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COMMITTEE ON EDUCATION  
January 17, 2006  
LB 946, 880, 881, 795, 860

The Committee on Education met at 1:30 p.m. on Tuesday, January 17, 2006, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB 946, LB 880, LB 881, LB 795, and LB 860. Senators present: Ron Raikes, Chairperson; Dennis Byars, Vice Chairperson; Patrick Bourne; Gwen Howard; Gail Kopplin; Vickie McDonald; Ed Schrock; and Elaine Stuhr. Senators absent: None.

SENATOR RAIKES: Good afternoon and welcome to this hearing of the Education Committee of the Nebraska Legislature. This is actually our first hearing of the Ninety-Ninth Legislature, Second Session for those of you who keep track. Welcome. We have an offering for you of five bills today. They're going to be heard as listed on what's posted outside the door. Looks today like we've left the best till last. It's for you, Wehrbein, but we'll proceed through them in order. I am going to introduce the committee members. Not all of them are here yet. As far as I know, they will be coming in as we get started. To my far right will be Senator Pat Bourne of Omaha. Next to Senator Bourne is Senator Gail Kopplin, Gretna. Soon, I think, will be Senator Elaine Stuhr of Bradshaw. To my immediate right is Tammy Barry, our committee's legal counsel. I'm Ron Raikes, I represent District 25. To my immediate left soon will be our esteemed committee Vice Chair, Dennis Byars from Beatrice, Nebraska. Next to, it's been awhile, Senator Byars will be Senator Vickie McDonald from St. Paul, I believe now is her address. Then we have Senator Gwen Howard from Omaha and finally, the final committee member, Senator Ed Schrock from Elm Creek, Nebraska. And then Kris Valentin, our committee clerk. So, let me just go over quickly a couple of rules. Each bill, we'll have an introduction by the introducer which, at least for today, won't be timed. Then we'll go to proponent testimony, opponent testimony, neutral testimony, followed by a close by the introducer if the introducer so desires. On the proponent and opponent testimony, we will limit testimony to five minutes per testifier. We don't mean any disrespect to anyone, but I think we make best use of everyone's time if we impose that sort of a limit. That way people are encouraged to organize their thoughts and what they have to say so please plan on that. The lights, you've got a green,

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 2

LB 946

yellow, and red. You'll figure that out. One other thing I'll mention is cell phones. If you have a cell phone, please disable it one way or another. We would not like to have those ringing as we proceed through the hearing. Anything else? I don't think of anything else. Oh yes, sign-in sheets I'm reminded. When you come to testify, please sign one of the sheets and stick it in the box there. We'll ask you for your name and other vital statistics maybe. I think just your name. And also when you testify, would you please announce your name and spell your last name for us just for the transcriber. All of this is transcribed so that will help in that effort. I think that that takes care of the preliminaries and we're ready to begin. And we are most pleased to have Senator Roger Wehrbein here to introduce LB 946.

LB 946

SENATOR WEHRBEIN: Thank you, Senator Raikes. Does this committee warrant a page? I...

SENATOR RAIKES: Yes, we do to...

SENATOR WEHRBEIN: ...I have some handouts.

SENATOR RAIKES: ...announce our page. Our page is Cara and she is AWOL, soon will show up again. She must have had some copying or something to go off...

SENATOR WEHRBEIN: Okay, I just didn't want to forget these because I'll get to talking and.

SENATOR RAIKES: Okay.

SENATOR WEHRBEIN: (Exhibits 1, 2, 3) Roger Wehrbein representing District 2, here to introduce LB 946. I'm not going to talk a long time about this because I know there's others behind me that know more about this in detail. But the purpose of the bill is to declare American Sign Language be recognized by the state of Nebraska as a distinct and separate language. And I'm going to hand out quite a few articles on this that will give you background on the reason for this bill. American Sign Language is a complete complex language that employs signs made with the hands and other

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 3

LB 946

movements including facial expressions and postures of the body. It is the first language of many deaf North Americans and one of several communication options available to deaf people. ASL is said to be the fourth most commonly-used language in the United States. The intent of this bill is to give it recognition and some status. Senator Byars is here now, and introduced this bill five years ago, 2001, and it was brought to me from someone in my district. I believe it is something that should be considered. This particular form of language is more and more widespread. It is needed as we need more and more interpreters of sign language. This recognizes this particular language as a viable, distinct, and separate language in the state. And, as I said, there's others that are going to go into much greater detail. I have the transcript from Senator Byars' hearing back in 2001. It was very enlightening. I'm sure much of that information is still valid but I will let new speakers indicate their testimony on that. And I do have the handouts. I'd like to...three different handouts about the history of it, the background of it and of particular interest, the Lincoln Journal Star dated yesterday, 1-16-06, is an article that is dated Mason, Ohio, and it tells about the increasing popularity and use of ESL or not ESL, as the American Sign Language, ASL. And so I'll have these handouts for you to peruse when you have time.

SENATOR RAIKES: Okay, thank you, Senator Wehrbein. Questions for Senator Wehrbein? Senator Stuhr.

SENATOR STUHR: Yes, Senator Wehrbein. Do you have any history on what other states are doing across the country? I'm sorry, I was late. Maybe you mentioned that.

SENATOR WEHRBEIN: I think all but four states have it. I could stand corrected. I read that, but I think it's all but four.

SENATOR STUHR: Okay, thank you.

SENATOR WEHRBEIN: Have recognized it I should say.

SENATOR STUHR: Yes.

SENATOR WEHRBEIN: That might be subject to correction, but there are many, many states that have.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 4

LB 946

SENATOR STUHR: All right, thank you.

SENATOR RAIKES: Senator Byars.

SENATOR BYARS: Thank you, Senator Raikes. I apologize for being late. Thank you, Senator Wehrbein, for bringing this legislation again. I think it is very, very worthwhile and I think we've been behind the curve in getting up to date in the state of Nebraska. So I'm hopeful the committee will also understand the need for doing this. Thank you for bringing the legislation.

SENATOR WEHRBEIN: Thank you. I should have had you sign it. I think I missed you that day but.

SENATOR BYARS: Thank you.

SENATOR RAIKES: Senator Wehrbein, it seems like the first step is to recognize American Sign Language as distinct and separate. In fact, that's intent language in the bill.

SENATOR WEHRBEIN: Yes.

SENATOR RAIKES: What's the purpose of that?

SENATOR WEHRBEIN: Well, I think others can answer that better behind me, but the issue...there are several different forms of sign as I understand it. This one recognizes one that is distinct in itself. It has its own...I want to say peculiarities but I don't think that's accurate. But it has its own syntax, its own language. It's not simply English. And the intent is to recognize that as an official...

SENATOR RAIKES: Well, would...

SENATOR WEHRBEIN: ...or as a distinct language in itself.

SENATOR RAIKES: ...would the net effect be of demoting other languages if there are others? You know, and I know nothing about this...

SENATOR WEHRBEIN: I don't know the answer to that.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 5

LB 946

SENATOR RAIKES: ...but if there are several. Does this...

SENATOR WEHRBEIN: You mean a different sign language?

SENATOR RAIKES: Right.

SENATOR WEHRBEIN: I don't know the answer to that per se.  
I don't think so.

SENATOR RAIKES: Well, I guess it wouldn't preclude teaching another sign language although it would probably not be practical to teach, you know, if you're going to teach several...if you're going to teach sign language as a course in a school which is where this is heading as I read it.

SENATOR WEHRBEIN: Yes.

SENATOR RAIKES: You probably wouldn't do...

SENATOR WEHRBEIN: It says you may. It says you may do it, it's not mandated.

SENATOR RAIKES: But this would be the only one you could teach if you wanted to teach a sign language as per your bill?

SENATOR WEHRBEIN: The way I would interpret that is that if it's offered it has to be open to all like a foreign language would. I doubt if it would be the only one because I do know...I think some districts have others that they teach.

SENATOR RAIKES: Okay. Senator Byars.

SENATOR BYARS: I think it's optional. I think the state Board of Education offers the opportunity to the schools. The schools then make up their mind on whether they want to do this. So it's not a mandated thing that is done in every school in this state but it gives the school the opportunity to do that if they choose.

SENATOR RAIKES: It's a question to you (laugh).

SENATOR WEHRBEIN: Well, I...

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 6

LB 946

SENATOR RAIKES: Okay, it was clarification. That's fine, yeah.

SENATOR WEHRBEIN: (Laugh) Well, that's much what I said. And as I said, there are experts behind me including the Department of Education, I understand, is to be here so.

SENATOR RAIKES: Okay. Well, I see nothing else. Thank you for being here and do you plan to stick around?

SENATOR WEHRBEIN: Probably not. I'm going to be across the hall but I'll monitor a little bit.

SENATOR RAIKES: Okay, okay. All right, all right, good, thank you. So, we'll move to proponent testimony and first proponent for LB 946.

TANYA WENDEL: (Exhibit 4) Good afternoon, Senator Raikes and members of the committee. I'm Tanya Wendel, W-e-n-d-e-l, the executive director of the Nebraska Commission for the Deaf and Hard of Hearing. This is probably going to be one of the shortest bills that you will listen to as far as content, it only being one page. I'm here to summarize the content of the bill. It's really a bill that will recognize American Sign Language, which is the language used by deaf individuals. Many of those that have learned ASL have been unable, when they were born, even to hear language. And so it's extremely difficult for individuals to learn a language orally if they can't hear, like English. Talking about ASL being the only language that is used, you've heard of signing exact English and other sign systems. That's really a code system of English and that is taught in training institutions throughout the state. But I'm only aware of English being learned on the hands as far as Signing Exact English and then also American Sign Language. So, hopefully, that will answer some of your questions that you had. ASL is a foreign language. It's really only universally accepted in North America. You're still able to communicate pretty effectively with individuals from other countries through the fact of movement, mime gesturing. But is the third and fourth language. We've seen different statistics that have said it's the most commonly used. There's 750 deaf and hard of hearing students that attend regional programs throughout the state of Nebraska. We feel that it would be important

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 7

LB 946

that other students within K-12 settings might have the opportunity to learn and take American Sign Language. This would allow for more social integration in those environments and just allow access to communication where the children feel more a part of mainstream and public school settings. With the closing of the School for the Deaf, it's even more critical that we have a broader base of educational interpreters and interpreters that work in the community. Many of you have been reading the newspapers. You're probably aware of the Hastings situation where we were unable to get interpreters in the courtroom. It was a child custody battle. We couldn't find interpreters. This went on for almost six months to a year period of time. As a result, the parents got so frustrated, they had visitation one time and they took their child back to another state. So this is still an ongoing case that has occurred that's been removed from the Nebraska court system. We feel that if American Sign Language is recognized, we're going to have a lot more interpreters available. You've seen the articles in the paper talking about the interest among programs in other states, the high draw of people that want to take sign language. So we think it's important that we have this in the state. The commission handles all the interpreter referral requests for the state and 65 percent of the requests that we have received for courtroom interpreters have gone unfilled. So this has created a major problem for deaf individuals that need communication access. And we're hoping this bill will just allow the state to recognize it, that more courses will be offered in the K-12 setting and post-secondary education. We think then it will establish some credence to the language and the fact that they start working on credentials that teachers must have. So we just think that it will create more visibility to the community. You have deaf constituents that live in your state, that sign. Their first language has been ASL. You have hearing people that have been children of deaf parents and their first language has been American Sign Language also. And we can show you and several people will testify about there's curriculum written; they're proven that it is a language. And so, that's the reason for introducing the bill. I have handouts for you too so you're going to have an abundance of reading material. And I'm not reading my testimony; I'm just trying to summarize it. We think it will legitimize the language; it will offer more coursework to train ASL instructors and training teachers of the deaf and also

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 8

LB 946

recognizing accredited programs. I do want to point out that we feel that this will also help with the compliance for the Americans with Disabilities Act because then you must provide communication access. And so that is the reason for introducing this legislation. I want to thank you for the opportunity...

SENATOR RAIKES: Okay, thank you.

TANYA WENDEL: ...and I'll respond to any further questions.

SENATOR RAIKES: Okay. Questions for Tanya? Senator Kopplin.

SENATOR KOPPLIN: Signing Exact English, does the...if you went to school for the deaf in Iowa, are they using American Sign Language or are they using Signing Exact English?

TANYA WENDEL: I don't know if I can fairly address it. I know that some of the students use American Sign Language especially those children that have had deaf parents and their first language was ASL. I think the school will try to accommodate to fit the child where they might use either ASL or they will switch to more of the SEE system if that child needs it.

SENATOR RAIKES: Other questions? I see none. Thank you, Tanya.

TANYA WENDEL: Thank you. Next proponent.

LUANA DUENNERMAN: (Exhibit 5) Good afternoon. I'm Luana Duennerman, D-u-e-n-n-e-r-m-a-n. I'm a Nebraska Commission for the Deaf and Hard of Hearing board member and bill committee. ASL, American Sign Language, recognized as a foreign language. Here are four reasons for the state of Nebraska to support the LB 946. The first one is teachers and preschools through grade schools use sign language. College students could build on this if it was offered as a foreign language in college. Second, is provide more communication for elderly like people who get older, they lose their hearing. They have a backup of communication (inaudible) ASL. More would know sign language the less isolation for those who were using sign as their primary language. Mothers who have sign language in college will

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 9

LB 946

use it with their babies. That reduces frustration for babies who cannot talk yet and increase early language skills. Over the past few years, more young people, veterans, and others have lost some of their hearing. These groups will meet a communication barrier. We need to help them as much as we can. We need to have ASL in our education system to provide another avenue for these individuals. And, of course, we are the deaf community and others that use sign language use signing as their primary language, need more interpreter services. This bill should make signing interpreters more available to all of us because I have friends who are hearing. They come back from the war, my hearing has gone. So I (inaudible) and say, well, do you want to learn sign language? Some say yeah, how, where to get it? And I have coworkers ask about well, can I get sign language for credit in college? Some want to get transfer credit to another college but other colleges will not take it. If we in the state of Nebraska were to recognize in the bill to help these students in college transfer to the other college to meet their education degree or their requirement. That's the reason why I...

SENATOR RAIKES: Okay, thank you. Questions? Where did you learn your sign...

LUANA DUENNERMAN: I have a copy for you.

SENATOR RAIKES: Okay.

LUANA DUENNERMAN: Okay. I did not for my self example, I did not learn sign language until the age of 25 and I learned from (inaudible) University in ASL. And that's when I learned sign language so I came to Nebraska, meet a lot of these deaf are using ASL. Students who go to college use Sign Exact English is because of (inaudible) for English (inaudible), but also there are some students who know ASL who sign like you (inaudible). It's like (inaudible) a combination.

SENATOR RAIKES: Okay. Thank you very much.

LUANA DUENNERMAN: Thank you.

SENATOR RAIKES: Next proponent, LB 946.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 10

LB 946

LINSAY DARNELL (via interpreter): Good afternoon, Senator Raikes. It's good to see you again and the other committee members. My name is Linsay Darnall, Jr., D-a-r-n-a-l-l. Firstly, I would like to discuss the economic opportunities in Nebraska if this bill, LB 946 is passed. Right now, well, first of all, we know that there's a lack of interpreters in the Nebraska area. And so I'm visualizing if this bill is passed that any student in the educational system would be able to take these classes. And we think that this would increase the pool of the future potential interpreters. And that also would create employment because this is a self employment opportunity. There's a referral agency possibility or private practice interpreters that would set up a business and so that is going to earn revenue for the state of Nebraska. Also, for deaf individuals who use ASL as their language, in Nebraska at this time there are only a few private business owners that are deaf. And that's a very small number which is kind of at odds with the minority and business owned by women in the state. And so if we are able to increase this number of private deaf business owners in parallel to the other minorities, then I would think we would have probably over a hundred deaf business owners in the state. But at this time that is not the case and I feel that the reason that this is not happening is because they would need to have more qualified interpreters in order to be independent business owners. And right now there's such a limit of interpreters and often they depend on phone and other ways to be able to do their businesses. And so they just don't have the resources and so they often work for another company rather than setting up their own business. So I believe that this bill, if it was passed, would increase the opportunity for deaf individuals to open their business and as the years go by, it could possibly mean millions of dollars in revenue for the state of Nebraska. Additionally, I want to talk about schools providing opportunity for students to be able to learn sign language. When Nebraska School for the Deaf closed, these deaf children were put into a mainstream situation in different schools around the state. And I was a sign language mentor in the past for some of these students that are in the state of Nebraska. And I've met them and some of the interpreters also that are in a regional program. And their communication skills are all right, but they are going through the interpreter only so mostly they are communicating with the interpreter so at

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 11

LB 946

break and at recess, the children are very isolated. They tend to hang out with the interpreter rather than socializing with their peers and the interpreter tends to be quite a bit older age, maybe thirties or forties. And here they have a young student that considers the interpreter as their friend, rather than being able to interact with their peers because they don't know sign language. That's an important reason that I feel that we should pass this bill--because it will be an additional resource for children that are going to these mainstream school settings. So I feel it's very important that you consider seriously passing this bill. And there's one case that I'm working on that is very close to home. One family moved here to the state from another country and the mother is deaf. And she was never allowed to have an education in her country and her children are hearing. And right now they are in the welfare system and it's because they have no communication. So I have gone to teach the children to sign ASL. However, the caseworker and other people that are involved only allow limited time, only 30 minutes a week to work with these children to teach them sign language, which is really not successful. And I've been working with them for several months and I see very little improvement because this is not enough time to be able to teach a language. If this bill is passed, those children would be able to learn the language in school and then would be able to communicate with their mother and the family could get back together again.

SENATOR RAIKES: Okay, thank you very much. Questions? I see none. Thank you for being here. Next proponent, LB 946.

NORM WEVERKA (via interpreter): Senator Raikes and the other committee members, good afternoon. My name is Norm Weverka and I am from Gretna, Nebraska. I'm also president of the Omaha Association for the Deaf, which is the majority of the deaf individuals who live in the Omaha, Lincoln metro area, is a club for the deaf individuals. In this community, they use ASL as their language even though we see some former students that might have learned SEE when they were in their K-12 program. As they get older and become involved in the deaf community, they learn sign language because the deaf community is their community. And they are able to do many things when they learn this language. For example, this is what I use every day. I work with many

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 12

LB 946

deaf individuals and ASL is the language that we use so that I'm able to communicate with my clients. Often people question if ASL is truly a viable, a real language and, in every sense, the early 1800s this language has been in existence here in America. Today there are many books. For example, I brought the ASL dictionary is one of the publications that show this language. There's also several books, curriculum, that are already published to teach sign language. So it's interesting that even though the curriculum is set up and recognized in other states, Nebraska has not done that. And American Sign Language is here. It is used in Nebraska. Many people that are using ASL need to learn the philosophies and the culture behind the language. And how can we make sure that other people are able to learn the language and the syntax of everything that is involved in learning a language especially for credit? And especially for those who communicate with sign language, that needs to be a viable option. Also, some people think that only deaf people are using sign language and that's not true. There are many individuals who are also hard of hearing that would be using the opportunity to learn the language if it was offered in a school, but when they went to school maybe this wasn't offered as an opportunity to learn that language. For myself, I grew up in a mainstream school program, and I did not learn sign language until I was 21 years old. And I was very delayed because I had not learned ASL. I went to a public school. I did not have a chance to learn that until I was 21 and then when I was older and became involved in the community I learned the language. And today, I feel that I'm more successful because I'm able to communicate completely with those that I need to. And we also brought up the fact of the American Disabilities Act. The information that's in there talks about accessibility for deaf individuals and deaf individuals in Nebraska need to have successful communication and accommodation for that. Earlier, it was mentioned that children are not learning that because sign language is not used in the schools, or at least ASL is not, and that they're very isolated in their school system because not enough people can sign. So, we need other people that can learn sign language and that has to be an option for them to be able to take a course. And, as I said, the curriculum is already out there. Signing Exact English, I understand that that is used in the school system. The purpose is to teach English to the children,

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 13

LB 946

but we have to understand that ASL is a very visual language. It's much easier for someone to communicate and learn the language because it's a natural, and it's a visual language, compared to SEE, which is more of a manual code. Thank you.

SENATOR RAIKES: Thank you. Questions. You mentioned that you learned, did you say SEE?

NORM WEVERKA (via interpreter): No, I never learned sign language at all until I was 21 years old. And I said that even though some children or some students in school are learning SEE that they can still learn ASL. And often what we've seen is that these students who maybe start with SEE in the school program, K-12, when they become members of the deaf community they're learning ASL because it's their native language and so they kind of gravitate to that language as they become adults.

SENATOR RAIKES: So is SEE an alternative to ASL?

NORM WEVERKA (via interpreter): No, Signing Exact English is a tool that many public schools use to teach the English language. It helps them to learn vocabulary. There are some similarities to ASL. There are some signs and some of the signs from ASL that they have borrowed and incorporated into SEE, but you have to understand that SEE is not a language. It's a manual code. It's a word for word way to teach English to deaf individuals, but it is not their language. It's similar to Spanish. If a person knows Spanish and you had to change and be able to know both languages and learn English, you would use Spanish to do that.

SENATOR RAIKES: Okay. Thank you for being here.

NORM WEVERKA (via interpreter): Thank you. You're welcome.

SENATOR RAIKES: Other proponents? Welcome.

CONNIE HERNDON (Signing Exact English): Good afternoon, Senator Raikes and other members of the Education Committee. I'm Connie Herndon. That's H-e-r-n-d-o-n and I come representing the Nebraska Registry of Interpreters for the Deaf as their president and also I'm on the adjunct faculty

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 14

LB 946

at Metropolitan Community College. And I teach in the sign language and interpreter training program there. I'd like to say a few things about SEE or Signing Exact English. Signing Exact English uses American Sign Language signs. The vocabulary of American Sign Language use those exact signs or derivatives from those signs, as opposed to American Sign Language, which is a language of its own highly complicated syntax. For instance, American Sign Language would be like Japanese in the fact that it uses a very complex classifier system, which is not present in the English language. And also word order as far as noun, adjective relationships would be more like Spanish than they are like English. I work as an interpreter. I work in a full-time position as an interpreter. I also work part-time interpreting at the postsecondary level, and I also work in my own private practice taking various community-based jobs. And to be honest, I actually turn down enough of the community-based jobs to probably keep me busy full-time. But I do not have the time to do them, so I'm just giving my own personal example of the proof of the shortage of interpreters. I have seen definitions of American Sign Language, for instance, from groups such as the National Association of the Deaf, the National Institutes of Health. Also, the American Sign Language Teachers Association of America and they're very similar to what you've heard. But the point is, linguistically and professionally, American Sign Language is a distinct language with its own grammar, its own set of rules, and it has people who use it, and it's also changed through time. And as has been mentioned, Nebraska is behind the curve in recognizing its credibility, its existence, the fact that it is a language of its own. We think about...I'm getting back to the Signing Exact English thing because that's been a question that some of you had. I can say to you, how old are you? And we understand what that means. If I were speaking that in French, I'd say "quel age avez vous?" and that's like "what age have you?" And that sounds very awkward in English. Nonetheless, it is a dynamic equivalent from English and French. Now, in sign language I would say to you and it's not eliminating words, it's expressing the same meaning with the signs. You know, where I say, oh, and I use the facial grammar to say, "how old are you?" Those same...but I can't sign that in English and say "how old are you?" so it's really not a fight about ASL or SEE. It's not eliminating SEE or Signing Exact English or not endangering its

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 15

LB 946

existence. That is a system that uses American Sign Language signs but just puts it in English word order like I just did. I mentioned that I am on the adjunct faculty at Metropolitan Community College. There's always a lot of students who want to take ASL who, you know, the classes fill up. The beginning classes always fill up. There's a need and if this were offered earlier as Mr. Darnall has stated, you know, some of the younger children at the elementary level would have peers who could actually communicate with them. Through high school, they would begin to learn more things about it in a very structured, grammatical way, and then perhaps they would have their interest peaked for pursuing a career in this. And so I just think that it's time for Nebraska to recognize American Sign Language as a separate and distinct language and to realize the benefits that this would have for people hearing and deaf who live here in Nebraska. Are there any questions?

SENATOR RAIKES: Thank you. Questions. Senator Bourne and then Senator Kopplin.

SENATOR BOURNE: Thank you. How many individuals in the state of Nebraska are qualified to teach ASL?

CONNIE HERNDON: That would depend on what you meant by qualified.

SENATOR BOURNE: Well, I guess what we're being asked is to recognize American Sign Language as a distinct language and if a school district decides to, they can add that as part of their curriculum. And my question is, is if a hundred school districts did that, are there enough teachers, if 2,500? You see where I'm coming from? You're the fourth or fifth testifier that says there's a dearth of instructors and so I'm just kind of curious how if there's nobody to teach it, how do we offer it?

CONNIE HERNDON: And that's another question which brings up, you know, more things that need to be explored. If you go to the American Sign Language Teachers Association, there are a few people in Nebraska who have provisional or another type of certification with them. That's the nationally recognized certifying body. Personally, I don't think that a person would have to have ASLTA certification to teach,

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 16

LB 946

but they would have to have a knowledge of sign language. I see it as an exciting job opportunity for deaf adults who have some understanding of the language, you know, as a teaching type job.

SENATOR BOURNE: Okay. Is a certification required to teach in the public schools in Nebraska?

CONNIE HERNDON: It's required for the teachers, I mean, I believe...

SENATOR BOURNE: Right, and that's...

CONNIE HERNDON: ...so I don't know how...you know, I...

SENATOR BOURNE: ...yeah, that's where I'm at...I think that as I read through the proposal, it doesn't address certification. It just says they can offer it but what I'm asking, all of the teachers have to be certified. How many certified...is there a certification process for sign language or ASL teachers, and if there is, how many in Nebraska are certified to teach?

CONNIE HERNDON: That I cannot answer. I don't, you know, I don't work in the public school systems. But I know that these classes can be offered perhaps as a special interest class even where a teacher would not have to be certified as a public school teacher, perhaps a guest speaker under the guidance of a teacher. There are ways to implement it without having certified teachers to begin with because that's, you know, an impossible goal to have right now since there's not that many available.

SENATOR BOURNE: I agree. Are you certified?

CONNIE HERNDON: No, I'm not certified. I am a member of the (inaudible)...

SENATOR BOURNE: Is there a certification available for ASL teachers?

CONNIE HERNDON: Um-hum.

SENATOR BOURNE: Okay. Thank you.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 17

LB 946

CONNIE HERNDON: Um-hum.

SENATOR RAIKES: Senator Kopplin.

SENATOR KOPPLIN: You mentioned Metropolitan Community College. I know Southeast Community College offers sign language. Is that American Sign Language, do you know?

CONNIE HERNDON: Yes.

SENATOR KOPPLIN: And students that take those courses, are there colleges that they can transfer this credit to in Nebraska?

CONNIE HERNDON: Absolutely.

SENATOR KOPPLIN: Do you know which ones?

CONNIE HERNDON: Oh, do you mean like the universities in Nebraska? Now that, I'm not sure. It depends on the university whether they accept. I don't know that...I think that at the University of Nebraska it's not recognized as a foreign language. It's not in the foreign language department. But, for instance, at the University of Iowa it is, and at the University of Iowa there's a four-semester waiting list to get into the ASL I class. And I know that well, my son took ASL I at Metro and transferred that to the University of Iowa so he could get into the second level class.

SENATOR KOPPLIN: But you don't know whether they could transfer into Nebraska in these courses?

CONNIE HERNDON: That depends on what that university, what the other college would accept, you know.

SENATOR KOPPLIN: Okay.

CONNIE HERNDON: It's very individualized right now. I think if it were recognized then the universities would have more of a reason to go ahead and make that acceptable.

SENATOR KOPPLIN: Okay.

SENATOR RAIKES: This is being categorized as a foreign

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 18

LB 946

language. If I knew American Sign Language, and I went to say, France or Thailand or wherever you might pick, and wanted to communicate with somebody using sign language, would I be able to?

CONNIE HERNDON: It's very interesting that you mentioned France and Thailand because American Sign Language has its roots in France. And so American people who sign...and the reason for that is that the first teacher for the deaf in America at the American School for the Deaf in Hartford, Connecticut, which opened April 15, 1817, was from France. And he was recruited to come here, and so the signs have a strong base in French, and so that would be fine. In Thailand, their sign language follows the same grammatical structure as American Sign Language. And so a person from America who goes to Thailand is able to communicate with someone in Thailand. And in Thailand, their sign language and their spoken language actually follow the same grammatical structure. So I've seen deaf adults who have gone to world conventions of the deaf and they talk about how easy it is to actually communicate. I mean, they don't understand everything clearly, but they can communicate much easier than the hearing person who spoke English could understand a Thai person if they went to (laugh), you know, to a community with a Thai person.

SENATOR RAIKES: What about Romania? (Laughter)

CONNIE HERNDON: I don't know about Romania but (laughter), no, but I have some friends who have worked with deaf people in Romania, and you get by.

SENATOR RAIKES: So, what I'm trying to get, is this in some sense an international language or not so?

CONNIE HERNDON: No. There are over a hundred distinct signed languages in the world as well, and so American Sign Language is used in North America.

SENATOR RAIKES: Okay. Senator McDonald.

SENATOR MCDONALD: If we would enact this and sign language becomes a foreign language here in the state of Nebraska and if a student has a couple of years of that and goes on to a college, say, in a state that doesn't recognize that and

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 19

LB 946

they're required to have two years of foreign language prior to getting in, how can we accommodate that?

CONNIE HERNDON: Well, the states that don't recognize American Sign Language as a foreign language are very few. I heard it mentioned earlier that there were four. The latest information I have read says nine, but, at any rate, it was Wyoming, Idaho, Nebraska, Hawaii, and some other states that don't necessarily pull the college crowd.

SENATOR MCDONALD: And this would be states rather than institution?

CONNIE HERNDON: Yes.

SENATOR MCDONALD: Would control that.

CONNIE HERNDON: Right, well, I think institutions can determine if they will accept something but, you know, accept American Sign Language as a language, but what the state has mandated has a bearing on that.

SENATOR RAIKES: See no other questions. Thanks for being here.

CONNIE HERNDON: Thank you.

SENATOR RAIKES: Other proponents, LB 946?

BARBARA WOODHEAD: (Exhibit 6) My name is Barbara Woodhead. I serve on the board for the Commission for the Deaf and Hard of Hearing. I am a staff interpreter at UNL. I also coordinate the interpreting services for UNL for classes, for the Lied Center, for public speakers, the Ann Thompson forums. I also have studied the linguistics of ASL. I have evaluated interpreters for the state assessment in Nebraska and I've also evaluated educational interpreters from all over the country as a contract evaluator for Boys Town Research Hospital. A few clarifications I think we can make, and this document should help show you the nine states that have not formally recognized ASL. In all the states that border Nebraska except Wyoming have formally recognized it. We've talked a lot about the implications that recognizing ASL will have on education. At the university, one of my responsibilities when a deaf student or a hard of

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 20

LB 946

hearing student comes to UNL is to find the right interpreter for that student's language needs. Just as we see happening in the community with ADA that a person has a right to the appropriate mode of communication that they need. So we do this at the university, and there is a shortage of interpreters, but I want to separate out two issues. As far as who's qualified to teach American Sign Language, what you would be looking for are native users of the language. Just as I as a mother taught...I didn't have a certification to teach my children English, but I'm a native user of the English language and they acquired that language. I have had deaf instructors myself. They weren't certified to teach me their native language, but they were native users. And I believe in the past, even at UNL, we have had instructors who have taught Lakota, for example, who the instructors were not certified as Lakota instructors of language, but they were native users and they were able to teach individuals enough to satisfy their foreign language requirement. So, learning to converse in the language and learning to interpret are two separate skills and I want to separate those out. To become proficient in a language, you do that by having exposure to native users of that language and interpreting is a different skill. A few other things. My son, for example, attends the University of Chicago and he was able to fulfill his foreign language requirement with American Sign Language at that institution. And it was 1 of 26 languages that they offered and you see this all across the country. The positive thing is that I see students come to the university who have a larger pool of peers to interact with in sign language at the university level where they were very isolated in some of their mainstream public school experience. In children, I used to teach ASL...I was contacted by the PTA in McPhee Elementary years ago and children are just fascinated by the language. And anything that we could do to reduce the isolation in the K-12 experience is going to be a great thing. Eventually, it might lead us to a larger pool of individuals who want to become interpreters, but, again, that's another issue. We're talking about recognizing a language that is used every day in Nebraska. We also know that, or I guess the second point I want to make here is, what are the implications if we as a state don't recognize it? It doesn't change the fact that the language exists because I attend national conferences that are presented in ASL. And the linguistics of this language were taught by one former

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 21

LB 946

university professor, Dr. Brenda Schick, who has researched language from elementary, from children from birth to adult. So, in closing I want to say, you know, what are the implications if we tell citizens in Nebraska who have lived here for generations, pay taxes, that their language doesn't exist? Because we are using it, we're interpreting for it, we're educating in it every day.

SENATOR RAIKES: Okay.

BARBARA WOODHEAD: And I'll open with questions.

SENATOR RAIKES: Thank you. Questions? See none. Thank you.

BARBARA WOODHEAD: Okay.

SENATOR RAIKES: Other proponents, LB 946? Okay. Are there opponents, LB 946? Sure.

ROBERT CHADWICK (via interpreter): I'm pro.

SENATOR RAIKES: Oh, come on, yeah. Back up. One more proponent.

ROBERT CHADWICK (via interpreter): Good afternoon, Senators. My name is Robert Chadwick and I work for a power company. And from time to time we have meetings, of course, at this company. Occasionally, my company has a difficult time finding interpreters because there are not enough interpreters in our community. I think if we support this bill and it's passed, that we will see more interpreters in the future.

SENATOR RAIKES: Okay, thank you.

ROBERT CHADWICK (via interpreter): I mean, this is just a short testimony,...

SENATOR RAIKES: Oh.

ROBERT CHADWICK (via interpreter): ...but I feel that it's important.

SENATOR RAIKES: All right, well, thank you very much.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 22

LB 946

Questions? Okay. I'm sorry, Senator McDonald, please.

SENATOR MCDONALD: And this is just a comment. And we do like short testimonies (laughter).

SENATOR RAIKES: Okay, last call. Any other proponents, LB 946? Okay, we'll move to opponent testimony, LB 946. Is there neutral testimony? Please.

GENE BURTON: Good afternoon, Senator Raikes and members of the Education Committee. My name is Gene Burton. I'm superintendent of schools for Prague, Nebraska. My last name is B-u-r-t-o-n. I really didn't come to testify on this particular bill; I came to testify on the next one. But I am superintendent of a school district that a year ago had three deaf students move into our district, plus the mother is deaf. And we have a tremendous difficulty communicating with this family. They do have one hearing child that has special needs himself. We can't have a staff meet because there's no one that we can get to come to Prague, Nebraska, to help us communicate with this family. I don't know if ASL is the appropriate language, but if it would get us interpreters, I think we would support it as a district. The real problem we have is, you know, we're educating our three in the School for the Deaf in Iowa. We can go over there and we can have communications, but when we want to talk with the family we have no one to talk with us about Rory because we just can't find the people to do it. And that would be the extent of my neutral testimony.

SENATOR RAIKES: Okay. Thank you, Gene. Questions? Senator Stuhr.

SENATOR STUHR: Yes, have you worked with your ESU or are they able to offer any assistance?

GENE BURTON: They're not able to offer. We've gone to Omaha, gone to Lincoln, and I don't know whether it's a lack of the number or whether it's the distance to come to Prague. Prague is probably 45 minutes from Lincoln, 45 minutes from Omaha. I'm glad I'm here today because I've seen some people in this room testify today that I'm going to contact to see if they will come (laughter), so. I just want you to think about the communication that we have with hearing students who have parents that do not hear or are

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 23

LB 946

hard of hearing. And if this bill would increase the number, I suppose it would be a pretty good deal.

SENATOR RAIKES: Senator Schrock.

SENATOR SCHROCK: So you have a family where the mother doesn't hear?

GENE BURTON: I have a family where the mother doesn't hear, three of her children don't hear, and neither does the male of the household.

SENATOR SCHROCK: The father doesn't hear either?

GENE BURTON: No. Well, the father, I don't know about. The male in the household does not hear. And that's five deaf people in a community of less than 200 and we can't communicate.

SENATOR SCHROCK: Are they able to communicate with the written language?

GENE BURTON: Well, yes, we do that.

SENATOR SCHROCK: And the mother's writing skills are good so you communicate that way?

GENE BURTON: There's some things lost in the interpretation. Generally, how we communicate with that mother is through a second grade student.

SENATOR SCHROCK: And I suppose this is not a good question but does the mother have trouble communicating with her children?

GENE BURTON: I don't believe so. The mother is a very loving mother. She and the three that are not hearing...

SENATOR SCHROCK: What age are they?

GENE BURTON: Well, there's an eleventh grader and maybe an eighth grader and a fourth grader. And then another one who hears is a second grader right now. And he communicates fairly well with them. The hearing student does have some problems because he's grown up in an environment where he's

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 24

LB 946

the only one that can hear. So it's a unique problem for our school district. But I would just hope that the committee, and I don't know whether ASL is the way to do it or not. I do know that when we've brought people in to help us these people showed up on our doorstep two days before school started that the people that came to help us did talk about that they used ASL. And I don't know whether they said that was a good deal or a bad deal, but the only thing we knew is we couldn't communicate with them, so. I really would encourage you to think hard and study hard and see what is appropriate. And I'm certain you will because you do it on all the things that come before you.

SENATOR RAIKES: And we're supposed to be the politicians (laughter). Thank you very much. Oh, excuse me, Senator Bourne.

SENATOR BOURNE: Would you pull the microphone towards you?

GENE BURTON: I'm sorry.

SENATOR BOURNE: No, that's okay. Doesn't the ESU have an obligation to provide that resource to your district?

GENE BURTON: I don't know if they have obligation to do it. Most special ed services that are offered through the service unit, they're a service that is purchased. For example, we have school psychologists that come out. We can buy it from them, but are they obligated? Not necessarily. They will do everything they can to help us get it but still we have to buy it from them. And, you know, how many students are like that are in ESU 2? I know that I have four of them... I mean three students.

SENATOR BOURNE: I thought that was the whole point of ESUs is to provide the resources to the districts that they can't otherwise provide for themselves.

GENE BURTON: Well, I think maybe the purpose of a service unit is to provide support but you cannot provide support for everybody's needs through a service unit, especially when you limit them to 1.5 cents (laughter).

SENATOR BYARS: I walked into that one (laughter), walked right into that one.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 25

LB 946, 880

GENE BURTON: And I'm a very strong supporter of the service units. You probably don't want to get into that discussion here today.

SENATOR RAIKES: We need to move right along here (laughter). Any other questions?

SENATOR BOURNE: I'd like to ask what is appropriate? Is it five cents or three? No, I'm kidding, I'm kidding (laughter).

GENE BURTON: Oh, let me determine my needs (laugh).

SENATOR BOURNE: It wasn't a question.

SENATOR RAIKES: Okay, thanks very much, Gene.

GENE BURTON: Thank you.

SENATOR RAIKES: Any other neutral testimony? Okay, I think Senator Wehrbein is no longer here to close so we'll pass on the close and close the hearing on LB 946 and move on to LB 880 and we welcome Senator Flood. Senator.

LB 880

SENATOR FLOOD: Thank you, Senator. Mr. Chairman, members of the committee, my name is Mike Flood, F-l-o-o-d, and I represent the 19th Legislative District, which consists of Madison County. I introduced LB 880 after receiving phone calls from the Norfolk Public Schools and the Elkhorn Valley schools school district. Elkhorn Valley schools is a school district that comprises the communities of Tilden and Meadow Grove. In each phone call that I received and I believe we have representatives from both systems here, they explained to me a very similar situation where during the middle of the school year, usually because the families moved in to a particular community, the school district receives notice from a family that they have a special needs student. And a couple of days later they find out that that special needs student receives residential care and cannot just receive the services of the school district. Sometimes it's because the student has needs that exceed what the school district

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 26

LB 880

can offer, especially at home, so they move the student to a residential facility like in Axtell, Nebraska, or something in the Lincoln area. And what would usually cost \$15,000 for the Norfolk Public Schools to educate a special education student in our system in Norfolk costs \$55,000 when you transfer that individual to residential care. The reality of the situation is, especially for smaller schools, this is a shock to their system and to their budget. The folks in Beatrice know this firsthand with the BSDC facility we have located in that community. I believe that voters in Beatrice have even had to go to the polls to appropriate funds and make sure that there was enough money to care for the students in the school system. This bill simply creates a hardship fund out of the money the Legislature appropriates to special education. So that a school district in the middle of the school year can contact the Department of Education, explain the situation. And it's not necessarily that easy to make, you know, a request and have it funded right on the spot. In fact, the school district has to prove a couple of things. Number one, that the district could not, and reasonably did not, anticipate the costs prior to September 20 of the school year. Number two, that the cost of educating this student during the current budget year is so extreme that it will cause a hardship for the school district. And number three, the cost is greater than either three times the average per pupil cost based on the average daily membership expenditures in the state for the previous school fiscal year or 5 percent of the requesting school district's total general fund expenditures for the previous fiscal year, whichever is less between those two. As you can see, we're not talking about the special needs student in Norfolk that costs \$25,000 instead of \$15,000. We're talking about the special needs student that costs \$55,000 and needs the residential level of care. I know that Senator Stuhr has a bill on this very issue, and I would probably defer to the folks from the Norfolk Public Schools and the Elkhorn Valley schools to tell you exactly what this special needs student does to the budget of a local school district. The most important thing is that they receive appropriate care and that the student is educated in the most appropriate place. This bill doesn't discuss some of the issues and I know some school districts would take exception when they have a quality program in their system. This bill simply says, if it creates the financial hardship, let's take some of the

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 27

LB 880

money that we've set aside here, make the application to the Department of Education, and then immediately make that money available to the school district. And as you'll see in my bill, and I reviewed some of the amendments that committee counsel has already shown to me. "Any costs reimbursed from such fund shall not be eligible for reimbursement in the following year." That's on page 3, line 20, 21, and 22 of my bill. So the intent is to provide them an immediate benefit but they're not going to see what they would have normally seen in arrears in the next year as I understand the bill. And I believe that committee counsel has some suggestions for amendments as well which are technical in nature. I really don't have anything further, but I would be happy to answer questions to the best of my ability.

SENATOR RAIKES: Okay. Thank you, Senator. Questions?  
Senator Kopplin.

SENATOR KOPPLIN: As I understand this bill, actually they're just getting paid in the current year instead of the following year.

SENATOR FLOOD: Right.

SENATOR KOPPLIN: How often would that happen in Nebraska?  
Twice a year?

SENATOR FLOOD: The fiscal note on this bill assumes that there will be very few qualified applicants for the hardship fund each year. I know in discussing this bill with the Department of Education, for some reason, the number nine sticks out, that they had nine instances of this in the last school year.

SENATOR KOPPLIN: Which could put you up to half a million. Wouldn't it be better to have that as a separate appropriation rather than take it off the top of what's going to schools in the first place?

SENATOR FLOOD: The reason...and I deferred. I guess when I contacted the Department of Education, they thought this would be the easiest way to do it. And I guess the burden would be on the Legislature in the next biennial budget to make sure we adequately fund special education.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 28

LB 880

SENATOR KOPPLIN: Well, my only point would be, they're only funding now in the sixties...

SENATOR FLOOD: Sure.

SENATOR KOPPLIN: ...percent of what they're supposed to be. If we take another half a million out of that, that reduces that percentage even further so it would seem to me that if we're going to have this fund, let's fund the fund...

SENATOR FLOOD: Yeah.

SENATOR KOPPLIN: ...and not take it out of special ed monies.

SENATOR FLOOD: Well, the next year, as I understand it, Senator, you would not receive the arrears reimbursement. So in a two-year budget, if it hit...

SENATOR KOPPLIN: Well,...

SENATOR FLOOD: ...that way...

SENATOR KOPPLIN: ...but you would...correct, but you would have budgeted for it at that point. So you're going to collect back on that sooner or later at sixty-some percent instead of...

SENATOR FLOOD: Sure.

SENATOR KOPPLIN: ...the required 90 percent.

SENATOR FLOOD: Trust me, I'm in favor of funding special education...

SENATOR KOPPLIN: I know (laugh).

SENATOR FLOOD: ...and you and I have discussed that, but I guess more immediately in the middle of the school year, my biggest concern is that a small school district will make money available for the residential level of care. And then a teacher or a support person somewhere else in the school system will either lose their job or they'll cut services or, you know, education will be hampered in the middle of

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 29

LB 880

the school year. I guess I'm looking for a way to immediately address it.

SENATOR RAIKES: Other questions? Let me pursue your intent here a little bit. So, we've got a high-need special ed student that comes to our district this year. And suppose, round numbers, \$100,000 is what this costs. And as Senator Kopplin pointed out, with the current mechanism...well, you or I, whoever the school district, would be on the tap for \$100,000.

SENATOR FLOOD: Correct.

SENATOR RAIKES: We would get reimbursed next year at the reimbursement rate. We'd get 62,000 or whatever the percentage is of the 100,000 next year. And we, the school district, would have to pick up the rest.

SENATOR FLOOD: Correct.

SENATOR RAIKES: And that's what you, so...

SENATOR FLOOD: That's...what you described there is how it works in arrears, right?

SENATOR RAIKES: Okay. So my question for you then is, what you're thinking, are we going to provide the school district that 62 percent in the first year or are we going to provide them the full hundred percent in the first year?

SENATOR FLOOD: It's the bill's intent to create a hardship fund to reimburse schools in a pro rata amount for unintended costs associated with the placement of a student in a residential facility...

SENATOR RAIKES: So the pro rata refers to the percentage of the special education funds that everybody gets...

SENATOR FLOOD: Of what they would receive in arrears.

SENATOR RAIKES: Okay, okay.

SENATOR FLOOD: It's...the intent here is to deflect some of the immediate costs for a school district while they scramble to make adjustments so that they can handle that

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 30

LB 880

(inaudible)...

SENATOR RAIKES: But not all of it.

SENATOR FLOOD: But not all of it.

SENATOR RAIKES: Okay. All right, any other questions for Senator Flood? Thank you, Senator. Are you going to stick around?

SENATOR FLOOD: Depends on how good the show is.

SENATOR RAIKES: Not forever. Oh, okay, well, this is a great show.

SENATOR FLOOD: I probably will.

SENATOR RAIKES: Okay. We'll reserve a spot for you in case you look upon us favorably. All right, proponent testimony for LB 880.

FRANK HEBENSTREIT: Good afternoon, Senator Raikes, committee. My name is Frank Hebenstreit. I'm the special education director with the Norfolk Public Schools, and on behalf of our school district I would like to take the opportunity to thank Senator Flood for his willingness to take initial action to address the concerns shared by a number of school districts regarding the high cost of some special education students. LB 880 will provide relief for districts that are confronted with excessive costs for students placed by parents into high cost programs for the initial year these costs are incurred by the district. These placements often occur when the local district is already providing quality educational services but the parent makes a placement into programs or residential facilities because of an inability to provide appropriate care at home for various reasons. A result of these placements to local taxpayers is that they are being asked to, in a sense, pay two times for the education of those particular students. They are paying to support the educational program in the local district that the student could benefit from and then, additionally, the costs of the program where the student is now being placed by the parents. An example of this that we experienced in the Norfolk school district two years ago, we received notice

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 31

LB 880

from a parent of a child in our autism program that he would be moving his elementary-age child to a residential facility because of an inability to properly care for the child in their home. The parent was requesting the school district to pay for this placement according to Nebraska Statute and department Rule 19. He praised both the educational program that his child had been in and the teacher of the program and cited the growth his son had made in that program. Yet the local taxpayers who were paying for that rather expensive autism program in our district would not also be required to pay for this additional out-of-district placement at up to \$50,000 per year, potentially for more than ten years. LB 880 as written would assist some districts with the initial costs of these placements. The number of these placements is increasing as more people become aware of this provision in Nebraska Statute. Although we applaud LB 880 as a great beginning in helping to address the concerns to school districts this statute raises, we also request that consideration be given to assist with the ongoing and the continual costs that districts and local taxpayers must absorb beyond the first-year costs, often until a child reaches 21 years of age.

SENATOR RAIKES: Thank you. Senator Kopplin, question.

FRANK HEBENSTREIT: Yes, Senator.

SENATOR KOPPLIN: On the placement of the child in the residential program, the school district needs to make that placement, do they not? The parents can't simply make the placement and charge the school. Is that correct?

FRANK HEBENSTREIT: In most states and by federal statute, that would be correct. That's not correct in Nebraska. In Nebraska, the parent, because of, I believe it's 79-215 which then translated to department Rule 19, parents can make that placement for reasons other than educational reasons for other than to receive an education, which like in this particular case, the child was doing excellent in school. There was no issue at all with the school programming. It had to do with issues outside of school. And so that placement was made and then as a district we're just asked and, in fact, required to make the payment of that placement.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 32

LB 880

SENATOR KOPPLIN: So, our current statute basically tells parents, you put your kids wherever you want. The school has nothing to say?

FRANK HEBENSTREIT: It doesn't say that as forwardly as that...

SENATOR KOPPLIN: Well, but...

FRANK HEBENSTREIT: ...but as more people become aware of what that is allowing, that's why this issue has increased. We've had three students in our district where this has been the case.

SENATOR KOPPLIN: Okay, so \$500,000 that I asked about before has the potential of not beginning to cover a fund like this. Is that correct?

FRANK HEBENSTREIT: Well, except this bill, I believe, would address just the cost for the first year. I believe Senator Flood said, the shock to a district of that financial impact especially a small district.

SENATOR KOPPLIN: Well, yes, but doesn't it really cover the second year too because by that time you're expected to budget for...? I mean, the costs go on.

FRANK HEBENSTREIT: The costs continue. That's my request also that something would look at this cost like the particular boy I was talking that was placed at age ten and will likely be in a program like that till he's 21 years of age so it's an eleven-year cost to our district in that particular case, not a one-year cost.

SENATOR KOPPLIN: Okay.

FRANK HEBENSTREIT: But it's a start.

SENATOR KOPPLIN: So if I'm understanding right, federal regulations say, no, the school district makes the placement. But that...

FRANK HEBENSTREIT: Yes.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 33

LB 880

SENATOR KOPPLIN: ...Nebraska changed that so that it's possible for the parents to make that placement and you pay the bill.

FRANK HEBENSTREIT: In effect, you're correct.

SENATOR KOPPLIN: I got it right?

FRANK HEBENSTREIT: Yes.

SENATOR KOPPLIN: Okay (laugh).

FRANK HEBENSTREIT: Yes, Senator. I'm sorry.

SENATOR RAIKES: Senator...go ahead.

SENATOR BYARS: And if I'm not mistaken, after that first year you can rely on some additional funds as far as both education funds and as far as the residential placement in particular. You would have funds available for that individual from another source and not just from school funds.

FRANK HEBENSTREIT: Just the regular state reimbursement, the 62 percent or 63 percent, yes.

SENATOR BYARS: Correct. For that residential. You wouldn't be obligated to pick up the entire amount?

FRANK HEBENSTREIT: Actually, the district doesn't pay any of the residential cost. It's for the educational costs of that placement.

SENATOR BYARS: Okay. That's what I wanted to make sure that we weren't confusing because we were talking about the residential costs and I knew that those were paid for elsewhere.

FRANK HEBENSTREIT: That's correct.

SENATOR BYARS: Special ed costs are the issues we're dealing with, and it's much bigger than just what we're talking about here as far as the ability of having the resources to fund your needs. It's way bigger than this.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 34

LB 880

FRANK HEBENSTREIT: I guess that's correct. I'm only, from the school district point of view, you're correct. I mean we don't pay the residential costs and the example I gave, the \$50,000 plus, it would be ongoing year after year for a student that we were serving for approximately between \$15,000 and \$18,000.

SENATOR BYARS: It's correct and many times what happens with your school district, as you prepare a budget you anticipate you'll have ten special needs students that have special needs in this area, this area, this area, and this area and you budget for it. When you receive a student who is placed in the middle of the year residentially which you have no control over, then you might need additional staff. You could need additional, all sorts of things, to be able to provide appropriate education to that individual. And that's where your budget, that's where your expenses climb.

FRANK HEBENSTREIT: Correct, because you couldn't foresee that.

SENATOR BYARS: Correct.

SENATOR RAIKES: Senator Howard.

SENATOR HOWARD: I have a question and it's more of a point of clarification. On this example and in any of the other situations that you had, were any of these children made state wards?

FRANK HEBENSTREIT: No.

SENATOR HOWARD: So, it's strictly outside of the court system then?

FRANK HEBENSTREIT: In fact, Senator Flood's bill addresses that, it makes a reference to paragraph 8 in there. It's for kids specifically that are nonwards. And that's...yeah, if they were state wards, then that is assisted or paid through Health and Human Services to the district, but these are kids that are not wards.

SENATOR HOWARD: It's interesting. I didn't know that cost was incurred by the school unless they were in the wardship program so thank you.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 35

LB 880

FRANK HEBENSTREIT: That's the uniqueness of the Nebraska Statute.

SENATOR HOWARD: Hmm.

SENATOR RAIKES: Okay, one question. If you had to, 79-215 you mentioned and I don't know that statute, apparently. That is, as you describe it, sort of the source of this difficulty?

FRANK HEBENSTREIT: I hope that's the right reference. It is in the appendix to the department's rule 19, and I think that is the reference, yes. It's paragraph 8 in there that...

SENATOR RAIKES: But that basically allows a parent, sort of regardless of educational performance, to direct the school district to send their child someplace else and pay for it.

FRANK HEBENSTREIT: That's correct.

SENATOR RAIKES: And there's no limitation at all on it?

FRANK HEBENSTREIT: It's called placement for other...none. It's called placement for other than educational reasons. And when those placements are made, it could be medical reasons, it could be behavioral reasons in the home. Whatever those reasons are, when that placement is made then the stipulation is that the two districts where the child is going to or that residential program is and then the district he's coming from, that they...one is to supply the service; the other is to pay for the service. And if I may, there's a unique part of that in that when the student left, for example, if a student left Norfolk and went to another district, wherever that student entered the residential program, even if the parent leaves, for example, the Norfolk district and goes somewhere else, the Norfolk district, even though not having the parent or the child as a resident, will be responsible for paying those costs until that child leaves school and having neither the parent or the child in their district. And we've had three examples of those; a district near us, Stanton, has had that same example. So there's some real issues and we're really grateful that Senator Flood is willing to at least take it on initially.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 36

LB 880

SENATOR RAIKES: Okay, one more question. Senator Kopplin.

SENATOR KOPPLIN: Yeah, just clarify. Are you responsible for the educational costs and the residential costs or just the educational costs?

FRANK HEBENSTREIT: Correct. Residential costs, I believe, are paid through Health and Human Services but wherever the payment comes from, it's not a responsibility of the school district.

SENATOR KOPPLIN: Thank you.

FRANK HEBENSTREIT: Um-hum.

SENATOR HOWARD: I'm sorry, I have to ask this. Why would you think the residential costs would be paid by Health and Human Services if that child was not a ward?

FRANK HEBENSTREIT: I wish I could answer that, Senator, but (laughter) I...

SENATOR HOWARD: (Laugh) I would have to take issue with that belief.

FRANK HEBENSTREIT: It does exist. And I don't know what the program is or what the terminology is, but the residential costs are often, not always, but often paid for by Health and Human Services, but they're not officially made a ward. And I am sorry, I don't have enough information on that. But I know, do know that's...

SENATOR HOWARD: That's been a particular issue for...an ongoing issue for a number of years under dependency filing. And the department has never been willing to take that on unless a child was, in fact, a ward of the court.

SENATOR RAIKES: Okay, thank you. Other proponents, LB 880?

JOHN BONAIUTO: Senator Raikes, members of the committee, John Bonaiuto, B-o-n-a-i-u-t-o, Nebraska Association of School Boards. And we appreciate the discussion and the bill that has been introduced here and we know that there's another bill that deals with high needs, high-cost students.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 37

LB 880

And from a board perspective, these are students and costs that you really can't plan for. And so we're encouraged that that is being looked at. And I appreciated Senator Kopplin's question about creating the fund, and I wasn't sure if, in this bill as you looked at creating the fund, if there's a certain amount of money that will come off of the top of special education reimbursement that would not go out to schools to create the hardship fund, and then that money would be allocated, reallocated again the following year. So I think that is, you know, the mechanics are something that would have to be worked out. But I think that we're hard-pressed in special education funding anyway and it would be nice to have that fund created in a way that it would not impact the resources or the reimbursement dollars that are already going to go out to districts that have experienced the cost the preceding year. But we do hope that you'll take a look at this as you discuss how to deal with high-cost students. Thank you.

SENATOR RAIKES: Okay. Thank you, John. Questions? Don't see any. Thank you.

JOHN BONAIUTO: Appreciate that.

SENATOR RAIKES: Other proponents, LB 880?

KEN NAVRATIL: Good afternoon, Senator Raikes, Education Committee. My name is Ken Navratil and that's spelled N-a-v-r-a-t-i-l. I'm the superintendent at Elkhorn Valley Schools. We're a consolidated school district that serves the communities of Tilden and Meadow Grove in northeast Nebraska. We're about 20 miles west of Norfolk and so you understand our size. In high school athletics, we are classified as a C-2 school, so we're a smaller school. I'm here to kind of talk a little bit about our school district where an example what sometimes happens. For this school year, we received a phone call from the business office of the Lincoln Public Schools notifying us that the parents of a high-need student has moved to our district. The high-need student was in a 24-hour-per-day residential care program. Lincoln Public Schools would continue to provide the educational portion of this student's program but we would be getting billed for it. The cost for this student for the regular school year was 50-some thousand. This student also needed a full-time para, one on one, and we

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 38

LB 880

were notified that that was \$16 to \$18 per hour for the para. We were also told that obviously the student would need summer services and would need the para. And when we got done adding up all the numbers it was between \$90,000 and \$100,000. In a school district our size, that's a considerable amount of money in our budget. We really appreciate Senator Flood for introducing this bill and for the committee to consider this bill, but these situations do happen sometimes. It's very stressful for districts and, again, we really appreciate Senator Flood's consideration in this. So that's kind of our story.

SENATOR RAIKES: Okay, questions? So let me understand, we had student and family living in Lincoln and the student attending Lincoln Public Schools...

KEN NAVRATIL: The parents have moved several times, but when the parents moved to our district we got a phone call out of the blue, saying you want to...

SENATOR RAIKES: But you got it from Lincoln so, apparently, they moved to your community from Lincoln.

KEN NAVRATIL: Probably.

SENATOR RAIKES: Okay, and then what happened is the parents were living in your district...

KEN NAVRATIL: Our district.

SENATOR RAIKES: ...but the student remained in Lincoln, was being educated in Lincoln. Therefore, Lincoln had been paying for that education but because the parents moved, student didn't, you now pay for the education.

KEN NAVRATIL: It's a confusing story. I'm not sure where the parents were living. Like I say, the parents have moved a number of times so I didn't want to really muddy the waters. I'm just here kind of saying, as an example, say that sometimes a school district will be notified in the middle of the year. You've got a financial obligation for a high-needs student and without proper time to plan your budget for it, it is quite stressful. And so, again, I'm just here as an example that sometimes this does happen and I don't want to really muddy the waters with a lot of other

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 39

LB 880

details. I'll be honest, we contacted our attorneys and we're trying to fight it. I haven't paid the bill yet. We'll see if it really is our obligation or not (laughter).

SENATOR RAIKES: Okay. That's muddy waters I would say (laughter).

KEN NAVRATIL: (Laugh) We're being told as...okay (laugh).

SENATOR RAIKES: Okay. Any other questions? Senator Kopplin.

SENATOR KOPPLIN: Just a comment. In other words, you got a contract that you never ever entered into at all.

KEN NAVRATIL: Correct. We were just notified...

SENATOR KOPPLIN: Lincoln Public Schools, if you wanted to, you could tell Lincoln, no, we're going to take care of the child ourselves which you probably can't do. I realize that. But, you don't have a contract with Lincoln Public Schools. Okay.

KEN NAVRATIL: Right. And one other thing for your perspective, for our district \$90,000 to \$100,000 is equal to five-cent levy authority on property taxes and so it's a chunk of money for us. And this bill would provide a year lead time to help us plan for that kind of money to be obligated in our budget.

SENATOR RAIKES: Okay. Senator Byars.

SENATOR BYARS: I need to ask one more time, where was the...the student was living in your school district.

KEN NAVRATIL: Never our...that student never lived in our district, never has been in our building, never will be in our...

SENATOR BYARS: And you don't know if the parents were living in your district. They had to be.

KEN NAVRATIL: The parents moved to our district.

SENATOR BYARS: Okay. Okay, thank you very much.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 40

LB 880

KEN NAVRATIL: Thank you.

SENATOR RAIKES: Okay, thank you. Next proponent. Al?

AL INZERELLO: Senator Raikes, members of the committee, Al Inzerello, assistant superintendent, Westside Community Schools. And this has been a concept, listening to the discussion that has been talked about for, I think, a number of years and the concept of creating this hardship fund to address school districts that are getting unanticipated classes especially after you've completed your budget. A student arrives, you know, essentially, August 15, you've had your hearings; you've adopted the budget; you've set the levy. You've, you know, things like this are a surprise and they do create a hardship and especially a excessively high-cost student both creates a budget problem as well as where do we get the revenue? You know, even if you had the revenue, how do you expend it? That's the budget side. But even if you had the budget, where's the revenue, to corresponding revenue for school districts. So I see the dilemma, but it seems to me, though, that what's missing is the back end of this equation. The hardship fund should essentially be a self-funded revolving fund of some kind, as I see it. In other words, you know, the fund itself is going to help a school district with the unanticipated costs in the front-end first year. But it seems like the school district should pay that back at the end. In other words, when the student leaves the system, the following year they're going to get a reimbursement for the costs of that child's last year. And it seems like that payment should go right back into the fund, thus, self funding the program. That way it really...I mean, it seems to me the hardship funds or the concept is one that you help with the prefunding but then it's then again back funded by the last payment. So I just offer that as an idea to possibly amend or maybe strengthen this. But it seems like the last payment should go back into the fund.

SENATOR RAIKES: Okay.

AL INZERELLO: Okay?

SENATOR RAIKES: Thank you, Al. Questions? Thanks.  
Welcome.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 41

LB 880

DONNA MOSS: Hi.

SENATOR RAIKES: Welcome.

DONNA MOSS: Hello. Senator Raikes and members of the Education Committee, my name is Donna Moss, and I am director of student services in the Hastings Public Schools and also past president of the Nebraska Association of Special Education Supervisors. And I do appreciate the opportunity that Senator Flood has given us and that Senator Stuhr is going to give us with LB 881 to discuss the costs and the educational impact of children with high needs. These kids come to us, they deserve an appropriate education. And I think it's our responsibility to figure out then how to fund them. When Mr. Hebenstreit was discussing the enrollment statute, it is 79-215 and that is part of the requirements a school district has for assuming financial responsibility and educational responsibility for educating kids. So that information is contained in the statute. I was listening to Mr. Inzerello's suggestion about self-funding of a hardship fund. This bill, LB 880, kind of reminds me of a bill that came up about 1999 when Senator Bohlke was on the Education Committee and we did create a hardship fund then. And it was a fund for hardship that was separate and was not attached to our current allocation or state aid in special education. During the two-year period, that hardship fund wasn't used and there could be some very legitimate reasons for the nonuse of the hardship fund at that time. A hardship fund is in and of itself something that says it's a hardship. It's something that you can't expect to happen. During that two-year period of time when we were monitoring that bill, maybe we didn't have those hardship funds. Also, during that era in 1999, our residency requirements were different because the statute, 79-215, I believe, came into place in the 2001 legislative session. So that followed after the hardship fund was created in 1999. So there are some precedents to set. We as special education directors are constantly discussing providing services to these challenging kids. We have discussions about, is it fair for taxpayers in one district where the parents do not reside or maybe the child has never resided, to have our taxpayers pay for the cost of the children? There are a lot of discussion points. Whether or not we should reimburse or the reimbursement

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 42

LB 880

comes from the state through our already allocated special education funds, should that go back into this hardship fund? I don't know. We know now that probably for this year, at least, for the '05-06 school year, we're only going to receive approximately 65 percent of the allowable special education costs as reimbursement. So even if the hardship fund did give \$100,000 for a youngster, let's say, a district will only be receiving \$65,000 of that money, going back into the fund so there's some kind of mechanics that need to be worked out. But just speaking for Hastings Public Schools, we are very appreciative of the opportunity to be able to discuss these kids because as things change in our state and things change with children and families, the landscape changes. So we do appreciate that and then also I'd like to thank you, Senator Raikes, for your efforts on behalf of our state funding for special education. These kids are important. They do require funding, and we appreciate everything that you and the Education Committee has done to help us.

SENATOR RAIKES: Okay, thank you. Senator Kopplin.

SENATOR KOPPLIN: I don't have a question. I just want to say thank you because you said that that law came in in 2001. I thought I was getting really senile here (laughter) because I could not remember that at all.

DONNA MOSS: No, and it has changed and so when you were talking, I thought, well, he's thinking...I have been doing this now for almost 30 years. And so it's very hard for me to keep in sequence when all of this changes, but I had to look it up as Frank was talking. I thought, well, it's 2001. That's why the rules are different.

SENATOR RAIKES: But don't let completely go of the senility thing, you know (laughter). Senator Byars.

SENATOR BYARS: Thank you very much for your service, all of you who do deal with special needs kids. And you're absolutely correct, they deserve and are entitled to an appropriate education. I think one of the problems we have here, those of us who work this on a daily basis is that we're so intertwined and so dependent on the federal government relative to special education funds and they have never, ever kept their promise what they had said they would

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 43

LB 880

give us as far as IDEA is concerned in order to fund special education. And that has come down through the states and down to the local school districts.

DONNA MOSS: Um-hum.

SENATOR BYARS: So, again, what Senator Flood is doing is admirable. I support him. I know we need to deal with this issue. But it's this big, it's much bigger than this. And it's a whole funding issue that we have not been willing as a state Legislature to put our arms around as well as the funds that we're not receiving from the federal government. So we're asking our property taxpayers to pick up the tab. We're participating, but not as much as the school districts would like to have us do. So it still comes down to where the revenues come from. Is it going to be a local obligation? Is it going to be a state obligation? Is it going to be a federal obligation, or is it going to be a partnership of all of us, and what percentages do we all pay and what are our obligations? So, thank you for all you do for educating kids with special needs. I appreciate that very much. And I hope the rest of the Education Committee and others will realize this is a much, much bigger issue.

DONNA MOSS: Thank you.

SENATOR RAIKES: Okay. Any other questions? I see none. Thank you. Other proponents, LB 880? Okay.

BRIAN HALSTEAD: Good afternoon, Senator Raikes, members of the Education Committee. For the record, my name is Brian Halstead with the Nebraska Department of Education. We're here in support of the bill that Senator Flood has introduced. We helped him draft the bill. A couple of points. One, the bill will allow a school district to ask for current year funding for those particular special ed students and when we did a survey this past fall, there were only 13 students identified from the school districts that responded. So it is a very finite group of students we're talking about. If the school district takes the money this year, they won't get reimbursement next year for this year's costs so eventually they'll get paid the first year; you won't get second year; you'll get excess costs the third year and you'll move back into that cycle. It only deals with the initial up front we couldn't anticipate or budget

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 44

LB 880

for it so it provides that transition. The other thing that the language does do, if we set aside the money and we don't need or we aren't going to expend it all, it's going to go back into the special ed pot at that point to be distributed to all the rest of it. So it doesn't sit in a fund unused unlike the hardship fund that was created in the late nineties and 2000. It was in its own fund and you had to meet real certain criteria in that one, and it was beyond special ed. It also dealt with clerical errors by county clerks and the criteria that the Legislature set for that in some areas. So, anyway, we are in support of the bill. I'll try to answer any questions, if you have them, at this time.

SENATOR RAIKES: Senator Stuhr, then Kopplin, then.

SENATOR STUHR: Yes, Brian. In the legislation, it says that the amount will be determined by the department.

BRIAN HALSTEAD: Correct.

SENATOR STUHR: Do you have any idea what that might be then?

BRIAN HALSTEAD: I don't. I can't give you a specific dollar amount. I mean, obviously, if we were talking this last year, there were only 13 students identified. We'd probably look at what those costs were that are going to be claimed for reimbursement and probably for this next year, pull off the top of special ed that amount of money or slightly more than that and hold it aside to see if anybody applies for it. I can't give you a specific dollar figure. I know it's going to be less than a million dollars. I think Sandy Sostad, who did the fiscal note, did an excellent job with that. So the total amount, it will be determined by us each year before that's done. And then as the school year goes along, and we don't have anybody applying for it, we will be able to spend it under subparagraph 2 of the statute we're amending as other special ed reimbursement. So it will get used one way or another. It won't just sit in a fund and not get used like the old hardship fund of the late nineties did.

SENATOR STUHR: But it will be taken off the top to begin with.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 45

LB 880

BRIAN HALSTEAD: Right, right. Since we're dealing with a finite group of students, I think special ed is about \$160 million, give or take a few million, I suppose, these days that's probably good enough. So we're talking a very small amount of money that will do that so we don't see that as being a problem and, again, if you claim it this year, you can't claim it next year. It'll be the third year out where you'll get your excess cost in a year in arrears paid for at that point.

SENATOR STUHR: Okay, thank you.

SENATOR RAIKES: Senator Kopplin.

SENATOR KOPPLIN: Yeah, I had much the same question but jogged my memory on a different one. First of the year, this is money off the top, what goes to schools, we take this much off and set it here. Nobody applied for it. Well, say March, I don't know. Are you going to give that back in the way of grants or does everybody get a share of that?

BRIAN HALSTEAD: I suspect what we will do, but I'll defer to the people in special populations who do this. That last special ed payment we'll make to school districts, we'll throw that money back in and recalculate what that percentage is so everybody's will go up slightly. And most likely the few dollar amount that is, but it will be in there so they will get it if it isn't used. That's one of the things we think the benefit. We'll decide up front how much we want to set aside for it and then if it doesn't, we can still get it back in to the special ed reimbursement that same year.

SENATOR RAIKES: So, Al Inzerello mentioned we take the last payment and put it back to restore the hardship fund. In effect, you're taking the second payments...

BRIAN HALSTEAD: Right...

SENATOR RAIKES: ...because the second year...

BRIAN HALSTEAD: ...the second year they won't be able to claim these costs that they sought reimbursement the first

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 46

LB 880

year for.

SENATOR RAIKES: ...yeah. Yeah, so that money will...it's not, as you say, being put in the fund but it basically gets distributed to schools for special ed.

BRIAN HALSTEAD: And I think if you look at the fiscal note that Sandy Sostad did on this, she's absolutely correct. It'll just be moving it from next year to this year for that special ed payment you claim. And that would be something the school district would have to think about. If they want to apply for it this year, what's the financial implications to us next year because we won't be able to get those in our special ed costs next year.

SENATOR RAIKES: Okay. Thank you, Brian. Other proponents? Gene.

GENE BURTON: Senator Raikes and members of the committee, my name is Gene Burton. I'm here on behalf of Prague Public Schools. My last name is B-u-r-t-o-n. As I mentioned earlier today, we did have three special needs students that moved into our community two days before school started in 2004. And the state department worked very diligently with us and was very helpful and accommodating, and I would like you to know that up front. It cost about \$40,000 a student to place the three students in the School for the Deaf in Iowa. They have never heard and that would be the best placement for them, it was decided. The reality of the \$120,000 plus whatever transportation and other incidental expenses we have is that we have \$160,000 approximately out before we ever get any reimbursement. That caused a tremendous hardship on the school district of Prague. We have 140 kids, a budget of about \$1.4 million. We increase our special ed budget by one-and-a-half times in a very short period of time. I would strongly encourage you to do something to help this. The family that we have, they're with us the second year. They're a very mobile group. They came to us from Michigan, but they do have Nebraska roots. It would not be perhaps surprising if they were to next week go locate in somebody else's school district. What you do with this particular bill will have no meaning to the problems we have. Right now we can't cash flow our operation because we had to use all the cash we had plus the fact that we have a 35-cent override. Without a 35-cent

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 47

LB 880

override that had been voted on by the people, we could not have funded the budget to educate these kids. I just think you need to look at the 13 kids that you had in 2004-05. Prague had almost 25 percent of them and school districts that have that kind of unplanned thing in August...it's a good thing we hadn't adopted our budget because we were able to go in and took our tax levy up to \$1.398. And you know what? Not one person in our community complained about that. The people in Nebraska do want their special needs students educated. And I guess with that, I would just encourage you to do what you can here. Once again, if it weren't for the state department not requiring us to make our payments in the three payment schedule that they normally require, we didn't have to pay any of this until last May. But then we had to cough up just short of \$120,000. But they're not letting us do that this year. We're paying a third of it in November. We're going to pay another third of it, I think, in February, maybe it's March. But we're not getting the money back fast enough. We're dangerously close to having no money to operate on. Thank you.

SENATOR RAIKES: Okay, thank you, Gene. Questions?

GENE BURTON: Could I say one more thing? (Laugh)

SENATOR RAIKES: Sure. What else would you like to say? (Laughter) I'll ask you a question.

GENE BURTON: Well, you know, you can go ahead and tax your people and get the money set up in your budget. But you don't get that money until May of the next year. I think that if you're going to pay the money back, you need to give a two-year time. You see what I'm saying? Is you're going to have, if these kids stay here, that expense the second year and you still don't have the dollars collected to pay it. So, if you're going to take the reimbursement that we're hoping that we'll get 50 cents on the dollar back this year. But we're not getting it and we won't get most of it until later this year.

SENATOR RAIKES: Okay.

GENE BURTON: Okay. Thank you.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 48

LB 880

SENATOR RAIKES: Thanks, Gene. All right, any other proponents, LB 880? Okay, how about opponents, LB 880? Neutral testimony, LB 880? Senator Flood, you survived (laughter).

SENATOR FLOOD: I guess I'd just respond in my closing, if I may...

SENATOR RAIKES: Certainly.

SENATOR FLOOD: ...that this was intended to be a first step to address what I think Senator Byars alluded to is a much bigger issue with regard to special education funding. And I'm new to this area and to this committee and to the work that you do. And so it has been quite a learning experience to even get up to speed on some of the basic issues. I did pull 79-215 and with regard to Senator Howard's question about, is this or is this not a state ward and who is paying for the residential care? 79-215, paragraph 7, addresses the ward of the state or the ward of any court and says in that paragraph under sub B, the cost of his or her education and the required transportation costs associated with the students' education shall be paid by the state but not in advance. In sub 8 of this same statute, Section 79-215, it addresses what happens when the student is not a ward of the state. And in this subsection it says, for purposes how do you determine a resident student? The student shall remain a resident of the school district in which he or she resided immediately prior to residing in such residential setting. So if you have a youngster that was growing up in Tilden, went to a residential setting, parents moved to Battle Creek. That explains the situation that Ken Navratil from Elkhorn Valley was talking about. Under Sub 8 of this same section, it says that for those students that are not wards of the state the cost of the education is paid for by the school district of which they're a resident as defined here. It does not specifically say who pays the residential costs. And I understand what you're saying about how would Health and Human Services become obligated with a nonward. I guess we'd have to determine, you know, is there a Medicaid reimbursement? Does that become a household one when you have a student living in a residential setting away from their parents? I don't know what happens at that point Medicaidwise, if at all, or through Health and Human Services. But that's a very interesting question and I

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 49

LB 880, 881

think that should be answered. I think the next step beyond this, at some point, is to address what does qualify a resident, a student in the district, and what makes that district responsible for paying the bill at the residential care facility for the special education costs? I didn't attempt to address that. I think that's maybe a little bit bigger than what I was prepared for this session. I wanted to introduce a bill that looked at the problem and came up with a first-step solution that at least puts a Band-Aid on what will be there for a long time and doesn't harm the rest of the educational enterprise in any given district. So the ward of the state issues, looking at 79-215, and one of the other issues that was raised today was the last payment into the fund. You know, some of you talked about a revolving door. I think it is kind of a revolving door fund if you look at it from the perspective that you get your money up front; you don't have to wait a year. But then that money comes back in. It's not like this money is going to be coming off the top of our special education fund and if it works appropriately over the next ten years, you know, because you're always going to have that money coming back the next year as to what the, you know, provided this student remains a student of the district, it should work without a lot of trouble. I will say that I like Senator Stuhr's bill as well. But I was looking for a bill that has some success with being new to the Education Committee and certainly there's a price tag on that and it would be hard for me to vote against a more money for special education. But I think this is an attempt at a first step, so. Thank you.

SENATOR RAIKES: Okay. Thank you, Senator. Questions for Senator Flood? Thank you.

SENATOR FLOOD: Appreciate it.

SENATOR RAIKES: That will close our hearing on LB 880 and we'll move to LB 881. I assume, Senator Stuhr, you were trying to outrun him down to throw that bill in and he just got a step on you (laughter).

LB 881

SENATOR STUHR: Right. Thank you, Senator Raikes and

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 50

LB 881

members of the Education Committee. For the record, my name is Elaine Stuhr, S-t-u-h-r, and I represent District 24. And I come before you today to introduce LB 881 which was based on LB 1335, originally introduced by Senator Bohlke in 2000. And I do thank Senator Flood for bringing LB 880 which started the dialogue on this issue. LB 881 provides that the Legislature must specifically appropriate funds for reimbursements to school districts, cooperatives of school districts, or educational service units for high-need special education students. High-need special education students are defined as students who qualify for special education services in either (1) the allowable excess costs directly related to the provision of special education services and transportation for this student, are equal to or exceeding the qualifying level, or the student is not a ward of the state or any court and the student resides outside of his or her resident school district in a residential setting operated by a service provider licensed by the Department of Health and Human Services or eligible for Medicaid. The qualifying level would start at \$30,000 for services and transportation provided in school fiscal year 2006-07, and would increase for each school fiscal year thereafter by the school district basic allowable growth rate. For audited, allowable excess cost directly related to the provision of Special Education Services and transportation for high-need special ed students. LB 881 requires the Nebraska Department of Education to fully reimburse each school district, cooperative, or educational service unit in the following school fiscal year. The bill specifies that each school district, cooperative, or educational service unit that expects a student to be a high-need special education student must submit the expected allowable excess cost to the Nebraska Department of Education for a pre-audit. Upon completion of the school fiscal year, the district, cooperative, or educational service unit must submit the allowable excess cost to the Nebraska Department of Education for a final audit prior to reimbursement. I bring this bill, again, just to emphasize the high costs that school districts incur with the special education high needs special education students. I do believe that the legal counsel has some technical amendments to the bill, which I hope could be addressed during our executive committee sessions. Also, I note that the fiscal note is high. I'm not sure if anyone knows really the exact amount and this

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 51

LB 881

does differ from Senator Flood's bill that, you know, does create the hardship funds and takes some money. With that, I believe that there are others that will come forward to testify on the bill.

SENATOR RAIKES: Okay.

SENATOR STUHR: And I thank you.

SENATOR RAIKES: Thank you, Senator Stuhr. They'll come just as soon as we get done grilling you, huh?

SENATOR STUHR: Oh, right (laugh).

SENATOR RAIKES: Questions for Senator Stuhr? There would be an incentive if the qualifying level is \$30,000 there would be an incentive for a school district if it was \$29,998 to somehow get it to \$30,001 because at \$30,001 you get a hundred percent reimbursement under your bill.

SENATOR STUHR: Right.

SENATOR RAIKES: But at \$29,998 you get the 62 percent or whatever it is.

SENATOR STUHR: Maybe someone will address that. Yes, I can see your point. I think...

SENATOR RAIKES: Okay.

SENATOR STUHR: ...we just decided there had to be some...wherever you start there's always, you know, some that fall below and some that would fall above. And if there's a different amount that we think we should set, I'm sure that, you know, the committee can discuss that.

SENATOR RAIKES: One difference in approach between you and Senator Flood is that once you, you know, your approach is once you've got that high-needs student then...

SENATOR STUHR: Right.

SENATOR RAIKES: ...a hundred percent of...

SENATOR STUHR: Yes, those costs.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 52

LB 881

SENATOR RAIKES: ...is reimbursed whereas he's sort of moving the money up closer but not necessarily going with a hundred percent.

SENATOR STUHR: Right. So, yes, instead of a one-time this would be ongoing.

SENATOR RAIKES: Okay, all right. Any other questions? Thank you, Senator.

SENATOR STUHR: Yes.

SENATOR RAIKES: I assume you're going to stick around?

SENATOR STUHR: Yes, I will (laughter).

SENATOR RAIKES: Okay, proponents, LB 881.

LARRY RAMAEKERS: Senator Raikes and members of the Education Committee, I thank you for the opportunity to come and speak in favor of LB 881. There is no question, as Senator Stuhr indicated, and the testimony that was given the previous year with LB 880 that special education costs are extremely high. And you actually have them much greater in a residence setting or for that high-needs student. What I would like to discuss with you this afternoon is actually present to you a scenario that involves not necessarily the high-level student specifically here, but with the option enrollment program and how it does affect us with a high-needs, special ed child. In our particular situation, I am superintendent at the Aurora schools...

SENATOR RAIKES: And you are Larry?...

LARRY RAMAEKERS: Ramaekers. I'm sorry, I didn't introduce...

SENATOR RAIKES: Yeah, there you go. Thank you.

LARRY RAMAEKERS: ...myself, did I? R-a-m-a-e-k-e-r-s.

SENATOR RAIKES: Okay.

LARRY RAMAEKERS: Sorry, I apologize for that.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 53

LB 881

SENATOR RAIKES: No problem.

LARRY RAMAEKERS: To present the scenarios to what we have is that there was a young girl in our community, had lived there all the way through sixth grade. Her mother remarried and moved outside of the community. Ended up then that she optioned the child back into our district. This was a very high, special needs child. And in that situation, automatically that child had to be accepted under the provisions of the option enrollment statutes. The thing is that we may not be able to continue serving that child in our school district and, as a result of that, that child may have to be going to another district for services, possibly the Grand Island Public Schools. We know that the costs will probably be in excess of \$60,000. We are not responsible for the transportation of that student. That goes back to the resident district, but we are, as the option district, responsible for that education. So I guess my plea, rather, is to say to the Education Committee to consider the cost being bore then by the state because we will never see that child as that child is transported to like the Grand Island Public Schools from the district where they are a resident. And, so, for that reason, we look at that. Even if that child were to go back to the resident district, they, I know, would not be able to pay for that cost, be very similar to some of the testimony that was previously given here for LB 880 because it is a small D-2 school district. And, as a result of that, that unexpected burden then is something that would really test their budget more so than probably ours. So, again, it's a situation where we ask the committee to forward this bill, advance this bill. It would be of great benefit to school districts that do have these high-needs students and, again, in our situation and I know we're not alone in this, that with option enrolled students that we don't even have these kids as residents albeit we would receive the money that follows that child but, nonetheless, the excess costs is what we're concerned with. Thank you. I'll be happy to answer any questions.

SENATOR RAIKES: Okay, thank you, Larry. Questions? Thank you for being here. Other proponents, LB 881?

JOHN BONAIUTO: Senator Raikes, members of the committee,

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 54

LB 881

John Bonaiuto, B-o-n-a-i-u-t-o, Nebraska Association of School Boards. And very much like LB 880, we believe that having this discussion and taking a look at high-needs, high-cost students is important. And it's something that districts struggle with for planning because they can't plan and the budget situation exists as described in the last bill. Different than LB 880, I think, this bill creates a broader range of students that might become responsible to the state. And so it would be really imperative that a fund be created that would not be attached to the special education reimbursement, and it would be a separate type of a fund where the other one I did not have a feeling in LB 880 how many students we were talking about, but it's a small number. And if we're looking at a million dollars for the population, I believe that LB 881 would be a larger number and would need to be taken care of by the state. But then you'd have students that were the responsibility of the state and so it would make no difference if they were option students, where the parents lived, the students would be served and all of the logistics would be put to rest. So with that, I would end my testimony and encourage you to pass the bill.

SENATOR RAIKES: Questions? Thank you.

JOHN BONAIUTO: Thank you.

SENATOR RAIKES: Other proponents, LB 881? You've got any other proponents? Okay, you're in the front row. That works.

AL INZERELLO: Senator Raikes and members of the committee, Al Inzerello, Westside Community Schools. And, again, thanks to Senator Stuhr for bringing this bill. We did have quite a discussion about extraordinarily high-cost, you know, students in special ed. The only idea I would add is, again, it seems reasonable, though, that the school district, whether that be the resident school district or the resident school district through option, would be responsible for at least the per pupil cost for that student, you know, versus the hundred percent reimbursement for all costs. It seems like there's an imbedded responsibility for at least that share of the cost to be realized locally. So that's the only other idea I'd offer.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 55

LB 881

SENATOR RAIKES: Okay, thank you, Al. Questions? Okay.  
Thank you. Brian.

BRIAN HALSTEAD: Good afternoon, Senator Raikes, members of the committee. For the record, my name is Brian Halstead, here with the Nebraska Department of Education. We supported this bill when it was introduced back in 2000 by Senator Bohlke and we're here in a supporting capacity today, provided that the Education Committee and the Legislature appropriate the additional monies that are going to be needed for this. If the idea is we're just going to take it off the top of special ed. Then we're really going to be using the proverbial robbing Peter to pay Paul, and some school districts will get less and others will get more. I think, Senator Raikes, you were correct in your first one. Is there going to be an incentive for some to try to get to the \$30,000 level and any clarifying language you might be able to do to help us do a better job of trying to differentiate and make sure that the ones who are getting to this, if you create it, really should be there because it's going to maybe provide an incentive that maybe you weren't intending to do. But we certainly recognize the high-cost needs of certain special ed students. The fiscal note indicates that's anywhere from three to five million additional dollars, and if you're going to appropriate that money, we're supportive of that.

SENATOR RAIKES: Okay. Thank you, Brian. Okay, other proponents, LB 881?

LEE FRYE: Senator Raikes, members of the committee, thank you for allowing testimony this afternoon. My name is Lee Frye, F-r-y-e. I'm the director of special services with the Elkhorn Public Schools and I'm also currently the president of the Nebraska Association of Special Education Supervisors. I would like to personally thank Senator Stuhr for offering this bill. I think that it provides something that you have all talked about in the testimony not only with LB 880 but the testimony with LB 881 that there is a big issue in special ed funding that needs to be addressed. High-needs, high-cost, high-needs kids can be devastating to a school district. I've heard examples over and over from my colleagues in smaller districts where they can have one family move into their district with a high-needs, high-cost student and can blow their budget completely out of whack.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 56

LB 881, 795

And because of the mandated services that we have to provide, what ends up happening is money gets taken away from general education to help pay for the mandated costs that we have to pay. So, in one case, there was a Class I school that when a family moved into the district, they chose to shut down the district because they couldn't make the payments on the high-needs student. So, I see this as a positive step in the right direction. We would like to fully support the efforts of this bill and move forward.

SENATOR RAIKES: Okay, thank you. Questions? Thanks for being here.

LEE FRYE: Thank you.

SENATOR RAIKES: Any other proponents? Opponents, LB 881? Neutral testimony, LB 881? Senator Stuhr.

SENATOR STUHR: Senator Raikes and the committee, I thank you for your kind attention and I would certainly be willing to work with the committee to make any adjustments that need to be made. But I think it only emphasizes that the schools really do need some assistance for these high-cost, special ed students that they have to deal with. So, with that, I thank you very much.

SENATOR RAIKES: Okay, thank you, Senator. Questions for Senator Stuhr? I see none. That will close the hearing on LB 881, and we'll move to LB 795 and Senator Cunningham, who has just arrived.

LB 795

SENATOR CUNNINGHAM: (Exhibit 7) Thank you, Senator Raikes and members of made it. the Education Committee. I wonder if Kim was doing her job. She didn't get me here very early (laughter) so barely made it. Well, I'm Doug Cunningham, C-u-n-n-i-n-g-h-a-m, representing the 40th District in northeast Nebraska. I'm here today to introduce LB 795. This bill deals with paying back reorganization incentives when a unified system discontinues its status prior to the eighth school year. The bill may look familiar to you as this provision was contained in LB 579, the department's technical bill from last year. LB 579 was advanced to the

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 57

LB 795

General File but was not debated by the Legislature. I've introduced this bill this year, hoping that if there is a consent file that possibly this bill could be part of the consent file if I don't get too many tough questions from some of you. If a unified school system discontinues its status as a unified system prior to the eighth school year and does not consolidate, the districts in the unified system shall pay back the state incentives. Currently, each district share based on the adjusted valuation of each district is to be paid back through reductions in state aid in equal amounts for five years. Likewise, if any district withdraws from a unified system prior to the eighth school year, such districts shall pay back the incentives attributable to the district's participation in the unified system through reductions in state aid in equal amounts over the five years. LB 795 would allow these districts to pay back the incentive payments in a time period of less than five years if it's agreed upon by the school district and the Department of Education. The department is to consider the ability of the district to repay the incentives in the fewest number of years while still meeting the educational needs of the students. Interest now is charged from the date of the first payment until the estimated repayment at a rate determined by the Tax Commissioner, based on the average short term borrowing rate for the federal government. LB 795 would allow a school district to reduce the interest amount by paying back the state incentives earlier than what is currently allowed by state statute. I've introduced this bill today on behalf of David Hamm, the superintendent of the Niobrara Public Schools, who's here today to testify in support of this bill. As you most likely know, the Niobrara and Lynch school districts were unified for three years. Unified Niobrara-Lynch received \$531,034 in incentive aid. Under a consent decree signed by the judge, Niobrara Public Schools was found to be solely responsible for the repayment of all of the incentive aid paid to the unified district since they had requested to withdraw from the interlocal agreement. LB 795 will reduce the amount of interest that Niobrara schools will have to pay. This will have a direct benefit on the students that they serve. I urge this committee to advance LB 795 to General File, and I would suggest that if the committee does advance the bill that they enact an emergency clause so repayment can be made as soon as possible. And I do have an amendment for that purpose if you see fit.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 58

LB 795

SENATOR RAIKES: Okay. Okay, thank you, Senator. Questions? Senator Cunningham, your amendment adds the emergency clause.

SENATOR CUNNINGHAM: Right.

SENATOR RAIKES: Okay. Questions? I see none. Thank you. Proponents, LB 795.

DAVID HAMM: (Exhibit 8) And I do have handouts here. Good afternoon, Senator Raikes and members of the Education Committee. My name is David Hamm, H-a-m-m. I am superintendent of schools at Niobrara Public Schools. I'm here to, obviously, testify as a proponent for LB 795 because Niobrara schools is the one that's directly impacted by it. In June of 2001, Niobrara Public Schools entered into a unified interlocal agreement with Lynch Public Schools. This was the last effective year that school districts that unified could receive any type of incentive monies for doing so. Unfortunately, our unification for a variety of reasons did not work out. As a result of that, in March of 2003, Niobrara began to explore the avenues that they would have in terms of dissolving the unification. I see Russ Inbody is here today to testify as a proponent for this bill. One of the individuals that we did come and visit, we being our board president, vice president, principal, and myself in March of 2003 was Russ. We were concerned about some of the language that was in the statute at that particular time and we asked some questions for clarification. I've included a couple of those questions and this is just to kind of give you a historical perspective of what attempts have been made on behalf of our district to address this particular issue. And Russ, obviously, was not in a position at that particular time to make any type of a legal opinion until there was actually some type of action before him. But one of the questions that we asked is if the dissolution date is set for the end of the fiscal year, August 31, can Niobrara request to have incentive dollars withheld from actual payment? And our hope was that we knew that we were, in essence, borrowing money because we were going to accept the responsibility for dissolving, knowing that we were going to have to pay back money. We didn't want to borrow, in essence, any more money knowing that we were going to have to pay it back at a high

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 59

LB 795

interest rate. Unfortunately, the language was such that that could not happen. We ended up from that date, it says borrowing another \$188,000 interest on that associated out over the five-year period amounted to an extra \$71,000 for our district and included in your information under Exhibit A is a letter from Connie Knoche that shows principal and interest amounts that Niobrara owes. We also asked Russ at that time since the interest rate to pay back the debt the state has set by statute at 14 percent and that now has been altered. Senator Cunningham would address that. It started off at 9 percent for 15 months and 6 percent for the remainder of the time. Can Niobrara begin paying back incentive dollars prior to the actual dissolution date? Again, this was an attempt by us to say, hey, we've already borrowed money. We have the ability to repay at this point in time. We would love to repay this money so that we're not accruing unwanted interest charges. Again, unfortunately, because of the language in the statute, we were not able to do so. We did effectively dissolve the unification on August 31 of 2004. In visiting with the commissioner, Doug Christensen, in terms of how we could resolve this issue, he suggested that we go ahead and send a check to the state of Nebraska to Ron Ross, the treasurer, because until they actually receive that check, there was really nothing for them to act upon in terms of advice. So our board approved the check. We sent a check for the entire principal amount of \$531,000 and change to Ron Ross. He forwarded that money on to the Department of Education, I believe, under the advice of legal counsel. Statute did not allow for them to receipt this money. Therefore, that money was returned to Niobrara Public Schools and that took place a little over a year ago. At that particular time, as Senator Cunningham mentioned, LB 579 was introduced by Senator Raikes which was the Education Technical Clean-up Bill. Our hopes were that last year it would be passed so that, you know, we could go ahead and resolve this issue. Unfortunately, that did not take place and so Senator Cunningham along with Senator Raikes who have cosponsored the bill, have been willing to pull that little piece out and try to advance it this year, hopefully, on part of the consent calendar. Basically, the rationale for it is simple. It differs no different than what the Legislature looked at in regards to, and I know I have to end, the nuclear waste compact. You know, should taxpayers be saddled with debt or interest charges when we

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 60

LB 795

have the means to go ahead and pay those off?

SENATOR RAIKES: Okay, thank you, David.

DAVID HAMM: Thank you. Questions?

SENATOR RAIKES: Senator Bourne.

SENATOR BOURNE: Just so I understand. Somehow I missed this last year. I don't (inaudible). You entered into an agreement with Lynch to consolidate. You received some consolidation payments from the state. For whatever reason, you decided not to go through with the consolidation, tried to pay the money back. Department of Education wouldn't take the money back until officially the consolidation was ended and, as a result, you had incurred additional interest payments that you had to remit to the state. Is that...

DAVID HAMM: Well, it's a unification and not only...yeah, we would like to have it and, basically, this legislation tells us that when the dissolution took place...

SENATOR BOURNE: Is that an accurate statement or no?

DAVID HAMM: No,...

SENATOR BOURNE: Okay.

DAVID HAMM: ...that's not an accurate statement.

SENATOR BOURNE: Then I'm not tracking this.

DAVID HAMM: Basically, what it is, we are still paying interest. We are still having our state aid reduced from now until the end of 2008, and we're being charged interest on these incentive dollars currently.

SENATOR BOURNE: So you're not objecting to repaying the incentive. It's just that you have the...

DAVID HAMM: No.

SENATOR BOURNE: ...means to pay the interest back and they won't let you do it.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 61

LB 795

DAVID HAMM: Exactly. We want to pay the incentive dollars; we want to pay the interest. We submitted a check last year and, I mean, hopefully, and I don't know if the intent of this committee can address that issue or not that, you know, I don't know if we have to pay the interest up until the date that this, hopefully, passes or if, you know, good faith effort of sending the check last year indicates that the interest doesn't incur from that point forward. I mean, that's up to you guys but.

SENATOR RAIKES: Okay, Senator Byars.

SENATOR BYARS: I have no legislative intent at the time that was passed, but I would guess that this Legislature probably put that language in to try to help the school district repay without having to pay all the funds at one time. And we just didn't think that maybe they'd have the money to pay it all. But this seems like a very commonsense thing to do. I just can't imagine that we would turn down the money when somebody wants to give it to us (laughter).

DAVID HAMM: (Laugh) It was sent back.

SENATOR RAIKES: Any other questions? Okay, thank you, David.

DAVID HAMM: Thank you very much.

SENATOR RAIKES: Other proponents, LB 795? Russell.

RUSS INBODY: Good afternoon, Senator Raikes, members of the committee. I am Russ Inbody, R-u-s-s I-n-b-o-d-y and I am with the Nebraska Department of Education. And I think Senator Cunningham and Mr. Hamm have explained that pretty well. Just wanted to let you know the Department of Education does support this bill because it does give them additional alternatives to pay this back. As my understanding is, is that the statute said that it will be paid back in five years by reducing state aid and that's what the statute said, and we can do it no other way. And it would save a considerable amount of interest for Niobrara Public Schools or any other school that would have to pay it back. So, with that, I'll be glad to respond to questions.

SENATOR RAIKES: Okay, thanks, Russ. Senator Stuhr.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 62

LB 795, 860

SENATOR STUHR: Are there any other schools that are involved in this kind of arrangement?

RUSS INBODY: Well, there's several schools that are unified and that have received incentives. We're probably getting pretty close to most of them and completed the eight years. Some of them have not and I know that we have gotten information that several of them are reunifying so I'm not aware of any school districts right now that would be placed in this same position, no.

SENATOR STUHR: Right. But it still would be good to have the change on the books (laugh).

RUSS INBODY: Yeah. I think Senator Byars said it best. It's a commonsense approach and it makes sense and it gives school districts flexibility. And I agree with what Senator Byars said. I'm sure it was implemented to help school districts because most school districts may not or a lot of school districts may not have the money to pay back right away so we gave them the option to do so.

SENATOR RAIKES: Okay, anything else, Russ? Thank you, Russ.

RUSS INBODY: You're welcome.

SENATOR RAIKES: Any other proponents, LB 795? Opponents? Neutral testimony? Senator Cunningham waives closing. That will close the hearing on LB 795 and we'll move to LB 860, our last bill of the day.

LB 860

SENATOR BYARS: Keep it short, Senator (laugh). Our last bill of the day is LB 860. To present today is Senator Raikes. Senator Raikes.

SENATOR RAIKES: Thank you, Senator Byars. Ron Raikes, District 25, here to introduce LB 860. I think I can be very brief on this one. This one is a me-too by the ESUs on allowing insurance coverage rather than bonding for a treasurer. We did this, I think, for I can't remember all

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 63

LB 860

the entities but last year we allowed this for school districts, I think, and many other educational organizations. So, this would simply, probably correct an oversight that we left out the ESUs.

SENATOR BYARS: Any questions of Senator Raikes? Will you stay to close, Senator? (Laughter) Thank you very much. Proponents of LB 860. Welcome.

MARY CAMPBELL: Senator Byars, members of the committee, Mary Campbell, C-a-m-p-b-e-l-l, representing the Consortium of Educational Service Units. The senator very ably explained the motive and the substance of the bill. I think it could be consent calendar material or maybe an amendment to a clean-up bill, if possible, and we would appreciate removing what is a duplicative expense in that there is already insurance coverage in all the districts for this purpose. And with that, I would take questions.

SENATOR BYARS: Any questions for Ms. Campbell? If not, thank you very much.

MARY CAMPBELL: If I may, Mike Dulaney had to leave and he asked that on behalf of the Nebraska Council of School Administrators, if I could give you his proponent testimony and I have copies of that for the committee if that's acceptable. Okay, thank you. (See also Exhibit 9)

SENATOR BYARS: We'll distribute it for you. We will not forgive Mr. Dulaney for not being here (laugh).

MARY CAMPBELL: (Laugh) And that is D-u-l-a-n-e-y, I believe (laughter).

SENATOR BYARS: Thank you. Next proponent for LB 860? Mr. Bonaiuto, welcome.

JOHN BONAIUTO: Thank you. Senator Byars, members of the committee, John Bonaiuto, B-o-n-a-i-u-t-o, Nebraska Association of School Boards. The bill that was passed last year was passed on behalf of us. We asked Senator Redfield if she would introduce that bill and we neglected to put ESUs (laugh) who are members also. And we should know better and we did not, and the bill did end up passing on consent. The original bill came through this committee and

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Education  
January 17, 2006  
Page 64

LB 860

you were very gracious to move it forward and we would hope that you would do the same with this. Years ago, the insurance coverage did not include this type of theft and fraud coverage that school districts have now through their regular carriers. And so we believe that this gives the school districts an option or the ESUs an option, and just to show proof that they're covered without having to do the bonding. Thank you.

SENATOR BYARS: Thank you. Any questions of Mr. Bonaiuto? Thank you very much.

JOHN BONAIUTO: Appreciate it.

SENATOR BYARS: Any other proponents of LB 860? Any other proponents? Any opponents of LB 860? Anyone testifying neutral? Seeing none, Senator Raikes, would you care to close? Senator Raikes waives closing. This will close the hearing on LB 860 and close the hearings for Tuesday, January 17.