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Education Committee  
January 27, 2014

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[LB741 LB782 LB872 LB923]

The Committee on Education met at 1:30 p.m. on Monday, January 27, 2014, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB741, LB782, LB923, and LB872. Senators present: Kate Sullivan, Chairperson; Jim Scheer, Vice Chairperson; Bill Avery; Tanya Cook; Al Davis; Ken Haar; Rick Kolowski; and Les Seiler. Senators absent: None.

SENATOR SULLIVAN: Good afternoon, everyone. Welcome, this is the Education Committee. I am Senator Kate Sullivan of Cedar Rapids representing District 41. I am Chair of the committee. And before we get too far into it, I'd like the members of the committee to introduce themselves. To my immediate right is the Vice Chair.

SENATOR SCHEER: I'm Jim Scheer from Norfolk, District 19 which is Madison and a little bit of Stanton County.

SENATOR KOLOWSKI: I'm Rick Kolowski from the southwest area of Omaha, Millard, and a little bit of Elkhorn. And that's District 31.

SENATOR SEILER: Les Seiler from Hastings, District 33 which is all of Adams County and all of Hall County except Grand Island.

SENATOR COOK: I'm Tanya Cook from Legislative District 13 which is northeast Omaha and Douglas County.

SENATOR HAAR: Hi, I'm Ken Haar from District 21 which is northwest Lincoln and part of Lancaster county.

SENATOR SULLIVAN: To my immediate left is LaMont Rainey; he is the legal counsel for the Education Committee. And to my far right, integral part of this group, is Mandy Mizerski, who is the committee clerk. We have a couple of senators who are yet to join us. Senator Avery will be over here at the far left, represents part of Lincoln. And Senator Al Davis from Hyannis, he will be joining us later as well. Have a couple pages that going to help, one is not here yet, but the one that we do have is Nate Funk from Norfolk. And Tyler Zentner from Cedar Rapids will actually be joining us a little bit later. Today we have four bills that we're going to be hearing; LB741 requiring schools to have a policy relating to tornado drills, LB782 return-to-learn protocol for students who have sustained a concussion, LB923 requiring suicide awareness and prevention training, and LB872 on state school security responsibilities. If you're planning to testify, please pick up a green sign-in sheet that's on the table on both doors in the back of the room. If you do not wish to testify but would like your name entered into official record as being present at the hearing, there is a form on the table that you can sign. And this, too, will be part of the official record. Regarding the green sheet, I'd like you to fill that

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out in its entirety before you testify. Please print, and it's important that you do complete it in its entirety because this will be part of the official record. When you come up to testify, bring that green sheet with you and give the sheet to the committee clerk. This will again make sure we've got an accurate public record. If you do not choose to testify, you may submit comments in writing and have them read into the official record, but please let us know that that's your intent. If you have handouts, please make sure you have 12 copies and hand those to the pages who in turn will give them out to the committee. When you come up to testify, please speak clearly into the microphone; tell us your name and please spell both your first and last names, again to make sure we've got an adequate record. I would ask, too, please turn off any cell phones, pagers, anything that's going to make any noise because we really do want to show respect to those testifying and give our full attention to them. The introducers of the bill will make the initial statements, followed by proponents, then opponents, and then any neutral testimony. And closing remarks are reserved for the introducing senator only. We are going to be using the light system. And so the testifiers, excluding the introducer, each testifier will be given five minutes to make your initial remarks to the committee. So when you see the yellow light come on, that means that you really need to wrap up your comments. And when the red light comes on, that means that you need to end your testimony. I don't think that this has ever been a problem in the past but just a cautionary note, please, no displays of support or outward displays of emotion or support or opposition for a bill. So I think that covers everything. We will start with LB741 that is being introduced by Senator Murante. Welcome.

SENATOR MURANTE: Thank you. Good afternoon, Chairman Sullivan, members of the Education Committee. My name is John Murante, J-o-h-n M-u-r-a-n-t-e. I represent the 49th Legislative District in the Nebraska Legislature which is comprised of Gretna, Chalco, and northwest Sarpy County. I am here today to introduce LB741. I'd like to thank the committee for hearing it and Senator Kolowski for co-sponsoring the legislation. LB741 is a bill providing that each public school district in the state of Nebraska is required to uphold a plan of action for the instance of a tornado. Simply put, LB741 is a bill that requires our schools to have a policy in place that ensures a level of preparedness and safety in order to better protect our state's children. This bill requires schools to adopt a tornado policy that includes measures such as having at least three tornado drills per year, a plan dictating exactly what to do when a tornado alarm goes off, and construction of a diagram showing the visible routes to a tornado shelter. In 2013, there were nearly 70 tornadoes that touched down in the state of Nebraska. And while most school districts in Nebraska have some sort of a plan in place, this bill will make certain that our children are safe, and all of our schools are prepared to act in the time of a tornado. I'd like to point out this bill was brought to me by a group of students in the Millard Public School District, many of whom are behind me today. I found their preparation in their presentation to me to be very thorough and impressive; it's an impressive group of kids. They are the ones who really initiated this piece of legislation, and they are here today to talk about their experience. And I'd also like to say that in my

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conversations with the various school districts around the state of Nebraska most have some sort of a plan of action. I don't think that this is meant to any sort of indictment on the schools of the state of Nebraska. It is rather an effort to make sure that we are well prepared. We have mandatory fire drills in statute, no mandatory tornado drills. And as they'll go over, we're one of the few states in tornado alley that does not have any sort of regulation on the subject matter. So I'll be happy to answer any questions that you have, although as we like say, the experts are behind me. And I would also be happy to answer any questions. So thank you very much. [LB741]

SENATOR SULLIVAN: Thank you, Senator. Any questions for Senator Murante? Okay, thank you. [LB741]

SENATOR MURANTE: Thank you. [LB741]

SENATOR SULLIVAN: We will now have proponent testimony. Those in favor of LB743 (sic). Welcome. [LB741]

ANDREW DOLAN: Hello, my name is Andrew Dolan, A-n-d-r-e-w D-o-l-a-n. Thank you for letting me be here. I think you should pass this bill because it will make schools safer for students and staff. We have lots of fire drills but only one tornado drill each year. I think we should be just as prepared for tornadoes as we are prepared for fires. Tornadoes can appear quickly and cause a lot of damage to school like what happened in Oklahoma last year. I think if we have more tornado drills, we'll be better prepared if something like that happens here. Thank you for your time and support. [LB741]

SENATOR SULLIVAN: Thank you, Andrew. Good job. Have you had a tornado drill at the school you attend? [LB741]

ANDREW DOLAN: Well, we've had tornado drills before but we haven't had one this year yet. [LB741]

SENATOR SULLIVAN: Okay, all right. Do you remember what you had to do when you did have one last year? [LB741]

ANDREW DOLAN: Kind of. [LB741]

SENATOR SULLIVAN: Okay, so do you think you'd know what to do if the alarm went off, and they told you that there was a tornado coming? [LB741]

ANDREW DOLAN: Not really sure. [LB741]

SENATOR SULLIVAN: Okay. Any other questions? You did a great job. Thank you very much. Welcome. [LB741]

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RACHEL DOLAN: Hi, my name is Rachel Dolan, R-a-c-h-e-l D-o-l-a-n. I believe you should pass this bill so schools, students, and staff will be better prepared for a tornado emergency. New students from other states or countries may not know what to do during a tornado. And also, a new or substitute teacher may not know or remember what to do either. If schools are required to have several tornado drills each year with one at the beginning of the school year, everyone will be better prepared to handle a tornado emergency. For these safety reasons, I would appreciate your support for this bill. Thank you for your time. [LB741]

SENATOR SULLIVAN: Thank you. Good job. Do you know, in your school, is there a sign posted as far as directions where you should go if there is a tornado coming? [LB741]

RACHEL DOLAN: I mean we have tornado shelters, and they just have outside the door, tornado shelter. But no, I wouldn't say that I would know where to go if anything like that happened. [LB741]

SENATOR SULLIVAN: Okay, all right. Very good. Any other...Senator Scheer. [LB741]

SENATOR SCHEER: Allowing you to make an obvious plug for your own school, what school do you attend that came up with this? [LB741]

RACHEL DOLAN: I go to Beadle Middle School in Millard. [LB741]

SENATOR SCHEER: Okay, thank you. [LB741]

SENATOR SULLIVAN: Any other questions? Senator Haar. [LB741]

SENATOR HAAR: Yes, well, thanks for coming. What grade are you in? [LB741]

RACHEL DOLAN: Eighth grade. [LB741]

SENATOR HAAR: Eighth grade, good. And it's really neat to see you participating in government. How did you get the idea to do this? [LB741]

RACHEL DOLAN: Well, someone from our team, they went to a FIRST LEGO League competition, and this is basically based on robotics. And in the competition we were supposed to come up with a way to solve a problem, and it was natural disasters. We decided on tornadoes. And some people in the group mentioned that they had a tornado drill towards the end of the year, and it was their first tornado drill. And of course they're thinking about summer. So they didn't really know what to do during the rest of the year. So we decided to look around, and we did some research. And we saw

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that they didn't have a tornado law requiring tornado drills. And there are some other states around us that did allow it, that did have a law. [LB741]

SENATOR HAAR: Good, my grandson, in middle school, did FIRST LEGO League as well. And so you work with robots that you built out of special LEGOs, but then you also have other things like this, right, where you talk about issues and... [LB741]

RACHEL DOLAN: Yeah, it's basically teamwork and just come up with a good idea for the robot. [LB741]

SENATOR HAAR: And so when did you do the...this is an after-school program, right? [LB741]

RACHEL DOLAN: No, this was during school, yeah. But we...it was during the school year, and we just came together after school. And we just worked on the robot and worked on the project and stuff like that. [LB741]

SENATOR HAAR: Good. Well, thank you very much for coming. [LB741]

RACHEL DOLAN: Thank you. [LB741]

SENATOR SULLIVAN: Excuse me. Just a minute. Senator Kolowski. [LB741]

SENATOR KOLOWSKI: Thank you, Madam Chair. Rachel, thank you for your testimony. And I just wanted to ask you when you have your day at Beadle Middle School, when you're going room from room, are there posted fire routes, exit routes as well as tornado routes...maps in your rooms? [LB741]

RACHEL DOLAN: I've noticed in some of the classrooms, yes, they have fire routes. But I'm not sure if there are tornado routes on there. [LB741]

SENATOR KOLOWSKI: Okay, just ask you to see if those are still there or...I think they should be but depending on the building and where you're going. [LB741]

RACHEL DOLAN: They might be. I'm not sure. [LB741]

SENATOR KOLOWSKI: So thank you very much. [LB741]

SENATOR SULLIVAN: Great job, Rachel. Thank you for testifying. Welcome. [LB741]

MATTHEW HEFTIE: Okay. Hi my name is Matthew Heftie, M-a-t-t-h-e-w H-e-f-t-i-e, okay. What do Illinois, Iowa, Kansas, Michigan, Minnesota, Oklahoma, North Dakota, South Dakota, and Wisconsin all have in common? They all have a law that we don't

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have requiring tornado drills in schools. These states obviously feel that it's important, so why shouldn't we? According to the University of Nebraska School of Natural Resources, Nebraska averages about 50 tornadoes a year and is ranked 5th in the U.S. for total numbers of tornadoes. These facts tell me that Nebraska is high in tornado danger. I think tornadoes can be like a bomb, and not practicing tornado drills is like dropping it in fire. Eventually the bomb will go off and people might be injured. This is basically what will happen with tornadoes if no drills are done. I guess what I am saying is, we know that we are going to have tornadoes and not being prepared for them will eventually injure students. Another reason we need drills is because parents might not feel their kids were safe at school and feel nervous. They might not want to have their kids go to schools that don't practice tornado drills. Teachers could also be affected by a tornado by trying to save their students. Teachers and students don't know what to do in a tornado, they could be injured or killed. I feel the current system is not safe, and this is why you need to make this bill a law. Our bill is a safe choice for students and teachers. Passing this bill would make tomorrow a better tomorrow. Thank you for your time. Do you have any questions? [LB741]

SENATOR SULLIVAN: Thank you, Matthew. That was a good testimony. So have you had a drill at your school that you can remember participating in? [LB741]

MATTHEW HEFTIE: Well, I can remember tornado drill because I'm in fifth grade, so I can know what to do. But... [LB741]

SENATOR SULLIVAN: Do you know, in these other states that require it, how many times a year they have to have a drill? [LB741]

MATTHEW HEFTIE: Well, most of them...well, they differ depending on the state. Some have two, some have three. [LB741]

SENATOR SULLIVAN: Gotcha, okay. Any other questions for Matthew? Senator Haar. [LB741]

SENATOR HAAR: Yes, thanks for being here. Are you also in FIRST LEGO League? Is that how you go involved with this? [LB741]

MATTHEW HEFTIE: Yes. [LB741]

SENATOR HAAR: Good. So how's your team doing? [LB741]

MATTHEW HEFTIE: Pretty good. This is our first time doing it, so... [LB741]

SENATOR HAAR: Okay, real briefly--and again, my grandson was involved, so I know what it's like--but tell the rest of the committee what that is, FIRST LEGO League.

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[LB741]

MATTHEW HEFTIE: Well, it's a thing where you make a robot out of LEGOs, and you have it on this mission board. And you have to do missions or challenges. You're programming the robot to do what you want it to do. And you have sensors to tell how far it is away from stuff and to tell what color surface it's on and things like that. [LB741]

SENATOR HAAR: Great, thanks so much. [LB741]

SENATOR SULLIVAN: Any other questions? Thank you for testifying. [LB741]

MATTHEW HEFTIE: Okay. [LB741]

SENATOR SULLIVAN: Welcome. [LB741]

ANDREW HEFTIE: Hello, my name is Andrew Heftie, A-n-d-r-e-w H-e-f-t-i-e. Have you ever gone roller-skating but didn't put your kneepads on until you were done? That's about what it was like last year when we had our tornado drill on the last day of school. It made me worry about the safety at our school. My brother Matthew and I did a lot of research trying to find the tornado drill law in Nebraska, but we couldn't find one. I expected to find a law requiring one tornado drill, but there wasn't a law at all. We found that several other states did have a law. We did find a law requiring fire drills, which I feel is just as important as tornado drills. If you pass this bill, it could save lives. Kids with less drills at schools are more likely to panic. However, kids with more tornado drills at their schools have more experience. In our school, we have to get around 600 kids through the halls into 2 different locations, which isn't easy. If we had more tornado drills, we could get faster at going through the halls. In our bill, we want schools to have three tornado drills during the year. I feel that three tornado drills would be much safer than only having one. It is important to me that a tornado drill is practiced while students are outside. If a tornado drill were to happen while students were outside, they should know what to do. Our school does an outdoor tornado drill sometimes, but it's still confusing to me. I think if we did an outdoor tornado drill more often, I would understand it. As you can see, passing this bill would benefit everyone. It will give students more experience with tornado drills, save lives, and make schools safer. So are you going to pass this bill? Then again, why not? (Laughter) [LB741]

SENATOR SULLIVAN: You're right to point, aren't you, Andrew? (Laughter) Senator Haar. [LB741]

SENATOR HAAR: Andrew, thanks for coming. Now I just figured out the T-shirt is your LEGO League emblem, right? [LB741]

ANDREW HEFTIE: Yes. [LB741]

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SENATOR HAAR: What's the name of your team? [LB741]

ANDREW HEFTIE: FLL, Future Bot Innovators. No, FBI, sorry. [LB741]

SENATOR HAAR: Okay, great. Have you talked to your folks at all about what happens if you're at home when a tornado comes? [LB741]

ANDREW HEFTIE: Well, basically we just go under the stairs at our house. [LB741]

SENATOR HAAR: Okay, so you have a plan at home. [LB741]

ANDREW HEFTIE: Yeah. [LB741]

SENATOR HAAR: Okay, good. Thanks. [LB741]

SENATOR SULLIVAN: Is there a tornado shelter in your school? [LB741]

ANDREW HEFTIE: Well, we just go to the gym. But apparently the gym is built to withstand tornadoes better than other places in our school. [LB741]

SENATOR SULLIVAN: Okay, very good. Any other questions? Great job. Thank you so much for testifying. Welcome. [LB741]

DEREK ANDERSEN: My name is Derek Andersen, D-e-r-e-k A-n-d-e-r-s-e-n. Have you ever thought about the safety of kids at school due to the fact that Nebraska is right in the middle of tornado alley? Well, we have, and we think that there should be a law to make there be more tornado drills in schools. For example, last year at school we only had one tornado drill, and it was on the last day of school. That's why we wrote this bill to require schools to have more tornado drills and at appropriate times too. One example of why we wrote this bill is to tell you that every state sharing our border has a law. We would like our state to be part of the chain of tornado-safe states. As of right now, Iowa, Missouri, Kansas, Colorado, Wyoming, and South Dakota all have a law. Nothing is perfect, but don't you think we could get one step closer by making Nebraska safer? Another reason is that there are a lot of tornadoes during the school year. Did you know that Nebraska averages 29 tornadoes between August 1 to May 31, a whole school year? That's almost half of all the tornadoes that occur during the whole year. Nebraska has the most tornadoes of all states in tornado alley. And doesn't it seem ironic that we don't have a law about tornado safety in school? Finally, there are a lot of students in Nebraska; 18 percent of people in Nebraska are students, whether they're in public or private schools. Many schools have kids who don't know what to do if a tornado strikes. I think we all agree that it would be nice to have everyone know that kids are safe at school. In conclusion, Nebraska would be a safer place if everyone

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knew what to do if a tornado strikes. I would like it if our bill became a law, and I bet so would parents who entrust their kids' safety to the schools. By passing our bill you will do your part to protect us and other kids. [LB741]

SENATOR SULLIVAN: Thank you, Derek. Are there any questions for...Senator Kolowski. [LB741]

SENATOR KOLOWSKI: Derek...thank you, Madam. Derek, thank you for your testimony and for the work of all your teammates and what you've put together here. I wondered did you look at a lot of...do an analysis of a lot of different information as for the number of tornadoes that have hit? Did you also look at the severity, how they've been getting worse and in some cases that we're having higher incidences of very, very damaging tornadoes? Did you get into that kind of macro material? [LB741]

DEREK ANDERSEN: Not really. [LB741]

SENATOR KOLOWSKI: You just had the numbers of how many occur in that sense? [LB741]

DEREK ANDERSEN: Yeah. [LB741]

SENATOR KOLOWSKI: Okay, thank you. [LB741]

SENATOR SULLIVAN: Thank you for your testimony. Good job. Welcome. [LB741]

SETH WIKOWSKI: Hello, my name is Seth Wikowski, S-e-t-h W-i-k-o-w-s-k-i. I just feel it's important for schools to be safe and to know what to do during a tornado. And we've had one this year, but it didn't go very well because lots of people didn't know like where to go and what to do. And it took a while. It wasn't as fast as it should be if there was a real tornado. And I just think it should get passed because other states around us who have lots of tornadoes or even some tornadoes already have this law. Thanks for listening. [LB741]

SENATOR SULLIVAN: Thank you, Seth. In addition to the drill, before you had the drill, did your teacher tell you anything about how to prepare for a tornado drill and where to go if there were to be a tornado? [LB741]

SETH WIKOWSKI: Not really, they just kind of took us to where we needed to go and told us what we needed to do there. [LB741]

SENATOR SULLIVAN: Okay, thank you. Senator Haar. [LB741]

SENATOR HAAR: Yes, thanks, Seth, for coming. Do you have a plan at home for

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where you go in a tornado? [LB741]

SETH WIKOWSKI: Yeah, we just go to the basement; under our stairs is the safest place. [LB741]

SENATOR HAAR: Okay, good. Thank you very much. [LB741]

SENATOR SULLIVAN: Thank you for your testimony. Good job. Any other proponent testimony? Welcome. [LB741]

JOHN SKRETTA: Good afternoon, Senators. My name is John Skretta, J-o-h-n S-k-r-e-t-t-a. I am the superintendent of the Norris School District, and I'm here to provide a little bit anecdotal testimony from the Norris School District perspective. In May of 2004, our school district was hit with a devastating F4 tornado. And for any school district that has been through anything like that, I can assure you that during Severe Weather Awareness Week our students annually since, take the tornado drills very, very seriously. And the thing is, the kids are right. To reiterate and extend upon what you've heard from the statements of the students and their description of what would be best practice in safety, if you look at an analogy with state statute 81-527 for Nebraska schools requiring that they conduct regular fire drills when the schools are in session, there's a really basic form. It's submitted annually by July 1. It's not less than once every month school is in session. Norris, like most school districts, we have a tornado warning protocol that's specified by our safety and security plan. We've got a couple pages in there on that. But the simple educational standard that this bill addresses is that repetition aids learning, and practice at the appropriate level leads to preparedness. Disaster preparedness is an essential organizational asset, and it requires the commitment of everyone. So in our perspective, speaking on behalf of the Norris School District, the requirements of LB741 are not especially onerous. They can be readily complied with. And that would help all schools and help ensure that Nebraska meets the same standard that surrounding states do in terms of safety practices. Otherwise, what is likely to happen is that one-shot annual review during Severe Weather Awareness Week. And I'd to thank Senator Murante and Senator Kolowski for their sponsorship of this bill and answer any questions you might have. Thank you. [LB741]

SENATOR SULLIVAN: Thank you, John. You mention that you have a tornado warning protocol. If you could elaborate on that, and then do you actually have a drill? [LB741]

JOHN SKRETTA: Yeah, we have a drill, and we do severe weather drills. We do not currently do them with the same frequency and documentation specificity that's required for the fire drills. And thinking about that, it just makes sense to put that practice in place. And I know we can do that without a statutory requirement, but I think that's something that would ensure that there's a similar level of safety protocol for everyone.

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For our tornado protocol it's where you take shelter. We are fortunate enough to have some. Since 2004, best practice in school construction allows for safe rooms that are reinforced, especially durable, made to withstand very high-force winds even stronger than the winds, of course, that we just had yesterday blowing around Nebraska. And we've been able to do that, so we have students evacuate to those areas en masse. And there are safety flip charts that we've got in each classroom that teachers consult, and that have diagramed references in addition to our safety and security manual that's available for each teacher. [LB741]

SENATOR SULLIVAN: When the tornado hit the Norris area, was school in session? [LB741]

JOHN SKRETTA: No, we were not in session. Fortunately there was only...in fact, I think it was Phil Severson was the only teacher/coach on campus, and he knew enough to duck and cover and hide under a desk until it went through. And so thankfully we were not in session when that hit. [LB741]

SENATOR SULLIVAN: Thank you, John. Senator Haar. [LB741]

SENATOR HAAR: Yes, John, thank you. How much...I know when you rebuilt your schools you put in these safe rooms. Was that a huge additional cost or...? [LB741]

JOHN SKRETTA: It was a significant additional expense. But as I recall and as we were able to do here recently with the construction of our new intermediate school, between NEMA and FEMA funding you get some additional support to be able to put those things in place. [LB741]

SENATOR HAAR: Do you think that ought to be a requirement, that schools have a safe area? [LB741]

JOHN SKRETTA: I think there's people who are better qualified to be able to respond to this, but my understanding from talking with DLR design partners, the architectural firm that our school district and many others in this state work with, I think different cities have codes that address that. And if I'm not mistaken, Omaha actually has a more rigorous construction code that requires some of that than what some other areas do. [LB741]

SENATOR HAAR: Okay, thank you. [LB741]

SENATOR SULLIVAN: Any...Senator Davis. [LB741]

SENATOR DAVIS: Thank you, Mr. Skretta, for coming. And thank you, Madam Chairman. A couple questions, John, first of all, you heard reference that students go to

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the gym. But is the designated location, is that set by the safety inspector when he comes in or is that something that the administration makes a decision on? [LB741]

JOHN SKRETTA: Administration makes the decision on based upon consultation, in our case with architects and civil engineers. [LB741]

SENATOR DAVIS: And we have a lot of older buildings in the state that were built many, many years ago. [LB741]

JOHN SKRETTA: Yes. [LB741]

SENATOR DAVIS: So I guess...I think is...I'm glad Senator Murante brought the bill. I think it's something that we need to look at. But I guess I'm wondering what kind of experts these guys are that are recommending the location, you know. Do you have any idea on that? [LB741]

JOHN SKRETTA: Well, I...a comment, I don't...to just extend upon your questions, one of the things that we realized and one of the things that inspired Norris to look at safe room construction was that in the wake of the F4 tornado, and this was the same tornado that was so devastating to the town of Hallam that came through there, you know, for some of the areas that we would have evacuated students to based upon our understanding at the time, that their interior hallways suffered some really devastating destruction. And that's a piece of the larger conversation around this is, what else can we do to enhance school safety and security because ultimately drilling and preparedness...I think this bill is great because vigilance is our single best asset. However, there's another piece of this that relates to standard of construction and durability of Nebraska schools. [LB741]

SENATOR DAVIS: Thank you. [LB741]

SENATOR SULLIVAN: Thank you for your testimony. [LB741]

JOHN SKRETTA: Thank you. [LB741]

SENATOR SULLIVAN: Any other proponent testimony? Anyone wishing to testify in opposition to LB741? Anyone wishing to speak in a neutral capacity? Welcome. [LB741]

JOHN BONAIUTO: Thank you, Senator Sullivan. Senator Sullivan, members of the committee, John Bonaiuto, J-o-h-n B-o-n-a-i-u-t-o, representing Nebraska Association of School Boards and Nebraska Council of School Administrators. And I did not want to get in the way of the proponent testimony, I can tell you that. And I'm here to really give positive neutral testimony for this bill. And in talking with school boards and school administrators and looking at what is in place around the state, I would like to make a

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suggestion on line 1 to amend the number to "at least 1 drill per year" with the idea that...I think if this bill is put into law, you're going to require the school boards to have a policy. And the school board's policy service, I've talked to their policy director, and the school boards will develop model policies for districts, so they can then develop the policy to fit what they are doing. And there's nothing that says that boards can't have two or three and work with that number. But I think when we put something in statute like this, we want to make sure that they do at least one, and they then can build on the policies locally from there. I have talked to loss control consultants that visit sites across the state, and this is really an important thing for the insurance industry, that people that worry about what happens at districts like Norris. And the loss control folks, when they do walkthroughs, they want to see the diagrams. They want to make sure that things are in place, that there is going to be an orderly procedure for students and staff to evacuate to the right areas. And so, you know, we're willing to assist schools to comply with a law of this nature. And I think a local policy strengthens what is in Rule 10 and required of districts. And as those of you who have sat on a local school board know that the board members review those policies and have conversations with the administration, the community to make sure the policies reflect what that district believes is important. So again, I have the commitment from the school boards to assist with this in any way they can. With that I will conclude my testimony. [LB741]

SENATOR SULLIVAN: Thank you, John. What's your sense in visiting with your membership, do the majority of the schools have at least one drill a year? [LB741]

JOHN BONAIUTO: Yes, and many of them more. And some of this...you know, some districts do one in the fall and one in the spring. And then there are those that just do it in the spring or what they see as possibly the tornado season... [LB741]

SENATOR SULLIVAN: Thank you. [LB741]

JOHN BONAIUTO: ...but keeping it fresh in the mind of the staff and students. [LB741]

SENATOR SULLIVAN: Okay, do you have a question? [LB741]

SENATOR SCHEER: John, I don't disagree that it should be local districts that's providing policy, but in the vantage point of one using your terminology, unfortunately, what they brought to our attention would still technically by the law be within the capabilities because they had their one test. And it was the last day of school. So I think we can't be quite as broad as that from a legislative standpoint because I don't think it really serves a purpose to do it the last afternoon of the last day of school either. And I'm not trying to pick on whatever district that might have been. There might be others that do that, but I think we...I will be honest with you. If Senator Murante had brought it forward on his own, I would have asked him to contact the Department of Education because I really think these type of things probably ought better suited to a rule from the

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Department of Education rather than legislative statute. But under the circumstances, certainly I'm not going to suggest that he do that. I think it's important to reward civics instruction and inquisitiveness and the effort to provide the leadership on their part. So in this instance I certainly will waive that. But you're right, I think local districts should have an operative point in this, but perhaps more than one a year might be beneficial. [LB741]

JOHN BONAIUTO: And in a policy you can freely, locally talk about...you know, be more specific about not having it on the last day just to comply with something that's in writing. And so...but we're again, as I say we're here to work with this. And if it were in rule it's different than being in statute...and rule is something that, you know, as the fire drills are with Rule 10, and so we will help in any way as this gets worked through the process and developed. [LB741]

SENATOR SULLIVAN: Senator Haar. [LB741]

SENATOR HAAR: Yes, thanks. How do your school boards look at the whole issue of providing safe place? I mean just going to the hallway isn't enough. [LB741]

JOHN BONAIUTO: No, it's very difficult. And it depends on your site, and it depends on the type of facility you have. And if you could get everybody below ground, that's the place to be. And in some sites that's possible, but in most cases it's not. So you want to have the students in the safest place possible away from glass and flying debris. Our buildings are not designed to take a direct hit. That's very, very...it's not something you can necessarily build your way out of. [LB741]

SENATOR HAAR: So how do schools deal with that then because... [LB741]

JOHN BONAIUTO: You try to have the safest places possible that you have available to you. And again, I think the key is with most districts they try to get the students away from areas where there will be flying debris and glass and hope that the tornado moves around them. You know, I was teaching in Ralston in the '70s when the tornado came through. When we think of tornado alley, we think about Q Street. And it come down Q, and it went through Ralston. And I was at Meadows Elementary School, and it was after school. And all the staff got in an interior room. The tornado did not touch the school, but when we exited the building there was not a house standing across the street. I mean it's amazing to see that kind of damage. And I know that after school I think Westside had a building that took a direct hit, but again, after school like the Norris issue. You know, I looked at those buildings after that tornado, and thank goodness there weren't students in school. So we need to do everything we can to make it as safe as possible. But a lot depends on the facility and what you have to work with. [LB741]

SENATOR SULLIVAN: Senator Davis. [LB741]

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SENATOR DAVIS: Thank you, Madam Chairman. John, I assume your members have looked this bill over. [LB741]

JOHN BONAIUTO: Yes, very much so. [LB741]

SENATOR DAVIS: Just a couple technical questions... [LB741]

JOHN BONAIUTO: Um-hum. [LB741]

SENATOR DAVIS: ...but you talk about a tornado alarm sound in the school. Is that...so do our alarm systems have the capability of differentiating? [LB741]

JOHN BONAIUTO: We talked about that, and we're thinking that over the speaker system or broadcast that there would be ways to make that work. [LB741]

SENATOR DAVIS: And then you talk about athletic event venues outdoors, which I can see some complication there with parents wanting to take their kids with them. Did you guys venture into that discussion at all? [LB741]

JOHN BONAIUTO: Yeah, we talked about the fact that that would have to be an area that when you looked at policy and started to have that conversation, you'd have to put some thought into, and what you would do, how you would do it. And even now we have issues that occur at school, and sometimes parents want to come and pick up children right away. And the school permits that, but they're always trying to keep track of who's coming and who's going. But there are some pieces here that the policy would need to be specific on, and that community would need to develop, what would work for that particular area based on their sites. [LB741]

SENATOR DAVIS: Thank you. [LB741]

SENATOR SULLIVAN: Senator Kolowski. [LB741]

SENATOR KOLOWSKI: Thank you, Madam Chair. John, thank you for coming today. And you mentioned what I was thinking about, the '75 tornado in Omaha and the devastation that started in Ralston that didn't end until it hit way up north past a lot of territory that missed a couple of schools and hit that elementary school in Westside tremendously. Lewis and Clark was hit also, as you remember at that time. [LB741]

JOHN BONAIUTO: Yes. [LB741]

SENATOR KOLOWSKI: The difference between what we're talking about with a tornado of that power and that destruction, like the Oklahoma ones that hit this year and killed

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many kids in a couple of different schools down there, is that you have a warning with a hurricane. Winds are coming; the storm is coming; the water surge is coming, all the things that happen and destroy things, you have time get out of there or button the hatches up a little bit. The randomness and the specificity of a tornado is total destruction right where it hits in a very narrow path like Wayne this year when that...last year when that hit the town of Wayne, Nebraska. I do not find one drill to be sufficient with any building of any size. It has to be more frequent than that. It is a learned behavior, where to go, whether the PA system is sounded as far as a fire drill or a tornado drill. You go to different places, and you exit in different ways depending on the building and where you want people to go. I had additions put onto Millard West over time and even the last addition had different specifications to the rooms and what they did to protection of glass by putting in shutters that had to be required to be added to those rooms...for safe rooms that were added to the building. So even over 15 years rules changed in Omaha as far as the protection of those buildings. There's nothing that can stop one of those F4s or F5s. It's total destruction. And I fear for the specificity of that territory that gets hit like that. We've been very lucky; very, very fortunate. [LB741]

JOHN BONAIUTO: We have, for as many tornadoes. [LB741]

SENATOR KOLOWSKI: Norris superintendent, that was fortunate that day. The one in Omaha was fortunate, just a matter of a couple hours either way and the death toll would have been significantly impacted. [LB741]

JOHN BONAIUTO: Absolutely, and, you know, I... [LB741]

SENATOR KOLOWSKI: So I hope we...you know, the schools would consider how many things they need to do and how well they need to practice that. [LB741]

JOHN BONAIUTO: Senator, and I couldn't agree more. And my...again, I'll go back to...circling around to something Senator Scheer had said. The reason I had looked at one in statute...in rule, you could deal with rule a lot quicker, a lot easier. And I don't look at the lowest common denominator, does certainly recommending to boards they only do one. But if we're going to put something in statute that's workable, even two. But I think we...you put these kind of things in law, it's different than in rule. And as I say, I think policies can reflect whatever number that the board and that community feel that is a reasonable number. And we would sure encourage more than one without question, but I do know that when you change law it takes a lot longer and it's more laborious than it is to deal with rule. [LB741]

SENATOR KOLOWSKI: And we know what the prevalent tornado months are. [LB741]

JOHN BONAIUTO: Absolutely. [LB741]

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SENATOR KOLOWSKI: And we need to practice that before those months come. [LB741]

JOHN BONAIUTO: Yes, it's... [LB741]

SENATOR KOLOWSKI: It could happen at any time, but it's more prevalent of course. Thank you. [LB741]

SENATOR SULLIVAN: Thank you, John. [LB741]

JOHN BONAIUTO: Well, thank you. [LB741]

SENATOR SULLIVAN: Anyone else wishing to testify in a neutral capacity? Senator Murante for closing. [LB741]

SENATOR MURANTE: Thank you very much. Members of the Education Committee, I think you would agree with me that the kids who presented today were thoughtful in their comments. They all provided a somewhat unique perspective. And by my count, none of their testimonies lasted any longer than two minutes, so they ought to be rewarded for their brevity at the very least. (Laughter) We should all have that situation in all of our hearings, but I encourage you to support this bill, to send it to General File. I think it's good public policy to have, but I'd be happy to work with any of you make that happen. So thank you very much. [LB741]

SENATOR SULLIVAN: Thank you for your closing. [LB741]

SENATOR MURANTE: Thank you. [LB741]

SENATOR SULLIVAN: (Exhibit 1) That will close the hearing on LB741. We'll now move onto LB782. Senator Lathrop. [LB741]

SENATOR LATHROP: Good afternoon, Madam Chair, members of the Education Committee. My name is Steve Lathrop, L-a-t-h-r-o-p. I am the state senator for District 12 and here today to introduce LB782. In 2011, the Legislature passed LB260, the Nebraska Concussion Awareness Act, in order to set up a return-to-play protocol for young athletes who suffer concussions. By all accounts, the act is working well and successfully identifying and treating young athletes who suffer concussions. However, after suffering a concussion, a student's cognitive function can be impacted, and they may face challenges when returning to the classroom. LB782 would help address this issue by simply requiring schools to recognize this and set up a plan that will successfully return students to the classroom. A recent survey regarding the impact of the Nebraska Concussion Awareness Act done by the Nebraska School Activities Association and others found that of those high school athletic directors surveyed, 32.5

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percent said that their school has provided education to teachers about the signs and symptoms of concussions and provided return-to-learn accommodations and/or management of concussions; 34 percent indicated their school had a designated person for concussion management to assist student athletes; 60 percent indicated their school notified teachers when a student with a suspected concussion returns to the classroom. But only 6 percent indicated their school has a return-to-learn policy that provides accommodations for the classroom work of a student athlete with a suspected concussion. This survey highlights a gap in our current law. And I would argue that if we're going to require schools to have a return-to-play protocol, then we should also require schools to have a return-to-learn protocol. If it is important to identify and assist student athletes who suffer concussions and successfully return them to the field or court, it is even more important that we recognize these students may need some additional assistance as they return to the classroom. LB782 simply amends the current law by requiring all schools to establish a return-to-learn protocol for students that have sustained a concussion. It would be up to each school to determine what that would include. It could be as simple as providing information on the effects of concussions to teachers, as well as making sure teachers are notified when a student with a concussion returns to school. If a school wants to set up more formal protocols, that would be up to them. I've received letters on this bill from student athletes who support the bill including one young woman who attends Lincoln East High and who suffered a concussion. She wrote and indicated to me, it's hard enough focusing on when you're going to get to play again, but struggling in school makes it even worse. I think it's a great idea for students to have help and support from their teachers. It is important to take action on LB782 this year in order to assist student athletes like her who face challenges when returning to the classroom after suffering a concussion. So I would encourage your support of LB782. [LB782]

SENATOR SULLIVAN: Thank you, Senator Lathrop. When you talk about accommodations that would need to be made, can you give us some examples? [LB782]

SENATOR LATHROP: You know, I have professionally represented people who have mild brain injuries, all manner of brain injuries. And generally what happens when they make an accommodation for someone who has a mild brain injury is, it might be more time taking a test. It might be a place with fewer distractions because sometimes the speed with which they can take in new information or take a test, for example, might be impaired with a concussion for a time. So it will be those kind of accommodations for a concussion that I suspect are not unlike what they do for someone with a mild traumatic brain injury. [LB782]

SENATOR SULLIVAN: And when you talk about a plan that would be put in place, who do you envision would be involved in developing that plan and monitoring it to determine how long it continues? [LB782]

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SENATOR LATHROP: I think it would be up to the school, each individual school district, is the way I would envision it right now. [LB782]

SENATOR SULLIVAN: Okay, any other questions? Senator Scheer. [LB782]

SENATOR SCHEER: Senator, do you envision, or what did you have in mind in relationship to how or who these protocols or policies would be on record with? I mean, each district is required or each...actually school system, I guess would be the simpler system, is going to be required to have them. Do you have a depository that... [LB782]

SENATOR LATHROP: I think right now we have a similar requirement under LB260. The schools were required to have some protocol for taking a student athlete out, and they are to be out until they're certified free of the concussion. And I think that's done on a school district by school district basis. So this would be part of that same policy process. [LB782]

SENATOR SCHEER: Okay, so you don't envision that the Department of Education or somebody would have a listing to make sure that each district had provided... [LB782]

SENATOR LATHROP: I wouldn't... [LB782]

SENATOR SCHEER: ...has a plan. That's fine if not, but... [LB782]

SENATOR LATHROP: No, that's a great question. That's a great question because in the end you want to know that they're doing it. If we pass a law, you want to make sure that the school districts are following through. I don't know what we did with LB260, the Concussion Awareness Act. And maybe somebody behind me who is going to testify in support will be able to answer that. [LB782]

SENATOR SCHEER: Okay, I just didn't see it, that's why I was asking. [LB782]

SENATOR LATHROP: No, I appreciate...that's a good thought. [LB782]

SENATOR SCHEER: Okay, thank you. Thank you, Senator Sullivan. [LB782]

SENATOR SULLIVAN: Senator Seiler. [LB782]

SENATOR SEILER: I agree with your bill completely having lost one of my best friends with numerous concussions. He committed suicide. One question I have is, why are we limiting it to just sports events? If somebody was in a car accident, wouldn't they need a protocol to come back into the school system? [LB782]

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SENATOR LATHROP: You know, I thought about that when I was getting ready to come down here, that this could just as easily apply to a young person who was in an automobile collision the week before they return to school. I don't think it has to be limited to sports injuries, but it is in that section. [LB782]

SENATOR SEILER: Right. [LB782]

SENATOR LATHROP: That is what we're amending however. [LB782]

SENATOR SULLIVAN: Senator Davis. [LB782]

SENATOR DAVIS: As with everything, the devil is always in the detail, Senator Lathrop. But you talk about monitoring by medical staff. And so will that be a cost that then is...that the school district is going to have to bear for that? [LB782]

SENATOR LATHROP: It's a monitoring by medical or academic staffing until the student is fully recovered. If you think about it, before they can go back onto the field, they have to have somebody. And we had a list of people who were qualified in that bill to say you're free of the concussion symptoms. I think they were trainers, physicians, people with experience in the area. And so I don't know why that wouldn't...that assessment that allows them to return to the field wouldn't be the same one that would give them the all clear under this bill. [LB782]

SENATOR DAVIS: And I appreciate what Senator Seiler said. I agree with him, that should be a part of it. And Senator Kolowski just whispered to me, you know, skateboards. [LB782]

SENATOR LATHROP: Oh, sure, you know, and I have obviously have represented a lot of people who have had concussions that have been involved in one kind of an accident or another. And young people are prone to the concussions and the traumatic brain injuries, and they can happen on a skateboard, a bike, or they can fall down the steps someplace just walking to school. So I don't think it needs necessarily to be limited to athletes, but that's the section of law we were amending. [LB782]

SENATOR DAVIS: I guess the thing... [LB782]

SENATOR LATHROP: But I'm not married to that. I get that it should be broader. [LB782]

SENATOR DAVIS: The thing that I'm worried about is that maybe an open-ended cost for a lot of our small districts that maybe just don't have the resources. So it's something that I think I'd like to think about, but... [LB782]

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SENATOR LATHROP: And you know, I might invite you to ask questions from the people from the Brain Injury Association who can tell you how LB260 has worked because it might give you some insight into what's involved in finding out that somebody has the all clear. But there are people that are doing the individual plans for kids with special needs or the kids that might have a mild brain injury. I think they're well equipped to say, you know, for a couple of weeks this student is going to need to have a little bit more time for a test or a quiet room without distractions, that kind of thing. [LB782]

SENATOR DAVIS: Thank you. [LB782]

SENATOR LATHROP: I think that's what we're talking about. [LB782]

SENATOR SULLIVAN: Senator Kolowski. [LB782]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator Lathrop, your background with this topic, as you were examining this, do you think it's more of a silent topic or even a silent epidemic at times in our society that isn't being looked at? When I think of the contact in a variety of the sports. And I'm not just talking football with the kind of contact taking place there but soccer and many other things, rugby, that kids play. There's...sometimes it's just... [LB782]

SENATOR LATHROP: Right, we passed LB260 in 2011. I would say that that was the beginning of the push. And that was actually...I introduced that, but I think it was the NFL that was behind it. And you have over at the university, and there's others that will come behind me, again, who can talk about the brain injury facility over at the University of Nebraska, which is I think one of the leaders in the nation on the subject. You see an awful lot of the rules changing in football for concussions. I think concussions and brain injuries in athletics are right at the front right now. They are out there because of bills like LB260 which Nebraska was not unique. There were a number of states that passed bills like LB260 for the return to the...for the athlete to go back in to play. I don't think it's silent anymore. I think it has been, but the studies that are going on now about brain injuries and multiple concussions are impressive. And the lesson is that we can cause long-term problems if kids continue to play when they've had a concussion, or they get a series of concussions. And all this bill is doing is addressing the logical thing which is, what about their ability to learn after they've had a concussion. [LB782]

SENATOR KOLOWSKI: Thank you. [LB782]

SENATOR SULLIVAN: Senator Haar. [LB782]

SENATOR HAAR: Senator Lathrop, you said that you had represented people in this. Who is being sued or whatever? Is it usually against the insurance company or are the

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schools liable? [LB782]

SENATOR LATHROP: These aren't...I'm not talking about athletes. [LB782]

SENATOR HAAR: Okay. [LB782]

SENATOR LATHROP: Athletes that play contact sports assume the risk associated with an injury that's part of the sport. If you play soccer and two people go up for a header and somebody ends up getting a concussion, there's no claim involved in that. I just meant that I have experience with people that have had brain injuries of all kinds. [LB782]

SENATOR HAAR: Okay, thank you. [LB782]

SENATOR SULLIVAN: Thank you for your introduction. Will you be here for closing? [LB782]

SENATOR LATHROP: I will not. I've got to go back up and chair Business and Labor which has a full schedule today. Doug Koebernick will be here taking notes. And we do have people testifying in support. [LB782]

SENATOR SULLIVAN: Thank you. [LB782]

SENATOR LATHROP: Okay, thank you. Thanks for your consideration. [LB782]

SENATOR SULLIVAN: You bet. We'll now have proponent testimony. Welcome. [LB782]

PEGGY REISHER: (Exhibit 1) Thank you. Madam Chair and members of the committee, my name is Peggy Reisher; it's P-e-g-g-y. Reisher is R-e-i-s-h-e-r. And I am the executive director for the Brain Injury Association of Nebraska. I come here today to urge you to support LB782. Professionally I'm a masters level social worker. I've worked in the field of brain injury for the last 22 years. The Brain Injury Association of Nebraska helps direct the Nebraska Concussion Coalition, and we are a group kind of taking the lead in implementing action-oriented steps to improve concussion awareness and change the culture of concussion around the state. Return to learn, which is what this bill is about, is really just one component of our concussion coalition work. The need for specific recommendations for returning a student to learning after a concussion is necessary, and I'll explain that in just a moment. Just as you're aware, a concussion is a brain injury caused by a bump, blow, or jolt to the head. It causes an altered state...a mental state and occurs with a loss of consciousness less than 10 percent of the time. Just to give you a few numbers, and I'm a social worker so numbers is not my thing; I'd rather give stories, but my job is to give the numbers today. In the U.S., there's an

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estimated 1.7 million traumatic brain injuries occurring annually, and many of those are concussion. According to the 2012 Nebraska brain injury registry, there was 1,705 children from the ages 5-19 who visited inpatient and the emergency rooms due to concussion. That is a very...that number is not necessarily accurate of the number of concussions in the state of Nebraska. Those are just the ones that visited the emergency room and went to the hospital. So anybody who had had a concussion, was seen at their physician's office is not necessarily accounted for in those numbers, as well as for every five...five of every ten concussions also go unreported or undetected. In other words, there's a lot of folks that are having the concussions not necessarily being identified, but they're maybe still having problems with it. One in ten high school athletes who play contact sports will suffer a concussion in a year. Thanks to the Concussion Awareness Act, LB260, we are beginning to change the culture of concussion management. However, we still have a lot of work ahead of us. In April 2013, we conducted a survey, and Senator Lathrop had made note of that also, but we'd ask them questions of athletic directors, high school coaches. And we specifically wanted to find out what do they know about those return-to-learn activities that's going on in each of their schools. Senator Lathrop highlighted some of them, so I'll try to not repeat the ones he had mentioned. However, I think one the most significant ones was that 60 percent reported their school notifies teachers when an athlete is suspected to having a concussion. That means 40 percent don't notify the teachers. The other thing is, how many schools reported that they're providing their teachers with education about concussion; 34 percent said they did. Again, 66 percent are saying that they do not provide their teachers with education about concussion. The other statistic, 6 percent reported their school has a written return-to-learn policy that provides accommodations for helping the student returning with suspected concussion. In other words, 92 percent don't. We'd also asked a key question of...there are what's called brain injury school support teams, and some of the folks behind me will be talking about the brain injury school support teams more thoroughly than what I'll touch upon. But a statistic I wanted to share with you is that we asked them, how many of you know that you have a brain injury school support team to help support you in your helping children return with concussion? And only...well 93 percent of them said they were not aware of that group of people willing to help them. I think the most important thing is given these numbers and the evidence, we're just simply asking you to support LB782. Nebraska is one the first states to pass a comprehensive concussion law in the U.S. We were on the cutting edge back in 2011. To date, there's only one other state working on return-to-learn policy, and that is Connecticut. And they've already passed their law. In order for our students, our leaders of tomorrow, to be successful today to ensure all students who sustain a concussion have adequate adjustments, accommodations, and long-term program modifications in place, we simply as you to help pass LB782. Thank you for your time, and I'll be happy to take any questions. [LB782]

SENATOR SULLIVAN: Thank you, Mrs. Reisher. What role currently do you think family plays in advocating for a young person who has suffered a concussion and then returns

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to school? Do you know anything about that now in terms of the family making sure that there are certain accommodations made for the student? [LB782]

PEGGY REISHER: I think there's certainly some families that are better advocates than others. Some of them simply don't know what to advocate for. And there was also a survey that you have in the information I'd given you that we'd surveyed parents and students and just what their response was. And again, I think there's a lot of work that we as a concussion coalition need to do towards educating parents and students about what to look for. Parents will be the advocate if they know what they're supposed to be advocating for, but that, too, is an area of need yet. [LB782]

SENATOR SULLIVAN: Does the research identify ongoing problems when that support has not been made available to a student, and they've returned to school and struggled because of that? [LB782]

PEGGY REISHER: Yes, and again you're going to hear some more testimony on that from behind me. Great question. [LB782]

SENATOR SULLIVAN: Okay, very good. Senator Haar. [LB782]

SENATOR HAAR: Yes, thank you. Who's an appropriate person to tell if there has been a concussion, or how do we even know that? There's no bright line, is there? [LB782]

PEGGY REISHER: You know, how to identify a concussion, there's some just key things you need to be looking for. And those are things that we're trying to provide information education. Really, the bottom line is, it needs to be, if when in doubt, sit them out, or get it checked out by your medical physician. It is...honestly it's left into the hands of the medical professionals at this point to help identify or determine whether or not a person has had a concussion. And that could be an athletic sports trainer, that could be the physician, that could be any of those that were approved through our LB260. [LB782]

SENATOR HAAR: Do most physicians know how to identify concussions, or is that an area of challenge as well? [LB782]

PEGGY REISHER: Interesting you would ask that, that is...as our concussion coalition gets together, that is one area that we know that we need to hit on more is, making sure that all physicians know what to be looking for. The answer is yes. They should all know. [LB782]

SENATOR HAAR: Okay. [LB782]

PEGGY REISHER: We have some room for improvement. [LB782]

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SENATOR HAAR: Thank you. [LB782]

SENATOR SULLIVAN: Any other questions? Senator Davis. [LB782]

SENATOR DAVIS: You know, for those us who are new here with no institutional memory--no memory--can you tell us a little bit about LB260 and what it does, or is somebody going to come that can? [LB782]

PEGGY REISHER: Rusty is going to touch upon that in a lot more detail. I could give you... [LB782]

SENATOR DAVIS: Okay. No, I'll just ask them my questions then. [LB782]

PEGGY REISHER: Okay. I was going to say I could give you a quick overview of it. [LB782]

SENATOR DAVIS: Well, you know, my primary question I guess is, who's reporting? How does the athletic director know, or the medical trainer? Or how is that handled? And do the doctors report to them? Or is it basically the kid just shows up and says, I've had a concussion? These are important issues that we need to know about. [LB782]

PEGGY REISHER: Right. Rusty, I'm trusting you on this one. He will cover that. [LB782]

SENATOR SULLIVAN: Senator Cook. [LB782]

SENATOR COOK: Thank you, Madam Chair. And perhaps this is another one for the next testifier; the kinds of activities, like specific examples that a teacher or coach or school nurse would help the student with and in what context, because as I read this it could be a full range of additional time when they're in their reading unit, some time to take a nap. I don't know what that is, and I guess I'm trying to get an idea of what... [LB782]

PEGGY REISHER: Oftentimes the students can have troubles with headache or dizziness or visual problems. They might be having difficulty with concentrating. Sometimes if you have...after a concussion you have difficulty with sleeping so you might be extra tired. So what happens is we're asking the...you know, whoever was identified within that school to kind of help the teachers monitor and manage that. And say, here's what it is that we're suggesting, so that it becomes...and there's several schools that are doing this really well. We call them concussion management teams, and they've got kind of a point person to help coach the rest of that team, those educators, on when a child is needing help with X, Y, or Z. Really, again the idea is meant...our hope is that we put together concussion management teams. And again

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you'll hear more about that as we go through the testimonies too. [LB782]

SENATOR COOK: All right, thank you. [LB782]

SENATOR SULLIVAN: Senator Kolowski. [LB782]

SENATOR KOLOWSKI: Thank you, Madam Chair. Ma'am, on the notification of officials on the school, is there a process that would part of this whole information sharing about the injured student and where things would go from there as...is there anything that designates this must go to the school nurse or principal and reported back to certain people? [LB782]

PEGGY REISHER: What you're going to hear from is folks later is just that people develop...or that schools develop a concussion management team. And that might look different depending upon the number or the folks involved in that particular school. [LB782]

SENATOR KOLOWSKI: Okay. [LB782]

PEGGY REISHER: I mean, where you've got larger schools with athletic trainers, they might be your point person. However, in some of the Class D schools where those athletic trainers travel to multiple schools, that could look a lot different. [LB782]

SENATOR KOLOWSKI: Sure, understand. But I'm thinking of reporting it to one location that will eventually be collecting that for the entire school or school district. I think that might be an important piece. [LB782]

PEGGY REISHER: I think it would be important too. [LB782]

SENATOR KOLOWSKI: Thank you. [LB782]

SENATOR SULLIVAN: Thank you for your testimony. [LB782]

PEGGY REISHER: Thank you. [LB782]

SENATOR SULLIVAN: Welcome. [LB782]

NOVA ADAMS: (Exhibit 2) Madam Chair, members of the committee, my name is Nova Adams; it's N-o-v-a A-d-a-m-s. I'm the educational liaison at Madonna Rehabilitation Hospital. And as the educational liaison, I've worked with hundreds of students who have suffered the effects of concussion or mild traumatic brain injury. And I fully support this bill. As the educational liaison at Madonna, most of the students I'm seeing with these mild brain injuries or concussions are going through our mild brain injury clinic

that we have at Madonna. They're evaluated by our doctors, the psychologists, the occupational therapists, the physical therapists, the speech and language pathologist. My job at Madonna is though to take that information and look at it and see how this would affect their going back to school part of things, that return-to-learn component. The development of a return-to-learn plan for students who have suffered a concussion is of the utmost importance for the successful return to academics. Time and time again I work with students who come to Madonna weeks or even months after their concussion. They typically have not received any accommodations or interventions through the school, and there was not a plan in place for the return to the classroom after their injury. And I have to add, it's not because the schools don't want to serve their students. It's just concussion, mild brain injuries is such a new area that many of them don't know how. You know, the teachers and the personnel are more than willing to do what they need to do to help these students. It's just they don't know what to do. By the time I begin to work with these students, they demonstrate significant physical symptoms such as an increase in headaches, dizziness, fatigue, cognitive symptoms that cause difficulty with their ability to concentrate and remember or process information quickly. These students may experience sensory issues such as sensitivity to light and noise, difficulty with visual processing. They experience a change in their ability to control their emotional regulation. All of these difficulties cause a great deal of difficulty in the success for academics. They experience a decrease in grades, which in turn causes an increase in their stress, which in turn makes their symptoms and their chance for recovery even more difficult. So what we're seeing is, they go back to the academic setting without the accommodations, and their symptoms just get worse with time. You know, so then that causes even more difficulty with their return to their academics. Students that have not received any assistance in the return-to-school process after a concussion may demonstrate increased symptoms rather than a decrease in symptoms. They may have difficulty with remembering what they have read, how to complete math problems, difficulty with keeping up with lectures, taking notes. And as they become tired from working so hard cognitively, their headaches increase throughout the day, which makes all their other symptoms worse. So it becomes a vicious cycle of increase symptoms and decrease in school success. These students may find that they may be able to keep up initially, but as their systems are more taxed, everything begins to fall apart. By developing a return-to-learn protocol, schools can monitor those students who have suffered concussions. They can identify when and if the student is experiencing an increase in symptoms and make adjustments in class, the schedule, or develop accommodations for the student so the symptoms don't get worse. Then the students can have a chance at having a better and more timely recovery. The whole school team--teachers, nurses, counselors--need to be involved in this process so everyone is on board. I have been involved with the development of the return-to-learn protocol that has been developed by the Brain Injury Regional School Support Teams. I've seen this protocol used, and it works. See, as the educational liaison at Madonna, I see students that are struggling academically, physically, and emotionally. I posed the question to this BIRSST group. Why don't I ever

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see any patients from this one particular school in Lincoln? And the answer was very simple. They have a return-to-learn protocol already developed. So the second they find out that this student has had a concussion, their team is right on it. And they have developed a plan, so these students aren't experiencing the increase in headaches and the physical symptoms. And they're being more successful academically because they can give those accommodations to those students right away. I worry about how many students are out there who have experienced these difficulties right now. I have seen ten students just within the months of December and January that have come to Madonna as outpatients, and they're just from Lincoln and the surrounding area. All of these students have had a concussion that occurred months ago, and they are just now getting assistance. Their grades have dropped, their symptoms have gotten worse, and they're frustrated, and they're tired. Their recovery can't occur as long as they are experiencing these symptoms. I worry about how many students in our rural areas who are experiencing these same difficulties but have nowhere to turn to assist them. We must find a way of involving the school in the development of a plan to assist these students in the school setting. Thank you for your listening, and I'm happy to answer any questions. [LB782]

SENATOR SULLIVAN: Thank you, Mrs. Adams. You mentioned obviously you work with students in certain conditions at Madonna. [LB782]

NOVA ADAMS: Uh-huh. [LB782]

SENATOR SULLIVAN: Do you as a facility, when you know the student will be returning to school when they leave your facility, have any protocol that you interact not only with the parents as well as the school? [LB782]

NOVA ADAMS: Yes, when we have patients that come into our inpatient system and then some that come to our outpatient system, I'm the person that works with the school in developing and helping the school understand what this injury has done to the student, how it has affected him in all areas, physically, cognitively, sensory, all those areas I mentioned. You know, and then for our students who come in with these brain injuries and concussions, I'm also the one that contacts that school and talks with them about, what can they do as far as accommodating the student, what is his schedule, what kind of schedule are we recommending, those kinds of things, just all of their symptoms. I give the school a lot of education, but then I also educate the parents because ultimately, you know, years down the road many times it will be the parent who's going to have to be an advocate for the student. But most of our parents come into our mild brain injury clinic with very little knowledge and not a good understanding of what a concussion can do to a student. [LB782]

SENATOR SULLIVAN: So that's the sort of protocol that would be recommended in this... [LB782]

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NOVA ADAMS: Yeah, our Brain Injury Regional School Support Team has developed a really nice, thorough protocol and education that we can put out there for our schools and for the teachers and for the parents. [LB782]

SENATOR SULLIVAN: Now this protocol and plan I guess technically expands the circle of people who know about this injury for this student. What sort of HIPAA regulations and privacy sensitivity do we need to be aware of? [LB782]

NOVA ADAMS: Okay, and right now we're working with the doctors and our BIRSST team, and I'm not involved in that part of it. So someone else will talk about that. But what we have done is we have BIRSST team members all over the state, you know, so there can be that education directly to the schools. Our BIRSST teams can go and educate the schools. We've got the protocol developed. It's just getting it out there. [LB782]

SENATOR SULLIVAN: Okay, thank you. Senator Haar. [LB782]

SENATOR HAAR: Yes, thank you. In your opinion, seeing all of these young people with injuries, do you think we're going to curtail some of the sports and stuff that go on in schools, just your opinion? [LB782]

NOVA ADAMS: That's not my call. [LB782]

SENATOR HAAR: No, but what's your opinion? [LB782]

NOVA ADAMS: You know what, I don't think we can curtail it because even if we have students that, you know, we curtail the activities in school, I'm seeing all sorts of kids that have not been injured at school. They've been injured on their skateboard. They've been hit by a swing. They've fallen down stairs. I mean, I have tons of stories of, you know, that...it wasn't necessarily a school injury. [LB782]

SENATOR SULLIVAN: Senator Cook. [LB782]

SENATOR COOK: Thank you. I have a question about...in your testimony you made reference to the fact that there was a ready-to-learn protocol in place at one of schools that contacted you. [LB782]

NOVA ADAMS: Um-hum. [LB782]

SENATOR COOK: And I guess I thought that this was a brand new thing. Is it that it's brand new that we're codifying it for all of the schools, but this curriculum if you will has been available for a while? And how has it been available for a while? [LB782]

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NOVA ADAMS: Well, and I think this school really took it upon themselves. They saw those students that were having athletic injuries and how that was affecting them in school, and said within the school, we really need to develop a concussion team so we can deal with that return-to-learn part. And they did that about, I would say probably, the same time our Brain Injury Regional School Support Team started developing a type of a protocol or suggestions on ways we can get these students back to school. [LB782]

SENATOR COOK: Okay, thank you. [LB782]

SENATOR SULLIVAN: Thank you for your testimony. Welcome. [LB782]

CINDY BRUNKEN: (Exhibit 3) Thank you. Good afternoon. Madam Chair, members of the committee, my name is Cindy Brunken, spelled C-i-n-d-y B-r-u-n-k-e-n. I'm a certified brain injury specialist and the Brain Injury Regional School Support Team or BIRSST southeast region chair. I'm also a speech language pathologist and a special education supervisor for Lincoln Public Schools. I am testifying in support of LB782. The original bill, the Return-to-Play Bill, provided a consistent means to educate, identify, and manage concussions and help ensure the safety of students involved in youth sports. But now we need to take the next step. A return-to-learn protocol needs to be established in all of our schools because the impact of concussions on student learning is considerable. We also need to acknowledge that many students in our schools sustain concussions as a result of falls, child abuse, and automobile accidents among other things. All athletes are students, but not all students with concussions are athletes. These students need our support as well. Educators need to be able to recognize the signs and symptoms of concussions. They also need to know how to make accommodations and modifications to the curriculum while a concussed student is recovering. Educators are key members of the team that monitors the student's recovery and implements the individualized return-to-learn protocol. The Nebraska Department of Education has mechanisms in place to implement the return-to-learn protocol. Nebraska Rule 51 already requires that all schools have a Student Assistance Team in place to utilize problem-solving strategies to assist teachers in the provision of general education. But with proper training and support, this same team can also become a concussion-management team and plan and monitor a student's return-to-learn progression. The Department of Education has established the BIRSST teams, which you've heard about, across the state. And it's our job to train and facilitate the development of concussion-management teams in schools to help manage concussions. BIRSST members across the state were trained last September on the return-to-learn protocol. However, these teams are not being utilized, and they are having difficulty getting their message heard by administrators and teachers. Huge variability exists among school districts and the schools within each district regarding their awareness of concussions, the impact on students, and their ability to serve the needs of these students through the recovery process. This bill would mandate that

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schools give this important topic the attention it requires. Right now it's a grass roots, bottom-up effort trying to...we talk to and educate anyone who will listen, and it's difficult to reach everyone. Our state brain injury task force has spent the last year and a half doing the research and developing the procedures, materials, and the training modules for consistent implementation of the return-to-learn protocol across our state. So with proper training, educators can form concussion management teams that possess the knowledge, skills, and tools necessary to educate parents, students, and teachers about concussions. So the groundwork is done. Everything is in place. Now we just need schools to implement it. As chair of the southeast region BIRSST team, I've consulted with numerous schools, students, and families following concussions. There are huge differences among schools in their awareness of concussions and even the level of concern shown by parents and teachers. When parents and schools don't understand, and students' concussions are not managed, the negative outcomes for the students are devastating. I've seen the frustration, anxiety, and fear of students and their parents when they're struggling to organize themselves. They used to be able to, now they can't keep their assignment straight; when they're struggling to understand the curriculum; when they're trying carry on while they cope with the headaches and the exhaustion, and the other symptoms; and when they're dealing with the anxiety of failing their classes all because their concussions were not managed properly at school. Educators in our schools want to do the right thing for students. I have seen firsthand the positive results of effective concussion management teams. When teachers are educated about concussions and they understand the need to provide the accommodations and modifications, the student's symptoms resolve, and they return to academics and their regular activities much more quickly. This bill would ensure that all students through Nebraska receive the appropriate accommodations. It's so important that we care for our students with concussions and traumatic brain injuries. Please consider passage of this legislation. Do you have any questions for me? [LB782]

SENATOR SULLIVAN: Thank you, Mrs. Brunken. Can you tell me a little bit about how many teams there are across the state and where they're located and how they operate? [LB782]

CINDY BRUNKEN: Right now, I think the largest number are here in southeast Nebraska just because this is where the work was born was in this part of the state. Lincoln Public Schools has kind of been a guinea pig for it, and the school that Nova spoke about, one of the high schools, we quickly adopted Crystal, the athletic trainer at that school, to join our BIRSST team. And so we've all collaborated together to put together that best practice for schools across the state. So right now the charge for all BIRSST teams is go back to your ESUs, share this information, try and get as many concussion management teams set up this school year as you can. Like I said, it's difficult to get on agendas; it's difficult to get our message out. And so we're hoping that this will shed some light and bring some attention to the topic. [LB782]

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SENATOR SULLIVAN: So the BIRSST team is made up of people from your group as well as the educators in a particular school district? [LB782]

CINDY BRUNKEN: Correct, it's a variety of folks, administrators, speech pathologists, school psychologists. On our team, our Southeast team, we have about 12 members, and it's just a variety from different areas of expertise. Nova from Madonna is on our team. So we're really reaching out and collaborating. We're working with hospitals in the area, just everyone that we can connect with so that we're all moving in the same direction and working together. [LB782]

SENATOR SULLIVAN: You indicated that, you know, schools want to do right by their students, but that you're having trouble getting some buy-in. What sort of public awareness programs or outreach do you have to make sure schools know about this? [LB782]

CINDY BRUNKEN: The New Nebraska Youth Concussion Coalition that was spoken of early is new. We started in the fall, and we have folks on our committee from NET, people who can help us get that marketing out and get the message out. And we've even talked about how that will differ depending on the age. One of the members said, you know, if we have young parents, we might need an app. If we're talking to grandparents, they might want something in print that they can take home and read. So, you know, we're just looking at everything. [LB782]

SENATOR SULLIVAN: Okay, thank you. [LB782]

CINDY BRUNKEN: Yes, thank you. [LB782]

SENATOR SULLIVAN: Senator Haar. [LB782]

SENATOR HAAR: Thank you. You and other people have talked about recovery. Is it really recovery or are there some permanent damages that linger after concussions? [LB782]

CINDY BRUNKEN: That's an excellent question. The research shows that the brain does not heal. The brain reorganizes itself. So that's that time of recovery that we're talking about when we need to shut the students down cognitively, physically they need that time to rest so that the brain isn't firing on all cylinders and trying to keep going and causing more damage. And that's when the symptoms escalate as well. So the kids need to be home. They need to be resting. They need to not be texting and looking at computer screens. The light from that really activates areas of the brain. They shouldn't be blowing on their tuba. That intercranial pressure, that causes issues. So every concussion is different. And every plan, as you were asking about, what would those accommodations look like? Every plan is unique to that student. So you...the

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concussion management teams would look at the symptoms that the student is exhibiting, and then we make a plan for the next few days. Okay, how are they doing now? A week from now, how are they doing? And usually that protocol involves a gradual return back to school following rest. So when the student is symptom free, then we start gradually having them come back to school. They can make it two or three hours no symptoms, great. We add a little bit more time. But we also have those accommodations, maybe someone takes notes for them at school, maybe they can wear sunglasses because the light is so bright. It just depends on the student and what their symptoms are. [LB782]

SENATOR HAAR: So this is a cumulative damage, not just once and... [LB782]

CINDY BRUNKEN: Definitely, the research is very clear about subsequent concussions and the devastating effects. So it's so important the first time that we manage it properly and educate everyone about it because, like I said, parents, once they know...like Peggy said what to advocate for and what to watch for, they do that. The same with teachers. But the thing is with concussions, kids come back to school, and they look just like they did before the concussion. If they came in with a cast on their legs, we'd say, oh, they have an injury. But we don't see it. And so sometimes teachers have the expectation that this student will do algebra and trigonometry at the same level they did prior to the concussion, and they just can't. [LB782]

SENATOR HAAR: But usually if you give proper attention and so on, they can achieve those same levels. Is that correct? [LB782]

CINDY BRUNKEN: Exactly. [LB782]

SENATOR HAAR: I mean the brain will hook up in a way to do what they did before. [LB782]

CINDY BRUNKEN: Right, most students will recover, and they'll do very well. There are things in place such as 504s for students for whom the symptoms are more long term. If a person has a moderate or severe brain injury, we have special education services. So those things are all in place through Rule 51. But most of our kids can be managed through the Student Assistance Team process and have good outcomes if we catch it early and manage it well. [LB782]

SENATOR SULLIVAN: I wasn't quite sure that I understood the answer to the question I asked previously about HIPAA concerns. [LB782]

CINDY BRUNKEN: Oh, yes. [LB782]

SENATOR SULLIVAN: So does that enter into the development of an appropriate plan

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for a student? [LB782]

CINDY BRUNKEN: Yes, and that is part of our protocol. For instance, if a student goes to Madonna, and Nova calls me, she has had parents sign a medical release of information so that we can communicate. FERPA rules apply of course in the schools. So only members of the staff who need to know about that student's case are involved in the discussions. So yes, HIPAA and FERPA apply. [LB782]

SENATOR SULLIVAN: Okay, very good. Any other questions? Thank you for your testimony. [LB782]

CINDY BRUNKEN: Thank you. [LB782]

SENATOR SULLIVAN: Welcome. [LB782]

SCOTT WINEMAN: (Exhibit 4) Madam Chair and members of the committee, my name is Scott Wineman. For the record, that is S-c-o-t-t, last name W-i-n-e-m-a-n. I am here to support the Return-to-Learn legislation. I feel I can give a very honest and heartfelt testimony to help the cause. I have suffered concussions in the past, and I have experienced situations on both sides of the problem where the school has helped me and where the school has not. Hopefully I can give you some insight into what it is like from a student's point of view. In the seventh grade, I was playing in a football game and I received a concussion. In the game I took a fairly big hit which not only put me in the air but on my back. I was considerably smaller than most of the other players on the field at the time, and I had taken many hits like the one that I had received that day. So I brushed myself off and returned to the game only to take another hit. I did not realize it at the time, but I had suffered not one but two concussions on that day. When my family and I went to the hospital later that night, we learned that I had suffered not only a concussion but a fracture of my C2 vertebrae. Obviously, the C2 fracture sounds like the more serious injury because that can lead to paralysis and in some cases death. For months, the fracture in my neck was the main priority. I went to many doctor appointments and therapy sessions to heal my neck. I even had to wear a neck brace for eight weeks. The concussion we thought would heal itself long before the neck problem ever would. The eight weeks slowly passed, and I was finally able to take off the neck brace. My neck and vertebrae had fully healed right on schedule. However, my concussion symptoms had not gone away. At this point, we became very concerned. I was getting headaches daily that seemed they would never pass. I was having vision problems. I would get nauseous and dizzy. But most of all, I could not focus to save my life. Many things suffered because of these symptoms including my schoolwork. School during this time was very difficult. Focusing in class and turning in assignments became a struggle, and it was such a struggle I became depressed. This was before Nebraska Legislature had passed Return-to-Play legislation, which I believe was LB260. My school did not have a protocol for handling kids with concussions. Unfortunately for me I

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think...I felt I was just seen as another teenage boy trying to milk his injury and use it as an excuse for laziness. I made myself believe that this was true. And so I forced myself through many classes and assignments enduring the headaches the whole time. It was in February, four months after my injury, that my parents found out that I had a mild traumatic brain injury after I had gone to the program at Madonna Rehabilitation Hospital. It was clear that they could see I was struggling, and even my parents weren't sure what to do when they saw the dramatic change in my report card as it was the first hard evidence that something was wrong. In my first session at Madonna, they did extensive tests that proved my injury. They came to my school and met with my teachers, my counselor, and principal to help them understand the severity of my injury. They worked with the school to create a plan that would help me do my best academically as I was getting better. It took a very long time for all of my symptoms to subside even after the plan was put into place. I may be one of the few people who have suffered a sports-related concussion both before and after the Return-to-Play legislation. Two years after my first injury, I received another concussion, and it was a very different situation. My school, Lincoln Lutheran, had a protocol as they do now. And they did an outstanding job helping me and others in the student body who have suffered concussions. I believe this planning was inspired by the Return-to-Play legislation. And I believe the Return-to-Learn legislation will have the same positive effect for the schools in helping students who suffer from concussions. I have suggested to my school principal and athletic director that students who suffer concussions should be exempt from tests and finals until their ImpACT tests, which are the tests that players do to determine if they have a concussions or not...until those tests return to their baseline levels. I believe this would help them recover quicker and not let them fall through the cracks academically. Today as many of you saw I am wearing a boot for a leg injury I have suffered. And my teachers wouldn't certainly not expect me to participate in physical education classes with this boot on my leg. A concussion is a brain injury, and students with brain injuries need to be helped until their injury heals as well. I hope this testimony has helped provide some understanding of what it is like to deal with concussions in the classroom. Thank you for the opportunity to share my story. I am happy to take any questions at this time. [LB782]

SENATOR SULLIVAN: Thank you, Scott. Appreciate your testimony. You mention that your school, Lincoln Lutheran...is that where you go to school? [LB782]

SCOTT WINEMAN: Yes. [LB782]

SENATOR SULLIVAN: ...developed this protocol after the original legislation, or did they adopt it because of you, or both? [LB782]

SCOTT WINEMAN: Well, they didn't have one during my first concussion. And I can't say that it was just for me, but I know that it probably helped that Nova came to the school and brought to the attention how much it could help a student to have a plan in

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place. [LB782]

SENATOR SULLIVAN: So they actually adopted a plan basically similar to what is being proposed with this legislation. [LB782]

SCOTT WINEMAN: I believe so, yes. [LB782]

SENATOR SULLIVAN: Okay, all right. Thank you. Any other questions? Senator Haar. [LB782]

SENATOR HAAR: Yes, thank you for being here. Do you...again it's just an opinion on your part, but I mean there's some things like football where, especially young kids are more likely to get concussions. Is that just a risk you take when you do that, or do you think we ought to look at those kind of sports? [LB782]

SCOTT WINEMAN: Well, I certainly am biased towards football, and I would never advocate taking it away. I do think there is some risk when you go to play football though, or any contact sports. [LB782]

SENATOR HAAR: Is it worth the risks? [LB782]

SCOTT WINEMAN: For me it is worth the risk. [LB782]

SENATOR HAAR: Okay. [LB782]

SENATOR SULLIVAN: Any other questions for Scott? Thank you so much for your testimony, hope you continue to heal well. [LB782]

SCOTT WINEMAN: Thank you. [LB782]

SENATOR SULLIVAN: Welcome. [LB782]

ERIC ANDERSON: (Exhibit 5) Thank you for having me. Madam Chairman, members of the committee, my name is Eric Anderson, and that is spelled E-r-i-c A-n-d-e-r-s-o-n. I'm 28 years old, and 12 years ago I suffered my first concussion. I was a sophomore at Coon Rapids High School in Minnesota, and the concussion occurred the second quarter of a varsity football game. After halftime, after some short-term memory tests they did on me, they decided it was best that I went to the hospital. And that's when I was diagnosed with a concussion. The game was a Wednesday night, and we had fall break the next two days. So I didn't have to attend class until Monday. Back then there was no evaluation for returning to class, and the only requirement to return to football was three- to five-day waiting period. When I returned class, I became very sensitive to bright lights and loud noises. I began to lack concentration which made it very difficult in

class, especially when it came to reading. I had trouble focusing on what was in front of me. I could read four or five page, and then not remember anything I just read. At the time I didn't think it had much to do with a concussion because I didn't know the symptoms of concussions, short term, long term, and what to expect after one had occurred. This carried on throughout my sophomore year and seemed to gradually get worse. And my frustration kept rising to the point where I began to very much dislike the person I was becoming. My grades reflected this quite a bit. I went from an A student to getting mostly Cs and Ds and even failing some classes. Three months after football season was over I went to the doctor, and they diagnosed me with depression. And they never considered the impact of the concussion behind that. Then, my senior year was full of a lot head injuries, and none which were treated or diagnosed by a doctor or any medical staff. I didn't know the risks of the head injury, and I just wanted to play. Every one of the nine games I played in that year I blacked out and most likely sustained a couple of concussions during the year. And a lot of my memory from those football games were me watching film. It was like watching someone else play because I didn't really remember much of the games. And then school progressively got harder for me in the classroom to the point I didn't even want to be there. To those who have never experienced a concussion, this is what I experienced. After having my head forced into the ground, I blacked out. When I was coming to I would see stars, and my eyes would be off focus similar to when you put a microscope into focus. I had extreme head and neck pain and got very nauseous. My memory of what happened was gone, and my short-term memory seemed to have vanished. To this day, I still suffer with attention problems and my memory is progressively getting worse which is still causing a lot of frustration anxiety. I feel that if I would have had some more understanding on what occurs during and after a concussion both sort term and long term, I would have had a much better school and personal experience growing up through high school. But because of the struggle I had, I put a lot of guilt and anguish on my life and on myself and caused myself a lot of anguish that could have probably been relieved if I had taken the proper steps. I believe this legislation would ensure that what happened to me could prevent other students to go through this. [LB782]

SENATOR SULLIVAN: Thank you, Eric. Appreciate your testimony. I assume you live in Nebraska now. [LB782]

ERIC ANDERSON: Yes. [LB782]

SENATOR SULLIVAN: Okay, do you know...because there were some pretty critical times for you in Minnesota. Has Minnesota done anything to handle this better in secondary schools? [LB782]

ERIC ANDERSON: You know, I am not sure. I wasn't even sure what was going on in Nebraska. About a month ago, I contacted the Brain Association of Nebraska because I was having some progressively...issues looking for studies they had done on CTE. So I

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don't exactly know where they are in Minnesota, but they are pretty progressive when it comes to stuff like this. [LB782]

SENATOR SULLIVAN: All right, thank you. Any other questions? Yes, Senator Kolowski. [LB782]

SENATOR KOLOWSKI: Thank you, Madam Chair. Eric, did you have medical help on the sidelines in the form of athletic trainers, or did you have a medical doctor also in attendance at your games? [LB782]

ERIC ANDERSON: We had an athletic trainer, and then we did have a doctor that volunteered that would, you know, tape you up or...they were the ones who basically said, you need to go to the hospital. A lot of times when I, like my senior year when I'd have issues, I just stayed away. When I would go to a sideline, I would just walk away from a trainer, so I wouldn't have to confront him because I knew I would be taken out of the game. [LB782]

SENATOR KOLOWSKI: Was that ever a situation between your trainers and your coaches that your coach wanted you back in there but the trainer said, no, we better take a look at him? [LB782]

ERIC ANDERSON: I don't think the coach had ever put me or any of my other players in that, but I know that does happen at different schools. They try to get a player to play when they're not ready to physically, mentally. [LB782]

SENATOR KOLOWSKI: Thank you. [LB782]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. Good luck to you. [LB782]

ERIC ANDERSON: Thank you. [LB782]

SENATOR SULLIVAN: Welcome. [LB782]

JAY SEARS: Thank you. Madam Chair, members of the Education Committee, I'm Jay Sears, J-a-y S-e-a-r-s, and I represent the 28,000 members of the Nebraska State Education Association. Just wanted to let you know that NSEA does support the bill that's before you. We supported the bill in 2011 on concussions and the protocol. And I think it's very important as we look at the other half of education, the education part of education, along with athletics, that the important piece that's happening in schools is young people are having concussions and having trouble coming back into academic programs. And we're just getting the science that helps us understand that the pressures upon the academic piece is a detriment to them recovering from their brain

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injuries. And so NSEA does support the legislation and would be glad to help in the process of developing protocols because every child should have the opportunity to learn. And all kids come at different times and levels in their lives and we shouldn't be pressuring them when it hurts the brain to learn, makes no sense. So thank you for the opportunity and good luck with the rest of the session. I'll see you later. [LB782]

SENATOR SULLIVAN: Any questions? Thank you, Jay. [LB782]

JAY SEARS: Thank you. [LB782]

SENATOR SULLIVAN: Welcome. [LB782]

RUSTY McKUNE: (Exhibit 6) Thank you. Madam Chair, members of the Education Committee, my name is Rusty McKune, R-u-s-t-y M-c-K-u-n-e. I am president of the Nebraska State Athletic Trainers Association, and as a father of 3 and a healthcare professional practicing athletic training in the state of Nebraska for the past 17 years, I am passionately involved with and dedicated to the healthcare provided to the young athletes engaging in sports across this state. The Nebraska State Athletic Trainers Association represents and supports over 400 members within the state of Nebraska. Athletic trainers are healthcare professionals licensed by the Department of Health and Human Services who specialize in the prevention, clinical diagnosis, treatment, and rehabilitation of sports-related illnesses. These services are provided under guidelines established with a licensed physician, within a medical scope of practice, and with adherence to a national code of ethics. Members from our association are currently employed in a multitude of settings including, but not limited to high schools, colleges and universities, hospitals, and clinics. Thank you for the opportunity today to speak to you on behalf of the NSATA about LB782. Three years ago to the day on January 27, 2011, I sat before the Health and Human Services Committee testifying in support of LB260, the Concussion Awareness Act. The original bill was the culmination of extensive collaboration between Senator Lathrop's office, the Brain Injury Association of Nebraska, the NSATA, the NFL, and private individuals committed to the health, safety, and well-being of young athletes participating in athletics in our state of Nebraska. The goals of the bill were straight forward and consistent with legislation that we now see in 49 other states across our county, to provide Nebraska with the opportunity to ensure that accurate and up-to-date information is distributed to those that need it the most; the parents, coaches, and participants in the youth sports and activities across the state. The bill also sought to facilitate the infrastructure necessary to ensure that the diagnosis and management of concussions is rendered by qualified healthcare providers with experience in traumatic brain injuries among a pediatric population. While there is still work to be done to accomplish these goals, recent surveys conducted by the Department of Health and Human Services indicate that the bill is having a positive impact on concussion awareness and return-to-play practices in schools across the state. The extent to which we can truly prevent concussions is debatable. While there

are continuous and ongoing efforts to find ways to prevent this injury, an ever increasing emphasis is being placed on properly managing these injuries once they have occurred. The goal of concussion management is not only to eliminate the catastrophic effects of a second-impact injury, but also to minimize the persistent postconcussive symptoms that can develop in a brain that is not allowed to rest and recover following an injury. A recent study published in PEDIATRICS, the official journal of the American Academy of Pediatrics indicated that increased cognitive activity is associated with longer recovery from concussion and supported the use of cognitive rest. A summary statement from the 4th International Conference on Concussion in Sport indicated that the cornerstone of concussion management is physical and cognitive rest. Therefore, concussion management must encompass a comprehensive return-to-activity plan that consists of strategies for both return to learn and return to play. The present concern is that the witnessed development of return-to-play strategies has outpaced that of any type of academic strategies. The Nebraska State Athletic Trainers Association fully supports Senator Lathrop's proposed bill. In 2010, the NSATA identified safety in youth sports as one of its key topics to address, and we are proud to be a part of and support the Concussion Coalition. While we are currently making strides in the area of safety in sports, there is still a long road ahead and much work to be done. A critical first step was the Concussion Awareness Act. During my testimony in 2011, I offered my services and the services of our membership as a resource to address the issues surrounding that legislation. To that end, our members have worked extensively with schools and sports organizations across the state to increase awareness not only about recognizing this injury, but also about the management of this injury. While much is being done to address the athletic aspect of this injury we recognize and now would like to utilize this opportunity to call attention to, the need for further efforts to address the academic aspect of this injury. In 2012, representatives from our association began working with a team of other representatives from the Department of Education, the Brain Injury Association of Nebraska, healthcare professionals, and parents to develop a tool that schools, physicians, parents, and patients can utilize to help facilitate the return to the classroom. In 2013, this group began presenting the Bridging the Gap document that you've heard about to audiences composed of school administrators, teachers, nurses, athletic trainers, special education teachers, and others involved with and committed to ensuring that the academic needs of students following a concussion receive just as much attention and focus as the athletic needs. While the awareness of concussion has increased in the wake of lawsuits, untimely deaths, and other headlines rooted in athletics, concussions are not just an athletic injury. Concussions indiscriminately affect and impact individuals from all phases and all walks of life. Our association and our membership understand the impact that this injury has on the student, not just the athlete. LB782 provides Nebraska with the opportunity to ensure that a mechanism is in place to address the entirety of the return-to-activity equation, return to learn and return to play. Thank you for affording me the opportunity to speak today on this topic. Your time and efforts are invaluable and greatly appreciated. I once again offer my services and the services of our association as a resource as we work to address the issues

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surrounding this legislation and the comprehensive safety of the youth participating in sports across Nebraska. Thank you. Are there any questions? [LB782]

SENATOR SULLIVAN: Thank you, Mr. McKune. I'm trying to get a sense of how to reach out to statewide. And my first question is, okay, who are members of your association? [LB782]

RUSTY McKUNE: Members of our association are licensed athletic trainers in the state of Nebraska. We have a parent organization called the National Athletic Trainers Association, and when athletic trainers join that association they become members of our association. And so across the state we've got about 400 members that are members of the NATA, and most of them licensed and credentialed members of our association. [LB782]

SENATOR SULLIVAN: And most of them are in public schools, or are they in colleges? [LB782]

RUSTY McKUNE: It's across the board. You know, we've got a number of our members participate or work in high schools, a number work in colleges and universities. And some do work in...like I myself am employed by a hospital. [LB782]

SENATOR SULLIVAN: And all of...is it safe to say that all your members have received either education or training on brain injuries? [LB782]

RUSTY McKUNE: From a concussion standpoint as far as the injury and management of the injury and return to play, that is part of our educational background. It's one of the competencies and proficiencies that we go through. And it's contained within what is required of us when we are educated and within our education programs. So recognizing, providing a clinical diagnosis, and managing that injury is part of what we do. [LB782]

SENATOR SULLIVAN: Okay, but then you are not like Mrs. Brunken who was here. She's a certified brain injury specialist. [LB782]

RUSTY McKUNE: That's different than...I mean we focus primarily on athletics and those individuals that are participating in physical activity. A number of us, like I said, the education that we obtain in school and through our schooling prepares us to provide a clinical diagnosis, assess, recognize, refer the injury when it occurs. As far as then the rehabilitation standpoint, that's kind of where we pass it off to the next level. And that is where Mrs. Brunken comes in. That's why this issue is so important to us because as a member of the team that is providing care and comprehensive care to these student athletes, oftentimes what we see and what we become frustrated with is the fact that so much focus and emphasis has been placed on return to play, from parents, from

coaches, sometimes from teaches. When are they going to be back out on the field? When are they going to be doing these things? Well, oftentimes what we need to be focused on isn't the fact that they can go out and run 100 yards for a touchdown. It's the fact that they can't simply sit in a classroom and concentrate on reading a paragraph in a book because of the lights or the headache that they incur following that activity. And so really what we're seeing and the reason that a number of our members are now participating in the BIRSST teams that you've heard about--they're working on the school assistance teams, they working on helping to develop concussion management teams--is because this injury does not only affect their ability to participate in athletics. This injury affects their ability to participate in life, and part of what we focus on when we're working with these athletes is that holistic aspect of health not just that what it takes to get them back onto the field to play. [LB782]

SENATOR SULLIVAN: So even though you said, okay, once it happens and then the recovery, that's where the brain injury specialist...but then it comes back to you... [LB782]

RUSTY McKUNE: It does come back to us. And that's why... [LB782]

SENATOR SULLIVAN: ...to be part of the plan or protocol in a school district. [LB782]

RUSTY McKUNE: ...part of the plan and protocol in that the school that we've been talking about that has the concussion management team that we've been modeling; Crystal Kjar is the athletic trainer at that school. And she's actually here. So I think probably here in a moment if there's time I would probably invite her to come up and talk and answer questions about their program. But that's why so much of what we do is called the return to activity. And like I said or like I had indicated, I am a part of the BIRSST team and we're developing this return-to-activity plan. And that return-to-activity plan indicates that not is it return to play, it's return to academics. And return to academics logistically has to fall before the return to play. So we recognize the injury; we identify that injury; we refer them onto the medical provider, a physician, to confirm the diagnosis; that physician then will hopefully...and that's where the return-to-learn piece comes in that is so important. If there isn't a return-to-learn aspect of this, oftentimes that student athlete may or may not get sent back to the school with an appropriate plan in place to handle that return to learn. And if we don't have that in place then trying to get them back into a return to play really becomes secondary on the list because our primary concern has got to be them succeeding in the classroom. [LB782]

SENATOR SULLIVAN: Realizing that there are not athletic trainers or brain-injury specialists in close proximity to schools across the state, as a member of a BIRSST team or anybody else that's a member, can you or do you anticipate making yourselves available to schools when they're faced with this situation? [LB782]

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RUSTY McKUNE: Absolutely, that's one of the...I think there's seven or ten regions within the BIRSST teams. And you know, they're divided into different groups. I work with the East-Central Region or the Metro Region up in Omaha. And when schools call, our job is to help facilitate and provide information on what those schools need to do to develop that concussion management team. And like Cindy indicated, it's a unique plan. Not every school is going to have access to a speech and language pathologist, a psychologist, an OT, a PT. Not every school is going to have access to that. But the important thing for each school to recognize is that they need to make the most of what they have. And all of the schools that we've gone out to and that we've talked with have got the resources. It's just finding a way to utilize and capitalize on those resources that are available to them. And so... [LB782]

SENATOR SULLIVAN: Okay, all right. Very good. Any other questions? Senator Haar. [LB782]

SENATOR HAAR: Yes, thank you. And I get what we're talking about here, and I will support it of course. What's being done though to prevent this? I mean, I'm just sitting here thinking, gee, we're, you know...people are getting hurt and we want to fix it, and that's fine. But what are we doing to prevent this happening in the first place? [LB782]

RUSTY McKUNE: As I had indicated in the testimony that the ability to fully prevent a concussion is debatable. The brain is suspended in fluid. And I as do this, that brain rocks back and forth. And until...the way I try to relate is until we can find a way to keep that brain from moving from the head, we are not going to prevent concussions. And we're not going to prevent all concussions. The best things that we can do is to enhance the education, okay, of the coaches. To enhance the education of the players. Make sure that they're playing safe, make sure that they know the rules. Make sure that those things are all in place prior to the time that they put themselves on the field. And again, that can be football, that can be soccer, that can be hockey, that can be anything that they're participating in. Those rules are there...designed to help keep them safe. The second thing that we can do is to make sure that once these injuries occur that they're managed properly. And that management begins with immediate recognition whenever possible. That's why the athletic trainers and the association that I work with, that's why we find so often that the athletes that we can identify these injuries in sooner have positive outcomes because we don't let them go back out to play. The coaches know that when make a decision and when we provide a clinical diagnosis, that's what it is. And the ability to identify that quickly initiates this immediate access into this system, medical system and also academic system that is going to help prevent some of these long-term ramifications such as the Second Impact Syndrome. And we can't...we don't know the full effect of what these nonconcussive forces have. You know, we talk about concussions; we talk about the fact of the Second Impact Syndrome. The ones that see the headlines in the news, the catastrophic injuries. But what we don't know about, and what we're seeing a lot more on TV about, and what the NFL lawsuit that's in place

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now...the NCAA and now a high school in Mississippi has a lawsuit going, are these nonconcussive types of forces that can accumulate over time and that they don't manifest themselves until much later in life. And we don't see the implications of those until much later in life. So in...a long answer to your question is realistically we're still a ways away from preventing concussions. We can certainly help minimize the outset or the effect of them through proper management, but there's...we've got long way to go before we can fully eliminate that. [LB782]

SENATOR HAAR: In your experience do you see that any particular sports produces more concussions, or is it...and I know concussions can happen from falling down the stairs or anything else. But are there any particular sports, especially for young children, that would tend to produce more concussions? [LB782]

RUSTY McKUNE: Well, the CDC and a lot of the literature identify football and women's soccer. Those are the sports that we see a high level of concussion rates in. But I think you hit upon an important thing, and that is kind of outside of the realm of athletic trainers, you know, that concussions don't discriminate who they affect. And so that's the other piece of this Return-to-Learn legislation that was alluded to earlier after Senator Lathrop's opening statement. This legislation does pertain to any student that suffers a concussion. If you've got a concussion management team in place that is there to facilitate an athletic concussion, then that means that you've got the resources and the plan in place to facilitate any concussion. And I think the wording within the bill--while it is contained within the concussion legislation, and while it is contained within that section that does specifically pertain to those student athletes participating in school sports--it says student. It doesn't say student athlete. And so I think that is one important thing to consider is that, you know, we really do need to have an impact on any of these students. [LB782]

SENATOR HAAR: Do you find though that the concussions are, when it comes to the students and so on, more related to sports or just happening? [LB782]

RUSTY McKUNE: I think it depends on the age. When you're looking at anything below middle school or in grade school, you're looking at playground and recess and falling off the monkey bars and things like that. Once you get up into the age where they're participating in organized athletics, whether it be club sports or school sports, then I think you're going to see a shift. And I don't have the statistics in front of me, but I know that in the state of Nebraska you do see a shift as to where those injuries do occur. [LB782]

SENATOR HAAR: Okay, thanks. [LB782]

SENATOR SULLIVAN: Thank you for your testimony. [LB782]

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RUSTY McKUNE: Thank you very much. [LB782]

SENATOR SULLIVAN: Any other proponent testimony? [LB782]

LYN WINEMAN: (Exhibit 7) I just have a letter in consideration I'd like to enter in. [LB782]

SENATOR SULLIVAN: Okay. [LB782]

LYN WINEMAN: Can I just hand it? [LB782]

SENATOR SULLIVAN: Sure. Thank you very much. This is coming from... [LB782]

LYN WINEMAN: I'm Scott's mom, and it's just a parent's perspective. [LB782]

SENATOR SULLIVAN: Could you sit down and just...you'd better tell us your name, and then we'll need to have you fill out a green sheet too. Sorry to...but you can do that afterwards, if you'll just... [LB782]

LYN WINEMAN: No problem. I've turned in the green sheet. [LB782]

SENATOR SULLIVAN: Oh, okay. Perfect. [LB782]

LYN WINEMAN: I wasn't sure how to handle a letter... [LB782]

SENATOR SULLIVAN: That's fine. [LB782]

LYN WINEMAN: And I didn't want to take up your time. But my name is Lyn Wineman, L-y-n W-i-n-e-m-a-n. I am Scott's mom, and I just wanted to share that letter to let you know that, you know, we're very active and concerned parents and proponents of our son and it took us a long time to figure out what was going on with him. And it took us a long time find a program that could help us. And I think that if Madonna had not come to the school with us to advocate on behalf of Scott, the school wouldn't have known how to handle him. I'm not sure I knew how to handle him. I thought he was just trying to shirk his homework for a while which now I feel very guilty for that. But I think that this legislation will be very helpful in getting the attention of schools because it's very hard to get the word out. I also wanted to just reiterate, too, Scott's second concussion actually came while he was swimming. And I think he's a kid that lives life to the fullest, and sometimes that results in injury. So thank you. [LB782]

SENATOR SULLIVAN: I'm glad you testified. [LB782]

LYN WINEMAN: Thanks. [LB782]

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SENATOR SULLIVAN: Welcome. [LB782]

CRYSTAL KJAR: Hi, good afternoon. My name is Crystal, C-r-y-s-t-a-l, Kjar, K-j-a-r. I am the certified head athletic trainer at Lincoln Southwest High School. I originally didn't come to testify, just to more support my peers in this bill. And then the more, you know, Lincoln Southwest is talked about and the return to learn and the concussion management team that I got started at Southwest High School a year and a half ago, I felt that maybe if you had any questions on the process and how it has greatly, in a positive way, affected our students at Southwest I would entertain any questions that you may have this afternoon. [LB782]

SENATOR SULLIVAN: Okay, thank you, Crystal. Senator Scheer. [LB782]

SENATOR SCHEER: Thank you, Senator. You know, I missed some because I had to excuse myself. But the bill is dealing with activities and then reintroducing them into schoolwork. What is your opinion on...is there a need for a broader approach to this to be more inclusive to students who are not necessarily...have a concussion as a result of an activity that is school sponsored and that, rather than anything that may occur in a car accident or a fall or whatever. [LB782]

CRYSTAL KJAR: Our concussion management team at Southwest, we take care of all our students. And it's not limited to our athletes there. Within the fall season, we probably at one point or at the end of this fall season we had probably 60 kids that we had talked about through our concussion management team. And I would say out of those 60 kids, 15 to 20 were nonathletes. We had kids in car accidents, we had kids running on the side of the road that got hit by a car that had concussion effects. And just because I was the athletic trainer and I am the point person for our concussion management team and anytime when we would meet once a week, I wanted to know about those kids as well. Because I feel that I have some knowledge in concussion management and the effects of what it can do to the brain and the recovery and that kind of stuff. And so I offered my education in that part to help the rest my concussion management team be able to take care of those kids as well. So ours encompasses everyone at Southwest High School and amongst those walls, so... [LB782]

SENATOR SCHEER: Thank you. [LB782]

SENATOR SULLIVAN: Senator Haar. [LB782]

SENATOR HAAR: What about prevention, what do you do in terms of prevention?  
[LB782]

CRYSTAL KJAR: You know, if we could prevent everything it would make my job a lot

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easier. [LB782]

SENATOR HAAR: Well, of course. [LB782]

CRYSTAL KJAR: Education is one I think as far...and I know education only goes so far in prevention. We encourage our athletes to and our coaches to teach proper techniques in their relative sports that they're taking, whether it's tackling drills or how to manage that. Also I think there's a lot of correlation between, you know, muscular strength, when you're dealing with head injuries of, you know, trying to keep that head in place when there is a jolt or blow. I've seen in my experiences the kids that are smaller. You know, and it's not limited to them. It's...you know those are types of things. So I talk to the kids and the coaches and stuff about those kinds of things. Maybe for example, a specific as far as football goes because that's our highest rate of incidence, is maybe doing those types of hitting drills early on in a practice where they're not fatigued, and they can hold their head up the way that they're supposed to, versus the end of a practice where they tend to drop their head because their helmets are heavy. Those types of things are some of the things that I'm trying to do to help our coaches and help our athletes. But there's just no way to prevent everything. You know, our...we've seen...number were football players but we also saw it in volleyball and softball and those types of activities as well. So... [LB782]

SENATOR HAAR: Well, this is obviously a bill where the Legislature can help with a program to help with recovery. Do you see anywhere where we could be helpful in terms of pursuing prevention? [LB782]

CRYSTAL KJAR: That's a good question. I...you know, without...it's education and teaching proper techniques on how to do things correctly. I have seen numerous, there's a Midget Football team that practices on our facilities and I saw some of the tackling techniques that they were teaching. And I thought they were incorrect. And we addressed that situation with them. So I think education at those smaller levels, the club sports and the Y and those types of things that teach them young when they're just getting into it, and they haven't developed the bad habits that are now secondary to when they go play at a level that's bigger, faster, stronger. I think that would help. [LB782]

SENATOR HAAR: Well, think about it. You know, I mean, I at least would like to be helpful in the prevention area as well as supporting this. [LB782]

CRYSTAL KJAR: I agree, yes. [LB782]

SENATOR SULLIVAN: Senator Kolowski. [LB782]

SENATOR KOLOWSKI: Thank you, Madam Chair. Crystal, thank you for your work,

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and thank you for your testimony today. And for you and Rusty I just want to make a statement, and then I'll have a question for you. And I think I would not ever want to operate metro-sized high school as we have in the two cities without two things, a school resource officer and athletic trainers. I think it's very essential to have both for safety and security as you're working on things. Have you ever found yourself in conflict with coaches in your decision? [LB782]

CRYSTAL KJAR: My coaches are fabulous at Southwest, they really are. Obviously they don't want to hear what you have to say, but mine have been very supportive. So I cannot speak in terms of that. I haven't had to go but I will go to bat for the kids. I will never let a coach tell me what to do that is against what I know is right. [LB782]

SENATOR KOLOWSKI: Please continue to do that. Thank you very much. [LB782]

CRYSTAL KJAR: You bet. [LB782]

SENATOR SULLIVAN: Senator Cook. [LB782]

SENATOR COOK: Thank you, Madam Chair. And thank you for your testimony. Over the interim, our committee undertook kind of a road trip to greater Nebraska and kind of reinforced the idea that in smaller school districts, kind of much smaller than certainly what I would see in Omaha, there isn't a trainer. The superintendent is driving the bus, and so who might compose this team in...let's use Axtell, Nebraska, because I can remember that. Remember when we drove by that sign? Yes. [LB782]

CRYSTAL KJAR: That's a question that we posed as well in our BIRSST team and also our Brain Injury Coalition, kind of that bridging the gap, return to learn. We talked about that. My question was, I don't know how they do it without an athletic trainer to be honest. I mean, I'm the point person on ours. Our team consists of the school nurse, the school psychologist, an assistant AD just to kind of have that athletic liaison, a counselor, and two administrators, our assistant principal. And so a couple of those, our assistant principal and our school psychologist, split the alphabet in half. And so if we've got kids that are, you know, A through M, one takes one and then the other takes the other. And I think a school nurse is somebody that would be a very good point person in some of those schools that you're looking. Just because they have a little bit of a medical background with that. I think an athletic director, anybody that really is taking an interest in the role and is willing to put in the work to monitor these kids, you know, would be a fabulous representative. I don't think it's limited to a select few. I just think it takes a very motivated individual and they believe in what they're trying to do for these kids in order to orchestrate it. [LB782]

SENATOR COOK: Thank you. [LB782]

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CRYSTAL KJAR: If I can say one more thing before I'm done, I have seen...I could do story upon story of how much this has helped our kids and the kids that...and parents, that's a big part of this is educating the parents on why it's so important. They struggle with the fact that we're actually telling some of them to stay home from school. And those kids that choose not to go with our accommodations of maybe staying at home or half schools or really taking the accommodations that we're providing them are symptomatic longer. And they take longer and longer to heal. The kids that have taken our advice and maybe stayed home two or three days--maybe this happened on a Wednesday and they didn't come back until the next Monday, or they didn't come back and they really just kind of shut themselves down cognitively--have come back a, either symptom free or not very far and their symptoms went from very high on a list of a 0 to 6 scale, maybe they were 5s or 6s; and now they're back down to 1s or 0s. And, I mean, there's evidence in it that it truly works, and I hope that this is something that we can help other schools provide for their students as well, as it has helped us at Southwest. [LB782]

SENATOR SULLIVAN: Thank you, Crystal. [LB782]

CRYSTAL KJAR: Okay, thank you. [LB782]

SENATOR SULLIVAN: (Exhibits 8 and 9) Any other proponent testimony? I would like to read into the record that we have two proponents that have submitted testimony, Wendy Rau, president elect of the Nebraska School Nurses Association, and Kevin Nohner, president of the Nebraska Medical Association. I will now hear testimony in opposition to LB782. Anyone wishing to speak in a neutral capacity? All right, well, this closes the hearing on LB782. Thank you very much. Okay, we will now move on to... [LB782]

SENATOR MCGILL: Hey, I saw you upstairs. [LB923]

SENATOR SULLIVAN: Okay, we will now move into the hearing on LB923. [LB923]

SENATOR MCGILL: This is the committee of a thousand questions. [LB923]

SENATOR SULLIVAN: Okay, Senator McGill, would you please open on LB923? [LB923]

SENATOR MCGILL: (Exhibit 1) I'd be happy to. Thank you for having me, Senator Sullivan and members of the Education Committee. For the record I'm state Senator Amanda McGill, M-c-G-i-l-l. LB923 is a result of my work with a group of advocates passionate about suicide awareness and prevention. You will hear from some of them today. According to data from the YRBS published in the 2013 Kids Count in Nebraska report, approximately 1 in 7 Nebraska students surveyed seriously considered suicide.

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LB923 calls for the Department of Education to work with behavioral health experts and suicide prevention organizations to develop suicide prevention and awareness training for teachers, administrators, school nurses, and other appropriate personnel. One hour of training would be provided within the current framework of existing in-service training programs. The language for LB923 was drafted largely with input from the American Foundation for Suicide Prevention. You have a handout in front of you from the foundation with a state-by-state breakdown of school suicide prevention laws. Fourteen other states specifically require training for school personnel, though there are higher numbers when you look at the breakdown of states encouraging training, requiring student education, and other various combinations. You can see there are all different types there, but the gray states are the ones that don't have anything, and we are one of them. The advocates in my office have reached out to representatives from associations of professions affected by the bill. Every association I have heard from thus far has communicated their support for LB923. There may be some revisions as recommended by different professions, one of which is the School Social Work Association that actually requested their members be included in the list of professions required to receive this training. I look forward to working with those parties that I have not had a chance to have a conversation with and hope we can address any concerns that may come up. I know there is a liability clause in the bill that some folks have expressed concern over, so we have been researching that a large number of the states that have something like this don't have that liability clause so we'll look into possibly taking that out as being unnecessary. I also intend to work with the department further to address the fiscal note and any remaining logistical concerns. I've talked with teachers in my district, and I respect their dedication to empowering and educating our youth. This bill before you is part of a greater conversation happening about mental health in Nebraska and across the country. LB923 is not intended to burden individual districts or teachers or replace any existing programs that may already be in place. There are children facing depression and thoughts of suicide every day in our communities. This bill is intended to save lives. Thank you and I'd be happy to take any questions. [LB923]

SENATOR SULLIVAN: Senator Scheer. [LB923]

SENATOR SCHEER: Thank you, Senator Sullivan. Senator McGill, just clarification just so that we're all on...at least I'm on the same page as what you're trying to do, you talk about a one-hour period for staff to be provided additional information. I'm assuming it would be your intent that it would be part of an in-service day that a district would utilize throughout the year for their staff that...just have actually one part of one day be established as that part... [LB923]

SENATOR MCGILL: Yeah, that's the kind of thing that I'm thinking. And we looked at various options, like some states just put the training as part of a certification process for instance. But we actually found from the teachers I ask because I thought maybe I'll get push back from teachers. It's one more thing that they have to do. But no, they

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actually have been very supportive and want this knowledge because they're seeing so many mental health problems in their students. [LB923]

SENATOR SCHEER: So from a school's perspective you're not asking them to do something, an additional time commitment on their part, just simply utilize part of their in service. [LB923]

SENATOR MCGILL: No, not necessary. Yeah, I mean it would ultimately be up to them, you know local control, but that's how I would see it going. [LB923]

SENATOR SCHEER: Okay, thank you. [LB923]

SENATOR SULLIVAN: Senator Avery. [LB923]

SENATOR AVERY: Thank you, Madam Chair. Senator McGill, I have in this file a letter that seems to suggest that suicide and our truancy law are related. Would you like to comment on that? [LB923]

SENATOR MCGILL: And our truancy law? [LB923]

SENATOR AVERY: Yes. [LB923]

SENATOR MCGILL: I don't know what that letter says, so I... [LB923]

SENATOR AVERY: Well, essentially it talks about...obviously, it's a very negative... [LB923]

SENATOR MCGILL: Is it somebody who thinks that forcing a kid to go to school is causing them damage? [LB923]

SENATOR AVERY: ...or going to court and traumatizing the kid, who may be on the edge already and that pushes them... [LB923]

SENATOR MCGILL: Oh, well, I do know Senator Ashford is looking at ways to ensure that excused absences aren't being used against students to prevent them from having to go to court. And so I do think there are some improvements that need to be made to that law. [LB923]

SENATOR AVERY: I'm getting quite a bit of correspondence on that. Do you anticipate that coming this year? [LB923]

SENATOR MCGILL: I don't know the answer to that. I just know that Senator Ashford has been looking at language and the potential, and I don't remember if he dropped a

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bill or not. But I know he told me he thinks he has a solution. You know, certainly we did not intend for county attorneys to be prosecuting kids with excused absences from their parents, or acceptable ones. And that is unfortunately happening in a couple of jurisdictions. [LB923]

SENATOR AVERY: Yeah, I think these two letters indicate that their behavioral...already had behavioral issues. [LB923]

SENATOR MCGILL: Uh-huh. [LB923]

SENATOR AVERY: And the absences were with the full support of parents, and that didn't seem to count for much. [LB923]

SENATOR MCGILL: I know a young man who is I think my sister's age at Millard North who did not go to school for a long time because of his anxiety level. You know, and he was in therapy. It was something that the school knew about and were working with. And so certainly we would not want them to have an even tougher route by being taken to court when they have a mental illness that they need to address. [LB923]

SENATOR AVERY: Well, one letter here suggests that being faced with a threat of appearing in court drove a young woman to try to kill herself. [LB923]

SENATOR MCGILL: That's terrible. [LB923]

SENATOR AVERY: Yeah, I don't know if that had anything to do with you bringing this forward or not but... [LB923]

SENATOR MCGILL: This really initially came forward just in my interest as everyone knows in children's mental health issues. And suicide being one of the many things. Actually, I should mention that, you know, some teachers actually wanted more crisis training as well, in the case of a shooter, an active shooter, things like that. And so in some cases, they wanted more than just the suicide prevention, but this is what I spent the interim working on and what I brought here today and have some partners here to testify about this work. [LB923]

SENATOR SULLIVAN: Senator, in the handout you gave it indicated in a couple situations states have handled suicide prevention information in other ways, Iowa being one them. Do you have any idea how they're approaching it? [LB923]

SENATOR MCGILL: I don't know the specifics. Rachel, my staffer, probably knows more of the specifics in terms of, yeah, what the...I can get that for you. [LB923]

SENATOR SULLIVAN: Okay, very good. Thank you. Nothing else. Will you be here for

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closing? [LB923]

SENATOR MCGILL: Yeah, I'll stick around. [LB923]

SENATOR SULLIVAN: Okay, very good. Thank you. We'll now hear testimony in support of LB923. Welcome. [LB923]

AMORETTE NELSON: (Exhibit 2) Hello, my name is Amorette Nelson; it's A-m-o-r-e-t-t-e, last name N-e-l-s-o-n, and I go by Amie for short. In the interest of time, I'm going to read a little bit shortened version. But you'll have my full testimony in what he's sending around. Also in my testimony I have listed some statistics, and those can also be found in the brief that's being sent around and the sources for those statistics if you have any further questions on them. Chairperson Sullivan and committee members, thank you for your time today. My name is Amie Nelson, and I am a field advocate for the Nebraska Chapter of the American Foundation for Suicide Prevention. I grew up near and currently live in Blair, Nebraska. I lost my youngest sister to suicide several years ago when she was 16 and since then have lost a good friend and former day care parent to suicide, leaving behind her 3 young children. I became with AFSP in an effort to spread awareness about suicide prevention. I'm here today to ask for your support of LB923. The losses that I have experienced are unfortunately not unusual. Suicide and suicidal behavior are happening far too often across our state and in Nebraska schools. According to the 2013 Kids Count in Nebraska report as Senator McGill mentioned, 1 in 7 of the Nebraska students surveyed seriously considered suicide, and 1 in 10 had a suicide plan. Schools do have a role in helping to prevent the tragic loss of these young lives. In a national survey conducted by the Jason Foundation, the number one person that a student would turn to for helping a friend who might be suicidal was a teacher. Suicide is preventable. Most people who kill themselves show one or more warning signs leading up to their death. Sadly, in my sister's situation, neither my family nor her teachers recognized the severity of her subtle warning signs. Learning to recognize an at-risk person, knowing how to respond to them, and to take their signs seriously, having a plan of action, these can all increase the chance of a young person will be referred to a mental health professional for further assessment and if needed intervention or treatment. It increases that chance a young life can be saved. Our teachers and other school personnel are invaluable to our community; 9 months or more out of the year they are spending anywhere from 8, 12, or more hours a day building relationships with our children. This puts them in a prime position to help recognize the signs that students may be at risk and to refer that student to help. Currently in Nebraska, suicide prevention training for school personnel is neither required nor encouraged by state law. That means that it is up to individual schools to decide if and when they will further educate their personnel on suicide and its prevention. This also means that for those that do choose to educate their personnel they have no formal guidance as to the most current information about suicide risk factors, warning signs, or when and how to refer a student at risk for help. We can help

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change that today. LB923 would not only ensure that school personnel across the state receive regular training, but it would also ensure that the department provides guidance on which materials to use to fulfill that training requirement. Working in concert with other suicide prevention and mental health groups in the state, we can better ensure that our educators are learning best practices and receiving the most up-to-date and helpful information. By requiring our educators to receive this type of training we are better equipping them to know what to look for and what to do when they suspect a student may be at risk. Suicide is preventable. There are children in Nebraska schools who are considering suicide, and Nebraska needs a plan to help save their lives. Eighteen other states have taken action and have mandated training for certain school personnel. Nebraska can and must do the same. Please pass LB923. Thank you for your time and consideration. [LB923]

SENATOR SULLIVAN: Thank you, Mrs. Nelson. Can you give me an idea of, right now, what the AFSP's outreach program is now, particularly with schools? [LB923]

AMORETTE NELSON: They do have a program called More Than Sad, and it is made for teachers. And there's also a portion of it that is for students as well. That can be completed within an hour's time. [LB923]

SENATOR SULLIVAN: So is that the sort of ready-made program that would be used or would be offered to the Department of Education in terms of their developing the standards of their programming? [LB923]

AMORETTE NELSON: Right, there's several, you know, different educational programs that could be offered to the Department of Education. More Than Sad is on the best practices registry, as are other QPR trainings. And I think Dave (phonetic) is more familiar about the QPR training, but More Than Sad would be one that we could definitely suggest to the Department of Education. [LB923]

SENATOR SULLIVAN: How much outreach do you do with schools right now in Nebraska? [LB923]

AMORETTE NELSON: You know, in our state, Nebraska, our opportunity has been very limited. In my personal experience reaching out to our school district, they have a program that they've kind of put together themselves just pulled from various sources. So right now it's really up to each individual school and school district. There's no consistency. That has been my experience. [LB923]

SENATOR SULLIVAN: Thank you. Senator Haar. [LB923]

SENATOR HAAR: Thank you. If a teacher or someone in the school recognizes a student with tendencies, are there resources available in Nebraska then to deal with

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that student? [LB923]

AMORETTE NELSON: That is something that we have been discussing. Again, Dave is going to be a very knowledgeable resource on that. Our goal is to work with that, and I don't know if any of you are familiar with a former bill of Senator McGill's, and forgive me if I get it wrong. I believe it's LB556. I think this would complement that bill nicely. One of the goals is to be able to properly refer at-risk students or students who are identified as struggling so that they can get the help they need. [LB923]

SENATOR HAAR: Thank you. [LB923]

SENATOR SULLIVAN: Any other questions? Thank you, Mrs. Nelson, for your testimony. [LB923]

AMORETTE NELSON: You're welcome. Thank you. [LB923]

SENATOR SULLIVAN: Welcome. [LB923]

AILEEN BRADY: (Exhibit 3) Thank you. My name is Aileen Brady, A-i-l-e-e-n B-r-a-d-y, I'm the chief operating officer at Community Alliance in Omaha. I'd like to thank the committee for the opportunity to testify today regarding this important issue and a special thanks to Senator McGill for her time and energy to introduce the legislation. At Community Alliance, our mission is to help adult men and women with mental illness live, work, learn, and contribute to their community. We view LB923 as a very important initiative, an initiative that will no doubt save lives. We may never be able to quantify that number of lives but prioritizing this bill will save lives. The strategy is a focus on prevention. The idea is to be able to catch the problem early before it gets more and more serious for the individual as they have suffered and perhaps attempted suicide. Those in the field of heart disease have the right idea with the emphasis on eating right, exercise, and regular medical care. People with heart disease still may have genetic considerations that may require them to take medicine, but with proper nutrition and exercise they are lowering their risk factors and preventing a more serious health condition. We know that those who are at highest risk for suicide have a number of complex factors going on. In fact, 90 percent of those who die by suicide have an underlying mental health disorder. We know many suicide acts are also impulsive, especially with ages up to 17 years old. While factors including biological, psychological, and history are an important part of determining risk, we know that a third of youths who die by suicide had faced a crisis within the past 24 hours. Maybe if we can get these students through that crisis we can save lives. A suicide prevention study conducted in Houston asked 15- to 34-year-olds how long they deliberated before attempting to take their life; 1 in 4 deliberated for less than 5 minutes, and 9 out of 10 deliberated less than 24 hours. In the most recent data from the Centers for Disease Control, 193 Nebraskans died by suicide in 2010. It is the second-leading cause of death in

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Nebraska for ages 15 to 34 years old. While these are important numbers, they are just numbers. Behind the numbers are real people with family and friends who love them and are left behind to ask why. If we can become more proactive in our identification of risk factors for suicide in our students by providing suicide awareness and education for our public school nurses, teachers, counselors, school psychologist, administrators, and other appropriate personnel, we can have an earlier impact on lives, one life at a time. Each of these personnel in our schools have a unique opportunity to see student behaviors and risks that no one else may see. Let's make sure our students know their school nurses, teachers, counselors, school psychologists, and administrators are ready, willing, and open to talking to them about suicide and when thoughts of suicide enter their thinking. Let's provide them with the proper information so they're confident and more comfortable talking with students and bringing the topic of suicide out of the darkness. We urge your support in moving this bill out of committee and through the voting process this session. Thank you so much. [LB923]

SENATOR SULLIVAN: Thank you, Mrs. Brady. Any questions? Thank you for your testimony. [LB923]

AILEEN BRADY: Thank you. [LB923]

SENATOR SULLIVAN: Welcome. [LB923]

MARILYN TALLMAN: (Exhibit 4). Hi, Senator Sullivan and committee members. Thank you for allowing me...my name is Marilyn Tallman, M-a-r-i-l-y-n, tall man, T-a-l-l-m-a-n; he is and I'm not. (Laughter) Senator Sullivan and committee members, thank you for allowing me to address you today on the important issue of suicide prevention in Nebraska schools. As a mother who lost her only son to suicide and as a field advocate for the American Foundation for Suicide Prevention, I would like to thank you for considering LB923 which would require regular training for educators on how to recognize when a student may be at risk for suicide and how to refer those students for help. We lost our son Michael to suicide on June 23, 2011. My sister's only son Kelly took his life on June 18, 2012, nearly one year to the day after Michael. In retrospect, they were both preventable deaths. I have learned from my work with the AFSP that suicide is preventable, and that many people who are considering it show warning signs. The vast majority are suffering from a mental illness, although often that illness is untreated or undiagnosed. In our family's case, we do know that Michael and Kelly were each troubled by their inability to find jobs and take care of their families. But beyond that, we will never know the complex interaction of other internal and external risk factors and stressors that contributed to them taking their own lives. We will always struggle with the why. To recognize the deep pain these people feel before their deaths, to identify the signs leading to suicide, to ensure that the proper help is offered, and to shine a light on this ever-growing problem in America I believe we must all work together as leaders and as laypeople to span that long bridge over troubled waters. If

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we could prevent just one family from having to suffer what we did, and we still are suffering, any effort today would all be worth it. If to smile on the stranger on the street looking forlorn, to lend an ear when you have more pressing things to do, to lift someone's spirits, if only for the moment, if that would deter just one person from the thoughts of taking their own life then it will all be worth it. If taking a few hours of learning how to identify a young person with suicidal thoughts can help an educator feel confident in talking to that young person and referring them for help then it will all be worth it. Frankly, in preparing to speak with you today the thought of coming here was intimidating at first, but after having to call my Marine husband, a Vietnam Vet, and telling him that his only son had died, nothing can intimidate me anymore. If there is one thing and one thing only that you carry away from this hearing today, may it be that suicide rends an entire family in ways that are awful and terrible. We will never be the same after losing Michael to suicide. It is our goal now to prevent that from happening to another family. And I am confident that LB923 is a step in the right direction. I am speaking to you today about my own story, but I ask you to think of the hundreds of people in Nebraska who die by suicide each year and who each leave behind loved ones to ask why. In closing, if you would like any additional information on this subject from a mother's perspective, I would be more than happy to discuss it with you. Thank you for your precious time, and I look forward to working with you to help save young lives in our state. [LB923]

SENATOR SULLIVAN: Thank you, Mrs. Tallman. I'm sorry for your loss. Aside from this particular bill, what else are we missing in society that we could be doing to actually prevent these suicides from happening? [LB923]

MARILYN TALLMAN: You know, when Michael was in the third grade, he played well by himself. He had four older sisters who adored him. And when Michael was in the third grade, kids were bullying him. He had red hair, and he had freckles, and he was adorable. And I contacted the local karate instructor and talked to him about it. And he said...and I started him karate. And he said, I will make him to be able to defend himself, but I won't make him...he was a totally nonviolent person. And then the first time he ever talked about it was when he was 12, and he was badly burned. And the doctors told him he would have to wear a pressure mask for a year. And one night when we left the hospital the husband of another burn victim, a lady, was in visiting him, and Michael told him that he talked about suicide. And the man talked him out of it. And I think that all it takes is one person to catch them at the right time. I don't know if it's timing or if it's a teacher or if it's a counselor or a person. Like I say, if you smile at someone, and they're down, and they're thinking about it. I don't know what the answer is. The last thing Michael said to me is, I love you, Mom. And four days later I got a phone call that he had hung himself. I don't know what the answer is. I just think in my heart that if more people are trained to recognize it...my God, I wish I had been trained to recognize it. One of my daughters is a teacher in Des Moines, and when I brought this up to her she said, Mom, the peers are the ones who are...know what these kids...what is going

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through their heads everyday. They know what they're putting on Facebook. They know what they're thinking about. They know what they're putting on Instagram and on Twitter. They're the ones who should go to the teachers and say, okay, somebody is having suicidal thoughts. I'm sorry I don't have the answer. If I did, I would change everything. [LB923]

SENATOR SULLIVAN: Thank you. Any other questions? Thank you so much for being courageous to give us your testimony. [LB923]

MARILYN TALLMAN: Thank you. [LB923]

SENATOR SULLIVAN: Welcome. [LB923]

JEANNE PFEIFER: (Exhibit 5) Thank you. My name is Jeanne Pfeifer; that's J-e-a-n-n-e P-f-e-i-f-e-r. I'm a volunteer for the American Foundation for Suicide Prevention. Like Marilyn, I'm a little nervous too. Chairperson Sullivan and committee members, I want to thank you for taking the time today to consider LB923 which would require training on suicide awareness and prevention for Nebraska school personnel. I urge you to pass this bill out of the committee. In consideration of time constraints, I will read a shorter version of what is in your hands. Again, I'm Jeanne Pfeifer, a resident of Nebraska since 1971. I am a mom of 3 and grandmother of 11. I volunteer for the American Foundation for Suicide Prevention, AFSP, in an attempt to save lives. It's too late for my daughter, but not too late to work towards the prevention for others. I lost my 16-year-old daughter, Amanda Jane, to suicide in 1995 when she was a high school junior. Many advancements have been made in suicide prevention during the past 18 years, but there is still more need for awareness and prevention strategies to save lives among our youth. Amanda was a girl of many natural talents and high academic abilities, well-liked by her teachers. She was involved in many extracurricular school activities, clubs, and band. Her goal was to become a brain surgeon. She did not exhibit any overt signs of struggling with brain chemical imbalance. Her death took everyone by surprise, her family, friends, teachers, and the entire small community being left in a state of shock and distress. At the time, I didn't see it coming, and I didn't think anyone else did either. Hindsight told us more. After her death we learned that three days before the Monday that Amanda ended her life, she wrote a note to her friend and fellow student stating that she was going to take her life that following Monday. Please understand that our family holds no one to blame for what followed. We are heartbroken that so many people were left distraught. Her friend took that note to a teacher. The teacher was unequipped to handle the situation and made the assumption, as many of us may have, that this was teenage angst, did not take it seriously, and did not follow up on the situation. I learned all of these facts from the teacher herself a day after Amanda's funeral when she came and told me. My heart hurts for her and all who feel that they could have helped her if only they had known how. Seventeen years later another of Amanda's teachers who I had not seen since he was a pallbearer at her funeral

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approached me at one of my grandchildren's sporting events. He told me that he no longer teaches, and he visits her grave and still questions himself daily as to why he, as her teacher, could not even see a hint of her distress. He went on to say that after all these years of thinking about it, he still cannot answer the very loud why in his own mind. When a student is lost to suicide, it adds a heavy burden to teachers' shoulders. And as we see, it can lead them to spending stressful years afterwards retracing the steps of their relationship with that student in an attempt to find the missing piece of this weighty puzzle. A disservice to the teachers occurs if we do not give them the tools to know what they are seeing, to hear what is not being said, and the knowledge to respond to the subtleties and to act appropriately when a student is at risk. LB923 opens the door to equipping teachers to properly recognize and direct an at-risk student. Teachers are heroes who rise to the occasion, whatever it is, time and time again. LB923 would lead to better enabling them to have the resources they need to respond, help, and direct at-risk students to further assistance. I thank you for your time today and for working so diligently on behalf of all of your constituents. [LB923]

SENATOR SULLIVAN: Thank you, Mrs. Pfeifer. Any questions? Thank you for the courage to testify. Welcome. [LB923]

DAVID MIERS: (Exhibit 6) Thank you. My name is David Miers, D-a-v-i-d M-i-e-r-s. I'm here today representing the Nebraska State Suicide Prevention Coalition. I am the cochair of the coalition. Chairperson, members of the committee, on behalf of the coalition, we support LB923. Today I brought copies of a letter in support of LB923 signed by members of our coalition. The Nebraska State Suicide Prevention Coalition is a volunteer group of individuals that meet on a monthly basis looking at suicide prevention here in Nebraska. It's members include individuals from across the state who have an interest in suicide prevention, as well as family members who themselves have been impacted by suicide. The coalition was formed back in 1999 after the Surgeon General David Satcher declared a call to action to prevent suicide. At that time he said that the states...he urged states to take action and developed a model called the AIM model which is awareness, intervention, and methodology saying that we needed to look at ways to make people more aware of suicide looking at interventions for suicide and how we can collect data in terms of methodology. This bill promotes positive behavioral and public health by becoming attentive to the needs of our children and youth across the state. Nationally, suicide is the third-leading cause of death for our young individuals. In Nebraska, it's the second-leading cause of death for our young. There's a myth in society that if we talk about suicide, it gives somebody the idea. And that's absolutely false. The best thing that we can do is to talk about suicide, to bring it out in the open and to create a culture of connectedness where youth feel comfortable talking about it and bringing it out in the open. Our children spend a lot time in school and educating teachers will help create that positive culture and connectedness where it is safe to talk about it. There are numerous evidence-based training programs for teachers, administrators, school nurses, school counselors, and other school personnel

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available. The Nebraska State Suicide Prevention Coalition is available to help provide the support needed to help identify those evidence-based programs that are available. We are hopeful that you will take this important next step in joining other states that have implemented similar legislation. Thank you for giving us the opportunity today, and please let...again know that the coalition is available as a resource in terms of suicide prevention efforts here in Nebraska. [LB923]

SENATOR SULLIVAN: Thank you, Mr. Miers. Any questions? Thank you for your testimony. [LB923]

DAVID MIERS: Thank you. [LB923]

SENATOR SULLIVAN: Welcome. [LB923]

VAUGHN CROWELL: Good afternoon. Thank you, Madam Chair, ladies and gentlemen of the committee. My name is Vaughn Crowell, V-a-u-g-h-n, Crowell, C-r-o-w-e-l-l. I am here representing myself. I'm here to support Senator McGill's legislation, LB923. As she stated in her opening remarks this bill will save lives. I am here to support that 100 percent. I did have a couple concerns; one, with the language; and two, with the training. The language...I'm a registered nurse myself, and in here it indicates that the school nurse would be included in this training. The school nurse, by their licensure and by the Nurse Practice Act, already has a duty to care. If this bill is going to relieve them of that duty to care, there is some ambiguity between the Nurse Practice Act and what this bill is stating that would happen. Senator McGill did indicate that they are going to look into that language and see if it's an issue or not. I just thought as a nurse it might be an issue. My second concern was with the training. And if you will permit me for just a brief minute to bring up another law that I believe will be relevant to the training of this is Nebraska Revised Statute 79-209, or the truancy law. I did not mail letter to Senator Avery that he spoke of. I've sent out a lot of letters as Senator Kolowski will testify to, but I didn't send that one. My concern is with LB800, initially if you had 20 absences irregardless of why you were gone, you went to the county attorney, you were referred to the county attorney. That was changed where if you had 20 and all of them were excused except for 1 unexcused absences, then you still were referred to the county attorney. So here's a situation where...I'll leave it at that. That's where the law is right now. If you have 1 out of 20 absences that is unexcused...a flu day, a funeral to a nonrelative, an extended family vacation, any of those a lot of the school districts consider unexcused and that at 20 days puts you in the county attorney's office. Going back to training with this legislation, when we're sitting there training and when we're developing these trainings for these teachers and for these school administrators, at some point we're going to hit a crossroads. We're going to get a child that we've worked with that we know has mental health issues, and they're going to hit 20 days. And they're going to have that flu day, or they're going to have that extended family vacation. And everything that you've done is going to go out the window because that child is

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going to go to the county attorney. And if it's in Douglas County, they're going to be asked to voluntarily go into a truancy diversion program. I could tell you some stories about what happens when you decline that, but we don't have enough time, and this isn't the place to do that. But they're going to be forced into a truancy diversion program. The parents are going to lose control over what they thought they had control over, and the child is going to now have to jump through more hoops than they've already been dealing with with their mental health issue. With training I think it's going to be very important that when we start to train these professionals, you talk about the laws that are currently on the books and say, guess what? Even though you do everything right and you prevent this kid from her harming themselves, man, when you hit 20 days, all bets are off because the child is going to by law the county attorney for truancy. In closing, I just wanted to point out I did read through...this is the Behavioral Health Education Center of Nebraska Legislative Report for 2012-2013. I read through it, and I electronically scanned it for the word county attorney. It's not in here. The county attorney is not the appropriate referral for a child with mental health. You guys agree; they agree, and almost every parent in Nebraska that has a child with a mental health illness agrees. Thank you. Are there any questions? [LB923]

SENATOR SULLIVAN: Thank you. Any questions for Mr. Crowell? Thank you for your testimony. [LB923]

VAUGHN CROWELL: Thank you very much. [LB923]

SENATOR SULLIVAN: Welcome. [LB923]

EDISON McDONALD: Good morning...well, afternoon. Sorry. Hello, my name is Edison McDonald. I'm here today to speak to you about LB923. I wanted to say thank you to Senator McGill for introducing this bill. I think it's tremendously important. I'm a senior political science and religion major at Hastings College. I went to Sheridan Elementary School here in Lincoln. I went to Irving Middle School and then to Lincoln Southeast High School. I had two sisters who followed me through Sheridan, Irving, then diverged a little, went to Lincoln High, little adversary there. But I'm here today because my little sister, Trinity McDonald, this last October committed suicide. She was a bright, caring, talented, young lady. Her guitar and ukulele music was amazing, and her hugs were overwhelming. She preferred more a tackle style of hug. I'm still shocked and tremendously disturbed by this unfortunate event. Again, I was a graduate of Lincoln Public Schools, and as I went back through the schools' policies regarding suicide prevention, I wasn't able to find pretty much anything really solidly addressing that. This is a bill that's tremendously important to our state, our communities, our schools, and most importantly our students. With suicide being the second-leading cause of death in Nebraska for students between the ages of 15 and 19, this is something we obviously need to more adequately address. And I think that this is a step in the right direction. I do have one concern with the legislation. In terms of Section 3, as Senator McGill was

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stating, that the language seems to decrease the legal liability of school staff members in the case that they are aware of students' tendency toward suicide and fail to attempt to prevent it. This has been established in cases such as Wyke v. Polk where a student who committed suicide, a 13-year-old boy whose parents alleged that school district violated their son's constitutional rights, and that the school was negligent for failing to notify them of their son's two suicide attempts. And Armijo, a 16-year-old student who told a school aide, maybe I would be better off dead. Philadelfio later told the aide that he was going to shoot himself. I think that there are cases like this throughout any school district you go to, and I think that these are cases that we really have to ensure that we prevent. This is not something that we can risk not taking action on. Thank you. [LB923]

SENATOR SULLIVAN: Thank you for your testimony. [LB923]

EDISON McDONALD: Any questions? [LB923]

SENATOR SULLIVAN: Thank you, Mr. McDonald. Sorry for your loss. Welcome. [LB923]

JASON HAYES: (Exhibit 7) Hello. Good afternoon, Senator Sullivan and members of the Education Committee. For the record, I am Jason Hayes, J-a-s-o-n H-a-y-e-s, and I am here today representing the 28,000 members of the Nebraska State Education Association. NSEA is testifying in support of LB923. LB923 sets the minimum standards for providing school personnel with suicide prevention and awareness training within the current framework of in-service training programs. We believe the language in LB923 covering the one hour of suicide prevention should be expanded to also reference a school emergency or crisis plan since sometimes, unfortunately, such tragic acts occur on school grounds and involve other victims, such as school personnel and students in the planned suicide. Many school districts in Nebraska already incorporate suicide prevention and awareness training in their in-service programs, such as in Grand Island and in South Sioux. LB923 will help standardize and improve this process. We appreciate Senator McGill's efforts to bring this matter to the attention of the Legislature. And I thank you for your time. [LB923]

SENATOR SULLIVAN: Thank you, Jason. Any questions? Just a clarification, so you're saying expand it into crisis management as well suicide...? [LB923]

JASON HAYES: Yeah, crisis management. It certainly can encompass the thought of somebody intending to commit suicide on school grounds and perhaps taking other victims with them as well. But we would just like to see that expanded within the bill. [LB923]

SENATOR SULLIVAN: So it kind of goes into almost the security measures as well.

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[LB923]

JASON HAYES: A little bit, and that will kind of come into the next bill as well. [LB923]

SENATOR SULLIVAN: Okay, all right. Thank you. [LB923]

JASON HAYES: Thanks. [LB923]

SENATOR SULLIVAN: Thank you for your testimony. [LB923]

JASON HAYES: Sure. [LB923]

SENATOR SULLIVAN: (Exhibits 8 and 9) Any further proponent testimony? I would like read into the record that we have received two letters of support for LB923 from Wendy Rau, president elect of the Nebraska School Nurses Association and Mary Bahney on behalf of the Nebraska Chapter of the National Association of Social Workers and School Social Work Association of Nebraska. We'll now hear testimony in opposition to LB923. Seeing none, is there anyone wishing testify in a neutral capacity? Senator McGill for closing. [LB923]

SENATOR MCGILL: Very briefly I'm going to look into Vaughn's concerns. As you've just read into the record, the School Nurses Association does support the bill, but we'll double check with them if there are any concerns there. I did get a note saying Senator Ashford does have two amendments dealing the truancy issue, so hopefully we'll be addressing those as the year goes on. You know, I've known a couple of young people personally who tried to commit suicide, but luckily they ended up telling someone right afterwards, their life was able to be saved. But I even know being an adult I've had a friend who I know was suicidal, and I struggled with what the heck to do. I mean, would you know if a friend came up to you, and was expressing dark thoughts, what to do? And I struggle with it now as an adult, with a friend with a problem, that it just makes so much sense to, at the very least, be training our teachers to be able to spot these signs and know what to do when it comes to such vulnerable youth who are prone to making some of these quick decisions hastily. We can save lives with this bill. Thank you. [LB923]

SENATOR SULLIVAN: Any questions for Senator McGill? Thank you very much. [LB923]

SENATOR MCGILL: Thank you. [LB923]

SENATOR SULLIVAN: All right, this closes the hearing on LB923. We'll now move on to LB872. [LB923]

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SENATOR HAAR: Madam Chair, I move we adjourn. (Laughter) [LB923]

SENATOR SULLIVAN: Well, I'm going to ignore that comment. (Laugh) [LB923]

SENATOR HAAR: Please do. [LB923]

SENATOR SULLIVAN: Senator Kolowski. [LB923]

SENATOR KOLOWSKI: (Exhibit 1) All set? Good afternoon, Chairwoman Sullivan and members of the Education Committee. My name is Senator Rick Kolowski, R-i-c-k K-o-l-o-w-s-k-i, and I represent District 31. It has been over a year since the devastating school shootings at Sandy Hook Elementary School in Newtown, Connecticut, and we continue to hear in the news about more acts of violence occurring at schools and other locations. Across the nation, lawmakers have spent a year devising ways to prevent a similar tragedy, but only a fraction of the laws proposed in the immediate aftermath of school shootings have been enacted. Families and schools across Nebraska are looking to their lawmakers for leadership. We need to show our commitment to keeping our students and their schools safe. As an educator for over 40 years and founding principal of Millard West High School, I know what kind of security it takes to run a school, especially a school of over 2,000 students. That number of students exceeds the populations of most of the towns in Nebraska. Just this year alone the Millard schools spent over \$20 million on school security improvements. When I talk about school security, I am referring to infrastructure such as doors, locks, cameras, and walls; security staff, school resource officers, guidance counselors and school psychologists, and school culture; advisement programs, antibullying resources, positive behavior models for teachers, reduced class sizes, reporting tools for student and staff, and conflict resolution programs. All of these measures require funding, and they are crucial to maintaining a safe school that is free of violence, abuse, and fear. These expenses and experiences are not unique to Millard. Regardless of geography or size, superintendents across Nebraska are facing the same dilemma of keeping students, educators, and parents safe without taking resources away from their students' education, teachers' salaries, or maintenance of their buildings. So what can we do in Nebraska to improve our school security? The first step I believe is LB872 which reinstates a statewide school security director within the state Department of Education. The state school security director would be responsible for collecting safety and security plans from every school district, recommending minimum standards and encouraging them to be adopted by the State Board of Education, conducting a security assessment of every school and identifying deficiencies and recommending remedies, establishing security awareness and preparedness tools and training programs for public school staff and students, establishing the research-based model and instruction program for faculty, students, and parents to address the underlying causes for violent attacks in schools. I have several amendments to address some wording issues that needed to be cleaned up and drop the fees for private schools. You should have those

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in front you. At an earlier time, those were given to you. The work of the state security director will build an important foundation for statewide collaboration and standards to help us target additional resources to schools that are in desperate need of improving their safety and security. If we, the lawmakers of the state, choose not to do anything, then God forbid we have any additional school violence and tragedies, then all eyes will be upon us for not taking bigger steps to protect Nebraska's youth. So I urge us to prioritize LB872, to advance this legislation. Thank you for this hearing today. I ask that you hold your questions for my conclusion. [LB872]

SENATOR SULLIVAN: Thank you, Senator. [LB872]

SENATOR KOLOWSKI: Thank you. [LB872]

SENATOR SULLIVAN: We'll now hear proponent testimony. Welcome. [LB872]

BRIAN HALSTEAD: Good afternoon, Senator Sullivan, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. I'm here to show the support of the State Board of Education and the Commissioner of Education on LB872. We certainly don't believe this is the only thing that needs to be done, but at the department we currently have no staff member who has any training, has any background in safety and security. We did at one time. The loss of federal funds and other priorities, there's no staff member there. Having listened to many of the bills this afternoon that are all addressing a piece of safety and security not only for buildings, but the children who are in those buildings, the staff who work in that building, the board felt this was a first step in building a system to help address everything you've heard today. I don't think you heard anybody oppose any of the bills today largely because they are all part of the bigger picture. And I think from the State Board's perspective and the department, if we have some resources to assist and bring together the resources that are already out there that's a good first step. And we're certainly willing to work with this committee, Senator Kolowski, on attempting to address this on a systematic basis. So with that, I'll stop. I'll take any questions you might have. [LB872]

SENATOR SULLIVAN: Thank you, Brian. Just to clarify, because Senator Kolowski talked about reinstating and I didn't follow quite your...were there federal funds at one time for a position, or what was it? [LB872]

BRIAN HALSTEAD: A little background history, in the late '90s--1999, 2000, 2001--the State Board took up the whole topic about safety plans and put for the first time into Rule 10, the accreditation rule, requirements that accredited schools had to have safety plans. They had to do that annually in reviewing it and hiring outside experts to come in and review and assist in that. At the time, with No Child Left Behind in its enactment, there was funding for Safe and Drug-Free Schools which provided funding to us at the

department to hire a staff person who could do some of the things the Safe and Drug-Free Schools Act required, and also carry out some of the work with safety plans and safety in our schools. Like many federally started programs, the Congress no longer funds that at the department anymore. And as such, with budget cuts that came along several years ago, the person who was in that position left. We don't have funds for somebody in that role today, or as Senator Kolowski is talking about, those were the hard choices that we had to make. And again, those are decisions we made. We made them in incremental thinking, maybe not in the whole systematic process. So in that regard, that's where we're at right now at the department. The people who analyze this bill for the department, the leadership council person who used to supervise that staff person and myself. I'm no safety and security expert, Senator. That's where we're at, at the department. And in this respect we certainly want to work with this committee. I think from the board's perspective and the new commissioner's perspective we need to take a systematic approach on a lot of the things we're doing. You know, you heard about tornado drills. You heard about concussion and return to learn. You heard about suicide prevention, antibullying. Senator Avery mentioned the unintended consequences of what seemed like a good idea in LB800 and how people reacted and maybe didn't properly react to that is all part of the bigger picture of, how do we ensure safety not only for the staff who work in the school, not only for the parents who visit, but for the children who come every day and who we were wanting to build a better relationship with. So... [LB872]

SENATOR SULLIVAN: And admittedly when that position was around, the environment now many years later has changed significantly. And when you indicated in your testimony that this might be a good first step, but then when you went through a virtual laundry list of things that would be included, is it, too, on the flip side opening up a whole thing of, oh, my gosh, where do we start, and where do we end? [LB872]

BRIAN HALSTEAD: And, Senator Sullivan, it's not an easy question to answer. Obviously, from the department's perspective since we have no one, there's not a lot we can do right now to help in that regard. [LB872]

SENATOR SULLIVAN: Well, what is the State Board's feeling at this point in time on where is the best place to start? [LB872]

BRIAN HALSTEAD: Well, in looking at all the bills you heard today, they thought this was the best place to start with building the first block. There are many other blocks. There are many other pieces out there. There's already statutes requiring antibullying policy by school districts. There's the safety plans that are already in Rule 10. We have lots of little pieces everywhere. Some of the bills you heard today want to add more pieces in places and maybe we need to start thinking more strategically as to how we bring that all together in that regard that's not a simple discussion. You know, my prior history before coming to the department, I was a deputy county attorney. I got coroner

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calls. I had to look at tragic situations where people killed themselves. There's absolutely nothing you can say after the fact about it. But what you heard today is there are pieces there. It is bringing those pieces together. There is training available now for that. And I think the board was just thinking with this bill it's an opportunity to maybe build one piece, maybe bring other pieces together in order to have a system and resources to address the bigger issue of safety and security. Senator Kolowski, when he made it known this isn't just about physical security of buildings, this is about the safety of people in them, the environment that exists in schools, positive behavior intervention strategies that can assist. And one of the downsides that we've had in the last decade with the advent of technology and our instantaneous communication systems, the ability to bully instantaneously over a wider spectrum. The kids learn from the adults. We all learn from each other and the good intentions of it sometimes have unintentional consequences. So the board is no simpler in a position than this committee is in, how do we get our hands around it? And maybe it's part of the strategic visioning. I don't know in that regard, but, you know, we only have to turn the news on this weekend to see another tragedy that occurred in another state that has nothing to do with schools. But it seems to be more evident today in our society than 10 years ago when the State Board put the first requirement into accreditation, you have a safety plan. [LB872]

SENATOR SULLIVAN: Okay. Thank you. Any other questions for Brian? Thank you. [LB872]

BRIAN HALSTEAD: Thank you. [LB872]

SENATOR SULLIVAN: Welcome back. [LB872]

JOHN BONAIUTO: Thank you. Senator Sullivan, members of the committee, John Bonaiuto, J-o-h-n B-o-n-a-i-u-t-o, representing Nebraska Council of School Administrators and the Nebraska Association of School Boards. The Legislation Committees of both groups met, discussed, and wholeheartedly support Senator Kolowski's commitment to safety and security and support LB872. As Brian Halstead had indicated, this...an important first step and having someone at the department to assist districts in various safety and security I think would mean a lot. Now I appreciate Senator Kolowski's amendment. I did think it was a bit of a creative approach to generate a little more revenue to charge the privates, but I understand that that's not possible. But I also think, and since we're talking about statute again and what we put into law is important that it's not restrictive. And possibly on line 10 that we may take the sentence and say, the "Duties to be determined by the State Board of Education of the director may include..." Or we just put a period there and say, the "Duties of this position will be determined by the State Board of Education." I think that what Senator Kolowski is trying to do is talk about a comprehensive approach. And if you think about it, a person needs to start and build. And if you put that all into law it becomes almost

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overwhelming. And so again, we believe this is a good first step, support this, and I know that there was an attempt to do something in Revenue last year. And now this is another bill to help schools deal with a very important and a very critical issue that...well, as Brian had said, it's a different time, and we're seeing and hearing about things that we never thought we would see in our society and our culture. So with that I'll conclude my testimony. [LB872]

SENATOR SULLIVAN: Thank you, John. Any questions for Mr. Bonaiuto? [LB872]

JOHN BONAIUTO: Thank you. [LB872]

SENATOR SULLIVAN: Thank you for your testimony. Welcome. [LB872]

LARRY SCHERER: (Exhibit 2) Thank you. Thank you. Senator Sullivan, members of the Education Committee, my name is Larry Scherer, L-a-r-r-y S-c-h-e-r-e-r, and I am representing the NSEA, the Nebraska State Education Association, our members today, in supporting this bill on security issues in school. The issue of safety and security needs to be paramount. Unfortunately, we seem to live in a society that has an interesting view of violence and unfortunately...so there's a lot of threats, real or perceived, out there. And the issue of finances...you know, there were some discussion this summer of whether there should be some special recognition of security in the formula or in the levy caps and all of that, and decided well, the first step is to find out how serious the problem is. And that's why we support the assessment, hiring a person in the Department of Education and doing an assessment of the issues in the schools. They're going to be far different in rural schools versus urban schools. And, you know, you just need to find out the scope of the problem and then go from there. So it seems like a reasonable place to start. I think that's the theme going around, but it's also very, very important just to start. And this is a good step. And it's a money issue as well. I think it's \$100,000. And there's just a lot of good places to spend that kind of money, but this is a highly important one. So we support it. [LB872]

SENATOR SULLIVAN: Okay, thank you, Larry. Any questions for Mr. Scherer? [LB872]

LARRY SCHERER: Thank you. [LB872]

SENATOR SULLIVAN: (Exhibit 3) Any other proponent testimony? I would like to read into the record a letter of support that we've received from Sarah Forrest on behalf of Voices for Children in Nebraska. Okay, anyone wishing to testify in opposition to LB872? Anyone wishing to speak in a neutral capacity? Yes, welcome. [LB872]

RICK SHAW: Hi, thanks, Madam Chair and committee members. My name is Rick Shaw; that's Rick, R-i-c-k, last name Shaw, S-h-a-w. I'm the founder of Awareity, and thank you for the opportunity to speak with you today. I want to start off with just a

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couple of quick questions. Would you rather have students and staff react to threats at their front door, or would you rather prevent the threat from ever reaching the front door of the school? And I think that's the question we have to look at when we look at this and other that we've heard about today...the other bills and things. So my goal today is to share some research-based data and some evidence-based data from post-event tragedies that clearly reveal traditional security solutions such as doors, locks, cameras, walls, security systems, security assessments, armed guards, instant reporting, etcetera must be complemented with safety solutions. There's a significant difference between security and safety solutions. Security solutions by design react to a threat that is already at the school. Doors, locks, cameras, walls, security systems, security alarms, armed guards, etcetera by design react to a threat that is on site. Security solutions by design do not prevent at-risk or troubled individuals from escalating towards a tragedy. Evidence-based data reveals Sandy Hook had a brand new security system that was installed just weeks prior to the horrible tragedy where 20 children and 6 staff members were killed. What you may or may not know though is the evidence-based data in post-event reports from tragedies like Columbine back in 1999 already now, it seems a long time ago. Sheridan, Ohio; Sandy Hook; and recently, Arapahoe High School in Colorado; there were hundreds of...and hundreds of other events as well as post-event reports from college tragedies like Virginia Tech, Pima Community College (sic) where Representative Gabby Giffords was shot, all revealed that the tragedies were preventable. The tragedies were preventable because one or more people were aware of concerning behaviors relating to the shooters or threats made by the shooters. For example, the Columbine tragedy took place in April of 1999. In March 1998, reports were made to the sheriff that Eric Harris, one of the two shooters, threatened to kill a student and wrote on the Internet that he would like to kill people. Other observations were also reported prior to the tragedy. Virginia Tech, April 2007, the Virginia Tech Review Panel report...I don't know how many have read that, but it's a pretty extensive report. But it identified over 60, 6-0, incident reports that existed on the killer, or the shooter if you want to call him that. But the reports were spread across people, departments, and locations. Arapahoe High School, December of 2013, reports reveal the shooter had multiple uncontrollable anger outbursts, made comments about killing his teacher, and security guards filed multiple reports. Evidence-based data is overwhelmingly clear that most schools are equipped to react but very few are equipped to prevent. Prevention solutions help individuals such as students, teachers, staff, parents, neighbors, community members, etcetera to report incidents and concerning behaviors and automatically and securely have that information routed to the right people. The right people might be school officials, law enforcement, legal, mental health resources, etcetera. It also equips the right people to do the right thing such as performing threat assessments, behavioral assessments, interventions, monitoring, follow ups, escalations, prevention, documentation, and equips people in schools and communities to connect all the right dots. The FBI announced...I was just going to say, and the good news is evidence-based data reveals safety and prevention solutions are actually working. The FBI announced that they prevented nearly 150 shooting in 2013.

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We've been doing some student surveys. And the student surveys across 19 states reveal some very important things; 85 percent of students witness bullying. Most adults don't even know it exists, or at least they don't acknowledge a problem; 59 percent of students witness cyber bullying. The top four behaviors that students are talking about are drugs and alcohol, hurting themselves and others, cutting themselves, and suicide. When students did report bullying, 11 percent say the situation got better; 11 percent, that's it...of the students that reported. That data is clear, students know things and see things that school officials don't know. And school officials cannot prevent something they don't know about. It's a very dangerous gap for our schools today. The student survey also reveals that 74 percent of students would use an on-line instant reporting system. This is important because student survey also reveals that 37 percent of all students that we surveyed said they are aware of someone who poses a risk to their school. And most likely the school officials don't know who that person is. In closing, student safety requires solutions for preventing and solutions for reacting both. After nearly every school and college tragedy, a national reaction has been to add more security-related solutions and react to threats with active shooter plans, drills, emergency response plans, armed guards, security systems, doors, locks. With LB872 Nebraska has an opportunity to create a statewide school security and safety director to help Nebraska's schools and communities become better equipped to prevent first and react as a last resort. Nebraska can become a model for other schools, states, and colleges, and the research-based data clearly exposes dangerous gaps and disconnects that need to be addressed. Connecting all the right dots is critical, and now is the right time to help schools get the right tools to get the right information to the right people in the right places at the right times so we can do the right things right away and protect Nebraska's youth. [LB872]

SENATOR SULLIVAN: Thank you, Mr. Shaw. Can you tell me...you were giving some results of a survey. Where did that survey come from? Or who conducted it? [LB872]

RICK SHAW: Awareity, my company, we conduct our own surveys. We work in this field. [LB872]

SENATOR SULLIVAN: So can you tell me a little bit more about your company? [LB872]

RICK SHAW: Absolutely, Awareity is...my background is 30-plus years of risk assessment, vulnerability assessment, physical security, information security. My passion is child safety. They've kind of come together for me. What we've done is we studied all these post-incident reports, post-event reports, and we built a platform that basically has the tools to eliminate those gaps and disconnects that we see over and over and over again in these reports. [LB872]

SENATOR SULLIVAN: It occurs to me that the person that would lead these efforts at

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the Department of Education would have to have some of this kind skill and background. [LB872]

RICK SHAW: It would certainly help, definitely. [LB872]

SENATOR SULLIVAN: Any other questions for Mr. Shaw? [LB872]

RICK SHAW: Can I add one more thing? [LB872]

SENATOR SULLIVAN: Okay, if it's short. [LB872]

RICK SHAW: Only because of the rest of the stuff I heard today...we have clients that are doing the concussion stuff, Tulsa Public Schools. I'd be happy to share. [LB872]

SENATOR SULLIVAN: Oh, well, I'm sorry. You'll have to...okay, I thought it... [LB872]

RICK SHAW: Okay, I was just going to say, there's examples of successes with that. [LB872]

SENATOR SULLIVAN: Okay, all right. Very good, thank you very much for your testimony. Anyone wishing to testify in a neutral capacity? Senator Kolowski. [LB872]

SENATOR KOLOWSKI: Thank you, Madam Chairman and fellow Senators. In conclusion, just two brief comments I think on my part I've been...as we went through a great deal of presentations today, many of them very provoking as far as emotion on situations in families' lives and all the rest, I was thinking of about what I saw last night on 60 Minutes of all things. There was a senator from the state of Virginia who lost his son to a suicide after his son had attacked him by the way because he went off the deep edge and took his own life then. And one of the statements, one of the figures that was mentioned is very much tied into what we're talking about here. At that time or a decade ago, there were over 500,000 beds in hospitals that would take mental situations, mental patients when they're identified with the many of the things we've heard about today and the difficulties in lives. There are under 100,000 left today. We're in a crisis, huge crisis, on mental health issues across the country. And that's just one indicator that hit home with me as we were listening to that. Mr. Shaw and I have met. He's very well-versed in his material and has an excellent set of materials to look at as well as others that have crossed my threshold thus far and talked to me about these things. And I think this is very important. We're on the verge of making a very important decision for our state. What I don't want to see happen is someone gets the job, and we fill a lot notebooks, and they get stuck on shelves, and nothing gets done. That's not what this job is about. It needs to be identified and evolve over time to assist and work with schools, especially in the areas of culture and climate to do the things that...like Mr. Shaw was talking about, having an outreach, having a caring, having a potential to

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intervene at an earlier time rather than the reactive after the situation has happened or is upon us. I've been to too many student funerals in my lifetime, and I don't want to go to any others for whatever reason including suicides. And those kind of things are tragic and we hope will be able to put together the best possible program and set of things that need to be done with this position that we can have a positive effect across the board in all Nebraska schools no matter what the size or location in our great state. So thank you very much for your time today, and with that I'll conclude. [LB872]

SENATOR SULLIVAN: (Exhibits 4 and 5) Thank you, Senator. Any questions or comments for the senator? Thank you. This concludes the hearing for LB872 and our hearings for today. Thank you very much for attending. [LB872]