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Education Committee  
February 26, 2013

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[LB9 LB178 LB179 LB585]

The Committee on Education met at 1:30 p.m. on Tuesday, February 26, 2013, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB585, LB9, LB178, and LB179. Senators present: Kate Sullivan, Chairperson; Jim Scheer, Vice Chairperson; Bill Avery; Tanya Cook; Al Davis; Ken Haar; and Rick Kolowski. Senators absent: Les Seiler.

SENATOR SULLIVAN: (Recorder malfunction)...bill introduction, the first one up in the Transportation Committee at 1:30 and so I'm going to go through some of the introductions, if you will, and then I'm going to bow out to go to that and we'll have one of the other senators fill in for me and lead the hearing. So first of all, I welcome you all here today. I'm Kate Sullivan. I'm the Chair of the committee. And we have some of the committee members present here I'll introduce you to. My far left is Senator Tanya Cook from Omaha and to my right is Senator Rick Kolowski, also from Omaha. We have at least one of our members absent today, Senator Les Seiler from Hastings, because he's actually attending the funeral of a former Education Chair of this Legislature, Senator Ardyce Bohlke, in Hastings. As I said, we're at the point where senators are still introducing bills, so I'm hopeful that the rest of the committee will be joining us as I speak. Also, we've got some staff helping us today. On my far right is Mandy Mizerski; she's the committee clerk. And to my immediate left is Kris Valentin, who is the research analyst. And just arriving, I'm glad, is my Vice Chair of the committee, who's going to have to assume the leadership in my absence, is Senator Jim Scheer from the Norfolk area. We have two pages here: Phoebe Gydesen from Lexington, who's a student at UNL; and Sean Miller, who's a student at Doane-Lincoln campus. And today we have four bills before us: LB585, LB9, LB178, and LB179. Just a few guidelines for you to follow: If you're planning on testifying, please pick up a green sheet as a sign-in sheet that's at the back of the room. If you do not wish to testify but would like your name entered into the official record as being present, there's a form on the table for you to do that as well. And I would ask that you fill out that green sheet in its entirety. Please print so we can...so it's legible for all of us, and that will be the official record, more accurate public record. If you do not choose to testify but would like to submit your comments in writing, and you can have them read into the official record, but please let us know that that's your intent. If you have handouts, we request that you have 12 copies and give those to the pages as you come up to testify. When you do come up to testify, please speak clearly into the microphone, tell us your name, and spell both your first and last names for the record. I ask also that you turn off all your cell phones, pagers, or anything else that beeps. And if you must have a conversation among yourselves, I ask that you please take that out into the hallway. We will be using the light system today. You'll have five minutes to make your initial remarks to the committee. That does not include the introducers, by the way. When you see the yellow light come on...(cell phone rings). Thank you for turning that off. (Laugh) When you see the yellow light, that means to wrap up your comments, and the red light means that your time has ended. I

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don't expect this to happen but I ask that there are no outward displays of support or opposition to any of the bills. So with that, I again thank you all for being here. I will turn this over to Senator Scheer.

SENATOR SCHEER: You started early. (Laughter)

SENATOR SULLIVAN: I know, because of that.

SENATOR SCHEER: Okay, welcome. Is Senator Smith...oh, there you are. Couldn't find you. Welcome to our committee.

SENATOR SMITH: Thank you. It's good to be here. Senator Sullivan is on the way over to Transportation Committee, where I sit on that committee, and so I get to be here while she's over there.

SENATOR SCHEER: You can almost say we're equalized.

SENATOR SMITH: How about that. (Laughter)

SENATOR HAAR: Well,...

SENATOR SMITH: No, no one can compare to Senator Sullivan.

SENATOR HAAR: Very good.

SENATOR SCHEER: Good one.

SENATOR SMITH: (Exhibit 1) Senator Scheer, good afternoon, and members of the Education Committee. For the record, my name is Jim Smith, J-i-m S-m-i-t-h, and I represent the 14th Legislative District in Sarpy County. I am here today to introduce LB585. I do have handouts here for the committee. These are the same handouts, Senators, that I've provided each of you earlier today, a summary of my bill, comparisons, current statute and LB585, and some maps of the Learning Community. So this is a duplication, but in the event that you do not have that handout with you, I wanted to make certain you had that available to you during this hearing. Ensuring a quality education for Nebraska's children is probably one of the most, if not the most, important responsibilities we have as a state and as a Legislature. A child who receives a good education develops into a happier, healthier, and more successful adult. An educated citizenry is imperative to the growth and prosperity of communities across the state, large and small, urban and rural. The Douglas-Sarpy Learning Community was created in 2007 and brought together 11 school districts to address the educational needs of more than 110,000 school children in the two counties. The Learning Community's Web site states that its mission is to "Bring together the strengths within

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our community to create a collaborative environment that promotes academic excellence, the development of educational opportunity, and resource equity that maximizes the potential of every child." While there are differing philosophies on how to best achieve academic excellence, LB585 accepts the continuation of the Learning Community; and I repeat, it accepts the continuation of the Learning Community, and works to make constructive improvements as this educational collaboration continues to evolve. LB585 makes four primary changes to the existing Learning Community. The first change...in the first change, the bill changes transportation provisions. School districts would pay for a transportation cost associated with students who transfer into a district pursuant to open enrollment and who qualify for free or reduced lunch or contribute to the socioeconomic diversity of a school only if such students are transferring from a district with contiguous boundaries. Also, the Learning Community would still be required to cover costs for students attending focus and magnet schools. In 2011 to 2012, taxpayers in the Learning Community paid more than \$3.2 million in transportation costs. Limiting the transportation provisions would help to shift the focus to improving community schools and would result in a real savings that can go back to direct educational services. The second change, the bill would reduce the size of the governing board. The current Learning Community Coordinating Council is made up of 18 members, 12 elected from six subcouncils, and 6 appointed from the local school boards. Under LB585, the governing board would be reduced to six voting members representing the six subcouncils. Those members would be selected from the local school boards. Each of those members would have to reside within the subcouncil he or she represents. Very recently, we as a body decided governing boards could be too big. When we reduced the OPS School Board from 12 members to 9 with the passage of LB125, we said then that a big board is hard to maneuver, can be unresponsive to new ideas, and can discourage diverse participation. By modifying and streamlining the Learning Community Council through this bill, we continue to ensure representative government while harmonizing the goals of the Learning Community and the local school districts. The third change, LB585 would eliminate the 1-cent levy that a Learning Community may levy for learning center employees, for contracts with entities or individuals who are not employees of a Learning Community, and for pilot projects. This would be direct savings to the local communities and it would keep the focus on education. In the fourth change, studies show that early childhood education is vital to a child's positive development in educational success. Once they fall behind, they tend to stay behind. Therefore, this bill would also allow the Learning Community to refocus the use of the optional 2-cent levy to develop early childhood education programs for children in poverty. And I think it is important to note that it is the council that approves what constitutes an early childhood education program. These funds could also be used to pay up, for up to 50 percent of the cost for a focus school or program capital projects. As I close my introduction of LB585, I want to repeat that the purpose of LB585 is to foster the continued development of the Learning Community as a collaborative effort to ensure that the children within the community all receive quality education. I will try to answer any questions, but I do want you to be aware that I will be followed by

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individuals who have firsthand knowledge of the Learning Community and of the educational needs of Nebraska's children. Thank you very much for your time. [LB585]

SENATOR SCHEER: Thank you, Senator Smith. Senator Avery. [LB585]

SENATOR AVERY: Thank you, Vice Chair Scheer. Welcome, Senator Smith. [LB585]

SENATOR SMITH: Thank you. [LB585]

SENATOR AVERY: This is a friendly committee... [LB585]

SENATOR SMITH: Yes. [LB585]

SENATOR AVERY: ...to good ideas. [LB585]

SENATOR SMITH: And this is a good idea. (Laughter) [LB585]

SENATOR AVERY: I paused to give you time to say that. [LB585]

SENATOR SMITH: Thank you. [LB585]

SENATOR AVERY: Let me ask you about the membership on the governing council. You are removing the elected members and replacing them with...or just retaining the appointed portion of those councils, correct? [LB585]

SENATOR SMITH: That is correct, who happen to also be elected members of the respective school districts. [LB585]

SENATOR AVERY: Okay. One of the ways in which we, back in '07, tried to ensure that minorities would be represented in this governing council was to have a system of limited voting for those elected members. You remove that. What procedure or what method do you have that would enhance the prospects of a minority person or persons being represented on the governing council? [LB585]

SENATOR SMITH: Well, first of all, Senator Avery, I want to acknowledge the work that you did originally with their Learning Community. I know that the governance was a big issue to you back then and you worked very hard to ensure that there were provisions in the statute that you felt addressed the need to ensure a diverse board. I appreciate that very much. And in looking long and hard at this, Senator Avery, there's two things that are taking place on this governance issue. One is the need to ensure representation from the communities for those where those subcouncils exist. I believe, and this is my opinion, Senator Avery, I believe that this bill continues to do that. You will still have representation from those subcouncils that are elected by the public; and so that

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opportunity remains. You will just narrow down the number of people that are on that board, but you will still have representation from all communities served. The other component to this is the need to make an alignment between the leadership on the Learning Community board and the individual school districts. Unfortunately, and we've heard it quite a bit, there's an "us and them." There's a lot of fingerpointing that takes place between the individual school districts and the Learning Community. And so what we were looking to do, through this governance change, was to bring greater alignment in the philosophies and the needs. And I believe in making certain that the Learning Community leadership is made up of elected board members from the respective school districts, I believe that that brings that alignment without sacrificing the importance of the diversity element. [LB585]

SENATOR AVERY: Thank you. I would just point out that that's what we thought we were achieving in '07. By having limited voting for the elected members, you would have the public represented. By having appointed members from the boards, the school boards themselves would be represented--the first proposal did not include appointed members--and we thought that that would achieve that synergy that you are seeking to achieve here. Do you think that the fingerpointing will be eliminated by this new proposal? [LB585]

SENATOR SMITH: Well, I don't think we'll ever eliminate fingerpointing. I think that's a favorite pastime of everyone out there, frankly. But I do believe it goes a long way to bring, or to--a term we like to use with bill language--to harmonize the intent and the purpose of the two organizations: the Learning Community and the individual school district. So will it eliminate? I don't believe so. But I think it will begin to bring in alignment some of the missions and purposes of the varying organizations. And I did want to follow up with one more thing. I know that there are some opportunities for nonvoting members today, and we want...you know, that's one of the things that I feel like we're very open to do in this bill, is to allow there to be some nonvoting members to be brought in if there are any cases in which there are school districts that are not represented on the voting member board. So I think the diversity element is important, representation is very important, and I think we can achieve it. [LB585]

SENATOR AVERY: Well, I'm not opposed to reducing the size of the board. I think that 18 is a fairly large number for a well-functioning board. I think we debated that extensively in LB125, the OPS bill. I'd be interested, though, in hearing questions from Senator Kolowski, and I'm sure he's waiting eagerly to get involved. [LB585]

SENATOR SMITH: Right. [LB585]

SENATOR AVERY: Thank you. [LB585]

SENATOR SMITH: Thank you, Senator Avery. [LB585]

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SENATOR SCHEER: Senator Haar. [LB585]

SENATOR HAAR: Yeah. Well, first of all, thank you, Senator Smith. I know you put a lot of time into talking to people on this, and I appreciate that. For some of us even who have been here for four years, we don't understand the Learning Community all that well yet. So what is the 2-cent property tax option available for now? [LB585]

SENATOR SMITH: Learning centers, and some of the folks that will follow me will be able to give you... [LB585]

SENATOR HAAR: Okay. [LB585]

SENATOR SMITH: ...some more detail on that, but that 2-cent levy is currently available for funding learning center programs, and there's also some capital project expenditures that are available through that mechanism, and there probably are some fine examples that they can provide to you as to what that is when they follow me in testimony. [LB585]

SENATOR HAAR: So you've narrowed down the use of that. [LB585]

SENATOR SMITH: Well, I think what we've seen through the discussions...and, again, some of these superintendents that follow me will tell you about some of the discussions they've had that led up to this bill and the identification of where some of the most critical needs are in the individual school districts, as in early childhood development for children in poverty. So what we wanted to do was to make certain that there was a greater focus on that particular need and filling that particular need. [LB585]

SENATOR HAAR: Good. Thank you very much. [LB585]

SENATOR SCHEER: Senator Kolowski. [LB585]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Smith, thank you again for your presentation and ideas on this. Like Senator Avery, I had some concerns over the governing board structure, and you did mention the nonvoting member possibilities on that. But if you had six voting members from the six subcouncils, compared to how it's operating right now, you might have six school districts represented. It might fall that way. [LB585]

SENATOR SMITH: Uh-huh. [LB585]

SENATOR KOLOWSKI: But you'd have five not represented. [LB585]

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SENATOR SMITH: Correct. [LB585]

SENATOR KOLOWSKI: And were you saying that you might have as many as five nonvoting members just to give representation to those districts? [LB585]

SENATOR SMITH: And that is correct, Senator Kolowski, and the nonvoting member provision is not in the bill as you have presented to you today. That is discussion I've had with some other folks that represent school districts within the Learning Community. And that was a concern to them as what if my school district is not one of those voting members; how do we ensure that we have representation? So adding the nonvoting members is something I would certainly be willing to entertain. I think we make those provisions available today and I think we should probably look into that. [LB585]

SENATOR KOLOWSKI: And if you had three members of the six from one district, which could happen,... [LB585]

SENATOR SMITH: It's possible. [LB585]

SENATOR KOLOWSKI: ...and you had underrepresentation from other districts, would you keep adding nonvoting members, would that be the idea, to get the coverage that you would desire for every district? [LB585]

SENATOR SMITH: And that's an excellent question. And I've heard that you're not supposed to say that's an excellent question because it sounds like you're just pausing to put your thoughts together. But that's...but it truly is a good question because I think the intent here is to have representation among the six subcouncils. The intent is not to stack the deck with any particular school district. And so what I would like to say is that's the intent and whatever we can do to improve the language to make certain that we have good representation from every school district, that's something I'd be very open to working on. [LB585]

SENATOR KOLOWSKI: So there could be a skew, one district with 800 students and another one with 50,000, that would each have one representative potentially. [LB585]

SENATOR SMITH: I suppose. If you were to have a scenario the way...the bill is written today, if you had multiple board members representing the same school district; and that's I think the point you're making, and that is correct the way it's written. And what I'm saying is that's not the intent. So if we can work to resolve that, that's something I would want to do. [LB585]

SENATOR KOLOWSKI: But the board with voting members and nonvoting members could jump from 6 to 8 or 10 or 12, depending on how configurations could lie as far as representation from various school boards when you think of all the combinations of

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what might happen,... [LB585]

SENATOR SMITH: Uh-huh. Uh-huh. That's possible. That would be a possibility. [LB585]

SENATOR KOLOWSKI: ...voting and nonvoting members. [LB585]

SENATOR SMITH: That would be a possibility in that scenario. [LB585]

SENATOR KOLOWSKI: So it could be cut down from 18 then to even up to 12. [LB585]

SENATOR SMITH: Not voting members, though. [LB585]

SENATOR KOLOWSKI: I understand. I understand. But the representation that was in the original plan, as described by Senator Avery, gave us that balance of representation and school board representation and nonvoting member representation in the original 18; and we had 2, sometimes 3 nonvoting members... [LB585]

SENATOR SMITH: Indeed it... [LB585]

SENATOR KOLOWSKI: ...just to balance it. [LB585]

SENATOR SMITH: Indeed it did. And the point I would want to make there is but it did balloon that board to 18, which is, by all accounts and what we've heard recently and discussion on the floor, a fairly unmanageable-size board. [LB585]

SENATOR KOLOWSKI: Well, having served as chair of that for the first three years, I didn't find it unmanageable. It was a lot of work, but I think the productivity that we accomplished and the tasks that we moved on for the establishment of the Learning Community and as to where they are to date under their new chairman this last year, I would disagree with the dysfunctional aspect or unwieldy aspect of that. Thank you. [LB585]

SENATOR SMITH: And I did not use the word "dysfunctional." And I appreciate what you're saying and I think also your experience and leadership probably from what you brought to the table may have helped that a bit, and from your perspective. [LB585]

SENATOR KOLOWSKI: Thank you. I appreciate that. [LB585]

SENATOR SCHEER: Senator Davis. [LB585]

SENATOR DAVIS: Just a few questions, Senator Smith. And one of the...the first question, the districts, how do they align with the population? Is it typically done on a

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population basis? [LB585]

SENATOR SMITH: The subcouncils are. And the handout that I distributed, I believe it has some data there to show how each of the six subcouncils are made up and such. But it... [LB585]

SENATOR DAVIS: How does it compare to the new districts that were developed for the Omaha Public School system? [LB585]

SENATOR SMITH: I'm... [LB585]

SENATOR DAVIS: Are they...are we overlapping or are they sort of somewhat similar to what was designed for Omaha, although that's nine districts, nine representatives? [LB585]

SENATOR SMITH: I'm not quite certain how to answer that for you, Senator. And if I would beg your patience on that, if you could pose that question to some of the folks that follow me,... [LB585]

SENATOR DAVIS: Sure. [LB585]

SENATOR SMITH: ...they may be able to give you a better answer. [LB585]

SENATOR DAVIS: I'll do that. Tell me, have you had any input from the people that are serving on the board of the Learning Community today as to how they feel about this change? [LB585]

SENATOR SMITH: I have had a couple of conversations with folks that do serve on the Learning Community board, and once again there will be someone that follows me today in testimony that can give you a bit more insight from the Learning Community board and how they view this bill. [LB585]

SENATOR DAVIS: But I mean I guess my question is, do you have some that are for it, some that are against it? [LB585]

SENATOR SMITH: Yes, sir. My understanding is that even in the determination of support or opposition on this bill, that there...it was a fairly close split. There were about nine that were in support...that were in opposition to the bill, and roughly seven that were in support of the bill. But once again, there will be someone that follows me today in testimony that is actually a member on that board and they can give you some insights as to how that transacted. [LB585]

SENATOR DAVIS: Okay. One more question: One of the main things you're doing with

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this is eliminating some of the transportation costs, correct? [LB585]

SENATOR SMITH: That is correct. [LB585]

SENATOR DAVIS: And I understand, I think, what you're trying to do, but are you going to be able to deal with the poverty issues if some of the districts are cut out of the ability for transport? Do you see what I mean? I'm probably not explaining that the way I really want to. [LB585]

SENATOR SMITH: I understand what you're saying, Senator, and what we're trying to establish are what are some reasonable parameters for expenditures on transportation. We do want the children to have an opportunity for choice, and if that means transferring and transporting to an adjacent school district, that they would have that opportunity. What we're doing is we're just narrowing the parameters to adjacent school districts. We're not eliminating the transportation funding. And what that does is it avoids the leapfrogging over school districts. So, for example, my geography may be wrong, and I'm certain maybe Senator Kolowski can help me out with this if I misstate it, but, for example, you would not have transportation funding from a child going from Elkhorn to Bellevue, but that child in Elkhorn would still have the opportunity to transfer to OPS or another adjacent school district. [LB585]

SENATOR DAVIS: So just as a hypothetical, supposing you were in Elkhorn and you had to drive through Westside to get to Omaha again, that's not going to be a problem. [LB585]

SENATOR SMITH: If there's not a common boundary, the transportation funding would not be available. [LB585]

SENATOR DAVIS: Okay. Thank you. [LB585]

SENATOR SCHEER: Senator Kolowski. [LB585]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Smith, on one of your points I applaud. On the early childhood education programs, I couldn't agree more with the need for those services at that particular level. But part of what you have done with the bill is to reduce the focus of the work of the elementary learning centers from a broader scope down to one aspect of what we look at in the elementary learning centers. And I wondered, was that a purposeful direction that you wanted to go rather than the philosophy of what we've been trying to do is to work with the whole child and the whole family with services that would encompass the school and the home to better wrap services and caring around that individual child in that school because of the poverty levels that we found, especially in north Omaha and south Omaha. So I couldn't disagree with you at all on the early childhood aspect, but it diminishes the vision and

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scope of what we've been working on, from the elementary learning center standpoint, in the work of the Learning Community, what they are doing at the current time. Was that the intent? Could you elaborate on that, please? [LB585]

SENATOR SMITH: Let me elaborate in a very general response here. I think we, in service, and your time on the Learning Community and your time in education as well, we see great needs in our communities, and this particular focus is the great need that we have in education. I'm not here to challenge or to question as to whether there's not a need, some of those extended services that we're talking about. And I say extended because they're not focused directly on the education of the child. There are needs in our communities. There are needs in our society. The question is whether that is the right funding mechanism to satisfy those needs. What we're trying to do with this is to drill down and focus on where the greatest need occurs within the education of a child and try to focus the attention there. So I'm not dismissing that there's not needs in our society and our communities. What I'm challenging is to whether this is the right funding mechanism to address those. [LB585]

SENATOR KOLOWSKI: And I couldn't agree more with you on that because of the overall budget, \$5 million to \$6 million on a given year, of the Learning Community doesn't even begin to get close to the \$1.2 billion that the 11 school districts contain in total. So we have no...I don't know how you could even begin to implement early childhood programs at every level that you're proposing without a tremendous fiscal impact for the future of the Learning Community or how much that would cost and how that money would be gathered from the 11 school districts involved. Again, I applaud the concept, but I'm just trying to grasp where the funding would come from if we're replacing elementary learning centers with early childhood only and losing the concept of what we have been doing, what the Learning Community has been doing in their points of emphasis at this point in time. Thank you. [LB585]

SENATOR SULLIVAN: Senator Haar. [LB585]

SENATOR HAAR: Thank you. Just one thought, as Senator Davis was asking his questions. Is there any way to implement that point about paying for transportation over time, because...and this is just a hypothetical, but I was able to visit the STEM center at North High, which is just great. Let's say a student was going to that school. Now all of a sudden the funding is cut off so they can't go there anymore, this whole thing of just taking people from when, you know, they've gotten used to it, they like it there, they're progressing, and all of a sudden you cut off the funding. I don't know, does that makes sense or not? [LB585]

SENATOR SMITH: I understand what you're saying. You're saying if you have a child who maybe is either a freshman or sophomore in high school and they've already begun to benefit from something in the transportation formula that would not be available there

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after this law and how that would be addressed. That's a good question. And I'll tell you what I'll do is let me do a little work between now and closing and I'll try to address that question in closing if someone else doesn't get to it before I get back. [LB585]

SENATOR HAAR: Okay. And most importantly, it could interfere with dating that was going on. (Laughter) [LB585]

SENATOR SMITH: And if you're a parent, that might be a good thing. [LB585]

SENATOR SULLIVAN: Any other questions? Thank you, Senator Smith. [LB585]

SENATOR SMITH: Senator Sullivan, it looks as if the Transportation Committee was much easier on you. [LB585]

SENATOR SULLIVAN: (Laugh) They weren't too hard on me. [LB585]

SENATOR SMITH: But it was good to be here. Thank you very much. [LB585]

SENATOR SULLIVAN: You bet. Okay, we will now have proponent testimony. Welcome. [LB585]

RICK BLACK: (Exhibit 2) Thank you, Senator Sullivan. Senator Sullivan and members of the Education Committee, my name is Rick, R-i-c-k, Black, B-l-a-c-k. I currently serve as superintendent of Papillion-La Vista School District. I appear today in support of LB585. I appreciate Senator Smith's effort and willingness to put forth this bill to make what I consider to be needed changes in the Learning Community governance structure. When LB1024 created the Learning Community, the Education Committee and its Chair at that time did so with the self-admitted caveat of a need for tweaks, adjustments, and changes as the concept moved forward. It was admittedly a work in progress. There was never any confusion of how Papillion-La Vista feels about the Learning Community concept. We would prefer it didn't exist. However, over the years, when given the opportunity, Papillion-La Vista has been at the table with the various committees and task forces to share thoughts and suggestions to develop the most effective ways to implement the components of the law. From its inception, the governance piece has been one of Papillion-La Vista's greatest concerns. In the interest of cost-effectiveness and efficiency of effort, we've never believed that an added layer of governance was necessary. Forty-four members of the 2013 legislative body voted, after debating LB125, that the 12-member Omaha Public Schools Board of Education was too large and, again, spoke of the inefficiencies found. LB585 reduces the 18 voting member Learning Community Council to 6 members. It suggests using a caucus/appointment process that's already in place to seat 33 percent of the board that's already being seated, and it maintains the existing six subcouncil districts. LB585 simply reduces the size of the existing board using processes and the districts the

Legislature has already put in place. Within the governance structure, decisions are made by the Learning Community Coordinating Council with little input from boards of education members serving 11 school districts. If improvement of learning and achievement for all students are intentions of the law, the only way to realize those goals is for more direct involvement of the boards of educations and the educators in the processes and interventions. This change in governance moves in that direction. LB585 offers additional components. The transportation eligibility changes do not limit open enrollment, nor do they eliminate transportation for students wishing to attend school elsewhere. LB585 does limit the transportation eligibility to a district with a contiguous border to reduce the distance contracted vehicles need to travel, the cost of transportation to the districts and the state, and reduce windshield time experienced by students. Students can still apply to any of the 11 school districts under open enrollment, but without a connecting border the parent needs to get the child to and from school, much like the other students in the other 91 counties have to do under option enrollment. Reductions in transportation costs would occur and for some Learning Community districts there would be a major cost savings. In closing, I would encourage you to take a look at LB585 as a revision being proposed to you in the spirit of cooperation and compromise. It contains revisions shared with superintendents of all 11 school districts in the Learning Community and those thoughts put forth by all 11 in an attempt to potentially increase the effectiveness of the Learning Community. Thank you. [LB585]

SENATOR SULLIVAN: Thank you, Dr. Black. Can you give me a scenario or sort of how the communication process works, if it exists at all, among the Learning Community Coordinating Council, the superintendent, and the local boards, because you... [LB585]

RICK BLACK: LB1024 established a superintendent advisory board to the Learning Community Coordinating Council. While it's improved to a certain extent over the last couple years, it was a large disaster from the beginning because the superintendents were not consulted for virtually anything that was occurring. Many times all 11 of us were attending early meetings, could have answered any questions that the Learning Community Coordinating Council was asking of legal counsel or Secretary Gale during that initial development, and not one time did they look to the superintendents sitting in the audience to ask for any clarification or thoughts on that piece. So the superintendents have largely been removed. Often over the years we would find out the night of a meeting, where action was going to be taken by the Learning Community Coordinating Council, what was going to be considered that night. Again, Dr. Stilwill has made some efforts along the line to try to improve in that area. We've gone from meeting monthly to quarterly, which is found in the legislation as it is, so there are not many opportunities taken or sought for a lot of input on the front end of interventions being put into place. [LB585]

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SENATOR SULLIVAN: Okay. Thank you. Questions for Dr. Black? Senator Avery. [LB585]

SENATOR AVERY: Thank you, Madam Chair. Welcome, Dr. Black. [LB585]

RICK BLACK: Thank you, Senator. [LB585]

SENATOR AVERY: I've seen you here many times... [LB585]

RICK BLACK: Yes, sir. [LB585]

SENATOR AVERY: ...making the same testimony, as a matter of fact. [LB585]

RICK BLACK: Pretty close. [LB585]

SENATOR AVERY: Let me ask you about the Learning Community, these elementary learning centers. They're being eliminated by this bill, correct? [LB585]

RICK BLACK: As it reads right now, yes, sir. [LB585]

SENATOR AVERY: It's my understanding those learning centers are designed to address a broad issue, broad problem involving families as well as students, preparing families to help the students in ways they're not able now because of language, perhaps habits of not reading at home, things like that. Am I correct on this? [LB585]

RICK BLACK: That's my understanding, yes, sir. [LB585]

SENATOR AVERY: All right. They would then be replaced with early childhood programs. Very laudable, but how do you think you're going to address the larger question that those learning centers are trying to address by replacing them with early childhood programs, because you're going to miss the parents and the home environment completely, it seems to me, by shifting that focus. How would you deal with that issue? [LB585]

RICK BLACK: Senator, thanks for the question. And one of the things I would say to you is that with the...one of the early, excuse me, the elementary learning center pieces of grants that we received in subcouncil six emphasized early start as far as kindergarten is concerned, and part of that early start piece was required home visits for incoming kindergartners in poverty who had not had preschool experiences prior to attending school. So that piece was an essential part of that. So we truly see the value in those kinds of opportunities. I would say to you, as we've talked with Senator Smith, as this bill has evolved, it became apparent to us, as we look at certainly subcouncil five has done the most work in the elementary learning center piece. That would be south Omaha and

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Bellevue area. Subcouncil two is the other one that has the largest amounts of allotment. They're not near as far down the road as subcouncil five has been. Our belief was, as we talked with Senator Smith, is that from the allowance that we've put at least initially into this, and it's found in the law, that a portion of that ought to be able to continue to be used for the elementary learning center in those subcouncils that have already begun that, so that support continues and you don't wipe that out completely. I know Senator Kolowski mentioned the cost of those pieces and whether or not it's sustainable. But this committee heard, in your testimony, hearings around the state last summer, the two topics I believe were TEEOSA and early childhood were the two main topics. And the biggest concern about early childhood around the state and certainly within the Learning Community is the fact that TEEOSA does not pay a whole lot of attention to preschool. It's a K-12 model. And so we saw this attention through the common levy process, of being an opportunity for the Learning Community to be able to address that specific possibility of funding in all 11 districts to be able to try and work on that early childhood piece, as well as being able to, as we've talked with Senator Smith, considering, in talking with you folks, if something would get out of committee, a chance to continue to sustain some of the financing in those subcouncils that already have elementary learning centers in operation. [LB585]

SENATOR SULLIVAN: Senator Haar, did you have a question? [LB585]

SENATOR HAAR: Yes. Thank you very much. Again, some of us are really learning exactly what this is all about and so...and I appreciate you said let there be no confusion, we'd prefer it didn't exist; but you're working with it, and that's great. If you had to...the things I've heard from people who wish it wouldn't exist, one issue is money, another is district identity, and the third one is sort of this supergovernance. Which of those do you find the greatest? [LB585]

RICK BLACK: Senator Haar, we have three issues that we're most concerned about: the governance piece; the common levy, which you've got another bill this afternoon, I'll be back to testify as far as opinions on that piece; and then the cost as far as transportation is concerned. Again, we added in the concept of early childhood, to zero in on that,... [LB585]

SENATOR HAAR: Uh-huh. [LB585]

RICK BLACK: ...because we saw that as an issue of a win-win, particularly since it's an issue that this committee has been trying to gather input on and look at some possibilities in how we might possibly fund that. [LB585]

SENATOR HAAR: Okay. [LB585]

RICK BLACK: So those have been the three consistent areas that we've looked at over

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the time period. [LB585]

SENATOR HAAR: Okay. Thank you. [LB585]

SENATOR SULLIVAN: Senator Cook. [LB585]

SENATOR COOK: Thank you, Madam Chair. And thank you, Dr. Black, for coming here today. [LB585]

RICK BLACK: Yes. [LB585]

SENATOR COOK: You, I imagine, have been involved, as an educator for many years, whether it's been within Papillion-La Vista school district or another school district. And our understanding, as we learn about the Learning Community, is that one of the reasons it was created in the way that it was, was to ensure communication among the school districts on a regular...to compel that communication, for lack of a better way to describe it, on a regular basis on these issues related to poverty and parental involvement in early childhood education. In your experience as an educator, were these districts talking to one another about those issues on a monthly basis or a quarterly basis? And if so, were they emerging with a plan to work among themselves? [LB585]

RICK BLACK: Senator Cook, I can't tell you how much I appreciate that question, because there's been a long-held myth perpetuated certainly by the media, is that prior to the implementation of the Learning Community, school districts in the metro area were not communicating with each other. They weren't getting along. I would say to you the catalytic event was the attempt to move to one city, one school district. Prior to that, there was a great deal of communications going on between...a great deal of cooperation going on. We long had had associations with Omaha Public Schools as it came to deaf and hard-of-hearing students. We long held...had an interlocal agreement with the Ralston Public Schools to offer English Limited Language until we got to a point where both districts had enough students to sustain their own programs. So we had longtime programs in place and opportunities in place for schools to communicate. I would say to you that we shared ideas on an ongoing basis through multiple different opportunities, whether it's through the State Education Association, through the Nebraska Council of School Administrators, through the Nebraska Association of School Boards, or through our local superintendents where we have the metro supes, we have ESU supes, and then we had the Region II superintendent. So there's a lot of communication, lots of opportunities for that to go on. I'm going to say to you, unless somebody says to Papillion-La Vista schools that we like what you're doing in the area of school improvement, will you come in and show us what to do, it's pretty presumptuous for us to walk in and say we've got a better idea for you. But we had long had a long history of sharing things that were going on in our districts, a long history of

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school districts and superintendents communicating with each other until one city, one school became the quest. And then I started hearing these discussions about superintendents aren't talking to each other. I guarantee you during that time we weren't. You're exactly right. But when the boundary issue was resolved, it took some of that self-protectiveness away and allowed things to get back to the table to start talking again. Whether it was the Learning Community forcing that or not, I'm not so sure that it forced it. I really don't, because again, if you say that that was the catalyst that brought people together to talk, then I would say to you that I'd have a lot higher opinion of the efficiency and effectiveness of the Learning Community. I don't. [LB585]

SENATOR COOK: Okay. Thank you. [LB585]

SENATOR SULLIVAN: Any other questions? Senator Davis. [LB585]

SENATOR DAVIS: Just because...really a refresher, can you explain the levying, how the levying authority works, for me? [LB585]

RICK BLACK: You want to deal with it with this one or LB179? [LB585]

SENATOR DAVIS: With the Learning Community bill that we're...it's law at present. [LB585]

RICK BLACK: Right now, the resources that are gained from the state aid to school districts that are generated by individual school districts, and the property taxes that are raised in those local school districts, go into a pot and then it's redistributed out to the local school districts through a funding formula, certainly less attention paid to poverty and ELL pieces along at line. [LB585]

SENATOR DAVIS: And it's...and the Learning Community itself levies 3 cents over and above the levy of the community school. [LB585]

RICK BLACK: That would be the added levy that's available to them. [LB585]

SENATOR DAVIS: But all the levies go together and are split out then. So the reason I'm asking that question, you know, on your second page that you talk about the transportation costs being a significant savings for some districts, can you explain how that would especially affect your school? [LB585]

RICK BLACK: I think as it affects our school is one of the components that are found in the legislation is a proposal that, unlike under current practices where every building throughout the two counties, in addition to every school district, are a part of the Learning Community. What that means is that we found the first year we had 12 families in our district who applied for an in-district transfer from one our elementaries to another

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one under open enrollment so they could be transported under the open enrollment clause. What this says is that if you are in as an internal transfer, you're no longer eligible for that in-district. And so that will almost reduce our transportation costs related to open enrollment by half,... [LB585]

SENATOR DAVIS: So you're talking... [LB585]

RICK BLACK: ...right along that line. [LB585]

SENATOR DAVIS: You're talking... [LB585]

RICK BLACK: So that's just one piece of it. [LB585]

SENATOR DAVIS: In this legislation then you're talking specifically that within your own district you would be able to cut down on transfers by eliminating this. [LB585]

RICK BLACK: And we're just one example, because I know that with Millard, I know with OPS, they transport far more students than we do and, again, a large chunk of their transportation is internal, within their own boundaries. And again, the other cost savings going to be again as it relates to the contiguous boundaries. A student going from DC West or Valley to Bellevue on a daily basis, there's a lot of windshield time. There's a lot of instructional time that by going to a closer proximity time might be easier on the family. [LB585]

SENATOR DAVIS: Any data at all about how many students are using that as a percentage of the total student population? [LB585]

RICK BLACK: Using what, sir? [LB585]

SENATOR DAVIS: Transportation significant distances. [LB585]

RICK BLACK: I know in our district, our total budget right now...and significant distance, I don't have that data right...each individual district will keep that, although I know that in the past Dr. Lutz shared with Senator Adams and Governor Heineman just a picture of the routes within the two counties that the Millard School District has to travel going across all 11 school...almost all 11 school districts. There's a lot of places where you've got three and four districts passing each other in various vehicles to take kids to different places. [LB585]

SENATOR DAVIS: Has there ever been an effort to coordinate that, to cut that down? [LB585]

RICK BLACK: You know it's difficult to do that because it's door-to-door pickup. It's

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tough to assign a building that's not in your school district as a pickup point because you can't supervise that place for a large number of kids. So basically, what we're using, there's not...in our situation we aren't able to use buses. We're individually... [LB585]

SENATOR DAVIS: Vans. [LB585]

SENATOR DAVIS: ...with vans and cabs or single vehicles. [LB585]

SENATOR DAVIS: Thank you. [LB585]

SENATOR SULLIVAN: Any other questions? [LB585]

SENATOR KOLOWSKI: Yes. [LB585]

SENATOR SULLIVAN: Oh, thank you, Senator. [LB585]

SENATOR KOLOWSKI: Thank you, Madam Chair. Dr. Black, on a point of personal privilege, I simply want to thank you for your outstanding career and the years you've given to the state of Nebraska and to your district and districts that you served, as you're looking at retirement this year. [LB585]

RICK BLACK: Thank you. [LB585]

SENATOR KOLOWSKI: Thank you on behalf of the state of Nebraska. [LB585]

RICK BLACK: Thank you. [LB585]

SENATOR KOLOWSKI: You've had a wonderful career. Thanks for all that. [LB585]

RICK BLACK: Thank you. [LB585]

SENATOR KOLOWSKI: I do want to clarify from my perspective some of the statements about the early meetings of the superintendents. I think from the beginning of 2005-06, with the actions between OPS and all the other neighboring districts, no one was talking to anyone very well except through lawyers, it seemed like, till about 2009, when we were all seated and peace was coming out of the scene as far as boundaries and some of those things. So I think the first...my memory of the first years, first year-plus of inviting superintendents in and all the rest, you could still feel the friction in the room and it was very evident. You described that very well. And it took a while to get to a point where hopefully conversations and attendance would be productive as far as all 11 superintendents working together and trying to give us some feedback on certain topics. So I think it's an interesting historical time line that we do reflect back on that, and you touched on that well and I also have my memories on that. So thank you very

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much. [LB585]

RICK BLACK: Uh-huh. [LB585]

SENATOR SULLIVAN: Any other questions? Senator Avery. [LB585]

SENATOR AVERY: Thank you, Madam Chair. Dr. Black, what is your understanding of the purpose behind open enrollment in the Learning Community? [LB585]

RICK BLACK: Are you asking my personal opinion, sir? [LB585]

SENATOR AVERY: Is there another opinion? [LB585]

RICK BLACK: Well, basically, I fear that the message, and I've heard Senator Chambers say this in a Learning Community meeting when he was on the council, I'm afraid that the message we send to people is if you are not happy where you're at, there's not a mechanism in place or not an expectation in place to improve the situation. You need to leave your neighborhood school and go someplace else to school. And I heard again both Senator Chambers, former Learning Community Coordinating Council member Justin Wayne say that students in my neighborhood shouldn't have to leave their home schools. If they want to do that, that needs to be...that shall be an opportunity, and I agree with that, but they...but right now that seems to be the message that's there, so... [LB585]

SENATOR AVERY: Well, let me interrupt. My question is, what is the purpose? What was the purpose behind open enrollment when we created the Learning Community? [LB585]

RICK BLACK: My understand... [LB585]

SENATOR AVERY: You're giving me what other people have said about it, but I want to know what you think the purpose was. [LB585]

RICK BLACK: Okay. And basically what...I also gave you my personal opinion on that, sir. But the purpose was to provide opportunity of choice, and the reason that the state was going to provide the costs for transportation was to allow students in poverty the opportunity to also be able to move, if they couldn't be able to get themselves to and from school. [LB585]

SENATOR AVERY: And the objective here was to advance achievement, correct? [LB585]

RICK BLACK: I'm going to have to say I'm not sure that that's clearly stated in the

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legislation, sir, so... [LB585]

SENATOR AVERY: I was there. [LB585]

RICK BLACK: ...it may have been the intent. [LB585]

SENATOR AVERY: I was there. That was the intent,... [LB585]

RICK BLACK: Just the intent, yes. [LB585]

SENATOR AVERY: ...was to make achievement easier for these kids to acquire, giving them access to an opportunity to achieve. Now you may not agree with that, but that's what we had in mind. If we accept this proposal on transportation costs, how will these students be able to actually, in a real-world situation, exercise the option of open enrollment? [LB585]

RICK BLACK: In this proposal there would be no change as long as they went to a school district that had a contiguous boundary. [LB585]

SENATOR AVERY: What if they don't wish to do that? What if they want to go from South High all the way to north Omaha? [LB585]

RICK BLACK: From South, that's...it's within the Omaha schools. [LB585]

SENATOR AVERY: All right. I don't know the geography that well but let's say they want to go from North to Westside. [LB585]

RICK BLACK: Still a contiguous boundary. [LB585]

SENATOR AVERY: Are all of them contiguous? [LB585]

RICK BLACK: I'm going to give you an example. In our situation, people who would not be able to come to Papillion-La Vista would be Douglas County West, Elkhorn, and Bennington. All the other school districts would have a contiguous boundary with Papillion-La Vista. [LB585]

SENATOR AVERY: All right. Let's take that example: Somebody from Elkhorn wants to go to one of your schools. So what do you do in a case like that? [LB585]

RICK BLACK: In that situation... [LB585]

SENATOR AVERY: They're seeking opportunity for advancement. [LB585]

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RICK BLACK: And again, under this legislation it would be the parents' responsibility to get them to and from school, Senator. We, from the standpoint from the very beginning, have said if the state wants to continue to provide paying for transportation in these two counties, we're not going to argue with that. We're fine with that. But it's the only two counties or the only eleven K-12 school districts in the state that are receiving this benefit. And so if the state wants to continue to fund that...but we were trying to be, I guess, a team player and saying here's a way also in the state aid formula where there will be more money for distribution across the state. But again, I'm not going to argue with that, sir. If the committee sets that, that you need to open it up completely and that stays in there, then that's fine. [LB585]

SENATOR AVERY: That's the first time I've heard you sound magnanimous. [LB585]

RICK BLACK: Well, I apologize if I've come off that way, because again, as I've said multiple times, as you alluded to my previous testimony in the past, we're not...we believe that if it's good for all students, it should be good for all students, and we totally supported that. We have over 400 open enrollment students in our school district from across the metro area in the last three years. We've been a huge player in this. And so we've been a participant and will continue to be a participant. [LB585]

SENATOR AVERY: And you've benefited from the transportation funding. [LB585]

RICK BLACK: Partially, yes. [LB585]

SENATOR AVERY: Well, one thing bothers me about what's been going on this session and that is that people who didn't get what they wanted over the past six or seven years seem to be gathering their forces to see if they can't, with a new committee structure and less experience, it's almost a predatory attitude and I'm not too happy with it. [LB585]

RICK BLACK: And just in response, if I could, sir, the good news is that we've been consistent. We've been back every session with changes... [LB585]

SENATOR AVERY: You have been. [LB585]

RICK BLACK: ...or an opportunity to possibly change. So we aren't trying to be predatory. [LB585]

SENATOR AVERY: (Laugh) You have been consistent. [LB585]

SENATOR SULLIVAN: Any other questions? Thank you, Dr. Black. Welcome. [LB585]

MIKE PATE: Thank you. Thank you, Madam Chair. Members of the Education

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Committee, thank you. My name is Mike Pate, you spell that M-i-k-e P-a-t-e. I am currently a member of the Millard School Board. Been on that school board now for 17 years. I am also a member, the subcouncil four representative, for the Learning Community as well. So I serve on the board of both Millard and the Learning Community. My profession, I'm president and CEO of a local Omaha bank. I say that only because I seem to want to think things through in a more pragmatic manner from a business perspective, and that's what I would like to testify about today. I'm here today to support LB585 because I think that it's time that we really look at how we can improve this bill. We've had the bill in law for quite some time now. We've had a chance to let it run its course. I think there are some things that we can do to improve it. One of the things, and primary things, that I want to talk about today is the governance structure of this thing. The governance structure today consists of 18 members, as you all know. You've heard the testimony to it. It's a large body of government. It's the second largest body of government in the state, next to this legislative body. All of the people represented on that board are very well-intentioned individuals. They're very good, well-intentioned individuals. This is not an indictment on the people, nor is it an indictment on the people that work for the Learning Community, the operations staff. They do a great job. What I am here to do is try and testify to the fact that I really believe we can make some improvements in the governance structure and really talk about the things that you have all talked about today with the primary focus being student achievement. Those should...every discussion that we have with regards to education in this state should always focus on student achievement, and not to say that there isn't some things contained within the existing law that doesn't allow for that. But to this point in time, I can tell you that just from my perspective, serving on both boards and being a member of the Millard board for 17 years and also attending some of the committee meetings for the superintendents advisory committee, we need to bring all parties together, including the CEOs of each school district, which are the superintendents of the schools. They have been absent from most of the discussions. They have the breadth and depth of knowledge that we need. School board members have a spirit of cooperation working together. That's why I believe that the six, the way that we've got this structured in LB585...or Senator Smith has this structured under LB585, creates a legitimate governing body that understands the educational issues that exist today in all 11 school districts across the state. Now...and I've heard the questions asked about members of...the makeup of the committee. It would be made up of the six subcouncil districts. Right now, what would the representation be? It's really not going to be much different, if you do the arithmetic in a percentage of representation, than it is today under the 18 people that serve on that board. You might have some overlap here and there, but you would have really two subcouncil districts that would have minority representation, just like you do today primarily. And so, you know, with that said, you know, what is a more effective form of governing body? Is it 18 members? Is it 11? Is it six? What is the magic number? We really think this is more manageable. But the other thing that this does, LB585, is it really brings all parties together, including the superintendents, to the table to talk about the more meaningful

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issues, and that has to do with student achievement; in my estimation it has to do with student achievement. I can answer a lot of questions, since I've been on the Learning Community board now for three years. This is my third year on the Learning Community board. I haven't been there from the very beginning. There was a lot of work that was done on the front end of this thing to create the Learning Community and the governing structure, and I applaud the work that was done; but I believe that Senator Raikes, if he were here today, and anybody else, Senator Avery, you were here as well, the spirit of this bill was done, I believe, with the idea that it's fluid, there could be some changes made to it, that we can improve the bill as well. And that's what we're here for today, is to talk about how we can improve the Learning Community. We're not doing away with it. How can we improve the Learning Community to make it work for all 105,000 students in the Learning Community? It's a lot of students that we're talking about. And I would entertain any questions that you would have. [LB585]

SENATOR SULLIVAN: Thank you, Mr. Pate. [LB585]

MIKE PATE: Thank you. [LB585]

SENATOR SULLIVAN: In your estimation, in terms of achieving that goal that was out there for the formation of the Learning Community, what gets in the way more, the size of the Coordinating Council, or what appears to be not enough communication that goes on between the Coordinating Council and superintendents? [LB585]

MIKE PATE: I think the size of the board is what it is. I don't think that that's a major obstacle. I've said this before, that in my estimation, I've been in this a long time, school districts have become, have been very territorial. Admit it, they've been very territorial. How do we break down those barriers of territoriality? That's what we've got to get to. And I would tell you, just from my discussions that I've had with other school board members across the city and across the state, superintendents from across the city and across the state as well, that can be accomplished and has been accomplished; but you have to want to be at the table to enter into those discussions. When you have some school districts that don't want to enter into those discussions...we all have our issues to deal with, each school district has their issues to deal with. We all have our own independent issues to deal with. How can we effectively, as professionals, in some cases educators, come together to discuss the real issues that exist today in a meaningful way? And you just have to tear down those barriers of territoriality and come to the table with good intentions and want to be there. Because if you don't want to be there, which has been the case in the past, then you're not going to get the meaningful dialogue that you need. You know, I kind of equate it to a habit or an addiction of some sort. If you don't realize, if you don't recognize that you might have an issue and you don't want to admit it and you don't want to come to the table to talk about it, you're probably not going to ask for the help for it. So if you have issues, and we all have our issues, bring them to the table. You've got great minds that can talk about them. And I'm

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convinced that you can do that in a much smaller form of government than exists today with the 18-people board. [LB585]

SENATOR SULLIVAN: Thank you. [LB585]

MIKE PATE: Uh-huh. [LB585]

SENATOR SULLIVAN: Any other questions for Mr. Pate? Thank you for your testimony. [LB585]

MIKE PATE: Thank you very much. [LB585]

SENATOR SULLIVAN: Welcome. [LB585]

LINDA RICHARDS: (Exhibit 3) Thank you, Senators. I am Linda Richards from Ralston, L-i-n-d-a R-i-c-h-a-r-d-s. I would be remiss if in my remarks I didn't give a moment of deference to our sorely missed Senator Ardyce Bohlke, who I had the privilege of, in my 16 years of being a school board member, of working with in this very room on these issues that we're talking about today. And so it is befitting that I feel that I'm here today to focus on appearing before you today for the opportunity to speak in support of LB585. My comments today will focus on Section 13 of LB585, which is the early childhood education for children in poverty. Early childhood education in Ralston has been a developing journey. Our district has not always taken a strong approach to early childhood education. In 2006, our preschool consisted of 90 students in four classrooms. Our approach was justified somewhat as our free and reduced lunch population was at 18 percent. Today, Ralston Public Schools serves 235 preschool-age students in 14 classrooms, with a district free and reduced lunch rate of 56 percent. The growth in need by our students necessitated a change in our approach to early childhood education. In recent years, the Ralston Board of Education made a series of decisions to address what we believe is a critical path to student achievement for all students. The district entered into the early childhood conversation by first participating in Head Start, and then in 2009-10 we discontinued Head Start and began offering universal preschool by participating in the three- and four-year-old preschool offering. And eventually we qualified for inclusion in the TEEOSA-funded preschool reimbursement. Our belief, in Ralston, is that preschool programming is no longer a "nice to have." It is a critical component to closing the achievement gap for students entering our schools. In recent data analysis of our students, our belief in the value of preschool has been evident. The charts attached to my testimony here today reflect documentation of the proficiency on literacy measurement for our kindergartners in the years 2004 to present. As Ralston increased our offering of preschool, the participation increased. As participation increased, the ability to impact proficiency was impacted positively as well. As Ralston provided more services to three- and four-year-olds, the scores of incoming kindergartners began increasing. National research, and I believe

Senator Smith himself stated, shows that students entering the kindergarten year with more than a year of deficit will likely continue that lagging position throughout their elementary career. In 2010, the year Ralston moved to offering universal preschool for three- and four-year-olds, the percentage of students entering kindergarten meeting beginning benchmarks increased by 14 percent. In 2011 and '12, that percentage increased by 10 percent and our students left kindergarten at an 88 percent proficiency level. In Ralston, the investment is paying dividends already. The real impact will be seen in the next few years of those students' lives, as they progress through elementary into middle school with a more solid footing and preparation for more rigorous coursework. As I read LB585, I am encouraged that this type of data and the results of the focused efforts in Ralston will have an opportunity to receive the funding that we need to continue to impact student achievement. What LB585 allows those of us in the Learning Community to do is direct the limited resources we all share towards a critical component we all know impacts our ability to close the achievement gap--early childhood education. Ralston is one of a very limited number of districts that has made the decision to commit building space, teachers, and general fund dollars to providing universal preschool for three- and four-year-olds. LB585 will assist our district and other districts in taking the next steps necessary to assure that the emphasis on what is working to impact student achievement will not be in competition with what has not been proven to be a contributing factor in the success. Ralston Public Schools urges you to reprioritize the funding focus in the current Learning Community law and recognize the opportunity to impact the success of our future kindergartners by allowing LB585 to advance to the floor for full debate. Senators, this is a very unique moment for me. I am not here, as most often we are, asking you for more money. What I am asking you is to assist us in clarifying the priority for the limited resources you already are providing through the current law. Your leadership is needed. I would entertain any questions that you have. [LB585]

SENATOR SULLIVAN: Thank you, Ms. Richards. Need a little clarification. You currently have, in the Ralston Public Schools, a preschool program. [LB585]

LINDA RICHARDS: Yes. [LB585]

SENATOR SULLIVAN: So if this legislation were to pass, how would that impact your program that you currently offer? [LB585]

LINDA RICHARDS: Absolutely. It would impact us directly in that focus in those dollars, those resources that we struggle to operate in our general fund with, would allow us to have some focus dollars that we have not been able to access through the Learning Community. We have not received granting dollars through the Learning Community. We have applied. This year we look forward to that process this year for us. But with limited dollars, it would access, provide us with dollars to help us sustain this program, more importantly, to help us grow it, because that is where we believe our

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growth...projection growth is in our community. [LB585]

SENATOR SULLIVAN: Uh-huh. Okay. Thank you. [LB585]

LINDA RICHARDS: You're welcome. [LB585]

SENATOR SULLIVAN: Senator Kolowski. [LB585]

SENATOR KOLOWSKI: Thank you, Madam. Ms. Richards, thank you for your testimony. Appreciate that. [LB585]

LINDA RICHARDS: Thank you, Senator. [LB585]

SENATOR KOLOWSKI: Do you know the line item in the budget for your preschool program, how much the entire district program costs you in your school district, please? [LB585]

LINDA RICHARDS: I can provide that, resource that number to you. It does have several components, as you know, Senator, with regard to not only our TEEOSA, our reimbursable, but we also have federal Title dollars. So to be accurate with you, I'd like to provide that data and information, and I can do so after this, after this meeting. [LB585]

SENATOR KOLOWSKI: Thank you. I'm just trying to see the cumulative total... [LB585]

LINDA RICHARDS: Absolutely. [LB585]

SENATOR KOLOWSKI: ...for your district. [LB585]

LINDA RICHARDS: Uh-huh. [LB585]

SENATOR KOLOWSKI: And as we multiple that out, back to my original statement earlier that if we went to preschool programs across the board in all districts, how much more money would have to be raised in order to do that. Or would it be an allocation that we say we only have \$5 million to \$6 million as the current budget sits in the Learning Community budget, as a total, and when it's gone it's gone, either by grants or pulling names out of a hat or whatever it might be as far as the selection process. How do you cover 110,000 students in a two-county area with a very limited resource? [LB585]

LINDA RICHARDS: Right. And your points earlier, Senator, I was left thinking about, you know, the point that I want to bring to this body to consider is that...and I think, Senator Avery, you asked the question with regard to, well, what will we do if these

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elementary learning centers don't exist. And I think the question was answered that there's some compromise in this legislation to allow for some of that to retain. It has been our belief in Ralston that we cannot be everything to everyone, and when we do go down that path, we become less and we can't provide everything. To your point, Senator, I think that our focus has been to look where the data tells us we can have the impact. We have the need, as I pointed out in here. We're at 56 percent free and reduced lunch rate. [LB585]

SENATOR KOLOWSKI: Absolutely. [LB585]

LINDA RICHARDS: The need is there and the need continues. So I think that how you would handle, you know, if I were you, and I'm not, thankfully, today, because you have a lot to deal with and I appreciate that. If I were looking at this, I would look at need, as we do in our TEEOSA formula, as we do in all of these elements that we...when we distribute limited resources. And what I want to offer to this committee and to the body today is that we know that those limited resources will only continue to be limited. And what I think you're hearing in some of the testimony prior to myself, and hopefully in my testimony, is that we recognize that. And so now we're starting to use data to pinpoint where we can have the most success and where we can have the impact that we need to have. And that, for us, as we have documented here with just a brief snippet of that data, is certainly in that preschool age, in that early childhood initiative. And so those are the dollars that we think...we know are proven. We have data. All the 11 districts can show you that data. And I think the Learning Community, you know, solicited some of that information. [LB585]

SENATOR KOLOWSKI: Right. [LB585]

LINDA RICHARDS: And you did have some great presentations. We were honored to be one of those to present to you. I think that's where the success is. So with limited resources, let's look at priorities. Let's look at where we need to focus and let's...what we're saying, let's allocate those limited dollars in this area and not broaden ourselves so much that we can't have the impact that bringing to bear \$5 million on early childhood could. [LB585]

SENATOR KOLOWSKI: My point being, I think it's a statement I need to make right now from this perspective, would be with the limited resources, \$5 million to \$6 million, if the emphasis was early childhood there would be some winners and a lot of losers. A lot of people, if they had grants or applications or however they would be applying for the possibility of that, it wouldn't...it doesn't go very far. I hate to say it that way, but \$5 million or \$6 million does not cover 110,000 students very adequately but...for all the districts, all 11 districts with early childhood programs. But the role of the Learning Community was to provide models for possible replication of excellent pieces that can be looked at, that districts then could put their resources toward. And in no way, shape,

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or form were they being forced on districts, but we were to...the Learning Community was to design the best possible programs that they could come up with and let the research and the record show what could be replicated to the needs of the particular districts. I hope we keep that in mind as we're having these conversations, because it isn't in any way, shape, or form that the Learning Community was set up to take over something in districts or with districts or over districts or anything like that. I hope that that point I just tried to make will be one that resounds as we go through our conversations here. Thank you. [LB585]

LINDA RICHARDS: You're welcome. [LB585]

SENATOR SULLIVAN: Any other questions for Ms. Richards? Thank you for your testimony. [LB585]

LINDA RICHARDS: Thank you. [LB585]

SENATOR SULLIVAN: Welcome. [LB585]

STEVE BAKER: (Exhibit 4) Thank you. Senator Sullivan, members of the Education Committee, my name is Steve Baker, S-t-e-v-e B-a-k-e-r, and I'm the superintendent of schools for the Elkhorn Public School District. Thank you for this opportunity to speak today in support of LB585. There are 11 school districts that make up the Douglas-Sarpy County Learning Community; and I got to thinking the other day about the changes in leadership that have occurred over the past four years. Presently, there are only five of us that have been around since the start of the Learning Community, and that number will drop to four with Dr. Black's retirement this year. While there have been many changes, I can attest that there's a positive and productive relationship between all 11 superintendents. In the first couple years, it seemed that any suggestion to making changes to the Learning Community was off-limits, and it was often met with a response that we need to give it time. Following the hearing on LB585, there will be a hearing on LB179, a bill that is clearly intended to kill the Learning Community. That is not what this bill is about. In my words, I'd sum up LB585 this way: If we have to continue the operation of the Learning Community in Douglas and Sarpy Counties, then let's make it the best we can, and we can achieve improvement when policymakers and those in the trenches work together. Recently, the Learning Community superintendents met to discuss where we had common areas for recommended changes for the Learning Community. While not every Learning Community district will be testifying today, it speaks volumes for the lack of opposition to LB585. Proposed changes should not be viewed as a criticism of the hard work done by the senators that passed legislation creating the Learning Community or the countless hours of the original members of the Learning Community Coordinating Council, members such as Senator Kolowski and Elkhorn board member, Ann Long. They have poured countless hours into making this work. Still, we believe it can be better. LB585 focuses upon some

fundamental changes--you've heard them detailed this afternoon--changes that address the governance structure that presently is far too big to be efficient and effective. The Legislature passed, in what seemed like record time, legislation to change the size of the OPS board from 12 to 9 members, yet created a Learning Community Coordinating Council with 18 voting members and several nonvoting members. Senator Smith's bill addresses spending and limits the scope of where taxpayer funds may be spent. Rather than approving dollars for a multitude of projects, LB585 limits the spending to preschool programs with a focus on poverty. There are two basic changes regarding transportation. A family may no longer use open enrollment to access free transportation within their resident district. Presently, districts have clearly defined rules regarding transportation. All districts must provide transportation or reimbursement to families if the family resides four or more miles from the attendance center. When free transportation is not available, some parents have used open enrollment as a means to obtain free transportation within their own district. This was not the intent of open enrollment. While this change doesn't prohibit a family from making an open enrollment application within their own district, free transportation is no longer part of the deal. The second change also does not prohibit a family from making an open enrollment application to any of the other ten school districts in the Learning Community, but it does take away free transportation when the student is open enrolling to a school district that does not share a border with the resident district. Currently, there are students being transported by taxi from DC West to Bellevue, from Bennington to Bellevue, from the most remote northeast corner of OPS to Millard. What is the educational benefit of placing a child in a taxi for 45 to 60 minutes one way at 6:00 a.m.? This change will not only save dollars and make the transportation more efficient; it is the right move to make when focusing upon the best interests of the students. Personally, I don't believe open enrollment is going to improve instruction and raise the bar in struggling schools. I believe it is a flawed process that does absolutely nothing to improve a struggling school. If the political will is not to make significant changes to the Learning Community, then I encourage the support of LB585 as a first step in tweaking and improving existing law. Thank you for your service and allowing me this opportunity to share some thoughts in support of Senator Smith's bill. I'd be most happy to answer any questions that you might have. [LB585]

SENATOR SULLIVAN: Thank you, Dr. Baker. Questions? Senator Cook. [LB585]

SENATOR COOK: Thank you, Madam Chair. Thank you, Dr. Baker. Your point about the first...is a first step in tweaking and improving the existing law, can you offer me a couple of examples... [LB585]

STEVE BAKER: Well,... [LB585]

SENATOR COOK: ...about what your ideas would be for that? [LB585]

STEVE BAKER: I think these three things right here: Changing the governance structure I think can improve communication, efficiency, and operation. I believe that the transportation...I try to avoid using the word "gaming" the system, but we've watched that happen in some districts where families have, not for the purpose of open enrollment. They just want free transportation to get to another school in their own district; it really doesn't matter what school. I think that's a tweak in the right direction. Senator, I believe if open enrollment is going to continue, we were already accomplishing the movement within districts with option enrollment. I believe if you have a struggling school and you have a student who leaves that school because you have a family who's engaged and says, I want something better for my child, and they go to this other school that's doing well, you still have a struggling school. You still have students who are left behind. Open enrollment did not improve that school. This doesn't change that, but I think we need to keep looking at this. Up until now, there's really been no changes to this. [LB585]

SENATOR COOK: Okay. But that doesn't answer my question. [LB585]

STEVE BAKER: I'm sorry. [LB585]

SENATOR COOK: You said that this is a first step and then you reiterated the points in the proposal. [LB585]

STEVE BAKER: Yeah. [LB585]

SENATOR COOK: Thank you. What other things are you imagining, the elimination of the Learning Community or the elimination of transportation altogether? [LB585]

STEVE BAKER: I'm not here to...no, no, I'm not here... [LB585]

SENATOR COOK: Anything else, because you said the first step? [LB585]

STEVE BAKER: I believe there needs to be continued dialogue. Senator, up until this point in time--and I haven't been here too many times, Dr. Black has been a more frequent flyer than me--it has been "give it time." It's been four years. And these...you know, we are seeing problems. We are seeing the transportation gaming there in that, so we're making a recommendation. I'm not a big proponent for the common levy because, one, the common levy hasn't worked like it was intended to work. It may in time, but there were districts that were intended to be givers and receivers. Elkhorn, for example, would be considered a giver in the process. We've actually turned out in better shape with...but it has a lot to do with the economy and our assessed valuation, which was going up at double-digits, isn't going up at double-digits anymore. Still, it's going up. So I have no specific...I'm going to be back here next year with this. Honest, none. [LB585]

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SENATOR COOK: Okay. Thanks. [LB585]

SENATOR SULLIVAN: Senator Davis. [LB585]

SENATOR DAVIS: You talk about these parents that are gaming the system in transportation. I guess I'd like to know how many, what percentage of the parents are doing that. [LB585]

STEVE BAKER: In Elkhorn, none. I think if Millard could perhaps provide you some information with that specifically, and I don't want to, you know, attempt to give a number; a significant number that they want free transportation. It isn't about which elementary school. [LB585]

SENATOR DAVIS: But how do you know that? [LB585]

STEVE BAKER: Because they've received the applications from within the district and you didn't have them before. Before open enrollment became an option, I don't want...confusing terms there, you didn't have that movement taking place; now you do. That's how a district like that would know it. [LB585]

SENATOR DAVIS: But maybe there are other legitimate reasons that...for those changes. You know, I guess...I understand your frustration. I come from rural Nebraska. We have a lot of transportation issues. You know it just concerns me a little bit when I see a statement made like that as sort of a general condemnation of somebody's motives when you don't really know, there's no proof that's actually what's going on. [LB585]

STEVE BAKER: I...could I maybe ask someone from some of the districts that have experienced this... [LB585]

SENATOR DAVIS: Sure. Uh-huh. [LB585]

STEVE BAKER: ...to personally respond to you? [LB585]

SENATOR DAVIS: Thank you. [LB585]

STEVE BAKER: Because I think that's a valid question. [LB585]

SENATOR DAVIS: Thank you. [LB585]

SENATOR SULLIVAN: Any other questions? Thank you, Dr. Baker. [LB585]

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STEVE BAKER: Thank you. [LB585]

SENATOR SULLIVAN: Additional proponent testimony. We will now hear opponent testimony on LB585. Welcome. [LB585]

LORRAINE CHANG: (Exhibit 5) Good afternoon. My name is Lorraine Chang, Lorraine is spelled L-o-r-r-a-i-n-e, Chang, C-h-a-n-g. I'm a founding member of the Learning Community and currently serving as the chair of the council. I was elected in 2008 and I represent...and reelected in 2010, and I represent subdistrict three. That includes part of OPS, Ralston, and Westside school district areas. The purpose of my testimony is to set the table for the speakers who will be following me in opposition to LB585. I intend to present a picture of the Learning Community that is somewhat different from, I think, the portrayal of the proponents of the bill. I hope that you will see a Learning Community that has coalesced around a clear mandate to be a visionary and innovative and collaborative resource for raising student achievement across the larger two-county metro Omaha area with a special focus on children in poverty and early intervention. You will see a Learning Community that is partnering with school districts and community organizations to maximize resources, address the barriers to learning that stem from circumstances outside the classroom, and share what works across all districts. You will also see a Learning Community that brings a heightened sense of urgency to the challenges of closing the achievement gap, and a Learning Community whose programs are being rigorously evaluated by a mutual third party, and whose evaluations are able to demonstrate that those programs are producing positive results. When I look back at our beginnings, I am gratified by how far we've come. I've used the analogy often of an airplane, building an airplane while we were taxiing down the runway. If you can imagine starting out a new organization with no rules, no bylaws, no procedures, and no mechanisms for public accountability. It was a thoughtful and dedicated group of individual elected officials who set to work, and we got our operations going. We worked as partners, Learning Community and districts, to meet our statutory deadlines that you set, and in 2010 we launched open enrollment and piloted our first elementary programs. In 2011 and '12, we have systematically moved to academically focused Achievement Track Programs, based on evaluative feedback, opened Learning Community centers in temporary locations in south and north Omaha, and focused our intensity on children and families in poverty. It is now 2013 and I'm pleased to report that the Learning Community is doing what the Legislature intended, and it's working. There is no need for the structural overhaul that LB585 would represent. And here's how we have fulfilled your intentions and expectations. In exchange for maintaining the existing boundaries of the 11 school districts, you all took a bold and innovative approach to ensuring that what happens within those boundaries would change for the better for all students. You carefully created a unique governance body, with seats around the table for officials elected to serve students and families regardless of district, as well as school board representatives. And with that mix, you asked us to build on the strengths of the individual districts and to focus on the success

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of all students in the interests of the region as a whole. You challenged us to be visionary, collaborative, and research-based in how we use our limited resources to bring about positive change in student performance. I believe you also challenged us to be nonbureaucratic. And contrary to some of the critics of our operations, we have not been designed to be, nor have we ever operated as, another layer of bureaucracy. The Learning Community has no oversight or enforcement authority over how the districts do their business. We're not in the business of playing gotcha with our districts. It's about working together. And we have a small staff of five talented people, which is hardly a bureaucracy. The Learning Community is pioneering a new way of doing business, collaborating with school districts and community partners and sharing what works. We can do more by working together. But as other testifiers have said, it does require us to all come to the table and to bring some of the issues that some of the testifiers have presented to you today to our Learning Community table and to our subcommittee level so that we could work out those issues together. The Learning Community serves as a forum that challenges the status quo and asks how can we do better. As a Learning Community, we can apply our collective focus on the educational needs of the increasing numbers of children in poverty and support our districts in adopting locally proven strategies to improve educational opportunity for all students. The challenge of increasing poverty and changing demographics is nationwide. With the Learning Community I think that the Nebraska Legislature has chosen to do something smart and innovative, and we're doing exactly what the legislation intended. Speaking on behalf of the council, I think we are poised to deliver proven programs that give more children from poverty a better chance to succeed. And we ask for your vote to oppose LB585 so that it would enable the Learning Community to continue to foster improved student achievement in the Omaha metro area. Following me you will hear from Ted Stilwill, our CEO, about the impact of poverty. You will also hear from our lead partner, OneWorld, in our expanding family literacy program in the center in south Omaha. [LB585]

SENATOR SULLIVAN: Ms. Chang, we can probably...you can... [LB585]

LORRAINE CHANG: Okay. [LB585]

SENATOR SULLIVAN: We'll find out... [LB585]

LORRAINE CHANG: Thank you. [LB585]

SENATOR SULLIVAN: ...who's coming after you. [LB585]

LORRAINE CHANG: Appreciate it. [LB585]

SENATOR SULLIVAN: No, some questions. [LB585]

LORRAINE CHANG: Yes, certainly. [LB585]

SENATOR SULLIVAN: Thank you for your testimony. Do you feel that the communication among the Coordinating Council and the superintendents has improved? And also, what avenues are there for you to communicate with the respective school boards of the participating districts? [LB585]

LORRAINE CHANG: Yes, appreciate your asking that. I think that an essential element of building trust and collaboration across all the districts is good communications, and I think it has been improving but it always can be better. And we've done a lot in the last several months, in fact, to increase our outreach to our districts and to the public at large with an improved Web site. But also, from my own personal perspective, as you asked about school board president communications, when I became chair last year I made it my personal priority to meet individually with every school board president to talk with them, to find out from their perspective what was going well and what could be improved. And with the turnover of new school board presidents this year, I have made it my priority again to contact the new board presidents and to continue those conversations. After every meeting now with the Learning Community Council, I personally prepare a school board update because this was one of the feedback pieces that I got last year when I met with them that would help them to get more information on a regular basis as to what, in fact, had transpired during our board meetings, our council meetings. And so I've also made that a priority and initiated that last year. [LB585]

SENATOR SULLIVAN: Thank you. [LB585]

LORRAINE CHANG: Thank you. [LB585]

SENATOR SULLIVAN: Any other questions for Ms. Chang? Senator Davis. [LB585]

SENATOR DAVIS: Ms. Chang, you heard Senator Smith say that a certain percentage of the...about 50 percent of the Learning Community was in favor of a reduction in size. Would you like to address that issue? [LB585]

LORRAINE CHANG: That 50 percent has... [LB585]

SENATOR DAVIS: I think he said seven of the members thought we should reduce the size of the Learning Community board. [LB585]

LORRAINE CHANG: Oh, he's referring to a vote that was taken last month, in fact, on a set of priority bills that we were taking positions on, including this one. And, in fact, I'm glad you asked that question because I think it's important to set the record straight on that point. Councilmember Pate was at that meeting. I chaired that council meeting and

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we referred back to the record to clarify what happened because I respect your need for accurate information. At that meeting, the council was actually asked to vote on a single set of bills and the vote that Mr. Pate referred to involved separating out LB585 and LB179, in particular, for a separate vote on positions. And on the procedural question of whether to separate out those particular bills, the vote was as he stated. However, that was not a vote on substance of the position taken; that is, whether or not to oppose or support or stay neutral on those two bills. When those vote...procedural votes failed, the request to separate out failed and all of the bills were considered as a single package as to whether or not the council members approved the package as it existed, which included opposition to both LB585 and LB179, the vote in fact was 11 to 5, which is a significantly different margin in support of the package of bills. [LB585]

SENATOR DAVIS: Thank you. [LB585]

LORRAINE CHANG: Thank you. [LB585]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB585]

LORRAINE CHANG: Thank you. [LB585]

SENATOR SULLIVAN: Welcome. [LB585]

TED STILWILL: (Exhibit 6) Good afternoon, Senator and members of the committee. I'm Ted Stilwill, T-e-d S-t-i-l-w-i-l-l. I'm the CEO of the Learning Community and my testimony is being passed around. It will probably be a little different. I'll try and respond to some of what's been discussed. At this point, the Learning Community is really focused on effective ways, educational solutions, better educational solutions for kids coming from families in poverty. That's really our focus. Historically, the Learning Community did more than that. The legislation, as Senator Avery has pointed out, really tried to do several things. First, it calmed the boundary disputes that were rampant at the time. It created a common levy. It created an open enrollment process to increase diversity and hopefully to improve student achievement. But at this point those three things are pretty well in place and they're moving along and, frankly, don't consume a great deal of time on the part of the Coordinating Council, on the part of the staff. Certainly there's some facilitation of open enrollment, but the districts, frankly, manage transportation, manage the application process for the most part. So that's not terribly time-consuming. Our focus really is on those elementary programs, and I'll talk about those specifically in what we're doing and the success we're having. But let me dive into a couple of policy questions on the bill. Just to be really clear in what the bill does, as it's written, one thing that it does as it's written, and you've heard some indication that there might be some flexibility on this point, but one of the things it does now is stops progress on programs that are funded through the elementary levy. We have eight districts, a number of community organizations, 7,000 kids, countless families

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participating in programs across the Learning Community now that are working, and we submitted evidence that they're working, to you, and you'll hear more about that in later testimony. That would all stop. The elementary learning center program, the family literacy center program in south Omaha, the great deal of work that's been done to begin to launch programs in north Omaha would all stop, would all go away. Now that may change, but as the legislation is written, at least in my reading of it, the elementary levy goes away and the programs funded by it go away, replaced by, as has been pointed out, an early childhood levy. So let me speak to the early childhood levy. It's a considerable amount of money that we're not levying anything now for, capital funds, although we intend to in the future, we did at one time, but it has the potential to generate over \$9.5 million in funds. That would be under the control of this six-member Coordinating Council proposed in the legislation and would be heavily influenced by the 11 superintendents that have been referred to, and they're given a prominent place in the administration of those funds. I have to tell you, I think from a policy standpoint there's some difficulty with that. This is about helping kids in poverty, and 75 percent of the families in the Learning Community that are at 100 percent poverty level or below live in the Omaha Public Schools. On that six-person Coordinating Council, one person would represent the Omaha Public Schools; of the 11 superintendents, obviously one would represent the Omaha Public Schools. Well, 75 percent of the kids would be in the Omaha Public Schools. Now I've worked with these superintendents, I've worked with several school board members. They are people of goodwill. It is very difficult to overcome the self-interest you must have in representing your district as a superintendent or board member. Mr. Pate talked about the territoriality, although he pronounced it better than I did. That's still there. That's real. You know, when I've met with those superintendents, that's a factor in what they have to do. It would be very difficult to overcome that. The thing I need to mention, that it's really about poverty. The problem we share with you as a committee, we share in the Learning Community, we share across the state, is a tremendous increase in families in poverty and the problems that creates for education. We've not had a good track record of success, and poverty is growing faster and faster in Nebraska and in the Learning Community, and particularly families living in a deeper level of poverty than free and reduced price lunch. That's the thing we're trying to attack. That's the question we're trying to answer. And we've had some success and we're on the verge of having much more success, and that's what we hope to be able to continue. Thank you. [LB585]

SENATOR SULLIVAN: Thank you, Mr. Stilwill. Questions for Mr. Stilwill? Senator Avery. [LB585]

SENATOR AVERY: Thank you, Madam Chair. You were here when I was engaging in some conversation with Dr. Black and I asked him about the purpose of these elementary learning centers. I think you touched on that in your testimony, at least you mentioned that they would go away. What do you think the purpose of such centers is? What do you think we had in mind when we were creating the authority to build those?

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[LB585]

TED STILWILL: Well, what you said in the legislation was that they should be visionary resource centers to help kids in most need, kids in poverty, English language learners, or kids hit with mobility. And clearly, in the research that I've done, the greatest need is poverty. And the center that's up and rolling, just got up and rolling last spring in south Omaha that's been referred to, a family literacy center is--and you'll hear more about that later--a very strong program, not an entirely unique solution across the United States, fairly unique in the Omaha area. We learned from districts in Texas, and Crete, Nebraska, on how to do some things. But not just dealing with elementary kids; dealing with their families, dealing...helping their parents help young kids of...typically they're four-, five-, six-, seven-, eight-year-old kids, and those are the parents we're working with in a small core. It's a fairly unique model. It has a lot of promise. We're getting it to scale. It would stop, as I read this legislation. [LB585]

SENATOR AVERY: I am one of those people that has said to many critics of the Learning Community, we need to give it time. I still believe we need to give it time. That particular example you just talked about there with the elementary learning centers, they haven't had time to prove what they can do and the difference they can make. So I think that's something we have to...I mean it's easy to say, oh, it's been four years. Well, yeah, it's been four years, but that's really a short amount of time when you're talking about learning and overcoming learning problems. Let me ask you also, because I raised this with Dr. Black, about open enrollment. What's the purpose behind that? [LB585]

TED STILWILL: Well, I think just as you stated, Senator, the purpose was...I think there are really two: to increase diversity; but also to, by increasing diversity, to give those students an opportunity to move to less-diverse areas on the notion that they might be able to prosper in terms of academic progress to a greater degree. The report that we submitted in December details to what degree diversity is increased and, frankly, we're not able to yet determine because, frankly, from a research standpoint it's very difficult how much really academic benefit there is to that program. But I think those were the purposes very clearly in the legislation. [LB585]

SENATOR AVERY: If we accept the proposals here in LB585, particularly as it relates to transportation, how much harm, if any, would be done to open enrollment? [LB585]

TED STILWILL: Well, in this bill and in other bills I think you'll be studying today, you know, the Nebraska Constitution talks about the free public education. That's a paraphrase. And when you have families with means that have the opportunity to have more choice and more ability to choose among different districts, that's not quite equity in terms of equal opportunity and a free public education for everybody. So that subsidy, the transportation subsidy, is, in my way of thinking, fairly important in providing

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equitable access. If some parents have the ability or the means to have that kind of choice, then other parents should have as...you know, that shouldn't be a means tested opportunity. [LB585]

SENATOR AVERY: And that includes being able to open enroll outside your home district and in districts that are not necessarily contiguous with the one you're in? [LB585]

TED STILWILL: There's some interesting things in terms of families that use open enrollment inside a district, and I think, frankly, there's some confusion about that. Some districts allow that; some districts don't. That's, so far, been up to the district. We've asked if there's something they want us to do about that. I don't think there's agreement among the districts of what they want to do. But ideally, the law would allow the creation of zones so that you wouldn't have this crisscrossing a two-county area. I think it might be reasonable to look at limiting ride times. I've raised that issue with the districts. So far there's not been a consensus on ways to create greater efficiency in approaching that open enrollment...I think...to open enrollment transportation. I think that might be an area of further study. [LB585]

SENATOR AVERY: Thank you. [LB585]

SENATOR SULLIVAN: Senator Davis. [LB585]

SENATOR DAVIS: You heard discussion earlier that some people were essentially using the Learning Community process and the open enrollment opportunity to game the system. How much of a problem is that in the Learning Community? Have you got any handle on that? [LB585]

TED STILWILL: We certainly don't have any data on it. We don't collect data as to the reason why. And I know from other states that have open enrollment or option enrollment-like processes, some people move because they're seeking an academic opportunity, and we like to think that's the main reason; but sometimes it's convenient access to childcare or they like an athletic program. It's very difficult to determine. [LB585]

SENATOR DAVIS: And so is that a reason, though, for...because they like an athletic program, is that a reason for the taxpayer to pay the transportation to that school because that's what they want to do, you think? [LB585]

TED STILWILL: I don't think so. I think, while I'm very supportive of activities and I think that rounds out the experience of young people and it's very important, I think the reason legislatures fund public education is education, in a somewhat narrower sense. And the activities and all of that are funded not always out of the general fund. [LB585]

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SENATOR DAVIS: I didn't want to editorialize, but, you know, we have poverty and we have all kinds of transportation issues where I come from, and pretty much people are basically on their own... [LB585]

TED STILWILL: Sure. [LB585]

SENATOR DAVIS: ...to solve their own problems. And it would be nice if the state had the ability to pay transportation to everybody who wanted to go wherever they wanted to. It's just something I think needs to be thought through. [LB585]

TED STILWILL: I think you're right. I think, you know, there may be certain limits in terms of mile limits and folks that live a certain distance. Obviously, that's a significant cost in rural areas. But inside those limits, certainly people are on their own. [LB585]

SENATOR SULLIVAN: Clarification, Mr. Stilwill. So the Learning Community Coordinating Council really has not played a role in the transportation. You said that that's something that the districts are handling on their own and that there is some variation, particularly with respect to transportation and optioning in and out of a different district, within the district. Is that right? [LB585]

TED STILWILL: Yes. The transportation, you know, we get phone calls asking us about if we could change a bus route or something like that. We don't really manage the transportation now. All the districts do that and manage the application process and do an excellent job. Our role with regard to open enrollment is to promote it, and we've been asked to do that in legislation. And we do that. We think we do that pretty effectively. It's part of the business plans I think of at least two or three of these districts. Open enrollment is, as was option enrollment, important to create their student base. But for the most part, that's the responsibility of the districts. We really don't have anything to do with the transportation arrangements. [LB585]

SENATOR SULLIVAN: Okay. Thank you. Any other questions? Senator Kolowski. [LB585]

SENATOR KOLOWSKI: Thank you, Madam Chair. Mr. Stilwill, thank you for your testimony and also for your leadership to the Learning Community. You tell us with the possible demise of the elementary learning centers, when we're on...when you're moving toward some new, innovative programs within your organization, could you elaborate on the north Omaha or south Omaha, pick either one of those, and tell us some of the things that are on the cutting edge of what you're talking about, as an example? [LB585]

TED STILWILL: I think you'll have a chance to hear a little bit more about both. I just

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would mention north Omaha, because it's not really out there yet. The problems are, in north Omaha, the educational problems are pretty complex, pretty chronic, when I looked at those initially, pretty daunting. What we plan to do now, the members of subcouncil two, and you'll hear from one of them today, Kris Carter, decided that if...it took a while to figure this out but decided they need to focus narrowly, focus on a smaller geographic area within north Omaha, focus on early childhood in north Omaha, not K-6 or K-12 certainly. And they needed to focus in such a way they could draw other partners and other resources into the equation, so that focus on almost not entirely pre-K but a lot of it on pre-K. The most notable example I can give you is one that we hoped to have approved last Thursday by our Coordinating Council, but the snow had other plans, is a partnership with the Omaha Public School District, with Metro Community College, with Creighton University where we'll have eight early childhood classrooms for three- or four-year-olds that the Omaha Public Schools is...they're adding some classrooms to a couple of elementaries. We're providing...we're teaming with OPS to provide a stronger support system, almost a more Educare-like, although I'm hesitant to say, but we've learned a lot from watching Educare's success, but now doing it in partnership with the district. Metro will come in and Metro offers a two-year childcare associate program for training paraprofessionals. They'll use these two elementaries as a clinical site. They'll...just as student teachers need to be placed around in schools, folks seeking a two-year degree have to have a clinical experience. In another year, after next fall, Creighton University hopes to come on board, the plans are well underway, they're not firmly committed yet, but they'll offer a four-year degree program with an endorsement in early childhood education; and the clinical site will be in north Omaha, the program will be based there. They'll base faculty there, just as Metro will base faculty there next fall. You have the opportunity to bring people from that community into two-year programs, into four-year programs. The articulation agreements are almost already agreed to between Metro and Creighton. The conversations with the district, they could not be any more accommodating. We're meeting with all their central office folks almost on a weekly basis for the last several weeks. They've just been great. Dr. Moon has been outstanding. She's going to come to our council meeting, which is now going to be held this Thursday, to help support it. I think it's truly an innovative program. It's truly the visionary kind of thing, the resource center, that the Legislature originally envisioned. All that planning that we've been working on for a year and a half, as I read that legislation, is gone if there's no funding for elementary learning centers. [LB585]

SENATOR SULLIVAN: Senator Scheer. [LB585]

SENATOR SCHEER: Thank you, Senator Sullivan. Listening to you, everything is going well and obviously you don't agree with the changes proposed in Senator Smith's bill. Are there any changes that you...I mean it's a new system so...and I was not here during its development, so is everything going well enough that there's no changes needed in any of the programs or are there other things that no one has noticed that

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perhaps need modification, in your eyes? [LB585]

TED STILWILL: You'll notice that in LB585 and in my testimony, and I don't have any of the testimony of the opponents, you won't hear much conversation about the common levy. As much as that's a contentious issue, particularly in Sarpy County, there's apparently not a solution that's been arrived at yet. So I think there could be continual conversations on that, and that's embedded in a TEEOSA conversation. I fully understand how complicated that is, but I think that's an issue that's ripe for discussion. It's something the Coordinating Council can do absolutely nothing about. They get blamed for it but, frankly, that's something that you all have to address. And that, you know, whether it's working in a way whether...it's supposed to, whether it's meeting the policy intent, you know, I can't speak to that because it's not very clear. Another thing that can happen, and I think today's testimony has indicated that, just as Mr. Pate and Dr. Black indicated, you can always improve communication and maybe there are some structural ways to do that. I understand exactly what some of the original issues were. It was a very contentious climate, has been very difficult. But frankly, I've been very open to meeting with the superintendents. I've met with them personally, I see them at community events. We do have the superintendents advisory council. We have pretty good conversations. Our legislative agenda for this year and for last year, I ran it by them before it came to you. Any major policy changes, I've discussed with them. And so I think the communication, you know, I think I have a good relationship with them. I've, frankly, made a living having a good relationship with superintendents for the last 25 years and I think I do pretty well at that. But I will say that there has to be room for improvement. Dr. Black mentioned that the superintendents do meet frequently on their own. They, you know, meet monthly and he listed out a whole set of meetings. It's interesting. You know, I'm not a superintendent in that group, I don't expect to go to all their meetings. It's interesting I've never been asked to go to one of them. And you know, it's not that I feel left out of the birthday party. It's just that there are things that we could contribute. And the communication thing is we just have to work on that. And I'll take full responsibility for maybe not being aggressive or active enough. But it's an interesting set of districts. One of the reasons I took this job, frankly, was I believed that education will move forward when groups, small groups of districts do it together. It probably won't be the federal government, I'm pretty sure of that, and it's very difficult for the state to do it. But I think small groups of districts have enormous potential. They can give each other cover. They can learn from each other. They can band together and do things that a single district cannot and that a state cannot. [LB585]

SENATOR SCHEER: Thank you. [LB585]

SENATOR SULLIVAN: Any other questions? Thank you, Mr. Stilwill. [LB585]

TED STILWILL: Thank you. [LB585]

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SENATOR SULLIVAN: Could I have a show of hands on how many people have yet to testify in opposition for LB585? Okay. Thank you. Welcome. [LB585]

ANDREA SKOLKIN: (Exhibit 7) Thank you, Senator Sullivan, other Senator members of the committee. My name is Andrea Skolkin and I am the chief executive officer of OneWorld Community Health Centers, located in the heart of south Omaha, and the Learning Community's lead partner in establishing a family literacy model in the Learning Community Center of South Omaha. As you heard, the center opened last spring and is now filled to capacity in its current temporary space. It is filled with parents who are making the connection between their home and the local school in a way that they have never done before. Our parents have children in eight Omaha Public Schools that are in south Omaha. To explain the program simply, we help parents help their kids. We have small cohorts of parents of young elementary students that are learning English and literacy skills, computer skills, and taking parenting classes so they can support their children in school. These classes have been specifically designed by Boys Town to address problems our parents encounter on a regular basis. Our educational navigators make home visits to help parents connect what they learn in the classes to the activities going on at home and in school. This kind of program doesn't happen overnight. The center was established last spring, after a thorough needs assessment and investigation into models that work and meet community needs. Our team and the Learning Community worked with community advisors that include Omaha Public Schools, Latino Center of the Midlands, the Literacy Center, our health center, and the Omaha Public Library, as well as a literacy expert named Karen Sandoval, who continues to help us refine the program. From one or two cohorts in a temporary space at the Juan Diego Center, we solidified the operation of the model and have grown rapidly ever since, now reaching close to 90 families with the goal, in new space that we hope for, to reach 200 families by next fall. It takes a dedicated team, careful daily observations, and continuous program improvements to ensure that our parents become confident and engaged in their child's education. First results in our evaluation plan come this fall and the initial reports are very positive. Successful family literacy programs result in students with higher attendance rates, strong reading skills, better test scores, and vocabulary. For now, I can tell you that our parents are invested. They're reading to their children and getting to know their child's teacher. These are things that might not have happened before. So I want to thank you for your support of the Learning Community and hope that you will oppose this bill. [LB585]

SENATOR SULLIVAN: Thank you, Ms. Skolkin. [LB585]

ANDREA SKOLKIN: Uh-huh. [LB585]

SENATOR SULLIVAN: How are the children and families selected to participate in this Literacy Center? [LB585]

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ANDREA SKOLKIN: This is through an outreach, in what we call outreach and engagement. So we have navigators and teachers and staff that are reaching out to the schools. It is voluntary but, as before, we're doing our best to make sure that all the south Omaha schools, with particular focus in a few schools, have access and be able to enroll. [LB585]

SENATOR SULLIVAN: And you're using an existing facility right now? [LB585]

ANDREA SKOLKIN: We're using a temporary space at another organization's site. [LB585]

SENATOR SULLIVAN: And plans are to have bricks and mortar? [LB585]

ANDREA SKOLKIN: The plans are...I will defer that to the Learning Community staff, but we would like to grow the program so that we can reach more students. So in order to do that, we need more space. [LB585]

SENATOR SULLIVAN: Thank you. Any questions for Ms. Skolkin? Yes. [LB585]

SENATOR KOLOWSKI: Could you elaborate, please? Thank you for your testimony. Could you elaborate, please, on any aspect of health issues with your families and the outreach you may have with that as well? [LB585]

ANDREA SKOLKIN: Thank you, Senator, for free advertisement for OneWorld. But the...part of the benefit of having the Learning Community center connected or OneWorld as an operating partner is that those families that are seen in the family literacy program that have health needs can get connected to it. We all know that there's several legs of the stool that make a student successful, so one of those is health, education of course, housing is also critical, income being a major factor. [LB585]

SENATOR KOLOWSKI: Thank you. [LB585]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB585]

ANDREA SKOLKIN: Thank you. [LB585]

SENATOR SULLIVAN: Welcome. [LB585]

JAMALIA PARKER: (Exhibit 8) Thank you. Good afternoon. I am Jamalia Parker, J-a-m-a-l-i-a P-a-r-k-e-r, and I am the director of prevention/early intervention programs with Lutheran Family Services, and Lutheran Family Services is the lead partner in the Learning Community family support liaison program. Lutheran Family Services was

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selected to be the lead partner due to our expertise in creating the model and was asked to help the Learning Community continue to improve the model for replication in other elementary schools. My comments will reflect our partnership in the Learning Community family liaison program on behalf of Lutheran Family Services. Our family liaisons are currently in 12 elementary schools in north and south Omaha, and students are referred to the program when they have barriers that extend outside of the school. The school has attempted to work with the students and the families. They've exhausted building-level interventions, district interventions, but the students continue to have struggles, and that's where this program really falls into place because it goes beyond what the school can do in a normal school day. For example, we had a kindergartner referred to the program and this kindergartner was displaying very aggressive behavior in the classroom that was impacting her learning. She was below grade level in reading and in math. When the family liaison went into the home and met with the family, the liaison found two parents that were trying their hardest to help get things together. Both parents were medically disabled. They were two days away from being evicted from their home with seven children. They expressed their frustration, their lack of hope, their feelings that their children may be taken away because they didn't know where to turn. Quickly, the family liaison started to coordinate services, got them into a home that they could afford, helped reduce the stress that they were experiencing. In return, they were able to have positive, healthy interactions with their families. And when their stress was reduced, they were able to say let's sit down and try to help our child with her academics. Progress report time came around; this kindergartner's teacher was proud to share that not only had this student become a model student for her classroom, but she is now the most improved in her class in reading and math, and that is just one example of the success that this program has experienced. We do receive very intensive evaluation from a third party. You'll hear later about those outcomes from that third-party evaluator. But our last year's outcomes did state that we are able to decrease family stress and influence academic achievement that we would not be able to do without partnering with the Learning Community. We are very happy with the partnership that we've created with the Learning Community. And I just really would like to say that this program really helps to fill in the gaps that we are seeing and experiencing within the educational system and I'm happy to be here in support of the Learning Community. Thank you. [LB585]

SENATOR SULLIVAN: Thank you, Ms. Parker. [LB585]

JAMALIA PARKER: Uh-huh. [LB585]

SENATOR SULLIVAN: One question: As far as the community family liaisons in the 12 schools, there's one liaison person per school? [LB585]

JAMALIA PARKER: Yes. [LB585]

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SENATOR SULLIVAN: Okay. All right. Thank you. Any other questions? Senator Scheer. [LB585]

SENATOR SCHEER: Does this bill impact your ability to continue to do the services? [LB585]

JAMALIA PARKER: Tremendously. [LB585]

SENATOR SCHEER: Okay. And how would that... [LB585]

JAMALIA PARKER: Tremendously. [LB585]

SENATOR SCHEER: ...and how is that? [LB585]

JAMALIA PARKER: The Learning Community helps fund this program. Funding from this program is...the Learning Community funds it; and so if the Learning Community stopped existing, we would have to find additional funding to support it. [LB585]

SENATOR SCHEER: But this bill doesn't negate the Learning Community. [LB585]

JAMALIA PARKER: Excuse me? [LB585]

SENATOR SCHEER: This bill does not negate the Learning Community. So are you perhaps thinking of a different bill with that response? Because this, the bill that we're looking at right now, does not do away with the Learning Community at all. It has some specific changes but...and that's why I was specific in asking you... [LB585]

JAMALIA PARKER: Yes. [LB585]

SENATOR SCHEER: ...does this bill have an impact on the services that you're providing and, if so, how? [LB585]

JAMALIA PARKER: When I heard the earlier testimony from the other side, they spoke about taking funds from the early elementary centers and also they mentioned wanting not to do innovative programs. And if that bill is impacting those dollars, those are the dollars that we use. This was an innovative program that the Learning Community helped create, and so if this bill is impacting that, it impacts this program and the students and families we are fortunate to help. [LB585]

SENATOR SCHEER: Okay. Thank you. [LB585]

JAMALIA PARKER: Thank you. [LB585]

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SENATOR SULLIVAN: Thank you for your testimony. [LB585]

JAMALIA PARKER: Thank you. [LB585]

SENATOR SULLIVAN: Welcome. [LB585]

KRISTINA CARTER: (Exhibit 9) Good afternoon, Senators. Thank you for allowing me the moment to speak with you in regards to the Learning Community and especially in regards to how it affects north Omaha. I am Kris Carter, that's K-r-i-s C-a-r-t-e-r. I am a member of the Learning Community Coordinating Council. I am the representative for subcouncil two. I'm here today to talk to you about how the four-strategy focus came out of subcouncil two. I came on to this council in late 2010. I finished up the term of Justin Wayne, who then moved on to the Omaha Public School Board. The reason I threw my name in the hat was because I have three children who attended Omaha Public Schools. I was extremely bothered by the achievement gap between African-American students and their dominant culture counterparts. I am by far the furthest person that would ever dream of being a politician. That is not why I'm here. I was here because I have a great concern and passion for my community. I'm also a business owner in north Omaha. I encounter young mothers and their children on a daily basis. I've embraced some of their, oh, specific mannerisms and retrospects in how the community affects them. I came on to the board and I was bothered with how we were able to allocate some of the funds. We didn't really have a rhyme or reason to how they were being allocated, so we got to the point of where we were able to focus, and that's how these four strategies came out. The first component of the strategy was to do the community assessment. I knew as a parent and as a community member what was being experienced in our community. We partnered with the Empowerment Network and the Nonprofit Association of the Midlands to do a formal assessment. After getting the results of that assessment, we were charged with developing a model that would address student academic achievement barriers specific to children in high-poverty areas across the Learning Community, because I was able to see that it wasn't just north Omaha that was affected by poverty. It was all of Omaha. A second component was to develop this model with a focus on grades pre-K through 3rd grade. We wanted this model to be effective, sustainable, have uniform evaluative concepts, qualitative as well as quantitative, and we needed it to be able to build some social capital in the community so that we would have community buy-in. As you all know, you can have the greatest program, but if no one is utilizing those programs, it's useless. The third component was to address the issue of how to best use the limited funds that we have. The legislative had already charged us with specific use of funds, so we knew that we had to be strategic in how we applied those funds. They stressed the need for collaboration. We had to have partners that were not only knowledgeable but had some stake in the game, so to speak. So we went out and we gave our CEO and our executive director the ability to go out and speak to other community partners that would be able to benefit from the students of north Omaha academic achievement. The fourth

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component was how to get the community engaged and to take ownership of this project. Many times in north Omaha there have been great projects but they weren't well attended, and this is where we came with the concept of the wraparound community center. This center is the right thing at the right time for the entire city, because we would be able to capitalize on the opportunities that we are being afforded right now with the existence of the Learning Community. When I heard about the politics, again I got frustrated because I am not a politician and I saw that this would be another opportunity lost to our children. We have critical work going on right now that we've been able to negotiate. It's been long and hard. I am now in my second term on this council, being elected by my constituents in north Omaha. With this wraparound center, it is an ability to have information gained without asking a question. This would allow all the resources to be in a centralized location so that it's not disjointed. That has been one of the factors that has affected our community the most, is the disjointedness. We need to have the opportunity to bring the resources that we've capitalized on in one central location to learn the things that we need to learn to help these kids to be academically successful. [LB585]

SENATOR SULLIVAN: Thank you very much for your testimony. Now does this mean...and where are you in this whole process? Are you eventually going to be building a facility? [LB585]

KRISTINA CARTER: Yes. We're starting first off, because we focused our attention from pre-K to 3rd grade so that we could have a more concentrated focus, and we are in the process now, in partnership with OPS, with the eight classrooms for three- and four-year-olds, which is a huge accomplishment in itself. It took a long time to even get to that point of being able to get everybody something that they needed to have in order to become a partner. So we're there. I've been so impatient with all of this; and my councilmember counterparts, for and against, can tell you that I often say, when are we going to get that learning center up? We have one in south Omaha; we really need one in north Omaha. We are the council with the greatest need, but yet, because of the politics, it's the slowest moving and we have to find a way to overcome that and get beyond that. So we're partnering with Metro, that's on the table, because we came to the belief that the children would be more successful if they were able to have educators that were able to deal and understand with some of the concepts and things that they deal with on a daily basis at home. It's not always seen the way the barriers are there maybe to the naked eye, but with that wraparound center you would be able to see things that they would never tell their district principal or an administrator from the school district. The school districts sometime can be really intimidating. Every community has its nuances, be they good or be they bad. There are specific nuances in ways that you need to communicate in order to get the information that you need. You can start in the wrong way and completely shut a child down and completely shut that parent down, and you'll never get to the root cause of what's really affecting that child and why they are not able to learn, why aren't they paying attention in school. It's hard

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to think about homework if you're in the 3rd grade and you have to fix dinner for your other three brothers and sisters. Homework kind of takes a second backseat to that. But they're not going to openly come in and tell an administrator that. You would never get a parent that would tell you, well, I work two jobs so I don't get home till midnight. Those are the things that we need to know in order to effectively address these barriers that are holding these kids back. It's not simply just because they were born in poverty; it's the effects of the poverty that's affecting them, and those are things that we can address: Mom getting a job, literacy issues. A parent is never going to tell you, well, I don't read so well. They're never going to say those things, but those are things that are stopping this child from being successful. And these kids are going to be adults one day. I think about that often, because when I'm in my wheelchair, I want to know that the person dispensing my meds understands one every four hours. That's why I'm here. That's why I am really praying that you will oppose this bill because it would truly, truly just set us backwards. It took decades to get where we are and it won't be done in four years to undo it. [LB585]

SENATOR SULLIVAN: Thank you. Any questions? Thank you for your testimony. [LB585]

KRISTINA CARTER: Thank you. [LB585]

SENATOR SULLIVAN: Anyone else wishing to speak in opposition to LB585? [LB585]

JOHN KNAPP: I got the form filled out. I'll hand it in when I get done. My name is John Knapp, J-o-h-n K-n-a-p-p. I'm a resident of Sarpy County and I'm concerned about this bill in the respect of reducing the members on the council, voting members, because as a rural resident, I feel we don't get represented very much by...whenever a bond issue comes up in the district. If you oppose it, I'm characterized as antistudent because...and they'll say...the people in town will say, well, this bond issue will only cost another \$100 on the average homeowner. Well, as a farmer, on farmland it usually means \$700 to me, and I'm not guaranteed a wage in any year. I may be no income or negative income going year to year. And the property taxes are always constant and going up. And so that, you know, there's more people in town only getting charged \$100 versus the rural residents, who have to pay more, and there's businesses, small businesses are affected similarly. And then, when you go to the Learning Community, so now we got...we're down to just one, the superintendent from our school district on the board, and then if you break it down to now there's only six, you're diluting...there's supposed to be...the rural districts are supposed to be in control of their own, you know, do what they want to do. And I have no say in what Omaha, Millard, or any other school districts can do. I'm depending on that one vote that I got right now, which I may not have in the future. And on the...for the transportation part of it, I guess I'm looking for efficiencies. And I can very...I've heard people, before the Learning Community was formed, on the news. In Omaha, when there's a snowstorm, there would be people complaining because their

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kids had to walk in the snow or they didn't have transportation to get to the schools, and so I...and there's another...I would not doubt that there are people gaming the system. And I'm the South Sarpy School District, so we generally are a giver and not a receiver. We're a loser as far as the Learning Community goes. And I know of an individual that...it was an adjoining district but they went to Papillion-La Vista because of...it wasn't for better education or knowledge. They went there because they had a better athletic program. And I don't know, I never got in any arguments with them so I don't know if they were able to...taking advantage of the transportation issue or not. And so anyway, I'm opposed to this bill. I guess that's it. Thank you. [LB585]

SENATOR SULLIVAN: Thank you for your testimony. Any questions for Mr. Knapp? Thank you. And be sure to leave your sign-in sheet. [LB585]

JOHN KNAPP: Yeah, I'll bring it up. [LB585]

SENATOR SULLIVAN: Thank you. [LB585]

JOHN KNAPP: Thank you. [LB585]

SENATOR SULLIVAN: Any other opposing testimony? Anyone wishing to speak in a neutral capacity? Welcome. [LB585]

LISA ST. CLAIR: (Exhibit 10) Good afternoon. I'm Lisa St. Clair. I appreciate the time to be here. I am the external evaluator for the Learning Community elementary learning center programs, so I'm really here to answer any questions you have about how those programs have been functioning. But I'll give you some highlights. First of all, a little bit about what I evaluate typically. I think some of you know me already from our work together at Nebraska Department of Ed and other places. Our team evaluates the Nebraska Twenty-First Century Community Learning Centers Program; the Early Childhood Grant Program, formerly the Even Start Family Literacy Programs; Buffett Early Childhood Fund; Educare; Early Childhood Services Network, a project of Building Bright Futures; NASA; Daugherty Foundation; and others. We evaluate a lot of programs. So when I share evaluation data with you, that comes from a background of lots of time sharing data with you on other programs. Kindergarten Jump Start Program is one that has come up in the testimony previously. Children improved about four standard score points on the Bracken School Readiness Assessment. It's a norm-referenced assessment. Typically, from year to year, standard scores do not change without significant intervention. In a summer program, children improved four points. That is significant. The effect size on that would be about a .6, which is in researcher's terms, and I realize I'm a data geek, he can probably join in with me a little bit here, that's phenomenal. Those kinds of outcomes are not seen typically. When they funded these programs the first year, there were 156 students. The school districts learned from one another about what was working, what they learned in those

programs. They shared their strategies with one another at a program we hold called a showcase where they share what's working well. The program went from 156 students to 856 students on whom we had complete data. There were more students served, but that was the number we had data on. So I would say that program appeared to work pretty well. Extended learning is a little more mixed. Summer programs appeared to function a little better than school year programs, but the amount of hours offered to students varied widely across the school districts. So I can't say anything competently or strongly about the program as a whole because the models were so different, but the school districts continued to learn from one another. And actually the number of schools seeking funding for extended learning programs decreased, after they learn from each other, that the effect sizes were smaller for those programs. Family focused programs, such as the one Lutheran Family Services shared earlier, had very strong effect sizes. The amount that the parental stress decreased was almost equivalent to the amount that the student academic increases went up. So clearly, there was a linkage between if you can help the families function a little better, the students do better. The Learning Community Center of South Omaha, we've only collected baseline data. I cannot tell you anything about the program yet until we have post-data and I can tell you how it has impacted families. Programs appear to gain strength by sharing information with one another. We have an evaluation collaborative. It includes all of the school districts. It included Creighton, UNO, UNL, and UNMC, where I'm from. We met together monthly since the beginning of the Learning Community and we planned together the evaluations for these programs. So as an external evaluator, I don't sit out and just plan here's what I think we should do for program evaluation. We work with the school district staff, the program staff and say, what are the key questions you're trying to answer. And then I push a little bit and say, what would that outcome look like, what's the measurable outcome we should see in student achievement? And we continue that conversation; we're still meeting today. That's my testimony. [LB585]

SENATOR SULLIVAN: Thank you very much. When you talk about baseline data and then getting some data down, what's the time frame there? [LB585]

LISA ST. CLAIR: For the Learning Community Center of South Omaha, which is the one program where we don't have pre- and post-data yet, we will have pre- and post-data by fall. So they implemented; you know, we gather the first level of data: What are the families' literacy levels like; what are the student achievement levels like? Now we need to give them some time to have some intervention and then measure their literacy skills at the end of a period of time and measure any discernible impacts on their students and their children. We're also measuring how has their parenting changed. So those are the things we would be looking for by fall. [LB585]

SENATOR SULLIVAN: And how much longer will you continue to study the subjects or however you want to refer them...refer to them as? [LB585]

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LISA ST. CLAIR: That's a great question. For the Learning Community Center of South Omaha specifically, which is what I think you're asking about,... [LB585]

SENATOR SULLIVAN: Uh-huh. [LB585]

LISA ST. CLAIR: ...is the model more effective when they participate for one year or for two years? That's one of the questions we want to be able to answer for the program and for the Learning Community and for you all. [LB585]

SENATOR SULLIVAN: Uh-huh. [LB585]

LISA ST. CLAIR: What is the most effective model? [LB585]

SENATOR SULLIVAN: Uh-huh. [LB585]

LISA ST. CLAIR: After, Senator Scheer, how many years did we have Even Start Family Literacy at the Nebraska Department of Ed? We never did answer that question. [LB585]

SENATOR SCHEER: Yeah. [LB585]

LISA ST. CLAIR: We're still trying. We don't know for sure what this kind of family literacy model best functions as. We know at least six months. We know a year is better. But is two years better than one? Can't answer that now... [LB585]

SENATOR SULLIVAN: Uh-huh. Okay. [LB585]

LISA ST. CLAIR: ...but I can answer more fully for you in the coming years. [LB585]

SENATOR SULLIVAN: Thank you. Any other questions? Senator Scheer. [LB585]

SENATOR SCHEER: Nice to see you again. [LB585]

LISA ST. CLAIR: Thank you. [LB585]

SENATOR SCHEER: Are you going to continue...and maybe I misread your question, Senator Sullivan, but are you going to continue to study results from the individuals that are in year one, then possibly year two, and then as they move out of that program and continue to follow how well those students do in the years to come so that we have a long-term... [LB585]

LISA ST. CLAIR: Yes. [LB585]

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SENATOR SCHEER: ...measurable effect? [LB585]

LISA ST. CLAIR: It would be my intent that for this program to be meaningfully evaluated in the long term, we would use evaluation strategies similar to what you've seen us use with other programs. [LB585]

SENATOR SCHEER: Uh-huh. [LB585]

LISA ST. CLAIR: So, for example, in our evaluation of Educare of Omaha, we followed those students from 3rd through 7th grade to see, well, if you had a high-quality early childhood experience, does that last as you get into 3rd through 7th grade. So I would expect that we would want to... [LB585]

SENATOR SCHEER: Okay. [LB585]

LISA ST. CLAIR: ...continue doing that if we're permitted to do so. [LB585]

SENATOR SCHEER: Okay. Thank you. [LB585]

SENATOR SULLIVAN: Senator Kolowski. [LB585]

SENATOR KOLOWSKI: Thank you, Madam. Dr. St. Clair, I know over time I believe you've had some data collection, names of students, all those kind of things, difficulties. Are those better now as far as working with the state department and all sources with the districts? [LB585]

LISA ST. CLAIR: For the programs I evaluate, the elementary learning centers, we've not had terrible data restrictions. The school districts have been wonderful partners. I would say the evaluation collaborative served that role well. Again, we had four universities represented. We had all of the school districts represented, sometimes with superintendents, sometimes with whoever they designated, often their evaluator who likes to speak my language, and we would talk about what data outcomes would prove to you that this program is effective. And I asked the school districts this question. If I came to them and said, I think we need to use a NeSA 3rd grade reading score to determine if your family literacy program is effective, they would say, well, that's great but we're working with kindergartners; what can we do now? And so I work with the school districts and our evaluation collaborative, and together we figure out what is the most meaningful way and what is the most realistic way. Sometimes ideally there's all kinds of things you can think of, but practically speaking what can you get your hands on? So far I've experienced great cooperation with the school districts, all of the school districts. Are there some where we're still reaching for more? Of course. We're working together to build an ideal. So this next year we're adding a class observation, classroom assessment and scoring system measures, teaching and learning interactions, so we

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can measure the level of instructional support in a program, the level of emotional support, the level of classroom organization. And I've proposed to the school districts and to the Learning Community, it's in fact in their RFP now for the programs that are rolling out, that we will use the class tool in all programs that have a teaching and learning component. So while it wouldn't fit for a family literacy program, it would fit for literacy coaching, for extended learning, for Jump Start kindergarten programs. So we'll have the same quality measure that we can collect data on and provide feedback. [LB585]

SENATOR SULLIVAN: Very good. Any other questions for Ms. St. Clair? Thank you for your testimony. [LB585]

LISA ST. CLAIR: Thank you. [LB585]

SENATOR SULLIVAN: (Exhibit 11) Any other neutral testimony? I would like to read into the record a letter speaking in the neutral capacity from Secretary of State John Gale. Senator Smith. [LB585]

SENATOR SMITH: Senators, thank you for your patience. It's been a long afternoon and a long evening for you. I know you still have more bills to go. So I do greatly appreciate your engagement on this and the questions you've been asking. In listening to some of the testimony in opposition...and, by the way, I appreciate those that came to testify in support of the bill. I appreciate those that came and testified in opposition, exercising their responsibilities and their engagement in this process. I think it's a good thing and appreciate hearing from them. However, I do believe that there remains some confusion among some about the purpose of this bill. This bill is not destructive, is not intended to be destructive to the Learning Community. This bill supports the continuation of the Learning Community; it doesn't eliminate it. And it seeks to make measured and constructive changes, changes that have been discussed among many of the other school districts that are part of the Learning Community. So it retains the protection of the boundaries, it retains the common levy, which are core elements of the Learning Community. It does not eliminate those items. We heard discussion about the great plans that many involved with the Learning Community have; you know, that they have these plans and they want to go forward. There's nothing in this bill that should prevent them from going forward with many of these plans they have for the Learning Community and making it better themselves. The things that we're trying to accomplish with this bill is to enhance the responsiveness in the accountability and optimize education spending through changes to the governance, changes to the transportation provisions, and changes to the focus on early childhood. I wanted to address a couple questions that came up. Unfortunately, Senator Haar is not here but he did ask about a child that had already engaged in a service that would be provided under the old legislation and would be disallowed in the new legislation. I think we would be very open and we would welcome making any amendments necessary to allow for the

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grandfathering of any issues like that, that would come about. Again, the intent is not to pull the carpet out from underneath anyone that's already receiving some type of a service that would not be continued. We're talking about transportation primarily. That was his question. You know, he was saying if someone was receiving something because of the previous law and we make this change and they would not be allowed, how would we handle it? I think a grandfather provision would be fine. Senator Scheer had a question from one of those that came and testified from Lutheran Family Services, and we certainly appreciate that organization and what they do. In the bill, the new bill, and I'm just going to read. It's on page 15. This is dealing...deals with the 2-cent levy. We strike funding for "elementary learning center facilities leases, for remodeling of leased elementary learning center facilities," and we add the language, "early childhood education programs for children in poverty." Now it is going to be up to the governing board to make a determination as to what is defined as "early childhood education programs for children in poverty." I would suggest that what we heard described from Lutheran Family Services, in their testimony, would be things that would likely be considered part of early childhood education programs for children in poverty. In all likelihood, that would remain, but that would be a determination of the governing board. Also, we heard about family literacy programs. Once again, in all likelihood that would remain, and that would be a determination of the governing board. So once again, we are coming forward with something that we believe is constructive and is measured, and it helps us to continue with our Learning Community and as opposed to allowing, you know, those that would come and they would say let's eliminate it entirely. Now I know that you will hear many that will come behind me and they will testify to that in the next bills that are introduced. But once again, this bill is not destructive of the Learning Committee. It keeps it in place and makes measured and constructive changes to it. And with that, once again, I appreciate your attention to this and thank you for letting me come before you today. [LB585]

SENATOR SULLIVAN: Thank you, Senator Smith. Just a clarification: So under your proposed bill, it focuses on early childhood programs. But you also said that in the example of the family literacy program could still continue, but family literacy isn't necessarily early childhood. [LB585]

SENATOR SMITH: Once again, it depends on how that is defined by their Learning Community board. And so there's an element there of early childhood development and it relates to those in poverty. I would say there's potential there for that continuing and we... [LB585]

SENATOR SULLIVAN: And some of those programs that are sort of midstream, like the one that we heard in north Omaha, is that what you would consider being grandfathered in? [LB585]

SENATOR SMITH: And I'm sorry, Senator Sullivan. What was that one particularly?

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[LB585]

SENATOR SULLIVAN: Well, I think that was the one where they eventually hoped to have bricks and mortar... [LB585]

SENATOR SMITH: Oh. [LB585]

SENATOR SULLIVAN: ...but there...it's a wraparound program. [LB585]

SENATOR SMITH: That is not exactly the one that I was thinking of grandfathering, but once again, we're wanting to find common ground here. So... [LB585]

SENATOR SULLIVAN: Uh-huh. [LB585]

SENATOR SMITH: ...we would certainly look at that and figure out how we can accommodate some of those things. [LB585]

SENATOR SULLIVAN: Uh-huh. Okay. [LB585]

SENATOR SMITH: But once again, there's four primary components to this bill and, you know, we're looking to move this forward in a constructive, measured sort of way, and if there are things we can address in the bill, we're more than welcome to try to do that. [LB585]

SENATOR SULLIVAN: Not to put you on the spot, but if you were to prioritize all of those and pick one that you feel is most important. [LB585]

SENATOR SMITH: Well, I will tell you that I think, in my opinion, governance is a primary issue. I would probably rank governance;... [LB585]

SENATOR SULLIVAN: Uh-huh. [LB585]

SENATOR SMITH: ...I would say early childhood development for children in poverty is a critical concern,... [LB585]

SENATOR SULLIVAN: Uh-huh. [LB585]

SENATOR SMITH: ...critical issue;... [LB585]

SENATOR SULLIVAN: Uh-huh. [LB585]

SENATOR SMITH: ...and transportation; probably in that order. [LB585]

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SENATOR SULLIVAN: Okay. Thank you very much. Any other questions for the senator? Thank you. [LB585]

SENATOR SMITH: Thank you. [LB585]

SENATOR SULLIVAN: This closes the hearing on LB585. We will now go on to the next bill, that would be LB9. Welcome, Senator Krist. [LB585]

SENATOR KRIST: Thank you, Senator Sullivan. Good afternoon, Senator Sullivan and members of the Education Committee. For the record my name is Bob Krist, B-o-b K-r-i-s-t, and I represent the 10th Legislative District in northwest Omaha, along with the north-central portion of Douglas County which includes the city of Bennington. I appear before you today in introduction and support of LB9, a bill I introduced on behalf of the Omaha Public Schools. During my time in office, I've heard from constituents about the cost of transportation within the Learning Community. As I listened to them, I agreed that something must be done to control costs, more costs...more money spent on the child, and potentially less on forced transportation. I've had conversations with others about this and we believe that LB9 would control costs while preserving the diversity goals originally intended in the law. LB9 would require transportation for students in a Learning Community who attend a school other than their home attendance school if they socioeconomically integrate the school they transfer to and if they live more than a mile from the school. LB9 eliminates the requirement in current law that transportation be provided to students who transfer pursuant to open enrollment, but do not socioeconomically integrate their new school. Under LB9, any student who socioeconomically integrates the school to which they transfer, whether it is a regular school, a magnet school, or a focus school, would be eligible to receive transportation if they live more than a mile from the school. But students who do not socioeconomically integrate would no longer be mandatorily eligible; school districts would still choose to provide transportation to such students pursuant to a school district plan if they can afford to do so. I'm returning that back to the superintendent, back to the school district, a matter of local control and choice. So if it does not meet socioeconomic requirements, it is up to the school district whether or not they want to do that. I believe LB9 would result in significant reduced costs to taxpayers while preserving the goal of socioeconomic integration. I want to thank the committee for their consideration and support of LB9 and I ask you to send it to the floor for debate. It is my understanding also, as CEO of the Learning Community during your past testimony, Mr. Stilwill commented that the law currently permits the Learning Community to address issues related to transportation and to geography. So that's why it's not in this bill. It strictly tells them they that they should or could not do something that we're telling them to do, not telling them what is currently in the law, in the statutes that would allow them to do what they need to do. And I'd be happy to answer any questions. [LB9]

SENATOR SULLIVAN: Senator Davis. [LB9]

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SENATOR DAVIS: Just one, Senator Krist. Thank you. [LB9]

SENATOR KRIST: You bet. [LB9]

SENATOR DAVIS: When you say socioeconomically integrate, can you define what that actually means? [LB9]

SENATOR KRIST: Fair and reduced lunch program in terms of the measurement, and that means that someone on one scale of socioeconomic could go to a lower scale or a lower to a higher scale. As long it integrates, as long as it is part of the original statute goals, which is to integrate socioeconomically, high to low, low to high. I mean that only in dollars, not in measurement of the child or education. [LB9]

SENATOR DAVIS: But the primary defining aspect of that is free and reduced. [LB9]

SENATOR KRIST: Yes, sir. [LB9]

SENATOR DAVIS: Thank you. [LB9]

SENATOR KRIST: You bet. [LB9]

SENATOR SULLIVAN: Any other questions? Senator Scheer. [LB9]

SENATOR SCHEER: Thank you, Senator Sullivan. Senator Krist, do you have a ballpark how much they perceive they might be able to reduce their transportation costs via this? [LB9]

SENATOR KRIST: Senator Scheer, great question. And this is a carbon copy of something that I introduced last year and it never made it out of the Education Committee for good reason at that point. You had other concerns. But that number was presented last year. And I think the testimony will give you a ballpark. I think each one of the superintendents you've heard in terms of the testimony would have his own number. [LB9]

SENATOR SCHEER: Okay. [LB9]

SENATOR KRIST: And they can calculate that. Last year, District 66 number alone was pretty remarkable. [LB9]

SENATOR DAVIS: Okay. Thank you. [LB9]

SENATOR KRIST: You bet. Thank you. Thanks for your question. [LB9]

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SENATOR SULLIVAN: Any other questions? Thank you, Senator. Will you be here for closing? [LB9]

SENATOR KRIST: I've moved back my appointment. I thank you for taking my testimony, but I'm not going to be here to close. It's not that I don't feel very strongly about the issue, but I've moved my appointment back, so thank you again. [LB9]

SENATOR SULLIVAN: Okay. All right, very good. [LB9]

SENATOR DAVIS: Senator Krist, if you were able to provide that information or get the Learning Community to do that, I think that Senator Scheer's question... [LB9]

SENATOR KRIST: Absolutely. [LB9]

SENATOR DAVIS: That would be great. [LB9]

SENATOR KRIST: And I will not rely on the people behind me to do that. I will get the number for you and present it to the committee. [LB9]

SENATOR DAVIS: That would be great. Thank you. [LB9]

SENATOR KRIST: If we just had an example of three or four of...okay, we can do that, we'll get them to you. Thank you for the question. [LB9]

SENATOR DAVIS: Thank you. [LB9]

SENATOR SULLIVAN: Thank you. [LB9]

SENATOR KRIST: Thank you. [LB9]

SENATOR SULLIVAN: Okay, we'll now hear proponent testimony to LB9. [LB9]

ANDREW RIKLI: (Exhibit 1) Senator Sullivan, members of the Education Committee, greetings from the Westside Community Schools in Omaha, Nebraska. My name is Andrew Rikli, my first name is A-n-d-r-e-w, last name is spelled R-i-k-l-i. I'm the assistant superintendent for the Omaha Westside School District. We are Nebraska's seventh largest school district, and we have a somewhat unique perspective in that a full one-third of our population of 6,000 students comes in through choice: option enrollment before, open enrollment now. Our resident population is essentially flat, so open enrollment and option enrollment students truly are the lifeblood of our school district. Interestingly, what we found is choice students really do mirror our resident population both racially and socioeconomically, but again, they are a vital part of our

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school district moving forward. Given these factors, it's easy to see why open enrollment is so critical to the Westside Community Schools, and transportation is a particularly important part of our budgeting process. We have concerns about open enrollment transportation as it exists now, which is why we're supporting Senator Krist and LB9. As the committee just heard from Senator Krist, a more affluent student moving into a less affluent building would receive subsidized transportation under current law. All free and reduced lunch students, regardless of the socioeconomic diversity of the building they are open enrolling into, would receive free transportation. LB9 would essentially eliminate the second provision. We think that represents good public policy from both a financial, as well as an educational perspective. Mr. Stilwill could certainly provide more recent numbers. But as recently as 2010-11, Learning Community school districts, combined, spent approximately \$2 million transporting students within the two-county area. As of this current school year, the Westside Community Schools will spend approximately \$600,000 transporting approximately 180 students. That comes out to just over \$2,700 per student per year. To put that in perspective, Senator, in Nebraska we know the state per pupil average spending is about \$10,500 a year. In Westside alone, when you put that \$2,700 on top of that, that is a pretty big proportion of our spending. And I think some reasonable minds would argue, we're spending more on transportation moving kids around than we are teacher salaries, technology expenditures, text books, to name a few examples. From an educational perspective, we don't believe a poverty student being subsidized, being incentivized into a high-poverty building makes sense either. There certainly is some compelling research, it's known as the critical mass research body that suggests: when you reach a critical mass of poverty in a school district, particularly in a school building, that the performance of all students tends to suffer regardless of whether they come from poverty or not. So I think the question is, why would we incent high-poverty buildings to attract poverty students when we know educationally that's not good. So to be clear, to summarize, Westside supports the Learning Community. We support open enrollment, it's a vital part of our operation; but we think from a financial perspective, from an educational perspective, LB9 makes a great deal of sense. The Learning Community has many noble goals that we support. It does increase student choice; it does increase options for families; and frankly, it does increase the diversity in our building, slowly but surely. However, as Senator Avery spoke quite eloquently to the primary purpose of the Learning Community is not those previous factors; it's student achievement. It begins and ends with student achievement. And any resources which are diverted from student achievement are misguided, in our humble opinion. And the research base is anything but compelling to say that busing kids around in and of itself will lead to student achievement. We've been busing students in this country since at least the 1950s with a very mixed bag of success. So if we know that moving kids in and of itself will not necessarily lead to increased student achievement, then perhaps those resources are better served somewhere else. I'll conclude my testimony and gladly take any questions the committee may have. [LB9]

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SENATOR SULLIVAN: Thank you, Mr. Rikli. Senator Davis. [LB9]

SENATOR DAVIS: How many students in the Westside schools? [LB9]

ANDREW RIKLI: Just over 6,000 students, Senator. Approximately 2,000 of those come in through either option or open enrollment. [LB9]

SENATOR DAVIS: Thank you. [LB9]

SENATOR SULLIVAN: Any other questions? Thank you very much for your testimony. [LB9]

ANDREW RIKLI: Thank you, Senator. [LB9]

SENATOR SULLIVAN: Welcome. [LB9]

LIZ STANDISH: Thank you. Good afternoon, my name is Liz Standish, spelled L-i-z S-t-a-n-d-i-s-h, and I work in general administration for the Omaha Public Schools. I'm here today to offer testimony in support of LB9 on behalf of the school district. LB9, as you well understand by now, changes the requirement for children who participate in free or reduced priced lunch to select a school through open enrollment and state-mandated transportation for that selection where it's not integrative. We believe in the Learning Community mission of prioritizing integration and the state support to provide transportation for that cause. I want to be very certain that the district would continue to have deliberation about student needs, about families accessing school. The district currently goes above and beyond, our board of education does, in providing transportation for families. This would just take the conversation from a state mandate that does not support the Learning Community charge or goal of integration to the school board local level where our school board currently does transport students; we would just like to have the autonomy for those internal transfers to be determined at the local level. So that really is what I wanted to talk to you about today. It's not that we necessarily want to take a resource away from families that greatly need it, it's that we would like to have the conversation at the local level of the best form and function for serving the need and the transportation need of our families. And this would give us a little more flexibility in having that conversation at the school district level. [LB9]

SENATOR SULLIVAN: Okay. Thank you. [LB9]

LIZ STANDISH: I'd be happy to answer any questions you may have, but I thought that was an important additional note. [LB9]

SENATOR SULLIVAN: Thank you. Any questions for Dr. Standish? Thank you very much. [LB9]

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LIZ STANDISH: Thank you. [LB9]

SENATOR SULLIVAN: Any other proponent testimony? [LB9]

JOHN KNAPP: John Knapp, Sarpy County again. I'd be in favor of it. It sounds like it would possibly save some money. And if we can save some money, I'm all for it. [LB9]

SENATOR SULLIVAN: Okay. Thank you, Mr. Knapp. Any other proponent testimony? We'll now hear testimony in opposition to LB9. Anyone wishing to speak in a neutral capacity? [LB9]

TED STILWILL: Thank you, Senator Sullivan, members of the committee, and thank you for your patience. I'll be very quick. The Learning Community Coordinating Council voted to be neutral on this bill and simply to suggest, I guess, that a previous speaker mentioned that I would probably have the data to give you on the transportation. I don't. The Learning Community has no data about transportation costs. We don't collect that from districts. I think there are some reports that go to NDE. We do not choose to create an additional data burden on districts. I know what it...I've done transportation studies in another state before, it's typically a little more complicated than I would want to impose on the district unilaterally. Our suggestion is simply that it might be useful to gather the actual costs. If it would help any for us to participate in the funding of that, we're not in a position to do such a study, I want to be really clear about that. But we do have a set-aside. That's a restricted core services funds for research and evaluation purposes. There is probably sufficient funds for contributing a modest amount to a study there. So if you want to gather the information, at this point or this summer or down the road, we'd certainly be willing to help facilitate that. Thank you. [LB9]

SENATOR SULLIVAN: Okay. Thank you. Any questions for Mr. Stilwill. Thank you. Anyone else wishing to speak in a neutral capacity? This closes the hearing then on LB9. And we will now have the hearing open on LB178. Senator Kintner. Well, we'll stand at ease for just a minute and try to go find him. [LB9]

EASE

SENATOR SULLIVAN: Okay, I think we'll resume the hearing now and open it on LB178. Senator Kintner, welcome. [LB178]

SENATOR KINTNER: (Exhibit 1) Well, good afternoon, Chairman Sullivan and members of the committee. For the record my name is Bill Kintner, B-i-l-l K-i-n-t-n-e-r. I represent Legislative District 2 and I appreciate having the opportunity to submit LB178 for your consideration. LB178 will eliminate the mandate now placed on 11 school districts contained within the Learning Community to pay for transporting students to

one of their schools if those students meet one of four criteria set forth in current law. The bill would also strike the authority for the Learning Community Coordinating Council to use any payments it receives to pay for transporting qualified parents to school functions. The bill contains an emergency clause and it would become operative on July 1, 2013. Under our current law, the school boards are required to pay the cost of transporting students to and from school when the students live more than four miles from the schoolhouse. Parents incur the cost of getting their children to and from the school unless the student meets one of the statutory categories. However, under the Learning Community laws, Bellevue, Bennington, Douglas County West, Elkhorn, Gretna, Millard, Omaha, Papillion-La Vista, Ralston, Springfield Plattview, and Westside public school districts are required to pay the costs of transporting students within the Learning Community. Current law requires those 11 school districts to pay a transportation allowance at a rate of 285 percent of the statutory mileage rate times each mile actually and necessarily traveled on each day of attendance beyond which the one-way distance from the residence of the student exceeds three miles. Schools within the Learning Community spent approximately \$3.3 million for those transportation expenses in fiscal year 2011-2012. As noted in the fiscal note, this bill will reduce the school district's spending within the 11 schools by \$6.6 million in the current biennium. That encompasses fiscal year 2013-14 and fiscal year 2014-15. Transportation costs now incurred by the Learning Community would also be eliminated. As is noted by the Legislative Fiscal Office, when spending by these school districts is decreased, that reduction will show up as less state General Fund spending in the state school aid formula two years after the reductions are incurred by the schools. For our state budget purposes, this bill would then save approximately \$3 million annually in TEEOSA school aid expenses, but that savings would not start until fiscal year 2015-16. I firmly believe that we as state policymakers need to be fully aware of what this part of the Learning Community law has cost the taxpayers so far and what those increasing costs are likely to be if open enrollment within the Learning Community continues to grow into the future. Clearly I prefer to tackle the Learning Community issue with the proposal that I set forth in LB179. However, if this committee should choose not to advance that bill, it's my sincere hope, at a minimum, that LB178 would be advanced to the floor of the Legislature. Thank you for your attention to this significant cost-savings bill. I am happy to answer any questions that you may have. [LB178]

SENATOR SULLIVAN: Thank you, Senator Kintner. Senator Avery. [LB178]

SENATOR AVERY: Thank you, Madam Chair. Welcome, Senator Kintner. One of the reasons why the Learning Community was created back in '07 was to try to come up with a creative way to find the functional equivalent of one city, one school district, because that got away from Omaha a long time ago. And in doing so, the hope was that we would be able to close the achievement gap. What, if anything, does your bill do to advance either or both of those goals? [LB178]

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SENATOR KINTNER: Well, we haven't closed the achievement gap, so spending all this money on transportation has not in any way, shape, or form done that. So if we get rid of all this money that we're spending, then the achievement gap is still there and nothing has changed and we've just saved millions of dollars. [LB178]

SENATOR AVERY: So it does not address the achievement gap, it is just a money problem...money issue, money savings? [LB178]

SENATOR KINTNER: Well, the Learning Community doesn't address the achievement gap, that's the problem with it. [LB178]

SENATOR AVERY: I beg to differ with you on that. [LB178]

SENATOR KINTNER: Okay. [LB178]

SENATOR AVERY: If this makes it to the floor, we'll have that discussion. [LB178]

SENATOR SULLIVAN: So your main motivation here is to be a cost saving? [LB178]

SENATOR KINTNER: Yes. We're going to have an achievement gap with the transportation spending; we're going to have achievement gap without the transportation spending. So let's save the money. [LB178]

SENATOR SULLIVAN: What would...if, in fact, your goal would be to address the achievement gap, and you feel the Learning Community hasn't, what would be your approach to doing that? [LB178]

SENATOR KINTNER: What would be my approach to doing that? You know, that...I'm not sure. I do not have a great plan right now. But, you know, what I think we can do is put the best minds we have in this state together and come up some way to address the achievement gap. You know, that's what it's about. It's about educating these kids and doing it in a way that works. So far we've spent millions of dollars, the Learning Community, and the achievement gap hasn't closed. [LB178]

SENATOR SULLIVAN: What basis have you discovered or determined that? On what basis have you determined that? [LB178]

SENATOR KINTNER: Looking at test scores; looking at ACT scores. We start to look at that and we haven't seen any significant closing of the achievement gap. Now, now I was in my office listening to some earlier testimony, and there's been some good things done. There's been some great social programs, and we try to address the broken families and the needs of students. But in terms of educating kids, you know, that hasn't helped improve the test scores and get the students...or to close that achievement gap.

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[LB178]

SENATOR SULLIVAN: Senator Kolowski. [LB178]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator Kintner, thank you for your proposal. Just on the issue of the achievement gap, are you familiar with the gains that have been published by OPS in the last two years, not only in test scores going up, the standardized tests within the state, but also increasing the graduation rate? And I believe some of their ACT scores (inaudible) from their high schools have tweaked up a bit. Do you have some of that? [LB178]

SENATOR KINTNER: Yes. You know, but the achievement gap hasn't closed. As it's gone up, it's gone up across the board, everyone has gotten better. As soon we started testing, we started improving in the schools. It's the gap we're talking about. I don't doubt that OPS is doing better, absolutely they're doing better. But every other school is doing better; every school has gotten better. So the achievement gap hasn't narrowed. We're talking about the achievement gap, not that they're doing better. They're not doing better in relationship to the other school districts. [LB178]

SENATOR KOLOWSKI: Well, I think there are other things that haven't been looked at, but I'll just stop right here. [LB178]

SENATOR SULLIVAN: If you were listening to previous testimony from your office, did you hear the comments from Mr. Stilwill that talked about the gap in income and poverty is raising faster than...? That gap is increasing. Do you make any correlation between that and the achievement gap? [LB178]

SENATOR KINTNER: You know, I didn't hear that part of the testimony, but I've talked to him aside from that, and, you know, I've heard that, yes. [LB178]

SENATOR SULLIVAN: Any reaction to that in terms of...as I said, the correlation between that gap and trying to close the achievement gap? [LB178]

SENATOR KINTNER: You know, that...there very well may be some correlation. But, you know, we've had our times in our country when we've had bad economic times and we haven't necessarily seen the scene...the education go of kids suffer. We're seeing it now, I think, for some other reasons, but it doesn't necessarily go hand in hand that poverty always equals bad test scores. [LB178]

SENATOR SULLIVAN: Senator Davis, did you have a question? [LB178]

SENATOR DAVIS: Just a couple questions. So, essentially, what you're going to do with this bill is completely do away with all the open enrollment policies? Is that right, the

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way I read it? [LB178]

SENATOR KINTNER: No. All it does is it takes away the transportation funding. [LB178]

SENATOR DAVIS: For the open enrollment? [LB178]

SENATOR KINTNER: Yes. [LB178]

SENATOR DAVIS: So if someone is going to go to another school, then that would totally be their expense to do so? [LB178]

SENATOR KINTNER: Yes. [LB178]

SENATOR DAVIS: So if we're going to do that, aren't we basically moving completely away from the whole function of what the Learning Community was supposed to be about in the first place? To try to get resources to where they needed to be and get students to places where they would be able to learn? [LB178]

SENATOR KINTNER: No, the resources are still going there. We're just not doing the transportation part. The resources would all still be going wherever they're going, it's just they would have to get there on their own. [LB178]

SENATOR DAVIS: And don't you think that might be a little bit problematic for some people? [LB178]

SENATOR KINTNER: Yes, it would be. You're right, there...but, you know, if you go to... [LB178]

SENATOR DAVIS: So essentially...I'm kind of playing the devil's advocate with you, Senator Kintner. But, you know, aren't you going to be locking people basically back into what they were in before, which I think was why the Learning Community was put together in the first place? [LB178]

SENATOR KINTNER: Well, you know, go to any high school; go to Papillion South; go to Springfield, look at the line of SUVs; like go to Millard, look at the line of SUVs of parents driving their kids to school. I mean, people do it all the time, it's normal. I mean, four miles...I mean, you know, you're three miles away and you're probably driving your kids to school and most parents are driving their kids to school. In my neighborhood, almost every single parent drives their kid to school unless their kid is old enough to drive. [LB178]

SENATOR DAVIS: Well, I sympathize with that, but, you know, there are people whose car is 25 years old and doesn't run very well. I mean, they're not going to be able to

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drive their kid to school; so how are they going to get there? [LB178]

SENATOR KINTNER: I would rather make their schools in their neighborhoods the best they can be. They shouldn't have to come to another neighborhood to get an education. We need to make those schools in their neighborhood the best they can be. [LB178]

SENATOR DAVIS: Well, I think that's a laudable goal. [LB178]

SENATOR SULLIVAN: Senator Cook. [LB178]

SENATOR COOK: Thank you, Madam Chair. And thank you, Senator Kintner. I was going to build on that idea that the line of SUVs at Papillion South with ostensibly nonworking, probably, mothers, that's not the way that I would argue most people in the state of Nebraska live, especially the people, the children and families that were identified as requiring assistance. Certainly, people who live in poverty or endure the generational effects of poverty, I would emphasize the term "generational," because wanting to eliminate a program that is four years old after we've had about 400 years of people working here for free, etcetera, seems a little bit ludicrous. So all I wanted to offer is what is an image for you of not a line of SUVs at Omaha North or even Florence School, or even some schools that are suburban schools, Omaha Westside, for example. So I just wanted to offer that because it seemed a little bit missing from your consciousness, and I know that you want to make decisions and draft policy out of a complete picture of what our reality is versus how you might perceive it. [LB178]

SENATOR KINTNER: Well, I don't... [LB178]

SENATOR COOK: That wasn't a question. [LB178]

SENATOR KINTNER: But I don't believe...I got to tell you, I don't even believe I know a parent in my neighborhood--and I live in south Sarpy in the Papillion-La Vista school district--I don't believe I know a parent that doesn't work. [LB178]

SENATOR COOK: Okay. [LB178]

SENATOR KINTNER: I was trying to wrack my mind when as you were saying that. I don't think I know...they all work. [LB178]

SENATOR COOK: All right. But statistically Nebraska parents are disproportionately, they're among the highest in the nation where both parents, or the single parent is in the work force. I just had a challenge with that imagery because, not just you, I think that there are many people in the state that draw their conclusions about achievement, poverty, crime, intellectual capacity, they draw it from an image that is incomplete and inaccurate. [LB178]

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SENATOR KINTNER: You know, my image of a woman across the street, she gets up early, she takes two kids to two different schools. She hustles over to one, gets over to the other one, then shoots off to work, and then the husband, when he's not out of the country in the military, he tries to go grab the kids on the way home from wherever. I mean, they're juggling around. [LB178]

SENATOR COOK: Absolutely. [LB178]

SENATOR KINTNER: That's my image of today's modern family. [LB178]

SENATOR COOK: Absolutely. And some of the image includes whether a father or a mother is serving in the military, perhaps they're absent. They may no longer be a family, in terms of living together. They may be lucky enough to have a 25-year-old car that runs. But I'm fortunate in my 15-year-old car to drive by people on my way here who are waiting with children for the bus in Omaha. And we're lucky enough to have a bus that runs up and down my neighborhood. So I wanted to offer that perspective for the record as people consider testifying. [LB178]

SENATOR SULLIVAN: Senator Avery. [LB178]

SENATOR AVERY: Thank you, Madam Chair. Senator Kintner, we've talked a lot about the achievement gap today, and you mentioned it. What does it mean to you? If you had to define it, what would it...how would you define the achievement gap? [LB178]

SENATOR KINTNER: You know, the achievement...you know, if we look at what the Learning Community wanted to do, they really wanted to equalize the learning from students in Omaha with the students in the suburban areas; you were a part of that. And so what it would like if we narrowed it, to me, would be that they're achieving at a much closer...that we look at every measure from graduation, the ACT scores, the test scores. I know we don't have complete test scores going back five years, I understand that. And when that narrows, that gap narrows, I think that is success. [LB178]

SENATOR AVERY: Have you thought about looking at the achievement gap as a gap between poor students and minority students and those who are not so poor and not so black? Maybe that's the achievement gap we're talking about and not the difference between Bellevue and north Omaha? Not between schools, but among students? [LB178]

SENATOR KINTNER: Yes, that makes a lot of sense to me. [LB178]

SENATOR AVERY: That's exactly what it was about. [LB178]

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SENATOR SULLIVAN: Any other questions for Senator? Okay, thank you. [LB178]

SENATOR KINTNER: I'll stick around and make closing comments. [LB178]

SENATOR SULLIVAN: Very good, very good. Could I have a show of hands on how many are planning to testify on Senator Kintner's LB178? Okay. We'll first hear testimony, proponent testimony on LB178. Okay. We'll hear now opposition to LB178. [LB178]

TED STILWILL: Good afternoon again. Ted Stilwill, T-e-d S-t-i-l-w-i-l-l, CEO with the Learning Community. I had a chance previously in earlier testimony to indicate the Learning Community Coordinating Council position being opposed to the elimination of the transportation subsidy for families eligible for free and reduced price lunch. But since the council took a position, I felt it important to bring that to your attention once again for the reasons already described. Thanks. [LB178]

SENATOR SULLIVAN: Thank you. Any questions for Mr. Stilwill? Thank you. [LB178]

SENATOR COOK: I have one question. [LB178]

SENATOR SULLIVAN: Oh, I'm sorry. Mr. Stilwill. [LB178]

SENATOR COOK: Just for clarification, because we are new. We weren't as fortunate to be here when Senator Avery was here. So that we know we're singing off the same song sheet, what is the achievement gap as it is defined for purposes of your work at the Learning Community? [LB178]

TED STILWILL: Well, the achievement gap, as it's commonly understood in the education community, and I think among most policymakers, is the one that I think Senator Avery described. It's the difference between...or among students of different categories. So, free and reduced priced lunch students versus non-free and reduced priced lunch students; students of color; males, females; whatever those might be. There is all kinds of analysis. The federal government now requires that analysis and most districts in the Learning Community report it regularly, as well as the state. [LB178]

SENATOR COOK: Okay, thank you. [LB178]

SENATOR SULLIVAN: Thank you for your testimony. [LB178]

TED STILWILL: Sure. [LB178]

SENATOR SULLIVAN: We'll hold off just a minute. We've got some problems with our recording machine. Okay, well, we'll continue to have opposition testimony for LB178.

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Anyone wishing to speak in a neutral capacity? Welcome back. [LB178]

JOHN KNAPP: Welcome. Glad to be back. John Knapp, J-o-h-n K-n-a-p-p, South Sarpy 46 School District. I think there needs to be limits on busing. I'm not sure I...I believe the state...it's the State Constitution requires the state to fund...to ensure that the students are educated. And this bill puts a lot of the cost onto the individual school districts. And I believe that it should be...the state should be picking up the gap. If you feel you need to bus kids around north Omaha, or whatever school district, and it sounds like most of the students that are taking advantage of it are in north Omaha, or south Omaha, Bellevue, and that kind of the eastern perimeter of the districts, I think the state should be picking up that education fee and not the school districts, especially when it is extra fees. [LB178]

SENATOR SULLIVAN: Thank you, Mr. Knapp. Any questions for him? Thank you for your testimony. Anyone else wishing to speak in a neutral capacity? [LB178]

BOB TWISS: Good afternoon, members of the committee. My name is Bob Twiss, B-o-b T-w-i-s-s. I reside in Gretna, Nebraska, and I just want to quickly say, because the hour is growing late and I have much more to say on the next bill, that I speak in a neutral capacity on this bill. It doesn't quite go far enough. [LB178]

SENATOR SULLIVAN: Thank you. Any questions for Mr. Twiss? Thank you for your testimony. Mr. Kintner...Senator Kintner to close. [LB178]

SENATOR KINTNER: You know when people in Sarpy County see that we're spending close to \$50 a day to put a kid on a cab and take them both ways to school, that's just offensive, absolutely offensive to taxpayers. They think there's got to be a better way; there's got to be a smarter way. And I ask you to free up this money; let's take this money, let's put it toward educating kids. Thank you very much. [LB178]

SENATOR SULLIVAN: Thank you. Any questions? Okay, stay right there. (Laugh) That closes the hearing on LB178. We will now begin the hearing on LB179. Senator. [LB178]

SENATOR KINTNER: (Exhibit 1) Once again, thank you, Chairman and members of the Education Committee. For the record, my name is Bill Kintner, B-i-l-l K-i-n-t-n-e-r, and I represent Legislative District 2. I appreciate having the opportunity to submit LB179 for consideration. LB179 would terminate the Learning Community and the Learning Community Coordinating Council as of July 1, 2014. The boundaries of Bellevue, Bennington, Douglas County West, Elkhorn, Gretna, Millard, Omaha, Papillion-La Vista, Ralston, Springfield Platteview, and Westside Public School Districts will be frozen as the boundaries exist on July 1, 2014, or until they are changed in accordance with any reorganization entered into by one or more school districts as allowed under current

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law. The Learning Community was established following the 2006 enactment of LB1024. The law mandated a mix of poor and affluent public school students attending schools in 11 separate school districts in Douglas and Sarpy Counties, with the purpose of narrowing the achievement gap. In order to achieve this goal, a new layer of government, called the Learning Community, was created. Funding for the Learning Community was raised via a common levy, which was imposed on the 11 school districts. The new property tax was assessed and collected on residents of those two counties. The arrangement continued and, for 2012-13 fiscal year, generated \$6.5 million in new taxes. The distribution of these funds is spread unevenly across the 11 districts, creating net gains for some school districts and a loss of funds for others. Since its creation, the Learning Community has faced significant opposition from those districts on the losing side of this tax shift. While the stated goal of the Learning Community may be noble, many are questioning whether or not this mission is clear enough to justify the means implemented to achieve its success. Recently, the public confidence in the Learning Community and its Coordinating Council has diminished due to the decisions of the council to expend monies received through state aid and the property taxes to programs not directly associated with the education of our children. The Learning Community and its Coordinating Council simply do not have a clear measure for educating our children and have instead stepped far from their mission by funding projects that would be much more suited to be funded by our Department of HHS and Human Services or even a local nonprofit. Let the record be clear, this bill is not intended to punish those families in need of help. Rather, it's intended to realign the expenditure of tax dollars to the rightful recipients and to suggest that the Legislature find alternative methods of solving these problems. In contemplating the introduction of this bill, you know, I found myself considering what I have been asked numerous times by school district representatives and parents within the Learning Community boundaries: Has the Learning Community been successful in achieving its stated goals? I share the opinion of countless residents, school patrons within Douglas and Sarpy County that the Learning Community has ultimately achieved...has not achieved what it was intended to achieve. To start, let's examine the Learning Community's goal of providing a more diverse socioeconomic environment. According to the Learning Community's annual report, of nearly 3,400 students enrolled through open enrollment only 37 percent of the students contributed to the socioeconomic diversity of their new school. Nearly two-thirds of the new open enrollment students do not contribute to that goal. The next and most important measure of success that we examined is whether or not the Learning Community has narrowed the achievement gap. Sadly, again, the answer is no. I have provided you with a copy of the Learning Community map showing you the location of each school district within the Learning Community boundary. On the second chart, I have provided you with the ACT test scores and with the state's reading test scores. As you can see in these charts, the education gap does not seem to have changed in any meaningful way since the Learning Community has begun. In fact, the ACT scores in the Omaha Public Schools district have declined from 2007 to 2011. This, I believe, is a testament to the fact that the Learning Community's goals are

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unclear and they're unable to be met. The purpose of this significant policy change that I am proposing in LB179 are to eliminate the failed Learning Community experiment, which after its numerous years of existence has added to the property tax burden of the taxpayers in Douglas and Sarpy Counties without having achieved substantial improvement of minority academic achievement. I know this bill will be controversial, but based upon the arguments I expect to hear from the opponents, I'm not sure at all that I'm convinced that this issue will age well or that it will be easier to swallow for the residents of Sarpy County any time soon. The creation of the Learning Community was exceptionally controversial. Please know that the patrons of the 11 school districts have not settled into accepting the Learning Community. I ask you to advance LB179 to the floor for further discussions by the entire Legislature. Before I take any questions, though, I do want to say that the Bill Drafting did an exceptional job in putting this together because they had to harmonize a ton of different pages. As a matter of fact, if you look at it, all the changes are on the first page, and basically the rest of it is just being harmonized. So they did an outstanding job, and I want to thank Bill Drafting for doing that. And I'll be happy to address your questions. Now there may be some things that you ask of a technical nature that are going to be better answered by people behind me. So I may defer on a couple things, but I'll be glad to answer any questions I can. [LB179]

SENATOR SULLIVAN: Thank you, Senator Kintner. One of the things that you said, in terms of recognizing that there are still some real needs to be met that you thought could be met by moving programs that maybe are currently ongoing to the Department of Health and Human Services,... [LB179]

SENATOR KINTNER: Yeah. [LB179]

SENATOR SULLIVAN: ...any indication that they have the capacity to do that or the willingness or...? [LB179]

SENATOR KINTNER: Thinking aloud, okay, because I...by the way, let me go back for a second. I set this up to start on July 1, 2014. That means it gives us an entire year. So it keeps the Learning Community in place for a year. It gives us an entire year to put together whatever committee that we think needs to be put together and try to solve the real problem. So during that time, I think, you know, the \$8 million or so, that's pocket change for HHS. HHS could take the entire Learning Community staff and the good programs they're doing and just put them into HHS. OPS could take the Learning Community staff and put them in OPS and do a lot of them. You know, I've had school district superintendents tell me, you get rid of the Learning Community, I'll pick up the cost of those programs myself. That wasn't OPS, by the way, but. So, you know, \$8 million or so is just such a small number for HHS. When we're seeing in Appropriations, the money that we're talking about, is...that's the money that they lose in their couch seat cushions each year. [LB179]

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SENATOR SULLIVAN: Any other questions for Senator Kintner? Senator Cook. [LB179]

SENATOR COOK: Thank you. I have a question related to the additional money--and you may not know this--that each of your...let's say Legislative District 2's residents. How much more are they paying to support the Learning Community, a typical money or a typical...do you have a range or a number? [LB179]

SENATOR KINTNER: No, you know, I don't. I... [LB179]

SENATOR COOK: Okay. [LB179]

SENATOR KINTNER: I don't know how much additional it is. I'm guessing a few hundred dollars for the typical... [LB179]

SENATOR COOK: Okay. [LB179]

SENATOR KINTNER: I've never sat down and actually looked at my tax bill, to be honest with you. [LB179]

SENATOR COOK: Yeah, it can be painful to look at the bills, I know. (Laugh) [LB179]

SENATOR KINTNER: But what...you know, I know how much the total amount is. [LB179]

SENATOR COOK: Yes. [LB179]

SENATOR KINTNER: Okay. [LB179]

SENATOR COOK: Thank you. [LB179]

SENATOR KINTNER: Yeah. [LB179]

SENATOR SULLIVAN: Senator Davis. [LB179]

SENATOR DAVIS: So, Senator Kintner, you talked about the number of students that are enrolled through open enrollment, and you said it's 3,400 students. And aren't there over 100,000 students in the district? [LB179]

SENATOR KINTNER: In the whole...? [LB179]

SENATOR DAVIS: Yes, 110,000. That just seems surprisingly small to me. I just wondered where you got that figure. Was that... [LB179]

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SENATOR KINTNER: We got that from the Learning Community's annual report. Now I think that number is substantially higher now, but that report was published a while back. So I think the next report we're going to see at least double that number. I'm told I think it's like over 7,000 students are now participating, which, by the way, the transportation costs I talked to you about in my bill, if it is 7,000, are going to be a lot higher now, so. [LB179]

SENATOR SULLIVAN: Okay, Senator Kolowski. [LB179]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator Kintner, on the state reading scores that you've given us,... [LB179]

SENATOR KINTNER: Um-hum. [LB179]

SENATOR KOLOWSKI: ...do you know which test that is and what grade levels you're talking about, or is that the composite for the district for those three years that are shown? There's no (inaudible). [LB179]

SENATOR KINTNER: That was whatever was published that we pulled down from the...I believe that was from the state, so whatever they're doing for testing now. [LB179]

SENATOR KOLOWSKI: Okay, but that...the specificity isn't there of that (inaudible). You and I have also had discussions on the ACT scores and the charge to the Learning Community. When you're talking about ACT scores, you're talking about juniors and seniors in high school, primarily, in each of those years, and as you see those from 2007 through 2011. The Learning Community's charge is not directed toward high school or even middle school students on a narrow scale or a broad scale. It's much more toward the early childhood and elementary level of students; and so, resultswise, we're, you know, we're down the road years from now that we're going to be looking at the impact as we can trace, as we asked Dr. St. Clair, as we can trace students and their success patterns...and remember, we're only dealing with a small number of the students because of the small budget that we have overall impacting the students in north and south Omaha with the greatest need. So I don't find any usefulness of the ACT scores for your argument at this time. Thank you. [LB179]

SENATOR KINTNER: Well, Senator, thank you. That was a great point, by the way. I'm glad you asked that question. You know, tell that to a kid in the 10th grade now: Hey, just wait a little longer, just wait a few more years. Tell that to a kid in the 9th grade right now. Tell it to a kid in the 11th grade. They don't have a few more years. We have a constitution that says we're going to give every kid a good education. And, for that kid in the 9th grade right now, he doesn't have five or six years to wait. He needs help now.

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This committee can move this forward right now. We can tinker around with the Learning Community. We can adjust this. We can change this. We can put this over here. We can do this. We can change the funding for transportation. Or we can get rid of the Learning Community and get busy on finding something that's going to close this achievement gap and give every student the education they deserve, and that's what I'm asking this committee to do. I'm asking you to take a bold step forward. But these kids--they're not in the 3rd grade, they're in the 8th grade--need help right now, and we need to do it right now for those kids. [LB179]

SENATOR SULLIVAN: Senator Kolowski. [LB179]

SENATOR KOLOWSKI: Thank you, Madam. Senator, do you have a fiscal note on giving every student that chance right now, all 110,000 students? Is that in your proposal? [LB179]

SENATOR KINTNER: That doesn't necessarily mean spending money. That means giving them a good education. That's not necessarily more money. [LB179]

SENATOR KOLOWSKI: Thank you. [LB179]

SENATOR SULLIVAN: Senator Haar. [LB179]

SENATOR HAAR: Thank you. I'm just looking at the graph that you handed out. I love graphs, so thank you for that. (Laugh) If you look at OPS, there has been almost a 10 percent...I see no other school that's shown that kind of increase. Do you find another school that improved as much as OPS on there? [LB179]

SENATOR KINTNER: Looks like Ralston is doing good. Elkhorn improved, not quite as much, but they're getting better. [LB179]

SENATOR HAAR: But the point is that OPS, at least just from looking at this, it looks like they have the greatest amount of improvement over those two years. So they have improved more than any of the other school districts. We're not up to the same level, of course, but they have improved more. And when you're working with kids, you're never going to get a 0 to 60 in three seconds. It's going to take a while. [LB179]

SENATOR KINTNER: Well, you know, as a former teacher, you put me in a classroom, a classroom of the most needy kids, the kids that have the biggest deficiencies, and I can give them the biggest increase. You put me with them for a year, I'll give them a big increase. Now you put me in the honors class, and I may only make them that much better. But you put me with the poor kids, and I will give them a big increase. So when you start, I think, as low as Omaha Public Schools has started,... [LB179]

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SENATOR HAAR: Uh-huh. [LB179]

SENATOR KINTNER: ...there is a lot of room for growth. And they're growing, and I like that. [LB179]

SENATOR HAAR: Yeah, and so your chart actually shows that they're...I would take this as a sign of success, your lower chart, that they're, just like you said, they're increasing faster, at a higher rate, however you want to say that, than any of the other schools I can identify on there. [LB179]

SENATOR KINTNER: Well, Senator, to rephrase it, I think that's the low-hanging fruit, and we're...you know, you're going to see that. That's kind of what I was saying about my experience as a teacher. So that's the low-hanging fruit. You've jumped the first hurdle. When you're starting that low, so they...and that's the easy part. [LB179]

SENATOR HAAR: So that's how you would explain their better progress, their percent of progress? Okay. [LB179]

SENATOR KINTNER: Yeah, yeah. You know, I think so. Well, you know, the...I'll explain it like this: good teachers doing good work too. [LB179]

SENATOR HAAR: Yeah. [LB179]

SENATOR KINTNER: Don't ever forget the teachers that care about the kids because that's the front line of this whole thing. [LB179]

SENATOR HAAR: Can I talk for... [LB179]

SENATOR KINTNER: So I'm sure there's a lot of good teachers that are just busting it to educate those kids, and we need to recognize and appreciate that also. [LB179]

SENATOR HAAR: And I taught for 15-20 years, and a lot of that was in Omaha as well--Tech High School for four years, etcetera. [LB179]

SENATOR KINTNER: Well, Senator Haar, let me just take this opportunity. You know, there are a lot of success stories, and from everything I can tell I think the Learning Community is starting to do some good things. They're trying to, you know, repair some problems in families and help problem kids that have problems that, you know, kids in other income levels don't have. And I don't think that necessarily has to go away. I think if it's working, I think this Legislature would want to keep it. I think we can get rid of the Learning Community as the existing structure and keep those programs that work. Now I don't see any reason why we couldn't do that. I'm not even advocating that those programs go away. I mean, it...you know, I... [LB179]

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SENATOR HAAR: And which...yeah. [LB179]

SENATOR KINTNER: It looks like it's...it looks like we're getting a pretty good bang for the buck there, so, yeah, I think we can probably fold that into somewhere else. So they don't have to go away because we get rid of this monster called Learning Community with the common levy and all the things it's doing. You know, those...you know, if it's that good I think this Legislature would...and I think the Appropriations Committee would find that money and keep them there. [LB179]

SENATOR HAAR: And which of those good programs...I'm sorry, it almost sounds like you're arguing for the Learning Community with what you just said. [LB179]

SENATOR KINTNER: Well, those programs have nothing to do with learning. They have things to do with helping families and helping kids prepare. Those are programs that we generally do through HHS. You know, we don't need an extra layer of government. We don't need to tax people in Sarpy to pay for programs in OPS. We don't need to burden the rural school districts, especially in my district, with that. We can do that and leave them alone and have local control of their schools and let them do what they want to do, and we can go ahead and fix those problems where we see them. [LB179]

SENATOR HAAR: So would you say then that through TEEOSA, or whatever, because we get to play with TEEOSA,... [LB179]

SENATOR KINTNER: Yeah, yeah. [LB179]

SENATOR HAAR: ...that we ought to just increase the amount of money going into OPS, whatever is working well there, that that ought to be the state responsibility? [LB179]

SENATOR KINTNER: You know what? There's a lot of ways to handle that. That's one way to do it. But I would think that, if my bill becomes law, we've got one year to put together the best minds that we can find in this state and see if we can address that problem: How do we really solve the achievement gap; and what's still left in the Learning Community, in terms of programs, that we might want to save? [LB179]

SENATOR HAAR: But get rid of the common levy. I mean, if you found good programs in the Learning Community, would you maintain the common levy for those, or would you...? [LB179]

SENATOR KINTNER: No. No, no, no. If those programs are as good as they say they are...we have all kind of programs. We talk about millions of dollars in Appropriations.

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We spend seven or eight minutes and we appropriate \$15 million, and, you know, we don't bat an eyelash. Well, I bat an eyelash. Most of the committee there doesn't bat an eyelash. And, you know, for \$8 million, if these programs are that effective, we could easily find \$8 million and fund them. We don't need to burden any of these other school districts with this stuff. We need local control of schools. We need to let Springfield Platteview run their own schools, and Bennington needs to run their own schools, and DC West. Let them do what works for them. They don't need to be burdened with all this other stuff. [LB179]

SENATOR SULLIVAN: Any other...Senator Davis. [LB179]

SENATOR DAVIS: I don't want to belabor this point, Senator Kintner, but, you know, I don't see how your Learning Community is restricting your local schools from conducting their own business. [LB179]

SENATOR KINTNER: Well, you know what? I will defer to them. You know, if they like the Learning Community, I think they would have communicated that to me. [LB179]

SENATOR DAVIS: Well, I...you know, I...my...I mean, you said it's restricting the local control. I just can't see that. I understand your frustration with it, but I guess I would ask you, what aspects of the Learning Community...? You've spoken about some of the good things, some of the bad things. What aspects of the Learning Community would you keep? [LB179]

SENATOR KINTNER: The money. If the taxpayers in Sarpy County pay money, it should stay in their school district, controlled by their school board, and that's how it should be. [LB179]

SENATOR DAVIS: So it's strictly an issue of finance? [LB179]

SENATOR KINTNER: That's the most important one, and then the transportation aspect, saddling them with having to pay for kids to transport them all over the place. [LB179]

SENATOR DAVIS: I can kind of get with you a little bit on that part. [LB179]

SENATOR KINTNER: But, you know, there are clearly problems, and we need to address them. I just don't think the Learning Community is the way to do it. If we keep fiddling around with it, adjusting the Learning Community, trying this and trying that, we're not focusing on the problem at hand, which is fixing the achievement gap and giving every kid a good education no matter what school district. [LB179]

SENATOR DAVIS: Thank you. [LB179]

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SENATOR SULLIVAN: Thank you, Senator Kintner. You'll be here for closing. Oh, Senator Avery. [LB179]

SENATOR KINTNER: Okay. [LB179]

SENATOR AVERY: Just one more question. Thank you, Madam Chair. You do admit that you're taking a sledgehammer to this Learning Community with this bill? [LB179]

SENATOR KINTNER: A sledgehammer. I haven't thought of it that way. But yeah. Yeah,... [LB179]

SENATOR AVERY: Well, let's use another metaphor: a meat axe. [LB179]

SENATOR KINTNER: Senator, baseball bat, meat axe, sledgehammer. Yes, okay, I'll give you that. [LB179]

SENATOR AVERY: If you were trying to improve the situation, you'd take the approach of the surgeon, where you carefully excise what is bad and you leave what is good. You aren't leaving anything, and you don't have anything...and you haven't said a word here today that would convince us that you have a plan or any idea of where you would even want to go to close that achievement gap and to improve things for the kids. It seems to me that all you want to do is destroy the Learning Community, and then let's leave it at that and hope somehow that the fairy godmother will come down and fix everything for us. [LB179]

SENATOR KINTNER: Senator Avery, the fairy godmother is not going to fix anything. But smart people, like you and this committee, can sit down and figure--we've got a whole year to do it--figure out what's really going to work. [LB179]

SENATOR AVERY: And we were here in '07. [LB179]

\_\_\_\_\_: We did that. [LB179]

SENATOR AVERY: We did that in '07. There were some pretty smart people in this room in '07 working on that. [LB179]

SENATOR KINTNER: Well, you know what? Smart people fail. And if we come up with a plan that doesn't work, in five years I'll say, okay, we tried it again. Try something else. [LB179]

SENATOR AVERY: I'm speechless. [LB179]

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SENATOR SULLIVAN: Thank you, Senator Kintner. You'll be here for closing, I presume? [LB179]

SENATOR KINTNER: I sure will. [LB179]

SENATOR SULLIVAN: Okay. I'd like an indication now of how many people we have to testify, first as proponents, and then as opponents. Okay, very good. We'll start with proponent testimony on LB179. And just as a reminder, because the hour is growing late, that we will adhere to the light system for five minutes of testimony. And also, I know everybody has been pretty cognizant of this today, but listen to the testimony that is being given. And if you are basically saying the same thing, there's no harm in saying, I agree with what's been said. But we are looking for testimony that's going to be helpful to the committee in making our decision. Hello. [LB179]

RUTH LIENEMANN: Sorry about that. [LB179]

SENATOR SULLIVAN: That's all right. No problem. Would you like some help from one of the pages? [LB179]

RUTH LIENEMANN: Some help with what? I think I'm okay now, for all my clutter here. [LB179]

SENATOR SULLIVAN: Okay, very good. [LB179]

RUTH LIENEMANN: Okay. [LB179]

SENATOR SULLIVAN: Welcome. [LB179]

RUTH LIENEMANN: I'm ready. [LB179]

SENATOR SULLIVAN: Yes, go right ahead. [LB179]

RUTH LIENEMANN: (Exhibits 2 and 3) Okay. These packets up here are for the legislators who are going to decide on this bill. And I think if you had read all the information in there, which is researched, that the Learning Community would never have gotten off the ground in the first place. But that... [LB179]

SENATOR SULLIVAN: Could you please tell us your name and spell it? [LB179]

RUTH LIENEMANN: Ruth Lienemann from Papillion. [LB179]

SENATOR SULLIVAN: Okay. Okay, would mind spelling your last name? [LB179]

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RUTH LIENEMANN: Lienemann, L-i-e-n-e-m-a-n-n. [LB179]

SENATOR SULLIVAN: Thank you, Ruth. [LB179]

RUTH LIENEMANN: Okay. I don't know whether I need that mike or not. Am I talking loudly enough? [LB179]

SENATOR SULLIVAN: You're absolutely fine. [LB179]

RUTH LIENEMANN: I could probably get along without a mike. Well, you know, someone has said that what has made the state hell on earth is that man has always tried to make it his heaven. And that's a pretty big task, and I don't think we're qualified to do that. And someone has also said, wise men sometimes change their minds, fools never do. So I hope our senators are all wise, and I hope they have courage to admit that this bill was a mistake and should be put to death, and don't be embarrassed to have to do that. That takes courage. But Calvin Coolidge, as President, said...told his father, it's much more important to kill a bad bill than to pass a new one, and I agree with that. This one deserves its death. And then I was looking at the aims of the Learning Community, and let's see if I have them written down. The aims were--this was in the World-Herald--improve socioeconomic integration, financing, student achievement--those are pretty big goals--and, of course, equalizing property taxes, making a common levy for the two counties, Sarpy and Douglas. I don't believe that's a function of the Legislature to, shall we say, butt into the tax problems of the counties. That's county government, that's our responsibility, and I think you're out of line there. Quite often, citizens are ahead of the lawmakers they elect to serve them. Long before this "Alice in Wonderland" bill, which I call it, was conceived, there were successful solutions, and they were being practiced by people. Some of them are--a lot won't want to hear this--abandoning the public schools. They're not doing a good job, so people are leaving them. They're going into charter schools, wherever they're allowed, they're homeschooling, and those people have good people working with them. They use the best textbooks. They're using the books that they use at the Phoenix Academy, The Writing Road to Reading. And whether you know it or not, the alphabet is an invention, and we need to pay attention to it and use it. If we disregard it and teach kids to memorize whole words as pictures instead of a few sounds...you can teach a kid to read in two months if you teach them the sound code, teach them to see it, hear it, write it, and do that; they'll be reading before Christmas of their first year. I had five-year-old kids in country school. They were reading before Christmas because we used the commonsense method here. And, let's see, so the country school...the homeschoolers are doing a wonderful job. As for the socioeconomic experiments of the Learning Community, in the first page in this packet, which I'm leaving here, had the article from the World-Herald. Let's see, what do I have here? Oh, and it tells about the Learning Community. And they say--oh, where am I here? Oh, in comment to the Learning Community's goals that we're trying to equalize the achievement and the opportunities,

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the Thernstroms wrote a book called No Excuses, and they said, poverty is no excuse, and the academic culture in a classroom is much more important than the racial mix. So you can bus kids and have them all sitting...the Asians...blacks sitting next to an Asian to learn math. They say that is silly. And the Thernstroms also say that teachers' unions protect teachers, not students. And in this little book here, which I read, which I wish to leave with you, there's a little thing to just kind of open your eyes. They were holding a meeting in Florida, the NEA officials, to discuss their priorities. One member rose to challenge the supposed new policy. "Your job isn't to look out for the children, she said angrily. Your job is to look out for me." Now if that's what unions are doing, no wonder we have the problems we do. I think the problems in our schools are not the socioeconomic problems. It's the unions who are trying to call the shots and the teacher colleges who are doing a poor job training our teachers. And I don't think any legislative bill can change what the teachers colleges are doing. They'll say, get out of here, we're doing this. So we're at their mercy. So the only resource that people have are to leave the communities. And here's another book which you need to have. Thomas Sowell, about ten years ago, said, get Samuel Casey Carter's book on No Excuses. And the subtitle is Lessons from 21 High-Performing, High-Poverty Schools. They don't bus the kids to different schools, which is expensive. They go right into the neighborhoods. They're free from the bureaucracy. They look around, and they hire capable teachers, whether or not they are certified by a college, and those scores go up like this, so much that the white people send their kids to the black schools. [LB179]

SENATOR SULLIVAN: Ms. Lienemann, the red light is on. Can you wrap up your comments, please? [LB179]

RUTH LIENEMANN: Oh, I'm sorry. Let's see, what was I going to finish? Well, I was going to say, six of the seven children... [LB179]

SENATOR SULLIVAN: One last thing, please. [LB179]

RUTH LIENEMANN: ...six of the seven children in our family have college degrees, and they were teachers. The one had to stay home with the farming. And I taught right out of high school, at age 17, and my children were reading before Christmas and they were educated. [LB179]

SENATOR SULLIVAN: Okay, I appreciate that, Ms. Lienemann, but this is testimony on the Learning Community and not the history of your family. So thank you very much for your testimony. [LB179]

RUTH LIENEMANN: Thank you. [LB179]

SENATOR SULLIVAN: Any questions for Ms. Lienemann? Senator Cook. [LB179]

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SENATOR COOK: I have one question. Ms. Lienemann, the children that you taught to read by Christmas, I think that's wonderful. Do you...can you remember whether or not their parents spoke English and read English in their own homes? [LB179]

RUTH LIENEMANN: Well, our parents spoke German. Some of our children couldn't go to school speaking a word of English. They actually had to learn the language from the other kids. [LB179]

SENATOR COOK: And they learned from the alphabet versus whole language? [LB179]

RUTH LIENEMANN: Yes, yes. [LB179]

SENATOR COOK: Okay, thank you. [LB179]

SENATOR SULLIVAN: Thank you very much. [LB179]

RUTH LIENEMANN: I don't know how we can ignore the alphabet. I just don't know we can ignore it. Teachers, lots of times, do not have very much logic, I'm afraid to say, and there were six in our family. (Laugh) Well, if I gather up all of my clutter here...oh, I'm leaving these books here also for the Legislature. The title is Government, Poverty, and Self-Reliance. [LB179]

SENATOR SULLIVAN: Okay, the page will take those. Thank you very much. [LB179]

RUTH LIENEMANN: And government is not to take care of the poverty situation. [LB179]

SENATOR SULLIVAN: Thank you very...okay. Thank you very much. [LB179]

RUTH LIENEMANN: Is that mine? [LB179]

SENATOR SULLIVAN: Thank you, thank you. [LB179]

SENATOR COOK: No, that...the page can get that. [LB179]

RUTH LIENEMANN: Okay. Thank you again. [LB179]

SENATOR SULLIVAN: Further proponent testimony. Thank you. Okay, welcome. [LB179]

TIMOTHY GILLIGAN: Good afternoon, Senator, and members of the Education Committee. My name is Tim, T-i-m, last name is Gilligan, G-i-l-l-i-g-a-n, just like the

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island. I just have about three or four points that I want to bring up in regard to the Learning Community. We have 93 counties in this state, and it seems to me that the...well, like, Tekamah-Herman is a consolidated school district, but they did that on their own. The Legislature didn't have a thing to do with saying, you will go together as a school district. In my view, when you take two counties--Douglas and Sarpy--and 11 school districts and say, you will be a school district, that to me is specialized legislation and it's unconstitutional. The biggest gripe that I've got is that in Sarpy County we get reevaluated every year on every piece of property. Douglas County reevaluates between four and six years. So if I buy a \$100,000 house and Senator Kolowski buys a \$100,000 house, in ten years I'm going to be paying way more taxes than the person in Douglas County. I live in the Gretna school district. We are building one school right after another. The next school I don't think will be another elementary school. It's going to be a middle school, and within three or four years we're going to be building a second high school. When I moved to Gretna it was 500 people, and Highway 370 was a gravel road. I don't see where my money going into the Learning Community is helping my community. I think every school district ought to be able to run their own district. If I choose to live in Gretna and my taxes are high and I choose to stay there, that's my choice. But I'm telling you, senators, there are people...I'll be 70 in about two months. There are people my age and older that are moving out of Sarpy County because of the high taxes and because of the Learning Community. When you look on your Learning Community statement, on mine it states, Learning Community, and that's 41 percent of what I pay on my house in taxes. Now the others, the total bill with the community college and the bonds that Gretna has, it comes up to 65 percent of my total tax bill goes to the schools. I've got no problem paying for the schools. But I don't see why anybody in Omaha should have to pay for Gretna or why Gretna should have to pay for DC West. It doesn't make any sense to me. If I choose to live in that district, then I'll pay the taxes. If they get too high, I'll move somewhere else. And I think, senators, there's a...I know three couples my age that are seriously considering moving out of the state because of the high school taxes and the high state taxes, the property taxes. And that is basically the points that I wanted to make to you. I don't know whether it will do...have any influence on you. But we're going to lose a lot of people, and they're going to take their money with them when they move out of the state. And we need more people in this state. We've got two-thirds of the population living in one-third of the state, and we have a lot of roads to cover. We have a lot of schools outside of the Learning Community. But I think the Learning Community needs to go away and let each school district take care of itself. If Douglas County would reevaluate every year like they do in Sarpy County, they'd have plenty of money to take care of their own schools. They wouldn't need Sarpy County to put into their school system. Thank you very much. I know the hour is getting late, and you've got more people to testify. [LB179]

SENATOR SULLIVAN: Thank you, Mr. Gilligan. Are there any questions for Mr. Gilligan? Thank you so much for... [LB179]

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SENATOR DAVIS: I think Bill has got one. [LB179]

SENATOR SULLIVAN: Senator Avery. [LB179]

SENATOR AVERY: Thank you, Madam Chair. Were you aware that the Learning Community has been upheld by the courts as constitutional? [LB179]

TIMOTHY GILLIGAN: Yes, I am, Senator, and the only way it's going to change is if the Legislature changes it. [LB179]

SENATOR AVERY: Okay, I thought you said it was unconstitutional. [LB179]

TIMOTHY GILLIGAN: Well, to me, it is. But they're saying...I understand. They said it was for a local purpose. To me, it was so that the state did not have to give more money to OPS. That's why the Learning Community came about, in my estimation, from what I watched when it came about. And the only way it's going to change, the Legislature has to change it. Then you're right, the Supreme Court said it was legal, and the only way it's going to change is if this bill gets out of committee and goes to the full Legislature and they vote it up or down. [LB179]

SENATOR AVERY: Thank you. [LB179]

SENATOR SULLIVAN: Senator Kolowski. [LB179]

SENATOR KOLOWSKI: Thank you, Madam. Mr. Gilligan, thank you for your comments. I just wanted to clarify two things, if I may? The tax bill that I get for my home, as you get for your home, in Millard or in Gretna, we both have the same statement that says, the Learning Community, for our school taxes. [LB179]

TIMOTHY GILLIGAN: Um-hum. [LB179]

SENATOR KOLOWSKI: And we don't touch a penny of that money. It might as well say Millard Public Schools, just like yours should say Gretna Public Schools. And if you call Dr. Riley, he can clarify that point with you in case you need more background on that. Secondly, the Learning Community is not a school district, as you said. It's a Coordinating Council that works in the two-county area, and we wouldn't want to be confused with school districts as a title, if you would, please. Thank you. [LB179]

TIMOTHY GILLIGAN: Senator, can I just make a comment? [LB179]

SENATOR KOLOWSKI: Sure. [LB179]

TIMOTHY GILLIGAN: Then I think what needs to be done is if it's not going into the

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Learning Community...there are too many people--and I'm just speaking for Gretna because that's the people I'm talking to in western Sarpy County--that have the idea that the money goes into the Learning Community and the Learning Community deals it back out. [LB179]

SENATOR KOLOWSKI: And they do, to the individual district without taking a penny of that. Please understand that. That's important. [LB179]

TIMOTHY GILLIGAN: And then I think then, whether it takes the Legislature or whoever, but then it needs to say Gretna Public Schools rather than Learning Community, because that's a misnomer that has a lot of people, not only my age but younger, that that fires them up about, well, it's all going into the Learning Community; why are we putting all that money in the Learning Community? It ought to say then either Gretna or Millard or DC West, or whoever it is, because that causes a lot of misunderstanding then. [LB179]

SENATOR KOLOWSKI: Thank you. I appreciate that. [LB179]

SENATOR SULLIVAN: Thank you, Mr. Gilligan. [LB179]

TIMOTHY GILLIGAN: Thank you, ma'am. Thank you, Senators. [LB179]

BOB TWISS: Good afternoon, members of the committee, Chairwoman Sullivan. I'm pleased to be here to talk about the Learning Community and talk about the process and how we got here. I've been involved in attending... [LB179]

SENATOR SULLIVAN: Could you spell your...could you state your name and... [LB179]

BOB TWISS: I'm sorry. [LB179]

SENATOR SULLIVAN: That's all right. [LB179]

BOB TWISS: Bob, that's B-o-b, Twiss, T-w-i-s-s. I am also from the Gretna area, although originally from northeast Nebraska, in Pierce County. And I have with me an educational directory. I know you don't want me to go into the family lineage, but I'll very quickly tell you that this lady was a teacher. She would be approaching 205 years today. This is when the Bicameral was still here. This came out of her house after her death. I cared for her for over 30 years. And it just happens that it was compiled by a 5th grade teacher of mine. But it has a lot of detail in it, and I'm going to go back to...not quite that far. But I took care of her for well over 30 years. I moved to Gretna in 1978, became involved in attending school board meetings because our levy was out of sight. We were sixth highest in the entire state of Nebraska, and we were not growing. We were neck and neck, like this, with the city of Elkhorn--or, excuse me, the Elkhorn school

district at that time. Elkhorn was growing. They had high bonded indebtedness and growing like we're growing today. Why do I mention that? It's because I've been labeled as antieducation, against kids. Even when I spoke at Wayne State, Nebraska, in 1990, when I helped carry the water for the 2 percent solution and the repeal of LB1059. And that, LB1059 in 1990, was the bill that put beaucoup bucks into TEEOSA. It raised the sales tax by 25 percent, it raised the income tax by 17.5 percent. We had a district that the levy was growing and growing and growing. And if you can believe it, our student population at that time was declining--decreasing--and I knew there were problems. I come from a newspaper background, starting with my freshman year at the Plainview News in Plainview, Nebraska. I have a deep and abiding faith in our open process, our transparency, our open meetings law, and public documents, and I was denied some of those things in Gretna. I didn't tell them I had an economic development background. I didn't tell them that I was emphatic about student achievement. Each and every student coming out of that schoolroom door needs a good education for our state and our future and our economic development, each and every student. I didn't tell them I had a background with the newspaper, even though I worked for the Papillion Times, ran the Louisville Courier, worked for the Gretna Breeze, and worked for the Springfield Monitor, starting in 1960 to about '65. And I left Gretna, came down here to Lincoln, finished my degree, and then had to go to the happy hunting grounds away from the state and came back. And I was in Michigan, Minnesota, and Missouri before I came back to Nebraska. And I mention that because I was with the big corporations as well at that time. And I had a wealth of experience with the Gretna area. That's why we chose to build a house there in 1978. We, today, have a tremendous school district there--a tremendous school district. I ran my first election campaign, and most people don't even know this. It was a write-in campaign for the school board, and it was a six-day public announcement. And I had the teachers union, negotiators for the teachers union...boy, am I in trouble. [LB179]

SENATOR SULLIVAN: Yes, you are. (Laughter) [LB179]

BOB TWISS: ...teachers union work against me at the polls that time. I mention that because I have been at this for well over 30 years; and, as some of you know, I have tracked this Learning Community. I was here when the Class I's were being dealt with in 2005, the Learning Community in 2006, '07, and '08, and then tweak it in '09 with the formula. This process of the Learning Community is absolutely the poster child for the second house that we don't have. And when I signed in today, I signed in as representing myself and the taxpayers of Nebraska, including, and I mean, the second house. It was absolutely a farce when this Learning Community, over two different Speakers, I might add, and three years, put it on a fast track; never had an opportunity to even address amendments and debate various amendments. This process was an abomination. [LB179]

SENATOR SULLIVAN: Mr. Twiss, I'm going to have to ask you to wrap it up. [LB179]

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BOB TWISS: I know. And too bad I didn't testify earlier. I have a lot of detail. And I'm going to wrap it up at this moment with this. You have an awesome responsibility as Education Committee members--awesome responsibility--because our second house can't always be here. The general public is not represented very well in the Unicameral at all. And the awesome responsibility is that you, all of you, collectively, including myself and including everybody else in the audience and in the state, must demand accountability from our school districts; must demand accountability and performance from our school district. We need that student achievement for many, many reasons, and the best thing we can do is get rid of the Learning Community, which represents 40 percent of the entire student population. If it is so good, maybe we only need two more, maybe one in Lincoln, maybe the other one in the tri-city area, maybe North Platte or even Gering and Scottsbluff. [LB179]

SENATOR SULLIVAN: Thank you very much, Mr. Twiss. Any questions for Mr. Twiss? Thank you very much for your testimony. [LB179]

BOB TWISS: (Exhibits 4 and 5) I do have some handouts. I'm sorry, I do have some handouts. [LB179]

SENATOR SULLIVAN: We give those to the page. [LB179]

BOB TWISS: And one of them is the State Auditor's report on the abuse of free and reduced lunch. [LB179]

SENATOR SULLIVAN: Okay, thank you. [LB179]

BOB TWISS: Thank you. [LB179]

SENATOR SULLIVAN: Mandy, can you, like...thank you. (Laugh) Thank you. [LB179]

JOHN KNAPP: John Knapp again, J-o-h-n K-n-a-p-p. Thank you, senators, for the opportunity to speak. I'm not opposed to the programs going on by the...being done by the Learning Community. I'm opposed to the funding, and that's why I'm opposed to the Learning Community. If...as I said before, the constitution requires that the state is supposed to support the education of the kids. The Learning Community came about because OPS and Lincoln--and I think there was another district, but I don't remember who--was suing the state over what they felt was...they felt that they were being shortchanged in the state aid formula. And so, after this big battle that seemed to be going in their favor in the courts, all of a sudden we hear about we're getting this Learning Community legislation going. And after the Learning Community was created, the lawsuits were dropped. And one of the architects of the Learning Community, Senator Raikes, his county also adjoins the Douglas County, OPS, that area. He did not

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include his county residents in part of this big area. And I'm just as far from Omaha as Mr. Raikes...the people in Saunders County. I live down by...towards Schramm Park in southwest Sarpy County. And the common levy you talk about doesn't equal, equal assessments, as what Mr. Gilligan pointed out. And on my tax statement, the Learning Community...well, it takes the full, the maximum, for its levy, but our assessor does not treat us the same, as Mr. Gilligan pointed out; and so my property taxes have increased \$4,000 in the last two years, and 75--or approximately, I'm rounding it off--about 75 percent of that goes to the Learning Community...or education, excuse me, including the Learning Community. And our school district, South Sarpy 46, loses about \$1 million a year going out of our district. We're one of the smallest districts in Sarpy County...or in the Learning Community, and I don't see us being able to...without, you know, going...passing a bond...or I think you have to go through special legislation to increase your mill levy, I don't see how we can continue with...our programs can't compete with the Omaha school districts and the bigger districts. They offer...you know, when I was in college, the kids from Omaha, they had calculus, they had advanced chemistry. They were almost a year ahead of me. And that was in 1966, and I'm sure that things haven't changed too much. And, let's see here, then as far as speaking on educating kids, my grandfather came from Czechoslovakia in 1906, and they moved to Clarkson, Nebraska. He came to Omaha to learn English...when he wasn't farming he'd come to Omaha in the winter to learn English, and he met my grandma and they got married. And my dad and uncle were born in Clarkson, and then they moved back to Omaha, closer to my grandmother's family. And so when my dad started his school in Omaha, he could not speak any English at all. And the way they taught...he had to sit...him and my uncle, the way they taught them, you sat beside another student that could speak Czech, and that student was your intermediary between the teacher and you. And when my dad graduated from the 8th grade, he had the highest score in Sarpy County as an 8th grade graduate, and the schools recruited...the high school, Springfield High School, tried to get him to go to high school. But my great-grandmother said he could work hard; he was of good age, he could do more work on the farm, so he didn't go to high school. And so some of it's a matter of, you know, what you want to do. And as to Senator Avery's question, I think it is an issue on this Learning Community. If there is funding something the Learning Community is doing that you think is good, I think the state should fund it and shouldn't be tossing it onto the taxpayers in another district. And I think it's...again, I think it's back to the state's responsibility. Thank you. [LB179]

SENATOR SULLIVAN: Thank you, Mr. Knapp. Any questions for Mr. Knapp? Thank you very much for your testimony. Welcome. [LB179]

BRETT RICHARDS: Hello. I'm Brett Richards, superintendent of Springfield Platteview Schools. And I got a chance to talk to...it's B-r-e-t-t R-i-c-h-a-r-d-s. I did get a chance to talk to, you know, maybe four of you prior to the Education hearings on this issue. And, you know, I think, from our district's standpoint, we have tried to work within the Learning Community framework. We believe in the philosophies of the Learning

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Community. It's good education. For us...and the levies is our main issue, the funding, and how it's funded, because it hurts us and DC West the most, when it comes down to it. If we lived ten miles south and outside of Sarpy County, we'd have \$1.2 million more a year, if we want to do that, or we'd have a lower tax rate for our community. You know, we'd be at \$11.3 million this year if we were not in the Learning Community. Being in the Learning Community...and that's without state aid, okay, so we'd be self-sufficient in this process. Now we're dependent on state aid. We have \$4 million of that coming through state aid. The LC taxes, the Learning Community taxes, we get about \$5 million back, and our local 10 cents gives us \$1.08 million, for a total of \$10.1 million. And the way to think about this for us, that's over 11 percent of our revenue that's lost to other districts within the Learning Community. It's only \$1.2 million overall, but it's 11 percent of our revenue that's lost to other school districts. We had a board meeting the other night where we're trying to get baseball and softball in, you know, as part of an activity program. You know, we're giving money to these districts that have swimming pools, diving teams, tennis teams. And, you know, yes, we do get more per pupil than a lot of the districts that we're talking about, but in a smaller district takes more money to educate kids and provide the programs and activities that are needed. And, if you think about it, back in your home districts, outside the Learning Community, this would be 11 cents of your tax money going to other districts--11 cents that we're losing to other school districts. So we...not so much...I think Springfield Platteview, we...the Learning Community doesn't benefit our district a whole lot. I believe in the philosophies of it. I think our board does too. I think the biggest issue for us is the funding. I think the Learning Community Council has done a tremendous job in trying to help poverty kids, and we're all for that. We're asking you today, and I think we all realize that the Learning Community is here to stay for awhile, and we want to act within that. We're asking you to consider limiting our losses and giving us a chance to use some of the levy within our own district to continue to grow with kids. Our revenue is stagnant right now. Every year we're going to get about the same, and our costs go up. I mean the health insurance is going up 6.25 percent next year for us. We have to keep up with the CIR for our teacher salaries. It's not going down. And every time we meet that with the stagnant revenue, we're going to have to cut something, and that's going to hurt our kids and our district. I've talked to you all about poverty taxes. Is there a way we can share the burden of, you know, across the board with other districts around the state? I mean, there's other districts out there that have 65-cent levies. You know, we're paying \$1.05, and we're not getting our \$1.05. So that's where we're coming at it, from our district. We'd appreciate your consideration and any tweaks you can make at this point in time to help us out with that situation. [LB179]

SENATOR SULLIVAN: Thank you, Mr. Richards. Senator Davis. [LB179]

SENATOR DAVIS: Just a question, and then a point. The question is: How many students do you have at your...in the... [LB179]

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BRETT RICHARDS: We have just over 1,000 pre-K to 12; 1,026. [LB179]

SENATOR DAVIS: And the point being: You talk about other districts with low levies, and you're asking for revenue from them, which sounds like a common levy issue to me. You're protesting the common levy while at the same time you just proposed...I mean, we need to look at another approach. [LB179]

BRETT RICHARDS: You know, the common... [LB179]

SENATOR DAVIS: Doesn't that seem kind of contradictory to you? [LB179]

BRETT RICHARDS: Well, the common levy is...I mean, a revenue-sharing philosophy is fine. The amount of money we're losing out of our levy because of it is the concern. [LB179]

SENATOR DAVIS: Thank you. [LB179]

SENATOR SULLIVAN: Any other questions for Mr. Richards? [LB179]

SENATOR KOLOWSKI: Ma'am,... [LB179]

SENATOR SULLIVAN: Yes, Senator Kolowski. [LB179]

SENATOR KOLOWSKI: Thank you, Madam. Superintendent Richards, thank you for your testimony. Also, you did say you're at \$1.05; you're at the maximum level of your levy load totally. Any considerations on the override, trying to gain some money back within your board or community? Because I know you've got a lot of land, of course. [LB179]

BRETT RICHARDS: Um-hum. You know, this board has taken an approach whether they want to be conservative. I mean, down the road that's going to have to be a possibility for us to keep up with the expenses. But, what is it, up to 3 percent probably, or 3 cents that we could do that with? I...you know, that's a short-term solution. [LB179]

SENATOR KOLOWSKI: Sure. Thank you very much. [LB179]

BRETT RICHARDS: Um-hum. [LB179]

SENATOR SULLIVAN: Okay, Senator Avery. [LB179]

SENATOR AVERY: Thank you, Madam Chair. Mr. Richards, if I understand it right, the common levy is distributed according to a formula. [LB179]

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BRETT RICHARDS: Um-hum. [LB179]

SENATOR AVERY: I would rather see you come in here, rather than oppose...or support this bill,... [LB179]

BRETT RICHARDS: Um-hum. [LB179]

SENATOR AVERY: ...which is to do away with the entire community. I'd rather hear from you how you'd like to see that formula changed that would make the distribution within the Learning Community more equitable. And I don't mean by that more equal,... [LB179]

BRETT RICHARDS: Um-hum. [LB179]

SENATOR AVERY: ...but more fair, which is what equitable means. Do you have any ideas on how that formula could be adjusted to meet some of your concerns,... [LB179]

BRETT RICHARDS: You know,... [LB179]

SENATOR AVERY: ...rather than completely advocate the overthrow and abolition of what I think is a pretty good model for the problem we're trying to address? [LB179]

BRETT RICHARDS: You know, we've talked a little bit about that, and I think it would go a long way in collaboration, districts working together, if there was a hold harmless for districts. If you go below your \$1.05, let's keep that intact for us or at least limit or cap the amount you can lose per district out of your cent. That would go a long way to helping our community feel like their taxes aren't going out to all these other districts. I mean, I know Senator Kolowski had talked about, you know, on the tax bill it says...it should say our school district, but I would disagree with that a little bit because, you know, 11 percent of that is not going to our district that says Learning Community. So, yeah, I agree with you, Senator Avery. I think that we're in a position where we support the philosophies of the Learning Community. Does it help our district and our kids in particular? No. Okay? So us coming in here and opposing this bill would say, from a selfish standpoint, from our kids, are suffering from it, and finances aren't available for our kids. [LB179]

SENATOR AVERY: So you don't feel any commitment to helping other school districts? [LB179]

BRETT RICHARDS: Oh, absolutely. We've said that... [LB179]

SENATOR AVERY: Oh, you do? [LB179]

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BRETT RICHARDS: Yeah. We've said that from day one. I mean, if we could cap it at 3 to 4 cents for our districts as a loss, I think that's acceptable. [LB179]

SENATOR AVERY: Do you know of any other districts in the 11 that take a hit like that, like you do? [LB179]

BRETT RICHARDS: DC West is the other one that we know about. I think I talked to their superintendent, and he said 14 cents. [LB179]

SENATOR AVERY: And you're not...I thought you were DC West. [LB179]

BRETT RICHARDS: Now, we're Springfield Platteview. [LB179]

SENATOR AVERY: Okay, I'm sorry. [LB179]

BRETT RICHARDS: Um-hum. [LB179]

SENATOR AVERY: Thank you. [LB179]

BRETT RICHARDS: Thanks. [LB179]

SENATOR SULLIVAN: Any other questions for Mr. Richards? Thank you so much for your testimony. [LB179]

BRETT RICHARDS: Thanks. [LB179]

RICK BLACK: (Exhibit 6) Senator Sullivan, members of the Education Committee, my name is Rick, R-i-c-k, Black, B-l-a-c-k. I currently serve as superintendent of the Papillion-La Vista School District. I appreciate Dr. Kolowski, Senator Kolowski's comments earlier. And Senator Avery, this is the last time I think you have to hear me talk about the Learning Community with my pending retirement coming up, so please bear with me, if you will. The main contention of the Papillion-La Vista Schools, since the inception of the Learning Community piece, is that the main components of the law, by and large, could have been accomplished without its existence, especially if the added tax levy for elementary learning centers had been available to individual districts. Senator Davis, you had asked me earlier about some of the points, and I guess I would now I would talk a little bit about common levy and its effects. You know, the collection, pooling, and redistribution of property tax revenues under the common levy and the state aid, generated by the factors found in each district, has never achieved the purpose for which it was designated for the Learning Community. The plan benefactors, from the beginning, were really thought to be OPS, Bellevue, Ralston; and it does not work for those districts. They are all now losers in the redistribution of the revenues. Over the last four years (inaudible) instead the winners have been Millard, Elkhorn, and

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Westside, exactly inverse to what the plan was when the common levy was put into place. I appreciate Dr. Stilwill's comments earlier about, you know, what are the things would you look at, and the common levy came out of his thoughts right away. Over the last four years, while Papillion-La Vista student enrollment has grown over 1,200 students, we've lost \$2.1 million in district-generated resources to a redistribution pool. Yes, we've written grants and received money from the elementary learning center levy the last three years. It's helped us with our Jump Start program for our entering kindergartners. But the size of those grants available to subdistrict six have decreased each year. More district dollars have been used to maintain the programs that are in place to be able to continue to offer that program by the district. The fact of the matter really is, is that the \$2.1 million that we've lost in the redistribution, if they'd stayed in the district we wouldn't be competing for grants. We'd be able to offer those programs on our own, without any kind of support, you know, from that common levy piece. You know, retaining state aid and property taxes generated by our patrons would help us do a better job to address the needs--and I think it's important that you listen to this, especially the comments that were mentioned earlier--to meet the needs of the 2,400 students that we have in poverty in our school district. That's a town in a lot of places in Nebraska. It's bigger than a lot of school districts in Nebraska. And, I promise you, not every student, not every patron that attend our schools drive SUVs. (Laughter) While the stated goal, balancing poverty on an equal basis across 11 districts and all buildings, is an impossibility, my friend, Steve Baker, in Elkhorn explained recently, if Elkhorn schools were to obtain the targeted 40 percent free and reduced lunch balance--the desired goal of the Learning Community, or the law--2,400 Elkhorn students would need to leave their home district and be replaced by 2,400 students that qualify for free and reduced lunch. It's an impossible goal. That doesn't mean you try to have...you don't have goals that you try to attain, but this is not the way to do it. Papillion-La Vista has seen similar movement into and out of our district under open enrollment than we saw under option. I go back to the points, things that were able to be obtained without the Learning Community. Under option enrollment, we annually average 28 percent of the students that we accepted qualified for free and reduced lunch. Despite receiving over 400 open enrollment students over the last three years, we've not realized an increase in our poverty rate, but we have spent over \$1.2 million in additional cost on transportation. These are just a few reasons why I would urge the Education Committee to take a look at and really ask yourselves, is the law, is the concept achieving what it was desired to search for? Is it doing what you'd intended? That's why the bill is in front of you today. Thank you. [LB179]

SENATOR SULLIVAN: Thank you, Dr. Black. All of that being said, and I know you're testifying in favor of this legislation, does the concept of the Learning Community still make sense to you? [LB179]

RICK BLACK: There are concepts to it that you could back with the same benefits or allowances with the additional taxing authority that you've put into the Learning

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Community Coordinating Council pieces, those going back to the local districts could be accomplishing the same kinds of things. There's some great programs. I'm not going to bash any of the programs going on in the Learning Community. They're doing some great things. But I'm saying to you, we work with Lutheran Family Services to do home visits, to meet the kids' needs of all walks of life. We have our own social workers that we employ in our district all coming out of our general fund. And, yes, we are up at the \$1.05 limit. So we're starting to see things, reductions in programs. We haven't gotten to the point in time where we're reducing staff because we're growing. But how do you balance? Right now, we're at a point in time...when I first got to Papillion-La Vista 15 years ago, there was about 75 to 76 percent of our budget was personnel and personnel costs. Today, because of the growth and because of the restraints that we've had to do in other areas, 87 percent of our costs are personnel. And if we keep growing at 300-400 students a year and hiring people, it means less jobs and bigger class size is the only option that we have. And at the same time, over the last three-year period, the state aid generated by that growth, the state aid generated by our increase in poverty in our own district, the stand that property taxes paid in our own district have gone into a pool and when it's come back out, we're down \$2.1 million. [LB179]

SENATOR SULLIVAN: Thank you. Any other questions for Dr. Black? Thank you for your testimony. [LB179]

RICK BLACK: Thank you. [LB179]

DAN SCHNOES: Good afternoon, Senators. My name is Dan Schnoes, D-a-n S-c-h-n-o-e-s. I am the superintendent at Douglas County West Schools. I would like to thank you. I enjoyed listening to all the testimony today. You are probably, in my view, the most important committee we have in the Legislature because it deals with something very near to my heart, and that's education. I spent 29 years as an educator. This is my 30th year, and finally I'm out of the trenches. I'm glad to hear some of the comments earlier about some of the programs that the Learning Community has been working with because it's doing good stuff for kids, and it was good to hear those comments. I am here in support of this bill today, but I'd like to make a comment also. What Senator Avery brought up with Dr. Richards is that if we could remove one piece of the legislation, the Learning Community would help us tremendously. I may be the tallest presenter, but I'm here talking about the smallest district in the Learning Community. We have about 745 kids, preschool all the way up to 12th grade, and they all count and they're all valuable. For our district, in 2011-12 it cost our district 14.5 cents' worth of our levy that went to the Learning Community that we didn't get back, and that was over \$1 million for us. That's more than 10 percent of our budget. And, you know, I have friends in Kansas and I have fellow educators in Kansas. But if Nebraska had to give 10 percent of their budget to Kansas to help Kansas be a little bit better in educating their kids, I think we'd all stand up and fight for it. So what I'm doing today is kind of fighting for my district. With that said, I think Dr. Stilwill made a couple of good

points too. He has a job that I'm not sure very many people are fighting him for because it's a tough job working with the Learning Community. (Laughter) And I admire him for doing it. But one of the sticky points for us is the 95-cent levy. That's where we take the biggest hit. Now what you might not know about our district is that our elementary is 50 percent free and reduced kids, and our middle school is 48 percent. And we are over 40 percent in our district. We are one of those schools that is fighting poverty. If you drove through our district you would say, boy, these guys have got a lot of money. Well, they've invested and they have corporations there that certainly help us out. We're dealing...we're the number three district in the Learning Community when it comes to free and reduced kids, and we're doing our best to work with those. We'd like to have a few more of these programs that are coming out and working with families. We don't have the same numbers, but we certainly have the same kids and the same families with the same problems. The other piece I want to comment on is I'm the only person in the central office. I do have a bookkeeper and I do have a secretary; so when it comes down to the Learning Community, I attend all the meetings; I go to all the committees' sessions; I've been to the Learning Council meetings a couple of times. And, you know, being 29 years in the trenches, I've got to tell you, I'd rather be back in the trenches working with my kids in my district than doing a lot of time with the Learning Community things that I think we could solve. Now, with that said, I think there's been some very good value. I've had some good mentors. Dr. Black has been one of them that has brought me along as a new superintendent to the Learning Community, so I think there's a lot of value to some of the philosophy of the Learning Community and the networks and the working together. And in those cases, we've talked a lot about a lot of issues. And I wish we could get to the point where we could stop having the discussions about where are all the finances going and start talking about how we can help kids, because that's what we're here for. Thanks. [LB179]

SENATOR SULLIVAN: Thank you very much. Any comments, questions? Senator Davis. [LB179]

SENATOR DAVIS: Just one question. Outside of the common levy, you're not unhappy with the Learning Community? [LB179]

DAN SCHNOES: Well, if I could cut down a few of the meetings that would take me out, that would be awesome. (Laughter) The other piece that we struggle with is transportation. We are above the Learning Community limit for transporting kids, if you took it by the law, so that, in order to work with our socioeconomic diversity, we have to transport kids when they're not free and reduced to our middle school and our elementary. But we have to transport kids that are free and reduced to our high school. So we run both sides of the line because our high school is 25 percent free and reduced, and our others are 48 and 50. So the transportation piece for a small district like us...last year, we drove all the way to Bellevue to pick up two kids. And so we end up buying more vans and hiring more drivers to take care of some of those

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transportation. And, quite honestly, with young kids in younger elementary grades being on the van ride for an hour or an hour and a half is way too long. Even one of our snowstorms preceding that was just a snowy day, our van driver got back to school after 7:00 that evening from running our routes to our Learning Community kids. We love having the kids. But we finally talked to families and said, you have great schools very close to you. We'd love to have you; we'll take you. But if there's really good schools right next to you, why put your kids on the bus or the van for an hour and a half? [LB179]

SENATOR DAVIS: How much of your budget then is consumed by transportation? Do you have any idea? [LB179]

DAN SCHNOES: You know, I can estimate that, just for the Learning Community costs of transporting, we're probably spending \$40,000 or \$50,000 extra, just for transporting those open enrollment kids. [LB179]

SENATOR DAVIS: So it's a fairly significant figure. [LB179]

DAN SCHNOES: For us, it's fairly significant. [LB179]

SENATOR DAVIS: Thank you. [LB179]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB179]

DAN SCHNOES: Thank you. [LB179]

SENATOR SULLIVAN: Any other proponent testimony? We'll now move on to testimony in opposition to LB179. [LB179]

LORRAINE CHANG: (Exhibit 7) Hi. I'll try to keep this short. My name is Lorraine Chang, C-h-a-n-g, first name is L-o-r-r-a-i-n-e, and I am the current chair of the Learning Community Coordinating Council. My prepared testimony, which you'll get a copy of, focuses primarily on the damage that would be done from the elimination of the Learning Community, and we've talked enough about that. So I thought I'd just pay attention to the other preceding testimony in my verbal comments. I'm very sympathetic to the issues raised by taxpayers who are concerned about high property taxes and so forth, and they're going to be in the common levy. And there are going to be other folks testifying, I think following me, to address some of those issues. But I would just want to comment that from a Learning Community perspective we have been very mindful that we have a huge responsibility to make our investments research-based and fully evaluate the programs that we're using tax dollars for. So we're always asking ourselves whether our tax dollars are being...whether our Learning Community tax dollars are being invested wisely. And so we have made that a key focus on our decision making.

The second thing I would say is, when Senator Kintner spoke to the urgency of closing the achievement gap, I think you heard some of the earlier testimony that supports your seeing how we, as the Learning Community, are focusing increasingly our investments as well as our priorities on addressing that achievement gap. And research is again directing us to look at the children in poverty and identifying solutions that are beyond the classroom. And whether you call them social programs or educational programs, the education of a child begins before they reach the classroom door. And what we're finding is the research is telling us that their kind of development has to be nurtured from the beginning. And so we have begun to look more and more closely at early investments. And so the early childhood piece is just one and now the Learning Community as a whole, we want to be sure that those districts who have dissimilar populations and dissimilar issues and different barriers that are preventing their children from being successful in school, those subcouncils have the responsibility to address the issues in their particular areas. And that's, I think, one of the reasons why the governance structure with the subcouncils has been so effective. We have seen major differences from one part of the Learning Community to the other. The last thing I would say is the elimination of the Learning Community, as proposed by LB179, would essentially have us go back to the situation that we were before. And I really appreciate Senator Avery having that institutional memory that he can bring to this discussion because the deal was that in exchange for preserving the independent school district boundaries, that this Learning Community would be the forum for a collaborative process whereby the districts could come together but look at the student population of, now 107,000-108,000 students across the counties, as all of our children. And that concept of our being one economically viable region I think fundamentally underlies the importance of building a strong work force and having a public education system across the two counties that supports building that strong educational system and ultimately supports the success of every child. I would just like to end with a quote from Theodore Roosevelt who said, the welfare of each of us is dependent on the welfare of all of us. And I have always thought that that quote embodied what the Learning Community is about. With no Learning Community, who will serve as the much-needed catalyst for change? So we urge the Education Committee to vote no on LB179 and allow the Learning Community to continue its positive path, fostering collaborative and innovative solutions for closing the achievement gap and ensuring that all children succeed, regardless of where they may reside across the two-county area. Thank you. [LB179]

SENATOR SULLIVAN: Thank you, Ms. Chang. Any comments or questions for Ms. Chang? Thank you very much. [LB179]

LORRAINE CHANG: Thank you. [LB179]

TED STILWILL: Thank you, Senator Sullivan, members of the committee. Again, Ted Stilwill, S-t-i-l-w-i-l-l, CEO for the Learning Community. Just a couple of things to point you to in following up some earlier questions that were raised. One thing I want to draw

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your attention to that's in the packet that you received: an excerpt from this magazine with this swell picture on the front, published by the Nebraska Council of School Administrators. I think what joins us together is really grappling with the issue of poverty and the challenges it creates for education. It may not be a point everybody wants to hear, but poverty is increasing pretty rapidly. Across the state, one out of eight families statewide, as well as in the Learning Community, are living at or are below 100 percent of poverty. That's considerably less than free- and reduced-price lunch level of poverty. It's the difference between \$360 a week for a mom and two kids and \$680 a week. Those are tough times, and that has implications for the experiences kids bring to kindergarten, whether they know their alphabet, whether they've been around. You know the drill. I won't pursue that point any more, except to refer you to that article for more information, because I think it's a growing issue and it's going to face you as a committee as well as it faces us as the Learning Community. And I think that's what we're about now is about finding solutions because it's uncomfortable for school districts to do new things. I've been a part of school districts for a long time at different levels, and we tend to do what we've always done. And we expand to kindergarten, we expand to three- and four-year-old programs. But when we realize that we need to be working birth through five, people say, well, wait a minute, those are social programs. Well, education is an organized kind of thing that a society does. It is a social program. It's a service to families. And it can change, and it does need to change, and we need to figure out how to do some of those things. And the Learning Community can be about that and helping to make that work. And the way we do it is particularly important. You know, I was reading some newspaper accounts of another long day you had yesterday, and the preferred method we have is to work with school districts as partners and change practice within the district so that they can become more effective. That's what we're doing mildly, broadly, with after-school programs, kindergarten Jump Start programs. But that's what we'll do much more specifically in very high poverty areas with the Family Literacy Center and the programs we're doing within north Omaha. It will do, I would suggest, more good to create change with inside a district, working with them as partners, than to create separate schools for a few hundred kids outside and then hope that somehow the larger system learns from it. I don't think that's a very sound idea. I know I'm not testifying on that bill, but free advice. Happy to answer any questions. [LB179]

SENATOR SULLIVAN: Any questions for Mr. Stilwill? Thank you very much. [LB179]

JOHN LINDSAY: Chairman Sullivan, members of the committee, for the record my name is John Lindsay, L-i-n-d-s-a-y, appearing as the lobbyist on behalf of Omaha Public Schools. Liz Standish was here and was going to present testimony, but she had to get up to Omaha for a school community organization meeting at which she was presenting. The Omaha Public School district believes that the Learning Community concept is, nationally, the most innovative structure to support student learning, promote school choice through integration, and work within a community to ensure equitable

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access to education. Researchers across the nation have taken an interest in the Learning Community as a uniquely creative model showing great promise for the future of education. The Legislature should be proud and complimented on the bold vision it established through the Learning Community legislation. Today I would like to share with you just a few of the strengths of the Learning Community in Douglas and Sarpy Counties. The Learning Community brings districts together in a common dialogue about the resources necessary and appropriate to equitably serve all student needs. The Learning Community promotes those through economic integration and school choice for students and families. The Learning Community sponsors collaboration across school districts in the metropolitan area about best practices. School districts share best practices and programming supported by the Learning Community in regular showcases, resulting in increased student performance and in continued constructive conversations about how to best serve students across Douglas and Sarpy Counties. The Learning Community facilitates and funds significant partnerships between school districts and community organizations with a focus on serving the entire community using research-based methods to increase student achievement. Families in the Omaha Public Schools are not the only benefactor of unique and effective structure the Learning Community brings. Students have had opportunities to engage in choice of programming across 11 districts, and the common levy has assured that the same funding platform for every district. The Learning Community has achieved equity in the metro area while preserving the unique benefits that a diversity of districts permits. We have achieved much, we have more to achieve, and the Omaha Public Schools would urge you to continue this successful venture. I'd be happy to answer any questions if I can. [LB179]

SENATOR SULLIVAN: Thank you, Mr. Lindsay. Any questions for John? Thank you very much. Welcome. [LB179]

SARA GOODELL: (Exhibit 8) Thank you. Good evening. My name is Sara Goodell, S-a-r-a G-o-o-d-e-l-l. I am a teacher at the Learning Community Center. I'm the English-as-a-second-language instructor. I'd like to tell you a little bit of my background and then a little bit about the work that we're doing in our program. All of my professional working experience has been in literacy development. That's seven years of experience. Four of that was as a certified teacher at middle and high school public school levels in ESL, and now I've transitioned to work with parents. The experience that I gained in that was very helpful because, as a teacher of students in the public school system, I was painfully aware many times of the situation of parents, that they were oftentimes very isolated, working long hours, a lot of that maybe in manual labor, not having the time, not being able to afford the time that it takes to study, to go to classes, or perhaps trying but just not having the literacy skills to do so. I saw a lot of parents increasingly left behind their children in ways that damage the family dynamics. So something that's unique about our program that I appreciate and want to share with you is that the Learning Community Center is partnering together with parents and

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schools to give parents the skills they need to get involved and stay involved in their child's academics, and it's giving schools the support they need to include the parents in a new way. We are teaching English, among other topics that you'll hear about in a moment. We have a heavy focus on literacy and on school involvement. We're giving opportunities to practice skills, which means we have families sitting down together, pursuing academics. It means we're not just telling adults that they need to go to conferences, but we're teaching them how to do that, what to ask about, what the information means, and what it means for them at home and how they can do something with that information. It means we're not just telling adults, please read to your children, but we're teaching them how to do that. We're providing them the materials. We're providing strategies to them, practicing skills, asking open-ended questions, for instance, and how to expand their children's vocabulary, important skills that their children need to be successful in school. They might be small steps, but we're taking thousands of those small steps and they're adding up and we are going somewhere. And they're steps that haven't been taken before. Our parents are ending up in the schools. Their children know they aren't alone to figure out an education. Our families are working together towards goals. They're learning the way around the potentially intimidating and sometimes very foreign place that schools can be if they don't speak the language and if they didn't have the same school experience themselves growing up. I can tell you, as a teacher formerly in the place of my now students' children's teachers, that this does make a significant impact now, and it will in the years to come. Having an involved, informed parent increases motivation and attention on a child's part, and our academic gains are going to come from motivated, attentive students who know that someone is behind them and who, most importantly, can see what education looks like first at home. In a few moments I would like to allow you to hear from a student at our center who is a beginning English student and would like to share with you a little bit of the hard work that he's done with his family because of the support our center has been able to provide to him and the positive, measurable changes that he's seeing in his children. So I'm also open for questions. [LB179]

SENATOR SULLIVAN: Thank you very much. Any questions for Ms. Goodell? Thank you very much. [LB179]

SARA GOODELL: Thank you. [LB179]

SENATOR SULLIVAN: Welcome. [LB179]

DIMAS BRICENO: (Exhibit 9) Thank you. Okay, hi, my name is Dimas Briceno. My name is spelled D-i-m-a-s. My last name is spelled B-r-i-c-e-n-o. It's nice to be here. I have three kids. Two are in the school. When I go to the Learning Community Center, my little boy comes with me. Before, I didn't understand the importance of my children's education. But now I can help them with homework, and they help me with my English. And now they are improving, especially in reading. They are reading on grade level. I

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am so proud of them. Parents' class helped me communicate my expectations, like be on time for school, practice at home, finish their homework. In my class, I learn ways to help my kids in their education. It's a really important program for my family, especially for my kids' future. We need more centers like this because the Learning Community helps me, my kids in a way that I can't by myself. And thank you, senators. Sorry for my English. [LB179]

SENATOR SULLIVAN: No, you're doing great. Thank you so much. You and your children are learning together, aren't you? [LB179]

DIMAS BRICENO: Yeah. They help me. [LB179]

SENATOR SULLIVAN: Oh, very good, very good. Senator Scheer. [LB179]

SENATOR SCHEER: I just want to thank you for coming. It took more fortitude and courage on your part to come and stay this long and share your message with us than any other individual today, regardless of which hearing we've heard from. You know, you get the cards where dads are the heroes. You're their hero, and I thank you. [LB179]

DIMAS BRICENO: Thank you for that. Thank you, sir. [LB179]

SENATOR SULLIVAN: Senator Haar. [LB179]

SENATOR HAAR: Yes. Thank you for coming. So you actually have classes that you went to at the Learning Center, is that correct? [LB179]

DIMAS BRICENO: Yes. Yes, I went to... [LB179]

SENATOR HAAR: Were these, like, once a week or every night or...? Tell me just a little bit about those classes, would you? [LB179]

DIMAS BRICENO: I go to the Learning Community Center for two days a week, three hours a day, yeah. The Learning Community Center, they changed my life because on Learning Community Center I'm learning a lot of things about the school, about my children. My children are happy with me, I think, because I'm changing my life in there because I speak more with them, I spend time with them, we play at the home. And this summer, I think I will play some sport with them because before I don't play nothing with them. And now I want to change my life, yeah. [LB179]

SENATOR HAAR: Thanks for coming. [LB179]

DIMAS BRICENO: Thank you very much. [LB179]

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SENATOR SULLIVAN: Thank you very much for your testimony. [LB179]

DIMAS BRICENO: Thank you. [LB179]

SENATOR SULLIVAN: Anyone else wishing to testify? [LB179]

MIKE AVERY: (Exhibit 10) That's hard to follow. (Laughter) I will try to wrap up with the handouts...and handouts for you. My name is Mike Avery, M-i-k-e A-v-e-r-y. Not a relative. [LB179]

SENATOR AVERY: You're lucky. (Laughter) [LB179]

MIKE AVERY: I'm lucky. Well, maybe you're lucky. [LB179]

SENATOR HAAR: That's a relief. [LB179]

MIKE AVERY: Okay, a little brief history. I started out being able to serve people on the park board in Gretna. I was on city council. I've been mayor. I served in the Legislature and ten years on the school board. And now I was just reelected to another four-year term on the Learning Community. I am from Gretna in Sarpy County. I represent subcouncil six, which represents Springfield, Papillion, Gretna, Elkhorn, DC West and, initially, Bennington, the first four years. So we were the big "C" around. And there's differences, and I can see a lot of the problems that people are concerned about. There's...a lot of the concern was that they would lose, but I tell you that's not the case. I was...in starting with Lorraine, as she had stated, I was there from the beginning. We put together the processes and the programs and the governance board of the Learning Community. One thing that was brought up, I think, by Dr. Black, the school districts...he had stated something about the school districts really weren't involved. And initially, it was difficult because we had a structure to put together that wasn't there, no guidelines, nothing. We had to do that. There was advice given on the sideline but maybe not directly. And it wasn't any intention to leave out the school districts. It was just a process that we had to go about and get organized. We've created a lot of things. The one thing I'd really like to touch on is there's a great resentment, maybe, misunderstanding of what is happening, the dollars, the common levy in the districts, in Sarpy County anyway. The one fact is that, in Sarpy County, the Learning Community is not the common levy. It's different. Schools in Sarpy County this year received, in comparison of the common levy to what their normal tax would be, the levying that they would do if the common levy wasn't in existence, the school districts in Sarpy County would receive \$6.5 million more. So, in essence, the common levy really isn't working like it was supposed to. Like I had said, the common levy is not the Learning Community. And the one thing that always bothered me is that, in reality, the Learning Community's elementary levy is less than \$5 million, which is less than what Douglas and Sarpy

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County receive for a fee just to handle it. You know, that kind of bothers me a little bit that they have to have that much dollars to deal with it. Many of the people really think that the money is...and that's one of the handouts that I showed you. This is my tax statement. It has, and rightfully brought out, the Learning Community common levy is 95 cents. The Learning Community does not get a dime of that. All that money is for...goes right back to the schools. So in essence, as Senator Kolowski had pointed out, it should probably say each of the school districts that is represented there. We do have a small common levy for elementary learning centers. In my case there, I pay \$13.54. With that, I think this bill needs to go away, isn't needed. I think it's a travesty to the children that we're trying to support. Thank you. I'll take any questions. [LB179]

SENATOR SULLIVAN: Thank you. Any questions for Mr. Avery? Thank you. [LB179]

MIKE AVERY: Good. [LB179]

SENATOR SULLIVAN: Thank you. [LB179]

MIKE AVERY: Thank you. [LB179]

SENATOR SULLIVAN: Thank you. Any other testimony in opposition to LB179? Do I hear anyone interested in speaking in a neutral capacity? Senator Kintner to close. [LB179]

SENATOR KINTNER: Still here, still awake. [LB179]

SENATOR SULLIVAN: Good. [LB179]

SENATOR KINTNER: Well, thank you, committee. You have a great deal of patience. I appreciate you sticking with this. You know, we talk about common levies and 1 percent here and 2 percent here and a couple pennies here, socioeconomic diversity. I mean, we throw out an awful lot of terms, but let me tell you something. Parents just want their kids educated. We have all this "edu-speak" that we talk about, but parents don't care about the racial makeup of their schools, they care about a good education. We have a constitutional mandate to educate every kid in our state and to give them all a very good education, the best education we can give them, and so far we haven't done that. The Learning Community hasn't done that. The Learning Community has a number of, from all accounts, good social programs. We do a lot of social programs in this state. But this is about educating kids, and this committee can get the ball rolling. These kids, right now in school, they don't have another couple years to see if we can tweak this or tweak that and move this group of kids over here and move this over here and try this and stop doing that and start doing this. They don't have time for that. They need help right now. They need us right now. Do it for the kids. Do it right now. Quit fiddling around with the Learning Community, and let's get busy solving these problems. Thank you very much.

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[LB179]

SENATOR SULLIVAN: Thank you. Any questions for Senator Kintner? Thank you.  
[LB179]

SENATOR KINTNER: All right. [LB179]

SENATOR SULLIVAN: Okay, the hearing is closed for the day. Thank you very much for all your attention. (See also Exhibits 11 and 12.) [LB179]