all human beings here. Students and individuals like me who see diversity, equity, inclusion as a resource are merit-based students. We are students who serve our student body wholeheartedly and contribute to the growth in our institutions. But you must recognize that the merit-based criteria you speak of and suggest that we default back to, were created to exclude, to exclude anybody who isn't a male, who isn't white, who isn't heterosexual, who isn't able-bodied, and who isn't of Christian values. So I will leave you with this. Diversity, equity, and inclusion gives us all a chance to look at the table, a table that is frankly behind a door that has been constantly closed in our faces. But with this table that we are able to envision, we are able to earn our seat at that table. It's not given. Thank you, and I am happy to answer any questions.

**MURMAN:** Thank you. Any questions? I have one. You mentioned some bad things that have happened in this country, and I totally agree with you that those things have happened. Some-- but is there-- and you've said some things that weren't very positive toward our country. Is there a country you would rather go to in the world, other than the United States that would do better in those things?

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**VERONICA SARGBAH:** Frankly, I will say, saying all these things doesn't necessarily mean I don't want to live here. My parents are refugees who immigrated from Liberia post-civil war in 2003. Omaha was their first stop. Omaha was their last stop. They made their roots here. Me and my 7 other siblings grew up here. We grew up in north Omaha and northwest Omaha, enriched in welcoming community, and those communities were diverse. When you see people who look like you and you see people who are thriving, who look like you, it encourages you. Going to, going to UNL, I have had great experiences, but sometimes it's difficult because I go into a room and I'm the only one. I'm the only one who looks like me. I'm the only person who has any similar identity as myself. And I feel like diversity, equity, and inclusion helps to prevent those types of situations for other students. Because it shouldn't-- you shouldn't go into an environment feeling like I have to represent an entire race or an entire group of people. You should want to represent yourself.

**MURMAN:** Thank you. And, and I, I can speak for Nebraskans that we're glad you're here, but we also would like you to appreciate the good things that we have in this country, and I'm, I'm sure you do. But, but at least I think that's where the emphasis needs to be, but not overlooking bad things that have happened. Any other questions? Thank you.

**CONRAD:** I-- thank you.

**MURMAN:** Oh, Senator Conrad.

**CONRAD:** Thank-- thanks, Chair Murman. And, and thank you so much for being here. I thought your testimony was excellent, and it's important to this dialogue. I maybe just want to give you a chance to respond to Senator-- my friend, Senator Murman's line of questioning. He seems to imply that by some sort of recognition of undisputed aspects, programs, laws of racial and gender oppression, that people who point those out that are undisputed and they exist somehow have less love for our country or our state. And I find that wrong and offensive. I think by recognizing history for what it is and as undisputed-- yes, there are dark chapters, but yes, there are bright spots. And yes, you can still love Nebraska and, in fact, America, and want it to be better, coming past those dark spots. So if you'd like to respond to

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that, I'd, I'd like to give you an opportunity, but maybe you've already, you've already covered it.

**VERONICA SARGBAH:** Thank you, Senator. As I began with, I study U.S. history and political science at the university. I love history, specifically U.S. history. Yes, there are dark times. You know, it's, it's kind of hard to look past those, especially with somebody who is a black woman in America. But at the same time, I'm able to recognize the advancements that we have had, despite the push backs. And frankly, it hurts me a little bit to, to feel like or to be implied that I'm not appreciative. Because my parents have really instilled a sense of pride into me and all of my siblings to understand that not many people have gotten the opportunity to make it out of these certain situations that they have had abroad, and be able to make it to America now, and to have a sense of pride in my Americanism. And I guess I can say that my criticism comes from a place of hurt, because I love this country. I love this state. And it feels like specifically, within recent times, there has been a lot of legislature put on the table that shows that this country and the state does not love me back.

**CONRAD:** Thank you for sharing that response. And I would never question the patriotism of anyone on this committee or that comes before this committee. And I'm very grateful for your, your candor. Thank you.

**MURMAN:** Senator Lonowski.

**LONOWSKI:** Thank you, Chair Murman. And thank you, Ms. Sargbah?

**VERONICA SARGBAH:** Sargbah.

**LONOWSKI:** Sargbah. Sorry.

**VERONICA SARGBAH:** No, you're fine.

**LONOWSKI:** Sorry. Thank you for your testimony. Did you say you were a freshman in law school?

**VERONICA SARGBAH:** I am a second-year on the pre-law track.

**LONOWSKI:** OK. OK.

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**VERONICA SARGBAH:** Yeah. Yeah.

**LONOWSKI:** Well, thank you, and I appreciate everything. Do you ever think there will be a time that we won't need DEI?

**VERONICA SARGBAH:** That brings up a question of if you think there will ever be a time that we ever don't need to be within our identities.

**LONOWSKI:** Well, so how about you, personally? Do you think there will be a time when you say, hey, I am strong enough, I am good enough. I'm going to, I'm going to work on, or you think it's always just-- I mean, I, I truly think when I, when I had all the kids in my class-- and I was out west. So, we had African American kids. We had like 3 in a school of 400 kids. I treated them the same as everyone else. The Hispanic kids, I treated the same. And I was a high school Spanish teacher, so they were speaking it better than me, a lot of times. But is, is there a point where we just say, hey, we've made it, we're here, and we're all equal now? Or am I dreaming of a, of a time that won't come? Does that make sense?

**VERONICA SARGBAH:** Sort of. You know, everybody wants to be optimistic. I want to be optimistic. I, I do believe that there will be a time where we will be able to say, we are all equal. Will that happen in my lifetime? Some may argue not. But in a sense, one thing I will speak of is one thing that the now-closed Office of Diversity, Equity and Inclusion at the university did for me was affirm my identity as a student and make me understand that even though in some senses I don't feel seen, I am being seen by somebody. And I think that's something that's kind of being glanced over, is that everybody wants to be seen by someone. And a lot of us who have seemingly marginalized identities feel like we're being seen by no one. And to be frank, I would love to say that we're all equal, but that's just not true. And many of these systems that were created made sure of those things. Now it's up to what we can do now to make sure we can create that equality that we're being so optimistic about.

**LONOWSKI:** Thank you.

**MURMAN:** Any other que-- Senator Juarez.

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**JUAREZ:** Ms. Sargbah, thank you so much for being here. I really appreciate the time that you've shared with us and the opinions that you have provided to us. I was just curious. In your pre-law curriculum, is there a course that you have taken that you feel is really helping you to understand these issues of diversity and inclusion that will be important in your law-- future law practice?

**VERONICA SARGBAH:** I'm currently taking a human rights class, and I feel like that's very important. Because right now, when we come back from spring break, a project that we're going to conduct is talking about human rights issues that are happening in our state right now or possibly can be imposed. And I feel like learning kind of what is going on internationally and applying it back to what we're doing in this state, I feel like is really important, to see what kind of law I want to go into. And frankly, if I want to go into law, because I'm also a research student. I am looking into possibly pursuing a JD/PhD. I do want to possibly go back into academia. There are so many things going on. I'm only 20. So I definitely feel like my human rights class is doing a really good job. Another class that I take is my Sociology of Race and Ethnicity class, Sociology 217. I feel like that is really important because it gives a full scale model. It's not groupthink, as some may call it. It's presenting real raw data, historically, all throughout, and giving us an opportunity to have our own opinions and have open dialogue and discussions through different types of concepts and theories and different types of readings. It feels like by the end of the week, I've almost read 100 pages of 3 different books. But those types of things are also expanding my knowledge on the way that diversity or race and ethnicity or other identities is being perceived internationally, but also in our country.

**JUAREZ:** I just wanted to say also that I think by some of the comments that we've been hearing today, it just really has brought me to the point that I feel we definitely still need diversity, equity and inclusion subject matter still going on, even today. Thank you.

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

**VERONICA SARGBAH:** Thank you.

**MURMAN:** --testimony and good luck in your future education.

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**JOY KATHURIMA:** Good evening, Chairman Murman and members of the Education Committee. My name is Joy Kathurima, spelled J-o-y K-a-t-h-u-r-i-m-a, and I am policy counsel at the ACLU of Nebraska, and I'm testifying on behalf of ACLU of Nebraska in opposition of LB552. The University of Nebraska System and state and community colleges have thousands of students of color and LGBTQ-plus students, and LB552 is yet another educational gag order that seeks to erase discussions of school staff and students experiences, including systemic racism, sexism, oppression, and privilege from university and college campuses, by prohibiting spending and participation in programs for activities on diversity, equity, and inclusion as it is wrongly defined in this bill. This bill will only undermine any progress we have collectively made toward a more fair and just Nebraska, and specifically, the ability of educators and administrators to create a diverse and welcoming campus, and threatens the quality of higher education in Nebraska as a whole. And to be clear, Nebraska already elects officials to handle higher ed policies, including community college boards and the University of Nebraska Board of Regents. Almost 3 years ago, Regents rightly voted down a resolution introduced by then-Regent Jim Pillen, that would have chilled university conversations related to some of the topics covered in this bill, particularly structural racism. And students responded. They were clear and united in their testimony that they said they deserve an education where they can freely learn and talk about the history, experiences, and viewpoints of all marginalized communities in this country. Is that always going to be a comfortable experience for everyone? Of course not. But the First Amendment protects the right to share ideas, including the right of people to receive information and knowledge. Advancing this bill is not reflective of a Nebraska that aspires to be inclusive, or attract or retain a diverse staff or student body, or community for that matter. In fact, it would chill, if not outright prohibit an employee at a Nebraska university or college from saying what I just said. And I'd just like to uplift what Senator Juarez state-- stated earlier, that to equate diversity with a lack of quality is asinine. It belittles the work that so many have done to get to the rooms that they're in. That specifically, diversity, equity, and inclusion is because people of color, because trans people, because LGBTQ people have been excluded from these rooms. We just got the first black woman Supreme Court justice 2 years ago, 2 years ago, as though there have not been qualified black women

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to be on the Supreme Court of the United States as though there have not been white men who did not have law degrees who served on the Supreme Court of the United States. When we talk about diversity, equity, and inclusion, it is because people who are marginalized have been excluded, and that is why we're asking this committee to indefinitely postpone this bill.

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

**CONRAD:** Good job.

**JUAREZ:** Thank you.

**PAUL TURMAN:** Chair Murman, members of the Education Committee, my name is Paul Turman. That's spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System. I'd ask you to oppose LB552 and the impact it could potentially have on the state college system overall. I'll highlight a couple of different things in my testimony to try not to reiterate what some of the propon-- opponents indicate today. I think one of the main elements, as I look at the features that are being identified to remove from our institutions, we have very few positions, if any, that have the, the use of diversity, equity, inclusion in their title. I think overall, we might have one position description, and that person actually spends a vast majority of their time focused on disability services, making sure that we're in compliance with ADA, ensuring that we have the elements that are required for supporting international students that we attract to our institutions. We also-- I think DEI is, in some ways, maybe getting confused with what has always been a, kind of an ongoing evolution of just really supporting students. I think the questions earlier today from a number of the committee members, are we ever going to be at a point in time where we may not need diversity, equity, and inclusion-- however you want to frame that. I think the, the one thing that I note is that when we look at the students that we support-- I mean, we are an open access, open enrollment system in the state of Nebraska. Any student who wants to apply will get admitted, so we aren't looking at admission criteria and setting quotas. We've never done that as a state college. We do know that we are supporting different student populations in very different ways, though. We do that with the students of disability. We do it a lot with our veteran students,

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provide them support services. And I would say if you asked an athletic director in this country 50 years ago if they were proud of their performance indicators for the athletes that they serve, not many of them would speak up in the way they do today. Because we provide so many types of support services to athletes. Because the NCAA basically has mandated that type of-- and is that a form of diversity, equity, inclusion? As the chancellor of the state college system, I look at a number of important, important performance indicators: Retention, persistence, graduation. I think you expect me to make sure that our students are coming to our institutions, we get them into their second year, and we eventually get them to graduation. One of the speakers talked about the gaps that we see right now. First-generation students in our system are 12.5% less likely to make it to year 2, low-income students, 15.6% less likely, students of color, 16, if you're a student who is both first-generation and low-income, 21% less likely to make it. As a chancellor, I think you expect me to work towards solving those problems, some of that being we have to implement solutions or initiatives that target a student population to make them more successful. A number of you've been on school boards. If you had a superintendent who basically came and said, here's our data, but there's nothing we can do about it, I think you would find a different superintendent, you would find a different chancellor. I think the conversation with Senator Lippincott really revolves around what are the unintended consequences that come from targeted in saying, we know there's groups that are struggling, and that we shouldn't be finding ways to help resolve and make sure that every student has the opportunity for success. I'd be happy to answer any questions the committee might have.

**MURMAN:** Any questions for Chancellor Turman? Yes, I have one. You talked about the women having equal access to athletics. So by doing that, you are giving equal opportunity for everyone, no matter-- well, at least because of gender.

**PAUL TURMAN:** I, I think if the, the position that sometimes we're trying to take now applied 50 years ago, we would not have Title IX. We wouldn't have women's athletics in the way that we do, and so I think that was targeting a very specific issue where there wasn't the type of parity, especially when you look at the, the, the percentage of women at our public institutions in the country, it's almost 60/40 comparing men to women. And so you would expect the athletic programs,



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the opportunities you provide them would match up. I think over the last 50 years, we've made significant progress and we still have progress to be made, but I would hate to say that putting a, a state statute in place that negates our ability to look at, at a challenge or a problem and say, let's come up with a solution that's-- can find a way to address that.

**MURMAN:** So you didn't have to meet the 60/40 criteria, but you did have to provide equal access to athletics to both sexes.

**PAUL TURMAN:** Equal access. I think the, the Department of Education provided 3 different avenues for institutions, whether that be equal participation, you certainly needed the, the same range of equipment and facilities, but you also could evaluate your interest that you have for your students. And a lot of institutions around the country used that third prong as a way to maintain compliance with Title IX. Over time, I think we have very-- certainly, within the state college system, very good parity for the types of programs that our students have come to us and said that they want.

**MURMAN:** Thank you. Any other questions? Senator Lonowski.

**LONOWSKI:** Thank you, Senator Murman. Thank you for your testimony, sir. You've been a coach in the past, correct?

**PAUL TURMAN:** Correct.

**LONOWSKI:** So when I, when I look at sports, that's one place where, where we don't apply DEI, whether it's the NFL team or my local high school team. So the young man, Zackary, he said he's a, a boxer. What would be the criteria to get him to your varsity boxing team? He's got to be, he's got to be better than the other guys at his weight.

**PAUL TURMAN:** He does. I mean, I take it-- I mean, you and I both understand, a lot of times, wrestling is a relatively easy sport in that regard, in the fact that wrestle-offs happen. And based on their ability to win, the merit of the, the competition provides the opportunity. I would also say that some of our conversations, there's a big difference between a first-generation family set of wrestlers compared to those who come to the sport brand new. You, as a coach, clearly know that there's a big difference there, and you may need to

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do more to help those students or those athletes in ways that they are coming with the experience and the engagement that has been there with their family.

**LONOWSKI:** Point well taken.

**PAUL TURMAN:** Yeah. You and I have talked about Owen Hansen, whose dad was a great wrestler, that I had the opportunity wrestle in South Dakota, whose dad was the coach for him, so the, the third-generation wrestling. I think the same thing applies to, to college and athletics-- or college and academics. Students who are the second in their family, third in their fa-- they come with a much better wealth of resources, both knowledge and financially, to be successful. And we just can't-- I can't be in a position where I say, those that didn't get those opportunities, this-- luck is what's going to help you get through. That cannot be the student success strategy we have in the state colleges.

**LONOWSKI:** I would agree, and, and I would agree that we have to work with them one on one--

**PAUL TURMAN:** Yeah.

**LONOWSKI:** --you know, not throw a big pie in the sky, but yeah. I just-- you know, I think that everybody needs that help along the way, at some point. It might not be the same level of help, but thank, thank you so much. I appreciate it.

**PAUL TURMAN:** And I, I would just-- I would think the long-term, a decade down the road, with this leg-- would somebody interpret it differently than what we're describing, to say, no, you-- you're not allowed to do that. That's my only fear, and that's what the fear of my presidents and my board have.

**LONOWSKI:** Thank you.

**MURMAN:** Any other questions? If not, appreciate your testimony.

**ABBI SWATSWORTH:** Good evening, Senator Murman and members of the Education Committee. 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

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LGBTQ-plus Nebraskans. OutNebraska speaks today in opposition to LB552. Diversity, equity, and inclusion offices create campus environments where students feel they belong and can fully engage academically. Diversity, equity, and inclusion programs promote the fair treatment and participation of all students and faculty, regardless of their race, gender, sexual orientation, faith, immigration status, ability, and beyond. Anti diversity, equity and inclusion bills like LB552 could have many negative outstretching impacts of our state. Based on evidence from states who have passed similar bills, this bill, if passed, would contribute to a loss of talent in our state, as we actually heard one very intelligent young person say they would not stay. Passionate and qualified native Nebraskans and those that call our state newly their home would leave. In 2024, Williams Institute study on the impacts of bills like Senator Lippincott's on LGBTQ-plus faculty and staff, almost three-fourths of faculty members feel that these bills negatively impact their mental health, half are exploring moving to another state, and 20% have actively taken steps to do so. Ultimately, a third are considering leaving academia altogether. We can see that this bill would clearly lead to Nebraska brain drain. The presence of diversity, equity, and inclusion offices, faculty, staff, and curriculum ensure that we prioritize and celebrate our differences, not condemn and erase them. Diversity on college campuses is not achieved through quotas, nor does diversity justify or warrant admission of unqualified applicants. We must accept that these false narratives are not the purpose of diversity, equity, and inclusion at colleges and universities, and we must truthfully state that this false understanding is the driving force of this bill. Respectfully, we ask you to support the beautiful diversity within our higher educational institutions and not advance LB552 from Committee. I'm happy to take questions.

**MURMAN:** Thank you. Any questions for Abbi? If not, thanks for your testimony.

**ABBI SWATSWORTH:** You're welcome.

**MURMAN:** How many testifiers are there left on this bill? Could you raise your hands? OK. Thank you.

**CALEB PETERSEN:** My name is Caleb Petersen, C-a-l-e-b P-e-t-e-r-s-e-n, and I'm here to oppose LB552. The University of Nebraska is a

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race-conscious institution that targets young black men and uses their labor to turn a profit. Young black men are photographed and videotaped, and their images are used by the university to bring in revenue to the athletic department, which in turn brings in money for university academics. Growing up, I had posters of college students, mostly black, all over my bedroom. I learned to idolize Tommie Frazier, Ahman Green, Marlon Lucky, Kenny Bell, Terrence Nunn, Maurice Purify, among a few white college students, as well: Scott Frost, Eric Crouch, Rex Burkhead, Nate Swift. My question for you is about accountability. How do you hold the athletic department accountable with this new bill? How will you ensure they use their funds appropriately in recruiting so that what they do-- so that they do not think about race in any way whatsoever? You may be aware of the fact that pseudoscience about the biological differences between white people and black people abound in the sports world-- science that says black people are faster than white people, science that says white people are better fit to be quarterbacks. I remember reading a Sports Illustrated article as a kid that taught me black people were better athletes than white people. I don't believe this, and I'm sure you don't either, since you believe that there is no correlation between race and performance-- also since I'm super fast. But the ideal in a merit-based program is that the best performer is the one who gets the top spot, and that's what the football program wants. They want the best athletes. They do not care what race the athletes are. However, the football team has a lot of black athletes. The percentage of black athletes compared to white athletes on the football team is larger than the percentage of black students to white students in the university as a whole. How do you explain this disparity? Either the football program is race-conscious, or they have developed a recruiting strategy that is invested in finding the best talent, which often means going out of their way to travel to low-income black communities to search for young kids who the program otherwise would have overlooked. Will the university audit the athletic department? Will they read recruiting coaches' emails to look for the-- any language that is conscious of race in the recruiting strategy? Will they prohibit the coaches from targeting black communities? My guess is no, because the university profits off these black communities. These young black men bring in a lot of profit for the program, for the university, and for our state. Now, you might say that the football program is not race-conscious, that it doesn't target young

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black men. In the '80s, the University of Miami, under Howard Schnellenberger, began targeting low-income, mostly black neighborhoods for recruitment. So in the '80s, when Nebraska had some heartbreaking losses to Miami in the Orange Bowl, the coaches realized they needed more speed on defense, and so they followed Miami's lead. And by the mid-90s, our defense was fast and our defensive backs, linebackers, and safeties were mostly black men. Now there is concern about how some DEI programs will use language that looks like it has nothing to do with race on the surface, but when you look closer, it is actually race-conscious. When the football program says it is looking for more quote unquote, speed, this is an example of that kind of veiled, race-conscious language. Are you going to prosecute Tom Osborne for being race-conscious, for targeting north Omaha for recruits? I do not believe this is your intention, because I don't think you want to inhibit the football team from making money for the state, which makes me worried about how this bill is going to be applied. It has language that is far-reaching, but its goals are confusing. In fact, I think this bill is trying to make a political move in order to curry favor with the Trump administration. Its aims are not to eliminate race-consciousness, but to defund the recruitment of young, brilliant students of color. It is a bunch of racist language veiled in buzzwords like colorblindness, colorblindness and anti-discrimination.

**MURMAN:** Thank you. Any questions for Mr. Petersen? Mis-- I, I have one.

**CALEB PETERSEN:** Yeah.

**MURMAN:** Would you agree that we want the best athletes in our programs at the university-- in our athletic programs, regardless of race?

**CALEB PETERSEN:** Yeah. That's why they have to fund the recruiting strategies that they have, which is why you need to fund recruiting strategies for students that are kept on the margins of access.

**MURMAN:** So you would agree that we need the best athletes regardless of race.

**CALEB PETERSEN:** Yeah. But also, I think that if there were no black players, I think that white people would not want to watch as much.

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**MURMAN:** So in other words, we want the best athletes, regardless of race.

**CALEB PETERSEN:** I guess I'm not sure.

**MURMAN:** OK. Thank you. Any other questions? Thank you for your testimony. Other opponents for LB552.

**STEPHANIE BONDI:** Hello, Senators. My name is Stephanie Bondi, S-t-e-p-h-a-n-i-e B-o-n-d-i. I loved college. I loved it so much that I never wanted to leave, so I went on to study higher education and that's what I do now. I read about and research about higher education. I'm going to veer off my script here and talk about a myth that I've heard, this idea that since people can get into college, that anybody gets in, and if they're the best and brightest that they will then succeed right away. Rendon has done research with nontraditional college students, including college students that are older than 24, college students who we've heard about the history of colleges have been exclusionary, so college students of color who their families haven't gone to college. And so when some students show up to college, it's, it's, it's not just as if the activities and the classes are there and they're open to them. There's all the images that are in the movies about who college students are. And when the students look around and see who their professors are, they look and they notice. Are there professors on this campus that look like me, that have interests like me, that understand where I come from? And that impacts students' persistence in college, their graduation rates, of course, our tuition dollars are tied to those things. And so, then I think it gets to this question that we're also talking today about what's fair? What's fair in higher education? Because we don't want to have things that are unfair. And I see it like the way Samuel Museus and others who have written about the CECE model, supported by dozens of studies. Students learn more and stay in college longer when they have environments that align with their experiences and with their needs. And this is true for student veterans, for rural students, Native students, trans students, white students, students who are student athletes, and so on. I'm sure you could name other groups. Maybe you've gone to an event, you've been traveling, and you got there and you weren't sure if the people understood who you were or that place was made for a different kind of person, a person that's not like you. That happens to our college students. It doesn't seem

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discriminatory to me to ensure there's people at the institution who are visible, who are familiar and provide spaces for different cultural backgrounds and varied experiences of our Nebraska students, who are not cookie-cutter robots. The idea that everyone gets environments aligned with their needs. Everyone is part of a diverse society. Some needs are met through normalized and generally accepted ways that education has already set up, and some needs are met through what's coded as DEI.

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

**HUGHES:** Thank you.

**JUAREZ:** Thank you.

**MURMAN:** Other opponents for LB552.

**CHRISTIAN OLSON:** Hello. My name is Christian Olson, C-h-r-i-s-t-i-a-n, Olson, O-l-s-o-n. I had a prepared testimony, but I don't want to beat a dead bush, such to speak. I think all the points have been made pretty well. I would like to talk about a couple things, one being this kind of-- we're talking about everything in this historical perspective, and it brought me back to some of my own experiences growing up. My grandmother is fully southern Italian, half Calabrian, half Sicilian. She was still alive when the last Italian person was lynched in this country. She would have been 5 years old. And there seems to be this idea that things never stopped, that just one day, we just stopped having prejudice. And yet, throughout my own life, it keeps being a recurring theme of where we see these things come back to haunt us. I can remember when I was 11 and I took my great aunt to the store with my grandmother, and my mother. And my great, great aunt was also full. And my great aunt had dementia. And she broke out, at one point, into what I've now was told by my grandmother was a dialect of Sicilian. And immediately, everyone in the store started staring at us. And even at one point, this clerk made a comment that I perceived to be insensitive, which was telling her, I can't understand you if you don't speak English, despite the fact that she was speaking to me and not to the clerk. These things exist. And if we don't confront that they exist, we're not going to be able to solve the problem. Sometimes that requires us to face uncomfortable issues that even when

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people aren't intending to do things that are inappropriate, they are. And that is what DEI offices fundamentally help with at universities-- things that, where no one has ill intent, but yet, they're trying to solve the problem. Additionally on the bill specifically, it defines DEI particularly broadly, in my opinion. It isn't really well targeted. And there could be some problems with that, due to if the federal regulators change. And now we pass this bill, and now the university cannot comply with those changes in federal regulation. And that is all I have for you. Thank you.

**HUGHES:** All right. Thank you. Do we have any questions for Mr. Olson? All right. Thank you for coming in. Next opponent.

**GIANNA AURIT:** Good afternoon, Senator Murman and distinguished committee members. My name is Gianna Aurit, G-i-a-n-n-a A-u-r-i-t, and my preferred name is Rayne, R-a-y-n-e. I'm a sophomore undergraduate student at the University of Nebraska-Lincoln with a double major in statistics and computer science. I was recent-- recently accepted into the Raikes Design Studio, have been on the Dean's list for both the College of Agricultural Sciences and Natural Resources and College of Engineering for all semesters, and a recipient of the Regents Scholarship, Nebraska Career Scholarship, George Mack Scholarship, and the Elkhorn Public Schools Foundation ACHIEVE Scholarship, got a 35 on the ACT, and am currently conducting research underneath the Department of Statistics at the University of Nebraska-Lincoln. None of these were based on anything other than merit and academic achievements. As a student, I've always been grateful for the university to be providing a space for communities like the LGBTQ-plus community, a community that I am proud to say that I'm a part of. Getting rid of DEI offices and certain initiatives is more than just removing resources for people like me. It makes students feel not welcome on campus. DEI is not about excluding others from opportunities and support, but bringing opportunities and support to those who otherwise, otherwise would have a more difficult time achieving it, due to factors out of their control and societal biases. I was a drum major at Elkhorn South High School. Everyone in the band knew that I was nonbinary and went by a different name than what was on my school profile, a different name than what people knew me by the year prior. I received my biggest support from my peers, my friends, and the students that I was a leader of, yet I still felt out of place because of the adults, who are not as accepting. There was a band mom



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who would constantly refer to me as a lady whenever she could. At the night-- at the end of every night rehearsal, we had a call and response that went like this. It is a matter of pride and respect which must be earned. When? Every stinkin' day. Were my 3 years of leadership not enough to grant me the pride and respect to be referred to by my chosen name? At the bare minimum, I want to be welcomed to the table where I earned the place to sit. Until there's a time where I can walk into a room and not fear people thinking of me as less than for what I look like and who I am, there's a place for DEI offices, safe spaces for our marginalized communities and actions to aid their development as equally valuable people as society. I believe in a future where judgments are made solely based on merit, not the color of people's skin, not their gender, not their sexuality, not-- nor the money they have in their pockets. But we are not there yet. That future, for now, is only a wish. And if this bill, LB552 is passed, it does not promote that view. Thank you for your time. I'll answer any questions.

**HUGHES:** Thank you for coming in today and waiting so long. And congratulations on all your achievements at the university. Do you have any questions for Ms. Aurit? All right.

**CONRAD:** I just have one.

**HUGHES:** Oh, go ahead. Yes. Senator Conrad.

**CONRAD:** Thank you so much for being here. You know, one thing that I find so disconnected in our political discourse with real life is-- you know, I have a teenager. And I have an opportunity to listen to her and her friends talk about school and life and everything that you might imagine teenagers are talking about. And when they ask me about what's happening in the Legislature, for example, today, like what are-- what bills are you hearing today, mom, and-- as I'm driving them to school and I talk about these bills. They're, they're absolutely aghast. They can't believe that adults in positions of power are spending time and energy and political capital to lift up these hateful, harmful measures. It's just-- it's astounding to them. And I also hear them talk about, in their daily life, very complex discussions about race, and gender, and class, and immigration status, that are real and happening and untouched by these measures meant to silence discussions about those very issues in, in our institutions of

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higher education. So I think you touched upon a lot of themes that are resonating with me, as I review this policy and, you know, have a little focus group of, of young people in, in our neighborhood that are thinking about measures like this. And it's really important to have young leaders at the table today, and I really am grateful for your time.

**GIANNA AURIT:** Thank you.

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

**JUAREZ:** Thank you for coming. Thank you.

**MURMAN:** Other opponents for LB552?

**JAMI HOLBEIN SWANSON:** It's been a long afternoon. Jami Holbein Swanson, J-a-m-i H-o-l-b-e-i-n S-w-a-n-s-o-n. I am an assistant professor at the University of Nebraska at Kearney, and I am also the faculty representative for the Future Educators of Color, and I am coming here today as a constituent in the state of Nebraska. OK? I find this bill to be incredibly disingenuous. One, it, it is fraught legally. And when I think about professional development needed to be a school counselor, to be anybody who is going to be a superintendent or a principal-- we live in complex times. And I believe it's important that you understand that the impact of professional development, enabling people to become ethical leaders, professionals, and policymakers like lawyers, teachers, doctors-- the bill literally says only an attorney can write or design the policy. Where did that attorney get the ability to understand and respond in a thoughtful and intentional manner, with a deep understanding of the complexities of education? It comes from the College of Education, which enables people to learn about their field, how to participate in it ethically, and how to make good decisions, and how to help other peoples do so. As a leader in public education for over 30 years, the most impactful professional development came from my school district and my university experiences here as an undergrad, a master's student, and a doctoral student. This experience changed my lives and the lives of the people with whom I work and play. Some of my students are actually in this room today. A higher education understands and supports all students, and provides them with necessary tools to be able to learn and lead. By denying support, we are denying learning and leading and

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denying educators the tools necessary to best serve our students, and in turn, the best versions of ourselves as we serve them. Practicing the exchange of ideas is precisely what we're supposed to do and the DE offices on all 3 of those campuses provided the space and the place to do that. Thank you for listening, and thank you for understanding that not only is it poorly written, it is fraught with bias. Thank you.

**MURMAN:** Any questions for Jami?

**JAMI HOLBEIN SWANSON:** I would love to hear questions.

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

**JUAREZ:** Thank you.

**JUAREZ:** Thank you.

**MURMAN:** Other opponents for LB552. Any neutral testifiers for LB550--

**GRACE JACOBSON:** I'm an opponent.

**MURMAN:** Oh. OK. Hustle up. Move to the front of the room if there's any more opponents.

**GRACE JACOBSON:** Hi, my name is Grace Jacobson, G-r-a-c-e J-a-c-o-b-s-o-n. I'm a fifth-generation Nebraskan. I come from more than six generations of teachers. This includes my mother, my grandfather, my great grandmother, my grandmother, 2 aunts, and more than I can really list. My grandmother couldn't have pursued the same science degree that I did. I know she loved what she did. I know she was an award-winning instructor of home economics on East Campus. We even have the newspaper clippings. But I wonder if she would have chosen something else if she had the opportunity. I wonder if she would have become a successful banker like my grandfather. Would she have pursued history, economics, politics or science? DEI policies don't only protect people of color and LGBT-plus people. They protect women who are pursuing degrees and education and success in fields that are male-dominated. They protect mothers who are returning from the workforce, after being stay-at-home moms to raise their children. DA-- DEI policies are what made me feel safe and supported pursuing a degree in environmental sciences. They are what gave me the courage to

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stand up and get help when I was being harassed by my male cohorts in one of my programming courses, because I was the only girl in a class of 27. I am frustrated and disgusted to see this kind of legislation continue to be peddled in Nebraska. I am so sick and tired of feeling shame in the pit of my stomach for where our state is going. I'm not leaving. This is my home. This is where my family has been. This is-- I have family members who were homesteaders here before Nebraska was a state. That is how long we have been here. We're not leaving, and we will continue to fight back, but policies like this make me tell people, don't move here. Don't come to Nebraska. If you want to have a family, you want to have kids, don't come here. You want to study, you want to have job security, don't come here. And this is another nail in that coffin. It just-- it makes me sick. I oppose this legislation wholeheartedly, and I would really hope this body would spend its time trying to actually improve the lives of Nebraskans, instead of constantly trying to slam down anyone that isn't a white man, because that's what this legislation does. This is what-- and I have to add straight to that, too. That's what this legislation does. This is what anti-trans legislation does. This is what any legislation that hurts others does. There's no point to it other than just causing harm and forcing more people out of our state. I want to be proud of Nebraska, so please remove this legislation. Don't pass it forward. Let's end this here and do things that are actually beneficial to Nebraska. Thank you.

**MURMAN:** Thank you. Any questions? If not, thanks for your testimony.

**CONRAD:** Thank you.

**JUAREZ:** Thank you.

**MELISA BECERRA:** Oh, I'm so sorry. Hi, Senators. My name is Melisa Becerra, M-e-l-i-s-a, B-e-c-e-r-r-a. I just came from work, so I'm not fully prepared, but I'm just here to tell you that I, I am a product of diversity, equity, and inclusion. When I first arrived to the United States, barely spoke English. My first semester in the university, it took me a whole semester to speak. I was so scared. I went to a predominantly white school. I went to UNK. I'm a proud Loper. I was a student athlete there, and the diversity and inclusion office was the catalyst that propelled me to be out there, to be a leader, to advocate for my fellow Lopers, to speak up. After I started

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getting involved, I felt more comfortable, you know. I felt seen. I felt proud, and that led me to do so many things that I'm proud of. It was because of my hard work, but it was because of the Diversity, Equity, and Inclusion Office. It was because of all of those spaces where I felt safe, where I felt like I could be myself. I'm just here to bring up a memory that I have. I, I was proud to be the commencement speaker during my gradu-- my graduation, probably the first queer Latina stepping on the stage. I was very intimidating-- intimidated, because I clearly didn't see people like me. I remember one of the Board of Regents, the first thing that he told me when he saw me, he look at me. He looked at the things that you put on. I forgot-- how do you call them? And he was like, why so many colors? Man, you go outside, you see colors. This world's not black and white. We have diversity. It's with us every single day, and Nebraska is the home of diversity. This is very un-American. This is clearly not reflective of Nebraska values. And I wish that the Regent would have asked me about, you know, how are you feeling today? What's your speech going to be about? You know, like, what, what is something about-- what's a college experience that you remember? But no, he asked me about the colors of the things that I was wearing, which is deeply concerning, you know. Like pieces of legislature, like this one, is just-- leads us to the wrong path. You want to see more younger leaders that look different from you guys, right? The state is full of diversity. And to the introducer, I would love to have some coffee with you someday. You know, we can, we can chat. We can have a great time. We can maybe find something that we have similar, you know. Like, I know it's possible. But if you're just following a radical, fundamentalist political agenda, we are not going anywhere, and you're deeply hurting the education system with this. But yeah, that's me. Any questions, I'll, I'll be happy to answer.

**MURMAN:** Thank you. And for someone that lives close to UNK and has had family go there, appreciate you being there. Thank you for coming there. Any other questions? Senator Lonowski.

**LONOWSKI:** Thank you, Chair. Thank you for your testimony. I don't really have any questions, but my daughter graduated that same semester, so I was at your speech. You did a great job.

**MELISSA BECERRA:** Hey, awesome. My speech was about equity, diversity, and inclusion.

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**MURMAN:** Any other questions?

**CONRAD:** Well done.

**JUAREZ:** Thank you.

**HUGHES:** Thanks for coming.

**MURMAN:** Thank you.

**MELISSA BECERRA:** Take care.

**MURMAN:** Other opponents for LB552.

**TIMOTHY C. MELCHER:** Well, it's almost suppertime. Good evening, Senators. My name is Timothy C. Melcher, T-i-m-o-t-h-y C M-e-l-c-h-e-r, and I'm here to testify in opposition to this bill. To address Senator Lonowski's question, I do believe DEI takes root in civil rights movement, which takes root in the Fourteenth Amendment, and I went ahead on Wikipedia and looked it up, and I wanted to read an excerpt from that. The Fourteenth Amendment, particularly its first section, is one of the most litigated parts of the Constitution, forming the basis for landmark Supreme Court decisions such as Brown v. Board of Education in 1954, regarding racial segregation, Loving v. Virginia in 1966, regarding interracial marriage, Roe v. Wade, 1973, regarding abortion, which was overturned, Bush v. Gore, 2000, regarding the 2000 presidential elections, Obergefell v. Hodges in 2015, regarding same sex marriage, and Students for Fair Admissions v. Harvard, 2023, regarding race-based college admissions. And I wanted to build up-- or build off Joy's point. She said something about it took us this long to get a black woman in our Supreme Court, and we just had an election with a black woman who lost, and now we're rolling back DEI. So in my opinion, I feel like we're going backwards. And Senator Juarez had asked something about-- I forgot what her question was, but it made me think of when I was attending Northeast Community College in Norfolk. There was-- there were some speakers that came in and talked about homosexuality. And I'll never forget, there was a lady who came in, I believe it was from the Ponca Tribe, and she talked about decolonization. And I said something about, well, if we decolonize America, where am I going to go? And she said, we got a place for you on the Res. So, when the shoe's on the other foot, you

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look at it differently. But I wanted to bring those points to light. And going even further in depth, so I work with people that are on the sex offense registry, and a lot of those people are denied housing, employment, and a lot of them aren't even allowed on school properties. There's mothers who have to be-- they have to have somebody with them while they go pick up your kid-- or pick up their kid. And Emily Horowitz has been a, a big, a big leader in basically sex offenders' rights movements. And she has been pushing to try to get her school where she works at, St. Francis, in Brooklyn, to accept people on the registry, and they're even barred from that. So, are we there yet? No, I don't think so. Until we're a utopia, I don't think we should be rolling back DEI. So that's-- concludes my testimony.

**MURMAN:** Thank you. Any questions for Mr. Melcher? Senator Lonowski.

**LONOWSKI:** Thank you, Chair Murman. And thank you for your testimony. But I just want to understand, sex offenders is a whole different, a whole different category than what we're talking about. Correct?

**TIMOTHY C. MELCHER:** Yeah. And so that's-- I'm glad you asked that because they're not a protected class. And so like, we've had to go through court and, and legislation to make sure that African Americans have protections. You know, there's no discrimination against race, sex, religion, and like gender, the same sex stuff. Like, that's been a pretty recent thing. And it's, it's taken from 1968 until now to get those classes protected, but people on the registry are still not even considered a protected class. And so, it's still OK for the government to allow for them to be disallowed from places, so like, parks. Most of the time, they have to be 500 feet from a park. And I, I can't tell you--

**LONOWSKI:** Yeah. I'm just saying they, they broke the law to get to the status they got to. I think it's a whole different thing. That's all.

**TIMOTHY C. MELCHER:** Oh, yeah.

**LONOWSKI:** I mean, yeah. That's all I wanted to say. Thank you.

**TIMOTHY C. MELCHER:** OK. Fair point.

**MURMAN:** Any other questions? If not, thank you for your testimony. Any other opponents for LB552?

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**\*SHANNON CORYELL:** Diversity, Equity and Inclusion is not a bad or dangerous thing. It makes us stronger. The more diverse our communities are, the more they thrive. We can do so much better than the national political narrative. We are not stupid or ignorant and these ignorant policies are outdated. They are unwanted and hurt our institutions. We should continue to teach our kids about embracing everyone because of their differences, not despite them. We have come a long way and should not go backwards.

**\*TANYA ENCALADA CRUZ:** I oppose this bill. Every time that the census comes around, we are told these are the issues that will be addressed with the funding from the census.

Any neutral testifiers for LB552? Senator Lippincott, you're welcome to close.

**LIPPINCOTT:** I appreciate all the testifiers that came here today, and the sacrifice that they've made. I have really nothing else to, to add.

**MURMAN:** OK. Thank you. Any questions for Senator Liponcott-- finish up? If not, thanks a lot.

**LIPPINCOTT:** Thank you, sir.

**MURMAN:** And online, LB552 had 74 proponents. 333 opponents and 1 neutral testifier. And that will close our hearing for LB552. And we will open a joint-- excuse me. Oh. Before I close on LB552, the committee received written ADA testimony in opposition to LB552 from Shannon Coryell and Tanya Encalada Cruz. Their testimony will be included in the hearing transcript. And with that, we'll close the hearing on LB552, and we will have a joint hearing on LB430 and LB149.

**HUGHES:** All right. So for the folks that are still here, we are doing a joint hearing on LB149 and LB430. So I think what we'll do is we'll start with Senator Murman, who will open on his, which is LB430. Then we'll have Senator Hansen, who's here now, to open on LB40-- LB149, and then we'll do proponents. So when you're a proponent or an opponent, I'd like you to say which bill you're talking about, or if it's-- relates to both, that's fine. But just identify what you're a



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proponent or opponent for. So, all right. Senator Murman, whenever you're ready.

**MURMAN:** OK. Good evening, Vice Chair Hughes and members of the Education Committee. My name is Senator Dave Murman, D-a-v-e M-u-r-m-a-n, representing Nebraska's 38th District, and today I have the privilege to introduce LB430. 2 years ago, under LB705, as part of a committee package, we passed LB632, which prohibited the suspension of any pre-K through second grade student, with the only exception being if they brought a weapon to school. I do believe the bill had good intentions. No one should want students constantly being suspended or suspension being used as an easy option anytime a student has any sort of misbehavior. However, I also believe this bill went a bit too far. In some instances, as a last resort option, suspension may be necessary. That is why last year, I brought LB1146, which did not completely do away with the prohibition on suspension, but added an additional exception that if a student engaged in physical violence capable of harming another student or staff member, that would be an appropriate ground for an administrator to consider suspension. My reasoning for that was fairly simple. If a student is active in such a disruptive and violent manner where other students or staff are in fear of being hurt, the entire learning environment for all students is diminished. I have heard from administrators, teachers, and parents who this has caused a problem for them. One administrator described to me that while he has tried to get an IEP for one student, the parents have refused to come in and, in and have that discussion. The student has repeatedly bit-- hit, bit and-- other students and staff. They cannot get the IEP support he needs without parental consent. His view that-- was that through suspension, parents become more aware of the need for IEP support. Prior to LB705, the school would suspend for maybe one day, begin the process of placing the student on an IEP, get the student the special staff and programming they need, and then there would be a 10-day suspension limit for that student. However, with this exception, some still voiced the concern that suspension under LB1146 would be overused or used unfairly. That is why this year, under LB430, I have added additional protections and steps put in place when a suspension is used. LB430 has 2 parts: 1) it adds an exception allowing suspension if a student behaves in a violent manner; 2) it requires when a school does make a suspension, they must recommend resources to parents that could be provided to assist that

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student, state what steps the school took to alleviate the behavior prior to considering suspension, and then create a plan to share with the parents on how to maximize strategies to keep the student in school moving forward. I understand that the bill's language about violent behavior may sound extreme, but that is the intention. We are talking about specific instances where a student is behaving so disruptively, another student or another educator could or does get hurt. This ensures minor disruptions or misbehavior would not be sufficient grounds for a suspension. In many cases, if the school can take a brief pause, meet with the parents, and develop a plan moving forward, a suspension could provide that. The goal of LB430 is not to punish students. It instead is about taking what could be an unsafe or disruptive environment and taking a pause. That pause can then allow the school and parents to discuss and work together to figure out a better learning environment and once complete, get the student back in the classroom with both the educator and parents equipped with some goals on how to move forward. And I'm happy to answer any questions.

**HUGHES:** Thank you, Senator Murman. Do we have any questions for-- Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair Hughes. Thank you for bringing this bill. So I want to be clear. We're talking about students that do not have an IEP yet?

**MURMAN:** Well, possibly they don't have an IEP yet. Correct.

**LONOWSKI:** So they could have an IEP and, and get suspended until--

**MURMAN:** Yes, they could have an IEP.

**LONOWSKI:** --a plan is figured out.

**MURMAN:** Yeah. [INAUDIBLE].

**LONOWSKI:** OK. I just want to make sure.

**MURMAN:** If it's a disruptive and threatening behavior.

**LONOWSKI:** OK.

**HUGHES:** Other questions?

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**LONOWSKI:** Thank you.

**HUGHES:** Yes, Senator Conrad.

**CONRAD:** Thank you, Senator Hughes. And Chair Murman, just to be clear as well, because I remember the vibrant discussion this committee had about this measure over the last biennium or so. This, this restriction on punitive aspects in our educational system only applies to kids that are like 8 and under. Right?

**MURMAN:** Well, it's not punitive at all.

**CONRAD:** OK. Let's--

**MURMAN:** It's a suspen--

**CONRAD:** Can we at least agree on the, the time-- the age range?

**MURMAN:** Yes. It's 8 and under-- well, through second grade.

**CONRAD:** OK.

**MURMAN:** So, that would be about 8 and under.

**CONRAD:** OK. And we, I guess, can quibble about it, but expulsion and suspension are punishments under the Student Discipline Act that trigger due process rights and a whole host of, of, of other issues, because they are punitive by definition.

**MURMAN:** Well, it's not the intention of the bill. Yeah.

**CONRAD:** By definition. I mean, that's not my opinion. That's like well-established, but OK. But 2 quick questions from there. You mentioned in your open that one instance, an anecdote where parents were not responsive to setting up an IEP meeting, so you want to punish a child under 8 because their parents didn't respond?

**MURMAN:** No. The reason for this, I think it was the superintendent asking for a suspension or wanting a suspension was so that the parents would come in and, and they could figure out, you know, whether or not an IEP is needed and what to, to do that's best for the student going forward-- for their child going forward.

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**CONRAD:** Right. So in that anecdote, the parents were not responsive, so the superintendent wanted to send them out of school to unresponsive parents to get the parent's attention, conceivably?

**MURMAN:** That was a kind of a last resort for the--

**CONRAD:** OK.

**MURMAN:** --the educator to do that.

**CONRAD:** Are you, are you aware that if school officials or others find that parents are neglecting their students' education or well-being, there's other remedies under law to take care of that other than like educational neglect, for example, other than suspending kids under 8, or expelling them?

**MURMAN:** I'm, I'm not sure exactly what the process is there--

**CONRAD:** OK.

**MURMAN:** --but the intention of the school here was to get the parents to-- parent or parents to come in and figure out what's best for the child.

**CONRAD:** OK. And just the last point, then. I think everybody who's a parent can understand this, that yes, sometimes timeouts are really helpful and important to let everybody take a breath and de-escalate a situation. But don't school officials have maximum latitude to do so under current law in the counselor's office, in the principal's office, with a special ed teacher? They have a lot of different ways to effectuate a time out without out-of-school or in-school suspension or actual expulsion from, from the public school. Right?

**MURMAN:** Yes. Well, from the--

**CONRAD:** OK.

**MURMAN:** --educators I heard from-- and I didn't hear from any that was any different than this, that it was a tool to get a parent or parents or whoever is responsible for the child to come in and just figure out what's best for the child.

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**CONRAD:** OK. Thank you. Thanks.

**HUGHES:** OK. Other questions? All right. I'm assuming you're staying. All right. Now, we're going to have the opening from Senator Hansen on LB149, right? Yes. Start whenever you are ready.

**HANSEN:** Thank you, Vice Chair Hughes. Good afternoon, Vice Chair and members of the Education Committee. My name is Senator Ben Hansen. It's B-e-n H-a-n-s-e-n, representing Washington, Cuming, Burt, and parts of Stanton Counties. I'd like to point out that District 16 has some of the best schools in the state. The small town communities rally together, not only to cheer on their local sports teams, but to provide education and support for family, friends, and neighbors. The bill I'm bringing today is a response to countless conversations I've had with teachers and school administrators in my district, ever since LB705 passed in 2023. Elementary schools are no longer able to suspend a student in pre-kindergarten through second grade. Instead, they are required to develop a policy to implement disciplinary measures instead-- inside the school as an alternative to suspension. But here's the problem. The National Center for Education Statistics states that 87% of public schools reported that the COVID-19 years negatively impacted students' social, emotional, and behavioral development. As a result, classroom disruptions, student misconduct, and disrespect to teachers and staff have been a challenge for schools. Conversations with solutions for this new dilemma we find ourselves in often revolves around the teachers and the students specifically, who are causing the disruptions. This is important, but I'd like to broaden the, the approach and include the 25 other students in the classroom who deserve a safe place for quality education. With this in mind, I'll be discussing LB149 today, looking first at whole classrooms full of children desiring a structured learning system. We know that students thrive in an environment with effective social, emotional, and behavioral support. With the current law, though, there is a continual hole between trying to appease or encourage a student who is struggling while maintaining an optimal learning environment for the others. It is this predicament that causes us to ask the question who should be the priority? Of course, the answer is each student individually, especially those whose behavior is evidence of underlying biological, psychological, or social behaviors. But when we are looking at one student who is causing some sort of disruption, let's not forget the others in the

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classroom. Next, I'd like to consider the teachers. I don't have the numbers from the 2024 school year, but in 2022 and 2023, there was a total 655 incidents where assault with injury occurred in the OPS District, from students in kindergarten through second grade. An additional 107 incidents were fights that were considered serious. Teachers and school administrators tell me there were situations where suspension might be the only thing left. Without this option, teachers and students can't be put-- can be put in harm's way. A survey from the American Psychological Association found that 44% of teachers report being physically attacked by students, more than half experienced the destruction of personal property by students, and 75% of teachers reported they'd been verbally harassed in the past year. While these numbers include students of all grades, issues often start when kids are young, and policies properly implemented are key to ensuring students understand expectations. If a parent decides to send their kids to a school for the majority of their childhood, the assumption is that they trust the teachers that are there with their children. These teachers pour their lives into maintaining a classroom that promotes learning. If a situation warrants removal of a student, why would we mistrust them then? My bill, LB149, gives them the ability to, if absolutely necessary, suspend the child. Finally, and most importantly, let's focus in on the student who is causing the disruption. There are various factors that play into a child's response life-- of life situations. There could be problems within their family life, emotional instability, behavioral disabilities, mental health battles, or a plethora of other reasons the child acts out. And I do not fault these kids. Kindergarten through second grade is too young to be able to process the pain they might be feeling that causes them to respond in an uncontrollable manner, or deal with medical and mental health issues on their own. We need to look at what is best for them, as well as the students and teachers they interact with. I consider the opposition to other bills over the years that have included language similar to LB149. I understand their position. These kids need help. To ignore the issues and send them home without trying to alleviate unfortunate stressors beyond their control and improve outcomes would be irresponsible. This is why I brought AM677. It's the one I just handed out. Instead of removing the entire portion of the current state statute like I originally did, I've kept the requirement for schools to develop a policy that provides disciplinary measures inside the school as an alternative to suspension. Schools

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need to do as much as they can to support these kids. This was one of the conversations I had with Senator McKinney when I told him about my intent to this bill at the very beginning of the year. And one of his biggest concerns was the idea that he felt there was no alternatives that the schools had or were forced to do in their policy. And so, that was one of the reasons I kept this in, but also some of the people said in opposition. Thankfully, I am hearing that schools do an excellent job in following policies that are already written as a response to this statute. They reach out to parents, provide counseling, clarify expectations, give positive reinforcement, encourage calming steps, support them with anger control or self-regulation techniques, allow for in-school suspension, after school detention, focus on incentives and positive behaviors. There are just a few of the long list of steps teachers take before they would consider suspension. I'm confident that with LB149 and AM677, we can foster a classroom environment that benefits all the students, shows our trust and support for teachers, and prioritizes the individual needs of students who are experiencing difficulties. I want to thank you for your time this afternoon, because it's been very long for you. And I'll be sure to take as much time as I possibly can to keep it longer. With that, I'm open to any questions. Thank you, Vice Chair.

**HUGHES:** Thank you, Senator Hansen. Thanks for the quick little laugh. Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair Hughes. Thank you for bringing this. So I was a teacher for 35 years. Thank goodness, not little second graders. So I'm kind of re-- a question that Senator Conrad had for Senator Murman was we need to keep them in schools. In your plan, is there still an option if all else has failed, to suspend the child?

**HANSEN:** Yeah, leaving it up to the school to decide what they would like to do.

**LONOWSKI:** OK.

**HANSEN:** Many schools have different policies in place.

**LONOWSKI:** So there's, there's some tight regulations where one of our small districts, the teacher who also-- I know him, because he's the

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wrestling coach. He was the only one that could control this second grader because he usually got behind him, do a full Nelson and, and could hold him immobile so he wouldn't get bitten or elbowed, and he still had to kind of like, watch the kicks. The other teachers in that elementary were thankful that they had one person. He did get reprimanded because he was not supposed to detain the kid at all, because that worked the child up more. So to top it off, the child was also a runner, not just run around the school, leave the premises. Second grade. I, I guess, at, at some point, I think there's got to be a point where we call the parents, say, hey, you got to come get your child for the protection of the other children, as well as some of the teachers. But I also think-- I think you're on to something correct here when you say, hey, we have, we have the steps in place. We have a plan, with, with the thought that we're also reined in by maybe some state regulations, and also my guess is every school has dealt with this and every school has some sort of plan. I don't know. So just-- yeah. Food for thought, I guess.

**HANSEN:** OK. I'd like to respond. You've been here a long time, but I-- for instance, just briefly, Norfolk Public School sent me their list of what they typically have to go through before they can consider suspending a child. And this is a long list. And I would assume that other schools would do the same. Schools just don't willy-nilly suspend a student. I haven't talked to one administrator or one teacher who, who believes in that. Well, the kid's a disruption. Get rid of him. Right. You know, that-- and almost everyone I've talked to have gone through this long laundry list of stuff that they try to accomplish with the behavioral analysis, other things with the child, discussion with the parents, but sometimes-- that is a very last resort, and I'm hoping it's not used very often. Luckily, it wasn't used on me. My mom was a secretary at the grade school for 35 years. My dad was a janitor at the grade school, so any time I got into trouble I knew what was going to happen later. But luckily I never got suspended. But I'm assuming every school is the same way. I mean, they're going to go through a whole list of things and that is going to be an absolute last resort. But if they don't have the resort, I don't want to take it away from them.

**LONOWSKI:** OK. Thank you.



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**HUGHES:** Other questions for Senator Hansen? No. All right. Are you stay-- oh, sorry. Senator Meyer.

**MEYER:** It's all right.

**HUGHES:** You're so close to me, I just missed you. You should like, poke me in the eye or something.

**MEYER:** Senator Hansen, thank, thank you, Vice Chair. It appears to me that in the combination of what Senator Murman and you have brought is an attempt to more clearly define what can be done with a disruptive, perhaps violent student, not only to protect the other students and teachers in the class or in the school, but also to protect the individual that's causing the problem. I think that sometimes we get caught up in what appear to me, caught up in, in the idea that we're just-- we're being punitive in, in, in perhaps, some of the disciplinary measures that we take. But in the case of someone that needs to be restrained, we are protecting the child also. Would you say that is somewhat the intent of what your combination of bills are, because these students are at risk.

**HANSEN:** I've been through that bill before on the floor. I don't even want to touch that. The idea of restraining a child. We've had that discussion many times on the floor. That's what-- not this bill's trying to accomplish. This one is trying to accomplish, OK, what kind of very last alternatives does a school have if they absolutely have to suspend a child, which hopefully never happens, but not so much with the restraint part. Yeah. [INAUDIBLE].

**MEYER:** Well, I'm not, I'm not talking putting in a clause or anything--

**HANSEN:** Yeah.

**MEYER:** --like that. But I, but I do know that sometimes, there has to be some physical activity to protect a child from hurting themselves. And, and I know that's a, that's a really tough, that's a really tough place to be. My understanding-- and I don't know what the law is today, that with agreement with the parent or parents previously, that those types of activities could be taken with an agreement with the parents, with the school, with the principal. And, and, and so, those

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things in the past have been possible. Where the law stands today, I can't say. But I do know that with the agreement, at one time, with the parents, those type of activities could be done. So.

**HUGHES:** OK. Any-- yes, Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair Hughes. I remembered my actual question. So-- and, and maybe it's-- the answer is in the Norfolk plan there. But do you see a different plan for a normal second grader, versus a second grader who might already have an IEP? And sometimes, like a second grader may not be identified yet, as whatever their shortcoming might be.

**HANSEN:** I would assume, however, I'm not a school administrator, but-- or-- and every school is different. I think-- they can decide what they want, I think, for themselves, you know, policywise. But I would assume they would have some kind of policy with a child with possibly an IEP versus one that doesn't, and how they might handle that situation.

**LONOWSKI:** Thank you.

**HANSEN:** Yeah. Sorry.

**HUGHES:** Anything else? OK. You're staying?

**HANSEN:** Yeah. I'm gonna.

**HUGHES:** OK. Great. Thanks for joining us.

**HANSEN:** Thanks.

**HUGHES:** OK. So we need our first proponent. And then please state if you're-- which one you're supporting or-- let me just say this. Are there any proponents? OK. Come on up. So please state which bill you're supporting or both or--

**CHUCK HUGHES:** Proponent of LB430.

**HUGHES:** LB430. Thank you.

**CONRAD:** Thank you.

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**CHUCK HUGHES:** Thank you, Senator Hughes. Good evening. My name is Chuck Hughes, C-h-u-c-k--

**HUGHES:** Good name.

**CHUCK HUGHES:** H-u-g-h-e-s. Not related that I'm--

**HUGHES:** Nope, not related.

**CHUCK HUGHES:** --aware of. I am the director of Student Services and Safety for Norfolk Public Schools, and testifying in support of LB430. First off, I would like to thank Senator Murman and the many other senators who introduced this bill on behalf of the teachers, principals, and students in our schools across the state who have been impacted by the prohibition on suspension of pre-kindergarten through second grade. I am here to express my strong support of LB430, which proposes an additional exception to the prohibition on suspending students under the Student Discipline Act. As an educator with 23 years of experience in the Nebraska public school system, I listen to and work with our administrative team and staff that witness firsthand the challenges that arise when addressing violent behaviors in early childhood educational settings. While it is essential to provide a supportive environment for our youngest learners, there are instances where a student's behavior poses a significant risk to the safety and well-being of our students and staff. In such cases, having the option to implement suspension, as outlined in LB430, is a necessary tool to maintaining a safe learning environment for all. Understand that our teachers and principals work through a chain of interventions, such as working with the student while teaching positive and appropriate behaviors, meeting with parents about the exhibited behaviors, creating behavior plans, check-in/check-out with a respected staff member, and initiating other types of consequences before we even think about suspending our youngest learners. Currently, our principals watch over our students exhibiting these behaviors that are disruptive and unsafe for the classroom and learning environment in their office. While watching over these students, our principals are unable to fulfill the rest of their responsibilities, such as being visible in the classrooms, doing fidelity checks for our curricular programming, providing feedback to our teachers, and fostering a strong, positive building culture that enhances student learning. One of our elementary principals stated to me just last week at the end of

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the day, after working with some of these violent behaviors, I am exhausted and I am done. In conclusion, I believe that LB430 provides unnecessary-- or provides the necessary amendments to the Student Discipline Act, empowering educators to effectively manage classrooms and uphold the safety standards. I respectfully urge the Education Committee to vote in support of LB430. Thank you for your time.

**HUGHES:** All right. Thank you, Mr. Hughes. Do we have questions for Mr. Hughes? No? Boy, you're getting off easy. Thank you for coming in and--

**CHUCK HUGHES:** Thank you, guys.

**HUGHES:** --thanks for staying this whole time. Next proponent. Oh, you're opponent.

**JaQUALA YARBRO:** Opponent.

**HUGHES:** Is there any more proponents? Well, that worked out well. OK. We are on to opponents, and first one. Go ahead.

**JaQUALA YARBRO:** My name is JaQuala Yarbro, testifying here again, today, J-a-Q-u-a-l-a, last name Y-a-r-b-r-o. I am executive director of the Compete Institute of Soc-- Socioeconomic Policy and Education, Omaha, Nebraska. Although I oversee these types of issues as a child welfare prevention and intervention method in 22 collaboratives, different counties around Nebraska, so I'm pretty well versed in this. The reason that I can't support what I'm hearing in LB430 and-- is it 1-- [INAUDIBLE]-- LB149. I'm in, I'm in opposition to both of these, simply because I can tell that neither one of these individuals who drafted these bills have spent any time in a classroom. And this is not, this is not a dig. It's too late in the evening for that. But there are-- the reason that we came together for Thriving Families, Safer Children-- it's an initiative between Nebraska Children, Bring Up Nebraska, school principals, different school superintendents, child welfare, DHHS is actually working with us, and the Center for Disease Control, and the Annie Casey Foundation, to really hammer down on what-- how do we best serve families and keep them out of the system, and we identify that is through resources. And all the data supports in the Annie Casey Foundation Opportunity Map, it identified what exactly-- how, how families were coming into the system. The

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number one reporter to the system is the school. Number one. And so a lot of times, our students are being suspended from school. This is-- she's 6. I can make her sit down through an entire legislative hearing.

**HUGHES:** I'm impressed.

**JaQUALA YARBRO:** She's 6. If you looked at her IEP and her 504 plan, it would look like this: she cannot do that. So I took her home with me. This is actually how I came in contact with this student. I kept this one so that she would not go into the system. OK. This is my seventh child, because it can be done. So I make it my business. I didn't go to med school. I made this my business to try to fix Nebraska. And God help me, we have to spend more time on the ground with the people that we impact before we develop such harmful policy. These children, majority of these children, I don't know what-- you know, it's going to look different for Norfolk. It's going to look different for Lancaster and Douglas Counties. But in Douglas County, especially in the, the eastern region of Douglas County, yeah. Children who are dealing with extreme lead poisoning for the past 40 or 50 years, who have pronounced lead poisoning, and now they have cognitive dysfunctions, right, behavioral issues, I, I mean, up the woo-ha, if, if that's even a term. But I say that to say that comes out in the school, right? We're not kicking these kids out and saving them, because what next? The problem is-- and what I heard, I don't hear a clear plan, which means it's going to be left up to the discretion of the schools. We know that we have a pronounced disproportionate minority contact issue. We can close our eyes in the name of DEI and say we want to get rid of it or whatnot. It doesn't mean that the issue goes away. If I have teachers who don't come from north Omaha, they come to north Omaha, and 655 cases of kids who are acting out in their eyes-- because trauma looks differently from person to person-- if that teacher has the discretion to say, you know what? That kid's out of my school or that principal, that superintendent says, you know what? I'm not dealing with that. And half the time they're not even from Nebraska. And when we recruit them, right, they don't have a stake in what we're trying to build here, which is a healthy family, a healthy community, and making sure that we have a healthy workforce. Ironically, we build prisons in the state of Nebraska based off-- well, in the United States, based off of third grade reading scores. So kicking kids out between the ages of what, the grades of pre-K and

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second grade is really perpetuating the school-to-prison pipeline. So I'm interested in hearing what else have we tried. Because, again, as Senator Conrad said, there are so many resources that you exhaust before you kick a kid out of school. Many of the times, the 504 plan is not thorough. It's not being followed. There's an option for a behavioral plan, and no behavioral plan is developed. And so, I'm one person in Nebraska working to make sure that every family that calls me has that opportunity and has that knowledge and is empowered with that to say, hey, you have the opportunity to participate in this, this IEP meeting. A lot of the times, the principals are having these meetings without the families. OK. If families don't know how to advocate for themselves and they're not being provided the resources, then we're just kicking their kids out of school. If they get to, as we mentioned, I think, I think Senator Murman mentioned up to 10 days-- if you miss over 20 days of school, now that's a case that goes straight to the county attorney. So now you're involved with the juvenile courts. And so--

**HUGHES:** You're, you're red light on, so if you could just--

**JaQUALA YARBRO:** Boom boom.

**HUGHES:** Yep.

**JaQUALA YARBRO:** Questions?

**HUGHES:** OK. Any questions for-- sorry. Say the last name again.

**JaQUALA YARBRO:** Yarbro.

**HUGHES:** Yarbro. Yes, Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair Hughes. Thank you. And I really do, I really do pat on the back for all you've done. Unfortunately, we don't have one of you, Ms. Yarbro, in every little town in Nebraska.

**JaQUALA YARBRO:** I'm in 22.

**LONOWSKI:** So you go to 22 different schools when a kid gets kicked out and take them home?

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**JaQUALA YARBRO:** I do more than that. So what I do is I go and I do-- I provide trainings and seminars to make sure that the staff are empowered with the decisions that they can make. Because a lot of times, like you said, they're fed up. And so they, you know, they aren't looking at what resources they have. But luckily, most of these towns have a collaborative that they can depend on. If you type into Bring Up Nebraska, there's a collaborative of individuals who are supplying families with resources and wraparound services, so that they don't have to end up with a suspension or an expulsion.

**LONOWSKI:** Yeah. And, and especially-- I agree. Like, 10 days is a long time. But let's say you're, you're a cute little gal. There is a [INAUDIBLE]. She's 8 years old, and she goes, Johnny hit me today. The next day, Johnny hit me today. The next day-- at, at some point, we got to figure out how to protect her. And the teachers like, well, I have 29 kids here. I didn't see it any of those days. And, and I'm not saying that's suspension for that kid, but there are schools that don't have the resources, and they don't have the Ms. Yarbrow to, to help out. And, and I'm not making excuse--

**JaQUALA YARBRO:** But then, isn't that the issue that the school doesn't have the resource? Because now, we're punishing the family and the child for the school not having resources. So that's an entirely different issue. But that's something to be considered because it's a lot cheaper to address those resources than for our families to try to fight a system on the back end.

**LONOWSKI:** Thank you.

**JaQUALA YARBRO:** You're welcome.

**HUGHES:** Other questions for Ms. Yarbrow?

**SANDERS:** Thank you.

**CONRAD:** Thank you.

**HUGHES:** I love the energy. Thank you for coming in.

**JaQUALA YARBRO:** I'm hungry. It's 2 Snickers and water.

**HUGHES:** Send some my way. All right. Next opponent, please.

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**GUILLERMO PENA:** Hello. My name is Guillermo Pena. It's a mouthful. LD 35, Grand Island, Nebraska, G-u-i-l-l-e-r-m-o, Pena, P-e-n-a. I have 4 sisters. I'm very proud of their children, and 2 of their children share a Nebraska birthday, March 1. I'm very proud of that. My roots are coming in Nebraska. We're from here. What, what, my sister-- what my black sister over there said was very, very, very important. It regards into-- it ties into another bill, LB258, and that's labor. And you know, when you have a parent working 2 to 3 jobs and minimum wage is at \$7.25, and then she has to show up at school, who's affected? The parent. That's who. Cultural language is a barrier, no needs for suspension. Disabilities misdiagnose, no need for suspension. These are the children we're, we're raising, and this is just more paperwork for the school board. It's more paperwork for teachers. I don't see the positive outcome. All I hear is these children are hurting other children. We're being painted as thugs, especially young black men. Black, brown children are being painted as thugs, and it's not fair. They're not here to defend themselves. Those parents aren't here. Those parents aren't here to defend their children against policies like that. They're worried about having to defend themselves against this legislator on, on, on bills like LB258 and now, LB149 and this other Siamese twin that seems to co-sponsor itself as something that can be fixed. Children can't be fixed. They can be taught, educated, and the future workforce of Nebraska needs to have a multifacet face to what is a problem. We're not thugs. We're not criminals. They're children. This is just about me, but that's what I remember. I remember that. I was treated different-- very differently, very differently as a child. I was looked at. I had a teacher even grab me like this. I'll remember that. I'll never forget that. I will never forget that. Minority classes should not be reprimanded by this. I have school-- former mayors in Grand Island worried about scented candles instead of what children-- how are they going to be fed? The Department of Education is falling apart due to our federal government, and we're worried, we're worried how we can reprimand 8-year-olds, 8-year-olds, 8-year-olds. They're not thugs. They're not violent. They're misunderstood. They're children. This legislator should be ashamed. We should be looking for resources to feed them. Maybe they're hungry. Maybe they're acting out. Maybe they don't understand you or they can't speak to you. They're kids. Kids. Innocent kids. They deserve more from this Legislature. Thank you.



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**HUGHES:** Thank you, Mr. Pena. Do we have any questions for-- OK. Nope. You're good. Thank you. Thanks for coming in. Next opponent.

**JEREMIAH WILSON:** All right, let me get myself together here.

**HUGHES:** Well, you've been waiting all day, so front row.

**JEREMIAH WILSON:** I've been here 6 hours, and a half. There we go.

**HUGHES:** I love the suit.

**JEREMIAH WILSON:** You guys have heard from me prior to this, though, so. Yeah. Hi. Hello. All right. My name is Jeremiah, J-e-r-e-m-i-a-h, Wilson, W-i-l-s-o-n, and I am the proud, single father to a wonderful and bright 8-year-old girl. She has been blessed to see this world a little bit differently through the eyes of intellectual disabilities and autism. She remains my hero. I noticed that there are few issues currently at stake, both at the federal and state level, which we are here to address. Firstly, I'm going to speak in regards to the federal Department of Education while it's being under attack, due to the federal decisions in regards to grants and funding availability, both of which provide legal protections through the IDEA Act and funding to help children such as mine along with the 7.5 million children, which is equivalent to 15% of all children enrolled in public education to be able to navigate an already challenging world without the added complications with bureaucrats, who would rather have a shitting match than to come to an agreement as to what's best for the disabled community, of which I question any of you have firsthand experience in at all. The United States Secretary of Education doesn't even know what the Individuals with Disabilities Education Act was or is, if you haven't seen the snippet. If you value the future of our children, you will understand also my positions and agree when it comes to providing funding and keeping those protections in place for our most vulnerable communities, especially the disabled. Protect the Department of Education at the federal and state levels. Secondly, LB149 and LB430 on a local level provide no protections for disabled children nor exclusions from suspensions and/or expulsions from schools. The senators, of which introduced these pieces of legislation, in fact, only speak for households of roughly 5,000 students, of which the great state of Nebraska has 39-- 329,000 students. Just let that sink in for a minute. Please also note that, generally speaking, these

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senators' districts have a student to teacher ratio average of less than 10 to 1, of which is way below the state average of 16 to 1. I sincerely question the senators' reasons as to why introduce legislation of which seems retaliatory in nature, when, quite frankly, they don't have the numbers to back up their positions in these matters. These senators should be more concerned, frankly, with the statistics that show their populations declining while the cost of living increases within their communities. Now, the Individuals with Disabilities Education Act provides additional and crucial protections and opportunities for our children. And unfortunately, these protections are under attack. It is your job to create a safe space and equal opportunity for our children, just as it is for teachers and faculty. However, I'm sure we can agree our kids should always come first. My daughter was suspended 2 times prior to the implementation of Senator McKinney's bill, a bill to protect students in the second grade and under from suspension. My daughter had to be-- have protections written into her IEP directly so that she was not the victim of targeted exclusions from school events, due to her documented and known disabilities of what she should be protected from discrimination under law, the same law that's under attack federally. The prin-- the principal at her previous school would rather have her in another school than to provide the services she needs at the school that she was previously at. In turn, we found a school that fits her needs currently and we're happy. A child with special needs also-- that also has an IEP or a BIP should have protections from exclusions and suspensions, as well as protections from the exclusion of school activities due to behaviors and/or staffing issues, of which are due to their known disabilities, and out of the control of parents or faculty, but are a budgeting issue to provide the resources to give children an equal opportunity to thrive. A child in the second grade and under are just learning to understand emotional regulation, and it is the duty of the adult, the provider, the educator, to protect that child and to teach them. At no point in my advocating for the acceptance of violence or severe behavioral outbursts. However, we should provide better compensation for educators, especially those who are more prone to these types of behaviors while also incentivizing these positions so our future generations can thrive. Sen-- sensible legislation would include additional protections as well as funding for our disabled community, while also creating a safe environment for faculty and other personnel. Together and only in unison can we create

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a better tomorrow. It's time to start planning for the worst while creating the best. We have a very bright future ahead, so long as the rules and the laws make sense. In current form, LB149 and LB430 do not make sense. Thank you.

**HUGHES:** Thank you for staying all day and then testifying, Mr. Wilson. I'm just curious--

**JEREMIAH WILSON:** Thank you for letting me go over my time.

**HUGHES:** Yeah. That's fine. I, I knew where you were at. You were getting close. Question for you. You said-- so I think you said your daughter has an IEP.

**JEREMIAH WILSON:** Correct.

**HUGHES:** Then, you've since found a school that's a better fit. Did you opt in to that school or how did that-- or was it with-- still within your district?

**JEREMIAH WILSON:** What's sad-- what's real sad is I was notified a week prior to school starting that there was not a special education teacher at her previous school. So I was on the hook to be able to find another school. I was given resources, a list of schools, one week prior to school starting, I had one week, 7 days, to be able to provide her.

**HUGHES:** Sounds like you've found a place that you're--

**JEREMIAH WILSON:** Luckily.

**HUGHES:** --much happier with.

**JEREMIAH WILSON:** Luckily, after WOWT--

**HUGHES:** That's the silver lining.

**JEREMIAH WILSON:** --Mike McKnight-- I've, I've made some waves in reference to this.

**HUGHES:** OK.

**JEREMIAH WILSON:** A lot.

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**HUGHES:** Thank you. Questions for Mr. Wilson? Yes, Senator, Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair, and thanks. We had a great conversation at lunch time. I appreciate it. Just a warning. We do have a couple of people here whose children have had IEPs or special needs.

**JEREMIAH WILSON:** OK.

**LONOWSKI:** So once your daughter got an IEP, then was she able to stay in class or school, like the suspension no longer happened or--

**JEREMIAH WILSON:** So, no. She was on an IEP when she was actively suspended.

**LONOWSKI:** OK.

**JEREMIAH WILSON:** So prior to Senator McKinney's bill, which would have protected her from that suspension, she was suspended.

**LONOWSKI:** So I assume then, you had to leave work to go get her, or--

**JEREMIAH WILSON:** Yes.

**LONOWSKI:** OK.

**JEREMIAH WILSON:** Yes. I was notified, and I, I had to be there within an hour, is what the-- they said. We'd like you to be here within an hour. And I was like, OK. So as a single dad or as a single parent, which some parents are, those, those are obligations sometimes that, that can be very damaging. And those aren't thought about in this legislation, either. So it's not just punitive for the child, but it could potentially be punitive for the parents, who are already struggling.

**LONOWSKI:** Thank you.

**HUGHES:** Other questions for Mr. Wilson? All right. Thank you. Thanks for staying.

**JUAREZ:** Thank you for coming.

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**HUGHES:** Next opponent. Any-- oh. Yeah.

**KRISTEN LARSEN:** I wasn't sure how to do this, because there's combined. So there's one that's the summary I'm going to talk about, and the other one is [INAUDIBLE] bills, because it has additional information.

\_\_\_\_\_: No, you're good.

**HUGHES:** I like the festive green.

**KRISTEN LARSEN:** Green. I'll own that 15--

**HUGHES:** It's like Christmas here. We have red [INAUDIBLE].

**KRISTEN LARSEN:** Everybody's Irish on St. Patty's Day, right? Oh, well, good evening. You guys have had a day. My name is Kristen Larsen, K-r-i-s-t-e-n L-a-r-s-e-n. I represent the Nebraska Council on Developmental Disabilities, and I'm here testifying in opposition to LB149 and LB430. Although NCDD is appointed by the governor and administrated by DHHS, we operate independently and our comments do not necessarily reflect the views of the governors or the administration or the department. We're federally mandated independent council. We're made up of fam-- 60% are family members or folks with developmental disabilities themselves, and we advocate for systems change and quality services. And when necessary, we take a nonpartisan approach to provide education and information on legislation that could potentially impact people with DD. So I have handouts on both bills because I learned this morning to try to change it. So basically, both bills, I believe, and the council believes, intend to amend the Student Discipline Act by eliminating the prohibition on suspending pre-K through second grade students, although LB430 has some good pieces in there to-- that-- to modify that. While ensuring school safety is essential, these bills undermine efforts to support young learners' development and well-being. These bills increase exclusions from the classroom, harming children with mental health or emotional disabilities, including those not yet identified as needing support. Both, both bills will push more students into the school-to-prison pipeline, a problem we should be addressing, not worsen. Nationally, 23 of the 100 largest school districts have implemented policies limiting suspensions and promoting nonpunitive

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discipline strategies. Suspending young children has long-term, negative effects on academic success, emotional development, and future behavior, often leading to higher dropout rates and involvement in the juvenile justice system. These early years are crucial for learning behavioral and emotional skills, and disciplinary measures should prioritize intervention over educ-- over exclusion. Both bills have conflicts with the Individuals with Disabilities Education Act, or IDEA, which the parent before me had mentioned, which provides specific guidelines for disciplining students with disabilities. Schools following these bills instead of IDEA risk costly litigation for violating federal law. Nebraska already has mechanisms in place such as Rule 51 and Child Find, ensuring that children needing special ed services are identified and supported. School districts can maintain the discipline without violating the federal law or the needs and rights of children. Parents can assist school districts without putting them in the position of having to choose whether to follow federal or state law. LB430 introduces an exception allowing suspension for children who bring a deadly weapon. IDEA already provides schools with disciplinary options while ensuring due process and appropriate interventions. Giving principals also the sole authority to deny students access to education without proper training on IDEA is concerning, especially in rural areas with limited special education resource. Instead of granting a principal's authority to suspend students, we should invest in alternative approaches like restorative justice, behavioral interventions, and functional behavioral analysis. And I see I'm out of time. But yeah. It-- it's a pass-- I'm also a parent with lived experience. I was one of those moms who got the call. And I knew my Rule 51. And on day 5 of getting the call, I said, this is day 5. You have up to 10 days to get your stuff in, you know, to figure out the behavioral support she needs. And I met we mentioned the pyramid model in here, and he was one that succeeded using the pyramid model. It still takes a lot of time to work with him, but he's better off today because of the support he received.

**HUGHES:** Thank you for coming in, Ms. Larsen. Lawson or Larsen?

**KRISTEN LARSEN:** Larsen.

**HUGHES:** Larsen. I couldn't, couldn't read my R from a W. OK. Thank you, Ms. Larsen.

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**KRISTEN LARSEN:** You've had a long day.

**HUGHES:** Other questions for Ms. Larsen?

**JUAREZ:** Thank you.

**CONRAD:** Thank you.

**HUGHES:** All right. Thank you.

**KRISTEN LARSEN:** Thank you.

**HUGHES:** And thanks for staying. Happy St. Patty's Day.

**KRISTEN LARSEN:** Yes. You, too.

**HUGHES:** Next opponent.

**SPIKE EICKHOLT:** Good evening, Vice Chair Hughes and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska, Voices for Children, and Education Rights Council, and we are opposing both LB149 and LB430. You've got my testimony that's being handed out. I'm not going to read it. I just wanna maybe kind of respond or summarize some of the things that you said, or at least ask the committee to consider a couple of points. First, as Senator Murman explained, the Legislature overwhelmingly, on a 47-0 vote, did approve the prohibition on suspending young children. There were 2 people that were not voting, and those people did not vote, in my opinion, based on other things that were in that omnibus bill. I know that last year, there were a couple of proposals-- Senator Hughes brought one and so did Senator Murman-- to sort of undo or at least modify that prohibition. But I wanted to say a couple of things. First, we are talking about young children, very young children-- 5, 6, 7, and 8 years old. You're also talking, at least disproportionately or overrepresentationally, about children with IEP either already sort of in place or likely to be put in place. As a matter of fact, when Senator Murman gave the example that they had to sort of-- the request from his administrator in his district, it was a child that was in need of developing an IEP, as well. Suspensions should not be, in our opinion, something that is to motivate or generate parental involvement. There's no data whatsoever that shows that suspension helps children. If anything, there's data

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that shows that-- just the opposite. Suspension, even for a short term, has negative social, mental, emotional, and academic impacts on children, and those are long-lasting and the statistics show that stuff. Between the 2 bills, we do want to acknowledge that Senator Murman's is a bit more nuanced and does at least put in statute some directives that the schools are to have with respect to developing alternatives and responses to behavior that might result in involvement with the Student Discipline Act and suspension. And that's on pages 2 and 3. And we want to compliment him on that, or at least credit him that. And then, he does not outright actually repeal the prohibition, as much as he sort of tries to sort of narrow or provide for another grounds. If the committee is interested in acting on Senator Murman's version, on page 3, lines 20 and 21, is the other exception that he adds, to allow for suspension if a child engages in violent behavior capable of causing physical harm. We have some concerns about how that could be interpreted, and perhaps it could be narrowed, if the committee is going to ask. We're not necessarily requesting that, but that the committee is going to act on that, maybe having a narrow exception that would actually address safety in the schools. There was another point I was gonna make, but I can't quite recall exactly what it was, but maybe it'll come to mind later on. But I'll answer any questions if anyone has any. I'm almost out of time. And we urge the committee to not advance either bill.

**HUGHES:** Thank you, Mr. Eickholt. I want to ask one question, because this was 2 years ago. How many bills were in this-- when you say this bill passed--

**SPIKE EICKHOLT:** Right.

**HUGHES:** --47-0--

**SPIKE EICKHOLT:** Right.

**HUGHES:** --how many bills were in that?

**SPIKE EICKHOLT:** I can't recall. I'd say somewhere between--

**HUGHES:** 25?

**SPIKE EICKHOLT:** Oh, I don't think it was that many. Maybe between 6 and 10 I would say.



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**HUGHES:** No. It was way bigger than that.

**SPIKE EICKHOLT:** OK. Well, I, I-- well, if you knew the answer--

**HUGHES:** I don't know what it is either, but it was way bigger than that, because I voted for it. Not for that one, but for all the other ones, so.

**SPIKE EICKHOLT:** Right.

**HUGHES:** I, I feel like this by itself would have been a much different vote. But any questions for Mr. Eickholt? Yes, Senator Conrad.

**CONRAD:** Thank you so much. And perhaps it may have been a different vote. We don't know. That was a challenging session, but I will tell--

**HUGHES:** It was a challenging session.

**CONRAD:** it was a challenging session. I will tell you that Senator McKinney's measure found very strong bipartisan support in the prior Education Committee for a lot of different policy reasons, and so that's why it was included as part of the package. And, of course, any senator had the right or ability to put up an amendment or a division at any time, and they chose not to, so. Well, I'll just let that be where it is. Spike, I was wondering if you could talk a little bit about there's sometimes I think we kind of gloss over what's at stake here or what the dynamics are, where there's this kind of sense, like, oh, you know, kids are acting out, and so schools should be able to do whatever they want to do in regards to managing that student discipline. But it-- that analysis and of course, everybody wants the same thing, the exact same thing, when it comes to making sure our classrooms are safe, other students are safe, teachers are safe, administrators are safe. There's no disagreement in those goals or values. But kids have a literal right to an education. That's fundamental and highly protected and cannot be disruptive-- disrupted, kind of willy-nilly or in an unreasonable way or an arbitrary way. And each action by the school, i.e. the government, carries with it different implications, as punishments graduate or increase or escalate. So do you want to maybe just provide a sentence or two in context about, you know, what-- the-- kind of the legal context that we're thinking about in regards to school discipline.

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**SPIKE EICKHOLT:** Sure. Article VII, Section 1 of our Constitution provides that everyone is entitled to a free education. And schools have an obligation to provide that, even if a child is suspended or even expelled. Schools have an obligation to provide for some sort of education in lieu of that. There are additional federal protections for children who have been diagnosed under Section 504 or under the IDEA, or those other rights that states and schools have an obligation to tailor an educational program for those children through an IEP. And Senator Lonowski asked that earlier, about the example. The bills don't make any distinction or recognition as to whether a child has an IEP, and that's one point I wanted to make earlier, that if we're going to have an exception, an additional exception for an expulsion, we really want to make sure that whatever behavior those children are exhibiting is not a manifestation of a disability, so that's important for IDEA purposes and federal law. But you're right. The state has an obligation. And unfortunately, when people talk about the school-to-prison pipeline, the state's going to be responsible ultimately, unfortunately, for those, those children. Because they're more likely to end up being suspended when they're older, they're more likely to be expelled, they're more likely to get involved with other state and system involvement. And ultimately, it's just going to be a responsibility downstream for the community to have to, to have to bear.

**CONRAD:** Right. And punitive actions by the school trigger due process protections that have to be done in a fair manner because it's state action--

**SPIKE EICKHOLT:** That's right.

**CONRAD:** -against a kid's fundamental right to access education.

**SPIKE EICKHOLT:** That's right.

**CONRAD:** OK.

**HUGHES:** Any other questions for Mr. Eickholt? Go ahead, Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair. So obviously, nobody wants kids to get kicked out of schools, Mr. Eickholt. I appreciate your testimony.

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If, if my granddaughter comes home from school as a first grader and she's all bruised up, did her rights get violated as getting a free education?

**SPIKE EICKHOLT:** Well, I understand the point you made-- you're making, because you made that point before. I mean, that's something that is difficult to accommodate. And when you frame it that way, it's difficult to, to say that she's not. But ultimately, if a child is suspended, they're going back to the school. And if there's behavior that's happening in school, especially with very young children, there's something else going on.

**LONOWSKI:** I, I understand that. And, and I look at Senator Hansen when he says there were 655 incidents in OPS. We got-- something else is going on here that's not favorable. And I, and I try to think of those, those kids that are, are trying to stay in line, and then I think of the shortage in classrooms. And sometimes, the young person-- we keep saying suspended or, or whatever the word is, but sometimes, the only way they can get calmed down is with mom or dad. And I guess I'm not saying that suspended, but--

**SPIKE EICKHOLT:** Right.

**LONOWSKI:** --I suppose if they're held out of school the next day, they are suspended, versus just a calm-down time, but-- I don't know. Some-- yeah. Somehow, we have to come to a middle-- we-- obviously, taking a second grader out of school for 5 days or more is excessive in my mind, because they're missing out on valuable education. But trying to keep them safe at the same time, we're keeping 29 other kids safe until we figure out an ulterior plan is a-- it's a, it's a tricky balance, but--

**SPIKE EICKHOLT:** That's right. And there might be some sort of-- in an IEP situation, there might be some kind of response that gets the parent involved to help a child calm down, that kind of thing. And I think that Senator Murman's bill talks about that, developing some sort of protocol and some standards for that.

**LONOWSKI:** All right. Thank you.

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**HUGHES:** Other questions for Mr. Eickholt? Thank you. Next opponent. Yes.

**HALEIGH CARLSON:** I just haven't actually filled out the sheet. I didn't know it was going to be--

**CONRAD:** You can fill it out after, too.

**HALEIGH CARLSON:** I can fill it out after?

**HUGHES:** OK. Great. Go ahead and fill it out after.

**HALEIGH CARLSON:** No, I'm not an opponent.

**CONRAD:** Oh, OK.

**HALEIGH CARLSON:** I'm proponent, or I can do neutral, too.

**HUGHES:** OK, so no more opponents. Then, neutral. OK.

**LONOWSKI:** What timing.

**HUGHES:** Then are you speaking on both bills, then?

**HALEIGH CARLSON:** Yes.

**HUGHES:** OK.

**HALEIGH CARLSON:** Good evening. Members of the committee. My name is Haleigh Carlson, and I'm an attorney at the Perry Law firm. I specialize in working with school districts to stay in compliance for students with disabilities. I am not here speaking on behalf of my firm. I will be speaking on behalf of my firm later. But this is-- as I listened to the testimony, I felt compelled to come up. So I'm one of the first people that works with school districts and explains to them how discipline is--

**HUGHES:** Oh, yes. Sorry. Can you spell your name and [INAUDIBLE].

**HALEIGH CARLSON:** It's H-a-l-e-i-g-h, Carlson is C-a-r-l-s-o-n.

**HUGHES:** Thank you. Sorry.

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**HALEIGH CARLSON:** So, like I said, I specialize in working with schools when it comes to IDEA and Rule 51 compliance. And I had some concerns with some of the testimony that came forward and I wanted to clarify a few points. Rule 51 and the IDEA put rigorous and strenuous restrictions on school districts in terms of how they can discipline students with disabilities, and then the actions that a school district must take in order to assure that a student's placement will not be changed again, and that they're able to return to the least restrictive environment that they can. Those restrictions are already there. However, this-- the issue with a prohibition on anything is that it limits the options that our school districts have. I work with school districts across the entire state. Large metro districts, small rural communities, every single person who is in this field is there for the right reasons: to work with students, to help students. There is not a single administrator or superintendent or anyone who is there to get kids or put them in a poor place. And when I hear folks testifying that schools have tons of options instead of suspending students-- and again, I'm not pro-suspension. I think that it can be harmful, but when there, there is multiple options-- maybe, maybe that's the case in our larger school districts. It is not the case in our small-- smaller, rural school districts, where they-- and those are the schools that most of all, need as many resources as they can. I think that a bill that would more so target getting more special education teachers in school, getting more resources, more school psychologists, those would help target the behaviors that I think all of you are trying to discuss with the bill that put the prohibition on suspensions, and even with this bill to limit the suspensions. Those things would help. But when we put a prohibition on one of the tools that a district has, it only makes it harder for those folks who want to teach to stay in this field. I work with special educators and administrators every day, and the amount of-- I, I like to call them my friends. The amount of my friends that are leaving this field due to the stress and exhaustion they have is devastating. Because no, it's not just these are rowdy kids. They're-- it's, it's very sad. There are children that are extremely aggressive and harm staff and students, for no fault of their own. It is manifestations of their disability, more likely than not. But there's other resources we can be put in place. Sometimes a school district needs that break, that moment to work with the rest of their school staff to come up with a plan. And I think that our friend from Norfolk said it perfectly, that

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when we are using those other options, putting a student in the principal's office, that's not solving anything. That's just as bad as removing them from their environment anyway. Letting them go home, letting the staff take the time to work through, to come up with a plan sometimes is better. And I'm happy to answer any questions when it comes to Rule 51 or IDEA.

**HUGHES:** Thanks for testifying, Ms. Carslon. Any questions for--

**HALEIGH CARLSON:** Thank you.

**HUGHES:** Thank you. OK. Other neutral testimony? So I guess we'll start with Senator Murman first, to close. And while-- let's see. We have-- all right. With LB1-- or LB430, there were 19 proponents, 16 opponents, and zero neutral. OK. Go ahead and close on that, Senator Murman.

**MURMAN:** OK. Thank you. And I just want to say I think everybody knows it, but I do have a lot of experience in disability. I have a special needs, very disabled child. So in the bill I tried to address disability as best I could. I'm willing to keep working on that if, if we can improve the bill. And going back to personal experience, when our disabled daughter started school, we told the school that if she was ever disruptive and caused any problem at school, we wanted to know right away, and we would come and, and work with the school or bring her home, whatever needed to be done to best address the situation. And, and we were 20 miles from the school and needed a special vehicle to pick her up, so it wasn't really easy for us to do, either. But-- and then also, there was a suggestion that we are violating federal law by not allowing suspension or limiting suspension. If that's true, we were always vio-- violating federal law before Senator McKinney's bill. Let's see. And the, the school-to-prison pipeline. With the suspension, with this bill. Our goal is to address whatever needs to be addressed as soon as possible with the child, so in that way, we want to limit the school-to-prison pipeline as much as possible, and there were all of the things that had to be done before a child would be suspended to, to bring the parents in, and then what would have to be done afterwards. So we tried to address that as best we could. And it was mentioned that we did pass this nonsuspension bill 2 years ago, and I think probably got as much pushback for passing that bill as anything else that we've

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ever done in Education, at least since I've been chair. And of course, the intention-- I, I didn't hear from any school teachers or administrators that this is done for discipline reasons, and that was mentioned in testimony, too, but I just want to emphasize that. And to finish up, I just want to read a letter-- part of a letter that we got from the Nebraska chapter of National Association of Social Workers in support of LB430. Just a couple paragraphs out of there. School social workers are on the front lines of situations in classrooms that are addressed in LB430. Nebraska's school social workers see extremely concerning behaviors among the youngest students in their school buildings. These behaviors include running from school building, problematic sexual behaviors, behaviors, verbal threats, and physically striking out against adults and other students in the school. School social workers know that there are many reasons for these behaviors, and that-- and they are being presented in the school setting. While no one wants to see a young child kept out of the classroom for a long period of time, it may be necessary in some situations to address these extreme behaviors, and there needs to be a timeout away from the school for the student. In these extreme cases, a suspension is needed to work on an actionable plan, as described in LB430. School social workers would no doubt be involved in working with other school staff members and the student's family members to develop and carry out such a plan. So with that, I'll take any questions.

**HUGHES:** All right. Thank you, Senator Murman. Do we have any questions? All right. Thank you.

**MURMAN:** Thank you.

**HUGHES:** All right. Senator Hansen. And on LB430, we had 19 online proponents. Oh, shoot. You're LB149. Sorry.

**JUAREZ:** Wait. Could you repeat that? Because I didn't get--

**HUGHES:** Yeah. I had it wrong. LB149, we had 25 proponents, 27 opponents, and zero neutral.

**JUAREZ:** I'm, I'm sorry, but what was it on--

**HUGHES:** On the other one?

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**JUAREZ:** --the other one?

**HUGHES:** OK. On LB430, we had 19 proponents, and 16 opponents, and zero neutral.

**JUAREZ:** Thank you.

**HUGHES:** You're welcome. Go ahead, Senator.

**HANSEN:** And all I got to do is say, because I read all the opponents, 2 of them actually were in support. They must have pushed the wrong button. So technically, I had 27 in support and 25 in opposition.

**HUGHES:** Should we flip those numbers, then.

**HANSEN:** Because I like to read all the opposition just to make sure I'm not missing something. All right. Thank you everyone for-- again, for staying late and listening to us. Yes, I'm not a teacher, but I do listen to them. And I listen to the emails that I got, and I listen for them-- who came in and talked to me to talk to me personally, who made phone calls. And Senator Murman is right. This is probably one of the, the most pushback I think I've seen from any-- from most Education-- about any Education bill that we passed, at least blowback, anyway. And you know what? Sometimes we pass stuff that does have unintended consequences. And I think it's our duty then, to address those and reverse that if we need to, and that's exactly what this is. We passed something. We are starting to find out that maybe it wasn't the greatest thing to pass at the time. It's OK to change it. I a little bit missed what Mr. Wilson said. I appreciate you coming up here and testifying. He mentioned the bill he feels is retaliatory in nature. I feel actually, it's retaliatory in nature that we're forcing the schools to not be able to suspend their kids if they need to. And look out for the safety and welfare of other children if they need to. He mentions the duty of the school to protect and educate the children. It's also, in my opinion, the duty of the student and the parent to receive that education in a responsible manner. What Mr. Eickholt said, with the ACLU, is that-- and Senator Murman beat me to it-- or actually, Senator Lonowski beat me to it. We do look out for the rights of the child who might be acting up, but we also have to look out for the rights and the civil liberties of the other 25 children or so in the classroom and their



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right to a proper education. That's why sometimes the school may need to take on a very rare occasion, the, the stance of suspending a child. You know, I, I brought a lot of bills to, to Education Committee before, and I've always been blamed for not trusting the school or going against local control. And so I finally bring a bill that's about local control and trusting the schools, and so-- well-- But again, I'm going to mention just one thing here real quickly-- again, I don't want to take too much time. The proponents of this, if you read the online comments, most all of them were teachers or people who work in the school system or parents. If you look at the opponents, one school teacher. Some of them: As a public school teacher, I've experienced multiple students who are causing injury to student-- adults and others. And their explosive behavior almost daily, causing students-- other students to be safe. Another one: I worked as a teacher and witnessed 5-, 6-, 7-, 8-year-olds committing serious violations of school rules like fighting, running out of the building, leaving the school property, throwing furniture, damaging expensive technology during outbursts, biting staff members, yanking staff members' hair, and more. Another one: While I work-- while I was working for OPS as a PAC facilitator, most of the students that came to my office were K-2. Nothing helped with behaviors. They're smashing out windows, attacking teachers and other students, and threatening to kill staff K-2 students. I know it's hard to imagine. It was hard for me to imagine until I started reading the comments and listening to people. This is one of the reasons for, for leaving the public school system. This is one of my reasons for leaving the public school system. This person actually left. And I was exhausted from being hit, kicked, scratched, threatened, and having my own child threatened, getting chairs, books, et cetera, thrown at me all the time. Student is back in the office later that day or the following day. Another one: One more here. This is actually from the Ralston Public Schools. On very, very rare occasions, we do find it necessary to suspend a student out of our school in our primary grades. It may be necessary to suspend a student, young student, for example, for inappropriate touching another student. For example, we have had instances in the past of students assaulting other students and/or staff members on a repeated basis. So there are very rare occasions where the student does need to take the extreme measure of possibly suspending a student for the protection of other students. I don't think it's right that we take that away from them. And the list I showed you up in Norfolk, 24

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steps they typically go through before they even think of suspending a child. If you're a teacher and you wonder why we don't have very many teachers that are leaving the state of Nebraska or just leaving the profession and we have a hard time hiring them, you go through 24 steps and you still can't say you can suspend that child for the safety of the teacher and their students? If I'm a teacher, I'm gonna get the hell out of there. And according to, I think, the latest-- one of the most-- the largest research from the American Psychological Association, I think 14,000 students-- or teachers, one of the biggest reasons they left, because of safety in the classroom. I don't-- I would, I would encourage us to not take this away from the school and trust the school to make the best decision that they feel. Thank you.

**HUGHES:** Thank you, Senator Hansen. Do we have questions? Yes. Go ahead, Senator Juarez.

**JUAREZ:** So I just wanted to find out if-- when we're-- if we're discussing these bills, and we see possibly, suggestions of amendments, would you be open to that?

**HANSEN:** Oh, definitely. Anything that can make something better that we can kind of agree on, that, that can kind of move the ball forward the way I would like to see it go, in the way the majority of people would like to see it go, sure. That's why I brought the amendment currently, already.

**JUAREZ:** OK. And then I have one more question, and this is just more of a, a technical thing. So we have the combined hearing today for both of your bills, just because of subject content. Am I correct? Because I don't think I've been involved in a combined hearing before, and, and--

**HANSEN:** Yes, .

**JUAREZ:** I just wanted to just clarify that.

**HANSEN:** From my understanding-- the chair could probably answer that better later, but because of the subject matter was similar, we would have the same kind of testifier similar to-- Senator Conrad and I did with another bill. Yeah, it's not uncommon to do that.

**JUAREZ:** OK. Thank you.

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**HANSEN:** Yeah, move things along faster.

**HUGHES:** Other questions for Senator Hansen? Yes, Senator Conrad.

**CONRAD:** Thank you, Chair Hughes-- Vice Chair Hughes. Thank you, Senator Hansen. Always good to see you. I just wanted to lift up a couple of points here, and I'm glad that Norfolk recirculated their list of alternatives, because I think that is very illuminating for the committee to think through, particularly as this new configuration of the committee didn't have the benefit of the, the prior hearing. And I know Senator Hunt has worked on similar legislation for years prior to when Senator McKinney's measure moved forward and was signed by the governor just a, a few years ago. But I think part of the problem is this, is that we-- we've heard from the schools that they have a host of alternatives, 20-plus, at least, alternatives available. And it just-- the committee has reviewed those very carefully and assessed that those seem to be adequate remedies prior to extreme punishments under the Student Discipline Act, which, which are expulsion and suspension for the, for the youngest of kids. So I-- again, everybody wants the same thing when it comes to classroom safety, but it-- we haven't really received any clear information or data that we can't keep other kids safe from 8-- 5-, 6-, 7- or 8-year-olds without expulsion-- suspension or expulsion, even though we've identified over 20 alternatives to those extreme measures.

**HANSEN:** If I can say real quick, with that reasoning, you should vote for this bill. If you think these are reasonable measures, where we shouldn't have to go through expulsion or suspension, then why take it away from them? I mean-- but there may be an instance where you do go through all what you mentioned are reasonable measures that they should work, but if they don't, then they may need that alternative. However, I do understand where you're coming from, I feel like, where you're saying, well, our school is actually doing that. You know, do you-- I don't know if that's maybe--

**CONRAD:** Yeah.

**HANSEN:** --where, where you're kind of going there.

**CONRAD:** I, I think the, the other thing that's tricky about the data is-- and it's something that the committee has looked into and I think

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if the committee decides to move forward with these measures, we'll need to think about it as well, is that there's an undeniable disparity for the same behavior when these punishments are weaponized against kids with disability and kids of color. So if we're concerned about the running away, the biting, whatever it might be, which, yes, is not a good thing, we see in the data that kids with disabilities and kids of color are suspended and expelled, wherein their counterparts or those who aren't receiving special education services don't trigger those, those extreme punishments. So, so how do you address the racial disparity and the disability disparity?

**HANSEN:** By trusting the schools to make the decision on who they feel like they can suspend. It sounds like you may not, based on--

**CONRAD:** Well, I mean, the data shows otherwise. It shows that by trusting the schools, we have existing discrepancies and disparities when it comes to race and disability in, in school discipline.

**HANSEN:** Then I would think your solution would lie more in either mandating a certain type of strategies or interventions that might address those specific concerns, as opposed to taking away their ability to suspend a child. Because no matter-- I would assume if you, if you had the right kind of steps in place beforehand, no matter the race of the child or the IEP of the child, there may be an instance where they may need to suspend them, even if you go through all the interventions, specific interventions based on the child's background, based on the child's history, all that kind of stuff. I feel like there may be a time when the school may need to take that action. But I think your solution sounds like it lies more in dealing with the strategy and interventions, mandating that instead of mandating their inability to suspend a child.

**CONRAD:** Well, yes. And maybe we're talking past each other here, but that's exactly what the committee talked about. By taking these extreme punishments off the table, we wanted to focus on a host of other remedies that remain available to the schools.

**HANSEN:** Which is why I brought the amendment--

**CONRAD:** OK.

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**HANSEN:** --to not get rid of that mandate. Because it's currently-- I didn't want-- that was what you guys pass-- that's what we passed previously with Senator McKinney's bill, mandating those interventions. And so that-- with the amendment, I did not touch those then. Those are still in place.

**CONRAD:** Sure. And this has not been on the books for very long, number one. And of course, we always need to be open-minded to unintended consequences. But I-- what I hear from proponents of this measure, or when Senator Hughes brought similar measures to unwind these policies in the past, is the schools just want to be able to do whatever they want, whenever they want to do it. That's just kind of what it comes down to. And they have a principled, legitimate, consistent argument from any host of things-- school discipline, pay, other policies that exist, local control, and we don't want the Legislature telling us what to do in any instance. That's really what it is at the heart of these measures, it sounds like, which is a consistent, legitimate policy.

**HANSEN:** Yeah. If I felt that way, I would not have brought the amendment.

**CONRAD:** OK.

**HANSEN:** Yeah. Because otherwise, I'm still mandating that schools do something, at least, first.

**CONRAD:** Right. Very good. OK. Thanks.

**HANSEN:** Thank you.

**HUGHES:** Senator Hansen, did you-- I-- I'm pretty sure I saw that list. I think I saw it last year. Did you share that with our committee at all this time? Did you hand it out?

**HANSEN:** This one?

**HUGHES:** Yeah.

**HANSEN:** No, I did not.

**HUGHES:** Would you mind sharing that with our committee later?

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**HANSEN:** Yes, I can.

**HUGHES:** OK. And then second, on that list-- I don't know how to ask this as a question, but I think there's also differences between our different school districts, when-- and I think Senator Lonowski was alluding to this, as well. When you look at a D-1 school or even a C-2 school, the amount of resources available to that entity is maybe a lot different than a, a B or definitely A school size, in terms of staff and places to go. And I think somebody had mentioned, oh, well, that child can sit in the principal's office or at the secretary's desk or a receptionist desk at the school. And it's like sometimes these smaller places don't have all the supports they can have. And at that time, they're like, we need, for safety of our students, safety of our teachers, let's remove, figure out a plan, if we need to get additional resources, try to get them, because we don't have them at, at that-- at the ready. Have you-- did you see any of that? I, I did not go through all your opponent and proponent comments, so I don't know [INAUDIBLE] that, that you saw or--

**HANSEN:** No. I, I don't remember seeing those like in the online comments, but that's something I've heard, either personally, in my district, or from other teachers who have called, like, just a concern of that. Not a whole host of them, but similar ones saying, hey, look, there's sometimes when we do have to remove a child, you know, it's K-2, out of the school-- out of the classroom, but there's no way we can send them home because of the current law that we have, so they have to find some way to take care of the child, where they may not have the staff to do that. So they have to either pull a para out or they have to kind of find somebody who can sit there with a child, so it's a concern that, that I've heard, as well. But--

**HUGHES:** OK. Thank you. Other questions for Senator Hansen? Nope. OK.

**HANSEN:** All right.

**HUGHES:** Thank you.

**HANSEN:** I'm going to go home now.

**HUGHES:** We're not. We have another bill. So thank you.

**HANSEN:** Thank you.

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**HUGHES:** Have a good evening. OK. Then Senator Murman has the last bill, right? The Education bill?

**LONOWSKI:** That is the rumor.

**HUGHES:** We got one more bill with an amendment. And since-- so this amendment, we have a-- it's like 2 separate bills. Is that how that works? I've never done an amendment.

**JACK SPRAY:** We're having a hearing on--

**HUGHES:** 682.

**JACK SPRAY:** --the amendment AM566 as part of LB682. You think-- you can't have-- I guess you can, but you don't want [INAUDIBLE] twice because it's highly irregular. And so, the point of a placeholder is if you have something arise during the year and you want to--

**HUGHES:** So 682 is a placeholder bill.

**JACK SPRAY:** 682 is a placeholder bill.

**HUGHES:** OK. Thank you.

**JACK SPRAY:** But for future reference, if we had a bill [INAUDIBLE] for another amendment, you can do that [INAUDIBLE] placeholder, you just have to announce it at the time [INAUDIBLE] the bill.

**HUGHES:** All right. Thank you.

**MURMAN:** Well, good evening.

**HUGHES:** Senator Murman, open on LB682 with the amendment, AM566 to go into LB682.

**MURMAN:** Yes, and I did pass out the amendment--

**HUGHES:** OK.

**MURMAN:** --because as I think was already mentioned, the original bill, LB682, was a shell bill. So the amendment will be the bill. So good evening, Vice Chair Hughes and members of the Education Committee. My name is Dave Murman, D-a-v-e M-u-r-m-a-n. I represent the 38th

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District. Today, I have the privilege to introduce LB682 with AM566. As amended, LB682 adds 2 basic measures. One, it requires superintendent contracts to limit other sources of employment income while they are employed as a superintendent. So why is this necessary? I would direct your attention to the Iowa City Press-Citizen article that I passed out. In that article, it describes an Iowa City superintendent who also worked as a consultant on the side. This, in turn, led to controversy that, though his role as a superintendent, he was additionally-- or through his role as a superintendent, he was additionally profiting from a private consulting firm because the same district he represented happened to award a high-paying contract to the very same consulting firm he worked at. This, in turn, led to local parents calling for transparency and regulation of district officials' outside employment. To be clear, I am not noting that anything this egregious is necessary happen-- is necessarily happening in Nebraska, but what I am saying is that it can happen. And if it can happen in Iowa, it can happen in Nebraska. Furthermore, basic accountability and ethics rules are not just about preventing any wrongdoing from happening, they also-- they're also about ensuring public trust with high-level officials by limiting the potential of wrongdoing from even being possible. I'm sure some will argue that this limits the incomes of superintendents, but we should not-- we should note 2 things. One, most superintendents are making around \$150,000, with some well exceeding, exceeding \$300,000 before additional benefits. With the median Nebraskan full-time workers' salary being about \$56,000, they are not exactly going broke. Two, there are still some commonsense exceptions. Superintendents can have income on the side, including independent contracts, farming and ranching, real estate, and investments. I'm also working on an amendment to allow adjunct professorships, based on feedback that I've received. The second part of this legislation requires superintendents to file a statement of financial interests, no different than a number of other high-level government positions do. Obviously, I don't need to explain to the members of the Legislature the importance of the accountability and disclosure statements, as we all do this. But we should remember that currently, a number of high level education positions also do this. We, we require the Commissioner of Education, the State Board of Education, the Coordinating Commission for Postsecondary Education all to do this. Even our UNL sporting coaches are required to do this. Keep in mind, even our highest ranking



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official in Nebraska state government, Governor Pillen, only receives a salary of \$105,000. Meanwhile, we have superintendents making \$330,000. While I'm sure there will be some opposition today, I don't believe asking an individual making over \$300,000 to file a simple disclosure form is a big ask-- is too big of an ask. To conclude, the superintendent is the highest ranking official in a school district. Their salary comes directly out of the taxpayer's wallet. All this bill is asking is that those taxpayers have the peace of mind to know their public leaders are being held to some basic accountability measures. Thank you, and I'll take any questions you might have.

**HUGHES:** Thank you, Senator Murman. Do you have any questions from the committee? Are you going to stay for close?

**MURMAN:** Yes, I will.

**HUGHES:** OK. Great. Oh, sorry. OK. First proponent for this-- LB682 with AM566. No proponents. OK. Any opponent?

**CINDY GRAY:** Good evening.

**HUGHES:** Good evening. Go ahead.

**CINDY GRAY:** My name is Dr. Cindy Gray, C-i-n-d-y G-r-a-y, and I'm speaking on behalf of Doane University. I was pleased by Senator Murman's discussion of addressing adjunct professors, because that's what I'm speaking to directly, is AM566. I am-- my current role is the director of the Education Specialist Program for Doane University. This program provides coursework that leads to the school superintendent endorsement. Our program relies on acting superintendents in these roles. This reliance, reliance is not specific to Doane, and it appeared as written that the amendment would preclude any institution of higher ed from using an, an acting superintendent in an adjunct role. I'm in my third year in-- as a program director, and one of the most surprising things to me was that I could still recruit students. But in a typical class of 20, maybe only one will say that they want to be a school superintendent. They-- I've learned not to even try to recruit based on that potential job position, because what I often hear them say is, you can't pay me enough to do that job. Our candidates recognize something that will not surprise you. It's much, much easier to criticize policies and

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decisions than it is to make them. So thank you for your work. You've had a long day. Your job doesn't look very fun to me right now. One of the advantages of having acting superintendents as adjuncts is that over time, they can convince our candidates that they can do the job, that the job is doable, because many of our candidates see it as a not doable job, post-COVID. Acting superintendents can help us in paying it forward and developing new leaders. The superintendents in the adjunct role provide instruction that's really grounded in the realities of the job. Our belief is that we serve the state best by having instructors who have actually done the work. This is not necessarily the case in higher ed. Most of my instructors had never done the job for which I was being trained. Our superintendents and adjuncts also speak very directly to the uniqueness of the districts in this, in this state. They talk about the practical knowledge of needing to know and represent the community in which you work, and to be respectful of the people for whom you work. Superintendents do not serve as adjunct instructors for the compensation. It's minimal. As an, as an average, it may be \$3,000 for a full semester class. Our students are high school principals and, and, and, and, and other leaders. We meet on Sundays, because that's the only time when they're not going to be responsible for other activities. And this is true for those who serve as adjunct professors, as well. They do this out of the-- in order to pay it forward, not for the compensation. Finally, I appeal to your values of local control. Superintendents report to their local school boards. In some cases, school boards may encourage this work because it can help them find and recruit talent, and it can also help our leaders hone their own skills as they serve as instructors. Please allow the use of expertise as-- of acting school superintendents as adjuncts.

**HUGHES:** Thank you. Thanks for-- is it Dr. Gray?

**CINDY GRAY:** It is.

**HUGHES:** Is that right? And I was like, I recognize that gal.

**CINDY GRAY:** Yes, you do, because you have taken my class.

**HUGHES:** I have come and, and I will attest, it is on a Sunday afternoon.

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**CINDY GRAY:** It is.

**HUGHES:** And I believe I was there at 1:00. And they go all day Sunday, these guys.

**CINDY GRAY:** All day. 8 to 4.

**HUGHES:** So, yeah. So thanks for coming in. Do we have any questions for Dr. Gray? No. All right. Thank you.

**CINDY GRAY:** Thank you.

**HUGHES:** And thanks for staying. Thanks for coming in. Next opponent. No one. Great. Is there a neutral? Go ahead.

**HALEIGH CARLSON:** Senator Hughes, members of the committee. My name is Haleigh Carlson. It's H-a-l-e-i-g-h C-a-r-l-s-o-n. I'm proud to serve as an attorney at the Perry Law Firm. Our firm has provided legal services to public school districts across the state since 1920. I wanted to provide a legal analysis of AM566 on behalf of our firm. This bill or this amendment to the bill is unlikely to withstand legal scrutiny. The U.S. Supreme Court has repeatedly held that legislatures cannot prohibit public employees from outside employment unless it interferes with their official duties. We would contend that it is within the school board's discretion about whether or not that's the case. Restricting superintendents in the way that AM566 does risks violating those superintendents' constitutional rights to free expression and association. Nebraska's Constitution similarly prohibits laws that unfairly single out specific groups without a rational basis. This bill targets school superintendents while ignoring other public officials, such as the mayor, university chancellors, or RND [SIC] officials. It will be challenging for the Legislature to defend this distinction, especially considering there are other laws that already prohibit all public employees from using public resources or duty time for personal gain. And those issues, again, would be subject to discipline from a school board or even the Nebraska Accountability Commission. And finally, the bill's vague language creates unnecessary confusion. Our firm knows superintendents who serve as-- who serve on extra duty assignments, including adjunct professors, they drive buses, they clean the busses for extra duty, they coach student teams, and this amendment would jeopardize the

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valuable contributions of those superintendents and create uncertainty for school leaders statewide. Superintendents couldn't perform these positions as volunteer basis, based on the Nebraska Wage Payment and Collection Acts requirement that anybody, including school superintendents, be paid for such work performed. We have a much greater and more detailed analysis in the handout that you received, but I do urge the committee to carefully consider these legal issues before proceeding with the amendment. Thank you.

**HUGHES:** Thank you. Thank you, Ms. Carlson. Any questions for her? Yes, Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair. Just one comment. Will you please say hello to Kendall Oberheide? I taught and coached him in high school, so.

**HALEIGH CARLSON:** Absolutely. I will.

**LONOWSKI:** That's all I got.

**HUGHES:** Other questions? All right. Thanks for staying late. Appreciate it. Appreciate your time. Other neutral testimony? That cleared out the room, so Senator Murman, come on down.

**MURMAN:** I just got--

**HUGHES:** Oh, I should say-- hold on. For the count, so people, people wrote in on the shell bill. So we'll just ignore that? On the, on the bill, LB682, there were 7 proponents, 2 opponents, 1 neutral, which was just a, a placeholder bill. But on the AM, there was 1 proponent, 2 opponents, zero neutral.

**MURMAN:** OK. I'll try and limit it to a half hour since it's getting late.

**MEYER:** You'll be here alone.

**HUGHES:** Yeah, right.

**MURMAN:** Of course, the bill doesn't limit passive income from a superintendent. What I'm trying to focus on is if a superintendent's top administrator is getting a-- an extremely high pay, the

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superintendent needs to focus on the students, the school and the community and not be-- have diversions, outside interests that would take them away from what they really need to focus on. So, take any questions.

**HUGHES:** Any questions for Senator Murman? I just have one comment, just from-- or question, I guess, from the attorney that spoke prior. Do you think maybe we should get an Attorney General's Opinion then, if it is unconstitutional or not, since it's singling out superintendents versus other positions? I mean, would that be the potential way to go?

**MURMAN:** Yeah, I really don't know. It never hurts probably to get an Attorney General's Opinion on a bill, so--

**HUNT:** Sometimes, it hurts.

**MURMAN:** --I'd be open to that.

**HUGHES:** That's fair.

**CONRAD:** Relevance.

**HUGHES:** OK. Now we're getting real squirrely. Any other questions for Senator Murman? We all want to go home. I guess that's it.

**MURMAN:** OK. Thank you.

**HUGHES:** Thank you. Thanks, guys.

**MURMAN:** Thank you everybody, for staying late.

**HUGHES:** Thanks. Thank you, guys, for staying, Pages.

**MEYER:** You have to, you have to stop and close.

**HUGHES:** And that closes today--