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Education Committee January 20, 2026
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MURMAN: OK. Good afternoon. Welcome to the Education Committee. I'm Senator Dave Murman from Glenvil, Nebraska. Represent the 38th District, and that's eight counties in the southern part of the state. 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's 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 request 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 standing-- 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 three-minute light system for all testifiers. When you begin your test-- testimony, the light on the table will be green. When the yellow li-- light comes on, you'll have one minute to wrap up your thoughts. And the red light indicates that 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 outburst or applause are not permitted. Such behavior may be cause for you to-- 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, starting at my far right.

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

CONRAD: Good afternoon. My name's Danielle Conrad. I represent north Lincoln.

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

G. MEYER: Senator Glen Meyer, District 17: Dakota, Thurston, Wayne, and the southern part of Dixon County.

LONOWSKI: Good afternoon. Dan Lonowski from District 33. That's Adams County, Kearney County, and rural Phelps County.

JUAREZ: Welcome, everyone. I am Senator Margo Juarez, District 5 in south Omaha and my western boundary, 72nd Street. Give you an idea how far out I go.

MURMAN: To my immediate right is the committee's research analyst, Jack Spray. And to my far right is the committee clerk, Connie Thomas. The pages who serve on our committee are Elias Reiman from Lincoln, junior at UNL studying psychology. Elias, could you stand up, please? And then also-- Grace, could you stand up? Grace Harper from Loveland, Colorado, a junior at UNL studying pre-law and political science. Thank you very much. With that, we'll begin today's hearing with LB924. Senator Andersen.

ANDERSEN: Good afternoon, Chairman Murman and members of the Education Committee. I am Senator Bob Andersen, B-o-b A-n-d-e-r-s-e-n, and I represent District 49, which includes northwest Sarpy County and Omaha. I'm introducing LB924 as the cleanup bill to streamline an organization that provides an invaluable service to Nebraska's families. Founded in 2009, the Learning Community was developed to reduce the gap in education achievement in the Omaha metro area through early childhood education, family engagement, and future teacher preparation. They are active in 11 school districts and serve approximately 11,000 students. LB924 aims to support the mission of the Learning Community with a few administrative changes. Firstly, the current statute mandates that only 10% of the levy can be used for hiring center employees. This has forced the organization to let contracts rather than directly hire. LB924 would keep the 10% cap but direct it to administrative staff only, allowing direct service staff to be hired at their model efficiency. This would not increase their budget. This would realize a cost savings to the taxpayers. Secondly, current statute permits the Learning Community to lease but not purchase facilities. LB924 will allow them to purchase real property, a small change that would aid in potential expansion and eliminate waste accrued through continual renting. The final change articulates that

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the Learning Community's authority to partner with entities with the goal of increasing graduation rates. This is the work the community is already successfully doing. In closing, LB924 is a purely administrative measure that will help the Learning Community to operate more efficiently-- eff-- more efficiently while continuing to do its important work for Nebraska students and families. I'm pleased to have the Learning Community's Chief Executive Office-- Officer, Dr. Gerald Kuhn, and his Finan-- Chief Financial Officer, Mr. Andrew Keck, here today to testify and answer your questions. Thank you all for your time and attention. And I'm happy to answer any questions you may have at this time.

MURMAN: Thank you. Do we have any questions for Senator Andersen? If not, thanks for your opening.

ANDERSEN: Thank you.

MURMAN: And I guess your staff will be filling in while you--

ANDERSEN: Yes, sir.

MURMAN: --step out. OK. Sounds good. Proponents for LB924.

GERALD KUHN: Good afternoon.

MURMAN: Good afternoon.

GERALD KUHN: My name's Gerald Kuhn, spelled G-e-r-a-l-d, is the first name; Kuhn is K-u-h-n. And I serve as the chief executive officer for the Learning Community of Douglas and Sarpy County. I would like to thank Senator Bob Andersen and his office for sponsoring and introducing this LB924. It's a crucial piece of led-- crucial piece of legislation that I'm honored to appear before you today on behalf of the Learning Community of Douglas and Sarpy County to support LB924. The bill represents and is an important step forward for strengthening the effectiveness and the clarity of our educational framework. LB924 is a cleanup bill that seeks to refine existing language related to the Elementary Learning Center. Currently, the Learning Community is restricted to only using 10% of our levy of Douglas and Sarpy County for staff. LB924 proposes that the cap apply solely to executive staff, such as Senator-- the, the-- same thing that Andersen said-- allowing us to allocate resources more effectively towards supporting all levels of staff who contribute to the success of our families. Additionally, the bill changes the capital projects' levy to allow the Learning Community to own

property rather than slo-- solely lease property, which will enable us to better manage our resources, create educational spaces, and ultimately serve our population more effectively. Moreover, the LB924 addresses the vague language that obscures the Learning Community's mission and the populations we are allowed to serve. By clarifying these terms, we can ensure that our community operates with a focused intent, foc-- working towards the educational needs of Douglas and Sarpy County. In conclusion, I urge the Educational Committee members to support this important legislation. LB924 would not only enable us to enhance our staffing capabilities but also strengthen our ability to fulfill our mission in providing quality education and supports to our communities. I'd just like to thank you for your time and consideration today. And I can entertain any questions that you guys may have.

MURMAN: Thank you for your testimony. Any questions? Senator Hughes.

HUGHES: Thank you, Chair Murman. Thanks for coming in, Mr. Kuhn. I'm just curious, when it was established, why would it have said 10% only could go to staff originally?

GERALD KUHN: Great-- I-- good que-- great question. When the Learning Community was originally established-- remember, it had the common levy, which the-- it was about-- back then, it was over-- almost a billion dollars was the budget. And so it was--

HUGHES: So that got taken away--

GERALD KUHN: Yes.

HUGHES: --and then-- but at, at that time, only-- you can only-- yeah. OK. That--

GERALD KUHN: Correct.

HUGHES: --makes sense. Do you have any idea, like, estimate of what kind of savings you can get, you think, with-- you know, instead of contracting out employees, hiring your own-- like, 5% sav-- I mean, do you have any estimates on that at all or--

GERALD KUHN: Well, I know that currently we-- their-- our, our biggest vendor is the-- is an organization that assists us with our south center. If, if I had-- if I brought them in-house, I would save on the administration costs as well as some savings with the-- with

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employees. And so-- let's see. Do we have the-- [INAUDIBLE] question?
I'm sorry. \$250,000.

HUGHES: All right. Cool. Thank you.

GERALD KUHN: Thank you.

MURMAN: Any other questions? Senator Meyer.

G. MEYER: Thank you, Chairman Murman. What, what is your current overall budget right now?

GERALD KUHN: Current overall budget is \$13 million-- 13.6? I think it's-- 13.6. \$13.6 million. Estimated.

G. MEYER: Thank you.

MURMAN: Any other questions?

JUAREZ: Yes, I have a question.

MURMAN: Senator Juarez.

JUAREZ: OK. Thank you. So in this idea of being able to purchase instead of leasing to help with your savings, does that mean that is-- the potential is there that the facilities will be relocating?

GERALD KUHN: There-- that is potential-- but the reason why I-- I'm approaching you guys today is because our-- one of-- just-- our south center in south Omaha that serves our Bellevue population and our south Omaha population is busting at, at its seams, and we're currently paying a lease on a building that doesn't serve all of our needs. And-- so that could potentially cause us-- we would not stop serving that area, but we would need to find another building in that area. And it would be more effective if we could sell the current building since we've, we've paid for that building. But currently right now, we, we don't have any equity in the building. Same thing with our north popul-- our north site. We purchased it-- well, with-- it cost \$10 million to build. We have since paid that building off. And we're still paying a hefty lease on that, that property. And if we could purchase that property and use it as buying power or as leverage to do-- to expand our services and expand our reach in the-- east Omaha, we would greatly like to do that as well.

JUAREZ: OK. And in regards to authorizing these public and private partnerships that you want to seek, is it be-- you don't have any partnerships of that nature now that that's why we need to make this change?

GERALD KUHN: No, we have partnerships. But when this-- when they redid the language in 2017, they did not go through and, and do an-- a comprehensive redo of the language. And so there's some parts of the languages that says, hey, the Learning Community can have partnerships that have an impact on students-- or, preventative measures for students entering the juvenile justice system, and there's other language in there that says the Learning Community will work with early education students. And so I don't think that we are trying to keep two-year-olds or, or three-year-olds in early education out of-- we don't have juvenile justice programs for the-- for them. It's mainly to work with-- and then it-- further in the charter, it says that we can educate students across the continuum, which means K-12. But it also says that the Learning Community will only work with early education students as well. So we just wanted to clear that up just to say that the Learning Community can work with all students across the continuum of their education from K-12.

JUAREZ: Because primarily right now, it's just the younger kids that you guys are working with, right?

GERALD KUHN: Yes.

JUAREZ: OK. Thank you.

MURMAN: Any other questions? Senator Meyer.

G. MEYER: Thank you, Chairman Murman. I'm just curious. You anticipate substantial growth in the future or, you know, over the last few years, say, the last five years?

GERALD KUHN: Absolutely, Senator.

G. MEYER: What-- what's been progression growth?

GERALD KUHN: Since my tenure three years ago, we were ser-- at our north center, we were only serving about 55 children and families a year. And since that tenure, we, we-- at our north center, we are currently serving over 250, close to 300 families-- well, adults-- and about 717 students. So we are anticipating a, a huge growth and continuous growth over the next three or five years.

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G. MEYER: Thank you.

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

GERALD KUHN: All right. Thank you. Appreciate your time.

MURMAN: Other proponents for LB924. Any other proponents for LB924? Any opponents for LB924. Any neutral testifiers for LB924. If not, I think Senator Andersen will, will waive clothing-- closing. And that will close the hearing on LB924. Oh. Before we close, online comments. Let's see. We have 1 proponent, 0 opponents, and 0 neutral testifiers for LB924. And with that, we'll close the hearing on LB924 and open the hearing on LB748. Welcome, Senator Sorrentino.

SORRENTINO: Thank you. Good afternoon, Chairman Murman and members of the Education Committee. My name's Tony Sorrentino, T-o-n-y S-o-r-r-e-n-t-i-n-o, and I represent Legislative District 39, which is most of Elkhorn and Waterloo in Douglas County. In 2025, I introduced LB131 to the Revenue Committee. LB131 allowed Nebraska's NEST 529 college savings plans to include tax-free distributions of up to \$10,000 per year for K-12 private school tuition and conform Nebraska law to the then-current federal changes related to 529 plans. LB131 was ultimately amended into LB647 and signed into law by Governor Pillen on June 4, 2025. On July 4, 2025, President Trump signed the One Big Beautiful Bill Act-- I'll just refer to that as OBBBA-- into law, which included significant expansions to the federal 529 program. Because Nebraska does not automatically conform to federal 529 changes, I'm bringing this bill to adopt those changes at the state level and ensure Nebraska's NEST program remains competitive. First, the bill provides for conformity with current federal changes to 529 plans. This is especially true-- important because only 39% of NEST participants are Nebraska residents while 61% come from other states. Families choose among state 529 plans by comparing features and limits across programs, and multiple national resources directly compare these plans. Keeping Nebraska's NEST program competitive with other states-- many of which will or have adopted the new federal allowances-- will attract additional participants. Increased participation benefits the, benefits the program itself and can also benefit the state, as higher participation levels can review-- reduce vendor fees that are structured to decline as assets and accounts increase. Secondly, Nebraska LB131 allowed qualified K-12 expenses beginning in 2029. Under federal law, K-12 tuition expenses incurred after 2017 for enrollment or attendance at an elementary or secondary school were

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allowed up to \$10,000 per year from all 529 plans. The OBA expanded eligible K-12 expenses beyond tuition to include items such as books, tutoring, and online instructional materials. This means that July-- after July 4, 2025, K-12 expansion broadened eligibility from 2000-- from tuition-only expenses to general K-12 expenses, thereby extending the benefit to public school students. In the past, I have hosted members of the NSEA in my office whose past issue with expanding 529 plans through K-- to K-12 was that there were no-- and I quote, nothing in it for public school students and public schools themselves, as it only applied to tuition. That is no longer true. Third, the bill allows qualified K-12 withdrawals up to the federal limit. Nebraska's 529 tax deduction is capped at \$10,000 per year and applies only to contributions, not withdrawals. As a result, increasing the allowable withdrawal to \$20,000 has zero physical-- excuse me-- fiscal impact to the state. Very important. Raising the withdrawal limit also reduces confusion for families and improves Nebraska's competitiveness. Currently, Nebraska's 529 materials must explain multiple limits, and families comparing plans may choose another state if they see how-- higher allowable withdrawals elsewhere. Lastly, the OBBBA created a new category of qualified expenses for postsecondary credentialing programs. QPCEs is what they're referred to in the code. This expansion benefits blue collar workers, military members, and middle-class families, not just traditional four-year college students. Eligible expenses may include commercial driver's license, electrical and automotive training, and credentialing programs offered through the Veterans Benefit Administration. In summary, the OBBBA's expansion to 529 plans benefits K-12 public and private students, postsecondary students, and individuals pursuing workforce credentials. This bill adopts those federal changes by expanding eligible elementary and secondary expenses beyond tuition, increasing allowable deduct-- allowable withdrawals to \$20,000 per year, consistent with federal law, and permitting the use of 529 plans for postsecondary credentialing programs. I know we have a number of people who will be testifying both in support and opposition to this bill, but I'm happy to answer your questions now. Thank you.

MURMAN: Thank you. With the federal tax credits, the typical taxpayer in Nebraska will have more of their own money to spend on other things. So that should stimulate the economy. Am I seeing that correctly?

SORRENTINO: I would hope so.

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MURMAN: OK. Thank you. Any other questions for Senator Sorrentino?
Senator Hughes.

HUGHES: Thank you, Chairman Murman. Thanks for bringing this, Senator Sorrentino. There were recent tra-- changes in the One Big Beautiful Bill that allows the school choice credit to be used for educational therapies, tutoring, specialized servant-- services for students with disabilities. Does LB748 ensure that same disa-- that same benefit for our peop-- our kids with the 529 program?

SORRENTINO: Thank you for the question. It does. I will say that-- particularly when you get to the area of what I call QPCEs, or the, or the qualified postsecondary credentialing expenses, the IRS has been directed to put together interim regulations on that to really, really narrow it down. They have not done that yet.

HUGHES: OK.

SORRENTINO: I'm assuming they will in the-- in-- probably in the next few months. But yes, to answer your question, it would conclude that.

HUGHES: OK. Thank you.

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

SORRENTINO: I will stick around to close.

MURMAN: OK. Thank you. Proponents for LB748.

DOUG KAGAN: Good afternoon. Doug Kagan, D-o-u-g K-a-g-a-n, Omaha, representing Nebraska Taxpayers for Freedom. We support LB748 because it allows more versatile savings options for diverse postsecondary choices and financial planning. Parents now can use savings plans for, for textbooks, digital tool, supplies, equipment, homeschool curricula, fees for national standardized tests, tutoring, educational therapies for disabled students, dual enrollment classes for high school students to earn college credits, and online educational programs and subscriptions. The plan also pays for required continuing education fees, workforce training programs and preparation, and exam fees for industry-recognized licenses or certifications. 529 training pro-- 529 savings plans now cover expenses for trade schools for high-demand skill trades, including plumbing, HVAC repair, welding, and aviation mechanics. These changes give students who are not interested in traditional two- or four-year college programs expanded opportunities to further their careers.

Also pers-- professional certifications and licensing programs in fields like accounting, law, and finance. Also certif-- certificates for registered apprenticeship programs. This new benefit is particularly beneficial for adult students switching careers, returning to the workforce, or expanding their professional certifications. ABLE accounts are tax-advantaged savings accounts for children with disabilities. The expansion allows families to save and invest money for disability-related expenses without jeopardizing eligibility for means-tested federal benefits like SSI and Medicaid. Fiscal advantages. The annual limit for K-12 withdrawals has doubled from \$10,000 to \$20,000. So families who prefer private or specialized education options will particularly benefit, as the expanded cap allows for a broader financial means to address tuition and newly included academic and support-related expenses. The bill also updates existing rollover rules, which provide more opportunities to move unused 529 funds into retirement accounts under several conditions. One provision allows eligible 529 funds to roll over into a Roth IRA up to \$35,000 in a lifetime if the account is open for at least 15 years. The plan allows remaining funds to pay off qualified student loans for the be-- beneficiary or siblings after graduation. In summation, what we think this will do is allow more people to increase their educational options and then stay in Nebraska and help our workforce. Thank you.

MURMAN: Thank you. Any questions for Mr. Kagan? Senator Juarez.

JUAREZ: Thank you very much for coming today. I just have a question here to clarify about the account being open for at least 15 years. Are you talking about an existing Roth account being opened for that long or the 529 fund?

DOUG KAGAN: OK. That's a good question. The, the, the-- that would refer to a Roth IRA account.

JUAREZ: The-- that the Roth has to be in existence for 15 years in order to roll over into it?

DOUG KAGAN: Yes.

JUAREZ: OK. So I guess I'm thinking of a scenario, for example. It would have-- it would ha-- have to be on the, the saver to really having started that Roth early so that it's in existence for a while to be able to do that.

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DOUG KAGAN: It would, yeah.

JUAREZ: OK.

DOUG KAGAN: But I have a Roth IRA and I've had it for a long time, so it's not unusual.

JUAREZ: OK. I think that that-- that's really interesting. I didn't know that that was part of the changes that were made because-- you know, there could be scenarios, for example, where maybe a, a child dies, you know? So then the child didn't get to use all of the-- all of the funds. And then that's-- gives parents the opportunity to move it--

DOUG KAGAN: Right.

JUAREZ: --is what it's doing. That's just one example of a scenario. It might not be a happy one, but it could-- it's a possibility of how you would use it in that circumstance.

DOUG KAGAN: That's true.

JUAREZ: OK. Thank you.

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

DOUG KAGAN: OK.

JOEY SPELLERBERG: Good afternoon, Chairman Murman, members of the Education Committee. My name is Joey Spellerberg, J-o-e-y S-p-e-l-l-e-r-b-e-r-g, and I am before you today as the State Treasurer in support of LB748. As the trustee of the Nebraska Educational Savings Trust-- which we refer to as NEST-- I believe this bill is necessary evolution of our 529 program. For 25 years, NEST 529 has been the gold standard for college savings. Currently, our program has approximately \$7.85 billion in more than 303,000 accounts. This is making a real difference in the lives of students and families. My wife, Ashley, and I believe in this program so much we have four accounts for our-- each of our-- one account for each of our four children. So it's an important part of our financial planning as well. But we know now that college is not the only path to a successful career. So I want to thank Senan-- Senator Sorrentino for his willingness to introduce this bill and ensure that we stay competitive in Nebraska by conforming our state law to the federal

changes. So I just want to go over three critical updates that LB748 addresses. Number one, it allows families to use NEST funds for curriculum materials, tutoring, and online learning, not just tuition. This expanded flexibility will benefit students in both public and private schools. It increases the annual withdrawal limit for these K-12 expenses from \$10,000 to \$20,000 per student. And then third, it authorizes funds to be used for recognized postsecondary credentialing, including apprenticeships and professional certifications like CDLs or welding programs. This will boost Nebraska's skilled workforce, and we need that. NEST 529 exists to empower the next generation of Nebraskans to fulfill their dreams, to go to college, to ge-- get an apprenticeship, to have a career right here in Nebraska. And whether they choose a four-year university or a skilled trade apprenticeship, our NEST 529 plan is here and should support them. In this rapidly evolving educational landscape, our NEST 529 plans must keep pace. And I ask you for your support in advancing LB748 to General File. Rachel Biar, Deputy State Treasurer for Savings Programs is here and an expert in our 529 plans. And she's a-- able to answer your technical questions, but I'm also happy to answer your questions as well. So thank you for this opportunity.

MURMAN: Thank you, Treasurer Spellenberg [SIC]. And any questions for him? Senator Conrad.

CONRAD: Thank you, Chair. Thank you, Mr. Treasurer. Is this your first legislative appearance in your new role?

JOEY SPELLERBERG: Yes. In my new role, it is. Yes. Yes.

CONRAD: Congratulations.

JOEY SPELLERBERG: Good to be here. Thank you. Thank you.

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

JOEY SPELLERBERG: Thank you.

MURMAN: And congratulations again.

JOEY SPELLERBERG: Thank you, Chairman.

RACHEL BIAR: Good afternoon, Chairman Murman and members of the Education Committee. I am Rachel Biar, R-a-c-h-e-l B-i-a-r, Deputy State Treasurer for Savings Programs, and I am responsible for the overall administration of the NEST 529 education savings program. And

we do thank Senator Sorrentino for bringing this bill. I have had the distinct honor to serve as director of the NEST 529 program for more than 21 years. And during that time, we have seen the 529 plans continue to evolve. And I do want to take a moment to address Senator Juarez's earlier question regarding the Roth rollover. So Senator, that information that you're looking for is it has to be-- the 529 account has to be in existence for 15 years, not the Roth IRA. So the provision was allowed under SECURE 2.0 by Congress back in 2024. And now we did-- the Legislature did approve that then in state law. So our plan currently does allow for Roth rollovers as long as the 529 account has been in existence for 15 years. And you cannot use any contributions you've made to the account in the last five years, so.

JUAREZ: OK.

RACHEL BIAR: I wanted to, to correct that information for you.

JUAREZ: Thank you.

RACHEL BIAR: And then I know you mentioned the death of a beneficiary. There are several options for when that happens as well for the 529 to be either rolled over to another beneficiary or it can stay there and be used for grandchildren or for another member of the family, so. Wanted to clarify that for you.

JUAREZ: OK. Thank you.

RACHEL BIAR: You're welcome. 529 plans do celebrate 30 years this year, and the NEST program is proudly serving 25 years and celebrating. And Congress has expanded the qualified 529 distributions from tuition, fees, and room and board to also include computers, equipment, K-12 expenses, apprenticeships, student loan payments, Roth rollovers to-- rollovers to Roth IRAs, all of which the Leg-- Legislature has enacted into state law, and we appreciate that. People do choose which 529 plan to participate in by comparing different programs, so it is imperative we continue to keep our program competitive. The more participants in NEST means lower fees since program managers structure their fees to decrease as participation increases. Congress, ad-- as we've talked about today already, Congress did expand the 529 qualified expenses to include credentialing expenses. This is for enrollment at attendance or postsecondary credential program, fees for testing required to obtain and maintain a credential, and fees for continuing education required to maintain postsecondary credential. A lot of examples of the

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credentialing have been shared-- you can see them in my written statement-- for different things that are certified for qualifications. [INAUDIBLE] health care hasn't been mentioned, information technology, carpentry and building construction, military and veteran affairs credentialing. Adding credentialing programs will be valuable to students and adult learners who want to use their 529 funds for real-world expenses. The Treasurer mentioned the expansion of K-12 expenses increasing to \$20,000. I do want to reiterate that it-- the tax deduction is only \$10,000 and this only deals with contributions, not withdrawals. Allowing a higher annual withdrawal will not have any financial impact to the state. In summary, the legislation would conform Nebraska law to federal changes, which is very important for our-- the success of our program. And it's important that we avoid confusion in our program disclosure statements. We want to avoid plan disclosures containing multiple limits while other plans across the country conform to the federal 529 provisions. The bill strengthens the NEST 529 program, and I encourage the committee to advance LB748 for consideration. And happy to answer any questions.

MURMAN: Thank you.

RACHEL BIAR: You're welcome. Had to speed that up a little bit.

MURMAN: That is exactly on time. Very good. Any questions for Ms. Bair [SIC]? Senator Conrad.

CONRAD: Thank you, Chair. Thank you-- Be-ar? Ba-ir?

RACHEL BIAR: Be-ar. You got it right. Yes.

CONRAD: Be-ar. OK. Sorry. Thank you.

RACHEL BIAR: That is really good.

CONRAD: Just a quick question because, in reading the legislation and then hearing the supportive testimony thus far, my question is, is there-- it-- the legislation itself that my friend, Senator Sorrentino, brings forward seems to essentially maximize or defer Nebraska's program to conformance with whatever a-- updates happen on the federal level without getting into a lot of details for perhaps forthcoming rules and regs as to what kind of additional credential or degree programs. My general question along that line is, is there any discretion for the Treasurer's Office or at the state level to say this apprenticeship but not this apprenticeship?

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Are we, are we getting into kind of a, a murky road there? Or is this just say, if it's good for the feds, it's good for Nebraska? And-- just help me understand the mechanics of, of, of what the legislation contemplates.

RACHEL BIAR: Sure. Thank you, Senator. So we do follow-- in all of our 529 provisions, we do follow the federal code, as it's under the IRS code. And what treasury provides-- U.S. Treasury provides is what our plan conforms to as long as the Legislature also approves those same federal changes into Nebraska law, which, again, we have done in the past with the apprenticeship program, the student loan repayment, the Roth rollovers. So the-- what we're doing today is simply conforming with the federal legislation, which is what all 529 plans across the country either automatically conform or they have to do the same process we're already going through to conform. So there's no discretion of the Treasurer's Office or the program itself to decide which apprenticeship qualifies or not. That's all part of-- under the workforce, Department of Labor, all those things that have the qualified apprenticeships or the certification programs that would be allowed.

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

RACHEL BIAR: You're welcome.

MURMAN: Thank you. Any other questions?

JUAREZ: Yes, I have one.

MURMAN: Senator Juarez.

JUAREZ: I don't know if you can answer this one, because this is from Mr. Kagan's notes here. Are you familiar with these ABLE accounts?

RACHEL BIAR: Yes, ma'am, I am. Yes, Senator.

JUAREZ: Good. All right. So I actually have never heard of them before. How long have they been in existence? Do you have any idea?

RACHEL BIAR: So Nebraska is N-ABLE-- it's called N-ABLE. It's called Achieving a Better Life Experience, and we called it N-ABLE. We launched our program in June of 2016. So we are celebrating our ten-year anniversary of our N-ABLE program this year. And it is a program designed to help persons with disabilities to save more than \$2,000 and to be able to have an account for those needs. You can

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also roll over your NEST 529 into an ABLE account. That was also part of one of the provisions, but that has no-- that was already part of-- it was sunsetted, actually, so it was already part of the N-ABLE-- or, ABLE legislation. And it was sunsetted in, but that passed to be permanent, so now you can also roll over your 529 to an ABLE account. But they are designed for a person with a disability. We just had an age adjustment in January this year. So it-- originally, it was for individuals who-- their onset of the disability had occurred before the age of 26, and legislation was passed as part of the Congress last year that now the age is 46. So we are promoting the program even more to those individuals whose disability occurred before age 46.

JUAREZ: OK. But it, it looks like that, for these accounts, it's not necessarily something that a family may use for education. They also have a lot of options how they can use their funds too, correct?

RACHEL BIAR: Yes. To be clear-- so LB748 is focusing on the NEST program, but yes, for-- if you have an ABLE account or N-ABLE account, you can definitely use that for education purposes or you can use it for any special needs that you have. I do want to point out also the NEST 529 program does allow qualified withdrawals for special needs. If you have a student that needs special needs, you can also use your 529 account for that as well. But you could also have an ABLE account and use that as for the student's benefit.

JUAREZ: Wow.

RACHEL BIAR: And the beneficiaries--

JUAREZ: That is really amazing all of the uses that they have for that account.

RACHEL BIAR: It is. It is quite uplifting for individuals who can use those resources. Absolutely.

JUAREZ: OK. Thank you.

RACHEL BIAR: You're welcome.

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

RACHEL BIAR: Thank you.

MURMAN: Other proponents for LB748.

DOUG HOOPS: Good afternoon, Chairman Murman and members of the board-- or, Education Committee. My name is Doug Hoops, D-o-u-g H-o-o-p-s. I'm a member and current past president of NAIFA Nebraska, the Nebraska Chapter of the National Association of Insurance and Financial Advisors. I'm also starting my third term as president of the North Bend Central School Board. I've been in the financial services industry since 2004. And I want to thank you for the opportunity to testify today in strong support of LB748 that was introduced by Senator Tony Sorrentino. NAIFA Nebraska represents insurance and financial services professionals who work every day with Nebraska families, small businesses, employers to help them plan for education, workforce readiness, and long-term financial security. From that perspective, we believe that LB748 is a thoughtful, modern update to Nebraska's 529 education savings program that better reflects how Nebraskans learn, train, and prepare for careers today. First, LB748 appropriately expands the allowable uses of 529 funds to include recognized postsecondary credential programs as permitted under federal law. This is an important step in acknowledging that college is not the only path to economic success. Many Nebraskans pursue certificates, credentials, apprenticeships, and other skills-based programs that directly lead to in-demand jobs. By allowing 529 funds to support these programs, LB748 strengthens the workforce development while giving families more flexibility and choice. Second, the bill provides for expanded K-12 uses beginning in 2029, consistent with the federal laws. Importantly, the bill maintains the existing federal \$10,000 per beneficiary per year limit for K-12 tuition while also allowing public K-12 expenses such as books, tutoring, and online instructional materials. This measured approach gives families time to plan and ensure Nebraska program remains aligned with the federal guidelines. Third, LB748 aligns Nebraska law with federal 529 laws on a going-forward basis, ensuring that future federal ex-- changes automatically flow through at the state level. From a planning standpoint, this is extremely valuable for these families. It provides certainty and consistency for these families, the advisors in the state, and it reduces the need for repeated statutory updates to keep Nebraska's program compliant. Fourth, the bill increases the annual contribution cap from \$10,000 to \$20,000 per beneficiary, reflecting the rising cost of education and training. This change gives families greater ability to save responsibly-- responsibly and proactively without expanding state expenditures, requiring General Fund support. Along with my testimony, I have included a series of data points and facts that may help guide your decision on LB748. But out of respect for the

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committee members, I will summarize by saying LB748 modernizes Nebraska's 529 plan in a "fiscably" responsible way, expands opportunities, support workforce readiness, and aligns state and federal law, and gives Nebraska families the flexibility they need to plan for a wide range of educational paths. For these reasons, NAIFA Nebraska strongly supports LB748. And we respectfully urge the committee to advance the bill. Thank you for your time. And I'd be happy to answer any questions now.

MURMAN: Thank you. Any questions for Mr. Hoops? If not, appreciate your testimony.

DOUG HOOPS: Thank you.

MURMAN: Good afternoon.

DENNIS SCHLEIS: Greetings. My name is Dennis Schleis, spelled D-e-n-n-i-s S-c-h-l-e-i-s. Did you need my address or-- I forgot.

MURMAN: No.

DENNIS SCHLEIS: OK. In studying the 529 savings plan, I found there are 17 or more benefits to help students from youth to seniors who can get help for educational expenses. There is still more of a need to additional benefits. There is a need cover costs of professional certifications from professional certification societies or professional certifying associations. As an example, the auto mechanics that I am acquainted with had to pay \$500 to get their professional mechanic certification. I ask for passage of LB748 to add the professional certification costs to the 529 savings plan to help more people improve their occupational goals. Thank you.

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

JAY STEINACHER: Good afternoon, Chair and members of the Education Committee. Thank you for the opportunity to speak today. My name is Jay Steinacher, J-a-y S-t-e-i-n-a-c-h-e-r. I work for Union Bank and Trust Company, where I oversee the 529 program area. Union Bank helped launch Nebraska's 529 program in 2001, and we've served as the program manager for the majority of the program's 25-year history. That long partnership reflects our deep commitment to helping families save for education and prepare the next generation for success. In my role overseeing the 529 area, I see firsthand how families use these accounts and how their needs have evolved. One of

the clearest trends is that education today is no longer limited to traditional four-year degrees. Families are using and increasingly expect to use their 529 savings for vocational training, licensing programs, apprenticeships, short-term credentials, and other forms of lifelong learning that lead directly to high-demand, high-skilled jobs. Federal law already allows 529 funds to be used for these workforce-oriented credentialing programs, and many states have updated their plans accordingly. Nebraska has not yet done so, and that puts our program at a competitive disadvantage. Families compare state plans, and they expect flexibility. If we want Nebraska's 529 program to remain strong, modern, and competitive, we need to align with national best practices. Expanding qualified expenses to include credentialing is fundamentally about giving Nebraska "families" the flexibility they need to support the educational and career pathways that best fit their children's goals. It helps students access training that leads directly to good jobs and it strengthens Nebraska's workforce pipeline. This legislation is practical, forward-looking, and it keeps Nebraska competitive, empowers families, and supports a full range of educational pathways, not just four-year degrees but the many forms of learning that drive our state's economy. I urge the committee to support this expansion and help ensure that Nebraska families and Nebraska future-- and Nebraska's future workforce have every advantage possible. Thank you for your time and consideration. I'd be happy to answer any questions.

MURMAN: Thank you. I think we've heard from previous testifiers about the flexibility of the 529 plans to include postsecondary certificates and the N-ABLE program, Roth IRAs. So you're advocating for more expansion than what we've already heard? Is that--

JAY STEINACHER: The expansion that the prior individuals have testified and supported. So what follows along with the Internal Revenue Code and, and what the Treasurer proposed, what Rachel Biar proposed, were in line with that, not additional beyond that.

MURMAN: Correct. So, so we're good with our expansion the way it's--

JAY STEINACHER: Yes.

MURMAN: --defined from following the federal rules. Thank you. Any other questions?

JAY STEINACHER: Exactly right.

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JUAREZ: Yes. I have one.

MURMAN: Senator Juarez.

JUAREZ: So I just-- you're mentioning about how you want Nebraska to be competitive against the other states and approving all of this expansion for this program. But I'm curious-- let's just say hypothetically, if we didn't pass it, then is a family going to go and open up this type of account, like, in Iowa? Is that what the possibility would be then?

JAY STEINACHER: You're exactly right. It-- it's possible that they could go to a state that doesn't have restrictions or limitations.

JUAREZ: So it doesn't require them to live in that state. All they have to do is open up the bank account in that state?

JAY STEINACHER: They can open a 529 account in any of the 50 states and the District of Columbia. So that's why it's important. If Nebraska wants to stay competitive and keep the program growing and progressive, which helps lower fees to account owners, staying competitive on the features of the program is very important.

JUAREZ: OK. Thank you.

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

JAY STEINACHER: Thank you.

MURMAN: Other proponents for LB748.

TOM VENZOR: Good afternoon, Chairman Murman and members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic Church through engaging, educating, and empowering public officials, Catholic laity, and the general public. And we are here to offer our support for LB748. LB748, as you've already heard, would conform Nebraska state law to federal law by allowing 529 savings accounts to be used for K-12 expenses beyond just tuition and fees, up to \$20,000. Human reason and Christian faith teach us that the public authorities have the duty of ensuring the concrete conditions for the exercise of parents to direct their children's education. LB748 recognizes the need for state government to support parents as they engage in this sacred and fundamental responsibility. There are

currently nearly 37,000 students across 173 nonpublic schools in our state. Kids from nearly every county attend a nonpublic school. Catholic schools account for around 27,000 of those students across 112 schools that are fully approved or accredited by the Nebraska Department of Education. These students and their families save Nebraska taxpayers over half a billion dollars each year by attending nonpublic schools across our state. Nonpublic education is vital to Nebraska's history, academic success, and economy. And LB748 provides a measure of continued to-- of continued support to and honors the families who invest in 529s and choose our state's nonpublic schools. This is in addition to LB748, making importing-- important expansions to our state's 529 program to allow for public school expenses to qualify as educational-- eligible educational expenses, which should defeat any notion that expanding 529 plans would hurt public schools as we've heard in past iterations of expansion bills. Our hope is that the Nebraska Legislature will once again advance the expansion of 529 accounts so that parents across Nebraska can diligently and responsibly save for their child's K-12 education expenses and give those students every chance today for success tomorrow. So we urge you to advance this bill to General File. And thank you for your time and consideration. And happy to take any questions.

MURMAN: Thank you. Any questions for Mr. Venzor?

TOM VENZOR: All right.

MURMAN: If not, appreciate your testimony.

TOM VENZOR: All right. Thank you very much.

MURMAN: Other proponents for LB748.

ALAN SEYBERT: Good afternoon. Alan Seybert, A-l-a-n S-e-y-b-e-r-t. I am a member of Nebraska Taxpayers for Freedom. I'm for LB748. The use of funds in 529 plans should be expanded. I'm not familiar with the wording in the Internal Revenue Code referred to in the bill, but I hope it includes things like trade certifications. A few years ago, I took a welding course at Metro Community College in Omaha. The instructor had been a professional welder for quite a few years for a large metal madrica-- excuse me-- a large metal fabrication company in Omaha. He said it was important for us to know that if we wanted to work for a company like he did, we would need professional certifications, probably several. He also told us that we couldn't get those certifications from MCC or any other college or university.

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You have to pass specific skill tests administered by a professional welding association. I think 529 funds should be available for those types of tests and certifications. Thank you.

MURMAN: Thank you. Any questions for Mr. Seybert? If not, thanks for your testimony. Other proponents for LB748? Any other proponents for LB748? O-- opponents for LB748.

TIM ROYERS: Good afternoon, Chair Murman, members of the Education Committee. For the record, my name is Tim, T-i-m; Royers, R-o-y-e-r-s. I am the president of the Nebraska State Education Association, and I'm here on behalf of our members to testify in opposition to LB748. We want to be clear that we have one single, specific objection to LB748 as it's currently written. And if the bill was amended to address the issue, we would have no additional concerns with the bill. Because if Sen-- Senator Sorrentino alluded to earlier, we have been meeting with him and discussing ways that we would be comfortable with 529 expansion. Our one point of concern lies with the portion of the bill that would raise the withdrawal limit to \$20,000 to cover PK-12 expenses. This is problematic for several reasons. As a parent whose oldest child is two years away from going to college, I am all too aware of the exorbitant increases in the cost of higher education. Raising the limit to \$20,000 annually for postsecondary expenses and expanding use to the postsecondary credentialing that was mentioned earlier makes sense and helps alleviate very real concerns. However, that need does not exist at the PK-12 level. We have repeatedly seen private school groups come to this committee and brag about how their tuition is below the average per pupil spending in Nebraska. There is not a clear or pressing need to raise that limit. And even if there was, it would only benefit the wealthiest families in the state. There's no plausible scenario in which a struggling family would have to utilize the full \$20,000 as prescribed. While this may not alleviate a real need for those individual families, raising the limit will exacerbate an existing problem: the future insolvency of the Education Future Fund. Now, Senator Sorrentino asserts there's no revenue impact on this because there's only an increase in the withdrawal limit, not the contribution limit. However, either this will lead to increased participation-- at which point, it will have an impact on the revenue of the state-- or there aren't families who will benefit from these changes. So if Senator Sorrentino's assertion is true, that there will be increased participation, right at the time these changes are going to go live to our state's 529 plan is when the Education Future Fund is projected to run out of money. And

given that, in this biennium, we're already seeing the Governor propose cuts to core educational services like special education, we cannot allow additional changes to exacerbate those issues in the coming years. And even if proponents of this change are able to highlight a need, we feel very strongly that the new federal program that Governor Pillen has opted us into can more than address those issues without costing us precious resources at the state level. We've been debating this issue for years and the actions already taken are more than sufficient to address the concerns raised by proponents. And as Senator Sorrentino acknowledged in his opening, while we are excited to see an additional-- the additional allowances for expenses beyond just tuition at the PK-12 level, we don't even have the regulations written yet by-- at the federal level. And these changes don't go live here in the state for several years. So let's just put a pause button on this. Let's wait to see what the federal regulations are and then let's develop best practices here in the state accordingly. So for these reasons, I respectfully urge you to at least amend the bill and remove the \$20,000 limit for P-- PK-12 expenses. I'm happy to answer any questions you may have.

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

TIM ROYERS: Thank you very much for your time.

MURMAN: Other opponents for LB748. Good afternoon.

DANIEL RUSSELL: Afternoon. Chair Murman and members of the Education Committee, thanks for the opportunity. My name's Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l. I'm the deputy director at Stand for Schools, a nonprofit that aims to support and advance public education in Nebraska. You'll see from my testimony that I would be reiterating a lot of the things Mr. Royers just said, so I will save you the time. I think the only point that I wish to underline is that it's important to consider who benefits from the expanded uses of 529 plans. Participation in 529 plans is heavily skewed towards high-income households, families who have the disposable income to save in advance and the tax liability necessary to benefit from those deductions. So expanding eligible expenses for private K-12 education disproportionately benefits families already positioned to choose private options while offering literal-- little or no benefit for most working-class families, rural families, or families who are in public school, which provide a lot of the qualified expenses already.

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So for those reasons-- and I would also, I guess, just like to add that we would be supportive of other parts of the bill. We just do not like that 529 plans may be used for private K-12 tuition and so don't wish to see that program expanded. So for these reasons, I'm here today. And I'm happy to answer any questions.

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

DANIEL RUSSELL: Thank you.

MURMAN: Other opponents for LB748? Any neutral testifiers for LB748? If not, online, we have 6 proponents, 0 opponents, and 0 neutral testifiers. Senator Sorrentino, you're welcome to come up and close.

SORRENTINO: Thank you, Chairman Murman. Just a couple of points. I don't know that I actually asserted that increased participation in these accounts would occur if the adoption of LB748, although I will say I hope so. To the extent that there may be an amendment offered to cover costs in excess of \$10,000 at the K-12 education, I'm not familiar with tuition all over the state, I can only suggest-- in my city, Omaha, Nebraska, I can think of Creighton Prep, Marian, Lincoln Lutheran, Duchenne, Mercy, Scott, Gross Catholic, Brownell Talbot are all excessively over \$10,000-- actually closer to \$20,000. So there are tuition expenses beyond the \$10,000 level at the high school and/or elementary level. But if we do get increased participation-- which I hope we do-- higher participation levels can actually reduce the fees that are structured to decline, as assets increase in these accounts. So there's a good side to it. But yes, there could be increased tax deductions for Nebraska who do grow their contribution to the state of Nebraska. Thank you.

MURMAN: Thank you. Any questions for Senator Sorrentino? Senator Hughes.

HUGHES: Thank you, Chairman Murman. Thank you, Senator Sorrentino. This is maybe a very basic question, but if I have an account for my kid, I can only put \$10,000 in a year, correct?

SORRENTINO: Correct.

HUGHES: That's what I can put in.

SORRENTINO: Right.

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HUGHES: So if I start taking \$20,000 out when they're in first grade, my account's empty in three years.

SORRENTINO: Could be, yeah, depending on your investment earnings.

HUGHES: So then, from that point on, I can only put in 10, take out 10, right?

SORRENTINO: Yeah. You can't take out more than you've put in.

HUGHES: Right. So I don't-- I guess I don't understand maybe-- and I'll have to have an offsite conversation with Tim Royers. I don't understand why they care because the math-- it-- I don't know.
[INAUDIBLE].

SORRENTINO: No, I understand completely. Not all, but most people who have started 529s probably start them either when the child is very young or when their education expenses aren't very much in early grade school and build them up.

HUGHES: Yeah, and you probably don't take out until they hit that high school or college.

SORRENTINO: And you typically don't, but yes, they could.

HUGHES: And I'm happy you're doing 20, because I just saw in the paper I think two days ago UNL's gonna make room and board up to \$15,000 a year. For room and board. So--

SORRENTINO: That's a lot.

HUGHES: Then-- oh, yeah. And there's tuition. So I think 20-- taking-- being able to take \$20,000 out a year is-- makes very good sense, but. OK. Thank you. That's it.

MURMAN: Any other questions? If not, thank you for bringing the bill.

SORRENTINO: Thank you.

MURMAN: And that will close the hearing on LB748. And we'll open the hearing on LB841. OK. We have opened the hearing on LB841. Welcome, Senator Rountree.

ROUNTREE: Thank you so much. Good afternoon, Chair Mur-- Murman and members of the Education Committee. My name is Victor Rountree. That's V-i-c-t-o-r R-o-u-n-t-r-e-e. And I represent District 3, which

is made up of Bellevue and Papillion. Today, I'm here to introduce LB841, which would require parental consent for changes to the student's IEP plans and shift the burden of proof to schools for due process hearings. LB841 was created in partnership with the U.S. Department of Defense. My district is made up of many highly mobile families who move in and out of the state due to base assignments. As their children move with them, it is important that there is as little learning loss as possible. Ensuring that individualized education plans are consistent throughout the child's schooling will set the student up for success. This bill ensures that, before changes are made to an IEP plan, parents are notified and consent to any changes to that student's education. The bill also shifts the burden of proof from families to the schools in due process hearings. This means that schools will be responsible for providing proof that families were contacted as opposed to the current system of having families prove they were not contacted. I have been in contact with schools about some concerns they have with the bill. I understand that these changes may impact the work they do, and I want this bill to be constructive, not destructive, for schools and families. I am committed to working with any stakeholder to ensure this bill comes out in the best form that it can. I also understand the fiscal note may be a little larger than anticipated, even though I think it's small. This is due to a potential increase in hearings, which would increase costs for the state. I will say that the goal is to actually reduce the number of hearings overall. I hope that as families are made aware of changes and allowed to be active participants in their students' education that less hearings will be needed. I appreciate your attention to this legislation and your work to support students in Nebraska. And I do ask for your support of LB841. And with that, I would be happy to answer any questions that you may have.

MURMAN: Thank you. I-- I've got quite a few emails about this bill, and one concern I'm hearing pretty consistently is that there could be a pause or, or a delay in services if families are more involved. Maybe some will speak to that later, but.

ROUNTREE: Yes, sir. They will.

MURMAN: You're welcome to speak to it now if you'd like, or, or later is fine too.

ROUNTREE: I think I have better qualified speakers behind me that are hands-in. I could talk about that myself being in the IEP process

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with my son, but I think others coming behind me would do a better job on that.

MURMAN: OK. Thank you.

ROUNTREE: Thank you.

MURMAN: Any other questions? Senator Conrad.

CONRAD: Thank you, Chair. Thank you, Senator Rountree. I know you've brought other measures before this committee and other jurisdictional committees to help military families and veterans in your district and across the state, and it seems right in line with that long line of advocacy for this legislation. I, like Senator Murman, and I'm sure other members of the committee have had a chance to hear from a lot of educational professionals about some technical concerns, let's say, in the legislation, and my general feeling is if there are technical issues we need to work on, this is the process that we do that in. But I don't want us to get lost in the weeds on what the essential point of this bill is. The-- when I read this bill and-- from the parents that I've heard from in my district going door-to-door and who've written in on this measure, it's they're asking to be in the driver's seat for their own kids' education, which they're currently not, and not feeling like they are. And it seeks to rebalance the power between parents who have the constitutional right and authority to guide their children's education in a school which has almost unlimited resources in those bargaining negotiations, discussions that come with setting up an IEP or 504 or whatever it is. So my point to you, Senator, is, are you willing to work with the stakeholders to fix the technical aspects as long as we don't dilute the, the primary policy goal of the legislation?

ROUNTREE: Yes. As stated, we are, we are very much open.

CONRAD: OK.

ROUNTREE: This is an opportunity to hear and every stakeholder get a chance to come to the table. At the end of the day, we want what's best for those students and our children. And how we get there, we'll work on that.

CONRAD: Yeah. Thank you so much.

ROUNTREE: Yes, ma'am. Thank you.

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MURMAN: Thank you. Senator Hughes.

HUGHES: Thank you, Chairman Murman. Thank you, Senator Rountree.

ROUNTREE: Yes, ma'am.

HUGHES: How are families currently notified by school districts for changes in their kids' IEPs?

ROUNTREE: It could be mail out, it could be call, it could be--

HUGHES: But the school can just make a lateral-- like, just change it-- they notify you and they just change it. Like, they don't have a sit-down or anything with the parent?

ROUNTREE: Well, each one should be a sit-down.

HUGHES: Because I-- [INAUDIBLE]. I had a kid that went-- had a ca-- had speech and then reading. And yeah, we had a big sit-down, but I don't recall anything changing in the midst of the programming or whatever. So I, I guess I wasn't familiar with that. So what-- I mean, I'm assuming they would notify the parents. Is it just some, some schools aren't doing it? Is that the problem or--

ROUNTREE: I think with my testifier coming behind me, we'll be better able to address that particular portion right there.

HUGHES: Yeah. Great. Thanks.

ROUNTREE: That's a good question, though. Thank you.

MURMAN: Any other questions at this time? If not, appreciate the open.

ROUNTREE: All right. Thank you so much, sir.

MURMAN: And we'll call for proponents for LB841.

ELIZABETH EYNON-KOKRDA: Good afternoon, members of the Education Committee and Chairman Murman. My name is Elizabeth Eynon-Kokrda, E-l-i-z-a-b-e-t-h E-y-n-o-n-K-o-k-r-d-a, and I'm general counsel for Education Rights Council. Education Rights Council is a nonprofit, and one of our primary programs includes actually helping families with limited direct representation so that they understand the services that federal and state law require so that they could get services for their children with disabilities. And every child that's

verified for special education services is basically required to get individualized programming-- we call it an IEP-- that looks at present levels of performance, creates annual goals, identifies services that'll be needed, measures progress. Basically, this IEP is created, to Senator Hughes' question, by a team, but the problem is that the team includes sometimes between six and ten school employees-- I've been in ones where there are more-- and a parent or parents. So what happens is it's not a level playing field and it can be very intimidating for parents. And usually what happens is the school has an IEP that's already drafted, and that's between 7, 15, I've seen them 20 pages long. And parents don't usually see that draft until they're in this meeting, and the meeting is usually scheduled for one hour. The IEP is a contract. So every single word in that contract matters. And many, many parents really struggle to understand everything that's in this document that they're given. They don't know the connotation of the words. There's a lot of jargon. There's ESY and BIP and PLAAFP. And there are boxes that are checked. And there are words that need definition. For example, an IEP might talk about accommodations and modifications. An accommodation changes how a student learns. A modifica-- fa-- modification changes what a student learns. If a parent doesn't even understand that and they're in a meeting for one hour trying to figure out what's going on, they really don't get the meaningful participation that federal law requires. If at the end of the meeting parents disagree on the services to be provided but the rest of the team agrees, that IEP is locked. The only remedy a parent has if they disagree with what's there is they can either withdraw from all services or file a due process complaint, which is similar to a lawsuit. And every school district has school lawyers that know this, but families don't. So what this bill does is give families a chance to actually have some time, some control to say, I don't want this service. I want to consent to what you're providing me without having to go to due process. And if indeed the school still disagrees and they go to due process, what this bill says is, look, if the school thinks it's right, then the school has the burden to show that what it offered is right. That-- there are many states that have enacted something similar to this: Ohio, Georgia, New Hampshire. So this isn't a brand-new thing. An IDEA just presents a floor. And we're allowed to, as states, increase safety and parental rights. Ultimately, we recogni-- I see my time-- oh.

MURMAN: You're welcome to continue if you have--

ELIZABETH EYNON-KOKRDA: I'll try to wrap it up really quickly. I just think that what we're looking at is parents need to be able to have the time to understand what's going on. They should have the right to consent to the services that are provided to their children. And if it's a responsibility of the school district to meet that, then the school district should have the burden to show that they have met it. And so I would urge you to move this bill forward. And I thank edu-- Senator Rountree for the thoughtful bill. And I'm happy to answer any questions.

MURMAN: So during the IEP meeting, if the parents disagree with the services that the school offers to provide or believes that more services should be provided, what happens there? Are, are the services that the school recommends, are those started or continued-- whatever the case may be-- until the, the parents can hire a lawyer or whatever they need to do to--

ELIZABETH EYNON-KOKRDA: So it sort of depends. What happens is-- let's say we go to an IEP together and we're working on the IEP for your child and you believe that your child needs a different service or more services or a separate framework. And the team says, we don't agree with that. You-- if, if they're willing to continue to negotiate, you might have two or three meetings. But in the end, it's the team decision. And if the team says no, then the only chance the parent has-- they get something called prior written notice. And they can take that to mini-court, which is due process, to argue about whether or not this actually provides a free, appropriate public education. They don't get to say, I don't consent. So what would happen then is the team would implement those services. If the parent doesn't want those services implemented, they have to withdraw their child from services.

MURMAN: So typically, if the parent would want more services, the services that the school is already offering or already providing will continue until the sub-- more of an agreement is-- comes by?

ELIZABETH EYNON-KOKRDA: Well-- yeah. The IEP doesn't come to an end, but if it closes, the new services are implemented. And usually what's happening is, for example-- this is a really common thing-- the school district may decide that my child doesn't need 30 minutes of reading every day in special education. What they need is 15 every other day. And I don't think that's going to be enough to meet the goals. Those are the kinds of discussions they have. So what the parents want to say is, well, that's changing the service that you've

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provided. You've said it's been 30 minutes, I think it should stay 30 minutes. It's those kinds of discussions that happen. And then what happens is if the parent disagrees, we-- they can lock it and continue and start providing those new services. Or maybe there's multiple IEP meetings while the old services are in place. And I-- the, the parent has an ability to do something called stay put if they actually engage in a litigation process. But again, the parents don't have the money to really go through a due process.

MURMAN: OK. Thank you. Senator Hughes.

HUGHES: Thank you, Chairman Murman. How many-- like, I guess how big of an issue is this? I mean, is this some-- like-- because I could see-- like, let's say I sit down and-- to me, it's good that there's a team there, because usually it's the kid's classroom teacher and it's the reading spe-- it's whatever the specialists are. I mean, I'm coming in. I'm not, I'm not a teacher. I'm-- I mean, maybe you are, but in my case I was not. I want that team there. I hope I'm not intimidated. They're all there to help my kid. So I-- like, I feel like-- I feel like this is a little bit-- I, I don't-- that's the team that should know what's best for your kid and help you understand. And yes, there are acronyms and stuff thrown out, but they help-- they were-- you know, they laid it out and they talk through it. What if I'm just like, well, I don't think my kid needs it, too bad, then it's just too bad?

ELIZABETH EYNON-KOKRDA: If you think your child doesn't need a service?

HUGHES: Yeah.

ELIZABETH EYNON-KOKRDA: You can withdraw from that service.

HUGHES: Mm-hmm.

ELIZABETH EYNON-KOKRDA: I think usually it's--

HUGHES: It's the other way.

ELIZABETH EYNON-KOKRDA: --the parents of--

HUGHES: I think--

ELIZABETH EYNON-KOKRDA: --or the other way the ki--

HUGHES: --I think my kid needs more.

ELIZABETH EYNON-KOKRDA: --they-- either they think-- need more-- or sometimes, honestly, it's just, this is a contract; I don't have time to read it. I should have time to read it and time to say, yeah, I'm good with it.

HUGHES: So are you gonna-- is it-- is the bill-- cause it wasn't in there-- is there gonna be something in the bill that says, OK, a parent has to-- has a week to sit on it and now they can come back to it? Is that what you're looking for here?

ELIZABETH EYNON-KOKRDA: I actually think that's in the legislation. I think the way the senator has drafted it is the parent consents unless they can't get ahold of the parent for a period of time, in which case you move on. So I think there's, like, a ten-day limit. I don't have the bill in front of me right now.

HUGHES: Well, I didn't think so, but. Maybe this is the technical stuff we need to talk through. OK. Thank you.

MURMAN: Senator Conrad.

CONRAD: Thank you, Chair Murman. Thank you. Good to see you again. And just a quick follow-up on Senator Hughes's point there. In many instances, these negotiations, meetings, discussions are very collaborative between parents and guardians and teachers and educational professionals. Sometimes there's not a meeting of the minds. And in the rare instances where there's not a meeting of the minds, what I read Senator Rountree's bill to say is that parents know best. Is that a-- kind of generally in line with your practice and perspective? I, I know you've represented schools. I know that you're helping families in need on the individual basis now. Do you want to just kind of help us to get a sense about how often disagreements come to bear and-- when they do come to bear, this helps us figure out how to resolve that potential conflict or impasse?

ELIZABETH EYNON-KOKRDA: Yes. And I, I would say, to Senator Hughes' point, I think that most families do look at the team and say, I'm glad you're here. I want to hear from you. But I think the problem is these are complex documents that are contracts. So when you're entering into a contract, in any other instance, it's a two-way street. Everybody agrees, right? You agree and I agree and we

negotiate. And then we say, yes, that's the contract. Because literally, that's what this is. And so what this is basically saying, as I read it, is that the family has the opportunity to actually consent. So they have the opportunity to read, to understand, and say, yeah, this is what I agree with. I think the biggest challenge is that sometimes they don't know what they're agreeing to, they don't understand it, it gets lost in translation. And the problem is then fixing it takes a year, and a year in a kid's life can be a long time.

CONRAD: Yeah. Yeah. And then the last question I would ask-- and it came up in some of the written testimony that the committee has received, but I can ask you or just rhetorically for the record if other folks want to weigh in, but we know some of our sister states have worked with the military and veterans departments to pass similar measures. And I'm just wondering if some of the potential criticisms or potential unintended consequences that have been lifted by school officials in regards to this legislation. Do we know-- have those concerns come to fruition in our sister state or are they based on conjecture?

ELIZABETH EYNON-KOKRDA: Well, as--

CONRAD: I'm not expecting you to know off the top of your head, but.

ELIZABETH EYNON-KOKRDA: I'm not completely familiar with everyone's objections. I do understand that-- one concern that schools have said is, well, wait a minute. We are supposed to provide free, appropriate public education. That's our responsibility. And if we don't do it, we can be held responsible. But the challenge is the only entity that has the ability, the person that has standing to say you're not doing your job, is the parent. So if the parent and the school agree that they're doing their job, I don't see that the parent is going to turn around and then say, no, you're not doing your job. That, that, that doesn't make sense to me. With regard to other states, I'm not as familiar with-- I'll call it the military aspect of it-- but I know that it, it-- it's working now in-- well, for example-- I have a list-- Kansas, Montana, New Hampshire, Ohio-- I didn't list them all-- require parents' consent before making a material or substantive change. And Florida, Nevada, Georgia, New Hampshire, and others also have the burden of proof on the school district to say, yes, what you're proposing actually meets the legal requirements. And then the, the third thing I think that I've understood is people are

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saying, well, but IDEA says, and I think the answer to that is yes, as I said, the IDEA is--

CONRAD: Ceiling, floor.

ELIZABETH EYNON-KOKRDA: --it's a floor, not a ceiling, and states do have the right to increase parental rights if they choose. And I, I understand what Senator Rountree is trying to do is increase a parent's ability to be an equal player. It's sort of, you know, David versus Goliath here. And they want to be an equal player when they get that contract.

CONRAD: Great. Thank you. Thank you.

MURMAN: Any other questions? Senator Meyer.

G. MEYER: Thank you, Chairman Murman. I, I just have a question-- maybe it's not appropriate, but maybe it doesn't fit, but given the fact that we're addressing military families that move from one duty station to another and, and, and if they have an I-- IEP in, in another school system-- they come into a school system and say, you know, my child needs an IEP that-- you know, the school is, is initiating that, but they don't provide some of the training. Now, I know there's uni-- there's a lot of uniformity between teaching strategies with regard to IEPs, but suppose they were receiving a specific application, IEP application in a previous school, the current school does not offer that, is there an obligation on the part of the school to provide something they're not already providing?

ELIZABETH EYNON-KOKRDA: They don't have to do it to the specificity of say, OK, it-- let's say the IEP was written in State A to say, I will get this specific, you know-- the Ralph Smith program. They don't have to provide the Ralph Smith program. They would have to provide something that meets what the Ralph Smith program is doing. So if I come into a new state, the first thing that happens is my IEP comes with me, and the school district is supposed to implement that IEP until such time as they have an opportunity to do an evaluation and then have that team meeting and figure out what the new IEP is going to be. At that time is when they decide as a team, this is what we think your child needs. So it's really not based on the level of specificity of a very particular program. It's based on the general methodology by which we can meet your child's needs.

G. MEYER: The receiving school then or the current school is not under any obligation to offer a, a different strategy or a different program that they don't already provide.

ELIZABETH EYNON-KOKRDA: They would have to-- let's-- I-- it-- it's hard for me to get a different-- which is, the IEP comes, you offer that IEP. If it says something so specific that you don't have, you need to have a meeting to figure out what the child's actual need is. So we're talking about why am I getting that Ralph Smith program. It's because I have these needs. And then the school can say, well, we don't have that program, but we have this program that we think would meet your child's needs.

G. MEYER: Comparable to it.

ELIZABETH EYNON-KOKRDA: Right.

G. MEYER: I, I, I know over, over a ser-- over a period of years what I've been told and, and perhaps some observation is there are no new teaching strategies; we just rename it about every ten years, and, and that probably has a great deal of truth to it. So I, I was just curious if, if a school would be under any obligation. So you've answered that. Thank you very much. Appreciate that.

MURMAN: Any other questions? Senator Juarez.

JUAREZ: Yes. Thank you, Senator Murman. OK. So I'm a little confused here about the extent of changes that we're talking about. I mean, is there going to be some kind of leeway that minor changes are going to allowed or is it any minute change that happens in an IEP program?

ELIZABETH EYNON-KOKRDA: So right now what the law says is you can't change-- make a change in the programming without an IEP team meeting. What this law is saying is when you have an IEP meeting, you have to have a meeting of the minds. So the IEP is a contract. So let's say I think we need to change your child's IEP. I would call a meeting-- this happens right now-- and say we need to change this because. All right? And then you as the parent would either agree or disagree. Right now, if you disagree, your only option is to let the school district go forward, even though you don't agree, or to pursue some sort of a complaint process, like a mini lawsuit, or withdraw your child from the services. Your child needs the services. You think they need a little bit more, a little bit less, or a little bit different. As the parent, what this does is say you have the

opportunity to read through, figure it out, and then say yes or no before we go forward.

JUAREZ: OK. But changes like this that are gonna happen, is it something that's done, like, at the end of a school year, that that's when changes are put forth and these discussions take place? Or can it happen at any time? What are the circumstances usually?

ELIZABETH EYNON-KOKRDA: So usually the IEP is revisited every year. That's the law. So you have a year where you say, OK, Elizabeth needs extra support in reading. We think we'll put this program into place. And at the end of the year, Elizabeth will have closed that gap. All right? Then the-- end of the year comes and we look and we see, did I make my goals? Do I still need help? So it's an annual process. Now, it doesn't mean it has to be an annual process. If something needs to get changed in the middle, either the school can initiate that or parents can ask for a, a meeting. So you can have more than one IEP, but generally the IEP is an annual thing.

JUAREZ: OK. So my next question is-- I'm trying to understand about-- I'll call it the due pro-- the due process for the students. So you get to this yearly time here and you disagree with the team's recommendations, so what is the first step? Who-- I don't understand what this appeal process is.

ELIZABETH EYNON-KOKRDA: OK. So how it works is, at that meeting, you're given two things, basically. You're given your rights-- like, they give you a, a handout that says here are all the statutes that apply-- and here's the IEP. If at the end you really believe this is not the free, appropriate public education my child needs-- my child needs X-- then what you do is you file a complaint. And you file a complaint through the state, through NDE. And NDE assigns a hearing officer. And then there's a hearing. And the hearing-- like I've said, it's like a mini lawsuit. It goes faster than a lawsuit sometimes. But there's evidence. There are-- there can be depositions. There can be, you know, it-- and then you present your case. And the school district says their case, and you say yours. And what this says is, in that case, there's something called the burden of proof. Does the parent have to prove that it doesn't meet the child's needs or does the school have to prove what they're providing meets the child's needs? And what this bill would say is the school has to pro-- prove it. So parent says this doesn't meet my needs, parent has to go to due process, and then the school would have to say, yes, we can show that it does meet the child's need.

JUAREZ: OK. So if they get assigned this hearing officer, normally how long does, does that take? I mean, are they backlogged and they have-- they're really delaying when the-- this hearing is taking place? Do you have any idea on that?

ELIZABETH EYNON-KOKRDA: Yeah. There are a series of laws. So the first thing says, after you've done this within 15 days of receipt, the district-- I mean, NDE decides that you've actually stated a case. If you've stated a case, they assign a hearing officer. Then the school district has a mandatory duty to try and negotiate it with you. If they don't negotiate and you can't re-- successfully, then there's a 45-day period in which there is an expected hearing. However, that 45 days can be delayed-- and often is-- because people need to gather evidence, they need to gather things. I would say, generally speaking-- notwithstanding this sort of speediness that's in the statutes-- it usually takes a half a year to a year to go through that whole process.

JUAREZ: Oh my gosh. OK. My last question is, what if the parent-- I'm assuming that-- do these happen in person with the NDE in Lincoln? Is that where these hearings take place?

ELIZABETH EYNON-KOKRDA: NDE assigns a hearing officer. The, the people can agree as to where the hearing will be. Can be in a neutral-- they, they will agree as where the hearing will be held. Sometimes it can be at NDE, sometimes it might be at the lawyer's office. It could be many places. And it could also be by Zoom if all the parties agree that testimony can be provided by Zoom. So if I have an expert in Florida, I would ask both sides to agree that my expert in Florida can testify via Zoom.

JUAREZ: OK. Thank you.

MURMAN: Any other questions? If not, thanks for all the information.

ELIZABETH EYNON-KOKRDA: Thank you.

MURMAN: Other proponents for LB841. Good afternoon.

AMY BONN: Good afternoon, senators. My name is Amy Bonn, A-m-y B-o-n-n, and I support LB841. I'm a proud spouse of a retired Air Force member who served in active duty for 23 years. We are the parents of children with individualized education programs, or IEPs. And I'm also a lawyer representing families of students with disabilities in special education in the state. LB841 would benefit

all students with disabilities who have IEPs, but particularly the large population of military-connected students with disabilities in our state. I have worked with families who have suffered through their children being wrongfully pulled off of their IEPs by the school districts or who have inpr-- inappropriately lost services that they genuinely need. They've had to obtain a lawyer to help them get those services back. Some of these families are military families who have recently been stationed in Nebraska only to have the appropriate services that they were previously receiving in another state stripped from their child's IEP. LB841 would solve this problem. And, and just to elaborate a little bit on that piece, the law-- both federal and state law requires what's called comparable services when a child moves into one state from another state in the middle of a school year. However, a school team could convene and say, you know, we don't think you need all of this speech therapy or we don't think you need all this physical therapy, all this-- these minutes. We're going to remove these from the child's IEP. And that-- the, the parent basically has no option except to file a due process hearing, as Ms. Eynon-Kokrda spoke about. The, the Department of Defense State Liaison Office, which works on military community and family policy, as Senator Rountree said, has worked to identify and promote this state legislation, including the provisions in LB841 that would ease the burdens of military life, including for the many military families of-- with children with disabilities in Nebraska. I can speak personally to this. My husband was deployed in combat operations for 14 months a number of years ago. He would set his alarm for midnight, 1 a.m. to call into our children's IEP meetings due to the stress that-- that's-- often comes with deployments and with frequent moves. This is a-- this is a challenge for military families. We are a heavily military population, and we're often overrepresented-- disabilities such as autism are often overrepresented in the, in the military community. So this is not a small issue. So as the previous witness testified to, sometimes school districts will unilaterally remove a child from an IEP or they will reduce certain services even when the child still needs those services over the very valid objections of the child's parents. To fight this change, parents must file a petition for an administrative due process hearing. Nebraska is rare in that we are one of the few states that has full-blown litigation discovery for these hearings. So this can mean subpoenas, it can mean production of documents, it can mean depositions. School districts would be represented by lawyers, who would present several witnesses. And this process, especially for highly mobile military families who may be moving

within a year, as is often the case, it's often an insurmountable barrier. School districts have the advantage, including more funds for lawyers and expert witnesses than does a typical family. So again, the burden of proof and burden of production that would be shifted to school districts is very helpful on this count as well. They are the keepers of the data for students. Special education disputes in-- are, are quite rare. We are the, the six-- we have the sixth fewest dispute filings in Nebraska of all-- compared to all other states. For every-- in Nebraska, for every 10,000 students, there are only 1.5 due process complaints filed per year, compared to the national average, which is 49.5 due process complaints filed per 10,000 students. So I urge you to please advance LB841.

MURMAN: Thank you. That last point you brought, why is there such a difference between Nebraska and other states?

AMY BONN: I think there are a few things. I think there are fewer attorneys representing families of children with disabilities in Nebraska. There are, you know, a number, but in, in some other states, there's quite a few. I think once there is-- there are more occurrences of it happening, I think parents learn about their rights because they have a-- you know, they have a friend who, yes, understands what's going on. They've gone through the due process proceedings and they're, you know, more clued into what's going on. Also, you know, some state departments of education do additional training for families in terms of what your rights are, what it means. It's a very complicated process. And so it's-- there's a variety of, of reasons.

MURMAN: That-- those statistics you-- 49 to 1, that includes the milit-- that's not only military. That's all families.

AMY BONN: That's na-- that's nationwide, and that is available. It's from the Center for Appropriate Dispute Resolution in Es-- in Special Education. So-- and that's, that's an organization that receives federal funding with-- that's from '22 through-- 2022 through 2023. That's the latest data.

MURMAN: So-- do you know if the military complaints would be that-- about the same difference?

AMY BONN: It may be. Part of the reason that the DoD has backed this type of legislation is because there was such a lobbying effort by military families in Washington, D.C. who-- you know, you're-- you

fin-- you get into one duty station, your child is getting, you know-- the, the school gets to know the child. They provide services that the child needs and maybe were just getting a, getting a handle on things, and then you move. And then the next state-- and I've seen it happen with military families where their services are slashed when they move to Nebraska. And so that's a challenge. Some of the lobbying that went on D.C.-- in Washington, D.C. with fril-- military family is that school districts would wait a family out. We know they're not gonna be here for very long. But this is a military readiness issue. If a child is struggling, the active duty service member is struggling. And often, deployments, frequent moves, they, they cause even more distress for families, you know, that are already-- they have a, a service member deployed or they're having frequent moves. So it, it really is a concern for our community.

MURMAN: Well, thank-- and I should have said thank you for the service that your family-- your husband has provided for our country. Well, wouldn't that indicate, though, that the services are-- families are more satisfied with services in Nebraska, military families, if there hasn't been as many--

AMY BONN: It-- it's-- that is one interpretation of it. I honestly believe it, it-- a, a big factor is, in, in other states, you have quite a few attorneys representing families. You might have a number of nonprofits that are involved with representing families in that regard. It's, it's-- I think-- like I said, once information is shared and once people know their rights and then-- sure enough, in Nebraska, the number of filings of state complaints, due process complaints has ticked up in recent years, as I believe there's more representation and more knowledge around that-- but this would not be, you know-- if this does amount to an increase, this would not be, you know, a, a, I would think, a, a huge increase where we would be seeing hundreds of applications as there are in other, in other states.

MURMAN: OK. Thank you. Any other questions? Senator Sanders.

SANDERS: Thank you, Chair. Thank you for your service. Appreciate it. District 45 is my district, Bellevue. Offutt's right smack in the middle of that. And I have heard time and time again that military peop-- members actively seek getting stationed in Omaha at Offutt because the services are so good, right, for special, special education, special needs. So I'm disappointed to hear this, that we need the bill. When, when a family complains that their services are

stripped or not available, do they give a reason why? Like, is there a lack of educators, professionals? Are the class is full? Are there reasons given?

AMY BONN: Yes, and, and it may be very vague, you know, not very data-driven information, to just say, oh, he doesn't need this anymore. He doesn't need-- you know, we see that in your last duty station he was receiving physical therapy through his IEP. He-- we don't think he needs that. We'll help him. We'll give him all the help he needs. That information, you know, if it's not-- if we're not getting specific quantitative data, qualitative data to help support that, the fa-- again, the family might be confused by that. They might be disagreeing, but what-- how can they articulate that need other than to say, well, they were receiving it before and it helped them? Again, what can they do? They have to file a due process hearing and get-- you know, go through that administrative process. And we are what's colloquially termed as an EFMP base, exceptional family member program base, in that many families of children with disabilities are stationed here at Offutt because of the programming-- you know, the outside providers. We have Boys Town, we have Munroe-Meyer. So often, families are sent here rather than other places where there's not those types of, of, of disability services.

SANDERS: Thank you.

AMY BONN: Mm-hmm.

SANDERS: Thank you, Chair.

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

CONRAD: It was really helpful.

MURMAN: Other proponents for LB841. Good afternoon.

MARY PHILLIPS: Good afternoon, Senator Murman, members of the Education Committee. My name is Mary Phillips, M-a-r-y P-h-i-l-l-i-p-s. And please excuse this hoarse voice that I brought with me today. I am here on behalf of the Arc of Nebraska, the largest statewide disability membership organization in Nebraska. I am also here as an experienced special ed administrator with 33 years experience in special education as a teacher, a district leader in both urban and rural settings. I have sat on hundreds of IEP meetings throughout my career, and I can attest that there is an uneven balance of power of data sharing that occurs between school districts

and parents. And I am also a parent of an individual that was on an IEP as an infant through age 21 with her intellectual and developmental disabilities. So I'm here to speak in support of LB841, a position in compliance with the Arc of the United States. Their amicus brief on the burden of proof is provided in the following points, with my comments following each point. Placing the burden of proof-- thank you so much-- placing the burden of proof at the due process hearings on local school districts will alter a school district's conduct as it drafts every IEP and meets with all parents. This is just called accountability. Most districts I worked with wouldn't meet that burden of proof easily. They collected the data. They shared the data. They made data-informed decisions. However, not all districts meet this level of accountability, and this may impact those districts in a more negative manner. Districts are already required to ensure meaningful participation of students, families, and their chosen advisors in the evaluation, design, and monitoring of the IEPs. Number two, the procedural incentive is necessary to combat the strong competing incentives faced by school districts on the other side. Pressured by short-term budgetary concerns, school officials are often not willing to provide the appropriate special education and related services that are provided through IDEA-- through that contract that was mentioned earlier. So in layman's terms, districts just should do what they agreed to do. If it's in the IEP, they're e-- legally obligated to follow that. LB841 would place the burden of proof on school districts at due process hearings when disputes and families bet-- disputes between families and districts arise. That being said, as, as Ms. Bonn said, education-- special ed disputes in Nebraska are rare. While they have increased since COVID, we do only have the sixth fewest dispute resolution filings among all states. This could be interpreted that all the districts or most of the districts in Nebraska are following IEPs with integrity, which would be wonderful. Or it could be interpreted that parents do not have the funding, the knowledge, or the wherewithal to follow due process, and thus they accept the changes even though they're not in agreement with them. Further, school districts generally have information that's not available to parents that is very relevant in developing that IEP. They conduct the assessments and they control the evidence-based data that should be di-- driving these decisions. They are tasked with sharing that data and including the parent in the decision-making process, which is called meaningful participation, which is an IDEA requirement. Many parents lack the ability to look at curriculum to determine if it's a best practice or know if the strategies or interventions by educators

are affected or implemented with fidelity. How would they know? We-- they don't know. So basically, society as a whole, in addition to the child with a disability, benefits when school districts comply with IDEA because money spent today on special ed will permit students with disabilities to become productive members as adults in Nebraska and not be as reliant on government services. So I see my red light is on. You have the rest of my testimony. And so I-- and welcome any questions if you have any.

MURMAN: Thank you. Any questions for Ms. Phillips? Senator Juarez.

JUAREZ: Yes. And I don't know if you'll know the answer to this, but, again, it's going back to what I've learned today on this hearing process. I'm curious, is there actually a step in place-- which I'll call a reconsideration-- that it'll still stay with NDE, you know, at their level and maybe they might assign somebody else to take a look at the case before it really escalates to, you know, our regular court system? Do you know if there's a step like that?

MARY PHILLIPS: I do, Senator Juarez. And that's a fantastic question. In about 2016, the Nebraska Department of Ed started implementing an IEP facilitation program. And while it's not a requirement of IDEA yet, it is designated as a best practice and it is considered a first step of dispute resolution within the Department of Ed. And you will find that on step one in their ca-- in their leveling of, of due process. I've been trained as an IEP facilitator. I've probably facilitated dozens of IEPs all across the state, and that keeps the power amongst the team that knows the child best. So it's before a step to due process. And having an impartial person come in and help facilitate that IEP is a process. It starts with a parent intake to find out what their whole strings of concerns are for their child. And then it leads to a district debrief to share those parents' hopes, dreams, and concerns. And then it leads to a planning of that IEP as it's coming forward. Many best practices are put in place there, such as having an agenda at the IEP meeting. Many districts just use the old IEP as their agenda, which isn't a best practice. We also have maybe a, a chart to show-- how inclusive is this child's educational program? How segregated are they? In which periods, in which classes? All of this is great information for parents because they don't know these things. This is the unbalanced power that districts know. And if they're doing it right, they're all in favor of this bill because there's no due process, right? This-- if, if districts are following the IEP process with integrity, then parents have meaningful participation. They're part of the decision-making.

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If they have concerns, they're able to raise and voice those concerns. And they-- they're able to come to an amicable resolution of the IEP.

JUAREZ: OK. I have one more question. I'm sorry. So when this process is going to start, of having this hearing, is there actually a pamphlet that parents are given that's going to outline for them the steps that are ahead?

MARY PHILLIPS: So the process I'm referring to is IEP facilitation. It's not a hearing. It's just their child's IEP meeting that's being facilitated by a neutral person, an impartial person, not employed by the district, not-- you know, just neutral person. Yes, there is a brochure out there on IEP facilitation, and I send it out to every parent that I work with. And by the way, I also share it with the district. Sometimes districts already have seen it, most times they haven't.

JUAREZ: OK. Thank you.

MARY PHILLIPS: Yeah.

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

MARY PHILLIPS: Yeah. Thank you guys. Thank you for the water.

MURMAN: Good afternoon.

ANGELA WILLEY: Good afternoon, Senator Murman. My name is Angela Willey, A-n-g-e-l-a W-i-l-l-e-y. And I thank you for the opportunity to speak to you today in support of LB841. I am the parent of a 17-year-old student with multiple disabilities and a volunteer with Down Syndrome Advocates in Action Nebraska, where I help families from across the state and multiple school districts understand the IEP process and how to successfully advocate for their child. I want to be clear, the concerns I share today are patterns I see repeatedly across districts, ages, and disability categories. The common red flag I see is vague IEP language, services or placements that are not clearly defined, supports that are reduced or changed without explanation, goals that are not measurable or that are writ-- rewritten in ways that look similar on paper but are fundamentally different. Even more concerning is how often these changes occur without the required prior written notice. When parents receive prior written notice, they often receive documents that do not meet the legal requirements. Labing-- labeling a document as prior written

notice does not make it a complaint. Without reasoning, data-- or-- excuse me-- compliant-- without reasoning, data, and clear descriptions, parents may not fully understand how the change will impact their child's education. That makes it difficult for parents to participate as equal members of the IEP team. As a parent, I know it takes a great deal of trust to drop off a child with high support needs at a school building each day. That trust exists because families believe that they are protected under IDEA and Rule 51, and they assume schools full of professionals are following these laws. Families do not realize that schools largely self-report compliance to the state or that parents are often the primary people responsible for identifying and reporting noncompliance. They assume that if paperwork is provided and meetings are held, the process must be correct. Requiring parental consent before making changes to an IEP, as LB841 proposes, is an important safeguard, but con-- consent must be informed to be meaningful. I also want to briefly address the burden of proof. School distics-- districts control the records, the data, and the wording of the IEP. When those records are vague, parents are placed at a significant disadvantage. Shifting the burden of proof recognizes this imbalance and promotes greater accountability. LB841 does not create new educational requirements. IDEA and Rule 51 already require clear documentation, database decisions, and notices to parents. This bill reinforces those expectations and promotes consistency statewide. If these provisions are viewed as extra work, it suggests a gap between what the law already requires and what the-- what is currently happening in practice. I believe LB841 would meaningfully strengthen transparency, inform consent in parent participation and special education. Thank you for this opportunity.

MURMAN: Thank you.

ANGELA WILLEY: Any questions?

MURMAN: Any questions for Ms. Willey? If not, appreciate your testimony. Good afternoon.

KRISTEN LARSEN: Hi. Good afternoon, senators. My name is Kristen Larsen. That's K-r-i-s-t-e-n L-a-r-s-e-n, and I'm here on behalf of the Nebraska Council on Developmental Disabilities, or NCDD, to testify in support of LB841. Although NCDD is appointed by the Governor and administrated by DHHS, the council operates independently. And our comments do not necessarily reflect the views of the Governor's administration or the department. We are a

federally mandated independent council comprised of individuals and families, of persons with developmental disabilities, community providers, and agency representatives who advocate for systems change and quality services. We serve as the source of information and advice for state policymakers and senators. And when necessary, we take a nonpartisan approach, providing education and information on legislation that will impact individuals with developmental disabilities. LB841 is a great bill, and I thank Senator Rountree for bringing it forward. It strength-- strengthens the rights of students with disabilities and their families in the IEP process. First, it ensures fairness in dispute resolution by shifting the burden of proof and production to school districts, meaning who presents the evidence first during the due process hearings, and this levels the playing field for families who often lack resources to challenge the school decisions. Second, LB841 requires that the schools cannot change an I-- a student's IEP without the pre-- parent's consent. If a district believes a change is necessary, it can still seek a hearing officer's order through due process. This promotes collaboration and transparency and accountability, safeguardin-- safeguarding the student's access to appropriate educational services. It ensures students-- or, parents are true partners and not just sitting in meetings while their input is ignored by the other team members. LB841 aligns with NCDD's priorities to promote inclusion, fairness, and informed decision-making for individuals with intellectual and developmental disabilities. It gives families a real seat at the table while allowing the schools to share the data and explain why they believe a change is needed so everyone can work together. Currently, a district can remove a service or accommodation even if the family objects. For example, imagine a transition-aged student who turns 18. The district might cut their hours, saying they don't provide certain life skills or transition services. So instead of continuing student-centered programming during these critical years through age 21, the student could be exited from IDEA services. And if that same student qualifies for adult services through the Home and Community-Based Services DD Waiver, these supports usually don't start until age 21, leaving families blindsided and they have no daytime support. For these reasons, we strongly recommend LB841. We thank you for your time and consideration.

MURMAN: Thank you. How often does that happen where there's that gap between 18 and 21? Do you have any suppositions?

KRISTEN LARSEN: That's a very good question, Senator Murman. I probably can't-- you know, I, I, I don't have the data. I'm sure

somebody like Amy, who's an attorney, can say that, but we do know that it's a, a-- it's a concern in the community. It was even identified, I think, in one of the recent-- I think LB376, when they did the DD assessment over services in the disability community, that there's a disconnect with parents and the schools and the HCBS system and that-- they-- a, a lot of times they're just talked into-- your student's ready to, to graduate. They've met all their goals without realizing that, when they make that decision, that they are not gonna be able to have access or a pathway to receive those HCBS services if they qualify. Not all students qualify for those, but if they do.

MURMAN: Do, do parents dispute that very often? Do you know?

KRISTEN LARSEN: No. You heard the numbers. No, they don't. And, and a lot of times, unfortunately, Senator Murman, they don't realize it till after the fact. And then it's too late.

MURMAN: OK. Thank you. Any other questions? Senator Juarez.

JUAREZ: I'm sorry. You said they don't realize till after the fact?

KRISTEN LARSEN: I think that there are families where that is the case. I remember-- I serve on-- at-- a member on the Munroe-Meyer Institute Community Advisory Board. When I first started serving there about ten years ago, there was a family. And that young lady had exited school services. And she was sitting at home with nothing to do because-- and she did qualify for waiver supports, but they were told that because CMS requires that those services-- day supports do not take place during the time that school supports should be happening, that it-- IDEA qualifies students to receive through age 21-- that, that she had to wait until she turned 21 to get those services. You know, that's a very high legal question, but my understanding in the way that the waivers are written in Nebraska is if that person qualifies for services or should be getting services met in an IDEA or school system setting, focusing on life skills, employment skills, that sort of thing, that they can't get DD-- adult day waiver services. So what happens is they end up sitting at home or Mom and Dad have to stop working to pro-- you know, provide that supervision until that-- until they are able to transition into those services.

JUAREZ: OK. Thank you.

MURMAN: That brings up another question. If I remember-- it's been a long time, but if I remember, the IEP hearings are typically held at the start of the school year. So the senior year of a student would be the start of the year.

KRISTEN LARSEN: Right.

MURMAN: Is there not another hearing after that?

KRISTEN LARSEN: You know, I would think best practice would be-- it's at the beginning of the year. And it's important too that we empower not only the parents but the students who are part of that IEP process. Those students should be coming to their IEP right when they're 14 on and having-- being able to articulate what their goals are. And so yes, it should happen. They should be having these conversations long before that happens. But unfortunately, because parents don't have the knowledge and there-- it's a very cumbersome process and complex, they sometimes don't know what they don't know and it comes to that senior year or the 18th year and they're not prepared for, for what the school dis-- because remember, it's a team decision, as Elizabeth shared. So if you have a team of professionals saying, hey, they've met their goals, then there's going to be con-- you know, then there-- they could very well over-- they could, they could tell the parents and the student, this is what we're doing. And parents don't have the resources to go through the due process. So unfortunately, it does happen. I can't quantify it, but I know folks like-- if you contacted PTI Nebraska, the Parent Training and Information Center, they often get calls like this, that there are concerns with that transition period. We also just did a needs assessment where we're going-- we're working on our new state plan goals and objectives. And that transition period when students-- between that age 18 to 21 are going into adult services is definitely an area of need. There just isn't good information out there, and that's something we hope to improve as a col-- you know, partner in the community with our next state plan.

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

KRISTEN LARSEN: You're welcome. Thank you.

MURMAN: Other proponents for LB841.

TOM VENZOR: Good afternoon, Chairman Murman and members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference, and we're here to offer our support for LB841, specifically with reference to the burden of proof and production standard. The Catholic Church educates around 27,000 students in 112 Catholic schools located across the state. Students in Catholic schools are eligible for individualized education programs, IEPs, with the provision of special education services through their local public school. The provision of these services is in, in the form of equitable services that are determined based on the needs of the students and the resources available from the local public school district. Currently, when formal complaints are filed related to the initiation, change, or termination, or the refusal to initiate change or terminate the identification, evaluation, or educational placement of a child with a disability or the provision of a free, appropriate public education, the burden of proof and production is placed on parents. Shifting the burden to proof and production of-- to the school district, as LB841 proposes, would be a more fair and just arrangement for parents and students. While the IEP process is intended and is often collaborative, it can become adversarial, especially where concerns are lodged and complaints filed. In these instances, parents and the students are placed in a difficult predicament. They typically are not subject-matter experts on the delivery of special education services. They often lack the financial and-- of-- they often lack the financial and other resources needed to consult with outside experts, consultants, and lawyers to demonstrate their concerns. They find it hard to know where to start in the process, let alone figure out how to maneuver through all the technical details of the law and the process. And instead, when these situations become adversarial, parents and students are up against the school district that has the balance of power, especially in terms of resources and expertise. This dynamic not only creates obstacles for parents advocating on behalf of their children but can keep parents from advocating altogether for the best interests of their child. LB841 could meaningful-- meaningfully shift these realities for parents and students by ensuring that the entity that is legally obligated with delivering the services is also tasked with proving that they are meeting their legal obligations. We ask the Education Committee to advance LB841 to General File. Thank you for your time and consideration.

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MURMAN: Thank you. Any questions for Mr. Venzor? If not-- Senator Juarez.

JUAREZ: Thank you. So I'm wondering as far as on the private school side, when you're getting an IEP prepared, is it always done with employees on the public school side? Is that how it's prepared?

TOM VENZOR: Yes. So similar to what you heard already, you've got, you know, the IEP team that comes in and, and there's, you know, sort of that consultation, that meeting for meaningful participation with everybody involved. As well, that parent, you know, usually-- or I think hopefully-- most of the time has also representatives from the nonpublic side. So I can tell you for an example, with my daughter on her IEP-- of course, we had the folks on the school district side, but on our side, we had, you know, myself, my wife. We had my daughter's teacher as well as another specialist who is in the school that works at the school that my daughter attends. So, so we had a few people on our side, you know, for that meeting, so.

JUAREZ: And my next question is, since we're going to have now-- I'll call it the law-- that was-- the Governor participated in for the public dollars for private school at the federal level-- am I saying that right? You know what I'm talking about?

TOM VENZOR: So it's the federal scholarship tax credit program, mm-hmm--

JUAREZ: Right.

TOM VENZOR: --in the One Big Beautiful Bill Act. Mm-hmm.

JUAREZ: Do you think that there's going to be any opportunity for maybe more private funds to contribute to special education costs?

TOM VENZOR: Yeah. So I think the short answer to your question is yes. So under the federal scholarship tax credit law that was passed in, in the Budget Reconciliation Act, it allows for tax credits to be contributed to scholarship-granting organizations, and those can be distributed to kids whether they're public school, private school, home school. And they can be used for a variety of educational expenses. So similar to the 529 hearing you had earlier, it could be tuition and fees, but it could be things like tutoring. It could be special education services. So yeah. I mean-- you know, I'm hopeful-- the Catholic school community, we're hopeful that, through that program, there will be an opportunity there to raise additional funds

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that could be utilized for students who have special education services. That said, in the context of this issue right in front of us, you know, we have to remember that we have both state and federal law that governs the provision of special education services. And with that comes, you know, you know, funding both from the federal government and the state government to ensure that processes like this are played out adequately, so. But yeah, I think under the federal scholarship tax credit program, that's going to provide an opportunity for all students to have more access to funds to ensure that they can get the services they need, so-- whether they're public school, private school, home school.

JUAREZ: Thank you.

TOM VENZOR: Mm-hmm.

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

TOM VENZOR: Thank you very much.

MURMAN: Other proponents for LB841. Are there opponents for LB841?

TAMMY VOISIN: Good afternoon, Chairman Murman and members of the committee. Thank you for the opportunity to testify today. My name is Tammy Voisin. I'm the director of Special Services for the Papillion-La Vista Community Schools. I'm here representing the Nebraska Council of School Administrators and the Nebraska Association of Special Education Supervisors. I want to be very clear at the outset: we value parent voice, collaboration, and shared decision-making. Those partnerships are essential to student services. However, I'm here today to express serious concerns about this bill and the unintended consequences that it would have for school safety, school operations, and local taxpayers. School districts are legally and ethically required to meet the needs of all students, not just the students in question but also their peers and the staff who serve them. That responsibility includes maintaining a safe learning environment. At times, data from evaluations, incident reports, and progress monitoring clearly indicate that a student needs a more restrictive environment or specialized placement, such as an out-of-district program, simply to ensure safety and provide appropriate education. Yet, we increasingly encounter situations where parents understandably and firmly oppose those placements. This bill would require parental consent before districts could act on

those determinations even when the evidence is clear and the safety risks are significant. That would severely hamstring school districts and delay critical interventions, sometimes for months or longer. During those delays, the school district would be required to follow the previous IEP even when the data tells us that it's not meeting the student's needs. Students may continue to escalate, classrooms may be disrupted, and other students may lose access to learning, and no one benefits from that outcome. This bill would also carry a substantial fiscal impact at both the state and local level. When districts are prevented from acting, disputes will increasingly move to due process hearings. Those proceedings are costly, time-consuming, and adversarial, and they divert resources away from students and classrooms. Ultimately, the local taxpayers would bear that at a cost of around \$40,000 for a low, like, single-level dispute of upwards to hundreds of thousands for a very complex hearing. These costs are separate in addition to the costs incurred by the Nebraska Department of Education. School districts do not seek conflict with families. We work very hard to avoid it. But when the data clearly shows that a student needs a level of support beyond what the district can safely provide, districts must retain the authority to act. This bill as written would compromise school safety, increase costly litigation, and undermine district's ability to meet their legal obligations. And for these reasons, I urge you to oppose LB841. Thank you for your consideration. I'll take any questions.

MURMAN: Thank you. Is there a way that those concerns could be mitigated, like where a, a IEP student is recommended to go outside the district for the services? Could that be done temporarily maybe to--

TAMMY VOISIN: Well, according to this bill-- I mean, it-- we wouldn't be able to do anything temporarily because we have to follow the IEP. So what is written in the IEP is what we would have to follow. Right, we could-- as, as others have, have testified, we continue talking, right? But at those times where we're continuing to talk or even if there's an impartial person brought in to help with the IEP process, we still would have to follow the IEP as written during that time. So there real-- isn't an ability to do a temporary placement.

MURMAN: This is probably a senator question, but maybe it could be amended to, to somehow alleviate that situation.

TAMMY VOISIN: Sure. And I think-- like I said, there-- this bill has some un-- honestly, some very unintended consequences. There are, you know, good parts of this bill that recognize a need to protect families that are in the military and that move. In Papillion-La Vista, we have many military families. And as we're getting to know students and collecting data on students, I can see that, in cases where they move, move, move some very-- some things that need to be put in place to protect those, those students. So we would be happy to work on and amend this bill in order for that intent to be met.

MURMAN: OK. Thank you. Senator Conrad.

CONRAD: Thank you so much for being here. Just wanted to pick up on one of the points you mentioned towards the end about when there isn't a meeting of the mind between the parents or the guardian and the school officials-- which typically there is. I think we've all generally agreed with that, and the statistics back that up. But then there is a framework to move forward, and that's-- we're calling due process, I guess. You mentioned, of course, that's an adversarial process. Have you been a part of some of those due process hearings?

TAMMY VOISIN: Yes, I have.

CONRAD: In your experience, how many families show up to those with lawyers?

TAMMY VOISIN: In my experiences, all the families have had lawyers of the ones that I've, I've experienced.

CONRAD: OK. And then does the school ever show up without a lawyer?

TAMMY VOISIN: Without a lawyer?

CONRAD: Right.

TAMMY VOISIN: Not in my experiences, no.

CONRAD: Right. And there is no right to a court-appointed lawyer or legal aid or public defender in that instance. There's a few organizations that do provide low-cost or sliding scale fees to help families without resources, but generally it's on the families to hire a lawyer, go to the expense to fight against the school and their lawyers, paid with their tax dollars, because their decision-making as a parent isn't given paramount im-- importance when it comes to services their kids are getting.

TAMMY VOISIN: Right. So it's, it's certainly something that, you know, we want to avoid. I've been a special education director for-- I think this is my ninth year. I've been a part of, of two due process hearings. So it is something that we want to continue to meet at the table, have as many IEP meetings as we need to. We don't ever want a parent to say, I don't understand what this document means. That, that means we're not done. We haven't done our job. So we need to sit at that table for as long as it takes. And yeah, we'll set a meeting for an hour and say, can we all agree that, within an hour's time, we're gonna be done? But then when we're-- if we're not done, we set the next meeting. When are we gonna meet again? We haven't reached consensus. So that is, that is the last resort. We don't want to go to due process. We wanna be able to work it out as a team.

CONRAD: Yeah. And I know this didn't pop up necessarily in your school district, but this committee held some kind of interim study, almost emergency hearing, on a matter that popped up in Omaha Public Schools over the last couple of years where literally, like a week or two before school started, parents of kids with disabilities in primarily north Omaha were told, we're going to not honor our commitments to your home school, your community school, where your kids have been going. So you either have to sign this paper and we're gonna move schools or move districts, or no services.

TAMMY VOISIN: Mm-hmm.

CONRAD: And it created a pretty horrific situation for a lot of parents with little notice and an ability to express disagreement with the district's last-minute decision in that regard. That, that really impacted kids. So I'm trying to think through some of those very real, recent examples in addition to the individual examples about things that we can do to strengthen the law to protect parents from, from that kind of adverse outcome.

TAMMY VOISIN: Right. Yeah. For sure. And I-- like you said, I can't really speak to that particular situation and, and what, what brought some of those up. I mean, I do think in, in other conversations we talk about, you know, the, the lack of special education teachers coming out of the program and what that can do on, you know, a two-way program when we don't have the appropriate members, you know, in our school district to be able to provide resources.

CONRAD: Right.

TAMMY VOISIN: But like I said, we would want to continue. Right. We don't ever want to blindsides a parent or have them not understand reason [INAUDIBLE].

CONRAD: No. And I think we-- we're trying to make some headway on teacher shortage and vacancies. And we know we still have an acuity in the, the special ed side of things and have some other policy ideas out there. But the other point I want to-- I, I, I had a pretty long conversation with a constituent in my district. Both parents are very actively engaged, highly educated professionals, kid's in public school, has special needs. They feel like their daughter is able to learn at her highest and best when she has access to more services than LPS is currently willing to provide. And as a result, their kid has really struggled as LPS has removed supports from her. And Mom and Dad are fighting as hard as they can to try and have their perspective for their kid carry the day--

TAMMY VOISIN: Mm-hmm.

CONRAD: --and-- which I really think is at the heart, those kinds of situations, of Senator Rountree's bill here. When you can't find a meeting of the minds, who ultimately gets to make the call, the school or the parent?

TAMMY VOISIN: So the, the eviden--

CONRAD: Or who should, is a better phrase.

TAMMY VOISIN: Right. So in that situation that you mentioned-- you know, the school district is required to propose services to meet the needs of the, of the children, and that should be based on evaluation, that should be based on data that we're collecting. So in every instance, we should be presenting the data to say, this is how the student is doing, so therefore these are the services that, that the child needs. And proposing services based on something, not just based on, well, I think maybe we wanna cut the speech minutes by ten minutes a day without any data presented to explain why that might be necessary. Similar to if a child was receiving speech-language services, maybe for articulation, and they've been receiving them for a number of years, and the student has made enough progress that they're able to use those-- they've corrected their errors in conversation and they, they do not need the service for speech-language articulation anymore, which usually is, usually is a celebration where we're looking at how much progress they've made.

And I think in, in this bill, that's one of the things that we thought about, was if a parent says, well, I-- my, my child really loves her speech-language pathologist and really-- we're afraid that maybe she's going to fall back. We lo-- we, we just want to keep it. We would be in a situation-- right now, we'd be in a situation-- wi-- with our data, we would propose our data to the team and say, we are going to recommend that these services are no longer needed based on the data. And that is true, is what other people have said, that is what ends up moving forward. In this case, if the bill was, was sha-- the, the parent would say no and then-- the student would continue to receive services that the data would say the child doesn't need, which is continuing to use resources at a school level that isn't necessary. When you have a string of those together, we could have somebody spending their time providing an awful lot of services that isn't needed.

CONRAD: Right. I don't think there's a widespread problem of waste, fraud, and abuse of special education services amongst families or children who, who need them, but I do understand there's finite resources in the world. My, my question is beyond, I guess, the data point. Let's say I have a little one who at the beginning of the year there's a lot of learning loss over the summer, not hitting the right marks, getting all the interventions. And then after a lot of hard work, the interventions are moved-- removed at the end of the school year. And then we are back in the same cycle at the start of each school year. So the first, you know-- or, the last data point the school would have available would say, hey, this kid's reading on grade level. He doesn't need any more help moving forward. But I'm the parent and I said we've been through this pattern four times. I wanna keep the reading intervention wrapped around them so we're not on this constant roller coaster. So the data says one thing, but my experience as a parent says another thing. Why shouldn't that control?

TAMMY VOISIN: So we are required to make database decisions. So we're required to, to look at the data and to make decisions based on the data. So I'm not-- you know, every child is so individual that I'm, I'm not sitting here saying that we would take that service away or that we would leave that service. It's a conversation. So when we're sitting at that IEP meeting, we would look at historical data. If we had data that showed that this happens every single time that we try to pull back services, that IEP team should talk about that and talk about, you know what? There is a disability here in need of this

intervention because, every time we try to pull back, the student regresses. So why would we continue to do that?

CONRAD: So we--

TAMMY VOISIN: So you can lead those services in place. The IEP team can make that decision.

CONRAD: OK. I appreciate that. And then basically then to follow up, the school's position is the kid has to fail and fail and fail against the advice of the parent before we take that pattern and practice of data into account.

TAMMY VOISIN: They wouldn't necessarily fail. So not in all cases does that child regress. So they could end up receiving interventions, receiving services, reading on grade level, and then continue to be advocates for themselves. They've learned a lot of strategies that they can use. We back off and they start to use those strategies and continue to make progress. So then that-- in those cases, that tells us they, they don't-- they no longer need those services. In some cases, we find out they do.

CONRAD: Sure.

TAMMY VOISIN: So very-- yeah, very individualized, but the conversation is always open because we are required to meet the needs of the child.

CONRAD: Thank you. Thank you. I appreciate it. Thank you.

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

TAMMY VOISIN: Thank you.

MURMAN: Other opponents for LB841? Opponents for LB841? Any neutral testifiers for LB841? Senator Sorrentino, you're welcome to close.

JUAREZ: Rountree.

HUGHES: Rountree.

MURMAN: Senator Rountree. Sorry. And while he's coming up, there are 13 proponents, 9 opponents online, 0 neutral.

ROUNTREE: Mr. Chairman, and to the Education Committee, thank you for hearing us today. I thank all of our proponent testifiers and our

opponent testifiers. Thank you for coming today and sharing. One of the things when I ran for this legislative seat, I always wanted to consider unintended consequences. I had a boss that said, Rountree, have you considered the second, third, fourth order effect of decisions that you're making? And so sometimes we get into a place we might have unintended, but our intention is always well. So we'll consider everything. To our opponents, we are open to communication and seeing if we can get this bill to the point that we-- it best benefits the students. That's what we're looking at, parents having their opportunities and, at the end of the day, taking care of the needs of our students. I just want to read one thing before I go. One of the testimonies that we got-- you probably read that as well-- but it's from Ms. Angela Gleason out of Omaha, and she said, I'm writing in support of LB841. I have two children on IEPs in different school districts, and I can see the benefit this bill will have for families involved in special education. My experience in special education for my children has not been great. To even understand and advocate for your child, you often have to take training such as with PTI Nebraska to understand what is possible in an IEP and what is not. So advocacy for my children with extra educational needs is my second unpaid job. For my older son with disabilities, the district tried repeatedly to remove his direct speech therapy minutes and eventually went against my wishes and removed it anyway. Initially, they removed the service minutes without even informing me at the IEP meeting-- which is required under the IDEA law. I only noticed when reading back through the paperwork after the meeting. We were able to get the district to reinstate that time because it wasn't even mentioned or discussed at the meeting. They removed it again the next year without providing any data to support its removal. We tried advocating for more indirect speech therapy time more than 30 minutes per week they allow the students in alternative placement and were repeatedly denied. Direct speech therapy is one-to-one time, most often when a student is pulled from the classroom to work on speech. Indirect therapy is when speech pathologist is working with a group of children, such as in a classroom. And she goes on to talk about other issues and so forth with another child. But this bill at the very minimum will make districts view parents as equal participants in IEPs, forcing them to provide data or negotiate with parents when wanting to reduce services or accommodations that parents feel are working. I urge you to support this bill and send it to the floor for full consideration. As I state, having had a son with-- born with Fragile X syndrome and been in the IEP process all of his life and still in the [INAUDIBLE] process with him, I've been on this side. I've been in meetings

where, when we came to the IEP, every report was negative. He can't do, he can't do, he can't do, he can't do. And my wife and I finally got to the point and said, what can he do? What can he do? So sometimes whenever you're in that situation, it might be a little difficult when you're working with your IEP team. And-- but as we have progressed through the first six, seven, eight years and coming into the latter parts, he was able to graduate in Albuquerque, but he came here with us in 2008. And he was able to grad-- graduate again in 2011 through the BEST program. And then he had the BEST program over at Bellevue too. So he was able to still get life skills and things of that nature. We want to be collaborative with our, our school systems. We have some of the best here in the, in the nation, I'll say that. Senator Sanders asked about people getting assigned here to come for the best education that we have, and we have experienced that. This bill seeks to just balance the playing field, giving the parents an opportunity to have that seat and a voice at the table and putting the responsibility back, or the burden of proof, as you said, back on the school district, but still not have that adversarial relationship but have one that's collaborative. Because at the end of the day, I believe on both sides we want what's best for that student. And so I like-- listen to the Bible verses that said, come down, let us reason together. I get complaints because I was quoting Scriptures, well, let's sit down and reason and let's see how can we get to the best, best determination for that student. So with this particular bill, a couple of questions were asked. So we'll go back out and we'll look at what kind of challenges might have been met in the other states where this bill is already in place so we have that in order. And also to our school systems, we are available and open to sit down for communication and [INAUDIBLE] tweak the bill to get it to the best that we can get it out and ask this body if you would advance that forward. So we are open.

MURMAN: Thank you.

ROUNTREE: So thank you so much.

MURMAN: Any questions for the close? Senator Juarez.

JUAREZ: Yes. I have I guess a technical question.

ROUNTREE: OK.

JUAREZ: So if we're going to make changes to the bill-- or you're willing to listen to them, right-- is that something that's going to

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ha-- happen on the floor only if this gets passed, or can you make changes beforehand?

ROUNTREE: I'm ready to listen today. I've heard today. So we'll make ourselves available. I know it's a really tight, really tight schedule that all of us are on, but I'm ready to start today. So my LA is available. We'll start today.

JUAREZ: Senator Conrad, is that correct that we could make changes before we get to the floor?

CONRAD: Yeah.

HUNT: Of course.

CONRAD: Yeah. Right here.

JUAREZ: OK.

CONRAD: Together. Yeah.

JUAREZ: Thank you.

CONRAD: Yeah.

MURMAN: Any other questions? Senator Lonowski.

LONOWSKI: Thank you, Chair Murman. And thank you for bringing this bill, Senator. I do have one question on the fiscal note. And I know you said earl-- right up front that you weren't sure that was the ri-- do you know-- it, it says \$196,000 for transportation costses-- costs. Can you give me any idea of why there would be any?

ROUNTREE: Well, that was our question as well. Maybe for additional hearings, getting to a hearing place.

LONOWSKI: OK.

ROUNTREE: But we think that with the bill passage and collaborative effort, you'd reduce any number of hearings that we have. I think going into this with great communication and coming to agreements, we may not have a need for those hearings.

LONOWSKI: OK. Thank you.

ROUNTREE: That's our desire.

MURMAN: Any other questions? If not, that will close the hearing on LB841. And we're going to take a quick ten-minute break, not just because I've got the next two bills. It's been a fairly long afternoon.

[BREAK]

HUGHES: We are gonna have the hearing of LB937. Senator Murman, please proceed.

MURMAN: OK. Good afternoon. I am distributing my opening so we can follow along. Vice Chair Hughes and members of the Education Committee, my name is Dave Murman, D-a-v-e M-u-r-m-a-n, representing Nebraska's 38th District. Today, I have the opportunity to present LB937, which is NDE's cleanup bill. This bill touches on a lot of things, but the changes that are made are all relatively small and focus on simplifying language, removing outdated language, or harmonizing language better with current practices. I will try to keep my opening brief because there will be a representative from the department behind me to speak in better detail about these changes. LB937 makes a change to the option enrollment reporting system to ensure the yearly report includes approved applications rather than just the rejected ones. The department already did this last year, so it just harmonizes the law with current practice. It removes some obsolete language related to solar and wind energy funding from the teacher evaluation systems, the Teacher Apprenticeship Program, and the Junior Mathematics Prognosis Exam. One of the most important parts of this bill is that it corrects an issue where the Teacher Recruitment and Retention Act was supposed to provide for grants for teachers who pursued teaching dual credit courses. Under the current law, a specific dual credit endorsement does not exist. So those teachers are not eligible for the grant as intended. This bill fixes that mistake by adding language to ensure that they-- ensure they qualify. This also ensures under the Reading Improvement Act that data is collected by grade level, which the department has indicated would be a better process. LB937 would change language relating to the College Pathway Program to better align with procurement processes. And finally, it will align the timeliness-- timelines of the property tax authority request and annual census report to October 15. Finally, I will note that some of the language regarding dyslexia reporting has some concerns by the Nebraska Dyslexia Association. And before this bill moves forward, I'm ready to work together with them and the department to find a pathway forward where everyone is on board. Thank you. And while I'm happy to answer any

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questions, the testifier behind me should be very knowledgeable about those questions or address any concerns.

HUGHES: Thank you, Chair Murman. Do we have any questions for Senator Murman? I don't see any. Thank you. Assuming you're staying.

MURMAN: Yes.

HUGHES: OK. First proponent, please.

LANE CARR: Good afternoon, Vice Chair Hughes and members of the Education Committee. I'm Lane Carr, L-a-n-e C-a-r-r. I'm representing the Nebraska Department of Education. I want to start by thanking Chair Murman for his consideration of this bill and working with us over the interim to get, get some ideas down on paper. So as you all are familiar-- and a cleanup bill tries to do exactly what Senator Murman outlined, which is harmonize provisions of language, get rid of obsolete language, and to clarify or align deadlines that are out there. You're getting a handout that details a little bit further what Senator Murman introduced to you, which is the different provisions of the NDE's cleanup bill that is in LB937. And these are suggestions, right, recommendations. And as Senator Murman mentioned, we would happy to work now between the committee process and when it meets the-- goes to the floor, or to speak more in depth over the interim on any issues here that might be a-- that might be a challenge. Few things I want to point out. Senator Murman also mentioned about midway through the bill is a-- is the portion on the Teacher Recruitment and Retention Act, a, a provision that was pro-- put into statute this year-- or, a couple of years ago. Thank you to Senator Linehan-- who's in the, the audience here today-- around that. Right now, the, the bill does not-- or, the language does not allow for dual credit or dual enrollment, and we believe that the language that we've worked on and teased out a little bit further can now provide funding for those teachers that teach dual credit, which we know is a critical access point for postsecondary education. I want to address a little bit more in depth perhaps the 79-11,157.01, which is what we call the Reading Improvement Act data collection. We are currently collecting the data, and it's now in our third school year of this. If you've seen the legislative report, you've see that it has improved over time with our-- the level of specificity that we are able to provide. Previously, we looked at it across districts and schools. Next, we broke it down by grade level, and that was really helpful. And what we want to do is have the best possible information to target our resources, target our support in this. Right now,

there's some confusion in the bill-- or, as-- in the statute as currently written, where the Reading Improvement Act is zeroed in on K-3, K-3 grade. There is some confusion then when we add the specific learning disability language into this that captures the dyslexia diagnosis, and that goes from age three to grade 21. So what we've had and what we've seen is that there's been some conflict or tension in the way that that has been reported by districts. But as Senator Murman mentioned, we want to get this right, not get this through. And so if that means that we have to take a, a minute to consider an amendment to this, we would be happy to do so. I think you're going to hear some, some really important testimony from advocates in this space. And we want to hear that too and work with you all to get it right, not just get it through.

HUGHES: And Lane, if there's any other things you want to point out-- you're, you're representing NDE-- please do so.

LANE CARR: Yeah. I, I think that pretty well covers it. There's one piece in here, again, around some of this-- the obsolete language that there's provisions in law that just aren't acted on-- acted upon anymore. So for example, the Junior Math Prognosis Exam was a really important initiative nationwide a few years ago. Now it has been replaced by a statewide college entrance exam, and so that is just language as an example where there were two things being said, and the ACT is what-- is a statewide contract. The Teacher Apprenticeship Program with 79-816, we have seen the proliferation of-- our teacher apprenticeship programs. Has been really exciting since Senator DeBoer introduced it a few years ago. We've then since been able to leverage Federal Department of Labor funds to dramatically expand. And the language currently speaks to a pedagogy examination, which is not current practice for any of our teachers. And we want to make sure that we're not otherizing the apprenticeship-- the folks that go through the apprenticeship program. So this is an opportunity, again, to harmonize some of that language with common practice. And then a lot of dates. We require a lot of data from our school districts, es-- especially as it revolves around or pertains to school finance. So having some of those line up a little bit better you're going to see throughout here is a consistent thing.

HUGHES: All right. Thank you. Do we have any questions for Mr. Carr? All right. You got off easy.

LANE CARR: Thank you.

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HUGHES: Thank you. Any other proponents to LB937? OK. Opponents for LB937.

SHELLI COOK: Thank you, Education Committee. Can you hear me?

HUGHES: Yup.

SHELLI COOK: My name is Shelli, S-h-e-l-l-i; and Cook is C-o-o-k. I'm a speech-language pathologist here in private practice in Lincoln. I have testified regarding dyslexia at previous times, including the original definition of dyslexia a number of years ago, as well as the 2018 requirement that schools have trained interventionists who are well-versed in Orton-Gillingham and are able to provide intervec-- interventions in that area. And I represented the Nebraska Speech-Language-Hearing Association as well as the Nebraska Dyslexia Association and helped edit the original technical assistance document that you can see on the NDE website. I began working in this area of speech-language struggle-- dyslexia is actually a language deficit-- back in the mid-90s. Teachers, colleges were still very much whole language or balanced literacy. I got all, all, all the education in that. And after I got my bachelor's degree, I moved to Omaha. And I've really, I've really wanted to do some tutoring. I felt like that's something I wanted to do in addition to learning about the other areas that speech-language pathologists work in. I started doing some, and I-- as I got bought curriculums-- you can buy, like, home school curriculum, different things that were more phonetic based-- I really noticed that these children who were middle school on up a lot of times were connecting to this and, and making progress in ways that they weren't doing with the curriculums that the schools were using at the time. This really fascinated me. So although I was going to be working in the schools and getting a regular teacher's salary, I wanted my own expense and own time to make sure I was trained to be able to help interva-- intervene with these really needing students who were often very intelligent and really wanted to learn to read. The motivation was not the issue. So I've been pretty much working with dyslexic students pretty much every day since, other than a few mission trips to some thirl-- third-world countries and some health issues. That's, that's pretty much what I do. Dyslexia can be found at an early age-- and I'm sure that's where some of the early data collection ideas have come from. I've just-- I've helped-- been part of helping diagnose as early as age four. It's pretty, it's pretty-- I'm pretty readily able to do that. If you are familiar with Dr. Molfese, who's testified before here, we can actually technically identify dyslexic at birth. You can

use an auditory perception, like wha-- like, when they test hearing at, at birth, they can put a cap on a baby's head and they can actually identify which sound waves are missing, and so forth identify which sounds-- who's going to be at risk for dyslexia and have ways to intervene. Hopefully, that technology will be acknowledged more soon. But at any rate, the-- we do need to have that early intervention. It's key. However, I'm not seeing that happen right now. As much as I, I love working with younger kids, I've switched to pretty much middle school and, and high school as well as adults at this point in my practice. It's been great. I love working with them. They're excited, they're motivated, they're bright. And it's very rewarding. I'll give an example of one, one kid who I started working with when he was in the third grade. He had gotten a-- he, he had been diagnosed with a general reading disorder about ten years ago. The school was doing-- gave some fluency measures, saw that he was low on that, and just kept having him read it faster and faster. That was their idea of an intervention. And they worked on his comprehension, although he-- I, I don't remember his hi-- his high-- IQ score was high and his langua-- his vocabulary was very high. I don't know why they were working on comprehension. But it's probably because he couldn't read the words, right? So they're reading it and-- oh, he put general reading "disorability," but they weren't wor-- working on the targets that he specifically needed. So I went through, identified the sounds that he needed-- I don't know you're aware of phonological awareness assessments. I can go through any of that with you if any of you would like to know more about that. Rapid automatic naming, so his processing speed was looking normal but the-- that specific subtest, which I'm again-- again, I am not seeing in evaluations from--

HUGHES: Ms. Cook, you're on the red light, so if you could get to--

SHELLI COOK: Oh no. I'm sorry. OK. I have so much I could talk about. OK. Anyway-- and anyway, I gave him interventions. He is now--

HUGHES: Just can you talk to what you're here against--

SHELLI COOK: I'm concerned-- yes. Absolutely. I'm concerned that these kiddos like that, who are now doing very well, reading at a college level, are not getting interventions that they need, that they're not going to be tracked. I'm concerned that, that we aren't getting the interventions we need for these kids. I'm not always seeing it. I'm not seeing all the subtesting [INAUDIBLE] assessments. And can we please keep them on our radar? They might be needing

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also-- even if they are getting interventions, they need accommodations and modifications. And they could be, could be lost in the data if we're not careful, especially if they even come in from a different district. And we wouldn't-- we want to make sure we know who's in need.

HUGHES: All right. Thank you.

SHELLI COOK: You're welcome.

HUGHES: Do we have any questions for Ms. Cook?

SHELLI COOK: Yeah.

CONRAD: Thank you.

HUGHES: Nope. OK. Thanks for coming in.

SHELLI COOK: OK.

HUGHES: Appreciate it.

SHELLI COOK: Thank you. Thank you for listening, I guess.

HUGHES: Oh, yes. Go ahead.

HUNT: I lost my voice, but if I could just say one thing: can you just email us your comments? Because there's clearly a lot that you wanted to say.

SHELLI COOK: Mm-hmm.

HUNT: And we heard a lot about your experience and specific examples, but if you could email us succinctly and directly what is the problem for you with this bill, that would be a great help. Thank you.

SHELLI COOK: OK. Great. Yes. I just want them-- my-- I guess-- I don't want them to get lost. That is my [INAUDIBLE].

HUGHES: Thank you. Other opponents to this bill.

PATTY PANSING BROOKS: OK. Good afternoon. My name is Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, and I have been a former senator-- or, I am a former senator that represented District 28 here in Lincoln, so. I'm, I'm here today because of the issue about dyslexia within the, within the bill. Number one, I forgo-- I, I want

to thank you all for letting us come here today and also to Senator Murman for announcing that he's going to be flexible on some of the issues that we might sort of bring up. So I think that really my concern looks very innocuous in the bill, and, and, and some people may have even missed it, but it's, it's the, the fact that we're omitting one word, which is "testing." And that's very concerning to me. It also says in the bill that kids who-- it, it-- they're going to just look for kids who display disfi-- deficiencies versus kids who are tested and identified. So that's a huge difference, tested and identified versus just some kids that teachers might think are displaying dis-- deficiencies in their reading. So the reas-- I want to give you a little history. I quickly got involved in this because my brother had-- my older brother had dyslexia. My mom decided to go to the Mayo Clinic and learn about the Orton-Gillingham method of training dyslexic kids how to read and actually training teachers how to teach dyslexic kids. And then she was teaching one teacher at a time and decided that wasn't enough. So in 1975, she ran for the Lincoln Public School Board and-- so, so that she could work on dyslexia in the schools. But again, there wasn't testing of the kids at that point, really. So it's been a long time with, with teachers, unfortunately, wandering an abyss of trying to understand what the learning disabilities are and, and what-- how to affect it and, and whether there's any treatment, which we now know there really is. There are, there are things that can be done. So then fast forward to 2017 when my friend, Lou Ann Linehan, and I were in the Legislature together and we bonded on the issue of dyslexia. And we decided to go across the state. We went to 12 different school districts and talked to superintendents and, and school officials and administrators about dyslexia. And when we-- it was, it was interesting because there we recognized that school-- some school districts were-- even-- just vaguely even aware of dyslexia. Literally vaguely aware of it. One superintendent said he had never seen or heard of a dyslexic student. Not going to tell you where that was, but Li-- Senator Linehan, of course, knew that I was quite upset with that. Anyway-- so she held me down at that point. But he'd never heard of it even though 10% to 20% of our kids in Nebraska have dyslexia. 10% to 20%. And he had never heard of it. OK. I'm su-- I'm supposed to be done, so.

CONRAD: Senator, thank you for your comments. Let me pause and I-- just take the reins since our chair and vice chair had to step out for a minute. Are there questions for the committee? Yes, Senator.

LONOWSKI: I'm just curious-- thank you for your testimony. Thank you for stepping in, Senator Conrad. Do you think the dyle-- dyslexic

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rates are on the rise or do you think we're just better identifying it? Or do think it's a combination of those two?

PATTY PANSING BROOKS: Well, I, I think that's a great question. I think we're definitely better at, at identifying it and testing for it and recognizing it and recognizing that something needs to be done. I haven't heard that the rates are on the rise. I think the-- even when my mom was working on this back in the '70s, it, it was about that rate. It was considered about 10% to 20%, so.

LONOWSKI: Great. Thanks.

PATTY PANSING BROOKS: So I-- yeah. Thank you. But can I just [INAUDIBLE]?

CONRAD: Sure.

PATTY PANSING BROOKS: Does somebody have a question?

CONRAD: I, I had a couple.

PATTY PANSING BROOKS: Oh.

CONRAD: Did anybody-- OK. Thank you, Senator. I had just a couple of questions.

PATTY PANSING BROOKS: OK.

CONRAD: So I know that as a member of this committee over the past three years or so, I've had a chance to kind of work with Senator Linehan and others to build upon the work that you and she started together to help us turn the tide on identifying and providing supportive services to kids with dyslexia, which I think was pathbreaking. I think it-- from what we've heard as committee-- for-- on the committee, and then I know I've heard from my constituents as well, is that the legislative reforms and heightened awareness has changed lives, has changed lives for the better and helped kids succeed and stay in school when they felt hopeless and helpless and didn't want to go to school anymore. They were smart kids and they just weren't getting the help that they needed to let their, their talent and potential shine through. So I think your work was pathbreaking in terms of human impact for our Nebraska neighbors, but of course it also provided a beacon of nonpartisan collaboration and leadership when you and Senator Linehan embarked on that journey together and then brought those policy changes across the finish

line. But one thing I wanted to ask you was there seems to be maybe a disconnect or confusion about how dyslexia intersects with or is separate and distinct from special education needs or special learning needs more generally. Do you want to talk about that? Because I think sometimes there's some confusion and some-- for parents, teachers, and kids just about kind of what your learnings and how we can do a better job there.

PATTY PANSING BROOKS: I-- I'm not sure I'm the perfect person to speak to the, the training--

CONRAD: More the clinical side of it.

PATTY PANSING BROOKS: --the clinical side. But it is important and we know that it is successful when it's worked on and that they are able to really help these kids and make a complete difference in their, in their lives and their learning. Because these are, these are generally considered across, across the board very bright kids. So it's not that they-- but they are treated originally and have been treated as if they are not bright and as if something's really wrong with them and they can't read, so let's put them in remedial things and sort of pull them along as they can. That's not-- that's-- most of them are very intelligent people.

CONRAD: Thank you. Thank you. Other questions from the committee? Do you want to just share a final thought--

PATTY PANSING BROOKS: Yeah. If I could just say-- you know, to-- I, I don't think that, that this is rocket science. I don't think that this is something-- you know, we-- we've been working with the, the schools testing, testing these kids, and I think it's so helpful for the, the teachers to be able to recognize what's going on and get the help to these kids that they need. And it's-- we were-- Senator Linehan and I worked really hard to get this bill passed. And she called me today at 1:20 and said, did you realize this is up? So-- and I think what the fun part--

CONRAD: Good thing you live close.

PATTY PANSING BROOKS: Exactly. It is lucky. I'm the closest living-- yeah. So anyway-- but again, I also want to say that this is the perfection of the nonpartisan ca-- Unicameral coming full circle. Because here we are-- you know, people don't believe it, but we can work across the aisle. We can find ways to work together. And I thank

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you all for your efforts and your time and everything you're doing. And now here comes the brilliant woman, Senator Linehan. We'll fill you in, so. And that's all I have.

CONRAD: Thank you, Senator.

PATTY PANSING BROOKS: Thank you so much. Thank you all for your time.

CONRAD: Next opponent. A familiar face.

LOU ANN LINEHAN: Good afternoon, Education Committee. My name is Lou Ann Linehan. L-o-u A-n-n L-i-n-e-h-a-n. I think when Senator Pansing Brooks really liked me is when I was so nervous one of my first hearings that I misspelled my name and she had to correct me. I have a-- my green sheet here. I'm sorry. I think-- I'm going to hand out a testimony I found this morning. I-- oh, yeah. Sorry-- testimony I found this morning from November 26, 2015, which is almost 11 years ago. I was not in the Legislature. I think it's the only time I ever testified as a citizen at a legislative committee. And it was on dyslexia. And I'm not going to repeat my whole story. You've all heard it-- well, some of you haven't-- but I am dyslexic. I struggled in school until I got into high school. And we got a bunch of new teachers who didn't know I was slow. And you know, when a teacher looks at a student and believes in them, it makes all the difference in the world. So I went from a almost all-- falling-- failing school to a straight-A student. Then my son, who's very successful-- he's fine-- but he struggled too. But I had the-- I am not one, as many of you know, to be shy about advocating for what I believe. So my son-- we switched schools. We found schools that worked for him. And it's, it's really probably-- this cause is what brought me to the Legislature, not all the other things I'm supposed to be famous for-- or infamous, I should say. The thing-- I'll get to the very-- good question, Senator Hunt. I will get to the very specific-- I think it's on page 9. I'm sorry, page 10. Well, it starts on page 9. But it's lines 6 through 13: tested for a specific learning disability in this area of reading, including tests that identify characteristics of dyslexia. You can't take that out. You can't. Because if you do, they're not going to know. And you ask a good question, what's the difference between dyslexia and special ed? Dyslexia means you can't read easily. You're going to have to have phonics. You're going to have to have extra help. And you're going to-- you're going to have to have a lot of encouragement, because it's really hard. It's not fun. OK? When that child gets put in a special ed class with people with other kinds of problems-- that are just as important, but this

is the one I understand-- they see-- that-- they think there's something wrong with them. It's very-- it's demoralizing. And you hate school. We don't have to do that to kids who are very bright. My son, who's probably mad at me that I'm here, he has been very successful. He was in the Marines. He flew the Osprey. He had a high school counselor tell him he shouldn't even have any idea that he'd ever be able to do that kind of stuff, because you are in special ed. So be realistic. So. Thank you.

CONRAD: Thank you, Senator. Let me ask if there's questions from committee. Senator, if you could-- I could ask you a quick follow-up here. Because I know that you and Senator Pansing Brooks have worked on reform measures and I know that you've been a lifelong passionate advocate for these issues, but there's a variety of components. There's the raising the awareness, there's the teacher education and training, there's the programs and services for kids and families, but there's the reporting requirements as well. And I think it's very in vogue-- and it's not wrong to look for ways to find efficiencies in government-- but to think like we can just, you know, wipe out reports or nobody reads these reports or these reports can be tweaked or they're, they're not that really as important as some of the substantive measures that we have out there. But I know when we served together on Education Committee and we talked about some of these issues, the reporting's actually critical to ensure that we can do our job as senators in finding collaborations with the agencies and the schools, noting when there's a problem, and we need to have greater oversight or accountability. And if you, if you maybe want to speak to that point about why the data has to be robust and why the reporting has to be responsive and clear how, how important that is to breathing life into the, the substantive reform efforts that, that you've fought so hard with Senator Pansing Brooks and others to bring forward.

LOU ANN LINEHAN: Because education or any other thing we do in life-- I don't care what it is-- what gets done is what gets watched. And if nobody's watching-- yes, most will do fine. Most schools will do what the law says. But I'm worried about every kid. And, and one of-- can I just add something you didn't ask specifically? For years-- and this is probably back when Pat-- Senator Pansing Brooks' mom was involved-- people said dyslexia was just an excuse for rich people who had dumb kids. That, that is the way it was explained. So you've got-- and it's not their fault. You've got a whole bunch of educators who are told it's not a real thing. And I've talked to them. I had one educator ask me why a school board member was so mad at them. I

said, because they have a dyslexic child and you didn't do anything. And the response was, what was I supposed to do? And my response is, teach them to read. It's, it's that simple. Teach them to read. And it-- a lot of your problems that come later in life are all tied back to the fact you can't read, you can't read well. And in today's world, if you can't read, you're going to have a very hard time making a living. Thank you.

CONRAD: Thank you, Senator. Any other questions? OK. Any other opponents? Welcome. Hi, Heather.

HEATHER SCHMIDT: Hello. Got the power couple here, don't we? My name is Heather Schmidt, H-e-a-t-h-e-r S-c-h-m-i-d-t. I am on the Early Childhood Interagency Coordinating Council, the Governor appointment. I'm not testifying on that at all. I'm just supposed to tell you guys that. I'm also a member-- a board member for the Nebraska Dyslexia Association. Again, I'm not-- this isn't their testimony. This is mine. This is about my family. This morning, I was invited to meet with Commissioner Maher and Lane Carr, and that was really nice because we went over my concerns with the bill. And as you've seen what I've handed out, the score point difference from 19 to 24 by jurisdiction, Nebraska fourth graders are third from the bottom as far as-- OK. We have a crisis that we're finding in fourth grade when these points come out. In this report, they had explained what-- the things they were trying to harmonize was the-- sorry. You never think you're going to feel this much, but you do. Reading Improvement Act was specifically focused on K and 3-- K-3 for reading. And they were trying to change-- I may be wrong. This is my interpretation of what they said-- change what these reporting requirements meant to line up more with that. Well, I do know these reporting repi-- requirement came out after the Reading Improvement Act. And so I think maybe taking the Reading Improving Act and improving it to match the specific reporting requirements in the original bill would probably be better towards getting the progress we really need to turn this around. That's a suggestion I have. I also have questions on-- and I-- we did speak about working on maybe an amendment. I do know the department is-- they, they expressed that they want this to be done right, and that's appreciated. But the timing. On or before July 1 of each year, and that's Section 8, line 30. OK. So when-- when? When would we find out? As it stands right now, just the state testing doesn't come out until the end of November, which probably doesn't give you guys a lot of time with that information to be prepared for legislation that's gonna come your way. And also information in the manner-- they co-- took out "to the State Department of Education on

forms." So how are you getting the information then? And also switch to the Commissioner of Education from the "department" and "information." Well, the Commissioner of Education is a person. And if you're going to have consistent, concise, clear data moving forward, whoever person is in that position should have exactly what's expected of them so that that doesn't change. Tho-- so those were my initial problems with the bill. They spoke about the testing, and that is-- well, we have to test. We can't find it if we don't-- I mean, I've been here before. My daughter's been here twice. You know? She didn't feel like coming again today. But I guess if you have any questions.

CONRAD: Great. Any me-- any questions? Senator Meyer.

G. MEYER: Thank you, Vice-Vice Chair Conrad. Is that enough vices? I appreciate you coming today. I, I have a question that occurred to me, and perhaps I was remiss not, not asking the-- two of our previous state senators this, but we see-- when-- we're having challenges with outcomes. It seems like reading is a big problem-- and I agree 100% with our previous testifiers. If you can't read, you are greatly limited in life, period. That-- that's-- reading-- everything stems from reading and the ability to read. Are we doing a really good job of identifying reading issues like dyslexia or, or-- do, do you think we're doing a good job with that? Is that something that's contributing to our poor reading outcomes educationally in our, in our essentially K-12-- 12th grade? Maybe you're not in position to weigh in on that, but.

HEATHER SCHMIDT: You asked if we're doing a good job identifying reading disabilities or problems with reading, including dyslexia. And I-- we don't know. Do we know? That's what this was supposed to tell us, how many kids are strug-- how many kids do we have? How many kids are struggling? Of those kids that are struggling to meet goals, how many of them have dyslexia? Do we know that answer?

G. MEYER: Evidently not.

HEATHER SCHMIDT: OK. That might be a good place to start.

G. MEYER: I guess I'm--

HEATHER SCHMIDT: Dyslexia affects one in five kids. I mean-- and at this point, we're talking about doing some pretty extreme things in third grade. We're going to have pretty, pretty busy classes if we

can't figure out-- and also the fourth grade reading thing. In fourth grade, we-- up until fourth grade, you're learning to read. You're learning to sound out words. You're learning some fluency so that it starts to make sense. In fourth grade, that's when you're reading to learn. And a lot of times, kids with dyslexia, they kind of get kicked in the teeth in fourth grade because that's when it catches up to them that they don't have the skills they need to read to learn and keep up with their peers. So then by eighth grade when we do a-- you know, like, big test again nationwide where we compare ourselves to other states, that's where we can start to see, whoa. OK. So fourth grade was doing this, and at eighth grade, did we lose more? And, and why? So. And the answer to your question, we have a lot of data that shows something's wrong. We just maybe need to find out.

G. MEYER: You know, in measuring in, in fourth grade and eighth grade when it comes to reading and math, this is a conversation I've had with a number of people, including teachers. And, and maybe, maybe it's-- one of the options or maybe one of the solutions is to focus in the K-3 grade more on the core educational, some directed reading, two reading elements during the course of the day and focus on that. And then as we, we move on through fourth grade on up, we have established that good reading basis. And maybe, maybe we're trying to do too much in that K-3rd grade and, and maybe we need to focus more on some core educational issues, primarily focusing on reading, which hopefully would give us an opportunity to improve [INAUDIBLE] school and have better outcomes. But identifying the problem and coming up with solutions to fix that, I think, is, is job one, frankly. But ju-- just curious whether--

HEATHER SCHMIDT: Well, and the state has the CLSD grant. They have \$55 million from the federal government to address reading right now. And I know they've made it their board priority. So I don't know if you guys have had conversations with any of the board members, but I do believe they're all strongly on the same page with this. So I think-- as this stands right now, this amendment-- or, this cleanup bill is going to set us back.

G. MEYER: Well, then we have an opportunity to improve on it.

HEATHER SCHMIDT: Mm-hmm.

G. MEYER: Thank you.

HUGHES: Any other questions? OK. Thank you. Thanks for coming in.

CONRAD: Good to see you.

HEATHER SCHMIDT: Thank you very much.

HUGHES: Next opponent.

SHARON O'NEAL: Thank you. I forgot to give you the green sheet. Thank you. Thank you for the opportunity this afternoon, senators. I'm very, very happy to hear that Senator Murman is willing to make some changes in this because I do think they might be--

HUGHES: Can you, can you state your name and spell it?

SHARON O'NEAL: Oh, I'm sorry.

HUGHES: No, that's OK.

SHARON O'NEAL: I'm Sharon O'Neal, S-h-a-r-o-n O'-N-e-a-l. I'm a longtime advocate and reading instructor for elementary school children who struggle with reading and dyslexia. I'm testifying today on behalf of the Nebraska Dyslexia Association to oppose all the changes in Section 8 of LB937. I was very happy to hear that Senator Murman is willing to make changes because I think they are doable changes, and I-- if they are indeed technical issues, we can correct those. As a reminder, dyslexia is a distinct, lifelong, neurobiological condition that results in reading difficulties. It's not a phase that children grow out of. First, this bill appears to remove a school district's requirement to report reading deficiencies and dyslexia-related issues on any student above third grade. Tracking only kindergarten through third grade students' reading deficiencies ignores students who may be identified with dyslexia in fourth grade and beyond. It could also exclude otherwise intelligent students who hide their reading struggles until they are faced with increasing academic demands in later years. Second, this bill removes reporting by school districts about how many students have been tested for a specific learning disability in reading, including dyslexia, nor will districts have to report students who have shown growth on subsequent assessments or the results of the tests. As we know, and as Senator Linehan pointed out, what gets measured gets improved. Data drives policy. To make informed decision, we all need better, more accurate, and complete data across all grade levels, not just a snapshot of kindergarten through third grade performance, as is suggested in this section of LB937. When dyslexia is absorbed into a broad category of reading deficiencies, our state loses the ability

to track whether specific institutional reforms are actually reaching the students they are intended to serve and whether those reforms are working. We respectfully ask you to keep the language in this bill's Section 8 as the statute is currently written so that dyslexia remains explicitly recognized, tracked, addressed across all grade--grade levels, kindergarten through 12. This ensures we include all students, it protects our most vulnerable students, and ensures that our state's education policy decisions are informed by complete and accurate data. It does not detract from your broader, much needed, and very much appreciated efforts to continue improving reading proficiency in our state. Thank you for your time and your commin--continued commitment to improving the literacy of Nebraska's students.

HUGHES: Thank you, Ms. O'Neal. Do we have any questions? Nope. OK. Thank you very much. Next opponent.

TIM KIEFER: Thank you, Chair Murman and senators of the Education Committee, for the opportunity to test-- or, for my testimony to be considered. My name is Tim Kiefer, T-i-m K-i-e-f-e-r, and I'm the parent of two dyslexic children. Early li-- early literacy matters, and I appreciate Senator Murman's focus and this committee's focus on monitoring reading issues in young children. I'm here because i agree with the Nebraska Dyslexia Association's position in opposition to this bill. I would like to thank Senator Murman for his expressed willingness to work with the Nebraska Dyslexia Association. Just a few things from my experience with my children. So dyslexia is not the same thing as a general reading difficulty. Not all reading difficulties are dyslexia, but all dyslexias shows up as a reading challenge. That distinction matters because dyslexia requires specific identification and support. With my son, who's 20, we knew early that he struggled with reading. What we didn't know was why. And there was a lot of very dedicated, well-intentioned instructors and teachers who tried to help us understand that. It took until he was in seventh grade for us to determine that he was dyslexic. Thanks to the targeted interventions and support that he received, along with the dedication of those edic-- educators and his own hard work, he's now a high-performing sophomore at the University of Nebraska. Had he been diagnosed earlier, his early education would have been much, much easier. Many of the things that were mentioned earlier-- you know, it wasn't that he was dyslexic; it was, he was lazy. It was that he didn't read enough. Just read more is the common answer. My daughter, by contrast, who's in second grade, eight years-- and first, I wanted to thank the two senators here for their work on

behalf of dyslexia. Eight years later, there was a lot greater knowledge of what dyslexia was. There was better knowledge in her school, and we as her parents were able to advocate better for her than we were for my son. As a result, she received targeted support much earlier and her experience at school has been much, much smoother, and that contrast is exactly why the language in this bill-- I, I request that you would oppose. So dyslexia doesn't end after third grade. It isn't always in-- identifiable early. If we stop explicitly recognizing and tracking it, students like myself will be easier to miss and less likely to receive their assistance. So thank you very much for your time. I see my yellow. Senator Hunt, to your point, it's, it's that particular part of this bill that I would ask that you continue to, to work on.

HUGHES: OK. Thank you for coming in, Mr. Kiefer. Questions? OK.

TIM KIEFER: Thank you.

HUGHES: Thanks very much.

CONRAD: Thank you.

HUGHES: Next opponent. OK. Anybody in the neutral capacity?

KORBY GILBERTSON: Good afternoon, Vice Chair Hughes, members of the committee. For the record, my name is Korby Gilbertson. That's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n. And I'm not appearing as a lobbyist today. I'm appearing because I too got a phone call from Senator Linehan saying, remember when we both testified on this bill a-- more than a decade ago? And I said, yes. I'll be there. So I'm testifying in neutral capacity because I don't think it was the intent of Department of Education to create any issues. However, I can-- I too can testify to some major issues that my family ha-- gone-- had went through, specifically my son, who also came and testified in front of this committee about dyslexia once. But he was a-- or is, I should say, very smart kid. Tests had a much higher IQ than I have. And everyone thought he was reading when he was in pre-K because he could tell you what happened. He could read a book to you. But what had happened is he would memorize it the first time someone would read it to him. And so everyone thought he's bored, we need to put him in kindergarten. So he actually started kindergarten early, which obviously turned out to be not the best thing. But we were very lucky. Hunter was in a smaller private school. His teacher at the time was not kind, told him he was lazy, stupid. He had classmates

tell him he was retarded, should go back to kindergarten. He would come home crying because he had been made to feel horrible. He was in a class of seven kids. So if you can put yourself in those shoes. I was lucky because I represented Lincoln Public Schools. And so I turned to LPS and said, please help me. What can we do? Knowing that the public school does the testing for private schools. They came and did testing for my son, and, and we finally figured out what was going on. We were so lucky to figure it out, because as soon as he got matched with a, with a tutor that knew what was going on, he blossomed. He was-- he-- his-- everything turned around for him. He was so much more confident, and it helped him make it through high school. I will tell you, every year when we met for the-- his IEP, the first thing they would ask was, Hunter, how is this working for you? What can we do to help you? Or is there things you think we can take off of your IEP? What can we change so that you can continue to excel? It-- I have nothing bad to say because it was an amazing process for us. And I think eliminating the testing language is very dangerous because Hunter-- we learned so much from the testing because it would show us ev-- how he had succeeded over the past year. It would show us where we still needed to work, and it might even indicate things that would help him the most. So I think it's very important that we don't go backwards with where we've come but instead we continue to try to learn from the data and make sure that it's still being reported to the Legislature so that you see what's going on. I'd be happy to answer any questions.

HUGHES: Thank you so much.

KORBY GILBERTSON: Yup.

HUGHES: It's nice to hear too that you had a good experience with [INAUDIBLE] and things like that. Questions? Nope. OK.

KORBY GILBERTSON: Thank you.

HUGHES: Thank you. Other people in neutral capacity. Nope. OK. Senator Murman. And then do we want to do online-- did I miss it?

MURMAN: Well, as I said in, in my opening, we are going to work with the advocates for early reading, dyslexia, and the department, all work together to do what's right for everyone involved. So it's a continuing process. But as a committee and as a department this year, we are going to concentrate a lot on early reading. I think that's

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very important. As mentioned before, that is a big determining factor of how a student does in school-- after third grade, even, so.

HUGHES: OK. Just quick, the online, we had 0 proponents, 15 opponents, and 1 neutral. OK. Any questions for Senator Murman? All right. Sounds like we've got some committee work to do on this one--

MURMAN: Yup.

HUGHES: --so. Thank you. And you have the next bill, which is the last bill. We'll get-- we'll wait until we get things switched around here.

JUAREZ: Did she say it was 0 neutral?

HUGHES: It was, it was 0 proponent, 15 opponent, and 0-- oh, sorry-- 1 neutral. 1.

JUAREZ: Thanks.

HUGHES: OK. OK. We will start the hearing for LB940. Senator Murman.

MURMAN: OK. 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, representing Nebraska's 38th District. And today, I have the privilege of introducing LB940. In recent years, the subject of chemicals in our food and how they are affecting our health as a whole has gotten bigger and bigger. LB940 is a piece of that legislation. L-- or, that conversation. LB940 is a simple bill. It prohibits a small list of petroleum-based artificial food dyes from being used in school-provided meals. Those dyes include Blue 1, Blue 2, Green 3, Red 40, Yellow 5, and Yellow 6. It's important to note that West Virginia, California, Delaware, and Utah have all passed very similar or identical legislation. So this is a growing movement that has bipartisan support. Furthermore, the United Kingdom and the European Union require warning labels on all foods containing these chemis-- chemicals. So this has really become a global movement as well. I will note that this bill only addresses the provided cafeteria breakfasts and lunches. I'm not looking to police every treat a teacher may bring into their classroom, vending machines, or snack a child brings from home. Just the school-provided meals. This is not an arbitrary list of chemicals but instead specifically matches chemicals that the United States Department of Health and Human Services and the United States Food and Drug Administration have identified as dyes that they plan to work with the food industry

to be eliminated out of the food supply, as outlined by the DHHS press release I have provided. That being said, I think the federal government negotiating with all food manufacturers in the country might be a much longer process, and this is something we can take more immediate action on. With that context, I will go into why this matters. A 2024 article from Ohio State University's Wexner Medical Center provides some good research. It tells us that these dyes can make conditions such as ADHD, anxiety, and oppositional defiant disorder worse. I have handed that article out as well so you can read more. I will point out that here on the Education Committee, we have all routinely heard from teachers and administrators about how behavior and discipline problems are getting worse and worse in our schools. This leads to an important question: if American children are eating more and more processed foods that may be linked to worsening behavioral conditions and those behaviors-- behavioral conditions are worsening, then perhaps one piece of our overall approach should be to take on these processed foods. Finally, I will point out that the school meals that are provided are, of course, subsidized by the Nebraska taxpayer. Nebraska consumers and parents have the right to make informed purchases on the foods they wish to consume or feed to their children as they best see fit. But when it comes to the meals we as a government use taxpayer dollars to fund and then distribute to our state's children, we have an obligation to make sure those meals are nutritious so students can thrive and be the best they can be. I also want to put in a final note that my comments are not in any way meant to be critical of the important work our school cafeteria workers do. They are some of the kindest and hardest workers in our state, and my concerns about the chemicals in our food, such as artificial food dyes, are directed much more so as to the processed food industry that should know there are concerns-- there are concerning ingredients in their products and continue to sell them, especially when they are marketed or designed-- designated for children. Thank you. And I'm happy to take any questions.

HUGHES: Thank you, Senator Murman. Do we have questions for Senator Murman?

JUAREZ: Yeah. I do.

HUGHES: Yes. Go ahead, Senator Juarez.

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JUAREZ: So I'm not sure whether or not this time frame beginning August 1 of this year is something that's workable. I don't know. I don't know what this is all going to involve.

MURMAN: Yes.

JUAREZ: So I'm wondering if you might be able to be flexible on that date-- unless the nutrition people could tell us, yeah, we can do it.

MURMAN: Yes. We've already been contacted about that date. Some products have already been distributed for-- or, in the warehouses. So we will need to amend it to bring that date back one year.

JUAREZ: Like, for-- OK. So going to 2027 instead.

MURMAN: Yes.

JUAREZ: Yeah. That's what I was thinking to myself. OK. Thank you.

HUGHES: OK. Thank you. Are there questions? Go ahead, Senator Conrad.

CONRAD: Thank you, Senator Murman. Thanks for bringing this forward. And thanks for noting the host of sister states that have already moved in this direction. And I always think it's really interesting when you see other states that really have different geographies, really different demographics, really different political cultures all kind of moving in the same direction, maybe for different reasons with the same result, but nevertheless. So I don't generally like the idea of bans from a governmental perspective. It's-- philosophically, but I'm looking at kind of the narrowness of what you're trying to do here in regards to school lunch programs and certain specific additives that can cause health issues or that maybe make our-- that you see a lot in highly processed foods versus more whole foods that have better health outcomes for kids and better educational outcomes when they have good access to healthy food and things. So I, I signed on because I knew that this was an emerging trend across the United States. I do think that there's an opportunity for some common ground to figure out how to make our school meals not only healthier but more accessible to more people. And I, I think that you and I were visiting when I signed on, and I said, OK, well, let's, let's make them healthier and then let's figure out how to get more breakfasts and more lunches to more kids in, in Nebraska. But I, I was just wondering from a conservative perspective-- which you bring forward in this Legislature-- how, how do you see this ban as consistent with conservative principles?

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MURMAN: Well, there's definitely some-- you know, the-- these food dyes, some of them I know have been questioned for decades already.

CONRAD: Yeah.

MURMAN: And--

CONRAD: I remember hearing warnings about red M&M's when I was growing up.

MURMAN: Yeah. Same here.

CONRAD: Yeah. Yeah.

MURMAN: So I-- other parts of the world have moved away from-- you know, as I mentioned, I think Europe, European Union, United Kingdom-- have already started to move away from these things. And actually at, at our federal level, I, I think that'll happen too. But if we have the opportunity to, to do it sooner, to make our, our foo-- the food that we provide to our kids at least possibly healthier and we can do it without any extra expense, I think that's-- be a good thing [INAUDIBLE].

CONRAD: Something to take a look at. OK. Very good. Thank you, Senator. Thank you.

HUGHES: So I just had one question. You handed out an article from the U.S. Department of Health and Human Services. And on their point number three, it says, working with the industry to eliminate six remaining synthetic dyes-- which are the dyes you're talking about-- from the food supply by the end of next year, and it was dated April of 2025, which I think would tell me the end of 2026. And then if we're going to move this date to 2027, like, will it already have been done, is my question.

MURMAN: That's a possibility. And it-- and if it is done by then, great.

HUGHES: Yeah.

MURMAN: But if it's not, you know, we can-- well, we won't be in the first, what, five, but there'll probably be more states move away from these dyes by then.

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HUGHES: Do you know-- and I don't know this federally-- like, can the-- does, does HHS, they can just do that? Or does it have-- is it, like, a Congress thing? Cause the feds have to say if--

MURMAN: Well, the states can apparently do it individually because some states--

HUGHES: Right. But I'm just-- I-- because this is the feds, HH-- I just-- well. Anyway. I'll look in that myself. OK. Thank you.

MURMAN: That'd be great if the feds do it. And I think they're definitely moving in that direction. Yep.

HUGHES: Yeah. Sounds like it. Senator Meyer.

G. MEYER: Thank you, Vice Chair. Senator Murman, are you aware that we are prohibited in the United States from shipping certain foods to Europe and Canada based on the additives that we have in our food here in the United States?

MURMAN: Yes, I am.

G. MEYER: And so some of these dyes would be included in those banned products, in all probability, that aren't allowed to be part of our international trade, if you will. And so would you say that removing them would also possibly help with our state interacting with other countries with regard to the products that are produced here in the state would be beneficial to our economies?

MURMAN: Well, that's certainly a possibility. I mean, the food processors are on alert now, I'm sure, that these dyes probably won't be, be able to be used at least in our school lunches and, and other countries right now. So I think anything we can do to incentivize those processors to move away from using these dyes-- possibly help their exports to-- our exports other countries that-- from these-- what these pro-- processes produce, that could only be beneficial.

G. MEYER: Thank you.

HUGHES: Other question? Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. Thank you, Senator Murman. Are there other dyes that we will eventually add? Or is this like a, one shot should clean this up, as far as you know?

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MURMAN: As, as far as I know, these are the, the only dyes that we're concerned about. I-- there could be more, I don't know--

LONOWSKI: Right now.

MURMAN: --you know, this is a start at least.

LONOWSKI: OK.

HUGHES: OK. Other questions? All right. Thank you.

MURMAN: Thank you.

HUGHES: We'll have our first proponent for LB940. OK. None? Opponent for LB940. Nada. Neutral. That's what we get when we go after 5:00. Aw, Colby? Dang it. I'm just kidding.

G. MEYER: Always stuck in neutral.

COLBY COASH: [INAUDIBLE] for you, Senator Meyer. Thank you, Senator Hughes, members of the Education Committee. My name's Colby Coash, C-o-l-b-y C-o-a-s-h, and I'm here today representing the Nebraska Association of School Boards. I'm here in a neutral capacity because our membership doesn't have a, a, a comment on the purpose or the outcome that this bill's trying to achieve. In fact, our members agree with it. This is not good, shouldn't be, shouldn't be in-- shouldn't be part of our, our food supply. My purpose today is to give you a little bit of a broader picture, a little context. Now, Senator Murman kind of stole a little bit of my thum-- thunder here, but I have a couple things to share. One of the articles I-- I'm passing out-- maybe the exact same one that Senator Murman just passed out-- which indicates two things. I contacted our former colleague-- many of our former colleagues-- Congressman Flood, and I said, what's going on in Congress? And what he was able to confirm for me is that there's kind of things happening at the federal level on two fronts. One is Secretary Kennedy is working through his purview as the Secretary of Health to eliminate these things through rule and regulation. And so that is marching down the track. And he's doing it in kind of cooperation with the food manufacturers. The second front is legislation. This really is a bipartisan issue. This is being introduced in Congress, both houses by both sides of the political aisle, and those bills are moving through Congress. And I've given you an article on that. So it really-- you know, it's a, it's a bipartisan effort. However, if you dig into the bills that Congress is doing or if you look at what Secretary Kennedy is doing,

you'll see a little bit of variance in the list, right? And so the list that they're contemplating, it has the same things that Senator Murman's bill has, maybe an extra one, maybe missing one. And the concern would be maybe, you know, they do more, state does less, you, you never know how it's gonna shake out. But the second thing I wanted to share with you is just kind of how this impacts at the local level. So if this is addressed federally, either through rule or through congressional action, it's going to impact the manufacturers, right? They're just gonna stop making the food and it won't be available to anyone. If it's addressed by the state prior to being addressed by the federal government, it impacts your lunch lady. That's where the rubber hits the road if it's just a state initiative. Most schools-- and I think Senator Murman's probably heard from this-- most schools already have-- they have vendors that they rely on. Very small rural schools still kind of buy their stuff at the grocery store, and they still, you know, cook it there. But the bigger-- most schools, even the smaller ones, have vendors that they rely on. Those vendors are tied up in multiyear contracts. So there's, there's-- that's just something to consider. Finally, what I would share with you is something that Senator Murman said, which is the USDA is involved in this. You should have a, a letter from our own USDA as part of your comments about stuff that they've already purchased. And, you know, nobody wants to kind of go back on an agreement. There may be stuff sitting in a ware-- warehouse, so I'll let-- you can read that. And then finally, there are other states that are doing this, so this is not new. As I was doing my own research on this bill, I did find out that West Virginia, who was listed, sent a lawsuit on this particular issue. So they kind of got ahead of it. Now they're in court. At the same time, the federal government's kind of marching down on the track on this. So those are all just context things I wanted the committee to be aware of what's happening now. And you can take that into consideration as you contemplate this bill.

HUGHES: Thank you, Mr. Coash. Any questions? Yes, Senator Conrad.

CONRAD: Thank you, Vice Chair. Thank you, Senator Coash. It's, it's former senators day today in our Education hearing, and I'm not sad about it. But thanks for also lifting up the kind of corresponding actions on the federal level and putting a finer point on the interesting kind of bipartisan approach there. And then I did just in trying to get up to speed for the hearings did have a chance to of course read the committee materials and then the feedback re-- received from Nebraskans and then just did a lit-- little google

searching around as well, and I did come across that West Virginia case. And so I'm glad that you lifted that, and just maybe wanted to put a note on the record for committee council or otherwise to, to monitor that and to help us figure out if perhaps there's some-- because it's not complete, I don't think, but they maybe have had some preliminary [INAUDIBLE], if memory serves, so that we can just make sure the legislation isn't vague or it ha-- it's grounded in a clear public purpose or, you know, perhaps avoid any pitfalls that created the litigation in West Virginia. So thanks for putting that on the record. Just want to say that out loud so that we could--

COLBY COASH: I can't speak-- I, I know there's a lawsuit. I couldn't speak to it. I think-- the writing's on the wall here. These, these things are going to be banned eventually by the federal level I think sooner than later. I saw the same article that Senator Hughes said, which is Secretary said in April of last year, by the end of this year, he's going to have them done by rule. Congress has said, well, we're going to get ahead of you too. So we may have, like, three different masters here that we're trying to deal with: the federal government, the federal government regulation side of it, and then state law, of course, so. Just-- those all need to fit in some way.

HUGHES: Thank you, Mr. Coash. I was gonna mention one thing. It's not really a question-- and I have to go back and check-- but I believe Walmart has said that they will not sell foods with some part of this list by a certain time. And honestly, if Walmart doesn't sell it, it will not be made anymore in the United States, but. Other questions for Mr. Coash? Nope. Thank you.

COLBY COASH: Thank you.

HUGHES: Other neutral testimony. Smelling the end. Come on back, Senator Murman.

MURMAN: Well, I think as we all know, the federal government can usually move very slowly. So if we can get this done at the state level and without any major issues, I think it'd be a great thing. Other states have done it. And concerning the West Virginia lawsuit, West Virginia was doing it on all foods, not just school lunches. So that's-- actually, school lunches were exempted from the lawsuit. So not a, a concern there.

HUGHES: So I have one question before you're done. I reread through. You're stating it's just for public schools, but should we not do it

for the private schools too? Because they participate in the federal lunch program as well.

MURMAN: I'd have to double-check. I thought it, it-- thought it was public and private, but.

HUGHES: Well, I, I-- we'll just double-check on that. I thought it just said public, but. OK. Other questions for Senator Murman? Nothing. That ends the hearing of LB940. Thank you. Oh God. Sorry. Yes, yes, yes. Yes. The-- on LB940, there were 3 proponents, 1 opponent, 1 neutral. So 3 pro, 1 o, 1-- that concludes the hearing for the day. Be safe driving home. Bye.