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Education Committee  
February 28, 2011

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[LB53 LB145 LB520 LB572]

The Committee on Education met at 1:30 p.m. on Monday, February 28, 2011, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB572, LB53, LB520, and LB145. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Bill Avery; Abbie Cornett; Brenda Council; Ken Schilz; and Kate Sullivan. Senators absent: Ken Haar.

SENATOR ADAMS: I think we have enough committee members here that we could begin this hearing of the Education Committee. The committee will hear four bills today. We will begin with LB572 to be introduced by Senator Price; LB53 by Senator Krist; and our Vice Chair, Senator Howard, is going to be introducing LB520; and Senator Haar, who's home ill today but his LA will introduce LB145 on his behalf. Want to welcome those of you who are here today and go around the table: Becki Collins, our committee clerk first of all; and remind you all that if you choose to testify today be sure that you have filled out one of the registration forms. They're back by each of the doors. Bring them up and, if you would, give them to Becki before you start your testimony. And then as you begin your testimony, and Becki will use the three-minute light today, we will use the light system and be sure that you state your name and spell your last name for the record so that Becki gets that clear for the transcriber. Next to her is Senator Schilz from Ogallala, Senator Council from Omaha, Senator Cornett will be here in a few moments from the Bellevue area. Next to me, at my immediate right, is Tammy Barry, the legal counsel for the committee. I'm Greg Adams, representing the 24th District, York and Seward. Our Vice Chair, Senator Howard from Omaha; from Cedar Rapids, Nebraska, Senator Sullivan. Next to her, my latest student, is Senator Avery. He'll be here in a just a few moments. And Senator Haar, as I said, is ill and won't be able to join us today. Let me remind you that I would ask that unless you are credentialed press that you turn your computers off and everybody turn their BlackBerrys off and if you need to do your texting or play games, if you will take them outside of the room the committee would appreciate that. With that, Senator Price, you are up and running.

SENATOR PRICE: (Exhibit 1) Well, thank you very much, Chairman and members of the Education Committee. I am Senator Scott Price from the 3rd Legislative District, that is S-c-o-t-t P-r-i-c-e, and I'm here today as the principal introducer of LB572. LB572 is a fairly short bill. If you look at the intent statement and you look at the bill itself, it's all one, three lines, and it states, would prohibit a student from attending an elementary learning center outside of the district that the student resides in if an elementary learning center has been established in the district where they reside. That's it. So now let's talk about the bill, what am I trying to do and whether the words are covering what I'm trying to do and accomplish what I'm trying to accomplish. You should have been handed out a map that depicts the learning community area there between the two metro regions there of Sarpy and Douglas County. I took the opportunity, picking two schools: one in the Bennington district north, it should have a yellow highlight; and one

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down, Fairview, Fairview Elementary School in the Bellevue district. As you look at those two and you see all the different districts outlined there, what I'm trying to say is if I have a student that lives in the Fairview Elementary School attendance area of that facility, that they would not have a priority placement to attend another school within the learning community, such as up there in Bennington. And here's the reason why. The citizens and taxpayers have decided and needed a...and someone decided there needed to be a public school down in Fairview. They had enough students and individuals to create this school and that school has an attendance area. And as those students attend that school, some students need something extra, who knows what it might be, but the school can't provide it. So they came along with the concept of the ESU and the ESU is there to help bring resources to help students in that attendance area. Then we came along with a bill, the learning community bill. Now we have a third layer, okay? First is public school, the second would be the ESU, your third is the learning community. And now there's a fourth, an elementary learning center. And we put an elementary learning center within that attendance area and we've done that principally because the students in that area have been determined to need that help. So the question is, why would I let a student in that area have a priority placement anywhere else? You could make that akin to an argument of I own a transportation company and I put a maintenance and fueling shop right next to my business but I require or let some trucks go all the way across the county to fuel. You don't put resources there that are...you should, hopefully, when you have a resource request, you should have a requirement, a justified requirement. That's why we do it. We all agree they need to be there. I'm just saying that in this bill we would say then you don't have a priority placement anywhere else in the learning community. I would direct your attention, if you would indulge, to the fiscal note. Fiscal note, there is no fiscal impact, but I would tell you if you look within that, particularly if you look on the back page there and it said the Department of Education came in and it says, in the second sentence, second line, the proposed bill might limit transfers so it could reduce costs for transportation. I know you've heard about costs of transportation. And given that a resource exists somewhere in the learning community that doesn't exist anywhere else, I can see where you can justify the cost because that's why the bill was passed. But in this case, again, the public has determined and our Legislature has determined there are four layers of assistance in an attendance area. We shouldn't transfer those children out prioritized. Otherwise, why did we put the elementary learning center there? Hopefully, that elementary learning center was put there and was crafted based on the needs of those students. And that entails the four lines before you in the bill today. And with that, Mr. Chairman, I would close and take any questions. [LB572]

SENATOR ADAMS: Okay. We'll open it up for questions. Senator Council. [LB572]

SENATOR COUNCIL: Thank you, Chairman Adams. And welcome, Senator Price. First of all, you kept referencing in your testimony to priority designation and I guess I'm not following where your bill speaks to priority designation. Your bill simply prohibits, and it

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doesn't limit it to a student living within the attendance area of a particular elementary learning center. It says any..."a student residing in such member school district." So, as I read your bill, if there is an elementary learning center anywhere in OPS, for example, no transportation would be provided to any OPS student who wanted to transfer out of their district. [LB572]

SENATOR PRICE: Thank you, Senator Council, and I appreciate you to bring that up because that does talk to the weakness of the way its written now and it would have to be amended to do what I exactly want it to do. I mean I went through...we went through many iterations here how to craft the bill. The bottom line is what it will have to say is that in that attendance area, student in an attendance area that would choose to have a priority placement in another area within a learning community, but those words just didn't seem to make it to the paper in time and get out. So I would...definitely would like to work with the committee to make the bill say exactly...because what, again, in my example from Fairview Elementary in Bellevue to a school in Bennington, it would just be the students in the attendance area of Fairview Elementary that wouldn't have the priority placement in another area within the learning community, not all of Bellevue. And I do appreciate you for taking the time to notice that. [LB572]

SENATOR COUNCIL: Now the difficulty with that, though, Senator Price, is a youngster who lived a block outside of the Fairview attendance area could have priority under what you just stated as your bill, if you're talking about attendance areas... [LB572]

SENATOR PRICE: Very true. [LB572]

SENATOR COUNCIL: ...specific. And I guess the third point is that, as I understand the way elementary learning centers are to be established, they are to be established to serve students of as many schools in an adjacent geographic area as possible. So in at least the discussions I've participated in about the location of an elementary learning center in a subcouncil District 2 of the learning community, they're looking to place it somewhere where there would be access to youngsters attending five or six different elementary schools. [LB572]

SENATOR PRICE: Exactly. And I believe the way the legislation reads, if you have 25 schools that meet the criterion, that you'll have to have an elementary learning center. That's what led to the difficulty of trying to put our hands around this. Again, what I'm trying to get to, Senator Council, and with your assistance and the committee's assistance to get there, is to say if we're placing four levels of public monies in education to help a certain population of students, it doesn't seem prudent to let those students have a priority placement a county halfway. So the question isn't about limiting anything or destroying anything or taking away. It's trying to find a way, because the learning community, I mean so many things we do are written in some type of boundary. Sometimes they're geographical. Sometimes they're written different ways. And that's a

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challenge we have in a lot of things we do in the Legislature, whether it's taxing across multiple domains, like the NRD and when we look at some of them having multiple counties of how we do things. Again, in this one here, the genesis of the idea is if we put a fourth program in place, a fourth layer, we shouldn't be saying that the students to be served by that should have a priority placement elsewhere within the learning community. [LB572]

SENATOR COUNCIL: Well, what about an 8th grader who lives in the Fairview Elementary School attendance center but he's an 8th grader? [LB572]

SENATOR PRICE: In what way? [LB572]

SENATOR COUNCIL: As I read your bill, that youngster would be prohibited from being transported to Bennington because there's an elementary learning center... [LB572]

SENATOR PRICE: Well, I believe it says attending an elementary learning center. So if you're in the elementary learning center purview then that is what is meant, that silo of elementary students. It didn't...doesn't necessarily talk to all the others. It's just, Senator Council, what we're trying to do here or what I'm trying to do here, I should say, I don't have anybody speaking with me or working with me on this, is what I'm trying to do is sit there and say how do we, as good stewards of tax dollars, justify, you know, and say we'll transport? I'm sure you've heard in your committee concerns about transportations costs in the learning community, and when I balance that against we've put four layers in there, again, with the council's assistance we will work on this and move forward. Whichever way we can move forward on this thing, I'm more than happy to do that. But we have to begin to have that discussion of what is prudent, particularly...not even just with these fiscal times that we're in but in all times. [LB572]

SENATOR COUNCIL: Yeah. Yeah, I hear what you're saying, Senator Price. I'm just telling you that your bill does not comport with what you're saying. Your bill says "a student residing in such member school district." It doesn't say anything about enrolled or attending an elementary school in that district. It speaks to "a student residing in such member school district." And so...and linking it to the elementary learning centers disregards the intent and the purposes to be served by the learning community council for youngsters other than those who are of elementary school age. And that's why I gave you the example, so what about an 8th grader who resides in the Fairview Elementary School attendance area. The language of LB572 prohibits that youngster, if that youngster meets the criteria under the learning community transportation policy, prohibits him or her from attending that school in Bennington. And you're saying that's not your intent but I'm telling you the language of your bill says, clearly and unambiguously, in my opinion, that if you live in a subcouncil...if you live in school district where there is an elementary learning center, you cannot receive transportation to attend a school at any other district in the learning community. That's what your bill

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says. [LB572]

SENATOR PRICE: Thank you, Senator Council. It does. Thank you. [LB572]

SENATOR COUNCIL: Yeah. Okay. [LB572]

SENATOR ADAMS: Other question? Senator Avery. [LB572]

SENATOR AVERY: Thank you, Senator. Senator Price, this is...appears to be very simple, but it might have broader implications. How does this advance the goal of the learning community to close the achievement gap? [LB572]

SENATOR PRICE: Thank you, Senator Avery, because that opens up to a wide area of interpretation. Obviously, from what Senator Council said and what I've tried to articulate, it isn't simple and there are a lot of parts in here. The achievement gap, I would have to say, Senator Avery, in the achievement gap and when we're considering these students and we consider that we're going to move the students from their primary...I'll call it their primary area of living, where they live, all right, and we're going to put it...if they get through all the process and are allowed to move across, okay? They're going to send them into an area where they are a stranger in a strange land and they're given education opportunities, and there are going to be great teachers and great resources. They're going to be something there that is lacking in their home area, in their home attendance area. I don't know why it's lacking. I mean we have plenty of state aid. We have plenty of focus on everything, but something is lacking so we're going to ship them. We'll move them to another area. I was bussed as a child all over, stationed as a military child, for no other reason other than school was far away. But you go to a place where you're the odd person out, so to speak, and we all know that children are absolutely loving, enduring and caring, but we also know they can be cruel to the new person. So that's one component. But the other side of that component is, and this is the part I had to deal with, I had to come back to where I lived and I was the odd person out there too. So that's one aspect. It's a psychological one. I'm not a psychiatrist or psychologist and I'm not going to try to play that, but what I'm saying is when the...I would believe that the...and have understood that the academic challenge and gap we're trying to close by shipping people and bussing them to other places, and because some resource exists somewhere else, but what we see throughout the learning community bill and through everything we do is we're putting resources right there in that service area. You know, the public school exists and they don't have enough for a certain resource so they go to the ESU. Now we've (inaudible), kind of like building a brick path. I don't know if you've ever had to lay a brick pathway before but you do all the underlayment, you compact, you get it all down, you got it all level, you have the bricks in place, all right, and that underlayment would be your public schools, and then the bricks themselves, based on what pattern, what's going on, those could be...that's your ESU. And then the learning community comes in and it's like the sand

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you put in between to solidify it. I solidified it where you live. I've put resources where you live, where your child lives. Why would one student move all the way across and get something better knowing that that student is going to be the odd person out in that new community and treated as the odd person coming in? That's the component that concerns me. Also there's the cost. If we're not transporting across the district, and you all have heard the numbers, can that money not be turned into resources that could further help, whether it's Fairview or Bennington or Benavides (phonetic) or any other school who's in the learning community? That's my...that's the whole purpose for what we're trying to do, is we're trying to get resources, focus resources for the needs that are identified. [LB572]

SENATOR AVERY: You seem to be concerned about the ability of kids to adapt to their new environment if they were to transfer, but this does not force the issue. I mean it seems to me, as I recall, this is a voluntary option, isn't it? [LB572]

SENATOR PRICE: Oh... [LB572]

SENATOR AVERY: Isn't it an option that parents can choose for their children? [LB572]

SENATOR PRICE: Absolutely. [LB572]

SENATOR AVERY: They're not being forced to do this. [LB572]

SENATOR PRICE: No, absolutely, and the "adaption" I'm talking, the component, isn't that the children can't adapt but it's what do they have to do as they adapt. That's how come...you know, you can break that adapting thing down into multiple components. I can tell you about adapting to situations. I can talk to you about adapting to being in foreign countries and having to do that as a child and going to...you adapt but there's a cost. There's a price to be extracted for that "adaption" and I'm just saying that all together is the learning environment, for all the people who are professional educators, do you want a social setting that is the most beneficial, and I would think that that's true. That's why we're doing it. And I'm not trying to say that you won't have any...I'm not trying to say you can't have those things. I'm saying as a component of what I'm talking about, my concept is that plays a role. You do...you would...I don't, won't ask the question but I would believe you could concede that it does have a factor in the learning environment. [LB572]

SENATOR AVERY: Well, actually I almost introduced a bill that would have done the opposite of this actually. (Laugh) It would have forced schools to provide for more spaces for these option kids. It seems to me that one of the things that we were trying to do with the learning community was to open up opportunities for kids, no matter where they lived, to get the best possible resources, the best possible education they could get within the whole 11-district learning community. If that meant that a north Omaha kid

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options into Westside, that's fine. But the problem was, it seems to me, is that a lot of those schools said, oh, sorry, we don't have any room. And I doubted that, frankly. I doubted whether or not those schools were that crowded and that maybe they didn't want to have option kids in there. That's why they didn't have room. [LB572]

SENATOR PRICE: And, Senator,... [LB572]

SENATOR AVERY: So I would have had a competing bill. If I'd had known you were doing this, I might have actually (laugh) had that competing bill. [LB572]

SENATOR PRICE: Well, I'll be sure to keep that in mind but the concept to me, again, becomes a steward of tax dollars, is why would we have put more money into another district over...one district over another? If we're saying I'm putting resources in a service area, and that's why I said I didn't say all the other attending, but if I'm putting it into a service area I hope, I would really hope that the education members of that community at all those levels--the school, the ESU, the district, the learning community council--would have taken into account what are the resources needed for the students who live there if I'm putting resources in that area. That's what I'm trying to address. I've put a lot of resources there. Hopefully, we found out what was needed. Did they need the reading programs, whether it's ESL? Did they need math programs? What education component are we trying to assuage, if you would? All right? What are we trying to...what gap are we filling here? And I poured in tax dollars and then I said, but you can leave. It strikes me curious. That's why, Senator Avery. [LB572]

SENATOR ADAMS: Other questions? Senator Council. [LB572]

SENATOR COUNCIL: Senator Price, I sit and I listen and, first, your response to Senator Avery is a compelling argument against school choice, which has been a subject of debate for years, parental choice. And I think one of the flaws in your argument is the assumption that people...that parents make decisions to move their children because certain added benefits are available as opposed to a perception that those services are available, because inherent in your argument is that somebody is going from Fairview to Bennington because it's better in Bennington. I mean I don't know that anybody has established that it's better in Bennington, but that parent has elected that that's the environment that they want their child educated in. And in terms of the taxpayer investment, the only difference between Bennington and Fairview is that it may have an elementary learning center, because there's an ESU that serves Bennington. They have their local school district just as Fairview does. The only difference is there will be an elementary learning center that doesn't serve just Fairview. It serves children in that subdistrict council which may very well far exceed the resources that that elementary learning center has to provide and then again it ignores the fact that the open enrollment and the transfer policy doesn't apply to just elementary children. It applies to any child K through 12 whose parents want to see them attend

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another school. And the ability to adapt to change works both ways. Schools and school districts and personnel need to adapt to the different children that are before them seeking to learn. As well as children, their parents need to adapt to different environments. And I really...I don't follow your argument for the necessity for LB572. I just don't follow it. [LB572]

SENATOR ADAMS: Anyone else have a question? Guess not. Thank you, sir. [LB572]

SENATOR PRICE: All right. Well, thank you very much. [LB572]

SENATOR ADAMS: We'll take proponents to this bill first. Are there those who wish to be proponents to the bill? Not seeing any, then we'll move to the opposition side. Are there those who wish to testify in opposition? [LB572]

KENT ROBERT: I think he's about two feet taller than I am. Good afternoon, Senator Adams, members of the Education Committee. My name is Kent Rogert, R-o-g-e-r-t. I'm here today representing the Learning Community of Douglas and Sarpy Counties in opposition to LB572. Spoke with Senator Price this morning and, as Senator Council pointed out, the things that Senator Price wishes to accomplish I think requires some pretty substantial changes in how the bill is written. We're testifying today in opposition to the bill the way it's written. It was discussed earlier about the reasons for the open enrollment provisions within the learning community statutes. We have evidence-based belief that if classrooms across the learning community were better balanced so you no longer have buildings with 95 percent poverty rates but an average poverty rate of about 41 percent across the district, it would help promote a learning environment and improve student achievement. That was exactly what we were tasked to do when we were created four years ago. Elementary learning centers, the statutes say it's the ability to establish wraparound programs and service outside the school day, evenings, weekends, summers, after school and so forth in geographic areas of high needs serving children in poverty, English language learners, and high mobility. So it's...we believe that allowing enrollment in those districts of need and then...open enrollment, excuse me, then having the ELC is a...the elementary learning center, is a partnering of things that can be done to help close the achievement gap in those areas. Those kids go off to a school, if they so choose, that have some opportunities for them and we know those...saw a lot of those children have working parents that work long days. And so if they come back, they have the ability to attend an elementary learning center after school, in the evening, and that have programs to help promote further learning and keep them moving around in there. So that's...I'll close with that. Most of the points were pointed out with Senator Council's questions, but I'll answer any questions you may have. [LB572]

SENATOR ADAMS: All right. Thank you, Senator. Are there questions? Anyone? You're off the hook. [LB572]



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SENATOR ROBERT: Thank you. [LB572]

SENATOR ADAMS: Next opposition testifier? One more chance, any opposition? If not, we'll move to neutral testimony. Is there neutral testimony? Senator Price. And Senator Price chooses to waive his closing. That will end the hearing on LB572. Senator Krist, we'll move on to LB53. [LB572]

SENATOR KRIST: Good afternoon, Senator Adams and members of the Education Committee. It's always a pleasure to be here. For the record, my name is Bob Krist, that's K-r-i-s-t. I represent the 10th Legislative District in northwest Omaha. Appear before you today in introduction and support of LB53, a bill I introduced on behalf of the Omaha Public Schools. When I was out door-to-door last fall, one of the things I heard was do away with the learning community. And I have defended vigorously the learning community and its original objectives and so it's time to put some power behind it and see if it actually works. And I believe it does. But as I listened I agreed that we're spending a lot of money for transportation and I agreed to bring this bill forward. I've had conversations with Dr. Mackiel and the Omaha Public School system about this and we believe that LB53 would control costs while preserving the diversity goals originally intended in the law. LB53 would require transportation for students in a learning community who attend a school other than their home attending school if they socioeconomically integrate the school they transfer to and if they live more than a mile away from that school. LB53 eliminates the requirement in current law that transportation be provided to all students who transfer pursuant to open enrollment but do not socioeconomically integrate the new school. Under LB53, any student who socioeconomically integrates the school to which they transfer, whether it is regular school, magnet, or focus, would be eligible to receive transportation if they live more than a mile from the school. Students who do not socioeconomically integrate would no longer be mandatory eligible for transportation. School districts would still choose to provide transportation to such students pursuant to a school district plan if they can afford to do so, in short, taking the mandatory out of the equation. I believe LB53 will result in a significant reduced cost to the taxpayers while preserving the goal of socioeconomic integration. I'd like to speak to the fiscal note for just one second. I think this speaks to a subject that I was here talking to about the other day, which is not enough data to actually balance what the savings might be. My own estimates are not important, but I believe there's at least \$1 million and possibly more in savings in transportation. I think you'll read that they don't have the data to support it. And you're dealing with that and during a different...in a different bill in a different way. And I would be happy to answer any of your questions. Thank you for taking the time. [LB53]

SENATOR ADAMS: Thank you, Senator. Okay, let's open it up for questions for Senator Krist. Anyone? Senator Council. [LB53]

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SENATOR COUNCIL: Yes, thank you, Chairman Adams. And welcome, Senator Krist. And I just don't have it before me. I know there is a definition in the Learning Community Council Act as to defining a student who contributes to the socioeconomic diversity of enrollment at the transferring school. [LB53]

SENATOR KRIST: Yes, ma'am. [LB53]

SENATOR COUNCIL: What is that threshold? [LB53]

SENATOR KRIST: There will be, I'm sure, someone behind me who can give you that threshold and that definition. And that's where I was convinced that we should...that's why I was convinced that we should move in this direction, to say that it is...if you...I would liken it to this--before the learning community, I think the Omaha Public School system had an east to west mentality within the flow. And it truly preserved that socioeconomic balance and added to it. The current system goes away from that. And again, the folks who are behind me, I'm sure, will give you a better answer for the definition. [LB53]

SENATOR COUNCIL: Okay. So that I understand the intent of the bill and then give me the threshold,... [LB53]

SENATOR KRIST: Yes, ma'am. [LB53]

SENATOR COUNCIL: ...say that school A has a free and reduced student population that represents 35 percent of their current enrollment and that 35 percent is the definition of socioeconomic diversity. So if a youngster is trying to transfer into that school and they would put them over that number... [LB53]

SENATOR KRIST: Cause an imbalance, right. [LB53]

SENATOR COUNCIL: ...so that's considered causing an imbalance? [LB53]

SENATOR KRIST: In my understanding. And again... [LB53]

SENATOR COUNCIL: Okay, and that's what I guess I need to...so I can understand what the practical effect of LB53 would be. [LB53]

SENATOR KRIST: Right. I can tell you that one of the schools that I was so impressed with it, I visited it lately, it's in my district, Northwest High School in OPS now has an international law lead in and they actually have a mock-up of NATO and dealing with some of these things. And I think that there will be people who want their young person to be educated and to be given those opportunities in the junior and senior year because they may be prelaw, they may be on that track. That doesn't prohibit open

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enrollment, it doesn't prohibit them from moving in that direction. But if they don't match, at least in this economic time, if they don't satisfy that need we're not...open enrollment is not affected, transportation is affected. And I do think there's going to be some issues. I initially thought potentially we should look at a sunset because, hopefully, these economic times are not going to be with us forever. But I think that's something that we should look at, you know, in terms of let's give it a shot, let's see how much it saves. I think it is a savings, there's no doubt in my mind, but I'm just a pilot so. (Laughter) [LB53]

SENATOR COUNCIL: Or you play one on TV. [LB53]

SENATOR KRIST: Or I play one. (Laugh) [LB53]

SENATOR COUNCIL: Thank you. [LB53]

SENATOR KRIST: Or I stayed in a Holiday Inn last night. (Laughter) [LB53]

SENATOR ADAMS: Are there other questions for Senator Krist? Pretty straightforward. Thank you, sir. [LB53]

SENATOR KRIST: Thank you. [LB53]

SENATOR ADAMS: You going to stick around for closing? [LB53]

SENATOR KRIST: You bet. [LB53]

SENATOR ADAMS: Okay. First proponent. [LB53]

JOHN LINDSAY: Thank you, Senator Adams, members of the committee. My name is John Lindsay, L-i-n-d-s-a-y, appearing as lobbyist on behalf of the Omaha Public Schools in support of LB53. LB53, I think as Senator Krist mentioned, he called me, said he had been out talking to people that had concerns. And I know Senator Howard, I believe, in her district has heard some of those concerns about the cost of transportation within the learning community. And there was a World-Herald article some time, I think, early last fall on what the potential costs could be. This was...and this has been an issue since the learning community came up. I mean, it has been discussed about what transportation costs would be and what the policy of the learning community should be. LB53 we believe furthers one of the primary goals of the learning community which is the improvement of the socioeconomic diversity within the learning community while addressing the concern about costs getting higher than they should be. The thrust of the bill, exactly as Senator Krist introduced it, is that if a student contributes to socioeconomic diversity then transportation would be provided along with the other restrictions that are already in place. If the student does not contribute to the

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socioeconomic diversity, that student could still open enroll but would not be provided the transportation. We concur that a significant...I don't think we can put a dollar amount on it because, as the fiscal note accurately states, I don't think they have access to the data to give you a hard figure. We believe the potential savings are significant and that the state would come out well ahead with the passage of LB53. And so I'd be happy to answer any questions, Senator Adams. [LB53]

SENATOR ADAMS: Thank you, John. Are there questions? Yes, Senator Council. [LB53]

SENATOR COUNCIL: Thanks again, Chairman Adams. Thank you, Mr. Lindsay. What is the current threshold for achieving socioeconomic diversity? [LB53]

JOHN LINDSAY: Well, I believe the number that...long term if we were to have socioeconomic diversity in every school, I believe, would be 35 percent in each school. I don't know that that is the number. And I was actually trying to look up on my iPad so I could answer your question when I got up here. But unfortunately I couldn't find it. So if there is a definition, I would defer to counsel on that. But it may be...something in my head is sticking that it's 50 percent, that if you're over 50 percent, if you're coming from a school that's over 50 percent going to a school that's under 50 percent, then you're contributing, or vice versa, that you are contributing to the socioeconomic diversity. [LB53]

SENATOR COUNCIL: Okay. And so...and how does that work in terms of or how would it work in terms of, for example, focus school, if...assuming focus...you have learning community focus schools, those are newly created. So how do...so do you...determination made on a 50-50 basis (inaudible). And the definition is found in 79-2110, which I don't have in front of me so. But is that the intent of how it would work, for example, in... [LB53]

JOHN LINDSAY: Well, the goal I think is stated in the...pretty much from the time the learning community was first...Senator Raikes was first floating the concept is to get to that where all schools reflect what the two-county area looks like. Whether it's achievable or not is another question. But that's what the goal is. And when you talk about specifics like a focus school that is at that threshold, again without looking at the definition in the statute you just referenced, I guess I couldn't really call it. [LB53]

SENATOR COUNCIL: Yeah or a newly established focus group because it doesn't have the base number to begin with, I mean, all of the... [LB53]

JOHN LINDSAY: Yeah. [LB53]

SENATOR COUNCIL: ...will be new attendees. And just trying to figure out, you know,

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logistically and practically how do you...if new focus groups are created under the learning community, you're going to start from a zero base... [LB53]

JOHN LINDSAY: Right. [LB53]

SENATOR COUNCIL: ...and then whatever that formula is, whether it's 65-35 or 50-50, there would, I think, be some issues as to, you know, who is it first applied, first served? And then because you'll say after that point you're free to openly enroll but transportation won't be provided. [LB53]

JOHN LINDSAY: Right. [LB53]

SENATOR COUNCIL: I'm just trying to think of the mechanics of how this will work. [LB53]

JOHN LINDSAY: I don't...on focus schools I don't know that it's addressed in the bill. I don't believe it is. And it's a legitimate question. [LB53]

SENATOR COUNCIL: Okay, thank you. [LB53]

SENATOR ADAMS: Other questions for John? Yes, Senator Sullivan. [LB53]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you, Mr. Lindsay. Both you and Senator Krist mentioned that data is lacking. What data is lacking? Who should be correcting it? What do we need to get? [LB53]

JOHN LINDSAY: The data is lacking on which students are being provided and what their socioeconomic status is. [LB53]

SENATOR SULLIVAN: Okay. Who should be collecting it? [LB53]

JOHN LINDSAY: I think within the individual school districts I think they all know. The question is between school districts do they know. And whether that is...whether that...how that gets addressed or if it gets addressed simply by the school district which is providing the transportation I think they can do it from the data they have. They would know if a student who they are receiving contributes to the socioeconomic diversity or not because they would know if that student was free or reduced lunch and they would know what the target school building...what it looked like. So they would have the data and be able to tell at the time that they provided or did not provide the transportation. [LB53]

SENATOR SULLIVAN: All right. So then if they already have it, is it a question of sharing it with the other school or the learning community or... [LB53]

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JOHN LINDSAY: I don't know that they need to...I don't know if that kind of data needs to be shared. As I mentioned, if they have access to it, they will know whether or not they have to provide the transportation. Under current law they must provide the transportation regardless. What this would do is to restrict it to those that contribute to the socioeconomic diversity. And I think the data is available, but the school district would have to make that call. I think they already have access to it. So I don't think sharing comes into it. [LB53]

SENATOR SULLIVAN: Okay, thank you. [LB53]

SENATOR ADAMS: Are there other questions? Seeing none, thank you, John. Other proponents. [LB53]

ANDREW RIKLI: (Exhibit 2) Senator Adams, members of the committee, my name is Andrew Rikli, R-i-k-l-i. I'm assistant superintendent with the Westside Community Schools in Omaha. Before I begin my testimony, just to clarify Senator Council's question regarding the benchmark. When the learning community was originally formed, the benchmark was, in fact, 35 percent poverty. Basically, what that means is of the 110,000 students attending public school in Douglas and Sarpy County, 35 percent receive free or reduced lunch. The current number is now 40 percent. So the benchmark literally changed as the population changes. So by definition if a student is attending hypothetically a school with a 30 percent poverty rate, that school is trying to attract more students from free and reduced, correct, they would receive priority. That would not preclude a more affluent student from applying, but in terms of priority status, the less affluent student would receive priority with regard to transportation. So that's a critical distinction. This bill is particularly important to Westside because we do have one of the very largest populations of open and option enrollment students in the state. At last glance, we have over 6,000 students, making us the seventh largest district in the state. Of those 6,000, a full 2,000 comes to us through open or option enrollment. So this is certainly a very relevant topic to us. And to be very clear, we do not want to limit in any way, shape, or form the ability for students to choose. It's the lifeblood of our district frankly when one out of three students comes to you by choice. We do not want to prohibit those families from coming to us. However, as Senator Krist had correctly pointed out, the costs of transporting students is substantial. According to a study by the Omaha World-Herald, this past fall, of the students who are being transported, it's approximately 485, that's costing \$1.8 million. Westside's share of that is \$220,000. If you look at a per pupil expenditure to transport those 35 students, it's in excess of \$6,000 a student. Our point is basically this, when you look at the per pupil expenditure in the state of Nebraska, it's about \$10,500 a year, and when you look at it from our individual perspective that when you throw another \$6,000 per year on top of that just to get a child from point A to point B, that seems rather excessive to us. So again, to be perfectly clear, we do not want to limit choice, but we want to be part of the solution.

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And what we are hearing consistently across the learning community is choice is a good thing. It's really the linchpin of the whole learning community. However, when you look at the costs per student of transporting students around the two-county area, it is quite substantial. So that anything that we can do to help drive down those costs we see as good educational policy and we see certainly is good for our taxpayers in tough economic times. So with that, I'd wrap up my testimony and entertain any questions you may have. [LB53]

SENATOR ADAMS: Thank you, Andy. Are there questions? Andy, do you think that if we were to move in this direction are we limiting too much in the name of diversity or in addition to diversity? Are we limiting too much the poor kid from making a choice? [LB53]

ANDREW RIKLI: I think that's the essential question, Senator. The one thing I guess I would suggest, and I hinted at it in my testimony, is that the educational research is pretty clear in that we know that once buildings start to reach critical masses of poverty that performance of all kids tends to suffer. So I guess my point to the committee would be--why would we subsidize more students going into that type of environment when we know it is harmful for all students, including that student that is optioning into that building? In other words, if a student from a less affluent background is trying to get into Kellom Elementary, for example, when we know that Kellom Elementary which is already near 90 percent poverty, why would we provide a financial incentive when we know it's not good for kids and in my opinion it's not good for taxpayers? [LB53]

SENATOR ADAMS: So currently we're doing that. [LB53]

ANDREW RIKLI: Correct. A poverty kid could go into a high poverty building and we would subsidize that transportation. We're currently doing that. And to me not only is that poor economic policy, it's bad educational policy. [LB53]

SENATOR ADAMS: Thank you. Are there other questions? Thank you, Andy. [LB53]

ANDREW RIKLI: Thank you, Senator. [LB53]

SENATOR ADAMS: Are there other proponents? Then we'll go to opposition testimony. Is there opposition testimony? Neutral testimony? [LB53]

STEVE COLEMAN: Senator Adams, members of the committee, my name is Steve Coleman. I'm with Papillion-La Vista Schools. And I only testify in neutral, number one, because we anticipated transportation's potential problem since inception and we don't have a better idea. But I do want to just simply remind that as we're talking about restricting some opportunities for free and reduced price students as they move within the metropolitan area when we're talking about option enrollment in the rest of the state,

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those students who qualify for option enrollment are reimbursed for transportation. So students within the learning community that are in that area would be treated differently. And I only bring that up as a reminder and as to make that apparent to the rest of the committee that that could create a concern as you look at this bill and the way it advances or does not advance. I thank you. [LB53]

SENATOR ADAMS: Thank you, Steve. Are there questions? Thank you. Any other neutral testimony? [LB53]

KENT ROBERT: Good afternoon, Chairman Adams, Education Committee. Kent Rogert, R-o-g-e-r-t, representing the Learning Community of Douglas and Sarpy Counties in a neutral capacity today. We are sensitive to the growing cost of transportation for open enrollment across the learning community and also want to be a part of the solution to find ways to address those costs and bring them down. It does seem, just on a somewhat personal response, I remember busing in Omaha, which was just to the south of where we lived in the seventies and eighties, due to integration issues. And it seemed that they went north...or they didn't go north and south, they would go east and west so that transportation would be simpler, running up and down Maple or Dodge or Fort, whatever the...rather than crisscrossing across the city. So it did lower the costs pretty significantly. And I think this bill would probably address those issues of going from the far northeast corner of the city to the far southwest corner of the city just because of the qualifications that are being laid out in the bill. [LB53]

SENATOR ADAMS: Okay. Are there questions? Thank you. Any other neutral testimony? Senator Krist, yours to close then. [LB53]

SENATOR KRIST: I will be brief. One of the things we're always looking for particularly in this economic environment is a way to cut costs. I would remind the committee, in my mind, choice is the key no matter what. I'd be more than happy to assist in any way that I can or to amend this in any way that it needs to be. But I think we need to address the costs. I think you've heard that testimony from the experts. So thank you for your time. And I really enjoyed being here. [LB53]

SENATOR ADAMS: Okay. Are there any final questions for Senator Krist? I have one. If we were to go in the direction of saying, just socioeconomic diversity is our motivation for or our basis for transportation and not free and reduced lunch, could we end up having a situation where we work in reverse in that, let's say, was it Omaha Northwest that had the program you described in your introduction? [LB53]

SENATOR KRIST: Yes. [LB53]

SENATOR ADAMS: And we've got students that want into it, they're poor students, they wouldn't add to the socioeconomic diversity, but they're poor students and they want in.



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If we cut their transportation, have we just precluded them from getting into that program? [LB53]

SENATOR KRIST: I think that's an issue that the...let me, if I could give you a bit of a long-winded answer. [LB53]

SENATOR ADAMS: Am I thinking right? [LB53]

SENATOR KRIST: You're right, it is a hazard. And that's why I mentioned Northwest as an example. I think it's worth trying the concept of limiting transportation in all directions at all times because we all know that there's actually some cabs being used to get people around town, which is an incredible amount of money. So we need to deal with the issue. And you're right, there is a hazard there. But I will say in the long range that as we look at the opportunities in education around the city we are never restricting open enrollment or choice. And then we start working the economic issue from there. This may not have all the answers, Senator. I mean, it may create some issues that would be unintended consequences. But we have...we...I think to go to Senator Sullivan's question, the fact that an independent school district, from what I heard on that late Friday session that I was here, having the information, it is not the balancing act that we need to have. If the learning community is to do its job and is to afford socioeconomic advantage and to afford a learning environment that's good for all kids, they need that data. The learning community I think is the place where that data needs to be assimilated and we need to look at it. And if there are issues that come up to say 35 percent or 40 percent may not work when we're talking about this magnet situation, which is an incredible advantage for the student, then there might be a waiver process in place. But who's going to do that? And I think that comes back to the learning center and empowering them to make those good decisions for the metropolitan area. [LB53]

SENATOR ADAMS: Senator Council. [LB53]

SENATOR COUNCIL: Thank you. And thank you again, Senator Krist. But based on the demographics in the learning community and at least my perspective, from a former school board member's perspective, is that much of the cost of transportation is distance and routing. With the demographics in the learning community as they are, economic demographics, have you determined what kind real cost savings in transportation would result because, just to give you an example, I mean, the schools where you're not going to have high concentrations of poverty are located on one end of the Learning Community Council. The schools where you're going to have more students who aren't in poverty, I mean, the distance...I mean it's going to be incremental in terms of cost savings than if you use that threshold because the farther you get...the farther you go west and south, the fewer number of children living in poverty. So a student from those areas who wants to go anywhere in the eastern part of the city is going to get free transportation because they're going to contribute. And anyone from

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those eastern parts who are going to the more affluent districts are going to get free and reduced. So the savings is going to be captured only in those areas of the Learning Community Council where you already see some level of socioeconomic diversity, wouldn't you? [LB53]

SENATOR KRIST: I, following your logic, and you're much more experienced with your school board background, following your logic I'd have to agree with that argument. I think though that if I understood the premise and understood Senator Raikes and many of you, the goal was never to end up with, and I would never speak ill of another city or state, but never to end up with the kinds of things that happened in Detroit... [LB53]

SENATOR COUNCIL: (Inaudible.) [LB53]

SENATOR KRIST: ...where everybody moves to the suburbs and they have the best possible education. And those that remain in the inner city are the have-nots. So... [LB53]

SENATOR COUNCIL: You don't have to go as far as Detroit. You can go to St. Louis. [LB53]

SENATOR KRIST: Yes, ma'am. [LB53]

SENATOR COUNCIL: You can go to Kansas City. You don't have to drive very far. (Laugh) [LB53]

SENATOR KRIST: So we have a responsibility not only to make sure that that education process is the best it can be and the educational opportunity is the best it can be but also, to be frank and to quote Senator Price, to be good stewards of the money within the state. So there is a balancing act. And I, again, I would be happy to work with this committee in any way to make this a savings to the state without hampering the educational opportunities that are currently in the learning community as we know it. [LB53]

SENATOR COUNCIL: Yeah. I'm just concerned about creating some falsely high expectation of cost savings resulting from that move as opposed to all free and reduced lunch moves. I just... [LB53]

SENATOR KRIST: Yeah, and... [LB53]

SENATOR COUNCIL: ...and maybe it would be helpful to develop some data around... [LB53]

SENATOR KRIST: Some matrix, absolutely. I think what you heard from Westside is a

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real number. He's given you a real no-kidding number that you...and each one of the districts I think have their number. But where is the either aggregate or other data that we could use and bring together to get to that point? This may be something that ends up getting carried over. But I think the concept is worth discussion. [LB53]

SENATOR COUNCIL: But it also gets back to the issue of the gentleman from Papillion-La Vista--I'm sorry, I didn't catch your last name but it's in the record--but the point that under the current open enrollment statute there's reimbursement for transportation. So whether Westside was in the learning community or not, if they were...a third of their enrollment, or what did he say, 2,000 and there's 6,000--last time I checked that was a third--is open enrollment, I mean, those costs would be there whether the learning community existed or not. [LB53]

SENATOR KRIST: Right. [LB53]

SENATOR COUNCIL: So I'm just trying to, you know, see what we're looking at in terms of...I mean, we're talking about being stewards. Then stewards need to give accurate information as to what the real time...the actual savings will be as opposed to people's perceptions of what the savings would be. [LB53]

SENATOR ADAMS: Other questions or comments? Thank you, Senator. [LB53]

SENATOR KRIST: Thank you, Senator. [LB53]

SENATOR ADAMS: That will close the hearing on LB53 and, Senator Howard, we will now proceed on to LB520. Whenever you're ready, Senator. [LB53]

SENATOR HOWARD: (Exhibit 3) Thank you. Thank you, Senator Adams and members of the committee. For the record, I am Senator Gwen Howard, H-o-w-a-r-d, and I represent District 9 and today I bring you what I like to call the wheels on the bus. LB520 would change the transportation requirements for children in a learning community. I well remember the discussions that we had the first year I was down here and I served on the Education Committee with Senator Raikes, and Senator Raikes had a vision but he was also a realist. LB520 came out of a concern that I and many of my constituents have had about children in the learning community being transported to school in taxicabs, as well as the significant impact this requirement had on school budgets. And I'm going to depart from the original bill because we've amended that and I think we've more closely hit the target here with the amendment, so I'm going to go right into that. LB520, like LB53 which you've just heard, and I, by the way, signed on to LB53 because it, I think, is certainly a bill we need to discuss also, changes provisions to the mandatory transportation provisions relating to the learning community students. This is another approach to get to the same concerns. We seek to increase diversity and enable movement of students, but we should be focusing on movement that

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actually accomplishes our goals while being cost effective. I'm offering this amendment to the original bill to be more precise. I do not want districts to be able to deny transportation--and thank you, if you can hand that out--deny transportation to a student from another district who socioeconomically integrates the school she or he has chosen. I do want districts to be able to implement their own student transportation plans internally. LB520, as amended, does that. It requires transportation for students that open enroll into another district and that integrates the school into which they open enroll. It eliminates the requirement that districts transport students internally, especially if that movement is not integrative. School districts continue to have the freedom to create their own internal student assignment and transportation plans that supplement this required transportation. And I know the Omaha Public Schools will maintain the transportation necessary to keep their federal desegregation unitary status, but in tough economic times, when we're looking at gas going to I've heard \$4, I've heard \$5 a gallon, LB520 as amended provides much needed latitude while keeping intradistrict socioeconomic integration a priority. LB520 will save the state a significant amount of state aid because the transportation costs of districts will go down and, thereby, the reimbursement requirement by the formula will also go down. I would ask the committee to please advance LB520 with the amendment. The original fiscal note on the bill, to break it down to simple terms, would save the jobs of approximately 45 teachers if you would consider each teacher's salary with benefits would be \$80,000. This would be less than that amount, considerably less than that amount but still would be a significant savings. So thank you. [LB520]

SENATOR ADAMS: Thank you, Senator Howard. Are there questions? [LB520]

SENATOR HOWARD: Oh, I did a good job. [LB520]

SENATOR ADAMS: So, Senator, let me begin and I apologize first of all. I haven't done my homework as well and I'm trying to bring this amendment... [LB520]

SENATOR HOWARD: The amendment, yes. [LB520]

SENATOR ADAMS: ...into the language. So let me go back prior to the amendment, to the original intent of the bill. You strike a "shall" and put a "may" provide free transportation. [LB520]

SENATOR HOWARD: Right, which would have just allowed the school districts to decide whether or not they provided transportation, as simple as that. [LB520]

SENATOR ADAMS: If we do that, haven't we, in effect, gone away from open enrollment and gone back to option enrollment where school districts had the choice of whether they provided transportation or not? [LB520]

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SENATOR HOWARD: Oh, absolutely. Absolutely. [LB520]

SENATOR ADAMS: And then I have to ask this. Do you believe, and I know you were here, we sweated through this together. [LB520]

SENATOR HOWARD: We did indeed. [LB520]

SENATOR ADAMS: Do we lose track of what we intended? [LB520]

SENATOR HOWARD: Well, that's the reason I entertained the amendment. That's the reason I looked at the amendment, so that we could retain Senator Raikes's original concept, keep the best of what he, in my opinion, of what he had in mind and yet consider the factors that we're working with today. [LB520]

SENATOR ADAMS: Okay. Are there other questions for Senator Howard? [LB520]

SENATOR HOWARD: And there are some other speakers. [LB520]

SENATOR ADAMS: Okay. Great. Thank you. [LB520]

SENATOR HOWARD: Thank you. [LB520]

SENATOR ADAMS: First proponent. [LB520]

JOHN LINDSAY: Senator Adams, members of the committee, my name is John Lindsay, L-i-n-d-s-a-y, appearing as a lobbyist on behalf of Omaha Public Schools in support of LB520 as amended. As Senator Howard mentioned I think, originally I visited with Senator Howard because LB520 concerned us as it was originally drafted for the reason that, Senator Adams, that you mentioned. But Senator Howard was very willing to look at the issue to see if there was a way to address the same concern as I understood it, the same concern that Senator Krist had, which was transportation costs could get to the point where the cost alone could start posing problems for the learning community. The pillars of the learning community from the outset have been common levy and diversity, and with Senator Howard's amendment that preserves that goal of diversity. It could result in, I think, some of the concerns that were raised by questions about whether a student...whether some options for poor students are, in fact, being shut off. Yeah, that can happen. But as Mr. Rikli testified on a prior bill, to continue a policy that educational research says is not a good policy, and that is to continue to build up to further a mass of poverty in a single school, is just not good educational policy. And as been mentioned from...if the costs...if the costs get to the point where they start to threaten what we think are a great deal of benefit in having a learning community, then it concerns us as well. This I think is a responsible approach to maintaining that goal of diversity while still contributing to the problem that all of you

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have to deal with, with respect to the most severe budget crunch we've seen in decades. So we do support the amendment that's offered by Senator Howard. And, Senator Adams, I'd be happy to answer any questions. [LB520]

SENATOR ADAMS: All right. Great. Are there questions? Senator. [LB520]

SENATOR COUNCIL: Yes, thank you again, Chairman Adams. And, Mr. Lindsay, I'm just thinking back to comments made during hearings last week, or it may had been the week before, that dealt with the learning community, and I believe it was the superintendent from Douglas County West School District who, during his testimony, made a point of the fact that his district had the third highest percentage of youngsters receiving free and reduced lunch, if my recollection serves me well. And under LB520 the potential exists, at least in terms of that district, of doing the exact thing that Mr. Rikli cautioned against, because under LB520 if there's a free and reduced lunch youngster from OPS who wants to attend a school in Douglas County West, transportation would be provided, although that student may be transferring into a school in Douglas County West where the free and reduced lunch rate population is equal to or greater than that from which the youngster transferred. That potential exists. [LB520]

JOHN LINDSAY: Yes. Yes, and a school...the idea was to promote diversity at a school building level as opposed to a school district level. [LB520]

SENATOR COUNCIL: Right. Okay. [LB520]

SENATOR LINDSAY: So while it does do exactly as you've described, it does contribute to the diversity at the school building in DC West. [LB520]

SENATOR COUNCIL: Okay. Okay. Thank you. [LB520]

SENATOR ADAMS: John, do you think that with this amendment...I see where you're headed. What I'm wondering is if we have...in essence what we're saying is that unless you're crossing a district line, you got to stay here, we're not going to pay for you to leave this district and go to somebody else's. Can there be pockets of, in my school district, in your school district, in any school district in the state, can we have buildings that are not meeting the educational needs? And so we've got a parent that says, you know, the building is only three blocks away and I would much prefer that it get better because that's where I want my baby to go, but it's not, and I've been to the school board and I've been to the administration and I can't get any movement on this. The next school closest to me is down here and I've talked to parents and things are going well and I want to move them. So what we'd be saying is that, in effect, you can go but you're on your own. [LB520]

JOHN LINDSAY: Yes. [LB520]

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SENATOR ADAMS: Maybe you could go if there's opening for you. [LB520]

JOHN LINDSAY: If there's opening, yeah. It would depend on capacity. And within OPS, we almost always create capacity for that type of situation. But, yes, the quick response to your question is, yes, that could occur. [LB520]

SENATOR ADAMS: And they could be very poor but still have to figure out how to get to that building on their own. [LB520]

JOHN LINDSAY: Yes. Yeah. Now the other option exists that they could choose a building outside of the school district and have the transportation provided. It may not be that one that is still not their neighborhood school because in your... [LB520]

SENATOR ADAMS: And within this language, could the home school district also say... [LB520]

JOHN LINDSAY: Yes. [LB520]

SENATOR ADAMS: ...we're going to do them a favor and transport them? [LB520]

JOHN LINDSAY: Yes, they could. [LB520]

SENATOR ADAMS: This would give them the option to say, no, we're not going to. [LB520]

JOHN LINDSAY: Yeah. For example, within OPS, we will continue to do everything we have to do to maintain our unitary status so that we...as recognized under the federal desegregation order. So that leaves us with the ability to move kids as we need to do them. And generally, especially if we have busses going that direction, we're not going to stand in the way of a parent's choice like that if it adds and we do have busses that go throughout the city. Most likely my guess is they would accommodate that, but theoretically there could be the situation that you described. [LB520]

SENATOR ADAMS: And I'm not going to ask you to speak for other school districts. You don't represent other school districts. But conceivably, if we take this language outside of the OPS boundary, we've got the same problems in somebody else's school district and we don't want them to go to that building, we want them to stay here in this building. [LB520]

JOHN LINDSAY: Uh-huh. Yes. And that is... [LB520]

SENATOR ADAMS: So they're poor, they can't afford it. Okay. [LB520]

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JOHN LINDSAY: Yes. [LB520]

SENATOR ADAMS: You can respond if you want but... [LB520]

JOHN LINDSAY: But you're correct, yeah. [LB520]

SENATOR ADAMS: Okay. Thank you, John. Are there other questions? Thank you, John. Other proponents? Any other proponents? Opponents? Senator Howard, you're getting off easy here. Are there any opponents? Neutral testimony? [LB520]

KENT ROBERT: Senator Adams, Education Committee, once again, Kent Rogert, R-o-g-e-r-t, representing the Learning Community of Douglas and Sarpy Counties, coming here today in a neutral capacity. First, I do want to say that we did have some concerns about the bill as written for reasons that Senator Adams brought up that it could pretty quickly take us back to option enrollment rather than open. And one of our statutory obligations is to promote diversity across the member districts. This amendment is much reduced and we actually probably, if we discussed further on the amendment we would probably be maybe supporting the bill rather than coming in neutral today. This would alleviate some funding issues that come from the learning community just in terms of if a student wanted to go from building to building within one member district that we wouldn't be obligated to help fund that transfer. So it would address the costs, at least in some form. We don't know what nor I don't believe the Fiscal Office quite knows where that would end up. But definitely, it would save some money, as Senator Howard pointed out, and we would be in support of that. [LB520]

SENATOR ADAMS: Thank you. Are there questions? Thank you. Any other neutral testimony? Closing? [LB520]

SENATOR HOWARD: Sure. Why not? Well, like Senator Krist, I received a lot of calls and e-mails regarding the bussing issue when the article appeared in the paper in the fall, and I think many people were, frankly, just appalled that one child would ride in a cab for miles to be transported to another school. And I'm going to give you another...something else to think about in terms of this cab transportation. When I worked for Health and Human Services for lo those many years, we reached the conclusion it wasn't safe, frankly, to put kids in cabs and send them across town. There's no background checks done on cab drivers, and that's not their intention to provide, per se, safe transportation for a child. That's not really what their transportation mission is. I remember talking to my youngest daughter regarding her own bussing experience and she likes to remind me that, yeah, there was some hazards as her bus driver had an accusation made against him. So those things are very easy to have occur and I think the safety of the students should be equally important to the matter of the cost saving for us. So thank you. [LB520]



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SENATOR ADAMS: Fair enough. Are there any last questions for Senator Howard? If not, thank you. [LB520]

SENATOR HOWARD: Thank you. [LB520]

SENATOR ADAMS: That will close the hearing on LB520 and we will move on to LB145. And I think Senator Haar has sent in replacement troops, correct? [LB520]

TOM GREEN: Correct. [LB145]

SENATOR ADAMS: Hope you're ready for this. [LB145]

TOM GREEN: That's why they pay me the big bucks. [LB145]

SENATOR ADAMS: Yeah, that's kind of what I thought. All right. [LB145]

TOM GREEN: More than the rest of you, so... (Laughter) [LB145]

SENATOR HOWARD: Oh, that hurts. That really hurts. [LB145]

SENATOR COUNCIL: Well, that was a low blow. [LB145]

SENATOR SULLIVAN: You didn't need to remind us of that. [LB145]

TOM GREEN: Oh, no, now I invited questions, didn't I? [LB145]

SENATOR ADAMS: You may have set yourself up for failure. [LB145]

SENATOR HOWARD: Oh, get him. Get him. [LB145]

SENATOR SCHILZ: I think I might have a couple questions for him. [LB145]

SENATOR CORNETT: I was going to say, I think probably more than maybe four of us combined. [LB145]

TOM GREEN: (Exhibit 4) Well, Senator Adams, members of the committee, my name is Tom Green, T-o-m G-r-e-e-n. I'm the legislative aide for Senator Haar, Senator Ken Haar I have to say now. Senator Haar is sick today so he sent me to open on LB145. LB145 creates the school transportation committee. Each school district that contains a portion of a city of the metropolitan, primary, first, or second class must form a transportation committee. The committee would consist of a school board member, a PTA member, a city councilmember, a county board member, the chief of police, the

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sheriff, the county and city engineers. I would like to stress that the makeup of the committee is not really what is important to Senator Haar. What is important is finding a way that cities, counties, and school districts, and as well as parents, can coordinate on the transportation issue and find a way to deal with problems that arise and find out where those problems are in the community. The bill requires the committee to issue a report on transportation, including a child routing plan. Also, when a new school is proposed in or within three miles of a city, then the school district shall provide notice and hold a public hearing on a school's transportation arrangements. After the public hearing, the committee shall submit a plan to the school board which must then approve the plan before the school can open. This concept for this bill arose out of a situation in Schoo School in Senator Haar's district, and I have a handout for the committee. First of all, Senator Haar would like to thank Mayor Beutler and Councilman Spatz for working with him to get the speed limit on Highway 34 lowered during school hours. However, as we worked on this issue we found out this was not just an isolated incident. There have been schools built where there were no sidewalks in place when they opened and there are schools that are dangerous and difficult for students to walk and bike to school. With the problem of childhood obesity, we should be making it easy as possible for kids to walk and bike to school. We need a coordinated effort within the school district, cities, counties, and parents to work together to find out where the problems are with transportation and work together to find a solution, and that is the purpose behind LB145. [LB145]

SENATOR ADAMS: All right. I assume you're going to try to answer some questions. [LB145]

TOM GREEN: Yes. [LB145]

SENATOR ADAMS: All right. Are there questions? Ultimately, the situation that Senator Haar worked on with the mayor and city council has been resolved, has it not? [LB145]

TOM GREEN: It has been resolved to the extent where the speed limit was I believe 65 on the highway, has been reduced to 45 miles an hour during school hours, which obviously is still a very fast speed for children trying to cross a two-lane, divided highway. And there was discussion with the city council about building an overpass. If you look at the handout, there's only one route from the Highlands into the area where Schoo School is located. So, of course, building the overpass requires a lot of money, which neither the cities or the counties or the school districts have, so we have a temporary solution and the city has also stepped forward with busing, using city buses to bus kids from the Highlands to the school. [LB145]

SENATOR ADAMS: So then there is something of a resolution, a reduction of speed and the city being prepared to use their buses to move students if necessary? [LB145]

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TOM GREEN: Correct. But it did require several meetings with all interested stakeholders and having them come together. The first meeting, if I may say, school districts would blame the city, the city would blame the school district, and that was not our intent. The intent was to figure out a solution. I think bringing those people together in one room to talk about the issue before they occur would be even more valuable, and that's why. The committee structure in the bill is a little bit complicated because there's a lot of members. These people are very busy. But we need to have coordination before the schools are built to deal with these issues, so... [LB145]

SENATOR ADAMS: Were you involved with those meetings? [LB145]

TOM GREEN: Yes, I was. [LB145]

SENATOR ADAMS: Then...the reason I ask, because I have some questions about how those went and if you weren't there, why... [LB145]

TOM GREEN: Sure. [LB145]

SENATOR ADAMS: So when all the players got to the table, and we all know how those things go, at least in the early stage of those meetings everybody is covering their territory until some final resolution. And Senator Haar should be applauded for prodding along until there was some resolution to this. But I guess what I'm wondering is, when everybody was at the table, despite early stages of territory protection, I mean the city was there with its interests, maybe law enforcement was there at the table with their interests, and in effect you had this proposed committee sitting there at a table. [LB145]

TOM GREEN: In effect we did, yes. [LB145]

SENATOR ADAMS: So one could argue we need it or one could say it was there. [LB145]

TOM GREEN: And I think in the School situation it did come about but it did come out because of the pressure of Senator Haar and Councilman Spatz. And as I said, when we went through that process, we then heard from parents. I think, hopefully, some of them will be here today although it's almost 3:00 so it's obviously a difficult time for parents to come. Hopefully we'll hear from them about situations that existed in schools that are already existing and then schools that are being proposed. And I believe, from my experience, that the problem is that the new schools are built on the outskirts of the city before the infrastructure is in place, because you want to give room for them to grow, and then who's in charge of that, building the infrastructure, and how much of it should be in place before the school opens I think is where the rub is, as they would say. [LB145]

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SENATOR ADAMS: All right. Are there other questions? Thank you then. [LB145]

TOM GREEN: Thank you. [LB145]

SENATOR ADAMS: You going to stay around to close? [LB145]

TOM GREEN: I'll stay around. I'm not sure if I'll close. [LB145]

SENATOR ADAMS: All right. First proponent. Good afternoon. [LB145]

DELRAE HIRSCHMAN: Good afternoon, Senators. My name is Delrae Hirschman, D-e-l-r-a-e H-i-r-s-c-h-m-a-n. Over the last 20 years I have served on numerous committees, task forces, and advisory groups as a pedestrian advocate, in particular for school crossing safety issues. The main goals of these groups has been to prevent accidental injury, to educate children, their parents, motorists, and the public about safety, and to promote physical activity by walking and biking to school. Statistics show that 40 percent of the trips made in a motor vehicle are under two miles and the vast majority of those 40 percent are trips made to school to drop off and pick up children. Since the majority of the children are driven to school, congestion around a school at drop-off and pickup time is very high. Parents surveyed about letting their children walk or bike to school cite safety and, in particular, the two-block area around a school and if they have busy streets to cross as their major issues in not allowing children to walk or bike. Developing a clear transportation plan is a key element in that perception of safety. Every school is unique and its location presents a key element...excuse me. Every school is unique. It's location presents unique situations for a transportation plan. For instance, if it's on an arterial street or tucked into a neighborhood, is there available streets for one-way drop-off and pick up, are there good crosswalks and so on? Communication and clearly defined roles for each of the various entities involved is vital for preparing an effective transportation plan that addresses these unique situations. A committee such as the one that Senator Haar has proposed to meet and discuss these issues will go a long way in accomplishing this goal. A key component that is missing from Senator Haar's bill is funding. When a developer submits a plan, infrastructure must be included as part of that plan. When streets, sidewalks, and trails are not provided, the developer is subject to fines or lawsuits. The school district has no such obligation. Land is usually acquired well in advance and a school can be built whether the development has been completed or failed due to a poor economy. The building can be plopped in the middle of a cornfield and it is then up to the city or the county to scramble to provide streets, sidewalks, and trails to get children there, infrastructure that has not been budgeted for. Getting our children safely to school and back should not be an afterthought. It should be a vital part of the planning process for both new schools and renovation of older schools. Retrofits are much more expensive than proper planning. I propose that when a school district is preparing to bond for a school that the infrastructure be included if it is not already in place before the school is built. Here in

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Lincoln a bond issue for streets, sidewalks, and trails was soundly defeated. A much larger bond... [LB145]

SENATOR ADAMS: Ma'am, may I interrupt you for a moment? Your red light has been on for a while. Can you... [LB145]

DELRAE HIRSCHMAN: Oh, I'm sorry, I'm wrapping up. [LB145]

SENATOR ADAMS: I thought maybe you missed that, so can you kind of summarize and... [LB145]

DELRAE HIRSCHMAN: Yes. The bond issue for schools was passed with flying colors and these schools have been built and are renovated and are part of the problem that Senator Haar has been dealing with, School is one. Those issues could have been prevented with proper planning. As taxpayers, we presume that logical things such as streets, sidewalks, and trails are provided with our schools. Thank you very much for your time. [LB145]

SENATOR ADAMS: Thank you. Are there questions for this testifier? Yes, Senator Sullivan. [LB145]

SENATOR SULLIVAN: Thank you, Senator Adams. Excuse me, ma'am. Are you from here, from Nebraska, or... [LB145]

DELRAE HIRSCHMAN: Yes, I live here in Lincoln. [LB145]

SENATOR SULLIVAN: Okay. So...and you're an advocate for this type of...have you worked with other...with school districts to make sure... [LB145]

DELRAE HIRSCHMAN: Here in Lincoln, yes. I'm a member of the Safe Kids School and Pedestrian Safety Task Force. We've worked for the last 15 years doing education in schools every year as part of our school crossing, safe walk to school week. I am also a member of the Pedestrian/Bike Advisory Committee to the mayor, which also deals with pedestrian safety issues. [LB145]

SENATOR SULLIVAN: Have you worked with a school planning committee previously to their building a new facility? Have you ever been involved in planning? [LB145]

DELRAE HIRSCHMAN: (Laugh) Most of the groups that I'm a part of are through the city, either like I said mayor's advisory, I've been under the umbrella of the health department and also the planning department. But the school district has not been a part of any of those so communication between the school district and the other entities involved has been lacking. So we have worked, for instance, Arnold, which was just

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built, we got called in to help come up with one-way plans and sidewalks and trails to get people to that school because it was in the middle of a cornfield and that infrastructure was not in place. [LB145]

SENATOR SULLIVAN: Thank you. [LB145]

SENATOR ADAMS: Other questions? So what I hear you saying then, that you've been actively involved and you have had some input along the way. [LB145]

DELRAE HIRSCHMAN: Yes. For instance our... [LB145]

SENATOR ADAMS: And you were more active...you're active on the city side than on the school side. [LB145]

DELRAE HIRSCHMAN: Yes. One of the task forces that I've been involved is similar to the committee that Senator Haar is planning. We have a member of the police department, we have a member of public works, we have members from the health department, as well as parents that are advocates on this group that we work with all of these issues. [LB145]

SENATOR ADAMS: So I guess I have to be the devil's advocate for a moment, and you may not have been part of this and, if so, you can say leave me out. So in effect, it sounds like to some degree or another this committee has existed, yet there was a problem out here that Senator Haar had to deal with between city, school, Department of Roads, whoever all else, law enforcement. [LB145]

DELRAE HIRSCHMAN: Uh-huh. [LB145]

SENATOR ADAMS: So if we formalize the committee, won't the problem still exist? [LB145]

DELRAE HIRSCHMAN: Like I said, all of our committees have dealt with those issues after the thought because the school district is not a part of our committee. [LB145]

SENATOR ADAMS: I see. Okay. Thank you. Any other last questions? Thank you then. [LB145]

DELRAE HIRSCHMAN: Thank you very much. [LB145]

SENATOR ADAMS: Next proponent? Good afternoon. [LB145]

ROBRENNA REDL: Hello. My name is Robrenna Redl, first name is... [LB145]

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SENATOR ADAMS: Do you have your registration? [LB145]

ROBRENNA REDL: I did not receive a registration. I'm a parent and... [LB145]

SENATOR ADAMS: Okay. You were a little late coming in so you probably didn't hear. Maybe Mr. Kohout could get you one. We have to have all of our testifiers fill that out so that we can have that in the record. And if you could take a moment, quick moment, and fill that out and hand it over to Becki. You're not the first person this has happened to so don't you worry. [LB145]

ROBRENNA REDL: Thank you. [LB145]

SENATOR ADAMS: Usually if there's a roomful of people I get pretty mean about it but I...decide to take it easy today. Thank you. [LB145]

ROBRENNA REDL: Thank you, Senator. [LB145]

SENATOR ADAMS: Now if you could state your name and spell it for the record and we'll hear your testimony. [LB145]

ROBRENNA REDL: Okay. My name is Robrenna, first name is Robrenna, R-o-b-r-e-n-n-a, last name is Redl, that's R-e-d-l. [LB145]

SENATOR ADAMS: Go right ahead. [LB145]

ROBRENNA REDL: Okay. Well, I am a parent of school-age children that attend Campbell Elementary School and, as you know, Campbell has been there for quite some time. However, our issue is the street in which the children have to cross to get to Campbell Elementary is on Superior Street, 20th and Superior to be more specific. That is a high traffic area for the children to cross. Now they do have a light that has the pedestrian sign on it, however, that pedestrian light and the green light for the vehicles who turn, make a left turn, is at the same time. Sometimes that can be an issue for those individuals who are in a hurry. What they will try to do is accelerate and try to get...turn their left before the child gets further into the crosswalk. Now I usually walk with my children when I can. Most of the time, if I don't walk with them then I drive with them because they are nine and seven. So on three separate occasions we ourselves have almost been hit by vehicles. Because of the location of that crosswalk is closer to the end of the speed zone, I believe individuals are also beginning the acceleration process. Therefore, there is an issue with the safety for the children to walk, and many of them do walk alone. And of course, as a parent myself and as an adult, when I'm walking I usually try to walk on the tail end to ensure that the children get across. As you know when they're very small they don't necessarily have that consequence factor, if I don't hurry along, you know, a vehicle may come, and then also to put the onus on the

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adult, the impatience is there. So most of the problem that I have is with the traffic light and the pedestrian light showing at the same time. And I know that Campbell has been there for quite some time and what we are discussing today mostly is for schools who are...that are going to be built and what is put in place. I think this is a primary example of what can occur if you do not take the steps on the front end of what you need to do as far as safety is concerned for the children to walk to school. [LB145]

SENATOR ADAMS: Okay. Are there questions for this testifier? Yes. [LB145]

SENATOR COUNCIL: Yes, thank you. And thank you for appearing, Ms. Redl. Is that how I pronounce your last name? [LB145]

ROBRENNNA REDL: Redl. [LB145]

SENATOR COUNCIL: Redl. Okay. Have you had any conversations with the...in Omaha we have a transportation division of public works. Have you talked to the transportation people with the Lincoln Public Works or...? [LB145]

ROBRENNNA REDL: I have had a conversation with Lincoln Public Schools transportation. I asked about maybe...when I was younger we had a crossing guard, you know, something of that sort to kind of help the children get across the street, and of course financially that was the reason that they could not provide that. And then also we had at one of our PTO meetings we did have a engineer come out and we discussed some of the issues with him and, basically, he kind of said this is...we weren't the first to put that request or to state that concern but, once again, it was put on the onus of financial reasons. Now we did have one of our PTO presidents, he has gone now, but he did put together a grant for \$5,000. Evidently, the grant went elsewhere. They felt that the need was higher in a rural area because they did not have sidewalks and that sort of thing, so we did not receive the monies from that grant. So we have brought this up to the attention...and as a parent, I did not know this organization existed and so I probably will be meeting with her, but as a parent, sometimes you don't know all the levels that you need to go to when you're in a PTO meeting and you're expressing a concern. But we did try to, a couple of times, and so far we haven't gotten anywhere with it. [LB145]

SENATOR COUNCIL: Okay, because it appears to me to be a city traffic problem, I mean in addition to being, you know, affecting children. I mean it affects anyone who is trying to cross a street if you get the walk sign... [LB145]

ROBRENNNA REDL: Uh-huh. Yes. [LB145]

SENATOR COUNCIL: ...at the same time vehicular traffic gets the left turn. I guess I have never seen that. I've always seen the don't walk stay up until the green arrow is off



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and that would be an issue for the city transportation and engineering people to address ASAP. [LB145]

ROBRENNNA REDL: I think part of the issue is that green light is not an arrow and that is what my proposal was, is to have a green arrow and that arrow is only for when the... [LB145]

SENATOR COUNCIL: Okay, so...okay, so... [LB145]

ROBRENNNA REDL: ...it's just a green light. [LB145]

SENATOR COUNCIL: Okay, so you're saying it's a green light and people are turning while children are in the crosswalk. Okay. [LB145]

ROBRENNNA REDL: Yes. That's correct. [LB145]

SENATOR COUNCIL: That's different then that the turn light being the same time as the crossing signal gives them... [LB145]

ROBRENNNA REDL: That is correct. [LB145]

SENATOR COUNCIL: Okay. [LB145]

ROBRENNNA REDL: Well, there should be a green arrow, I would agree with that. That would probably help the situation. [LB145]

SENATOR ADAMS: Other question? So I'm assuming then that you believe that, under Senator Haar's bill, if this committee were created you could get out front of some of these issues ahead of time such as what you've specifically described? [LB145]

ROBRENNNA REDL: Yes, Senator. [LB145]

SENATOR ADAMS: Okay. And I would tell you it looks as though the representatives from Lincoln Public Schools were taking notes as you described the situation, so... [LB145]

ROBRENNNA REDL: Okay. That's great. (Laugh) [LB145]

SENATOR ADAMS: Any other questions? Thank you then. [LB145]

ROBRENNNA REDL: Thank you. [LB145]

SENATOR ADAMS: Other proponents to the bill? Opposition testimony then? [LB145]

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LARRY DIX: Good afternoon, Senator Adams and members of the committee. For the record, my name is Larry Dix, L-a-r-r-y D-i-x. I'm executive director of the Nebraska Association of County Officials appearing today in opposition to LB145. Certainly I appreciate the opportunity to testify in front of the Education Committee. It's very rare that I have that opportunity. In fact, I think when...I almost didn't know how to fill out the sheet because I'm always used to the committee name being on there and I sort of stumbled through it. So one of the things I want to point in the bill, in this bill county representatives are noted on page 2, and you'll see that on the committee we have three representatives. And when I was listening to the introduction and the two folks that testified in support, I never ever heard them mention anything about county. We, for the most part, talked about city. I think the representative from Senator Haar's office did mention county once, but for the most part schools typically go with cities. And when you put this committee together, we probably have more...well, I know we have more representation on this committee than the schools do just by the nature of it. And then once you start to look at school districts that could flow across county lines, it becomes a little bit confusing as to how many county board members that you would have on this committee. And if the bill were to advance, one of the things I certainly would ask that you'd take a look at is on page 2, line 14 we talk about "county board of commissioners," and so just by the nature of that you would also have to add in the counties that have township form of government or otherwise you will have lost any of the counties that have township. So you'll want to add in the supervisors. But when we talked about it with our county board members, certainly I think for the most part if there is a problem call us, you know, let us work through it. But we think there are very, very few times when a county board is going to really, really need to be involved in this as...also as a sheriff and as a county engineer. So actually we have three people on here. And when we were talking about some of the overlapping school districts or if we have some school districts that span, you know, a couple two or three counties, will you have multiple county boards on there? And I don't really think that's the intent. I think this is a little bit overkill. The county board members certainly have plenty of things to look over and I think this may be outside of their of expertise in many, many situations. So we would ask that, in essence, the counties just be written out of this. If there is an issue with the transportation issue, then fine, call up the county and bring us in, but even School School, the counties were very...it was very, very limited in our exposure in that situation out there. So with that, I'll be happy to answer any questions that you have. [LB145]

SENATOR ADAMS: All right. Thank you, Larry. Are there questions for Mr. Dix? Thank you. [LB145]

LARRY DIX: Thanks. [LB145]

JOHN BONAIUTO: Senator Adams, members of the committee, John Bonaiuto, J-o-h-n

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B-o-n-a-i-u-t-o, executive director, Nebraska Association of School Boards. And we have...we've looked at this bill and as testifying as an opponent in no way means that school boards aren't interested in student safety or transportation safety. And we've had conversations with Senator Haar about our concern about creating another committee and that this is something that districts pay attention to and they work with their community and they work with parents. And it is an area where there already is great concern. I look at different sites, whether it's here in Lincoln or other communities, and the principal, the teachers, the PTA, PTO or whatever the organization is, they try to have discussions about safe routes to school, bus transportation routes, bus stops, all of these things are on the agenda. You can't always solve all of the problems. That's the...you know, but it's being aware is critical. And I want to come back to the fact that the school board is ultimately responsible, that the school board takes transportation safety very seriously and I know that there are discussions about this at board meetings when issues surface. But the district, the board needs to have the ability to work with these issues. If it can solve the problems, it will solve them. It will bring in the city, the county, whoever. But again, sometimes a simple solution is beyond the governing board's control. And as I read this bill and I looked at the bigger picture, it talks about having a transportation plan, an annual plan that would be submitted to the Department of Education, to the Legislature, and if you were building a new building and could not come to an agreement on a plan then the building would not be able to move forward, and I'm thinking of growing districts. There were districts...and I don't know if this is still the case, were building sites almost annually as their population changed. And so again, I think that the infrastructure issue is a real one but we're back to the school board again being the body that is elected to do this. So I think that the school board, working with parents and working with the different groups that are already in place I think is the best route to deal with this. And I would just mention that we already have a safety committee for another purpose in statute and it is a school safety committee that is charged with looking at risk management, so that is already on the books and every site is...and district has to have a school safety committee for that purpose. With that, I'll conclude my testimony. [LB145]

SENATOR ADAMS: All right. Thank you, John. Senator Sullivan. [LB145]

SENATOR SULLIVAN: Thank you, Senator Adams. Thank you, Mr. Bonaiuto. Do school boards typically have a transportation committee? [LB145]

JOHN BONAIUTO: As a subcommittee, I do not believe that's an area that I can speak to directly. I know they have budget subcommittees and different subcommittees that deal with issues. I can tell you that this is an issue at the site level where they talk about transportation safety but I'm not sure if there's a standing committee at the school board level. [LB145]

SENATOR SULLIVAN: I know in some cases there have been. I remember being on a

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transportation committee when I was in the school board and typically in the rural areas it dealt mostly with buying buses. But I could see where a transportation committee could take some of these issues into consideration if there was one. [LB145]

JOHN BONAIUTO: Absolutely, Senator. [LB145]

SENATOR SULLIVAN: Now do you think, based on your experience with school boards, have they taken these transportation and safety issues into consideration as they've planned new buildings? [LB145]

JOHN BONAIUTO: Yes, Senator, absolutely, and this is a concern. [LB145]

SENATOR SULLIVAN: And in the process have they, if they are in a city, have they involved...have they had conversations with the city and public works? [LB145]

JOHN BONAIUTO: Yes. And usually there's a plan, a master plan that the district has for future sites where you can go and look at a map and these sites don't just spring up overnight. The sites are usually mapped out years in advance as political...as the housing subdevelopments or divisions grow, and I think there are conversations then with the city because the city also has a master plan to make sure that the infrastructure and the development catch up with each other. But sometimes it isn't as neat a package as you would like. [LB145]

SENATOR SULLIVAN: Okay. Thank you. [LB145]

JOHN BONAIUTO: But those conversations do occur between the school district and the proper other political subdivisions. [LB145]

SENATOR SULLIVAN: Thank you. [LB145]

SENATOR ADAMS: Other questions? Senator. [LB145]

SENATOR COUNCIL: Yeah, and thank you, Senator Adams. It's not so much a question as a comment and, John, you kind of alluded to it, at least my experience, unfortunately, when schools are...school districts are at a point where they're looking to have to build new buildings, you're not talking about the core of the city anymore because that's not where the growth is occurring. You're always looking at trying to get ahead of your development and your student population, and in many instances at the time the school districts acquires the site, it is a cornfield or some other undeveloped tract of land and they're anticipating what the development will be so they can craft the plan as best they can based upon how they see housing being developed in the future. But it's almost impossible to predict to a degree of certainty that, you know, there's going to be a housing development. You know, you basically know what your main

thoroughfares are, but in terms of side streets and how those streets are going to be developed and whether it will be a two-lane access, you know, or it will be four-lane or you plan according to a two-lane and traffic and development grows and the next thing you know you've got a four-lane. So I just...the problem I have is trying to come to some agreement and an absolute agreement in advance or risk holding up the construction of the school building. I just...it's striking that delicate balance. And don't...please don't take what I'm saying to mean to disregard the parental concerns because those are legitimate parental concerns, but sometimes the way areas develop, you can't avoid a major, you know, intersection. Or you build it and a major intersection is created. An OPS example, Sherman Elementary School, when Sherman Elementary School was built there was no Sorensen Expressway. Then they built the Sorensen Expressway and kids are expected to navigate the Sorensen Expressway. So, you know, you've had to take some steps to make sure that those youngsters are able to reach school in a safe fashion, but the school was long there and then the city developed around it. And now, I mean that's...and that's a major challenge for youngsters who live in that Sherman School area or they live in the Belvedere attendance area and have to cross Sorensen twice. So, I mean, it is problematic but, you know, sometimes you're looking at costs that we've had to build pedestrian overpasses... [LB145]

JOHN BONAIUTO: Yes. [LB145]

SENATOR COUNCIL: ...to accommodate development that occurred after the school was constructed. So I don't know that we'll ever achieve the ultimate objective but I'm a little concerned about placing a limitation on a district's ability to move forward, because it's not like they can say, okay, we'll disregard this site we just paid for, now let's go try to find... [LB145]

JOHN BONAIUTO: Another site. [LB145]

SENATOR COUNCIL: ...another site. It's not quite that simple. [LB145]

JOHN BONAIUTO: It's a challenge so...but I appreciate your comments because I think that happens, especially in these size of communities and the growing communities, that traffic patterns change. [LB145]

SENATOR COUNCIL: Change. [LB145]

JOHN BONAIUTO: And I was interested in the testifier that talked about the traffic light issue and that may have been a lot different street when that school was built, and I think of even 84th Street in Lincoln, that it wasn't much more than 15 years ago that that was a two-lane road with traffic, you know, going both directions, and now it's a four-lane highway. So it does change but that doesn't mean that school boards and the community...they need to be communicating, they need to stay on top of it, and I think

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those discussions are critical with the parents of those areas working together and looking at how they could accomplish something to make the situation better. So I would encourage that route and not create another committee. [LB145]

SENATOR ADAMS: John, the...I agree with you, I believe. I'm still thinking through this but tend to...my own personal experience as a mayor when a couple of new school buildings were built, the architects were brought in, the city engineers were brought in, and I can't imagine how many hours they sat down looking at should we build this street, should we widen this street, what do we need to do to storm sewers here to accommodate this, that, and the other thing. And then there were always the unpredicted. As well as traffic engineers may think they have it figured out, they don't always. And I also think that you are right, it's the school board's...the onus is on them. [LB145]

JOHN BONAIUTO: Yes. [LB145]

SENATOR ADAMS: They're the one building the building. They're paying the architect, they're paying the engineer and those folks, they pay them a lot. They ought to figure this stuff out. [LB145]

JOHN BONAIUTO: Yeah. [LB145]

SENATOR ADAMS: And I think they ought to do it in conjunction with appropriate amount of discussion with the city, the city engineer, maybe parents...also parents. So I guess I'm going to come right back at you. So outside of passing a law like this, how do we get your school boards to do that? [LB145]

JOHN BONAIUTO: Well, it... [LB145]

SENATOR ADAMS: And you know we're all...you've been at this business longer than I have. We pass laws to get at a handful when the vast majority are doing it just right and doing it very, very well. [LB145]

JOHN BONAIUTO: It...you know, this is one of those areas, and I look at when bills are introduced, they're introduced for various reasons and sometimes it's to heighten awareness and have a discussion, and to have an organization like ours make sure that we remind school boards that transportation safety is something you just can't take for granted. You don't want for the accident to happen. You don't want for something bad to happen. And you know I would not be at all bashful about going back and saying, this is something...a policy, every board should have a policy on how they are going to deal with these issues. And we can have our policy service get samples and so it... [LB145]

SENATOR ADAMS: I would think your school boards would prefer to have policy

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direction than to have legislative mandate. [LB145]

JOHN BONAIUTO: Exactly, Senator, and we would not see any problem with that. This is a serious issue of schools. Student transportation safety is a serious subject. And so if this doesn't become law, it isn't one of those things where we just feel like we've dodged this bullet and it will go away. It's still a critical issue that we need to pay attention to and I will ask our policy services person to start researching some policies of what other areas are doing, other states, other parts of the country are doing to deal with this and be happy to share that with anyone on this committee. [LB145]

SENATOR ADAMS: Okay. Are there other questions for...yes, Senator Sullivan. [LB145]

SENATOR SULLIVAN: Thank you, Senator Adams. Along those lines and getting back to a question I asked earlier with respect to school board committees, okay, you said there's a safety...typically a safety committee... [LB145]

JOHN BONAIUTO: There is a... [LB145]

SENATOR SULLIVAN: ...that covers what? [LB145]

JOHN BONAIUTO: This is a safety committee that is required by law for risk management for school districts and sites, so each site has a school safety committee but not transportation committee. This would be another safety area but this would be on risk management for hazardous things that may occur for employees in the school district or for the students or, you know, that type of a thing. But it doesn't deal with transportation. I don't know that it, on the site level, it couldn't, but it is a committee that's already in place. [LB145]

SENATOR SULLIVAN: Okay. Well, you know, I've heard traffic, I've heard transportation, I've heard safety, and I've heard all of that is dynamic and changing and so it begs the question, why wouldn't a school board have a committee to try to stay on top of this? So I would encourage you to give some consideration to that. [LB145]

JOHN BONAIUTO: Appreciate that, Senator. Thank you. [LB145]

SENATOR ADAMS: Other questions for John? Seeing none, thank you. [LB145]

JOHN BONAIUTO: Thank you, Senator. [LB145]

SENATOR ADAMS: Other opposition testimony? [LB145]

SCOTT WIESKAMP: Good afternoon, Chairman Adams and members of the

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committee. My name is Scott Wieskamp, S-c-o-t-t W-i-e-s-k-a-m-p. I'm the director of facilities and maintenance for Lincoln Public Schools. I appreciate the opportunity to be here and I want to thank you for allowing me to come up and voice our opposition from LPS's perspective. The one thing I want to clarify up-front, regardless of whether we're in opposition or we're for this bill, I don't think anybody in this room would argue the fact that the safety component is very important and we totally agree with that, regardless. The one thing that we do think, though, is this bill is excessive based on what Lincoln Public has done the past several years. I've been in my position for 12 years and I've heard a lot of the information provided today and I'll try to address that. I testified a year ago on LB920, which I think was the very same bill or very similar to this bill, and, quite frankly, we actually have a committee in place. And since I've been in my position for the last 12 years, we meet on a monthly basis with Lincoln city officials from public works, from transportation, from the Planning Department, from Parks and Rec regarding parks, trails. All of those components from the city's perspective we meet with on a monthly basis. The buildings that were referenced earlier, we opened four new buildings in Schoo Middle School, Adams Elementary, Kooser Elementary, and Arnold all in the last two and a half years. They were funded by a bond issue that passed in 2006. We actually started discussions about those potential facilities in 2002 and we have documentation of that record with that committee that talks about that, and I think, as Senator Council mentioned earlier, one of the problems is the timing of funding. Cities have to use a CIP plan a lot of times to build in roads and streets and infrastructure, where a school is based on a potential bond issue that may or may not pass or fail. And so that timing is not necessarily consistent and I think that's one of the potential problems, based on everybody coming together at the same time. But we feel that we're very effective in having those discussions. Do we solve all the problems timely at the same time? Sometimes we run into that problem and we do our best when the building is open to try to solve them at that point in time or even beyond. A couple statistics I want to tell you, we have 37 elementary school attendance areas; 14 of those have a bisected or are bisected by a major highway, Highway 2, Highway 6, Highway 34, Highway 77, or the two interstates, Interstate 80 or I-180 that comes into downtown; 18 of those 37 are bisected by major railroad tracks that cross through our city; all 37 elementary attendance areas have a major arterial with miles per hour of 35 miles per hour or more that bisect all 37 of those elementary school attendance areas. Even if we thought we could make it a perfect world, we can't solve all those problems. We do want to work with the parents. We do want to work with the city, solve all those problems, but it's practically impossible. But I think we do a very good job of meeting with those groups to try to solve them as best we can. So thank you for that, and I'll answer additional questions. [LB145]

SENATOR ADAMS: Okay. Are there questions for this testifier? Senator Sullivan. [LB145]

SENATOR SULLIVAN: I'm curious. Then in responding to parents' concerns, do you



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have a...you said you have monthly meetings with public works and some of the people involved, but do you have any avenue that makes it easy for parents to respond and voice some concerns? [LB145]

SCOTT WIESKAMP: I'd lie to you if I said it was easy because I think those avenues vary. Lincoln Public does have a transportation committee. They do have a safety and security committee. Our group also meets. And so if it were the case like Superior Street, that really is a traffic issue that needs to go to public works. The fact is we did take notes today and I'll call my cohort at public works and mention that circumstance and so we'll address it. But sometimes those calls and issues and challenges come from different directions and so in my position I typically see those fairly regularly no matter what direction they come from, and so we try to resolve them as promptly as we can. But to go back and answer your question, it isn't easy because we don't just have a one-stop shop on the Web site, here's where your complaint is, and it's usually...if it goes to the superintendent's office, we'll find out about it and resolve it. [LB145]

SENATOR SULLIVAN: Thank you. [LB145]

SENATOR ADAMS: Other question? Thank you, sir. [LB145]

SCOTT WIESKAMP: Thank you. [LB145]

SENATOR ADAMS: Other opposition testimony? [LB145]

TERRY HAACK: Senator Adams, members of the committee, my name is Terry Haack, T-e-r-r-y H-a-a-c-k. I represent Bennington Public Schools as the superintendent. We are here today in opposition of this bill. We believe, as testimony has been given, it's overkill. We are concerned that the structure of this bill would provide other entities to believe that we are responsible for the funding of that infrastructure, particularly around new schools. Even though the bill does not stress or state specifically in that manner, it does state specifically that the school is responsible for the committee and the school is responsible to collect all of those and collect the input, provide a plan to NDE, the committee, and other entities. Therefore, in moving forward, it is our thought that other entities may believe that we have a funding responsibility for some of the infrastructure that goes with that. Thus, that is why we are in opposition of this bill. [LB145]

SENATOR ADAMS: All right. Thank you, Terry. Are there other questions? Terry, your school district is growing rapidly, is it not? [LB145]

TERRY HAACK: Yes, it is. [LB145]

SENATOR ADAMS: I rarely see you when you don't have that bundle of plans under your arms. [LB145]

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TERRY HAACK: That is correct. We meet with architects monthly. [LB145]

SENATOR ADAMS: My question is how do you go about as a school district on a regular basis, an annual basis, dealing with these traffic issues in your community? [LB145]

TERRY HAACK: Well, we certainly have long-range plans and a lot of those long-range plans deal with schools that are in undeveloped areas and it is difficult to project 5, 10, 15 years out what the traffic flow and traffic pattern will be in a cornfield. And, thus, we are in constant conversation with all entities regarding that not only before a bond issue but during a bond issue and after a bond issue. And so those traffic patterns do change because of the development around those schools. [LB145]

SENATOR ADAMS: Okay. Are there questions for Terry? Thank you. [LB145]

TERRY HAACK: Thank you. [LB145]

SENATOR ADAMS: Appreciate it. Is there other opposition testimony? Neutral testimony? You'd like to close? And Senator Haar's LA waives closing. That will end the hearings for today. And, committee, we need to Exec for a bit. Thank you all. [LB145]