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Floor Debate
March 04, 2008

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-fourth day of the One Hundredth Legislature, Second Session. Our chaplain for today is Pastor Bob Lawrence from the South Auburn Church of Christ, Auburn, Nebraska, Senator Heidemann's district. Would you all please rise?

PASTOR LAWRENCE: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Lawrence. I call to order the thirty-fourth day of the One Hundredth Legislature, Second Session. Senators, please record your presence by roll call. Please record, Mr. Clerk.

ASSISTANT CLERK: There's a quorum present this morning, Mr. President.

PRESIDENT SHEEHY: Are there corrections for the Journal?

ASSISTANT CLERK: Mr. President, I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, a series of items: Your Committee on Enrollment and Review reports LB962, LB914, LB822, LB1147, and LB952 to Select File. Have a gubernatorial appointment to the Nebraska Railway Council. Your Committee on Health and Human Services reports LB809, LB1048, and LB1108 to General File. Government reports LB572 and LB884 to General File. New resolution, LR255 by Senator McGill; that will be laid over. (Legislative Journal pages 745-755.) [LB962 LB914 LB822 LB1147 LB952 LB809 LB1048 LB1108 LB572 LB884 LR255]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to the first legislative confirmation report.

ASSISTANT CLERK: Mr. President, the Education Committee would report on Phillip

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Dudley, Jr., to the Nebraska Educational Telecommunications Commission. (Legislative Journal page 711.)

PRESIDENT SHEEHY: Senator Raikes, you're recognized to open on the confirmation report from Education Committee.

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. The Education Committee encourages the confirmation of the reappointment of Dr. Phillip Dudley, Jr., to the Nebraska Educational Telecommunications Commission. If confirmed, Dr. Dudley's term on the commission would extend through January 9, 2010. Dr. Dudley is the president of Hastings College, a position he has held since 2000. Prior to that he served Hastings College in a variety of roles, including vice president, assistant to the president, and professor of economics. He continues to teach courses in economics, in addition to his duties as president. Dr. Dudley's tenure at Hastings College began in 1973. He started his professional career at Doane College as an instructor in economics and business and mathematics, and was an assistant football coach. Dr. Dudley holds a Ph.D. in economics from the University of Nebraska-Lincoln, as well as a master's degree in economics from Wichita State and a bachelor's degree from Southwestern University in Winfield, Kansas. He is a former president of the Hastings Public School board, and currently serves on the United Way board of directors, the Hastings Area Education Consortium, and the Hastings Economic Development Corporation board of directors, as well as the Council of Independent Colleges board of directors. The Nebraska Educational Telecommunications Commission serves three statutory purposes which are outlined in Section 79-1313. They are: one, to promote and establish noncommercial educational telecommunications facilities within the state of Nebraska; two, to provide noncommercial educational telecommunications programs throughout the state of Nebraska by standard broadcast, by closed circuit transmission, or by other telecommunications technology distribution systems; and three, to operate statewide educational and public radio and television networks and services. The commission consists of 11 members, including the Commissioner of Education; the president of the University of Nebraska; a representative each for the community colleges, state colleges, and private colleges; and 6 members of the public at large, 2 from each Congressional district. Dr. Dudley is the private college representative on the commission. With that, I'll close and encourage your support of the confirmation. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Raikes. You've heard the opening on the confirmation report from the Education Committee. Are there members wishing to speak? Senator Nelson.

SENATOR NELSON: Thank you, Mr. President, colleagues. I rise in support of Dr. Phil Dudley. I've known him several years as a member of the Omaha Presbyterian

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Seminary Foundation. He hosts that group and their pastor school, he and Hastings College do every summer. They do a wonderful job, they're wonderful hosts, and that also carries over to his work as the president of Hastings College. So I certainly support him for this nomination. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Nelson. Other members wishing to speak? Seeing none, Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question before the body is on the adoption of the confirmation report from the Education Committee. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal page 756.) 36 ayes, 0 nays on the adoption of the Education Committee report, Mr. President.

PRESIDENT SHEEHY: Committee report is adopted. Next confirmation report.

ASSISTANT CLERK: Mr. President, the next report offered by Transportation and Telecommunications Committee is for Patrick Meuret to the Nebraska Railway Council. (Legislative Journal page 730.)

PRESIDENT SHEEHY: Senator Fischer, you're recognized to open on your first confirmation report of Transportation, Telecommunications.

SENATOR FISCHER: Thank you, Mr. President, members of the body. The Transportation and Telecommunications Committee held a confirmation hearing on February 26 for the appointment of Patrick Meuret to the Nebraska Railway Council. The Nebraska Railway Council administers programs and funds for the acquisition, rehabilitation and operation of light-density rail lines pursuant to state law and the federal Rail Revitalization Act. All planning functions for the participation in the federal act must be performed by a state agency designated by the Governor. Although the council is an independent body, the Department of Roads provides planning functions and staff support. Eight council members are appointed to four-year terms by the Governor and approved by this body. The Department of Roads director serves as an ex officio member. The council members consist of a light-density rail shipper, a railroad management employee, a Public Service Commissioner, a railroad maintenance employee, a Department of Economic Development representative, a Department of Agriculture representative, and two members of the public, one with a private firm and another public finance experience, and one with marketing experience. Mr. Meuret was appointed to fill the term vacated by Bob Kelly and was appointed to serve from February 4, 2008, to July 19, 2009. He did attend the confirmation hearing. The Transportation and Telecommunications Committee recommends this confirmation with a 6-0 vote. Thank you, Mr. President.

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PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening on the first confirmation report from the Transportation, Telecommunications Committee. Are there members wishing to speak? Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the adoption of the confirmation report from Transportation and Telecommunications. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 756-757.) 34 ayes, 0 nays on the adoption of the Transportation Committee report, Mr. President.

PRESIDENT SHEEHY: Confirmation report is adopted. Next report, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Transportation Committee would report favorably on Roy Neneman to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 730.)

PRESIDENT SHEEHY: Senator Fischer, you're recognized to open on your confirmation report.

SENATOR FISCHER: Thank you, Mr. President and members. The Transportation and Telecommunications Committee held a confirmation hearing on Monday, February 26, for the appointment of Roy Neneman of Doniphan, Nebraska, to the Motor Vehicle Industry Licensing Board. The Motor Vehicle Licensing Board is made up of ten board members who are appointed by the Governor and serve for a three-year appointment. Mr. Neneman is a new appointee and has been appointed to fill the term of Toby Smith (sic), who sold his dealership and resigned from the board. Mr. Neneman is to serve from January 31, 2008, to May 18, 2009. The chairperson of the board is the director of the Department of Motor Vehicles. The remaining members are one member of the general public, one new motor vehicle dealer from each of the three Congressional districts, two used motor vehicle dealers, one trailer dealer, one factory representative, and one motorcycle dealer. Mr. Neneman is a new motor vehicle dealer and is from the 3rd Congressional District. Mr. Neneman did appear before the committee at the hearing. The Transportation and Telecommunications Committee recommends this confirmation with a 6-0 vote. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening on the confirmation report from Transportation and Telecommunications. Members wishing to speak, Senator Aguilar.

SENATOR AGUILAR: Thank you, Mr. President, members. I also want to add my support for this confirmation. Mr. Neneman has a business in Grand Island. He's quite active. First of all, he's a very successful businessman in Grand Island and he's quite active in all nonprofit fund-raisers throughout our community and just a great community

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person, and I urge you to approve this confirmation. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Aguilar. Are there additional members wishing to speak? Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the adoption of the second confirmation report from Transportation and Telecommunications. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal page 757.) 33 ayes, 0 nays on the adoption of the report, Mr. President.

PRESIDENT SHEEHY: Confirmation report is adopted. Mr. Clerk, we will move to Final Reading. Members should return to their seats in preparation for Final Reading. As per the Speaker's instructions, we will be passing over LB280, LB280A, LB609, and LB609A today. Mr. Clerk, the first bill is LB123. The first vote will be to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB123]

ASSISTANT CLERK: 41 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB123]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB123]

ASSISTANT CLERK: (Read title of LB123.) [LB123]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB123 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB123]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 758.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB123]

PRESIDENT SHEEHY: LB123 passes. We will now proceed to LB268. [LB123 LB268]

ASSISTANT CLERK: (Read LB268 on Final Reading.) [LB268]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB268 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB268]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 759.) Vote is 41 ayes, 4 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

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[LB268]

PRESIDENT SHEEHY: LB268 passes. We will now proceed to LB279. [LB268 LB279]

ASSISTANT CLERK: (Read LB279 on Final Reading.) [LB279]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB279 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB279]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 759-760.) Vote is 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB279]

PRESIDENT SHEEHY: LB279 passes. We will now proceed to LB386. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB279 LB386]

ASSISTANT CLERK: 42 ayes, 3 nays to dispense with the at-large reading. [LB386]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB386]

ASSISTANT CLERK: (Read title of LB386.) [LB386]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB386 pass? All those in favor vote yea; opposed, nay. (Doctor of the day introduced.) Please record, Mr. Clerk. [LB386]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 760-761.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB386]

PRESIDENT SHEEHY: LB386 passes. We will now proceed to LB500. [LB386 LB500]

ASSISTANT CLERK: (Read LB500 on Final Reading.) [LB500]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB500 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB500]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 761-762.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB500]

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PRESIDENT SHEEHY: LB500 passes. We will now move to LB586 with the emergency clause. [LB500 LB586]

ASSISTANT CLERK: (Read LB586 on Final Reading.) [LB586]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB586 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB586]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 762.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB586]

PRESIDENT SHEEHY: LB586 passes with the emergency clause attached. We will now proceed to LB620. [LB586 LB620]

ASSISTANT CLERK: (Read LB620 on Final Reading.) [LB620]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB620 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB620]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 762-763.) Vote is 45 ayes, 1 nay, 1 present and not voting, 2 excused and not voting, Mr. President. [LB620]

PRESIDENT SHEEHY: LB620 passes. We will now proceed to LB623. [LB620 LB623]

ASSISTANT CLERK: (Read LB623 on Final Reading.) [LB623]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB623 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB623]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 763-764.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB623]

PRESIDENT SHEEHY: LB623 passes. We will now proceed to LB624. [LB623 LB624]

ASSISTANT CLERK: (Read LB624 on Final Reading.) [LB624]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB624 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB624]

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 764.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB624]

PRESIDENT SHEEHY: LB624 passes. (Visitors introduced.) We will now proceed to LB668. [LB624 LB668]

ASSISTANT CLERK: (Read LB668 on Final Reading.) [LB668]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB668 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB668]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 765.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB668]

PRESIDENT SHEEHY: LB668 passes. We will now proceed to LB715. [LB668 LB715]

ASSISTANT CLERK: (Read LB715 on Final Reading.) [LB715]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB715 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB715]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 765-766.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting. [LB715]

PRESIDENT SHEEHY: LB715 passes. We will now proceed to LB744. [LB715 LB744]

ASSISTANT CLERK: (Read LB744 on Final Reading.) [LB744]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB744 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB744]

CLERK: (Record vote read, Legislative Journal pages 766-767.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB744]

PRESIDENT SHEEHY: LB744 passes. We will now proceed to LB747. [LB744 LB747]

CLERK: (Read LB747 on Final Reading.) [LB747]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB747 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB747]

CLERK: (Record vote read, Legislative Journal page 767.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB747]

PRESIDENT SHEEHY: LB747 passes. We will move to LB750 with the emergency clause attached. [LB747 LB750]

CLERK: (Read LB750 on Final Reading.) [LB750]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB750 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB750]

CLERK: (Record vote read, Legislative Journal page 768.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB750]

PRESIDENT SHEEHY: LB750 passes with the emergency clause. We will now proceed to LB752. [LB750 LB752]

CLERK: (Read LB752 on Final Reading.) [LB752]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB752 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB752]

CLERK: (Record vote read, Legislative Journal pages 768-769.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB752]

PRESIDENT SHEEHY: LB752 passes. We will now proceed to LB782 with the emergency clause attached. [LB752 LB782]

CLERK: (Read LB782 on Final Reading.) [LB782]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB782 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB782]

CLERK: (Record vote read, Legislative Journal page 769.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB782]

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PRESIDENT SHEEHY: LB782 passes with the emergency clause attached. We will now proceed to LB790. [LB782 LB790]

CLERK: (Read LB790 on Final Reading.) [LB790]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB790 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB790]

CLERK: (Record vote read, Legislative Journal page 770.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB790]

PRESIDENT SHEEHY: LB790 passes. We will now proceed to LB791. [LB790 LB791]

CLERK: (Read LB791 on Final Reading.) [LB791]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB791 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB791]

CLERK: (Record vote read, Legislative Journal pages 770-771.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB791]

PRESIDENT SHEEHY: LB791 passes. We will now proceed to LB823. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB791 LB823]

CLERK: 40 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB823]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB823]

CLERK: (Read title of LB823.) [LB823]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB823 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB823]

CLERK: (Record vote read, Legislative Journal page 772.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB823]

PRESIDENT SHEEHY: LB823 passes. We will now proceed to LB856. [LB823 LB856]

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CLERK: (Read LB856 on Final Reading.) [LB856]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB856 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB856]

CLERK: (Record vote read, Legislative Journal pages 772-773.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB856]

PRESIDENT SHEEHY: LB856 passes. We will now proceed to LB857. [LB856 LB857]

CLERK: (Read LB857 on Final Reading.) [LB857]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB857 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB857]

CLERK: (Record vote read, Legislative Journal pages 773-774.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB857]

PRESIDENT SHEEHY: LB857 passes. We will now move to LB896 with the emergency clause attached. [LB857 LB896]

CLERK: (Read LB896 on Final Reading.) [LB896]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB896 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB896]

CLERK: (Record vote read, Legislative Journal page 774.) 47 ayes, 0 nays, 2 excused and not voting. [LB896]

PRESIDENT SHEEHY: LB896 passes with the emergency clause attached. We will now proceed to LB915. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB896 LB915]

CLERK: 37 ayes, 3 nays, Mr. President, on the dispensing with the at-large reading. [LB915]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB915]

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CLERK: (Read title of LB915.) [LB915]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB915 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB915]

CLERK: (Record vote read, Legislative Journal page 775.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB915]

PRESIDENT SHEEHY: LB915 passes. We will now proceed to LB925. [LB915 LB925]

CLERK: (Read LB925 on Final Reading.) [LB925]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB925 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB925]

CLERK: (Record vote read, Legislative Journal page 776.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB925]

PRESIDENT SHEEHY: LB925 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB123, LB268, LB279, LB386, LB500, LB586, LB620, LB623, LB624, LB668, LB715, LB744, LB747, LB750, LB752, LB782, LB790, LB791, LB823, LB856, LB857, LB896, LB915, and LB925. Mr. Clerk, we will move to first item under General File, 2008 Speaker priority bills. [LB925 LB123 LB268 LB279 LB386 LB500 LB586 LB620 LB623 LB624 LB668 LB715 LB744 LB747 LB750 LB752 LB782 LB790 LB791 LB823 LB856 LB857 LB896 LB915 LB925]

CLERK: Mr. President, LB768, a bill introduced by Senator Cornett. (Read title.) The bill was introduced on January 9 of this year, referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are Urban Affairs Committee amendments pending, Mr. President. (AM1682, Legislative Journal page 445.) [LB768]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB768. [LB768]

SENATOR CORNETT: Thank you, Mr. President, members of the body. LB768 is a bill that would add language to current statutes regulating sanitary improvement districts, known as SIDs, so that they may contract for library services. The existing statutes regulating SIDs allow for an SID to contract from everything from police and fire service, to sewage and garbage collection, but does not give the SID the option to contract for library services. This means that a resident of an SID cannot use a public library unless

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they pay for an individual membership, which in some cases is as high as \$50. At the same time, a resident within the city limits, just a few blocks away from an SID, may receive a library membership without paying additional fees. LB768 attempts to address this problem by adding language to current SID statutes that would give legal authority to a board of trustees of an SID to contract for library services. I just wanted to outline a few things that might answer the body's questions. This bill is not a mandate. We are not forcing all SIDs to contract for these services. This bill adds language to give SIDs an option to contract for library services. This bill has a zero fiscal impact on the state. This bill is a win-win for residents of sanitary improvement districts who would gain equitable access to public library, and for the libraries who could increase revenues. I also want to thank Senator Friend and other members of the Urban Affairs Committee for introducing an amendment that will improve this bill. Thank you very much. [LB768]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the opening to LB768. As noted, there is an amendment from the Urban Affairs Committee. Senator Friend, you're recognized to open on AM1682. [LB768]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. As Senator Cornett mentioned, the committee amendments clarify the intent of this original bill. First, what the committee did was added a new section to the bill, Section 31-740, for the specific purpose of adding the authority to contract for library services to the list of powers granted to SIDs existing prior to the effective date of this act. Thus, currently existing SIDs could contract for those services as well as newly forming and yet to be formed SIDs. The second thing it does is that it redefines the term "library services" so that it's less ambiguous, while retaining the intent of the original bill. Library services becomes, in the language, becomes access to the facilities and use of services of the library system of one or more neighboring cities or villages. This change makes it clear that the purpose of the new authority is to enable an SID and its residents to use neighboring city or village libraries rather than to authorize the creation of library systems or services inside the SID itself on a piecemeal basis. The new phrasing would, for example, avoid having the SID provide wireless broadband Internet service to its residents. Under the original term, that might be construed as a library service for which the SID would contract or could contract. All the bill will provide is authority to contract with neighboring cities or villages to permit SID residents to use their city or village libraries. The language refers to neighboring cities or villages since some SIDs are located in close proximity to more than one city or village. The language would authorize the SID board to choose which city services would be sought or would permit multiple contracts with more than one city or village, if they chose to do so. We think it adds clarification, and we think that it is a little more specific. With that, members of the Legislature, I'd ask for the adoption of the committee amendments, AM1682, and the advancement of LB768. Thank you. [LB768]

PRESIDENT SHEEHY: Thank you, Senator Friend. You've heard the committee

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amendment, AM1682, to LB768. The floor is open for discussion. Members wishing to speak Senator Stuthman, followed by Senator Gay. Senator Stuthman. [LB768]

SENATOR STUTHMAN: Thank you, Lieutenant Governor, and members of the body. I would like to engage in a little conversation with Senator Cornett. [LB768]

PRESIDENT SHEEHY: Senator Cornett, would you respond? [LB768]

SENATOR CORNETT: Yes. [LB768]

SENATOR STUTHMAN: Senator Cornett, I'm trying to visualize this as an SID that would be outside of the jurisdiction of the city or village. [LB768]

SENATOR CORNETT: I'll give you an example. SID...Bellevue has a number of SIDs. I lived in an SID that was surrounded by cities. It's a way of developing a subdivision. And when your tax load is paid off, the city annexes you. Well, I lived in a new addition, and even though I was surrounded by the city, I was unable to go to the library and check out a book without paying for a fee. Omaha has already corrected this problem through ordinance authority. You can go and...the SID contracts for all services, basically, for that neighborhood or that subdivision. And under the state law they were not able to contract for library services. With this bill, they will be able to contract at the time they either form an SID or go back in and contract for library services. [LB768]

SENATOR STUTHMAN: Okay. Thank you, Senator Cornett. And the reason I got interested in this bill is because of the fact that in our county we have still a bookmobile service that goes out to the county. The county pays for the bookmobile service to the city of Columbus. Now we have quite a number of SIDs in the county, but they're under the jurisdiction of the county portion of it. And then they can utilize the city of Columbus' public library. But the county does pay the city library so many dollars a year for that service--bookmobile service, or that those out-of-the-community people can utilize the city library at no personal expense. Yes? [LB768]

SENATOR CORNETT: Just like in Omaha, if you live in an SID, you can utilize library services. But other counties aren't the same. In an SID in Sarpy County, if you want to check out a book or belong to a library, instead of your SID being able to contract for \$1 or \$2 per residence per year, it's \$50 or more for you to have a library card. [LB768]

SENATOR STUTHMAN: I know there are a lot of different agreements with communities, because I think Madison County, Norfolk in particular, they have a public library and which...Platte County residents can utilize that library at no cost to them. So I am interested in the conversation. I want to listen to the discussion. I think we should make it available so that everyone has the opportunity to utilize the public libraries. They're a real asset to the communities, and you know, if there's going to be a cost per

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individual or if that can be taken care of by the SID portion of it at a fee paid by the SID, I think this can be accomplished. But I'm very interested in this because we need to utilize these libraries, you know, to their full extent. Thank you, Mr. President. [LB768]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Gay. [LB768]

SENATOR GAY: Thank you, Mr. President. I'd just like to commend Senator Cornett and the Urban Affairs Committee for taking on this issue. It's a big issue. And they found a solution where it's a win-win situation now, because the SID can go to their board and ask to have this service provided so they don't have to go to the counties. In our county there are hundreds of these SIDs, and Omaha is ahead of the game. But the counties cannot do ordinances. So this is a win-win situation. And the committee, it sounds like, narrowed it down and made it a better bill. So I'd encourage people to support this. Many times over the years the frustration...a parent goes in and they just...a simple thing, you think, would be a library service. They go in and they're turned down and it's been a source of frustration for a long time. And I think this bill will be good for the counties, good for the SIDs, and more importantly the residents in the SID who have to go talk to their SID board. They don't quite...it's a unique situation here in Nebraska with these SIDs. So what really this helps in the long-term is the parents who really are trying to help their kids and use these great libraries. We have some newer libraries that, quite honestly, I think are...well, they aren't under utilized, they're utilized very well. But this will provide those parents and those kids a much broader opportunity. And as libraries are growing in communities, are growing in the county, this will be a great benefit. So appreciate Senator Cornett and the committee to bring this and I'd encourage you to support it. Thank you, Mr. President. [LB768]

PRESIDENT SHEEHY: Thank you, Senator Gay. Are there additional members wishing to speak? Seeing none, Senator Friend, you're recognized to close on the committee amendment. Senator Friend waives closing. The question before the body is on the adoption of AM1682 to LB768. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB768]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB768]

PRESIDENT SHEEHY: AM1682 is adopted. We'll now return to discussion on LB768. No members wishing to speak. Senator Cornett, you're recognized to close. [LB768]

SENATOR CORNETT: Thank you, Mr. President, members of the body. I just want to urge everyone to please support this bill. It does grant library access to people that do not have it currently. Again, I want to stress the fact this is not a mandate. The SID can choose to contract, and it has no fiscal note. Thank you very much. [LB768]

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PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the closing. The question before the body is, shall LB768 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB768]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB768. [LB768]

PRESIDENT SHEEHY: LB768 advances. Next item, Mr. Clerk. [LB768]

CLERK: LB939, introduced by Senator Heidemann. (Read title.) The bill was introduced on January 14, referred to the Natural Resources Committee for public hearing. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB939]

PRESIDENT SHEEHY: Thank you, Mr. Clerk, Senator Heidemann, you're recognized to open on LB939. [LB939]

SENATOR HEIDEMANN: Thank you, Lieutenant Governor and fellow members of the body. LB939 deals with sealed bidding. The bill removes the restriction on negotiating a contract with a bidder in instances where there is on-site labor and all bids have been deemed either nonresponsive or in excess of the estimated fair market value. Currently, as directed by statute, when entities that are required to request sealed bids go forward and request bids and then the bids they receive are nonresponsive or in excess of the estimated fair market value, the entity may reject or negotiate with bidders on a contract if there is not on-site labor. If there is on-site labor the contract may not be negotiated and the project must be rebid. This starts the process all over, adding time and cost. The entities specifically addressed in this bill include a joint entity formed by an interlocal agreement, agencies created by the Municipal Cooperative Financing Act, and public power districts. At the committee hearing there were no opponents to this bill, and the Natural Resources Committee voted unanimously to advance this bill. I urge the body...I urge the support of the body on this measure. Thank you. [LB939]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You've heard the opening to LB939. The floor is open for discussion. Senator Heidemann, no members wishing to speak, you're recognized to close. Senator Heidemann waives closing. The question before the body is, shall LB939 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB939]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB939. [LB939]

PRESIDENT SHEEHY: LB939 does advance. (Visitors introduced.) Mr. Clerk, we'll proceed to LB1056. [LB939 LB1056]

CLERK: LB1056, introduced by Senator Erdman. (Read title.) The bill was introduced

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on January 18 of this year, referred to Urban Affairs Committee. The bill was advanced to General File. At this time I have no amendments pending, Mr. President. [LB1056]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Erdman, you're recognized to open on LB1056. [LB1056]

SENATOR ERDMAN: Mr. President, members of the Legislature, I bring before you LB1056, which has been a project that my office has been working on for the last couple years with the assistance and interest of two specific communities in western Nebraska--Scottsbluff and Gering. Over the past couple of years, and in fact over about the last 15 years, there's been renewed interest and discussions about the possibility of merging the two cities, or at least having a discussion. And in the course of their deliberations they have found that there is no possible way for them, in statute, to pursue that. What LB1056 would provide is that mechanism. I have been a member of the Legislature for eight years. I can recall vividly one of the first debates that we had on a similar topic was LB142, that deals with city-county mergers. There was no interest in it, and yet we did it as a Legislature. There is an interest in this discussion, and without the clear process that the communities may follow, there is no ability for them to merge or to consider merging. LB1056 would provide a mechanism in which the city councils may be able to pursue a merger. They would be required to place a plan before the voters, and they would then be required, after the approval of such a vote by a majority of both communities, to follow through with that plan and to enable those two communities to consider this opportunity. The legislation has been worked on both by my office, which has done yeoman's work in creating the new language, as well as in LB517 from last year. We've worked with the Urban Affairs Committee and their counsel to ensure that we have the appropriate provisions in here to allow for the public's input, but also for a logical process for the communities to follow. The communities are interested. They seek this opportunity. In fact the day of the hearing was a blizzard. There were other committees that didn't have as good of a turnout that day, but we had two of the mayors, the mayor from Scottsbluff and the mayor from Gering, both drove through that blizzard to get here to testify in support of LB1056. They believe it's vital for their discussions. And I believe that it's essential for the Legislature to enable them to know what the process would be, should their discussions go forward. LB1056 provides that mechanism, and I would encourage the advancement of LB1056. Thank you, Mr. President. [LB1056 LB517]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the opening to LB1056. The floor is now open for discussion. Are there members wishing to speak? Seeing none, Senator Erdman, you're recognized to close. Senator Erdman waives closing. The question before the body is on the advancement of LB1056. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1056]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB1056. [LB1056]

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PRESIDENT SHEEHY: LB1056 does advance. Mr. Clerk, do you have items for the record? [LB1056]

CLERK: Mr. President, a new A bill, LB721A by Senator Schimek. (Read title.) I have an amendment to be printed to LB606A by Senator Ashford. New resolution, Senator Aguilar offers LR256. That will be laid over. And I have a reference report, Mr. President, referring a certain gubernatorial appointee to standing committee for confirmation hearing. Revenue Committee, chaired by Senator Janssen, reports LB1081 to General File; LB814, LB890, LB1017, to General File with amendments; and the following bills indefinitely postponed: LB9, LB169, LB714, LB770, LB887, LB922, LB931, LB1000, LB1007, LB1071, LB1080, LB1098, LB1118, LB1140, and LB1175, all those reported indefinitely postponed. An announcement, Mr. President: The Education Committee will meet in Executive Session at 12:15 today in Room 1126; Education Committee, 12:15 in Room 1126. (Legislative Journal pages 778-787.) [LB721A LB606A LR256 LB1081 LB814 LB890 LB1017 LB9 LB169 LB714 LB770 LB887 LB922 LB931 LB1000 LB1007 LB1071 LB1080 LB1098 LB1118 LB1140 LB1175]

And I have a priority motion. Senator Aguilar would move to recess until 1:30 p.m.

PRESIDENT SHEEHY: You have heard the motion to recess until 1:30 p.m. All those in favor say aye. Opposed, nay. We are recessed.

RECESS

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the afternoon session is about to reconvene. Senators, please record your presence. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I do, Mr. President. Bills read on Final Reading this morning were presented to the Governor at 12 p.m. (Re LB123, LB268, LB279, LB386, LB500, LB586, LB620, LB623, LB624, LB668, LB715, LB744, LB747, LB750, LB752, LB782, LB790, LB791, LB823, LB856, LB857, LB896, LB915, LB925.) Amendments to be printed, Senator Johnson to LB797. The Appropriations Committee, chaired by Senator Heidemann, reports LB1165 to General File with amendments. I also have an announcement. The Business and Labor Committee will have an Exec Session under the north balcony at

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2:00 today. That's all that I have, Mr. President. (Legislative Journal pages 787-790.)
[LB123 LB268 LB279 LB386 LB500 LB586 LB620 LB623 LB624 LB668 LB715 LB744
LB747 LB750 LB752 LB782 LB790 LB791 LB823 LB856 LB857 LB896 LB915 LB925
LB797 LB1165]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on this afternoon's agenda, LB1157. [LB1157]

CLERK: LB1157 introduced by Senator Raikes. (Read title.) The bill was introduced on January 23 of this year, at that time referred to the Education Committee. The bill was advanced to General File. There are Education Committee amendments pending, Mr. President. (AM2093, Legislative Journal page 724.) [LB1157]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Raikes, you are recognized to open on LB1157. [LB1157]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. As you may know, this is the second of two bills I introduced on this topic of statewide assessment this year. The Education Committee heard LB987 on January 28 and LB1157 on February 26. My hope was that during February the state board and commissioner could assure the committee that the Legislature's decision on the issue of academic accountability would be honored. My hope was not realized. The commissioner still insists statewide assessment is the wrong policy direction for the state and has actively sought to interpret LB653, passed last year, as anything but a legislative mandate for statewide testing. The commissioner and the state board interpreted LB653 as, quote, STARS-plus, where school districts would be burdened both with local assessment reporting and statewide assessment. I do not believe that it was our intent as a committee or a Legislature that the statute be interpreted in that fashion. The state board and the commissioner have insisted that they have and will follow the law. My suspicion is that they mean they will take advantage of any interpretation opportunity to thwart the intent of the Legislature. But if you dismiss my suspicions and take their comments as sincere, there is no need for the commission proposed in LB987 which would have separated the student assessment function from the Department of Education. However, through their words and actions they have made clear that a change in statute is required to have them develop statewide assessment instruments in reading, math, and science in the appropriate grade levels. The committee advanced LB1157 and an amendment to further clarify our legislative intent to have statewide summative assessment for state and federal accountability purposes. I'll quickly summarize LB1157 as it would be amended by the committee amendment. First, the department and state board would not be allowed to require local assessments and assessment portfolios. Statewide assessment instruments would be required in reading, math, and science, in addition to the current writing assessment. Reading and math assessment instruments would be required in grades 3-8. Science

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assessment instruments would be required in three grades, including one elementary, one middle, and one in high school. The state board would develop, implement, and maintain a plan for assessment and submit that plan annually to the Governor. A technical advisory panel of nationally known experts on assessment would be appointed by the Governor to review the assessment plan and provide third-party insights for the Governor, the Legislature, the state board, and the Department of Education. Permissive language in the amendment would allow flexibility for assessment in other grade levels and social sciences, if required by the federal No Child Left Behind law in the future. I hope this provides a synopsis of the current situation and the amendment as we the committee view it. Let me take a moment to provide some background. The history of the assessment topic and Quality Education Accountability Act dates back over ten years. The Nebraska Legislature passed LB1228 in 1998, which required standards and assessments. However, the funding for its implementation was vetoed by then-Governor Nelson, and the bill was not implemented. The Quality Education Accountability Act, as it was named in the original legislation, was amended by LB812 in 2000. The Legislature at the time debated the merits of statewide assessment and eventually settled on the development of a statewide assessment system that would initially rely on the development of four model assessments. These model assessments were widely considered to mean tests. However, the implementation of the act morphed into a model assessment process that eventually was entirely based on local assessments. Four model tests were never developed, and the department had no intention to develop and administer them. In 2006, I asked the Legislature's Performance Audit Committee to consider two primary concerns with the Department of Education's implementation of state assessments through the school-based, teacher-led assessment and reporting system, acronym STARS. The two questions raised were, (1) whether the department was following state law, and (2) whether the department was going to meet federal requirements. The report was officially released last February. Ultimately, the report found that the department did not meet the statutory requirement of four model assessments, and recommended that the department either comply with the statutory requirements or seek to amend the law. Based on information at the time, the performance audit concluded that STARS would be compliant with No Child Left Behind, and in a moment I'll point out that since then we've learned other information. The immediate response to all this from the commissioner to the performance audit and the introduction of LB653, was defiance. He rejected the work of the Performance Audit Committee to include the implication that the department was out of compliance or that the law should be changed at all. Although the committee met with substantial resistance to LB653, the committee endeavored to craft a committee amendment that recognized the context of the course established by the state board, and attempted to redirect that course. By the end of last session, the Legislature set a new course that allowed some elements of STARS, but required that statewide reading and math assessment instruments be developed and implemented. I will note that the commissioner continued to resist that change as late as May 23. The day of the Select File debate on LB653, the commissioner e-mailed state senators and suggested

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delaying action on LB653. Unfortunately, this effort to delay is part of an ongoing pattern that certainly causes concern. Shortly after the end of the session, there were rumors and even newspaper accounts that the state board and the Department of Education were confused by LB653. The committee responded with a letter at the beginning of August that made clear the intent of LB653. By the end of August, the commissioner responded with a letter and a draft implementation plan. The draft plan was problematic in my observation, as a system where STARS plus statewide math and reading assessments were being suggested. I responded bluntly that this was unacceptable. Also by the end of August and early September, it was increasingly looking as if STARS was not going to fully comply with No Child Left Behind. This was not initially a concern raised during the LB653 debate. This past fall, in meetings with NDE staff and state board members, I made clear my concern with the department's draft implementation plan. The state board adopted the implementation plan on a 5-3 vote on October 4. I met with three members of the state board that day and let them know that I did not agree with elements of the plan. I later responded in writing on November 5 and addressed four points of concern. That letter clearly stated the intent of LB653 as I expressed it in the meeting, and I think you have a copy of that letter. There have been assertions that I was not clear or that I did not respond to the department. I should also point out that the several responses I did provide were ignored. I simply believe that my responses were not what they wanted to hear. I also believe that there's an attempt to say that the law does not force the state board to implement LB653... [LB1157 LB987 LB653]

SENATOR STUTHMAN PRESIDING

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR RAIKES: ...as I have outlined. Yet the commissioner insists that the previous statute permitted STARS. The current law is apparently so restrictive that a logical leap across a crack in the sidewalk is impossible, where they used to leap across the Grand Canyon to interpret statute when it suited their opposition to statewide assessment. Again, this pattern of behavior leads me to believe it is time to make statute more explicit on statewide assessment, and to insist that it be appropriately implemented. I will stop there, Mr. President, and go on with the committee amendment. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Raikes. As the Clerk stated, there are amendments from the Education Committee. Senator Raikes, as Chair of the committee, you are recognized to open on the amendments. [LB1157]

SENATOR RAIKES: Thank you, Mr. President and members. I will continue. Not only is there a pattern dealing with state statute, but there is an ongoing concern with Nebraska's status with No Child Left Behind, the federal law. At least three letters from the U.S. Department of Education since the passage of LB653 indicate that Nebraska

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has a very serious problem in meeting the assessment requirements of federal law. Once again, a pattern emerges that is difficult to ignore. The state of Nebraska relies on the commissioner and the state board to implement an assessment system consistent with both state and federal law. They went their own direction contrary to state law. This ongoing scuffle with the federal government to make Nebraska the champion of the fight against No Child Left Behind is, in my opinion, ridiculous. This behavior risks federal funds for assessment totaling \$4.5 million per year, as well as other federal funds. The commissioner has tried to convince educators in the state that the local assessment fight is worthwhile. Districts are forced to expend energy and money becoming experts in assessments and, quote, fight the good fight, not fully aware that they're being committed to a heavy-handed state and federal review of local assessment practices. I sent a letter to Secretary Kerri Briggs at the U.S. Department of Education on November 9 that indicated I believed effort to make STARS compliant with No Child Left Behind is contrary to state law and inconsistent with the direction we have set in LB653. A letter sent by Fred Myer to Assistant Secretary Briggs on November 29 suggested that it was unfortunate that I sent a letter and that the state board, along with the commissioner, are responsible for compliance with No Child Left Behind. I hope they begin to take this responsibility seriously. Although there are and should be philosophical debates about the appropriate role for student assessment, school district accountability, and the appropriate use of achievement data, such debate should not supersede the authority of the Legislature to pass a law and see it implemented. I believe that there has been and continues to be a pattern of behavior by the Commissioner of Education, supported by the State Board of Education, that concerns me about the appropriate implementation of the law. However, it is time to move forward. I do not want to dwell on the points of disagreement or the past issues of concern with statutory interpretation. At this point I believe that some form of oversight is a necessity. I believe that the assessment plan and the appointment of a technical advisory panel in the committee amendment helped to alleviate concerns about interpretation. I also do not want to dwell on the rhetoric surrounding the issue, but I find it necessary to comment on some of the criticisms floated about statewide assessment. The idea that statewide assessment does nothing to improve student learning is, I think, not only a shortsighted but in a sense, an arrogant view. It implies that state and local policymakers should have no input or could ever make a decision to improve education. Even national experts that promote local assessment suggest that policymakers need a standardized approach to assessment. Different users have different needs. Richard Stiggins, who is often quoted by the commissioner in support of locally based assessment, recognizes that state policymakers need, quote, assessment procedures that are standardized across context over time. The decisions to be made require it. This is the domain of the standardized test. Last year we sought to balance the purposes of multiple assessment in LB653 and made the point that local assessment is ill-fitted to serve as a statewide accountability approach. I believe we reached out to compromise last session and have had our hands slapped for daring to interfere with state education policy. It is argued that statewide assessments narrow the curriculum of

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states and schools. I agree that if you choose to make a statewide test a sham, you may do that, but if you also believe that you can make this a worthwhile exercise in summative assessment, it will improve education policy. I think instead that schools in Nebraska have demonstrated the time commitment to STARS is just as much of a restriction, and I don't believe we will see an end to the time commitment under STARS if we endeavor to push standards and curriculum forward. We are accused of not honoring teachers and their work. Teachers have grown accustomed to STARS as it has been interpreted at their local level. But at last year's hearing on LB653, when the question was asked, what if we revised standards, there was a collective sigh that deflated the room of STARS supporters. A system that is too burdensome for teachers and districts does not make the best use of teachers' time. We hear that statewide assessment is too costly. What is the cost of STARS annually? In 2005, the state board and commissioner pushed forward LB467, where essential education included teacher time and assessment work exceeding \$20 million per year. These costs are included in General Fund operating expenditures annually, and the state is paying for the ongoing expense. I believe that an appropriate statewide assessment system can be developed for an annual expense of less than \$5 million. The idea that STARS is a program of assessment is false. It is one thing in one district and something totally different in another. Several districts have already implemented standardized tests at the district level, because they want to know what is going on and want to make comparisons for local policy purposes. We hear that a new system won't comply with No Child Left Behind. Again I disagree. I believe that with a system of statewide assessment instruments, it is much easier to gain approval of No Child Left Behind than it is with our current STARS system. A letter dated December 18 from the U.S. Department of Education to the commissioner clearly spells out that the state would have to review each of our 254 school districts' assessment systems with the same peer review process that is used by the federal government to review states. We will be forced to make our State Department of Education five times larger than the U.S. Department of Education. The state needs to take the responsibility for state and federal accountability rather than passing it down to local school districts. Looking forward, I believe we can have a very effective statewide assessment system that takes into account the needs of local school districts, the state board, and state and local policymakers. We can and should have a system where districts appropriately use local assessment without the burden placed on teachers to become assessment experts. I envision the system that, once developed, opens a rich set of information about education that helps the state partner with local districts in serving at-risk students and better addresses the achievement gap. I envision that researchers and policymakers will be able to answer complex questions about the achievement of students in our state. We must not let fear of misuse of information paralyze us as a state in the development of better policy, better instruction, and better teacher preparation. With that, Mr. President, I would yield the time I have remaining to Senator Adams. [LB1157 LB653]

SENATOR STUTHMAN: Senator Adams, you have 1 minute and 38 seconds. [LB1157]

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SENATOR ADAMS: Thank you, Mr. President. Body, LB1157. I hope that I have some opportunity to answer some questions for you today. But in the short period of time that I have, let me say this. Let me add a slightly different perspective than what Senator Raikes has presented to you. When I left teaching a year ago, I left behind nine years of working on local assessments. And guess what? I found myself walking into this body, dealing with assessments again, and frankly I thought we had put it away last year, and here we are again. [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR ADAMS: For the good of teachers out there, we need to bring this to conclusion. We need to bring it to conclusion. From my perspective on STARS and local assessment, I spent nine years in the classroom learning how to develop local assessments, trying to get my hands around what STARS was supposed to do and how it was supposed to do it, how we were supposed to report the results, how we were supposed to develop the assessments, and the most difficult part of all, how we were supposed to validate what we were doing so it was acceptable to the state and acceptable for No Child Left Behind. When it all ended, at least for me for when I left... [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR ADAMS: Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Adams and Senator Raikes. You have heard the opening of AM2093, Education Committee, to LB1157. Those wishing to speak, Senator Kopplin, Senator Schimek, Senator Dierks, Senator Wightman, and many others. Senator Kopplin, you are recognized. [LB1157]

SENATOR KOPPLIN: Thank you, Mr. President, members of the Legislature. I believe I'm going to support this bill even though I don't like it very much. I didn't come to that decision quickly. I thought about this a long time. I'm going to support this bill because, first of all, I don't care if school districts have just one test to use. I don't really believe you're going to get the kind of information you want anyhow, so I don't care if it's just one test, whether it's standardized or others. Secondly, this has been a very divisive issue. It needs to be put to rest. We've heard the issue for too long on both sides of the problem. It leaves schools hanging of what to do. It's time to end it. This bill will end it. I'm going to support the bill because I don't have anything better to offer. Certainly this, in my opinion, needs to be criterion-referenced based upon state standards. I've argued that always: How can you have a state test unless it's based just on state standards? And I don't like item 3 in Section 4. I made my thoughts known early that I would not support a commission. Nowhere in this bill does it say commission, but this is getting

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awfully close. I'm going to support this bill because I haven't heard much from school administration and school organizations. When the two biggest kids in gym class started beating each other up, you guys acted like wienies and headed under the bleachers to hide. You can't do that. I don't care which side of the issue you're on. If you're not going to stand up and support education the way you believe it should be done, who's going to do it? I have heard from teachers...and beings this is teacher recognition week, I take a moment to say to you, you do an outstanding job in Nebraska. Teachers, you put in time and work into STARS, and you're better teachers for it. STARS is gone but the process that you went through to get the job done will be with you always, and that's the way it should be: you deciding what kind of assessment you need to give to those children in your classroom and seeing how they're progressing and then teaching to it. I've been a little troubled about this bill being heard on Tuesday, advanced on Wednesday, and on the agenda by Thursday. That's really quickly for the way we operate. It doesn't have to be that quick but it was. But now we need to talk about it in lots of ways, and I intend to see that that happens. I have lots of questions, mostly for those of you who are going to be...who know you'll be back next year, because you're the people that are going to have to deal with it. [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR KOPPLIN: Well, I will begin...I do have a question for Senator Adams. [LB1157]

SENATOR STUTHMAN: Senator Adams, would you respond to a question from Senator Kopplin? [LB1157]

SENATOR ADAMS: Yes, I will. [LB1157]

SENATOR KOPPLIN: In the brief time we have left, when you talk about this new assessment plan, what kind of a test are we talking about? Are we talking about a criterion-referenced test, a norm-referenced test, what? [LB1157]

SENATOR ADAMS: Senator Kopplin, the way that I would envision it, it would be a criterion-referenced test based on specific targeted--not all of Nebraska standards--but targeted standards that are essential. And let me add something to that which I think is important and I suspect that you'll agree, we also need to have it in such a form that teachers can give the instrument easily and get quick results so that they can respond back to any deficiencies they see in the classroom. [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR KOPPLIN: Okay. And so to report results we would have to rely on... [LB1157]

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SENATOR STUTHMAN: Time. [LB1157]

SENATOR KOPPLIN: ...raw scores? Would that be it? [LB1157]

SENATOR STUTHMAN: Thank you, Senator Adams and Senator Kopplin. Senator Schimek, you are recognized. [LB1157]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I rise to just give you a little bit of background, and I hope I have some time left to give to Senator Kopplin and Adams so they can continue their discussion. As the Chair of the Performance Audit Committee, I just wish to recall for you the Performance Audit Committee's recommendations back to the Legislature after doing a performance audit of the State Board of Education. And a couple of the things that the board...or that the audit found, which I think are really important, I'd like to read to you verbatim from the report. Finding 2 said, based on the section, meaning the performance audit section's interpretation of the term "assessment," which reflects legislative intent, the department did not meet the statutory requirements that the consultant select four model assessments in each subject area. This goes back to an earlier question when we would have, instead of multiple tests, the law said that we would choose four model assessments from which each school district could choose. Finding 3 said the term "assessment" is not defined in the act, and the section and the department disagree on how the term should be interpreted. And I hope that whatever we do here will be strongly defined. Finding 4...and I'm not reading some of these because they didn't really have much impact. They didn't have any recommendations. Finding 5, I should say, under the act school districts are required to adopt one of the model assessments, not choose between adopting a model assessment or adopting their own assessments. And that probably is a little bit in keeping with what the committee is trying to do in this bill. Finding 6, it says it's unclear under what circumstances the Legislature intended for districts to adopt their own assessments. And then finally, Finding 7 said the Attorney General's approval of the regulation allowing school districts to use either a model assessment or their own assessment appears to conflict with that office's published opinion which states...Section 79-760 clearly directs school districts to adopt one of the model assessments. I think what I want to point out to you by just going back and reviewing this a little bit is that the performance audit really did feel that the department was not following the state law, and that things need to be clarified. And that's what I think we thought we were doing last year with the bill that was passed last year, which the Performance Audit Committee did go ahead and choose as its priority. I don't know the right answer. I'm going to listen to all the discussion on testing because I have such mixed feelings about it. But I do think that, as was earlier stated, there needs to be some clarity, there needs to be a conclusion brought to this dispute that has really gone on and on. With that I would turn the remainder of my time to Senator Kopplin so that he and Senator Adams could continue their discussion. [LB1157]

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SENATOR STUTHMAN: Thank you, Senator Schimek. Senator Kopplin, Senator Adams, you have 1 minute and 12 seconds. [LB1157]

SENATOR KOPPLIN: Thank you, Senator Schimek. Now I forgot where we were, Greg. (Laughter) [LB1157]

SENATOR ADAMS: I don't remember either. You asked about a criterion-referenced test and I was talking about... [LB1157]

SENATOR KOPPLIN: We talked about how to score it,... [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR KOPPLIN: ...and I asked you if raw scores would be used. [LB1157]

SENATOR ADAMS: I'm going to leave that to the testing experts, Senator Kopplin. I would think that would be the better way to go. Maybe it would not. I'd have to be advised on that. [LB1157]

SENATOR KOPPLIN: Okay. Let me come back to you. I would like to talk to Senator Pahls for a moment if he would yield. [LB1157]

SENATOR STUTHMAN: Senator Pahls, would you yield to Senator Kopplin? [LB1157]

SENATOR PAHLS: Yes. [LB1157]

SENATOR KOPPLIN: Thank you, Senator Pahls. I get a little bit concerned on state tests, and then we start to talk about which questions we're going to use and all of that, so I want to ask you just a question about scope and sequence for a moment. In your work with school districts, you suddenly have a statewide test. Would it benefit you to gear to just that test... [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR KOPPLIN: ...so that you look well? Thank you. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Kopplin and Senator Pahls. Senator Wightman, you are recognized. [LB1157]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I happen to come from a district that is somewhat split on this issue, and I do have a few questions that I'll ask later. My school district within my city of residence, Lexington, Nebraska,

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who should be probably the most threatened by this because we have about an 85 percent, at least at the elementary level, 85 percent minority population or student enrollment. It would seem to me that they would be threatened by it from the standpoint that if standards are set up, they're going to have a difficult time meeting those standards. But I think our superintendent is convinced that as long as we show improvement, even though we have a high ratio of non-English speaking students, or at least limited English speaking ability, that as long as we show improvement, that's certainly going to be taken into account, and I'll ask some questions about that later. However, many of the other school districts within the district are not supportive of LB1157 and would prefer to stay with the STARS system. As of right now, I probably would support that but I do have some questions. The first one would deal with the fiscal impact and I'd like to direct that to Senator Raikes, and if Senator Adams would be better able to answer that, that's fine too. [LB1157]

SENATOR STUTHMAN: Senator Raikes, would you be willing to answer a question from Senator Wightman? [LB1157]

SENATOR RAIKES: Yes, I would. [LB1157]

SENATOR WIGHTMAN: Senator Raikes, I heard you talk about the fact...and I thought you said a \$2 million fiscal note or \$2.7 million, but my blue copy--and maybe there's a later one--shows about \$5,565,000 for fiscal year 2008-2009. Is that the latest fiscal note? [LB1157]

SENATOR RAIKES: Senator, I don't have the latest one right in front of me, and I will get that to clarify or correct my response as need be. I guess what I would mention to you, a couple things. They have on there, on the fiscal note, I think, the cost of developing statewide assessments, which is the bulk of that cost. I will tell you that really the full fiscal impact plays out the following way. Currently, we're placing the burden of statewide accountability on local school districts. They have to cover that burden by spending a lot of teacher time doing that--teacher time, extra teacher positions, and so on. So you have a situation where you're at least potentially eliminating a lot of that, freeing up a lot more time by teachers to spend in the classroom. And on the other side you're developing statewide assessments and implementing them at the state level. So the net effect of that I don't really realize...or don't really know for sure, but I'll try to get better information for you. [LB1157]

SENATOR WIGHTMAN: And I agree that that is, no doubt, true, and I think you gave a figure that the time now spent might constitute as much as \$20 million of actual expenditures that are spent at the ESU level. Did you give that figure? [LB1157]

SENATOR RAIKES: I did. I got that number from a bill introduced actually by the commissioner three or four years ago...or the state board, I should say, three or four

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years ago, suggesting that that's what they needed in order to fund teacher development required for the STARS system. [LB1157]

SENATOR WIGHTMAN: And it's your understanding that that is an annual cost of what we are now doing, the STARS system? [LB1157]

SENATOR RAIKES: That is my understanding, yes, and I would also point out that that was an additional amount of money... [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR RAIKES: ...that was requested, not necessarily the total amount. [LB1157]

SENATOR WIGHTMAN: Now, much of that on the ESUs is being picked up by the state of Nebraska so that our appropriations bill covers that at the present time, is that correct? [LB1157]

SENATOR RAIKES: We fund ESUs, as well as school districts, and of course property tax payers also fund both school districts and ESUs. [LB1157]

SENATOR WIGHTMAN: Do you think that we will see an immediate impact on this \$20 million on the same year that we would incur the expense of \$5.5 million, if that is the correct figure? [LB1157]

SENATOR RAIKES: Realistically, Senator, probably not. [LB1157]

SENATOR WIGHTMAN: There will be a lag time there. [LB1157]

SENATOR RAIKES: I think that's a realistic expectation. [LB1157]

SENATOR WIGHTMAN: Thank you, Senator Raikes. Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Wightman and Senator Raikes. Senator Wallman, you are recognized. [LB1157]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I have a little trouble with more assessments. It's not about the children, it's about the state, it's about No Child Left Behind. A year from now is the federal government going to change the policies, then what are we going to do? You know, we're not giving school districts enough time to figure out what they're going to do. I interviewed quite a few superintendents. They're happy the way it is now. They have a 40-some school consortium. They check with each other, see what's going on. So there is innovation out

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there. What built this country? What built this country, folks? Competition. And innovation among school districts. If the neighboring school district is a lot better than mine, I better get going. We can have assessments and we can pull all everybody down to the same level. That's what STARS has done. No Child Left Behind; lots of children left behind. Talked to some neighboring states with the statewide assessments, they're going down the slippery slope. So I can't support this at this time unless they have some good amendments on here. And thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Wallman. Senator Carlson, you are recognized. [LB1157]

SENATOR CARLSON: Mr. President and members of the Legislature, if I could I'd like to direct a question to Senator Raikes. [LB1157]

SENATOR STUTHMAN: Senator Raikes, would you respond to a question from Senator Carlson? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR CARLSON: I think you partially answered this maybe with the question asked by Senator Wightman, but I think early in your remarks presenting the amendment you referred to current expenditures for the STARS system, and that this may end up saving dollars in the long run. Did I hear that somewhat correctly? [LB1157]

SENATOR RAIKES: Yes. Yes, you did, Senator. [LB1157]

SENATOR CARLSON: Okay. Then I'd like to refer to Section 4(12) which I found at the bottom of page 7. "The state board may select additional grade levels and additional subject areas for statewide assessment to comply with federal requirements," which to comply to federal requirements is understandable. Then point (13), "The state board shall not require school districts to administer assessments or assessment instruments other than as prescribed by the act." Is the inference here that whatever that amounts to, that will be funded by the state, so we're not adding an unfunded mandate to local schools? [LB1157]

SENATOR RAIKES: That's right, Senator. The requirement here is that the state adopt the expense for statewide accountability. So the state rather than individual school districts pays for development and administration of the test, and tabulation and research of the results. Now a number of times, just to make it clearer, the question, well gosh, we like our locally based assessment system--whether it's STARS or something else, we would like to continue to do that--that would completely be allowed by LB1157. The only thing that would happen with LB1157 is that the department could not require that school districts report results of locally based assessments to the

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department in an effort to use them for statewide accountability. [LB1157]

SENATOR CARLSON: Okay. Thank you, Senator Raikes. And if a local system decided to continue with STARS, they probably would not be saving teacher time as they develop new instruments. That would be...but that would be up to them. [LB1157]

SENATOR RAIKES: Well, it would be, Senator. And I would tell you, they may well be saving time, because a lot of what they have to do at the local level for STARS is to develop these portfolios and all the other steps they have to go through in order to make those formative results or locally based assessment results useful for statewide accountability purposes. If they don't need to do that, if really all they're trying to accomplish is using those locally based assessments for formative purposes, then they may be able to do that with a lot less time and expense than what they're now doing. [LB1157]

SENATOR CARLSON: Okay. Thank you, Senator Raikes. Mr. President, how much time is remaining? [LB1157]

SENATOR STUTHMAN: You have 1:32, Senator Carlson. [LB1157]

SENATOR CARLSON: I'd like to address a question to Senator Adams. [LB1157]

SENATOR STUTHMAN: Senator Adams, you get the balance of the time from Senator Carlson: 1:23. [LB1157]

SENATOR CARLSON: Not quite. I want to ask him a question. [LB1157]

SENATOR STUTHMAN: Oh, you wanted to ask him a question. I'm sorry. [LB1157]

SENATOR ADAMS: I would have taken the time, but I'll ask the question. [LB1157]

SENATOR CARLSON: All right. Senator Adams, as a former teacher, and I am following up on a remark by Senator Kopplin--I'm hearing a little less opposition maybe than what I did at first--but as a former teacher, what do you see as the reason for the opposition to this bill? [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR ADAMS: The reason for the opposition to this bill? I think, first of all, we could argue just the concept of change. I think there's a whole lot of teachers out there that have spent a good deal of time, years literally, and hours and hours and hours developing local assessments. And whether they are committed to them or not, part of their fear today is, now what? Now what is the Legislature going to make us do? And I

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am going to say it again and I'm going to take this opportunity on your time to say it: Our intention is not to add work, it is to reduce work. [LB1157]

SENATOR CARLSON: Okay. Thank you, Senator Adams. Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Carlson and Senator Adams. Those wishing to speak, Senators Pirsch, Adams, Dubas, Harms, Dierks, Gay, Kopplin, Avery, and Langemeier. Senator Pirsch, you are recognized. [LB1157]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I think one of my questions was addressed prior to this with respect to the LB467 that was passed in 2005 that was referenced by Senator Raikes. And so I would yield the balance of my time to Senator Raikes at this point in time to speak as he delights. [LB1157]

SENATOR STUTHMAN: Senator Raikes, you have 4 minutes, 35 seconds. [LB1157]

SENATOR RAIKES: Thank you, Mr. President. Thank you, Senator Pirsch. I need to correct...is LB462, I think, was introduced but not advanced. The \$20 million was the requirement that was spelled out in that bill as proposed, as to what it would cost to provide the needed funds to do the additional professional development around STARS. I would just like to emphasize, given this opportunity, a couple of points. Again, LB1157 would not end locally based assessment. It would simply say you are not required to report the results to the department. You can do...you can continue with the current system if you use a STARS...or a STARS variant, I should say, because I think STARS is not the same from one place to another. Whatever you use now, if you would like to continue it, have at it. The difference is that you don't have to incur the additional burden of somehow trying to make those locally based results useful for statewide accountability purposes. It was also mentioned that, well, a statewide test and when would you give it and would it provide feedback? All of which are, I think, very important questions, but they're not ones that you have to concede defeat on. One of the difficulties I think we've had with the system that we're now in is that we've failed to participate, by our own choice as it turns out, in all the advances that have occurred in student assessment, academic accountability around the nation. We have sort of walled all that off and insisted that we can only do this STARS system and can't pay attention to anything else. I know of, at least sketchingly maybe, of some states that use statewide systems, not only for statewide accountability but also for local formative assessment. And they do it online, they do it very economically. And because they do it online they're able to get back very fast feedback for teachers, combating the argument that, well, if you do anything on a statewide basis, it has to take months before it can come back, and the results are not useful in the classroom. Again, there have been advances in other parts of the country where they have overcome many of these shortcomings, and we haven't participated in that, and I think it's at great cost to us. It

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was mentioned once that we suddenly have a statewide test. What we're proposing here is a criterion-referenced test. We're not changing the requirement that school districts also offer a norm-referenced test. And as you probably know, they all offer a battery. LB1157 is completely consistent with the notion that you do multiple assessment. You don't rely on only one test. You rely on a number of measures: norm-referenced, criterion-referenced,... [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR RAIKES: ...and a combination of those to determine how well students are achieving. Finally, it was mentioned that a district that serves a lot of minority students may well be threatened under this system. I certainly would argue that I would hope and don't see why that would be the case. I think one of the real advantages is, if we have a system that gives us an accurate read on achievement of students, we can learn from one school district to the next what works in a way of an educational program and what doesn't work. We have a statewide student information data base whereby we are set up, hopefully in the very near future, to record this sort of information. It will be available for policymakers, as well as educators, to find out what program works for a certain demographic group of students, for example, regardless of where those students are. [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR RAIKES: The idea that you rank one school district over another or under another really is not very important at all. I think educational achievement quickly takes us much beyond that. So I believe one of the great potentials of this sort of a system is that we can... [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR RAIKES: ...begin to make advances. Thank you. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Raikes and Senator Pirsch. Senator Adams, you are recognized. [LB1157]

SENATOR ADAMS: Thank you, Mr. President. Body, I'm going to try to pick up where I left off at the time of opening. When you develop local assessments, there is some real advantage. What's the advantage? Well, the advantage is the teacher has ownership in those assessments. The advantage is, the teacher gives the assessment, they get immediate feedback and they can react to that. There is no disputing that. So wherein does the problem lie? The problem lies in the amount of work that it takes to develop the assessment and validate that assessment to make sure that it's going to stand the test. There is where the work is at. And you change the standards that the assessment

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is based on, and we ought to do that. No standard is going to be carved in granite. We ought to be looking at them. They ought to be evolutionary. You change the standards, you're right back to changing the assessments and revalidating them. When you talk to teachers about whether they like STARS or not, you may or may not get an answer. But the one thing that they will all have in common is, we have spent an extraordinary amount of time developing these assessments and trying to get them validated. One of the things that LB1157 attempts to do is to ease the work that teachers have. Senator Raikes has pointed out, teachers can continue to do local assessments if they so choose, and I would tell you that teachers now really know how to develop local assessment. Even somebody like me could be taught how to develop good local assessments. But one of the things that I always questioned in the local--quit shaking your head--one of the things that I always questioned about my local assessments was, how valid were they really? How valid were they? I developed the assessment. I have ownership. I developed the assessment. I know what I'm testing. But if I wanted to compare myself to the school down the road, and I'm teaching on a standard and they're teaching on the same standard, and I look at my assessment results and they look at their assessment results, and we compare, we're not comparing apples to apples, and that becomes problematic. If the teacher down the road, if his students or her students did a much better job, the question I have to ask is, are your teaching methods better than mine, or is your assessment easier than mine? Now I have to raise questions about my assessment and their assessment. I get real concerned about that validity. Senator Wallman, a moment ago in his statement, and rightly so, indicated we wanted to reduce the amount of work the teachers have. That's exactly what this is about. He also indicated, what if No Child Left Behind goes away? It just might. But body, I ask you this: If No Child Left Behind went away tomorrow, should we completely eliminate any kind of accountability system for academic performance in our state? I don't think we ought to. I just don't think we ought to. What we ought to do instead is what LB1157 attempts to do: make it more valid, more reliable, and easier on teachers, I believe. If it wasn't going to be, I wouldn't be here and I wouldn't be taking the positions that I am. [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR ADAMS: Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Adams. Senator Dubas, you are recognized. [LB1157]

SENATOR DUBAS: Thank you, Mr. President, members of the body. Early, right after the session started, I think, I knew we were going to be talking about this issue on the floor, and as a new senator I knew that I had a lot to learn about this issue. So I sent out a very informal survey to the teachers in my district, and this is what I got back. This notebook is filled with e-mails from the teachers in my district. Number one, very

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appreciative of the fact that someone was actually asking them, the people who are using the tests and who are in the classrooms with the students, what their opinions were. And two, just again to reemphasize the issue that they have been working with and dealing with on a daily basis. These e-mails were incredibly helpful to me in understanding this issue. And while there might be some differences in thoughts and perspectives throughout these e-mails, there was one thing that was very clear from the teachers as well as the administrators, and there is an extremely high level of frustration on the parts of these people in feeling like they aren't able to do their job because all they're doing is thinking about testing. One teacher in a very simple way made her point very clear. She felt that too much testing is losing its effectiveness, because with too many tests the kids are just like, oh, another test, you know. They aren't taking it seriously. And she made this analogy. She said, you can weigh a cow over and over again, but it's not going to make that cow weigh any more or any less. It's just going to frustrate the cow. And I thought, that pretty much summed up my feelings and I think summed up the feelings of the teachers who responded to me. One of the teachers that lives in my district is a former Nebraska teacher of the year, and she sent me a very thoughtful letter expressing her point of view. And she talked about being able to take ownership in the assessments. Many hours have been spent writing, evaluating, and revising, with the help of local specialists, service unit professionals, and fellow teachers from across the state. When teachers write their own assessments, they have identified exactly what the students must know and be able to do it, and then make sure they can do it. School reform and accountability have been on the rise as the result of the need to increase learning, yet this cannot be accomplished with a statewide test. Requiring a yearly test may make teaching easier, but it would limit learning and hurt children. You do know that once the first statewide test has been administered and the results have been used to compare and rank schools, you can be sure that the teachers in Nebraska will begin teaching to the test. Next year's scores will look much better but those higher scores would not represent that Nebraska students have gained more knowledge and increased learning. The scores would represent a reduction of Nebraska's learning target, meaning they have learned less. I hold a great deal of confidence and trust in what this teacher has shared with me. I do have some questions and I'm wondering if Senator Adams would yield, please. [LB1157]

SENATOR STUTHMAN: Senator Adams, would you yield to question from Senator Dubas? [LB1157]

SENATOR ADAMS: Yes, I would. [LB1157]

SENATOR DUBAS: Thank you, Senator Adams. We passed LB653 last year, and I remember having this discussion on the floor with you about, is this going to do what we're wanting it to do, is this going to make it easier for the teachers or harder, is this going to achieve the objectives we were looking for? And I think you, at that time, assured me that you felt LB653 was that vehicle. So I guess my question is, why are

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you coming back this year with this bill? [LB1157 LB653]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR ADAMS: I think the end result is, in an attempt to answer your question, LB653 was a move towards...we already have a statewide writing assessment, and what we were asking for was a statewide reading and a statewide math, and that is the direction that the Nebraska Department of Education has been going. The problem is we end up in the end with statewide assessments and STARS. We've got both mandated by the state. Both would have to be reported in. It's...I believe if we're going to do this, what we really need to do is to eliminate one or the other, and what LB1157 does, it says STARS, though it can still be used...local assessments can still be used by classroom teachers... [LB1157 LB653]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR DUBAS: Thank you. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Dubas and Senator Adams. Senator Harms, you are recognized. [LB1157]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Adams, would you yield to a question, please? [LB1157]

SENATOR STUTHMAN: Senator Adams, would you yield to a question from Senator Harms? [LB1157]

SENATOR ADAMS: Yes, I will. Yes. [LB1157]

SENATOR HARMS: Senator Adams, one of the gaping holes we have in this LB1157 is that we do not pay any attention at all to higher education. There is a huge gap between what we require in our public school systems and what our higher education system requires them to have. And let me give you an example. At least two years ago when I was in another world, 70 percent of the students who enter a community college in this great state are mandatorily placed into developmental or remedial education. It doesn't say the teachers are doing a bad job. It just sees that there are gaps there. Is this going to be corrected in this? Are we going to get that continuity we need between these two major systems? [LB1157]

SENATOR ADAMS: Good question, and let me try to answer it as quickly as I can so that I'm not taking up your time. I don't know that LB1157 answers that. I think it's a step in the right direction. You know, we could look at the remediated classes we have at the community colleges and the university and say maybe that's because of different

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demographics we have coming into college today. But I do think this: that if we can move towards a statewide assessment, one of the things that we ought to do is, I think, higher education ought to be part of that discussion. [LB1157]

SENATOR HARMS: That's good. Thank you very much. I have one other question, Senator. Do you have you white copy handy? [LB1157]

SENATOR ADAMS: No, I don't. [LB1157]

SENATOR HARMS: Oh, that's okay. Let me just take you to it very quickly. On page 4 it talks about that the technical advisory committee shall consist of three to five nationally recognized experts. I have a problem with that just a little bit. I don't mind seeing maybe three come in, but whatever happened to bringing on a teacher and an administrator out of this state who is dealing with assessment, that has the feel for assessment and has the feel for the problems? Would you be willing to accept an amendment that addresses this issue? [LB1157]

SENATOR ADAMS: Senator, this is Senator Raikes's bill and he may be willing to do that. I can see the value in that. You, I assume, also see the value in bringing in outside expertise to review what we're doing. [LB1157]

SENATOR HARMS: Oh, no question about that, but I just want to make sure. Sometime when you bring in...and I've brought a lot of consultants in, and I've worked with lots of consultants over the years. I really understand the talent that they bring, but also there has to be a local vision here. There has to be something about the state of Nebraska that's still there, saying you know what, wait a minute here, these are the issues we're having, these are the problems we're having in our system. So I just want to make sure, if you're not going to be willing to do this, I will introduce an amendment to address that issue. So I just want to bring that to your attention, okay? Thank you. Senator Raikes, would you yield? [LB1157]

SENATOR STUTHMAN: Senator Raikes, would you yield to a question from Senator Harms? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR HARMS: Senator Raikes? [LB1157]

SENATOR STUTHMAN: Yes. [LB1157]

SENATOR HARMS: Okay, thank you very much. Senator Raikes, on LB653 which we've passed, and I want to follow up a little bit on a question that Senator Dubas was kind of pursuing. Do you feel that our State Department of Education in regard to

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implementing LB653, was dragging their feet? [LB1157 LB653]

SENATOR RAIKES: Well, I would tell you that they say not, but I would also tell you this: They have made it clear on a number of occasions that they don't believe in statewide tests. [LB1157]

SENATOR HARMS: Well, is there any...I guess what I'm trying to get to is, is there any deadlines that they have missed in revising the necessary standards to implement LB653? [LB1157 LB653]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR RAIKES: No. As far as I know, they have not at this point missed any deadlines. [LB1157]

SENATOR HARMS: So then they really aren't probably dragging their feet. In regard to No Child Left Behind, Senator Raikes, do you believe that we are out of compliance with No Child Left Behind? I mean, has the State Department of Education said that's an issue? [LB1157]

SENATOR RAIKES: The status we have... [LB1157]

SENATOR HARMS: Pardon me? [LB1157]

SENATOR RAIKES: Excuse me. The status we have now, as I understand it, is approval pending. [LB1157]

SENATOR HARMS: Well,... [LB1157]

SENATOR RAIKES: We have been required to enter a compliance agreement with the federal department to spell out how it is we are going to come into compliance. [LB1157]

SENATOR HARMS: Well, I think there are...if I remember right, of something that I read not too long ago, they were in compliance with three and they're working on the fourth, is that correct, on the fourth segment of this? Because that's really what this issue is kind of about, that we aren't meeting compliance. And I'm saying that I think they're pretty close to it. They've done three... [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR HARMS: Thank you, Mr. President. [LB1157]

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SENATOR STUTHMAN: Thank you, Senator Harms and Senator Raikes. Senator Dierks, you are recognized. [LB1157]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I too had some problems with this legislation, and it's based mostly on the information I've received from my district. To be quite truthful with you, I've had correspondence from administrators and from teachers, and I haven't had any of them write and tell me they like LB1157. They're all saying, you're taking away local control, we're losing local control, and they feel like this has happened to them about most of the education-related bills that have passed here in the last ten years. That's a big problem with my people. They like to have control of what they're doing there and they feel like they're losing it with this. I'm just going to have to listen to the debate. You are going to have to convince me that this is something I should be able to support, but at this point I really can't do it. Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Dierks. Senator Gay, you are recognized. [LB1157]

SENATOR GAY: Thank you, Mr. President. I'd yield my time to Senator Kopplin. [LB1157]

SENATOR STUTHMAN: Senator Kopplin, Senator Gay yields you 4 minutes and 54 seconds. [LB1157]

SENATOR KOPPLIN: Thank you, Senator Gay. There are some great questions going on, great discussions if you are listening to it. I'd like to speak just a little bit to the same area that Senator Harms did at this point, and that is item 3 in Section 4, which is this technical advisory committee. If I could I'd like to ask Senator Adams a question, please. [LB1157]

SENATOR STUTHMAN: Senator Adams, would you respond to a question from Senator Kopplin? [LB1157]

SENATOR ADAMS: I'll certainly try. [LB1157]

SENATOR KOPPLIN: Senator Adams, are you aware of different theories of what assessment should be? [LB1157]

SENATOR ADAMS: Sure. [LB1157]

SENATOR KOPPLIN: Well then, how can you tell from this? We're only talking about bringing in nationally recognized testing persons. Who decides what theory is going to be? [LB1157]

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SENATOR ADAMS: That would be dependent on who chooses these folks. [LB1157]

SENATOR KOPPLIN: Which is the Governor. [LB1157]

SENATOR ADAMS: In this case it is. [LB1157]

SENATOR KOPPLIN: And the Governor knows a lot about testing. [LB1157]

SENATOR ADAMS: Or the Department of Education may have determined the method of testing, and these folks come in and evaluate that. [LB1157]

SENATOR KOPPLIN: Thanks, Senator. My point is simply this: When you read this, "The technical advisory committee shall consist of three to five nationally recognized experts in educational assessment and measurement," there's a whole bunch of theories out there. We could have a mixture. We could have one theory. We could have anything. But don't we have people in Nebraska that know every bit as much as these people? And the answer is, of course we do. We have great teachers, we have great administrators, we have great college profs that know a whole lot about assessment--people that know Nebraska, know Nebraska's standards. Why do we need to go outstate? It doesn't say outstate exactly; it says nationally recognized. But you know, I can point to all kinds of curriculum directors in Nebraska that have a great understanding of this that have not bothered with national recognition, because they haven't done research and written books like some of the college profs. I really don't see why we're doing this. We don't know what theory we're going to use. We don't know what nationally recognized means. And frankly, I believe these education decisions, even though there may be some differences of opinion with the Department of Education or the State Board of Education, we need to have those decisions made there, not in the Governor's Office. I'd like to respond just a little bit to what Senator Dierks said, and also Senator Dubas. I started to ask questions of Senator Pahls about scope and sequence. Well, what scope and sequence is, it means how broad are you teaching and in what order are you teaching it. I think most schools probably would prefer a broad scope. In other words, when you have a subject they have the... [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR KOPPLIN: ...they have the ability to look and say, gosh, we need to do these kinds of things to do what's right for kids. That's a whole lot easier in large school districts than it is in small. That's a fact. In small districts, your scope is going to be more limited, not because of any kind of differences in abilities of teachers, but the amount of teachers that you have available. So you limit the scope. Well, the questions are either going to be from a broader range, which those kids can't answer, or the questions are

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going to be from a narrow scope, which means school districts that looked at it from a broad range are going to have to narrow their scope. And in another words, we're getting down to where we going to set the curriculum for school districts. [LB1157]

SENATOR STUTHMAN: Senator Kopplin, you may continue on your own time now. [LB1157]

SENATOR KOPPLIN: Okay, thank you. Sequence also becomes important. And this time I will ask Senator Pahls a question because I didn't want him visiting with Senator Adams any longer. (Laughter) [LB1157]

SENATOR STUTHMAN: Senator Pahls, would you respond to a question from Senator Kopplin? [LB1157]

SENATOR PAHLS: I sure did, because he interrupted my conversation with Senator Adams. Go ahead, Senator. [LB1157]

SENATOR KOPPLIN: Senator Pahls, I know your background is in elementary education,... [LB1157]

SENATOR PAHLS: Yes, yes. [LB1157]

SENATOR KOPPLIN: ...and that's why I'm asking you this question. We're going to give a mathematics test, starting with grades 3. [LB1157]

SENATOR PAHLS: Yes. [LB1157]

SENATOR KOPPLIN: Some schools...I don't know how yours did it, but where did you teach multiplication? [LB1157]

SENATOR PAHLS: Well, to be honest with you, actually it started in kindergarten, if you want to be...because two times three gives you...I mean, it actually starts in kindergarten. Many times we think in the formal multiplication tables, let's say in third grade, fourth grade, but actually multiplication does start in kindergarten. [LB1157]

SENATOR KOPPLIN: Excellent answer and a proper answer because it is ongoing. However, there is a theory...thank you, I won't make you stand any longer. [LB1157]

SENATOR PAHLS: Okay, okay. [LB1157]

SENATOR KOPPLIN: There is a theory that multiplication is an abstract thinking process, and you can teach it at any level you want but you're going to be banging your head against the wall until the child has the abstract thinking abilities to deal with it. In

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Nebraska, you find some schools say, we teach it in third grade, the tables and so on. Others say we wait until fourth grade. So let's give them a test, where if you give it in fourth grade they haven't really taught it yet, because you're giving it early. If you give it in third grade, you're probably not going to have a whole lot of success with it. Sequence is important, but what we're doing is looking at the whole realm of testing, and say we've got to draw us into not one...just simply one common test. We're saying we have to look at one common scope and sequence, one common curriculum, or the test questions are not going to be valid. How often are we going to rewrite these tests? Do we write them once and then they're good for the, what, 12 years? That's not what this says. This bill, if you'll look on, I don't know, it might be on page 2, says that the standards have to be revisited every five years. If you're going to revisit them, that probably means you're going to make a few changes. Well, school districts most likely don't change textbooks but once every eight years. So you technically could have two changes of standards before you ever change the textbook. So do we need to add to this activity that this advisory group has, and say you need to select the textbook that we're going to use? I mean, that's what Texas does. They have a statewide test. They also have their textbooks adopted statewide. Then you would have a level playing field. But that's not what we're after. Again, I said I'm going to support this bill because it's the best thing we've got out here,... [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR KOPPLIN: ...but we need to ask these questions: Just where are we going with it? And I don't think this answers it. I'm pretty much opposed to the advisory group unless we make some changes and get teachers and administrators from Nebraska, and put it under the direction of the State Department of Education and not the Governor's Office. Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Kopplin. Senator Avery, you are recognized. [LB1157]

SENATOR AVERY: Thank you, Mr. President. I am supporting this bill. I wish I didn't...I wish we didn't even have to be having this discussion, but unfortunately we do. I had hoped that we had put this issue to rest last year. But events that transpired after our session last year convinced the committee that we had not put it to rest. It had not happened. I can recall meeting with members of the State Board of Education and with the commissioner and being told things like, well, we have to get state standards before we can do any testing or come up with any models for testing. And then I looked at what they said were their guidelines for the state standards. It had seven lines of script; it took them three months to get to that point--three months to come up with seven criteria to guide the formation of standards. All of that had to be done before they could start with developing models for testing. So when you project that kind of--yes, I would call it foot-dragging--when you project into the future, we would be well past this session

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before we would ever be able to take any action. It became clear to us in multiple meetings that we were not getting full cooperation from the department and this legislation is necessary. Senator Raikes was candid in his opening remarks and he was correct. I want to additionally address the merits of statewide testing. I know that many of you might have some lingering questions about that. It is true that one could argue that statewide tests have limited value in terms of classroom instruction. That's probably true to a point. But it can be argued also that local assessments, which we now do, are probably equally unsuitable for accountability purposes, because local tests measure widely different academic standards, not statewide standards; proficiency definitions are different, passing scores are different depending on what the local units say. Some people fear that statewide tests in other areas will lead to a narrowing of the curriculum and widespread teaching to the test. I'm not so sure about that. We have some experience with statewide testing now. It's the writing assessment test. If we look at that, I think these fears about narrowing the curriculum and teaching to the test are unfounded. In 2006-07, Nebraska students produced record writing scores at all grade levels with almost 90 percent of all students passing the test. Since 2001, student writing scores have increased on average almost 11 points at three levels, of grades 4, 8, and 11. And this is a statewide test. Why are we so worried about a statewide test? We're not saying that you have to do away with STARS. STARS can be an important instructional instrument. I've talked to a lot of teachers who have convinced me that is the case. But what I think is more important here is if you talk to teachers, a lot of teachers from across the state, you'll find that the statewide writing test has actually stimulated a lot more focus on teaching writing in the schools, hence the increased proficiency in writing. And that of course is a positive result of statewide testing. I think we can expect similar results... [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR AVERY: ...if we test in other areas. LB1157 does not necessarily mean more tests for school districts. After all, we are already under mandates through No Child Left Behind to do testing at grades 3 through 8 and 11, and we've been doing that for two years already. LB1157 does shift accountability from local testing to statewide testing, and we've done that before with writing. This is the correct approach, and I hope that you will vote to advance this bill. Thank you. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Avery. Senator Langemeier, you are recognized. [LB1157]

SENATOR LANGEMEIER: Mr. President and members of the body, I'd yield my time to Senator Raikes. [LB1157]

SENATOR STUTHMAN: Senator Raikes, you have 4 minutes and 53 seconds. [LB1157]

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SENATOR RAIKES: Thank you, Mr. President, and thank you, Senator Langemeier. I appreciate the discussion. I think there are number of important points that are being raised, and some questions that are being raised that should be raised. One, I've heard the discussion about the technical panel and concerns about who that is and who appoints it and so on. I would urge you to consider a couple things about this part of the proposal. That technical panel is a group of nationally recognized experts. Does that mean that they are people outside Nebraska? Not necessarily at all, but they are recognized for their expertise in the area of assessment. What heavy hammer are they given? To what extent are we going to have these folks demanding that we adopt a certain textbook or that we begin school on a certain day, for that matter? They are purely advisory. It is an opportunity to get some insight from some experts that may or may not within Nebraska, to look at what we're doing, to provide an evaluation, and to make suggestions as to how we might improve. If we don't like what they come up with, we ignore it. There is absolutely no hammer here. This is simply an invitation for some information from some well-qualified people on a very important topic. Second, we have talked or heard some comments about teachers and their role and the impact on teachers. I see no reason, frankly, that teachers would not be totally enthusiastic about this. Again, the purpose here is not to further burden teachers. The purpose is to lessen the burden on teachers. If teachers and the administration in a school district want to continue with exactly the program that they now have in the way of locally based assessment, do it, have at it, do whatever you like, modify it as you see fit, and most importantly, modify it as you see fit. The heavy hand of the department will not be upon you. You can do it the way you want to do it as a local district. I suspect but don't know for sure...I suspect that many districts will decide that a lot of the stuff they've had to do under the STARS rubric in an effort to try to make a locally based assessment somehow pass muster as a statewide accountability measure, they will stop doing. They will simply say this is a bunch of exercise we went through that we no longer see the need for. Maybe we never did see the need for it, but we certainly do see it any longer. We're no longer required to do it so we're not going to do it, and thereby we're going to have more time to spend at doing what we really need to do, and that is spend time with students in the classroom. The question was made about too many tests, why do we need more tests? Keep in mind, we are talking here about fewer tests. You hear, oh my gosh, 17 additional tests. How many tests are these 17 tests potentially replacing? Probably thousands. All the locally based assessments that have to pass muster supposedly with No Child Left Behind are no longer needed. We are accepting that responsibility at the state level. Those tests will be developed at the state level. The burden will no longer be placed on local teachers in districts. Well, and I'll mention,... [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR RAIKES: ...you know, finally, you can bring up bad actors in any scheme

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you want, but if you're talking about statewide tests, I suppose Texas is as good a place as any: high-stakes tests, uniform state curriculum, uniform state textbooks, all that sort of thing. You can take probably anything to an extreme and statewide testing is not an exception to that. We are not proposing that here. We're going to have a statewide test in reading, math, and science, along with writing, to give us accountability, academic accountability information at the statewide level. We're not going to use this as a means to force school districts to do this or that or to fire teachers or fire principals or anything of the sort. This is simply a measure to reduce the burden on teachers, and at the same time, to provide policymakers... [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR RAIKES: Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Langemeier and Senator Raikes. Those senators wishing to speak are Senators Pirsch, Wallman, Hansen, Dubas, Harms, Pahls, Carlson, Raikes, and Kopplin. Senator Pirsch, you are recognized. [LB1157]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I really just want to comment on the level of debate. I think it's very helpful to me, and I hope we continue on this high plain with respect to kind of framing the issue. As I see it there's three points. The first point, dealing with the need or desirability for more uniformity in state testing, I mean, more uniformity amongst the school districts in Nebraska. Secondly, with respect to, I guess, the issue of whether or not the need is based on...well, I guess the cost of implementing the statewide system; whether or not it be a more costly program to implement than what we have. And so quantifying that cost and deciding...or, I guess, identifying who pays for those costs would be the second, I guess, issue. And last and not least, the issue brought up by Senator Dubas which deals with identifying unintended consequences such as she stated her fear, teaching to the tests and thereby not really reaching the goals that this bill has put forward. And towards that first issue, the need or desirability for more uniformity, I wonder if Senator Raikes might yield to a question. [LB1157]

SENATOR STUTHMAN: Senator Raikes, would you yield to a question from Senator Pirsch? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR PIRSCH: Thank you, Senator Raikes. I wonder if you might comment on...with respect to the need or desirability of having greater uniformity in the state, are there any factors or empirical types of facts that would lead us to believe that such a movement is necessary or...as opposed to just a theoretical type of harm? [LB1157]

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SENATOR RAIKES: Senator, I'll rely on some anecdotal information which I think builds on a comment I made earlier that STARS is kind of anything and everything, depending upon where you are in the state. There are a number of school systems in the state, some bigger ones that I know of, that in effect have already adopted a statewide test system. Now because they're just districts, it only occurs within that district, but I think I can use that to hopefully provide an answer to your question. Why does, for example, Lincoln Public Schools decide to give the same assessment, the same test in, say, 4th grade math in one part of the city as in another part of the city? And I think the answer probably relates along these lines. As local school...local policymaker school board members, we have to decide about allocating resources, scarce resources, within the district. We need to know where we're being successful academically and where we aren't. In order to know that, we have to have comparable results. We have to know how well students are doing in one part versus another. I think you can build upon that to make the case for a statewide assessment for policy purposes, for example, at the level of the Legislature. [LB1157]

SENATOR PIRSCH: Very good. Thank you. With respect to the issue, the second category I brought up or issue of discernment, the cost and who pays for it, just a clarification, first of all. [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR PIRSCH: We had talked about the \$20 million figure. Is that what we expect we are...currently is being appropriated towards complying with STARS, or is that what would be needed in the future to comply with STARS? And who would pay for that? [LB1157]

SENATOR RAIKES: Senator, that's a good question. We don't know how much STARS cost because of the type of system it is and the way it's administered. There is not...it takes a lot of teacher time out of the classroom. It requires assessment supervisors in the districts and all that contributes to the cost of STARS in addition to what other. And I'd also mention that ESUs have been strongly involved in development of tests for STARS. They also are funded by the state. So I don't know the cost. I can tell you that I'm convinced that if you do an efficiently administered statewide testing system for accountability purposes... [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR RAIKES: Thank you. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Pirsch and Senator Raikes. Senator Wallman, you are recognized. [LB1157]

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SENATOR WALLMAN: Thank you, Mr. President, members of the body. Senator Kopplin and Senator Dierks and Senator Dubas brought up some very good points: local control, local issues, school testing. You interview some 4th grade children. My wife is a retired teacher, my sister-in-law is, my brother was a principal, so I've been involved in education/school board. I've been from San Francisco to San Diego to Florida to New Orleans. Every school board has a little bit of different vision about how their school should be run from Georgia to New York City. But one thing about...we're not hearing much about the kids, we're hearing about what we want to see as a test. These little 4th graders, if they don't do very good on their test, Omaha World-Herald, they put how each school district does in Omaha so they're graded as a school district. What does that make little Johnny or Susie feel if her school district is at the bottom of the page? They pick on administrators or teachers. They pick on the teachers. And the administrators should uphold the teachers and, above all, the administrators ought to spend at least two weeks a year in the classroom, see that Johnny or Susie...to see what they're doing. And this is an important. I love children. My ancestors gave some land for a one-room schoolhouse and I came from a one-room schoolhouse. Local control, you had a bad teacher for a couple years, the school board got rid of that teacher. So here's some more assessments. Is it going to make our schools better? Probably not. Is it going to make it handy for us in here? Maybe. Are we going to learn anything? Are we going to teach a wider horizon? My wife says when they started teaching for assessment and tests she taught less because she had to teach more...narrowed it down, teaching for the test. Earth science, and some of those things are very important to a farmer, she just kind of had to let by the wayside because not enough time, too many assessments and tests. So this is why I'm against any more assessments. Let's see how this shakes down. I know people don't like the STARS program. Some teachers probably don't like it. Some administrators love it; some don't. But we're tinkering with something every year. So we're putting a little pressure on the administrators here, putting a little on them there. We're tinkering with something that's very dear to my heart with our kids. For goodness' sakes, this is about kids. This isn't about administrators, about senators. This is about kids. So our federal government decided to put No Child Left Behind as a law, and I don't think it's very effective. And it sounds good. It's good political rhetoric. So that's all I have, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Wallman. Senator Hansen, you are recognized. [LB1157]

SENATOR HANSEN: Thank you, Mr. President. A lot has been said today and it's been a good discussion, and I do agree that we need to have this. And I keep asking myself, is this how we test or how we teach? And I think we need to keep that in mind, too. And Senator Kopplin, I asked him...he was talking about scope and sequence. I knew both those words but I didn't know it was ever used in education, so that was good to learn there and I think, you know, we might have some expertise in this state to do a statewide assessment if called upon. I think I want to make twofold comments about

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what we've been saying today. And last year when we passed LB953, I was leery of--and Senator Adams can attest to this--I was leery about statewide assessments. I asked him some questions on the floor and then I started getting e-mails and calls and personal contacts from teachers in the district, especially those teachers that were accustomed to giving the writing assessment, because that all the statewide assessment is for now. And they agreed that statewide assessment would be a good idea, so I changed my mind; I voted for the assessment bill. And then we come today...to today and we still haven't gotten much further than we were a year ago, so it is frustrating; and it's very frustrating for those teachers back there that thought we were going to have a statewide assessment and do away with the STARS and that type of testing. And then, too, that we would automatically add in the future, slowly but steadily, reading, math, science, and social studies. We need to remove one layer of testing. We need to make the reporting that the teachers do, that the secretarial work that they do, may be 5 to 10 percent of their teachers' time instead of 30 percent. Let the teachers teach and Nebraska children will be better off. Thank you, Mr. President. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Hansen. Senator Dubas, you are recognized. [LB1157]

SENATOR DUBAS: Thank you, Mr. President. I think through the course of this conversation today, I think we could probably agree that testing has changed the nature and the environment of our schools. In January of this year a young freshman in high school from the Grand Island area wrote a guest editorial in the Grand Island paper. To quote from his editorial, he states: I learned very quickly that there was a skill to be learned, there was a test to be taken. My teachers always stressed how important these tests were, particularly the ITBS state test, not just to us but also to the school. This gave the school more funding when we did well on these tests. This is probably a 14-year-old or a 15-year-old young man who is recognizing what's going on in the learning environment, and I don't think he's feeling really good about this. I just want to go on to emphasize the heartfelt responses that the teachers in my district sent to me. One gentleman closed his e-mail by saying, just help the government see what we are dealing with and try to understand where we are coming from; it just doesn't seem like they do. Because they don't. It is too complicated. If we know where we're being...if we know we're being noticed and there are efforts to help us, then teachers will respond. They just have to be motivated. Please don't take this as a complaint. I'm just trying to paint as realistic of a picture as possible for you. We just want you to understand. We just want to do our jobs. I think teachers and students alike are tired of being the football in this discussion. They're telling all of us to get our act together and recognize the professional abilities that our teachers have and truly how committed they are to education and to our children. And I hope, if nothing else comes out of this discussion, that our teachers will realize that we do recognize and appreciate their efforts. I would like to continue my discussion with Senator Adams, if he's available. [LB1157]

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SENATOR STUTHMAN: Senator Adams, will you be available... [LB1157]

SENATOR ADAMS: Yes. [LB1157]

SENATOR STUTHMAN: ...for a question from Senator Dubas? [LB1157]

SENATOR ADAMS: Yes. [LB1157]

SENATOR DUBAS: Thank you, Senator Adams. I recognize and agree that schools...there has to be a level of accountability among our schools in what they're teaching and how they're teaching. But I guess, to me, the question is why are we testing? Are we testing so that we can take different school districts and compare them to each other? Or are we testing so that we can see that what our teachers are teaching is being absorbed by the kids? I just don't feel like taking test results and comparing school districts to each other will get us where we need to be and want to be. I think Senator Kopplin brought up the issue about the different size school districts, the different types of children that are in school districts, the different challenges that different teachers have to face. So I guess I would go back to the question of why are we testing and what's our objective. [LB1157]

SENATOR ADAMS: Our objective is what it always should be--we want to see if our kids are improving. And we can look at that, Senator Dubas, as an individual school district. I could say, are the kids in Fullerton improving? And we can do that with STARS. The concern becomes how are the kids in Fullerton doing relative to other kids in the state? And as a state we ought to be asking ourselves how are Nebraska students doing relative to other states? And we can get beyond...we can start gathering that information, but we have to get beyond purely a local assessment, I think. [LB1157]

SENATOR STUTHMAN: One minute. [LB1157]

SENATOR DUBAS: Okay, can we get that same type of information? I mean our kids in Nebraska historically scored very well on the college entrance tests, the ACTs, the SATs. Our kids tend to do very well in secondary education. Is that...can that give us the information we need? [LB1157]

SENATOR ADAMS: You know, that data is available, but you can also look at it, depending on how you want to look at that data, that maybe we're not doing as good as we thought. [LB1157]

SENATOR DUBAS: I guess, again, I go back to the testing, and I want to know, you know, if my child is improving in school. I had four children, four very different learning abilities; two of them could test with the best of them, two of them couldn't take a test to save their souls. They're both very successful adults right now, one graduated

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from...well, they both graduated...all of my kids graduated from college. They're holding down very good jobs. But just because of those two not being able to test and maybe dragging down the school's numbers... [LB1157]

SENATOR STUTHMAN: Time. [LB1157]

SENATOR DUBAS: Thank you. [LB1157]

SENATOR STUTHMAN: Thank you, Senator Dubas and Senator Adams. Senator Harms, you are recognized. [LB1157]

SENATOR HARMS: Thank you, Mr. President, colleagues. Senator Raikes, would you yield for a couple questions, please? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR STUTHMAN: Senator Raikes, would you yield to a couple of questions from Senator Harms? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR HARMS: Senator Raikes, I'd like to get a little further into LB1157, if I can. How many actual tests, individual tests, will LB1157 require in our school system? [LB1157]

SENATOR RAIKES: I think the number is 17. I haven't bothered to tabulate it, but it's grades 3 through 8 and one high school grade for reading and math, and then tests for science in elementary, middle, and high school. [LB1157]

SENATOR HARMS: And does LB653...what do we require in LB653? Do you remember? [LB1157 LB653]

SENATOR RAIKES: Well, LB653 specifically said, like the language that was in place before, 4, 8, and 11, although it was permissive. It gave the department the opportunity to test in as many grades as they chose or, in particular, in as many as were required by No Child Left Behind. [LB1157 LB653]

SENATOR HARMS: Do you think by adding the fairly large number of individual tests that that will be an overburden on our teachers? [LB1157]

SENATOR RAIKES: Actually, I think it would be less of a burden because now, under STARS, they're doing 3 through 8 and one high school grade for reading and math, in addition to the statewide writing test. And again, there's a lot more than 17 tests.

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There's one for potentially, theoretically, every classroom. [LB1157]

SENATOR HARMS: Okay. Senator Raikes, the other thing I wanted to know, the kind of testing that we're going to do here, is it going to be, like, multiple choice? And what I'm driving at, so that you understand it, I'm looking for the fact, are we going to have the kind of database, kind of computer system that will not bog us down, that we can get the answers back, we can actually improve the instructional side of the house quickly? Or is this going to be a situation where we get into a system where we have all these tests coming in from hundreds and thousands of different teachers and we're going to be unable to handle it? How is that going to work? [LB1157]

SENATOR RAIKES: So you're asking whether or not, for example, you would have essay questions or multiple choice questions? [LB1157]

SENATOR HARMS: Yeah, I'm just really looking at how we're...are we going to be able to tie this into a database, a computerized system that can handle it and get it back? [LB1157]

SENATOR RAIKES: That is certainly the intent. As a matter of fact, we have, as I mentioned earlier, the statewide student information database which hopefully will be the recipient of all these test results. [LB1157]

SENATOR HARMS: Will it be able to handle as much testing as you're going to do? You're going to add...you're going to have a total of 17 tests. Will it be able to handle all that at one time without a real burden? [LB1157]

SENATOR RAIKES: I think easily, is my... [LB1157]

SENATOR HARMS: Okay. [LB1157]

SENATOR RAIKES: ...is my answer, yes. [LB1157]

SENATOR HARMS: I hope you're...thank you, I hope you're right. Could you also, Senator Raikes, tell me what is the cost for addressing this new testing system. What is it going to cost us in the state coffers? [LB1157]

SENATOR RAIKES: There will be a cost associated with developing the tests and I don't have...well, we don't have a fiscal note yet for the committee amendment, which would actually be the operative vehicle in this, but I think I said in my opening that I think we can do it for less than...or for \$5 million per year or less, and that would include development of the tests, administration of the tests, reporting of the results, and researching of the results. [LB1157]

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SENATOR HARMS: Thank you very much, Senator Raikes. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Pahls, followed by Senator Carlson. Senator Pahls, you're recognized. [LB1157]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I would like to have a little bit of a discussion with Senator Adams. [LB1157]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB1157]

SENATOR ADAMS: Yes, I will. [LB1157]

SENATOR PAHLS: Thank you. Senator, what I'm going to do is just a couple questions because...just for some clarification. I've heard these words several times. I just wanted to make sure I'm understanding. Now you're telling me there are...we have STARS, then we have statewide assessments. What are the statewide assessments? Just... [LB1157]

SENATOR ADAMS: We have one statewide assessment right now and that is the statewide writing assessment. [LB1157]

SENATOR PAHLS: Okay. [LB1157]

SENATOR ADAMS: That's the only one that we have developed and have used. [LB1157]

SENATOR PAHLS: But what is the future going to bring us? [LB1157]

SENATOR ADAMS: If LB1157 passes, we will have statewide assessment, not only in writing but in math, in reading and in science, and within LB1157 there is permissive language so that if No Child Left Behind were at some point to mandate some other subject, such as social studies, which will probably be next on the list, then a statewide assessment could be developed. [LB1157]

SENATOR PAHLS: Okay. Now I hear the word STARS. Now STARS can stay or it can go if we pass this bill. [LB1157]

SENATOR ADAMS: That's correct. [LB1157]

SENATOR PAHLS: So as a school district, I probably will be held accountable for

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these...eventually these statewide assessments in the four or five areas that you've designated. [LB1157]

SENATOR ADAMS: The state...if LB1157 passes the way it is, then the statewide assessments would be developed and the results of the statewide assessment would be reported to the state. Local assessments could continue on the way they are, but they simply would not be required by the state to be reported. [LB1157]

SENATOR PAHLS: Okay. If a school district would say they would do away with STARS and just do the statewide assessment, would teachers be spending less time on the testing aspect? [LB1157]

SENATOR ADAMS: I would think that they would, primarily because of this. They may still...those teachers may have been, may still be and are real proponents of STARS, and if STARS is done away with they may continue to do local assessment. But what they won't do anymore, Senator Pahls, is to develop the very extensive portfolios it takes to validate their STARS assessments. [LB1157]

SENATOR PAHLS: So in the long run, this could actually save them time in the area of testing. [LB1157]

SENATOR ADAMS: I believe so, or I wouldn't be standing here supporting it. [LB1157]

SENATOR PAHLS: Okay. So when I hear more testing, this actually should drop the amount of testing, unless a teacher chooses to do more. [LB1157]

SENATOR ADAMS: That's correct. [LB1157]

SENATOR PAHLS: Okay. Thank you. Here's another question. When we were talking...earlier we were talking about the costs, so what I did is I had my staff just called the Millard school system right now, because I'm familiar with that, not the financial, but this will show you how much this could possibly save the Millard School District. Right now, they have 64 of these tests within the district; costs around \$20,000 per test to develop it; and to provide security, it's my understanding it costs around \$320,000 because you just don't have one test. For security purposes you have to have several choices. Don't do the same test necessarily year after year. So in a five-year plan, this would cost the Millard district right now \$1.2 million. So that...so if Millard doesn't do this, this saves them money. This would actually save the Millard School District money because it's my understanding this is going to be funded at the state level. Another thing, because I am familiar with this, the writing assessment, I've heard people talk about that. The neat thing about this, all teachers know what is expected of them. The writing assessment has six attributes. The teachers know what those attributes are and they teach to those attributes. [LB1157]

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SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR PAHLS: It's amazing that you see the improvement of their writing abilities. Here's another thing too. What I find quite interesting, there are three school districts--Millard, Omaha, and I think Lincoln--now have moved to the TerraNova, which is a nationally standardized test. So about 90,000 to 100,000 of our students already are being tested in achievement tests. Many of you may have, in the past, think of the Metropolitan Achievement Tests, California Achievement Tests. Probably those are some of the tests that you did when you were a child. Here's the interesting thing about it. Instead of being so concerned about comparing schools to schools, you can actually compare that school to itself because every school will know that they are...it is anticipated that they will be scoring at a certain level. If they score above it, it's a hurrah. If they score below it, that means they need to take a look at what's happening. Everyone of those schools taking an achievement test... [LB1157]

SENATOR LANGEMEIER: Time. [LB1157]

SENATOR PAHLS: Thank you. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Senator Carlson, followed by Senator Raikes. Senator Carlson, you're recognized. [LB1157]

SENATOR CARLSON: Mr. President, members of the Legislature, I would again like to address a question to Senator Adams. [LB1157]

SENATOR LANGEMEIER: Senator Adams, would you yield? [LB1157]

SENATOR ADAMS: Yes, I will. [LB1157]

SENATOR CARLSON: Senator Adams, I gave you a copy of the e-mail that I received from a well-known and highly respected superintendent in my district, and I think these are the kinds of concerns that may be rather universal. And I've asked you if you would respond to those. [LB1157]

SENATOR ADAMS: Yes, I will. The first question, it asks give LB653 a chance and time to work. In effect, what LB1157 does is a continuation of LB653, in that already statewide assessments in reading and math are being developed. What LB1157 does is to go a step further and say that STARS won't be reported, and we felt that was critical because otherwise we were feeling the pressure of more tests on top of tests, which is the very thing we wanted to try to eliminate. STARS is working in our district now. I'm confident that in almost every district in the state there are teachers, however many number, or what percentage of the total faculty I don't know, that have gotten their

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hands around STARS, understand it and are working with it and using it, and that has value. However, it is very time consuming. If we change our standards, and we need to be reviewing those all the time, then we start redeveloping assessments and that's something to consider. What LB1157 doesn't do is to take away the opportunity to continue to use local assessments. We have a faculty across this state that are very assessment literate as a result of STARS, very assessment literate, and we ought to be proud of that. The next point is, if we go to a statewide assessment, K-12 input would be necessary. I agree. I think there ought to be teacher input in statewide assessment. Statewide assessment needs to be on line. Exactly. One of the values of STARS is that you have more immediate feedback, and I think we ought to make this process as easy as we can and on-line assessment is the way to do it. We have consortia of school districts in the state right now that have grouped together, 20-25 school districts that have developed assessments and have them on line. They're doing that very thing right now. What we're saying is to go statewide with it. Governance should stay in the NDE. Governance will stay in the NDE. It's a quality statement that this other group imposes. [LB1157 LB653]

SENATOR CARLSON: Okay. Thank you, Senator Adams. Mr. President, how much time? [LB1157]

SENATOR LANGEMEIER: 2:20. [LB1157]

SENATOR CARLSON: 2:20. I'd like to address a question or two to Senator Raikes. [LB1157]

SENATOR LANGEMEIER: Senator Raikes, would you yield? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR CARLSON: Senator Raikes, there's been quite a bit of discussion concerning this technical advisory committee. In looking, its members serve terms of three years. How often do you think they would meet? [LB1157]

SENATOR RAIKES: My guess, Senator Carlson, and that is all it would be, would be once a year. [LB1157]

SENATOR CARLSON: Okay. Now it would seem to me like if this is a group of experts and you indicated they don't have to come from outside of the state of Nebraska, but if there are three to five of them and they get together one time a year and discuss and try to be good advisors, it would seem to be important that would be able to talk to somebody who can tell them what's going on right now in Nebraska. And why wouldn't we want representation from teachers and administrators on that committee to help them? [LB1157]

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SENATOR RAIKES: That's a good point, Senator. In fact, if they're going to meet once a year, I would suggest that there would need to be preparation for that meeting, that they wouldn't show up to the meeting having done nothing to learn about what's going on in Nebraska so that they could evaluate it. [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR RAIKES: And certainly conversations with teachers, administrators and others would be important in that process. [LB1157]

SENATOR CARLSON: Okay. Thank you, Senator Raikes. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Mr. Clerk, items for the record? [LB1157]

CLERK: Thank you, Mr. President. Amendments to be printed, LB1096 by Senator Friend. Health and Human Services Committee provides three confirmation reports and that signed by Senator Johnson. Senator Ashford, as Chair of Judiciary, reports LB781, LB943, LB1025 to General File; LB840 to General File with amendments; and LR224 indefinitely postponed. New resolutions, Senator Engel, LR257; that will be laid over. That's all that I had, Mr. President. Thank you. (Legislative Journal pages 791-793.) [LB1157 LB1096 LB781 LB943 LB1025 LB840 LR224 LR257]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Returning now to floor discussion on LB1157 and the committee amendments, AM2093. Those wishing to speak are Raikes, Kopplin, Wallman, Dubas, Pahls, and Carlson. Senator Raikes, you're recognized. [LB1157]

SENATOR RAIKES: Thank you, Mr. President and members. I want to take this opportunity again to respond to some points that have been made in what I think is a very good discussion. One of the points made was that this is a detraction to or a reduction of, if you will, local control. I see it really as exactly the opposite. It enhances local control because it allows the local assessment process to be just that--local. It takes the thumb of the state department off of what you do at the local level so that however you need to adjust your local assessment system for your local district, you can do that. I also heard a comment lamenting, if you will, the fact that, oh gosh, we're going to have school districts that are not going to show up well and...or buildings that don't show up well, and if they don't show up well they're going to appear at the bottom of the list, so to speak, and there will be a lot of angst about that, hurt feelings. All I would say, is it better to hide poor performance? Aren't you better off to know, not necessarily publicly? I mean, there can be a certain amount of confidentiality of these

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results. But say within a school district, isn't it important that you as a local policymaker know where the performance is good and where it's not so good? How else are you going to address it? How else are you going to direct resources so you can correct issues that need to be corrected? Are we going to learn anything? Well, certainly I hope we will. This provides a great opportunity for learning. We will have information that is comparable, reliable, that we have for a number of school districts, obviously, across the state; and we can begin to do the analysis on that information that will tell us what is working and what is not working. Again, several times the issue has come up about time, and time for teaching. This is a way to free up time for teaching. I don't know how many different ways to make that point, but that is, I think, the obvious...an obvious implication of what we're proposing here. Finally, or not finally, I've got, unfortunately, some more to say, but the comment was made that we continually tinker and this is more tinkering. Well, you could say that but I would actually describe this as "untinkering." We're taking away some of the burden that has been placed on teachers and school districts, so that they have more time to do the things that they are best suited and professionally trained to do. There were some comments about, well, gosh, if we get better results, academic results, for a school district we'll get more funding. There's no proposal for that and I don't think, as a policy principle, that that makes much sense. I don't think you provide additional results as...or additional funds as a result for better performance and, quite frankly, I also think that you don't penalize districts if the academic results are not very good. In fact, that would probably not make much sense at all. Why test? What can you gain by testing? Well, let me give you an example. I think there are probably all kinds of examples out there to be discovered. If you take, for example, poverty students in a particular subject area, say mathematics in school... [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR RAIKES: ...district A, and you look at their results compared to nonpoverty students in that same district or other places in the state, you do the same thing in another district, if you find that there's a drastic difference or even some difference between the performance of those students in a particular demographic group in that subject area, that gives you something to go on. Then you can begin to look, what program are they using at district A, where it was successful; is there a way that that same program can be used in district B; and, forgive the pun, we can go to school on what has been achieved in terms of academic performance. So I believe there is a great deal to be learned and there are many reasons to do this sort of test, to keep the results, and to analyze those results. Thank you. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Raikes. Senator Kopplin. [LB1157]

SENATOR KOPPLIN: Thank you, Mr. President, members of the Legislature. I'd like to ask Senator Adams a question if he would yield. [LB1157]

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SENATOR LANGEMEIER: Senator Adams, would you yield? [LB1157]

SENATOR ADAMS: Yes. [LB1157]

SENATOR KOPPLIN: Senator Adams, I just have to ask this one. I noticed in the bill that we are still required to set standards and make standards for social studies but we're not going to test it. Why not? [LB1157]

SENATOR ADAMS: Well, I could be flippant and tell you that social studies teachers do such a great job statewide that we already just know that they know everything they need to know. (Laugh) There's permissive language in here, Senator Kopplin, that if the fed were to require that and add that to the list, then obviously that would fit in. As to why it's not included for statewide assessment, I don't have an answer for you. [LB1157]

SENATOR KOPPLIN: Okay. Thank you. What I picked up in that is a little bit of concern of mine--we're not going to test social studies because the feds don't require it. That tells me we are doing this because the feds are making us do it, and that just isn't right. Let's do it for what's right for Nebraska. And I asked the question earlier, how are you going to...how are you going to report these scores? Raw scores, because they're criterion referenced tests? That's the only thing that I can think of, but that means we're going to use a bubble test or multiple choice or something that's easy to score. That gets me into a real problem then when we move on into the science tests. First of all, I'm not really sure what elementary school science curriculum is. I don't know as one school has a set curriculum or whether numbers of schools do, but it gets worse when you get to the high school. We're going to give a science test in high school. Now how are we going to do that? What year? Because science is going to cover ecology, biology, chemistry. It goes on and on. Some schools offer two years of chemistry; some schools, one every other year, because they simply don't have the staff to do it. So how are we going to do these questions? Are we going to have a bunch of questions on chemistry that kids can't answer, and then we're going to say we need to put more money into that? No, not necessarily. We just need to ask our questions when they have it. But you can't do that and report a schoolwide test. I just don't understand how we're going to do that one. I'm sure there's a way and people can figure it out, but it's just a little flag that I would like to raise that school children across the state are not treated equally in science education because they can't be. Some schools simply don't have the staff nor the facilities to do everything that other schools do. And yet, we want to lump all these tests into one thing and say, okay, we're going to decide how you're doing in science; and you can decide what kind of resources you're going to use and so on. I don't know of any real way, other than a bubble test, to do this, but I suppose it can. I don't know whether any of you had to take the Miller Analogies when you went to college, but those of us that did, I mean, these are really important tests. How does it go? Napoleon is to Y as... [LB1157]

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SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR KOPPLIN: ...Caesar is to what? You're supposed to figure that out. Or how about, let's see, new world is to symphony as moonlight is to what? Now the professors used that score that you got to make a whole lot of decisions about you, and they just don't make sense. Are we sure we want to go this route with students and publish their scores and all that and make judgments about them when they all haven't had the same chance? Thank you. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Wallman. [LB1157]

SENATOR WALLMAN: Mr. President and the body, thank you. Thank you, Senator Kopplin. Some school districts have all the bells and whistles; others don't. You going to take a standardized state test? Fine. I probably won't do too good if my school doesn't have all the bells and whistles unless my parents have them at home. Why do you think homeschool rates are going up? These kids aren't dumb. They aren't stupid. You think it's because of the religion? Some of these parents were in my class...I mean in my room, and I asked them specifically, we have a good school district, I feel, where I'm at, but it was a part of testing. They felt that children were scared to go to school. Some of them didn't do quite as well, but they picked up speed at home. So is this what we want to do? Private schools are growing. Homeschools' kids are growing. If I was a principal or a superintendent, I'd be right down there and see what I could do to make my school better. I'd ask the homeschool parents, the private school people. And I'd like to ask Senator Harms a question, if I may. [LB1157]

SENATOR LANGEMEIER: Senator Harms, would you yield? [LB1157]

SENATOR HARMS: Absolutely. [LB1157]

SENATOR WALLMAN: Thank you, Senator. Now if you wanted to have a commission, wouldn't you think it would make sense to have community colleges on board and the chancellor of the university as an advisory committee to find out what our high schools should be teaching? [LB1157]

SENATOR HARMS: You're talking about the advisory committee that's in this legislation? [LB1157]

SENATOR WALLMAN: Yes. Yes. [LB1157]

SENATOR HARMS: Well, I think we have to be a little careful of that. I think that you need some outside views and that's why I always brought consultants in, is when I wanted some outside expertise, so I think you got to keep that together where you have

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some outside expertise that will come to Nebraska. Then you can include, you know, other people, but I don't think at this point in this particular legislation that you'll want to add the colleges. I think what they'll do is confuse the issue. I think that this is a separate entity and I think what you want to have done is bring your experts in, along with a teacher and an administrator from the public schools, so you can stay abreast with the issue. And then later on, when we start to look at that gap, I think as Senator Adams brought out very nicely, there will be a time when we get this system set up that we can bring and will bring most likely higher education in to start that gap. But I think we need to get this established first. I think when you bring in people in higher ed, you're going to have more of a problem till you get it all resolved and worked out. Does that answer your question? [LB1157]

SENATOR WALLMAN: Thank you. [LB1157]

SENATOR HARMS: Thank you. [LB1157]

SENATOR WALLMAN: I think if we truly want higher scores, you know, in our educational system, we either have to add two years to our high school curriculum, as almost a community college, or have longer school years like Europe, year-round school. So once again, I appreciate all the dialogue and I have a hard time changing what we have, and let's see how it works for awhile. STARS is being used by the teachers. It might be a lot of work but they developed this program. And, you know, it's hard to grade reading, comprehension, all those things. Some days you may be sharper than others, we all know that. Some kids grade better orally than...or some, you know, some people have to talk out loud to get their grades actually, and that's why some parents tell me they homeschool their kids because they answer back orally. They can't write it down. And when they get older, their brains will mature enough to change the way they think. And that's all, Mr. President. Thank you. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Dubas, you're recognized. [LB1157]

SENATOR DUBAS: Thank you, Mr. President, members of the body. Would Senator Adams yield to a question, please? [LB1157]

SENATOR LANGEMEIER: Senator Adams, would you yield? [LB1157]

SENATOR DUBAS: Senator Adams, if we could carry on our conversation that we were conducting off mike, I asked you the question, we passed LB653 last year, why can't we just kind of sit back and wait and see how that all plays out? [LB1157 LB653]

SENATOR ADAMS: I think I'm just going to be very candid with you: the fear that we will double-up on testing. It will be STARS plus. Rather than eliminating anything, we will be

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doubling up. [LB1157]

SENATOR DUBAS: So if we pass LB1157 this session, we're going to be eliminating tests? Is that correct? We're going to be... [LB1157]

SENATOR ADAMS: If we pass LB1157, then what we are doing here is saying that STARS, local assessments, will no longer be reported to the state. [LB1157]

SENATOR DUBAS: Okay. [LB1157]

SENATOR ADAMS: That doesn't...that would not keep school districts and individual teachers from continuing to use what they've learned and what they've developed, but we will be integrating in, phasing in, statewide testing, which would be reported. [LB1157]

SENATOR DUBAS: Okay. I think, you know, from what I'm reading and understanding, STARS is a useful tool for a lot of our teachers. They're feeling really good about it. They've invested a lot of time and themselves into it. Is it out of the realm of reason to use a combination of local and statewide assessments? Is that...would that be creating...making it more complex? [LB1157]

SENATOR ADAMS: I think you're hitting on something. I think to say that we're going to have statewide assessment and STARS reported we create a work problem for teachers that I don't think any of us would be happy with. But I'm confident that if we can develop a statewide criterion-referenced assessment that will take into consideration many of the values, many of the assets of STARS, then we might at some point find a happy medium. I think one of the things the teachers will tell you, that they want to have input. They would tell you that, I want to have as immediate a feedback as I possibly can. They would probably tell you that I don't want the test given just at the end of the year; that's not of much value to me if I'm going to redirect instruction, but to have it phased throughout the year. I don't know why those things can't be worked out and so that we take some of the value of STARS and we incorporate it in what we're thinking in LB1157. [LB1157]

SENATOR DUBAS: So could we take either LB653 or LB1157 and make that the vehicle to maybe try to achieve that goal? Could LB1157 get us there, allow us? [LB1157 LB653]

SENATOR ADAMS: I think it moves us in that direction. [LB1157]

SENATOR DUBAS: Okay. Thank you very much, Senator Adams. Would Senator Raikes yield to a question? [LB1157]

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SENATOR LANGEMEIER: Senator Raikes, would you yield? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR DUBAS: Thank you, Senator Raikes. I think I'd like to follow up a little bit on Senator Kopplin's comments about just the resources that different districts have available to them, and very likely we are going to be discussing on this floor cutting back on state aid, and how that will impact different districts across the state. So do you feel that any district would have a legitimate concern or complaint, by enacting LB1157, that if they didn't have the adequate resources that they can't comply with LB1157? [LB1157]

SENATOR RAIKES: I don't, Senator. In fact, it seems to me just the opposite because you are freeing the local district... [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR RAIKES: ...from an obligation to do assessments that not only serve formative purposes at the local level but also have to serve summative purposes for the statewide level. So you've got to invest as a district in portfolio development and all that sort of thing. With LB1157, you no longer have to do that. And the statewide test is not something that you as a local district have to pay for. [LB1157]

SENATOR DUBAS: Thank you very much, Senator Raikes. Thank you. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Pahls, you're recognized, followed by Senator Carlson. [LB1157]

SENATOR PAHLS: Mr. President, members of the body, Senator Dubas, just as I stated earlier, in a school system like Millard, in over a five-year period they spend \$1.2 million that they would not have to be spending if the state were to develop these tests. So that individual school district there is going to save a chunk of money. I understand it's \$20,000-plus, but it does go to show you the costs that that school district incurs. Now here's another thing. To be honest with you, in the education world I would not be afraid of testing. I would want this to be as transparent as possible. I think it's fair if you're a leader of a building or a teacher in a building, you know the expectations, what is expected of children at certain grade levels. And then all of a sudden you say, gee, for some reason this particular school or schools cannot meet those, quote, assessments. Then that's when you sit down and you start really dialoguing, having a dialogue with the parents, the teachers and the administrators, really start talking trying to find out why. And I think once the public sees that there really is a true happening, that there will be more support. So I don't say...I say do not run away from it. Take a look at it. Make sure it's fair. Hold everyone accountable and that's, to be honest with

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you, the parents also. Here's a thing that I'd like to have a number of you, when you go back home the next time, you go to your school and you ask that school system what particular achievement test your school district is giving. And like I said earlier, the largest one uses one called TerraNova. But there's the Metropolitan, California. There are achievement test scores out there. And this is what I would do. Let's say that in your particular town there are five schools and you say, I can rate these schools because the World-Herald has a list of all the schools from the top score to those...to the schools that score at the lower end. What I would question though is I would say, I want to know what that school's anticipated level should be. Because a school that scores at the bottom of the quartile actually may be outperforming a school that's scoring up here. Because this school at this level is scoring higher than is anticipated. Now some people don't like to talk in those terms because they say, well, that anticipated level is really not tightly reined in. Some people have a question about that, but you can see where your school should be scoring. And I'm just going to use a word, the number 70. If it scores at 80, it's doing a very good job. If it scores...it's scoring at 50, then that should be the indication that they need to take a look at what's going on. I'm of the belief and I love this when I hear that people on this floor are saying teachers are overworked. I think maybe they're starting to being recognized that we have to...if we're going to have a testing program, let's make it one that they can deal with and they do feel a part of. I'm very curious of some of the literature that was passed on what the state of Wyoming is doing for their teachers. I hope you can see how this all sort of works together. But again, I think if a school system needs help, then they need to take a look at staff development. That tells you where you need to direct you resources. This is doable. Make sure that we do not over test the teachers and the students, provide adequate testing, hold everybody accountable,... [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR PAHLS: ...let people know if they do need resources. In some cases they will because we know that in some schools they need more resources than others. Maybe that state aid formula would pop in at the right direction. Maybe the money would be going perhaps in the right places. I do see that there is a benefit in this bill. Thank you, Senator Adams, for what you are doing for us. Thank you. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Senator Carlson, you're recognized. [LB1157]

SENATOR CARLSON: Mr. President and members of the Legislature, want to thank Senator Adams and Senator Raikes for their patience in response to a lot of questions this afternoon, so I'll embark once more on Senator Raikes, if he would yield. [LB1157]

SENATOR LANGEMEIER: Senator Raikes, would you yield? [LB1157]

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SENATOR RAIKES: Yes. [LB1157]

SENATOR CARLSON: Senator Raikes, I'm asking you this because as I sit and listen to all this I am bothered about something. It has nothing to do with you. I always want to tell the truth and two years ago when I was running for the Legislature, NSEA told me that our students, public school students, rank fourth in the nation. Is that accurate information? [LB1157]

SENATOR RAIKES: Let me clear up. Are you saying that telling the truth has nothing to do with me? (Laughter) [LB1157]

SENATOR CARLSON: This element of truth has nothing to do with you. I want some verification, is all, for myself. [LB1157]

SENATOR RAIKES: You know, that could have been. I'm not sure where that piece of information would have come from, though. [LB1157]

SENATOR CARLSON: Well, it's an interesting assessment. I wanted to believe it. I decided to believe it and I talked about it, that our public schools and our student achievers rank fifth in the nation. If that's true, there had to be an assessment somehow to get us to that position. And from all this debate that we're listening to and the need for legislation, it would sound like, you know, our assessments have not been accurate. I don't know how we could get to that spot, and I'm putting you on the spot I guess. How did we get there? How did we know that we're fifth in the nation? [LB1157]

SENATOR RAIKES: Senator, I think it's a very good point, and I cannot answer the question about how or if we are fifth in the nation. I guess I have my suspicions. I will tell you that STARS results, for example, I think routinely show us somewhere between 85 and 90 percent proficient in the state, all students considered. When you do the NAPE test, which is a national test that comes in, I think the range is somewhere between 35 and 40 percent. So there's a huge gulf between what we say we're doing in terms of academic performance and what outsiders say. That is definitely an area of concern. Also referring to the NAPE results, my recollection is that as a state--again, I'm not talking about individual areas within the state, but as a state--I think we are very near the average of the scores for the country and, in fact, if you adjust the results for the relatively lower population of students we have that typically don't achieve as well, so-called achievement gap, I'm not sure we quite make the national average. So this, in fact, is...I'm glad you raised the question because it's a driver for me on this issue. I want to create a system in Nebraska where we can tell reliably where we are, how our students are achieving, particularly with regard to the only own...or the academic standards we have set for ourselves so that we can answer the questions that you're asking. [LB1157]

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SENATOR CARLSON: Well, thank you, Senator Raikes. And I didn't bring this up to be derogatory in any sense because I'm proud of our public schools. Having served on school board for eight years, I believe in our public education. I think we have fine administrators and fine teachers,... [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR CARLSON: ...and so whatever we do, certainly we want to enhance that and help them to be even more successful. But accurate assessment is important. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Stuthman, you're recognized. [LB1157]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I haven't been engaged in the conversation at all today yet, but I have been receiving a lot of e-mails, a lot of e-mails as to the concern of the statewide testing. And the majority of the e-mails have been coming in as far as their opposition to the statewide testing. And some of the reasons for that is, you know, that comparing school to school, some areas are a lot different with their population, the culture of the people. It would be like comparing some schools like Lexington, Schuyler, compare them to Blair and Elkhorn. I think, you know, they're just different environments in that area. And one thing about testing, there is always a top and a bottom. There's some that are in middle, some are average; some are way on the top, excel a lot; and others are on the bottom. One thing that was brought to my attention also is the fact that maybe we should evaluate the 49 of us senators as to how many bills we got passed, how much time we were involved in the discussion and the debate, and that should be calculated and sent back to our districts. Individuals, there's going to be a bottom and there's going to be a top. Some people accomplish a lot more, but I think one thing here with the legislative body here, we have got individuals that have expertise in different subjects. They're on the top. Others may be on the bottom, but when there's another subject surfaces it could be totally opposite. But that makes our legislative body very fortunate that we have the abilities of different areas, different businesses, different people, different performances, and different education, and I think that's very important. But we're not ranked. We're all important. There are a lot of people that have expertise in their individual areas and they can contribute a lot to the final decision making of legislation that is passed. That is why I am...I just am not in total agreement with a statewide assessment. A lot of the superintendents, the principal, the staff at the schools in my district say that they evaluate their kids, their students, at the beginning of the year, at the end of the year as to the progress of those individual students, and I think that's very important to see how successful the teachers are in advancing the kids in their educational skills. I think that's very important. But they may be on the bottom of the list when a statewide assessment is taken, but those individuals are accomplishing something and they're moving at a

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pace acceptable by the school. So I think that's very important. I'm going to continue to listen to the debate, but I am not sold on the idea of a statewide assessment. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Wightman, you're recognized. [LB1157]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. I, too, have received a lot of communications from people within my district, people without the district with regard to LB1157, and particularly the amendment. I'd like to engage in a little conversation, if I could, with Senator Raikes and see if I can address some of those questions. [LB1157]

SENATOR LANGEMEIER: Senator Raikes, would you yield? [LB1157]

SENATOR RAIKES: Yes. [LB1157]

SENATOR WIGHTMAN: Some of what I'm hearing is that the primary emphasis, of course, is on three or four areas under statewide assessment, or at least they think that it will be, because that's what happens nationwide, and that's primarily mathematics, reading, science, and I think writing. Maybe there's another area. There's fear among some that matters that are currently part of the curriculum, particularly such items as social studies, art, may become less and less important and some are even suggesting they may be dropped from the curriculum completely. I guess I would like to hear your comments with regard to that. [LB1157]

SENATOR RAIKES: Well, I don't...Senator, I don't think the concern is unfounded. I think whenever you emphasize, correctly or incorrectly, a particular group of subject matter areas, there could possibly be others that suffer. So I know there have been people that have complained, as we've evolved over the past several years in curriculum, that arts have suffered and maybe vocational or technical skills and that sort of thing have suffered. And also, I think a variation on that theme is that, well, whatever is going to be on the test in a particular subject area, like math, well, whatever is going to be on the test is all we're going to teach. I think that's something you have to guard very carefully against. I think you make the test in such a way that you encourage a broad-based instruction so that people know all subject areas. I also think it's very possible to do that. And I think that even though there are bad example states, there are some very good example states. And I am confident that we can become a state that is a very good example in that regard, that we won't narrow either the curriculum or the subject matter area that is taught. [LB1157]

SENATOR WIGHTMAN: And another thing I hear by way of these communications is that most of the states that have adopted statewide or come under the federal

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standards No Child Left Behind testing, have suffered and almost universally have lost some of these items for their curriculum or at least they've been downplayed. Could you address that? [LB1157]

SENATOR RAIKES: Well, I don't know about every other state other than no other state does what Nebraska does currently. So I'm sure you can find examples where again there has been narrowing, but I don't...I think if you go, for example, to the state of Kansas, just our neighbor to the south, I don't think you find results that are disappointing in that regard. I think that they have done a good job with their summative assessments, their statewide assessments, and they've also done a very good job with formative assessments that they provide on line for teachers in a manner that requires very little labor input by them, but yet are very useful to them in terms of their teaching. [LB1157]

SENATOR WIGHTMAN: And then I'll just cover one more item that I hear and that is there will probably be enforcement through the funding... [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR WIGHTMAN: ...and that a school that doesn't, and maybe for a valid reason, like they have a high non-English speaking enrollment, may down the road be...or lose some of their funding because they don't match up to the statewide standards. Could you address that? [LB1157]

SENATOR RAIKES: Senator, that's a concern that I've heard thrown around. I absolutely do not understand it. To me, it would be a ridiculous state policy to decide that you're going to withdraw funding from school districts serving the students that are most in need of academic achievement. That makes no sense to me. The other thing I would point out is that a well-developed, a well-applied statewide assessment system gives you the opportunity to in fact measure progress so that you may well have a school system that for whatever reason, in terms of achievement... [LB1157]

SENATOR LANGEMEIER: Time. Thank you, Senator Raikes and Senator Wightman. Seeing no other lights on, Senator Raikes, you're recognized to close on the committee amendments, AM2093. [LB1157]

SENATOR RAIKES: Thank you, Mr. President and members, and thank all of you for the discussion. It's been very useful. I'm going to take this opportunity to finish a point I just started on. I think one of the real benefits of a statewide accountability system is that you can take advantage of all the advancement that has been made so that you measure not only the ending point for students or groups of students, but rather the progress that has been made. So it may well be that you have a school district that ends up at the bottom of the list, as it's described, in terms of the achievement, but that same

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school district may well be at the top of the list in terms of how much advancement, academic advancement those students have made. And at some point, given that information and the success they have achieved, they will move up in the rankings. So I think you understand what the committee amendment is. This really is offered at this time to clarify the Legislature's intent from one year ago to make clear, without a doubt, what it is we're requiring in terms of statewide assessment. I would ask you to support this committee amendment and we'll go on from there. Thank you. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the closing on AM2093 to LB1157. The question before the body is, shall AM2093 be adopted to LB1157? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Senator Loudon, for what purpose do you wish to be recognized? Senator Raikes, for what purpose do you rise? [LB1157]

SENATOR RAIKES: Mr. President, I would ask for a call of the house. [LB1157]

SENATOR LANGEMEIER: There has been a request to put the house under call. All those in favor of the house going under call vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1157]

CLERK: 31 ayes, 0 nays to place the house under call. [LB1157]

SENATOR LANGEMEIER: The house is under call. Senators, please return and record your presence. The house is under call. All unauthorized personnel please leave the floor. The house is under call. Senator Raikes, how do you wish to proceed when the body is all present? [LB1157]

SENATOR RAIKES: Roll call, please, regular order. [LB1157]

SENATOR LANGEMEIER: Thank you. The house is under call. Senators Engel, Heidemann, Johnson, Cornett, White, Synowiecki, please return to the Chamber. The house is under call. The house is under call. Senator White, please return to the Chamber and record your presence. Senator Raikes has indicated we can proceed with those present. There has been a request for a roll call vote in regular order. The question before the body is, shall AM2093 be adopted to LB1157? Mr. Clerk, please call the roll. [LB1157]

CLERK: (Roll call vote taken, Legislative Journal page 793.) 32 ayes, 5 nays, Mr. President, on the adoption of committee amendments. [LB1157]

SENATOR LANGEMEIER: AM2093 is adopted. With that, I raise the call. We return now to floor discussion on LB1157, the bill itself. Senator Chambers, you're recognized. [LB1157]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, now that the heavy lifting has been done and I think a bill which is going to improve the situation in education in Nebraska is going to be moved forward, I'd like to add a stir or two to the pot. But first of all, I cannot figure why my good friend Senator Wallman voted against a bill which mentions him by name. In this, the first page of the amendment, beginning in line 17, "National assessment instrument means a nationally norm-referenced test." (Laughter) So he's going to reference it. Named by name in a bill and he votes against it. He's such a modest person. Members of the Legislature, I have spoken at length on other bills, emphasizing the importance of local control. Local control is good when it relates to input from the patrons of a school having something to say about how that school is administered, how it is operated, and for my part, looking at who is going to teach, the nature of the curriculum, and things of that kind. That's why I helped engineer an amendment to a bill a couple of years ago to divide the huge, by Nebraska standards, OPS district into three smaller ones. At any rate, there is a limit to all notions that we put forth. Local control is not the guiding principle which is wise when it comes to measuring the achievement and progress of students. Other nations around the world beat the daylights out of America's students because they invariably have, not state standards, national minimum standards, certain basic, important principles and ideas which every student in a public school must master. When you have a patchwork quilt of standards relative to testing, measuring achievement, progress and all these other things that testing is supposed to address, you have a tendency to dumb down everything. If these students would stay in the little town where they live that would be fine, because they're only going to be competing with each other and they all were taught the same limited version. That's not every small district, not every small town, but in general that is true. They acknowledge they can't draw the teachers; they have less to work with. When you are not of a mind to be alarmed when students don't realize that Africa is not a country, they don't know what the subcontinent of Asia refers to, if you say Pacific Rim they think that means the seashore along the state of California. When it comes to geography American students are clueless, to use a cliché. I think there should be national minimum standards for writing, reading, math, science, geography, history, in fact all of those subjects that are deemed to be essential to a rigorous core curriculum... [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR CHAMBERS: ...which equips children, once they leave those schools, to be comfortable any place. In other countries, they recognize Americans because they're raucous, they are loud, they are insensitive, they are rude, they are crude and think everybody should speak English and give place to them. Americans, Senator Carlson, are so backward and so racist that when they talk about having one language and that language is English, you know what the idiotic people say? By God, English was good enough for Jesus Christ, it's good enough for everybody. Jesus Christ spoke English.

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(Laughter) They are serious when they say that, and I think people just shake their heads and say, my people perish for lack of knowledge. I'm not interested in protecting... [LB1157]

SENATOR LANGEMEIER: Senator, you... [LB1157]

SENATOR CHAMBERS: ...incompetent teachers. [LB1157]

SENATOR LANGEMEIER: Time. [LB1157]

SENATOR CHAMBERS: Oh. [LB1157]

SENATOR LANGEMEIER: But you can continue. It's your time again. [LB1157]

SENATOR CHAMBERS: Thank you. When my children were going to elementary school, OPS was starting to bring in black teachers from the South and they were not qualified, and I criticized it. I do not want black people, white people, Latinos, Native Americans, Pacific Rim, any person in front of a classroom who cannot teach the children. They must know the subject matter they are teaching. They must know how to impart that information to the students. They can make a start by giving the children a belief in themselves and their ability to learn. I have always said that to give a very simple, understandable example of what teaching constitutes, you put your left hand on the table, you put the right hand 12 inches above it; the left hand is what the child knows when he or she comes to the teacher, the right hand is what the teacher is going to instruct the child on. The closer you can bring that left hand to the right hand, not by lowering the right hand but by raising the left hand, the more teaching occurs. When the left hand and the right hand join and you have a (claps hands), bingo, there has been teaching. There has been grade level achievement. And you don't want to just take the term "grade level" out of the air. You set standards as to what these children should know. They've got to know A from bull frog, Senator Carlson. They've got to be in a position where if you say I want you to spell cat and I'm going to spot you the first two letters, and they can't do it, and if they read: The d-o-g...dog chased the c-a...cat. You should see some of the mail that I get from elementary school students and high school students: misspelled words, they don't know where to put a period. They think when a certain number of words have been put down you put a period and don't even consider the sense of those words. They don't know a subject from a predicate. They don't know what the term "agreement" means between the subject and a predicate. You tell them a dangling modifier, they think that somebody got hanged for stealing cattle. A split infinitive, that is a sundae that you get at the ice cream place but you don't put a banana on it. Syntax, that's the tax you put on liquor, tobacco and other things that are hurtful, even if you're discussing English. I think that American education is in a terminal condition. We know, Senator Harms, that there are students who are going to make it anywhere, and I was glad to hear Senator Harms point out and probably people didn't

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pay much attention to the fact that when some students come to these community colleges they automatically go to remedial classes. You have to correct these students by teaching them what they should have learned in the lower grades. There are teachers who are opposed to teachers being tested on tests at the 10th grade level. In other words, they are doubtful that they can pass a test covering material that a 10th grader would be required to know. We need rigor in these classrooms and we need people who can teach. And if they can't teach, they should not stay there. [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

SENATOR CHAMBERS: Teaching should not be a place where you come and you take it easy. There are teachers who work very, very hard. But if a teacher in the first grade gets these children to the point where they are curious and enthused about learning and they get to the second grade and they got a knot on a log, these children have had their imagination fired and they get fidgety because nothing challenges them. Then they're ADHD and they're put on medication, and they're considered behavior problems because you have a teacher who cannot challenge them. And then the school administrator will tell that first grade teacher, you got to slow down because you're equipping these children to fail when they get out of your class, and that happens in the schools. So this bill may be a small step in the right direction, but I still think we need to focus on what the schools really are supposed to be doing. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Wallman, you're recognized. [LB1157]

SENATOR WALLMAN: Thank you, Mr. President. Thank you, Senator Chambers, for...I hate to be into that, that step, everything according to the norm. That's pretty scary. But I agree with Senator Chambers. I was never against testing. I figured a lot of schools do it now, but what we should be doing if schools aren't measuring up to norm, they should be getting more teachers, more support from administration, and it's going to cost some money. Let's face it, folks. We're not paying our teachers enough money to go into school districts that don't exactly have the most beautiful school buildings. We have minority students' issues. We have racial issues. And I do appreciate Senator Chambers' concern about education. The only way we can improve our country across all races, whether it be immigrants, illegal or legal, is education. And it's tough to get everybody up to speed. You know, all we ever learned is in kindergarten, some people say. That may be the truth for some children if we turn them off. And so education according to norm: We can test, we can test, we can test, but unless we have something what says what we should be doing with that test, the test is fruitless. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Chambers, you are

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recognized. [LB1157]

SENATOR CHAMBERS: Mr. President, members of the Legislature, when I talk to young students, and occasionally I do, I tell them that if they have to take a test there may be anxiety, even if you know the subject matter. This is something that is going to determine whether or not you can do A, B, and C, and when people are put to that kind of test, there tends to be a bit of anxiety, anticipation, not necessarily fear. So I tell them, the first thing you need to do when you take a test is read the questions. If you have an hour in which to take an examination, for the first seven to ten minutes don't write a word, just read the questions. And this is what you really have to explain to law students. When I was in law school, I would go to the class. We got these blue books and I always left the class before anybody else because I knew what I knew, I read the questions, I simply answered the question as it was asked and I left, and I passed all my exams and all my courses and these students--in a lot of classes I was the only black student there--they were sure I had flunked. Because when I was going to law school I wore, not sweatshirts, I wore T-shirts, khakis and army boots because I went straight from work at the post office to law school. They had a lounge downstairs and I'd stretch out on this plush leather chair and go to sleep. And when the grades came out, I was number four on the dean's list. And these white kids were furious because I missed all my classes and I slept. I told the...oh, and once one guy told me that I needed to learn how to dress professionally, and I told him if you learn...if you spent less time worrying about how I dress and more time getting your subjects maybe you'd make the dean's list like I did. The point I'm getting to is this. If we don't explain to children what the real purpose of the test is, it's going to be something that is very frightening. In law school, the problem that many students had was when a hypothetical was laid out--if such and such happened, what ought to be the outcome--they rewrite the question and instead of going with the "if" that the question said, they put other "ifs" down, answer those other "ifs" they supplied and never answer the question. Many things are not that difficult. But again, when you don't have teachers who know anything, how in the world are they going to teach students who know even less? A student who asks questions is often deemed to be a troublemaker because the teacher is not well prepared, is not well equipped, and the questions reveal the chinks in the teacher's armor and the fact that the teacher does not know. So you have people saying they want to be authoritarians, they talk about discipline and all such things as that. Whenever they mention "discipline," I know that I've got somebody who's incompetent. They want to be able to use force, the threat of force, or punishment. When you put somebody in a frame of mind where fear is what they experience, not much learning is going to take place. Fear can completely invade a person's mind and disorder the emotions, and the person who, if you let them alone and let them settle down might get an 80 or a 90, may flunk because they freeze up and they cannot even present what they know and what they understand. [LB1157]

SENATOR LANGEMEIER: One minute. [LB1157]

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SENATOR CHAMBERS: So when there is a lot of discussion of the kind that I heard today from some people saying you're putting too much work on the teachers, that's not even relevant. That's not even hitting the target. That's not even seeing the target. And then, without condemning my brothers and sisters, get the transcripts of how you all speak and see if that is the way you want the children to speak after they have become educated. See if you use complete sentences. Do you present coherent thoughts? Is there a progression or an orderliness about the way you present your points? So instead of just saying these kids have to be taught step by step, if we would be examples of what we're talking about, good speech would be automatic. One other point: With all the condemnation of Cuba, a communist country, they have one of the highest, if not... [LB1157]

SENATOR LANGEMEIER: Time. [LB1157]

SENATOR CHAMBERS: ...the highest, literacy rates in the world, in the high 90 percentile. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Carlson, your light is next. [LB1157]

SENATOR CARLSON: Mr. President and members of the Legislature, in listening to Senator Chambers' testimony, I...Senator Chambers, I received a revelation during this time and before I have any more lamentations about this bill and before we make our exodus from it, I have to say that all this time, in growing up, I was sure that Jesus spoke Swedish. Thank you, Mr. President. (Laughter) [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Seeing no other lights on, Senator Raikes, you are recognized to close on LB1157. [LB1157]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. Again, I thank you for the discussion. I think it's been very good. I also thank you for your support of the committee amendment. I think that makes the bill a very good bill. Again, this bill is about statewide academic accountability. It's about allowing local formative assessment and giving local control to that assessment and is about allowing teachers the time they need for teaching. Mr. President, if I could, I would yield whatever time I have remaining to Senator Adams. [LB1157]

SENATOR LANGEMEIER: Senator Adams, 4:20. [LB1157]

SENATOR ADAMS: Thank you, Mr. President. Thank you, Senator Raikes. Body, if I were to assign ten students to every one of you in here and tell you that your task is to take those ten students, go back to your office and teach them the steps to a bill

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becoming a law--49 new teachers, headed off to 49 classrooms, each with your 10 students. And then we were done, what we're going to do we're going to measure how much those students know. What we could do is very simply say, all 49 of you come up with your own measurement method to determine if those 10 students know what you've taught them. That's a good idea. That's a good idea. You could measure them right away. You could see what they don't know, and you could go back and reteach, if necessary. But then you all come back here and we say, let's all of you turn your assessments results into the Clerk. Everybody turn their results into the Clerk, and let's take a look at how we did. And Senator Carlson's ten students, they do great; mine do terribly. I want to know why. Well, then I get to looking at his assessment and it's so easy, compared to mine, that that explains it all. Here I thought he had performed some magic in the classroom. You see what I'm headed for here? That's one of the problems that we're up against. I guess, in conclusion so much has been said today, I would say one more thing. And Senator Chambers already kind of said it--he did say it. If our students are not going to leave the schools and the communities they're in, then we shouldn't look beyond local assessment. But we know that's not realistic. They're going to go out into this state, they're going to go out into this country, and now into the world to be competitive. I think we do them a disservice by not looking at data beyond just a local assessment to see what they've done, and LB1157 is a move in that direction. Thank you, Mr. President. [LB1157]

SENATOR LANGEMEIER: Thank you, Senator Adams and Senator Raikes. You have heard the closing on LB1157. The question before the body is, shall LB1157 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1157]

CLERK: 30 ayes, 4 nays, Mr. President, on the advancement of LB1157. [LB1157]

SENATOR LANGEMEIER: LB1157 does advance. Mr. Clerk, continuing on the agenda, LB1049. [LB1157 LB1049]

CLERK: Mr. President, LB1049, a bill introduced by Senator Erdman. (Read title.) The bill was introduced on January 18, referred to the Natural Resources Committee. The bill was placed on General File. I do have motions pending, Mr. President. [LB1049]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Erdman, you're recognized to open on LB1049. [LB1049]

SENATOR ERDMAN: Mr. President, I have already opened. I'll give a brief update of what the bill does to refresh the Legislature's memory, and then we can proceed with the amendments or motions that are pending. LB1049 would make some fundamental and essential reforms to the terms of commissioners to the Game and Parks Commission. It would allow commissioners to be reappointed to a consecutive term,

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which they are currently not allowed to do. It would allow that the political party affiliation actually be a binding requirement and not just simply a nuisance to some folks that would like to get around it, and it would also provide an exemption, if you will, for those counties' provisions that would allow that individual to be reappointed to the commission. The final issue that it does is it lowers the term limit from five years to four years. Thank you, Mr. President. [LB1049]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Mr. Clerk, for a motion. [LB1049]

CLERK: Mr. President, I do have motions and amendments pending. Pursuant to Rule, Senator Erdman, your AM2047. (Legislative Journal page 743.) [LB1049]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on AM2047. [LB1049]

SENATOR ERDMAN: Thank you, Mr. President. AM2047 is a technical amendment that clarifies the language in LB1049. The way that the bill is currently drafted it says, solely for the purposes of the appointment to the commission, the individual's political party affiliation at the last general election shall be used. What this amendment does, the first part of this amendment, number one, it would be on line...excuse me, on page 2, line 16, strike "solely for the purposes of the appointment." What that does is that ensures that whatever that individual's political party affiliation was in the last general election prior to their appointment will be their political party affiliation throughout the entire course of their term on the commission. It also adds the provision that is similar to an election commissioner, that is potentially a deputy election commissioner in a county in which there's a requirement for an individual to be a different political party. When a member ceases to meet the qualifications of his or her initial appointment, the office shall be immediately vacated. One of the things that I pointed out in my opening the other day on LB1049 is that we have individuals that want to serve on the Game and Parks Commission. We have a provision of law that says those individuals cannot be...a majority of them can't be from the same political party. So what they do is they decide, right before they become an appointee, or apply to be an appointee, they change their political party affiliation. And so they game the system. At least I understand the proposal, which dates back quite a while, was the idea was to have a balance of partisan affiliation on the commission, not for people to play games with their registration. So the first part of this amendment would state that for the purposes of their appointment, in other words for the entire time that they're on there, if they were a Republican at the last general election, they're a Republican all the way that they're on that commission. If they're a Republican or a Democrat, excuse me, at their last general election, they would stay that. And if they would change their party affiliation while they're on the commission, they would be vacating their seat. That is a deterrent for them to be able to then get around the...get around the provision of the law that they're

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currently getting around. The second part of the amendment clarifies that when an appointment is made to fulfill a term, that that shall not be considered a full term, because under LB1049 an individual is limited to two terms in their lifetime. And technically that is two full terms. So we're just clarifying, in the second part of AM2047, that the appointment that is made to fulfill a term is not considered a full term. So technically you could have an individual that would have served a little bit longer than those two full terms, but they would be limited in general to those two actual completions of terms. It's a technical amendment. I would encourage the adoption of AM2047 and would welcome questions either on the amendment or the underlying bill. Thank you, Mr. President. [LB1049]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the opening on LB1049 and AM2047. The floor is now open for discussion. Seeing no lights on, Senator Erdman, you're...Senator Nantkes, you're recognized. [LB1049]

SENATOR NANTKES: Thank you, Mr. President. I was hoping that maybe Senator Erdman would yield to a question. [LB1049]

SENATOR LANGEMEIER: Senator Erdman, would you yield? [LB1049]

SENATOR ERDMAN: I will. [LB1049]

SENATOR NANTKES: Senator Erdman, I'm sorry I didn't have a chance to read you this prior to your opening. And I was listening with great interest to try and get up to speed on the content of your amendment. And again, without having a chance to really delve in and do some of my homework in regards to this issue, I'm just wondering if you've addressed any potential First Amendment problems with what seems to me to be almost kind of a deterrent, or a punishment, or some sort of consequence imposed on somebody's First Amendment right to willingly and at any time, I guess, change their political party affiliation. It would seem to me that there might be some First Amendment issues at play there. Have you had a chance to do any analysis on those issues? [LB1049]

SENATOR ERDMAN: Senator Nantkes, I haven't. And I will tell you that the provisions that are in this amendment are no different than the provisions that are currently in law for other requirements. For example, your election commissioner requirements are similar to this provision, and that is that individual is serving as a result of their party affiliation as much as they are their other abilities. And if this provision is unconstitutional or has First Amendment issues, then the way that we select election commissioners and their deputies within counties throughout the state of Nebraska is also in question. If the concern is that we shouldn't have this requirement in law at all, then we can strike the provision of the party affiliation. I think that's also part of a healthy conversation about what this provision in the law should look like. But this is taken from

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an existing provision of law. If this has issues then likely that does as well. It's not anything that I'm aware of that's ever been challenged or has ever had that condition raised, but it doesn't mean that it's not without its issues. Again, it is consistent with other provisions of law. [LB1049]

SENATOR NANTKES: No, that's very helpful. Thank you, Senator Erdman. And I'd appreciate maybe having a chance to look into that more so, and maybe it is broader in scope that that question provoked. Thank you. With that, Mr. President, I'll yield back the balance of my time. [LB1049]

SENATOR LANGEMEIER: Thank you, Senator Nantkes. Seeing no other lights on, Senator Erdman, you are recognized to close on AM2047. [LB1049]

SENATOR ERDMAN: Briefly, Mr. President, the amendment clarifies the political party affiliation requirements that are currently in statute for this commission, and it also clarifies the length of a term, that fulfilling a partial term shall not be considered a full term, which is consistent with the intent of the bill. And the bill drafting clarification, I believe, helps to actually fulfill that. I would encourage the adoption of AM2047. [LB1049]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the closing on AM2047. The question is, shall AM2047 be adopted to LB1049? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1049]

CLERK: 27 ayes, 0 nays, Mr. President. [LB1049]

SENATOR LANGEMEIER: AM2047 is adopted. Mr. Clerk, next motion. [LB1049]

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone. Senator Erdman, you'd have the option to lay the bill over. [LB1049]

SENATOR LANGEMEIER: Senator Erdman. [LB1049]

SENATOR ERDMAN: We'll take it up. [LB1049]

SENATOR LANGEMEIER: Thank you. Senator Chambers, you are recognized to open on your motion to indefinitely postpone. [LB1049]

SENATOR CHAMBERS: Mr. President, I had explained to Senator Erdman that because I didn't want this bill to pass through without me being aware of it, I put this motion on it, but I have no intention of trying to kill the bill. So I'm withdrawing that motion. [LB1049]

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SENATOR McDONALD PRESIDING

SENATOR McDONALD: Motion withdrawn. Mr. Clerk. [LB1049]

CLERK: Madam President, Senator Preister would move to amend with AM2035. (Legislative Journal page 701.) [LB1049]

SENATOR McDONALD: Senator Preister, you're recognized to open. [LB1049]

SENATOR PREISTER: Thank you, Honorable President, friends all. I have heard Senator Erdman's opening on the bill. I have read the bill. I do support what he's attempting to do. He is adding some clarification, actually making what I would like to see happen easier to happen, and that is to have more people have more opportunity to serve on the Game and Parks Commission. What this amendment does is something that's been before the Legislature a number of times in the past. It essentially has one additional commissioner that's added. It would go from eight to nine commissioners. There would be three from each of the three congressional districts. It would add some harmonizing language to facilitate that and it would also change a requirement. It would then require that the members shall represent the general public and have demonstrated competence, experience, and interest in matters under the jurisdiction of the commission. Part of the reason for that is because there have been changes with the commission over the years. There is, as Senator Erdman stated in his opening, great interest in serving on the Game and Parks Commission. Other things have changed. Over 100 years ago America's wildlife had practically disappeared. Causes were policies of controlling Native Americans, settlers needing food, and market hunting. Through model legislation started in 1887 by Theodore Roosevelt and others, hunting seasons and bag limits were established. Market hunting was banned, and programs such as the federal duck stamp, the National Park Service, National Forest Service, National Wildlife Refuges, and state game commissions all came from Roosevelt's concern. Nebraska's Game Commission was set up back then with requirements that members must be well informed on wildlife conservation and restoration. Also membership had language that mandated members must be engaged in agricultural pursuits and actually live on a farm or a ranch. The Game Commission of the past did a great job. We now have species we never had before, such as the ring-necked pheasant. Wild turkeys were not native to Nebraska before introduced, and now thriving. Deer and antelope were almost gone, but now deer populations are even a problem. Big horn sheep and elk were totally gone, but now are on the comeback. Canada Geese are considered a nuisance in some areas; I might add so are snow geese. Another major change is that now it is no longer just the Game Commission, as it originally was, it is the Game and Parks Commission. Parks have a larger budget and more constituents than does the wildlife provision. Perhaps it is time to rethink all the qualifications for membership on this commission, not just political party or terms.

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Presently it is mandated that two commissioners must be engaged in agricultural pursuits and live on a farm or ranch. We have those two and only two. They are the next two whose terms expire, therefore they must be replaced in kind. That precludes anyone in those districts not living on the land from membership. That excludes over 90 percent of the population. There are only 45,000 farms and ranches in the state, but close to 1.8 million residents. The next appointment in District 7 can't come from a citizen living in Alliance, Chadron, Scottsbluff, Gering, Mitchell, Morrill, Sydney, Kimball, Ogallala, Potter, Paxton, or any other town or city or village in that area. When District 4 comes up next, another farmer or rancher must replace the one leaving. Excluded are citizens living in Kearney, Hastings, and Grand Island. Isn't this requirement, this old requirement ready for some discussion in light of the major urban-rural shift over the past decades? The flourishing of wildlife and the addition of parks in the Nebraska Game and Parks Commission seems to warrant consideration in this matter. This amendment that would give equal representation to all citizens and only slightly increase the commission in size, from eight to nine, would be a good start. To suggest three commissioners each from the three congressional districts, and that these citizens shall be described as, the members shall represent the general public and have demonstrated competence, experience, and interest in matters pertaining to Nebraska Game and Parks Commission, would seem to be appropriate language. I bring this amendment particularly on behalf of Wes Sheets, who represents the Nebraska Division of the Izaak Walton League of America, and Joe Herrod, who represents the Nebraska Council of Sportsmen's Clubs, as well as other constituents and people who have contacted me over the years. It does provide for more proportional representation on the commission, does allow one additional commissioner, and it affords more citizens of the state more of an opportunity to be considered for service on the Game and Parks Commission. There are those folks who see this as a kind of political plum, an appointment to be made for somebody who has worked to help a governor get elected. And it's been used that way by all governors. I'm not discrediting that, but in so doing it keeps a lot of the regular hunters, it keeps a lot of the citizens concerned about the parks, and as I mentioned the parks are an increasing proportion of the budget, and in fact are the largest segment of the Game and Parks budget. It allows more equal representation by those interests and affords more people the opportunity to possibly serve. It's an opportunity to have this discussion. And I did mention that I was going to propose the amendment to Senator Erdman. He said that he was more than willing to discuss this and other issues, and so I did introduce it also partly to give notice to others that this is a consideration. It is before us, it is a topic of discussion and I think merits that discussion. Thank you for your attention. [LB1049]

SENATOR McDONALD: Thank you, Senator Preister. You have heard the opening on AM2035. The floor is open for debate. Senator Erdman. [LB1049]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. As I have shared with Senator Preister, happy to visit with him and others about the makeup of

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the commission. Technically his amendment is not contained in the underlying bill. There has been no public hearing on it, but I did feel that it was appropriate for us, if we were going to have this conversation, to at least provide the amendment to the public to be aware that this may be considered during the course of this discussion, and I had assured him that I'd be happy to visit with him about his amendment or others that may have different ideas about the makeup of the commission. The plain reading of his amendment works if you're referring to Section 37-102, which again is not amended by LB1049. What it doesn't do, however, is it doesn't strike the previous language in 37-101 that refers to the qualifications of the members of the commission, which they shall be legal resident citizens of Nebraska and shall be well informed on wildlife conservation and restoration. If his amendment is adopted there would be two different standards for the appointees. And so in fairness to Senator Preister, as I've already said here on the floor, I would be happy to work on any proposals that would change the actual qualifications of the members as far as where they come from. I have a copy of the eight Game and Parks Commission districts currently. The arguments that Senator Preister makes are valid. However, the position that the individuals that he's representing was at the time that they didn't want to make any changes to the law. So it's apparent that they're willing now to at least have some conversations, and I welcome that. There are currently five members of the, excuse me, four members of the Game and Parks Commission that are from the third congressional district. Excuse me, there are five, because one of the individuals is just on the other side of the congressional district line, in Saline County. There are two from the first district, and one from the second district. So some of the numbers in theory work. One of the things that you have to recall, however, is that in addition to the population that is in the state of Nebraska, where they're located, a lot of these facilities, a lot of these state parks are also located in rural parts of the state, and they believe that they need to have representation, which is the logic for not having the proposal that Senator Preister currently has before us. Regardless, looking forward, Senator Preister does bring up some valuable comments about the flexibility needed to have broader representation, especially from different areas within the state. And I think that's a healthy conversation, just not one that I believe is appropriate at this time. Thank you, Madam President. [LB1049]

SENATOR McDONALD: Thank you, Senator Erdman. Senator Fulton, followed by Senator Avery. Senator Fulton. [LB1049]

SENATOR FULTON: Thank you, Madam President. Would Senator Preister yield to a question? [LB1049]

SENATOR McDONALD: Senator Preister, would you yield to Senator Fulton? [LB1049]

SENATOR PREISTER: Certainly. [LB1049]

SENATOR FULTON: Senator, thank you for bringing this forward. This is something

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that I've become involved with somewhat, just because of my interest in working with the sportsmen's groups. One of the things that was brought to my attention was that a lot of the sportsmen's groups and those who have an affinity for the purview of Game and Parks want to avoid as much politics, if you will, as possible, recognizing, of course, this somewhat of a decision that can bring in politics, just because it goes through an appointment process that has to come through the Legislature. So that's a concern that this could become too politicized. So, I guess, can you respond to that? I have some more concerns that I'll bring forward, but can you respond to how this amendment might work against that concern, or maybe it validates that concern? [LB1049]

SENATOR PREISTER: I'm not sure, Senator Fulton, that I can really give you an answer to that. We operate in a political arena, so things are always going to be political. Whether this makes it more so or less so, it in some areas may do both. I can't say with specificity, so I'm not being evasive, but I think it has the potential, like anything has the potential. [LB1049]

SENATOR FULTON: Okay, thanks, Senator. [LB1049]

SENATOR PREISTER: But I think does make the point of being closer to proportional representation. And it does afford more opportunity for more people to participate. [LB1049]

SENATOR FULTON: Could you...are you able to answer how the existing districts came to be for Game and Parks? [LB1049]

SENATOR PREISTER: Originally when it was set up, they were set up for the Game Commission. And it has been changed at least once, that I know of, when we added an additional commissioner for the Lincoln city area, or I guess it's Lancaster County. But originally it was set up in the last century. [LB1049]

SENATOR FULTON: Okay. [LB1049]

SENATOR PREISTER: It was quite awhile back. [LB1049]

SENATOR FULTON: Okay. I will...I'll lay out a concern of mine, and then I'm just going to yield you the rest of my time here. By putting this...we have a census coming up here in the United States. And with that census future legislatures, actually I believe the next Legislature, or the one after that, will be making a decision as to how to set up the districts within Nebraska. And though I've not been a part of that process, I have come to learn that it turns out to be quite a (laugh)...quite a political battle. And so it seems to me that putting the Game and Parks Commission within...relegating that to congressional districts would inject a higher level of politicization than would be the case now. So the fact that we're going to be fighting out how the districts should be drawn up

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here in the Legislature, that would bring the Game and Parks Commission into that debate, were this amendment to be adopted. So that's a concern of mine. And then, Senator Preister, I'll just yield you the rest of my time to address that. [LB1049]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Senator Preister, you have 1:32. [LB1049]

SENATOR PREISTER: Thank you, Senator Fulton. I don't see that that would happen. I mean, we're going to have issues dealing with congressional districts and reapportionment. We don't know what's going to happen at the federal level, what the population is going to be. We could lose, I don't think it's going to happen, but we could lose a district. That would affect a host of things in statute. All of those things would have to be dealt with appropriately and accordingly, and would follow the same change. So I don't think those changes would be politicized. They would have to follow what the new congressional districts were drawn to be. [LB1049]

SPEAKER FLOOD: One minute. [LB1049]

SENATOR PREISTER: I don't see that this is interjecting any additional political concerns or issues. It is what it is on its face value, just like all of the other things that we have assigned based on congressional districts. We're not going to make these the core of any census data. We're not going to say we're going to change or not change congressional districts based on Game and Parks commissioners. I really don't see where this interjects a lot into that process. That process is political. Much of it is based on census numbers. When those things happen and congressional or legislative districts change, they all change. It changes a host of things. But those things... [LB1049]

SPEAKER FLOOD: Time. [LB1049]

SENATOR PREISTER: ...that are aligned aren't really that directly implementing or impacting it. Excuse me. [LB1049]

SPEAKER FLOOD: Time, Senator. Thank you. While the Legislature is in session and capable of transacting business I propose to sign and do hereby sign LR243, LR244, LR245, LR246, LR247, LR248, LR249, and LR250. Mr. Clerk, items for the record. [LB1049 LR243 LR244 LR245 LR246 LR247 LR248 LR249 LR250]

CLERK: Mr. President, the Committee on Education, chaired by Senator Raikes, reports LB988 to General File with amendments. I have a new resolution, LR258, offered by Senator Kopplin. An announcement, Mr. President. The Agriculture Committee will have an Executive Session tomorrow morning at 8:00 o'clock in Room 1524. I have a name

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add. Senator Lathrop would like to add his name to LB920. (Legislative Journal pages 794-795.) [LB988 LR258 LB920]

Senator Burling would move to adjourn until Wednesday morning, March 5, at 9:00 a.m.

SPEAKER FLOOD: Senators, you've heard the motion. All those in favor of adjourning until March 5, 2008, at 9:00 a.m. say yea. All those opposed say nay. We are adjourned.