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Education Committee  
January 28, 2014

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[LB682 LB952 LB966]

The Committee on Education met at 1:30 p.m. on Tuesday, January 28, 2014, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB952, LB682, and LB966. 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: Okay, I think we'll get started. Welcome to the Education Committee. My name is Kate Sullivan. I represent District 41. I'm from Cedar Rapids. I'd like the other senators here that are present, we don't have a full house just yet, but those that are present I'd like them to introduce themselves. I'll start at my far right. [LB952]

SENATOR KOLOWSKI: Rick Kolowski, District 31, Omaha. [LB952]

SENATOR DAVIS: Al Davis, District 43, north central and western Nebraska. [LB952]

SENATOR HAAR: And I am on the left. I am Senator Ken Haar. [LB952]

SENATOR COOK: I'm Senator Tanya Cook from District 13 in Omaha and Douglas County. [LB952]

SENATOR SEILER: Les Seiler, District 33. It's all of Adams and all the farm ground in Hall County. [LB952]

SENATOR SULLIVAN: Senator Avery of Lincoln will be joining us later as will the Vice Chair of the committee, Senator Jim Scheer of Norfolk. To my immediate left is the legal counsel for the committee, Tammy Barry. And at my far right, and I have to give thanks to her, Barb Koehlmoos is our committee clerk today. She's actually the committee clerk for the Natural Resources Committee, but our committee clerk, Mandy Mizerski, is ill today. So Barb has graciously agreed to help out. We have some pages here. One, Nate Funk who is on the phone right now, he's from Norfolk. And then he'll be joined later with Tyler Zentner, who's actually from my hometown, from Cedar Rapids. And he'll be joining us later. The work we have before us today are three bills: LB952, adopt the Working to Improve Nebraska Schools Act; LB682, provide for formation of allied school systems; and LB966 that changes provisions relating to the averaging adjustment. If you are planning to testify, please pick up a green sheet that is located on the tables at either entrance to the room. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there is a form on the tables to do that as well. This will be part of the official record too. We ask that you fill out the green sheet before you come up to testify. Please print, and it's important that you fill out the form in its entirety. When it's your turn to testify, please give the sign-in

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sheet to the committee clerk. And again, this will help us make sure we have an accurate record. If you choose not 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, we ask that you have 12 copies and give those to the pages and they will hand them out to the committee members. When you come to testify, please speak clearly into the microphone. Tell us your name and then spell both your first and last names, again to have an adequate record. I please ask that you turn off your cell phones, pagers, anything that makes noise so we can give our full attention to those testifying. We will be using the light system today, and the introducer is not limited by the time element but those following the introducer are. We'll have a five-minute time limit. When the yellow light comes on you need to start wrapping up your comments, and your testimony should be done when the red light comes on. I don't think this has ever been a problem in this committee, but please no displays of emotion or show of support or the negative for any bill that's being introduced. So with that, anything overlooked? I think we've covered everything, so we will begin with LB952 being introduced by Senator Lautenbaugh. Welcome, Senator. [LB952]

SENATOR LAUTENBAUGH: (Exhibits 1, 2, and 3) Thank you, Madam Chair, members of the committee. And it is a pleasure to be here. This is obviously a topic that's become near and dear to my heart. And this is my seventh and final year in the Legislature. And if you had told me eight years ago that I'd be sitting here wrapping up a final year in the Legislature and spending as much time as I have spent talking about education and OPS and related issues and statewide education issues while not even being on this committee obviously, I would have told you, you were crazy. And yet we all end up where we end up somehow. And so here I am, crazy or otherwise myself. But I'm introducing the Working to Improve Nebraska Schools Act or WINS Act. For the record, we came up with WINS before WIN came up with WIN, but we were slow in introducing our bill so it looks like we're trying to ride on coattails. But, you know, why quibble over that? This bill grows out of I would call education reform efforts that have seen success elsewhere. None of these are ideas that are original to me I think I've made that very clear to anyone who has cared to inquire. I did a press release last August saying that this is exactly what I intended to do this session was release this series of proposals that have become LB952. And it was a very brief description of these concepts. And immediately some jumped on board...I shouldn't say jumped on board, quite the opposite...jumped on the press release and said, well, this is horrible. You know, you hold a child repeatedly in 3rd grade. We're going to end up with 18-year-olds sitting in 3rd-grade classrooms. And based upon one test you just fail and repeat 3rd grade over again. That's not what this bill says, and that's not what the concept ever was. This was intensive reading intervention early on leading up to 3rd grade to identify problems and try to address problems so that by 3rd grade we have a level of proficiency if you will that allows students to achieve otherwise and learn in other areas as they progress. And I'll go into obviously more detail about that but that was one of many ways in which I thought it was wise to put sort of a general framework of concepts out there early on,

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and it did engender some conversations early on in the fall. And that has continued. And as I'll say throughout this process and I hope you'll all understand, this didn't develop in a vacuum in that these aren't concepts that I thought of. The state of Florida in particular I'll reference time and time again has had tremendous success with a lot of this. And the bill itself, while not...I think those who come after me, many will be siding in an opposition. But I'm hoping that you'll hear a lot of soft opposition because what we have tried to do is meet with both union representatives, teachers, school board members, district representatives, members of the lobby. I told someone earlier I hate the term stakeholders, and so I will not use it. I mean, first of all, this is education. Everybody is a stakeholder. I mean, who isn't? But people who know more than I or who spend more time at this than I do certainly to try to explain what it is I'm trying to do because there are a lot of threatening concepts here. And this is a major piece of reform legislation, and some things look expensive. Some things are expensive. And we have to figure out how to deal with that as well. And anytime you propose major change you're going to have resistance, but I think it's important and there are some things we definitely need to address. The part of this that has gotten the most attention was the 3rd grade reading or 3rd grade retention component of it. And what basically that would provide is that starting not at 3rd grade but prior to that there would be evaluation and testing of children to identify problems early on. And there would be plans developed. There would be intervention to try to address that student's specific deficiencies to get the child up to a 3rd grade reading level. When 3rd grade came, if that had not been achieved there would be the possibility of retention, not forever. As the bill is drafted, we do provide a cap of a couple of years. Further, there are exceptions recognizing there are special-needs kids and other circumstances we have to acknowledge. I've talked to others who have said, still this does not go far enough in the case perhaps of dyslexic children and making some sort of allowance for that or requiring some recognition for that that schools currently do not do even. And again though, this is not meant to punish children who really for a particular reason beyond anyone's control cannot read at a 3rd grade level by 3rd grade, and it is not meant to retain kids in 3rd grade forever. It is meant to address the problems we can address as early as we can address them and identify them and provide the tools to do that. So we've had I think the most discussion about this portion of it. And even this morning, still talking to a gentlemen from one of the larger districts in the state saying, look, you talk about a huge number of children not meeting 3rd grade standards now, but if the early intervention and remediation efforts start years before the retention starts...suddenly, as I can think of the experience of Florida. You went from a potential 23 percent retention down to a 5 percent retention. All of a sudden you come up with a much more manageable retention rate that is not this crushing financial burden that is contemplated. So that is what the 3rd grade retention portion is meant to do. Similarly, there is another component to the bill that would establish basically grading for the schools' performances, A through F, a simple system. Some call it a simplistic system, but I would direct your attention to the fact that we spent a lot of time last year discussing the need to grade day care centers so that parents, particularly economically disadvantaged parents, could know what kind of

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facility they were getting their children into. And I cannot for the life of me understand why we would find that to be important but not apply a similar importance to grading schools. And the devil will always be in the details as we go on about it in the bill and as we go on about it as I work on this after this as to how you actually do accomplish that grading. And we're not the only state grappling with this. But I think it is important to actually evaluate the schools and let parents know. I mean, I live in a district right now where I have options. I live at the western edge of OPS. There's a district directly to my west, and about five minutes beyond that there's another district, and there's another one to the north of mine, there's another one to the south of mine. It's a very geographically complex area as far as school districts go. Where will my kids go to high school? How do I compare these districts? It isn't readily knowable now, and I'm really trying to figure it out to be honest. This is what I'm talking about, and, you know, I don't consider myself disadvantaged or someone who is unable to reasonably ferret out information regarding schools. But I don't think you should have to ferret out information regarding schools. This is an important enough thing, and many parents have busy lives. We all have busy lives. And I think we would be doing a great service to parents providing a system that actually compares schools--compares apples to apples to use the cliché--and provides a grading system based upon the performance considering such factors as graduation rates, AP performance, that kind of thing...the district they're in, individual schools as well, and comes up with a measure by which you can look at a district and say, no, I don't really want to opt into that district and send my child to that high school because that one has this grade and that one has this grade. It'll never be perfect or fair 100 percent, and I would tell you nothing is. But I think making this information more knowable, if imperfect even to a certain extent, is better than leaving it obscure and leaving people like me wondering how do you know. Do you just rely on anecdotes? Do you trust word of mouth? Do you hope for the best? These are important decisions to make for a parent, and I don't think word of mouth and anecdotes should suffice. I think we can do better. And I hope this bill starts us on the road I think to providing a framework to actually evaluating schools and providing useful, accessible information for the consumers of the product: the parents of our children. Another component that has been particularly controversial deals with teacher certification and alternative methods therefore. I've had extensive conversations with members of the teachers' union and others about that component. As drafted, I realize it's pretty aggressive, but I think there are things that can be done. The examples that we routinely hear are supposedly Nebraska's certification requirements are particularly aggressive compared to other states. We do end up sometimes excluding candidates from other states based upon possibly the high hurdles we have. Right now our superintendent at OPS is having to go back to school to be qualified to be the superintendent of OPS. I don't think anybody here is going to argue that at the end of his two or three years or however long it's going to take him to do whatever he has to do educationwise, he's going to be any better a superintendent than he is now. He's a fine superintendent now by the way in my estimation. I understand there has to be some standard. There have to be standards. But I think there's room here to talk perhaps

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about the fast-track approach we have and is it truly a fast track, possibly some movement here regarding a certain number of...the example we always hear is, the President could not retire and come here and teach a civics class. And he could not without a lot of recertification or additional coursework over the long haul. Those are things that this bill would seek to address. Similarly, the bill seeks to provide a school recognition program to provide actual bonuses for schools that do well both in improvement and in an ongoing basis to recognize schools that increase performance for their students and give better outcomes for their students. I think that's a great way to motivate and reward teachers and administrators for doing a good job. Finally, there's a provision that would require or allow I should say principals to approve teacher transfers to kind of give the principal who I think should have a measure of control over what goes on in the building, a say over staffing decisions to avoid the circumstance--I won't use the phrase that people use because some in education have found it offensive--where perhaps an underperforming teacher is transferred from school to school to run out the clock if you will. Again, I'm trying to work with everyone concerned about this to bring about good results and the best results for our students. And you...I don't want use the old saying about statistics, but what I will say is about ten years ago Florida went down this road, and they've embarked upon an array of reforms. And if you look at math and reading achievement, reading in particular, Florida was behind us by every measure. They have leapfrogged us by every measure. That's just an undeniable fact. These reforms have done well by them. They don't have the phenomenon of a bunch of, you know, 15-year-old 3rd-graders sitting around. They have not had budget busting calamities visited upon their schools because of these reforms. What they have had is success especially among poor and minority students, especially where it's needed the most because there has been so much failure in the past. And I'm describing the district I know the best because that's where I live, and that's the Omaha Public Schools, when I say we have a history of failure especially among the poor and minority students. And we've tried to comfort ourselves...or some have tried to comfort themselves I think by saying, well, you know, our graduation rates are improving or holding steady. But I think that's been accomplished more at the...with the means of lowering standards for graduation. I think it's almost impossible not to graduate OPS if you show up. Well, that's nothing to brag about when so many of the kids come out of there and have to immediately go to Metro to learn how to proficiently read and write and do arithmetic to even contemplate having a college course or being prepared to work. The diploma is meaningless. And that's the environment we find ourselves in an embarrassingly large amount of the time in the school district I know the best, and it's intolerable. I mean there's no other way to put it. It's simply intolerable. And yeah, I guess there isn't a better way to put it really...a better way to put it. When we come down here...and I've got extensive comments that go on and on and here for an opening. I'm not going to do them because there's plenty here that want to testify. And all of you may or may not have dinner plans. I don't know. (Laughter) Gosh, I've got a good closing here, too, it looks like. Skipping a bit, these are all things that are doable, and we have real-world examples of them actually succeeding. Some will argue there's

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a cost involved perhaps. Let's talk about that. Some will argue portions of it are too harsh, and it needs to be tweaked to better fit our system. Let's talk about that. I'm all about talking, but here's a handy snapshot of school performance in Nebraska. Something called Wasmer Elementary School in Grand Island has 86 percent free and reduced lunch but it does significantly better than a school here in Lincoln with 58 percent free and reduced lunch, a school in Gering with 58 percent free and reduced lunch, a school in Ralston with 56 percent, a school in Ponca with 53 percent. It does better than a school in Hastings with 40 percent. But interestingly it does better than a school in Kearney...I'm skipping all the names of the schools because that's not my purpose here. It does better than a school in Kearney with 10 percent free and reduced lunch. And again Wasmer has 86 percent free and reduced lunch. It does better than a school in Papillion with 10 percent free and reduced lunch. It does better than a school in Millard with 7 percent free and reduced lunch. For too long I think we've been led to believe that just, you know, poverty is what it is, and there's nothing that can be done. And we're always going to have to tolerate low performance. But wouldn't it be nice to develop a system instead that identifies schools like Wasmer, the school in Grand Island, finds out what they're doing, gives them an A, finds out how we can use their practices to improve Cedar Canyon, Seymour, Ponca, Glenwood, Bell, Reagan, Cedar Rapids, and Hyannis. Those must be places some of you are from. Whoever writes these things does good work, and then I ruin it by saying something like that. I need to get out more. I recognize that. In any event, that's the point. It is possible to have success. Free and reduced lunch isn't a determinate that's going to guarantee failure. We just have to do more with what we have sometimes maybe with a supplement. But there are things that have worked elsewhere, and I think we need to try to emulate it. And that's the point of this bill. I'd be happy to try to answer any questions you might have. [LB952]

SENATOR SULLIVAN: Thank you, Senator, appreciate you introduction. LB952 covers a lot of different things. And that's my first question is, why you elected to package them all in one piece of legislation as opposed to dividing them out into several different items? [LB952]

SENATOR LAUTENBAUGH: Frankly the answer for that is I tried to...well, again I'd reference the state of Florida. They introduced a package of reforms, and this closely approximates what they did. There were some voucher programs and other things they did that I elected not to include, some of them I think were...the voucher in particular I think was found unconstitutional. It was a road I did not want to go down. But this was a package of things that collectively brought about success. And so they were introduced as such. [LB952]

SENATOR SULLIVAN: Did they accomplish them in one fell swoop? Or you said that this happened about ten years ago, so did it happen over a several-year period?  
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SENATOR LAUTENBAUGH: I think generally they were implemented simultaneously or within a year or two of each other. I don't know if they were all one LB or if it was something they called, you know, collectively this but they were all separate LBs or whatever they call them there. I don't know the answer to that as far...I know they were contemporaneous. I don't know if they were part in parcel of one bill. [LB952]

SENATOR SULLIVAN: And in the comments that you ended with and you highlighted obviously there is some successes going on in some schools and best practices. [LB952]

SENATOR LAUTENBAUGH: Yes. [LB952]

SENATOR SULLIVAN: So of all the things that you're indicating, do you think that there could be quite a lot accomplished by focusing on them sans legislation? [LB952]

SENATOR LAUTENBAUGH: Well, one would hope. A gentleman I spoke to this morning said, you know, understand our district is already doing a lot of this stuff vis a vis the reading component. Not all of it certainly and not the retention portion, but some of these other portions we're already doing. And I'm sure that's true. Throughout the state, different places are doing different things. A hope isn't a policy necessarily that they would...could they? Some of it, no, probably with the mandatory retention. I'm not sure they could do it without an actual statutory backup. Some of it we would have to hope and trust that they would do. Maybe they have the discretion but not the will. [LB952]

SENATOR SULLIVAN: Okay. Thank you. Other questions for Senator...Senator Kolowski. [LB952]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator, first of all, thank you for your interest and zeal in education, for education and for bringing this forward. I couldn't agree with you more thoroughly that the conversation, the discussion is very important and that we have that chance to interact and bring things forward. And I thank you for what you have put together here in LB952, and I'm going to hold onto this because I think it's going to be very useful in our future here in Nebraska for directions we're going and what we're going to be doing. Also I couldn't agree more with your comments on literacy and numeracy connected with that at very early ages setting the foundation for both of those has dividends across the curriculum, across the board as students age and become more sufficient as critical thinkers and apply those things to their school experiences. The concern I...a couple of questions I want to ask, on your Florida examples, were the Florida schools that were being examined or judged by whatever standards they had come up with...were they all the public schools? Were private schools also in that mix? Were charter schools if they had them, and "vouchered"

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schools all in that same mix, or were they just their public because the state of Florida is arranged by district by county. And they have some counties well over 100,000 kids, and they're very, very large bureaucratic institutions to say the least. And that's all the better that they're getting positive results in very large situations. Could you start with that answer if you could, please? [LB952]

SENATOR LAUTENBAUGH: The numbers that I referenced in just saying that they went from being behind us to being ahead of us in both of those measures in that period were specifically statewide assessments for all the students for Nebraska and all students for Florida. There was no breakout as far as, you know, public, private. But it was true whether you just focused on African-American students, free and reduced lunch students, all students by any measure statewide. They went from doing more poorly...and I'm sorry this is just reading I have here. I represent math as well... [LB952]

SENATOR KOLOWSKI: Yes, yes. [LB952]

SENATOR LAUTENBAUGH: ...but I just am looking at reading on this handout. They went from being significantly behind Nebraska to significantly ahead. But again, it's a statewide number with no breakdown for public versus private. [LB952]

SENATOR KOLOWSKI: Thank you. And they are doing that under the same stipulations all of us are living under as far as No Child Left Behind and all of the different impacts upon all the states at this time. [LB952]

SENATOR LAUTENBAUGH: I would have to assume so, yes. [LB952]

SENATOR KOLOWSKI: Yes, they were. My concern for where you are and where we're coming from on LB952 from my perspective is I think there is things we can talk about, learn from, and have great conversations on and make some headway on over time. We find ourselves...so many things in life are all about timing. And the timing of this proposal coming forward in a state where we're having discussions in this committee lead by our Chairman on a visioning process, what the state education process should be all about, what should education be all about and new leadership at the State Department of Education and the things that are happening in the state with the largest district with Mr. Evans and what he's doing there and OPS. And we all wish him the very best. We want that to be successful for all students in OPS and the whole state. We have a lot of things that are in different positions that have changed a lot of different things and the readiness or acceptance of a very large proposal like yours. And I have never shirked from the competition. I love that, and I would relish that opportunity to be in a mode where I would try to put my best foot forward in the educational circles of what we're dealing with. That's not a question at all. But I think it takes a great deal of work and time and effort and energy to bring a school into a change mode and into an excellence level. And that's the goal we're all here for and trying to succeed at. But I'm

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just kind of curious as to all the timing in all this. And again, I come back and thank you for your zeal about and toward education and where we need to be. There's a lot of things that need to be timed sufficiently to put things forward as we move ahead in our state right now, and it's an exciting time to be here also which I'm very happy for. So thank you. [LB952]

SENATOR SULLIVAN: Any other questions? Senator Haar. [LB952]

SENATOR HAAR: Yes, thank you. Yeah, I, too, find this jogging my thinking, appreciate that. Just to ask some details. For example, if...one of the things I was wondering about, and you may or may not know this, but when you hold kids in a grade several years, I mean, you not only have intellectual development but also social development going on. What happens to a kid that's being held two years beyond so they're getting bigger and bigger in younger classes? Any knowledge of that or what has happened to it or how you deal with that? [LB952]

SENATOR LAUTENBAUGH: Well, certainly that...again, I'm glad you're helping underline the fact that we do put the two-year limit in there to kind of rebut the specter of the 15-year-old sitting in 3rd grade. But certainly it's not desirable to hold a child back. I mean, but we're sort of at the point of picking our poison here I would say. That there are certainly self-esteem issues or dangers developmentally with holding a child back from the rest of his classmates going on. And I've had people...the minute someone said that when I first put out this press release back in the fall so people knew where I was thinking of going and some said, oh, gee, that's self-esteem damaging. That's almost like losing a limb it's so damaging to a child. And then others jumped on and said, you know, that's ridiculous. Don't let anybody talk like that. No, there's certainly an effect on the psyche from being held back a year. But I feel like, again we're picking our poison here. Are we holding the child back a year and doing that damage, whatever that is, or passing the child along and doing what we're doing now all too often, setting that child up to fail? One of the more sobering things that I've heard in discussing this was that a lot of times when states are budgeting for prisons they look at 3rd and 4th grade reading scores to have an idea where the state is going so they know how to plan down road for how big a prison they need to build. That's not a myth. That's a reality. So, yes, holding a child back is probably not good for the child's self-esteem in the short run, but we know what happens to a child when we advance them on in the long run too. [LB952]

SENATOR HAAR: Now this almost has the size or the scope of maybe ELL or something, I mean, really significant programs because this would...the changes it would cause in schools, and also we're always talking about money in here so obviously it would affect how we fund schools. I mean, is that the sort of thing that you see, too, that this is taking on as really a major new piece of education that requires funding and so on? [LB952]

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SENATOR LAUTENBAUGH: Well again, Senator, thank you for pointing that out, too, because we have had some discussions about the cost components of this. Some of the districts again, as I think Senator Sullivan observed, are doing portions of this now. But to meet some of the other challenges there might be additional...or some of the additional portions that aren't already being done, there might be some additional funding required certainly. I don't think the scope of it is as large as what might be contemplated at first blush simply because we aren't talking about, with the early intervention, as much retention as the worst-case scenario would be. So it's not meant to be and shouldn't be as major, great philosophic policy...major policy change philosophically. But hopefully not financially. [LB952]

SENATOR HAAR: And then on your on...and I'm thinking details already, that's why I'm asking the questions. On your second proposal of school grading it says, amount of any appropriated "performance-based funding." At one place it sounds like those with an A would get performance funding but, I mean, you look at like Senator Adams' bill from last year where you look at those who are failing and they get performance funding. How do you see that in your mind? [LB952]

SENATOR LAUTENBAUGH: Well, I mean those are two different approaches. And again, this would be providing incentives for the schools that are successful be it bonuses or otherwise. [LB952]

SENATOR HAAR: And then this is a graph you handed out, right? This is all the little...Money Is Not the Answer. Yeah. What's interesting about here is that Florida spent the least money and got the best results. So is there sort of a silver bullet part to that or is it just all of these together? [LB952]

SENATOR LAUTENBAUGH: Truth be told, I don't know that I've seen that graph. [LB952]

SENATOR HAAR: Okay. [LB952]

SENATOR LAUTENBAUGH: That's not what I thought you were given. But I'll concede to you that's a graph. (Laughter) I need new contacts. [LB952]

SENATOR HAAR: No, and I love graphs. (Laughter) So you know I was going to ask you if you handed out a graph. Well, basically what the graph shows is that Florida had the least increase in expenditure per pupil but got some of the biggest gains in performance of any of these states on here. And I'm just wondering whether as you looked into this is there...kind of what is the silver bullet here or...? [LB952]

SENATOR LAUTENBAUGH: Well, and again I didn't think I'd sent that graph around

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because I wasn't...I wanted to be sure that I knew and I don't as I sit here today whether or not they were somehow lavishly funded vis a vis others so they didn't have to have a big increase. I mean... [LB952]

SENATOR HAAR: Okay. [LB952]

SENATOR LAUTENBAUGH: ...I didn't want to come argue the point that Florida did it without extra money and hammer away on that simply because I wasn't prepared to say what the baseline was. So... [LB952]

SENATOR HAAR: Okay, it says... [LB952]

SENATOR LAUTENBAUGH: ...so it's unfortunate that graph is there because I don't know the answer to that but... [LB952]

SENATOR HAAR: Well, I find it very interesting. And it says, "Spending more does not necessarily lift test scores." The "necessarily" is kind of that caveat in there. [LB952]

SENATOR LAUTENBAUGH: Well, I mean, you know, we underpay our state senators and look, I mean, you can do very well for less, I mean, obviously. [LB952]

SENATOR HAAR: We'll remember that when on the floor. But thank you. I mean, I think this is food for thought and I appreciate that. [LB952]

SENATOR SULLIVAN: Senator Seiler. [LB952]

SENATOR SEILER: Senator, looking at your alternative teacher certificates I see there's a person that has a valid doctorate degree. An MBA from Wharton wouldn't allow you to teach in Nebraska high schools? [LB952]

SENATOR LAUTENBAUGH: Not currently, no. [LB952]

SENATOR SEILER: Why? That's incredible because they could teach the teachers, they can't teach the students... [LB952]

SENATOR LAUTENBAUGH: Well, and... [LB952]

SENATOR SEILER: ...because they can teach at Nebraska. They could teach at any of the colleges in Nebraska with a Wharton. [LB952]

SENATOR LAUTENBAUGH: The response to that...and I'm in the unusual position of arguing against my bill, I mean, but... [LB952]

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SENATOR SEILER: I'm wondering if it should be expanded. [LB952]

SENATOR LAUTENBAUGH: Sure, I know what you're saying. Others would say, all teaching isn't teaching, and teaching is a profession, and, you know, every teacher isn't the same as every other teacher, and a Wharton professor isn't necessarily an elementary teacher; you know, and that kind of thing. And there's...and I'm not belittling that obviously or I wouldn't be recounting it to you now. But no, I mean, the certification piece is problematic for many. But I brought it with a good reason. And you are pointing out part of the... [LB952]

SENATOR SEILER: Thank you. [LB952]

SENATOR LAUTENBAUGH: ...so at least the surface absurdity of it possibly as it currently exists. [LB952]

SENATOR SULLIVAN: Senator Avery. [LB952]

SENATOR AVERY: Thank you, Madam Chair. Welcome to the committee, first time this year. I want to follow up on Senator Seiler's comment because I'm reading here it looks like a statement prepared by the committee counsel that suggests that the recognition of certificates outside the state might be an unconstitutional delegation of legislative authority. Did you read that? [LB952]

SENATOR LAUTENBAUGH: I have not seen that, no. [LB952]

SENATOR AVERY: I was just wondering what...I haven't had a chance to look at the reference to the Attorney General Opinion but just, since you're a lawyer, you ought to be able to tell me what would be the constitutional basis for that. [LB952]

SENATOR LAUTENBAUGH: Senator, I'm a trial attorney. (Laugh) My job is to appear to know what I'm talking about for 12 people for a limited amount of time. (Laughter) [LB952]

SENATOR AVERY: Well, I was college professor. I know how to do that very well. [LB952]

SENATOR LAUTENBAUGH: That's why we've always gotten along famously, Senator. I don't know the answer to that honestly, as I sit here. I would be surprised if that was an unconstitutional delegation. I mean I know we have reciprocity in a lot things. But I don't know the answer to that, and I have not seen the committee counsel's comments or the AG Opinion referenced. So I don't know. [LB952]

SENATOR AVERY: May I ask another question? It's not related to this. You focus on

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reading, and I think that's probably an appropriate focus. But is there some kind of research out there, literacy research that says, this is where you ought to be putting your emphasis if you're only going to focus on one thing? [LB952]

SENATOR LAUTENBAUGH: Well, it's kind of a cliché in the education circles I guess, but I have to trot it out here. The people who know more than I say that this is the grade level at which you go from learning to read to reading to learn. You start using reading to advance in everything else. So that's why the focus is on this here at this level because it's the foundation. I mean, we used to have the old, you know, RIF, Reading Is Fundamental. It's the foundation for everything else. And so that's why the focus is on it at this level. I was asked this morning, well, why didn't you also provide possibly follow on as some states do for 6th grade and 9th grade and so on and so forth? And I said, well, we'll be lucky to get third. I mean, you know, we have to start somewhere and this is where I think the bang for the buck is. And that's why the focus is on reading as well. [LB952]

SENATOR AVERY: I think that's probably correct. You may address this somewhere in the bill, and you may have addressed it and I missed it in your oral comments. But you're going to have some kids that are dyslexic and they're not going to be able to perhaps perform at a 3rd grade level yet, but by 5th grade with the right kind of teaching and with special education programs, they might actually catch up. [LB952]

SENATOR LAUTENBAUGH: Yes. [LB952]

SENATOR AVERY: Do you have any provision in here to protect those kids from the humiliation of being retained? [LB952]

SENATOR LAUTENBAUGH: Well, honestly the short answer is, yes and no. There are safety valves in there and exceptions for kids that have certain...I'm going to use the terms wrong, certain learning disabilities. I don't think dyslexia technically qualifies as such. And this was brought to my attention by the mother of a child with dyslexia saying, look, in the current environment that's not a diagnosis that the schools can use--I think it was how it was explained to me--so that if your child is suffering from dyslexia the prescription is more reading. Well, that doesn't help if that's the issue is that you have dyslexia. So language was brought to me today to try to add to this something that would address or some sort of assessment for dyslexia as well and a different approach for students who are in fact dyslexic which regardless of what we're talking about here is a problem under existing policy as well. But there are exceptions for other issues as well that are not dyslexia in the current draft of the bill. [LB952]

SENATOR AVERY: Okay, thank you. [LB952]

SENATOR SULLIVAN: Senator, yesterday I participated in part of the meeting of the

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Nebraska School Board Association, and it was a combination of superintendents and school board members. And in one of the conversations some of the people there were quick to say that this assessment needs to take place and they need to be identified earlier than 3rd grade. Now you touched on it earlier that this ready-to-learn kind of thing, but was that the real reason that you identified 3rd grade rather than something...an earlier grade? [LB952]

SENATOR LAUTENBAUGH: Oh, absolutely. And the bill as written talks about assessments, you know, going on leading up to 3rd grade. And interestingly I talked to--this is opening a can of worms--some people who had formed a new group that are interested in pre-K education who had talked about a sort of aggressive kindergarten assessment to see both where incoming kindergartners are both so they could learn whether or not their pre-K was bearing fruit which I thought was refreshing. But it also would give us the additional measure of where these kids are coming in which would give us a leg up in preparing them by the time they got to 3rd grade or identifying issues if they were not. So apparently we don't have such a thing. And I think, I had approached one of our colleagues about that and said, hey, where's the proposal for the kindergarten assessment. And I think there's a discussion I was told with the Department of Education for maybe a pilot assessment that may go statewide in the future depending on how it works. But I'm not sure of the status of that. But yeah, I think the assessment is not just at 3rd grade as contemplated in the bill and shouldn't be. [LB952]

SENATOR SULLIVAN: Senator Haar, did you have something? [LB952]

SENATOR HAAR: Yes. One of the things maybe we don't do enough is to try stuff and then see if works for everybody else. So is that at all, as you've thought about this, a possibility of, you pick some schools and try it out and see how it works and then adopt it instead of...because your bill sort of says, this is what should happen across the board, right? [LB952]

SENATOR LAUTENBAUGH: Right. Well, and I...I'll be honest, Senator, I had not contemplated that sort of a trial district in the state or trial schools in the state because I'm not sure...first of all, I don't know who would want to sign up for that. [LB952]

SENATOR HAAR: Give them money. [LB952]

SENATOR LAUTENBAUGH: No. Well, that might do it. But maybe there's some schools that are already doing 90 percent of this and would say, hey, yeah, just give us the money. We're already there. Not to be crass about it. I had not contemplated that at all as a possible approach. My thought process was more, this seems to be working in other states. It would succeed here. I hadn't thought about testing it on part of a district or a district within the state and then trying to go statewide on it. It was not...I had never

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thought of it before. [LB952]

SENATOR HAAR: Okay. And then just one thing, at some point I would like to talk to somebody who understands a graph because as I look at this even closer, it talks about Florida is sort of the best when it comes to gains. It's not a graph of absolute test scores. It's a...so if they came from way behind they could show up as one of the best when in fact their test scores are...anyway, you know, this is a graph of gains, not of absolute testing scores. And I'd be interested to know about that as well. [LB952]

SENATOR LAUTENBAUGH: Okay. I will get back to you on that. [LB952]

SENATOR HAAR: Okay. Appreciate it. Thanks. [LB952]

SENATOR SULLIVAN: Senator Cook. [LB952]

SENATOR COOK: Thank you. And thank you, Senator Lautenbaugh, for bringing this bill which could be several bills, but thank you. It's all here. And in a previous life I did some research on a conservative context on all kinds of success stories. And a lot of those ideas that we explored politically are here. One of which I think I see in Section 27 which is about teachers transferring between or among school buildings. [LB952]

SENATOR LAUTENBAUGH: Yes. [LB952]

SENATOR COOK: Can you tell me what the reason would be and how that would dial into child achievement? [LB952]

SENATOR LAUTENBAUGH: Simply put, what that was meant to address, what's kind of been referred to pejoratively as the "dance of the lemons." [LB952]

SENATOR COOK: Oh, yes. And that's our theme today. [LB952]

SENATOR LAUTENBAUGH: Where the phenomenon of shuffling a teacher around that might not be performing well to say the least and if the incoming principal doesn't have the ability to say, look... [LB952]

SENATOR COOK: Okay. [LB952]

SENATOR LAUTENBAUGH: ...I don't want to accept this teacher in my building. This would give that principal control over the staff. And I mean it's kind of part in parcel of if you're going to hold the principal accountable for what goes on in the building and the rest of the staff and the team accountable for the results they get, they shouldn't necessarily be saddled with someone who is acknowledged as not performing but sent there to run out the clock or something like that. I mean there should be some way to

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redress that. And this was one way to do that. [LB952]

SENATOR COOK: Okay, thank you. [LB952]

SENATOR SULLIVAN: Senator Davis. [LB952]

SENATOR DAVIS: So just to follow up on that, Senator Lautenbaugh, and thank you for bringing the bill. There's quite the interesting material here. But to follow up on that. So we have a problem teacher who's being floated around, and the receiving school says they don't want to take them. So now what happens to that teacher? [LB952]

SENATOR LAUTENBAUGH: Well, I would assume the status quo would obtain. [LB952]

SENATOR DAVIS: So then the present building will be penalized then because we're not able to move it on. [LB952]

SENATOR LAUTENBAUGH: I would say they would have to actually deal with the teacher rather than passing on the problem. [LB952]

SENATOR DAVIS: And I think that's a very legitimate concern. You know, I've got a cousin who worked in one of the very poor-performing schools in the Phoenix area. I think it was second to the bottom in skills. He's a very driven man, turned that school around. So I think you've got a point there. But what I see in the bill that concerns me is just an enormous unknown fiscal note for our resident districts. And just to highlight some of that, you call for some resident summer school program. Well, you know in Nebraska's smaller schools, there might be two kids that live 40 miles from town. You're going to just put a tremendous cost on those districts who don't really have the ability to pay for that. So I'd like to have you think about that. You make reference to the Master Teacher Act in this bill requiring master teachers to be part of this reading program. Is that what you're looking at in the back of the bill or is that something else? [LB952]

SENATOR LAUTENBAUGH: When you say the back of the bill...I'm sorry. [LB952]

SENATOR DAVIS: Well, you talk...you know, in Section 22, I believe, on, from pages 18. Is that what you're making reference to there? [LB952]

SENATOR LAUTENBAUGH: And I acknowledge that we need more master teachers. I mean, we don't have enough to do what the bill is designed to do at this point. So that's another tweak we would have to do. I mean, we just don't have enough people who have done that. [LB952]

SENATOR DAVIS: Are you aware that there are a lot of Reading Recovery programs in

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the schools already? [LB952]

SENATOR LAUTENBAUGH: Yes, yes. [LB952]

SENATOR DAVIS: And to talk about Hyannis for a minute because we have to always bring in our own community. Some years ago we put that into place there, and it did really remarkably turn around our ability with our students. And four or five years ago we were the number one school in the state as far as reading ability and knowledge. My sister-in-law taught Reading Recovery. I mean...so I think we're trying to do that. And I've said to this committee so many times they're sick of hearing it, but so much of the problem that we have with students today is there has been no preparation at home. And they are suddenly stuck in a foreign environment with no real skills, and our staff is having to do a lot of that work. [LB952]

SENATOR LAUTENBAUGH: That's undeniably true. I just don't know what else to do about it other than have the staff try to deal with it. I mean, we can't go into people's homes without some crisis. That's the hand we're dealt. [LB952]

SENATOR DAVIS: I realize that. It's just it's an open-ended problem for why we have these issues. This bill that you introduced, this was all taken from the Florida legislation? [LB952]

SENATOR LAUTENBAUGH: Generally, yes, I believe... [LB952]

SENATOR DAVIS: Was it put together then, or was it just one whole bill that came from Florida? [LB952]

SENATOR LAUTENBAUGH: No, it was multiple parts. But I think we may have grafted in some stuff from other places as well or tweaked the language a bit. But conceptually it was taken from Florida and "Nebrasaka-ized" if you will, but the concepts are Floridian if you will. And I don't think that it was original there either. I mean, there are no new ideas--well, I shouldn't say that. I don't claim credit for them to be my ideas certainly. [LB952]

SENATOR DAVIS: Well, as I said, I think some of your ideas have some merit, but have you considered taking some of this your local district and saying, why don't you see if you can implement this. [LB952]

SENATOR LAUTENBAUGH: I know they're looking at it certainly. [LB952]

SENATOR DAVIS: Thank you. [LB952]

SENATOR LAUTENBAUGH: Sometimes as you well know we provide cover for people

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to do the things they want to do, you know. Rightly or wrongly, they look to us to let them do things. [LB952]

SENATOR DAVIS: Really? [LB952]

SENATOR LAUTENBAUGH: (Laugh) Whether we're talking amber lights or, you know, teaching kids to read sometimes we need to... [LB952]

SENATOR DAVIS: Novelty lighters. [LB952]

SENATOR LAUTENBAUGH: ...step in. Exactly. [LB952]

SENATOR SULLIVAN: Senator Kolowski. [LB952]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator, would National Board certification be one of your acceptable certification levels? [LB952]

SENATOR LAUTENBAUGH: Yes. [LB952]

SENATOR KOLOWSKI: And with your literacy emphasis, having survived some of these issues in a past life, your next issue would be what form of reading program shall we use because there are so many different interpretations as to which one is best, all that. Now that's way beyond where we're talking right now. But you peel the onion and it gets more and more difficult as you go on. [LB952]

SENATOR LAUTENBAUGH: Undeniably. At some point it has to go into rules and regs. I mean, there are questions in here and a lot of good ones came up this morning in talking with the gentleman from one of the school districts and said, look, I did not want to and in a lot of ways didn't feel qualified to come down and say, it shall be this way because A, I wanted input from all of you and B, you know, that's a rules-and-regs-type thing not a legislative thing I didn't think. [LB952]

SENATOR KOLOWSKI: And we're still trying to determine our Common Core future in the state which is another issue that will be part of the discussion on the 50 states issues. [LB952]

SENATOR LAUTENBAUGH: I didn't bring that up, you did. (Laughter) [LB952]

SENATOR KOLOWSKI: Thank you. It's appropriate. [LB952]

SENATOR SULLIVAN: Senator Avery. [LB952]

SENATOR AVERY: Thank you, Madam Chair. This is a large buffet of items that you

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have presented us. If we were unable to consume the whole feast, which two or three features in this buffet would you say are the most appealing and most nourishing? [LB952]

SENATOR LAUTENBAUGH: Senator, I have confidence in you to rise to occasion swallow it whole. So I think you'll do just fine with all five parts. [LB952]

SENATOR AVERY: But if I couldn't consume it all, if there's some things that we might want to select for further consideration, you don't want to speculate on what they might be. [LB952]

SENATOR LAUTENBAUGH: No, I'm not married to the name WINS. I mean, we could probably...I don't mean to be facetious, Senator. But that's a very difficult question. Which of your five fingers are you not really that thrilled about? I mean, you know, that's hard to answer on the spot like this. It's a work in progress. [LB952]

SENATOR AVERY: Is that an argument for us not taking the whole buffet? It's a work in progress. I'm thinking that there's some really good ideas in here... [LB952]

SENATOR LAUTENBAUGH: I think so too. [LB952]

SENATOR AVERY: ...that we might want to take up more fully, but I don't yet know what they are. And you're not going to help me, are you? (Laughter) [LB952]

SENATOR LAUTENBAUGH: Yes, I will. [LB952]

SENATOR AVERY: All right. [LB952]

SENATOR SULLIVAN: All right. Thank you, Senator Lautenbaugh. [LB952]

SENATOR LAUTENBAUGH: Thank you all. [LB952]

SENATOR SULLIVAN: We've put you through your paces on this opening. Will you be here for closing? [LB952]

SENATOR LAUTENBAUGH: Yes, I will. And I would note someone handed me a note to respond to one of your questions. And heaven knows nothing ever goes wrong when someone hands me a note that I'm supposed to read. And so...but still, I'll decline. [LB952]

SENATOR SULLIVAN: Okay. We will now hear proponent testimony on LB952, proponents. Welcome. [LB952]

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BOB EVNEN: Thank you, Madam Chair. My name is Bob Evnen, B-o-b E-v-n-e-n, and I'm here to support LB952 at a minimum conceptually. There are many very fine things in this bill that are...I would commend to this committee and to the Legislature as worthy of close and careful consideration. It does have a lot of moving parts, doesn't it? It begins with reading and social promotions. I would tell you that social promotions have always been a problem. We've always had social promotions at some level or other. They're never regarded as good. They're never regarded as desirable. The question is, how extensive has this become, and what are we going to do about it because what we communicate to the child in a social promotion is that we're giving up on you? We're just going to push you forward and eventually we're going to push you out. That's what social promotion really means. So the idea of addressing this as something real and important to be considered and dealt with I think is without question in the interests of the child that we're focusing on here. Reading, K-3, preK-3 is so critical and so crucial. It's something that I'm speaking to you now as a citizen of the state and in a former life I was a member of the State Board of Education. I was chair of the State Board subcommittee on standards and I was chair of the State Board subcommittee on assessments. And I can tell you that the question of reading was foremost to us. We do have reading programs in this state that are very effective in districts that have high percentages of poverty and high percentages of minority students. And it's a curious thing to me as to why those programs that have been proven to be effective are not being adopted by many other districts. And I think that Senator Lautenbaugh's bill focuses our attention on that. You will hear I think from my former colleagues and friends on the State Board and the new commissioner who I think is a fine pick and I support completely. The concept of letter grades is something that they don't really care for. I would say we give letter grades to our students and I suppose we could give letter grades to ourselves as well. The components of what the letters are based on in this legislation seem to me to be sound because it's based not only on achievement but also on measures of growth and improvement which is consistent with the State Board's approach in its process, it's a work in process, in accountability. So you have some intersection in concepts here, and they'd be worth discussion and moving forward in my view. A perennial favorite is alternative certification, and I wouldn't be surprised if you hear from speakers later today on that topic. I would tell you that from the standpoint of teacher preparation and the availability of qualified teachers across the state that Joe Higgins and I stood shoulder to shoulder on the State Board to try to address that. And maybe the time has come in our state to consider appropriate vehicles for alternative certification. One of the things that I very much like about the performance-based dollar incentives that are written into the senator's bill is that they are school based. If a school shows good achievement and growth and improvement, then the school gets funds available. And this really helps build a team because you will see members of the faculty and members of the staff in a school where school-based incentives have been tried, they really encourage each other to work hard and work together in order to achieve those incentives. I think that's a very positive aspect. And then finally, the idea of the "dance of the lemons" is also an important concept because, you know, if we're

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going to hold principals accountable, and if we're going to hold teachers and principals accountable...may I finish the point? Thank you. Then we really have to allow principals to build faculties among professionals, among educators who share their view and vision and are willing to move forward with them in the way that they're approaching the educational project. So I think that's an important component as well. My time is long since up, and I appreciate your patience. [LB952]

SENATOR SULLIVAN: Thank you, Mr. Evnen. Any questions? Senator Haar. [LB952]

SENATOR HAAR: Yes, Mr. Evnen, a couple things. It just occurred to me while you were talking maybe part of the problem is we put kids in grades. I mean, the thing you talked about of advancing children, you know, even though they haven't accomplished it, but yet we fit them into grades at the same time. And I'm not sure what an answer might be to that one. But on incentives, have you seen any examples where incentives are...I'm wondering what those incentive dollars would typically be used for a school. [LB952]

BOB EVNEN: Well, the example that I'm thinking of was it was used to provide bonuses to the faculty and staff. It was a reward to the professionals and the staff and the school. The bill proposes the use of it in other ways as well which seems to me to be worthwhile too. [LB952]

SENATOR HAAR: Okay, thank you. [LB952]

SENATOR SULLIVAN: Mr. Evnen, what's the best way to drive reform in education? Is it through, first and foremost, public policy? Is it, first and foremost, with the State Board? Is it, first and foremost, with best practices among the educators in the field? What's your suggestion in that regard? [LB952]

BOB EVNEN: I appreciate that question. In general, my view has been that at the state level we ought to be in this. At the State Board level and probably at the legislative level we ought to be setting standards. And then we ought to be leaving it to the local districts to establish curriculum and instructional programs in pursuit of those standards and then hold the districts accountable for whether the standards are met. So just in the overall framework, that's the way that I would look at it. There are times I suppose where that hasn't worked, and at the state level instructional programs become mandated. Not sure whether we're at that point in our state, but that is certainly...what I would say to you is that there are states where that's been the case. And the other thing is to the extent that you view Florida as being a state where instruction is mandated at the state level versus at the local district level. The one thing that I really believe is true about the Florida experience is that they have been successful at what they have done. Most of the criticisms that I have seen as I recall have been pretty effectively refuted. So the idea of looking at what Florida has done and seeing how we can adopt it in our

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state, legislatively and through other policy mechanisms, I think is a worthwhile exercise. I hope I've answered your question. [LB952]

SENATOR SULLIVAN: (Exhibits 4 and 5) Okay. It helps. Thank you. Any other questions? Thank you for your testimony. Additional proponent testimony. I would like to read into the record we have received two letters of support, one from Aaron Hollinger, cofounder of the Nebraska Alliance for Quality Education, and another one from Anthony Vargas, Education First Consulting Firm staff, former New York State Board of Education, professional standards and practices board member. Again, any other further proponent testimony? We'll now hear testimony in opposition of LB952. Welcome. [LB952]

MATT BLOMSTEDT: Good afternoon, Senator Sullivan. Members of the committee, I'm Matt Blomstedt, B-l-o-m-s-t-e-d-t, the wet-behind-the-ears Commissioner of Education for the state of Nebraska. I've got to say that I think five years ago when I started working for the ESU Coordinating Council so I thought, it's a good line. I'm here actually to provide testimony in opposition to LB952. However, I'm not really going to focus on necessarily the merits of the bill, but I think to a point that Senator Kolowski had mentioned before. Certainly the State Board discussed LB952 yesterday in our kind of legislative review and voted to actually oppose it with staff comments. And I got to be the staff today assigned to that duty. As you look at where we're at as a state and where we're needing to go...and I do appreciate very much the concept of LB1103 and a vision for where we go with education. It's very much our focus at the State Board level, certainly my focus as the Commissioner of Education, to begin to lead conversations that actually put us in a position to have the most successful education system in the country. I mean, we have to set high goals for ourselves and for students. I think that's a position very much held and believed by the members of the State Board. How we go about doing that is a critical thing. Certainly I think there are concepts within LB952 that are worthy of spurring conversations about where we go, how we do that. However, we are down this path and this path that includes LB438 and how we design a state accountability system for schools. Part of my concern and I think part of the State Board's concern is that we diverge from the path that we're on. We've invested a considerable amount of effort and time and conversations about where we need to go as a state on accountability. Prior to that, we invested quite a bit of time, effort on where we needed to go with the state assessment system. These things have to come together ultimately to do some of what...the passion that I hear from Senator Lautenbaugh about where we need to go and what he...I think that's laudable. However, we actually have to go ahead and start investing and building that system that's actually going to function and work well for the students of the state of Nebraska for our districts. I suspect many of you don't know the name William Egbert Harvey. William Egbert Harvey was the Territorial Commissioner of Education in Nebraska when the state was...you know, and he spent his time. He was an elected position year by year. And he argued with the Legislature about things like minimum requirements for schools. He

argued with the Legislature about how you fund schools. He argued with the Legislature about, should county and superintendents be pocketing money that was meant for the schools. These are things that all happened to William Egbert Harvey. William Egbert Harvey was a civil engineer. He was 28 years old when he took that position. The Legislature decided to eliminate the position of Territorial Commissioner of Education and assign the duties to then Territorial Auditor. William Egbert Harvey--he has a great middle name, I just really like to say it--he decided to run for State Auditor. And he actually was elected and won. For four more years he served as the Territorial Auditor. And he continued to fight to build the system that he thought was necessary for education in Nebraska. I can tell you that that role ended up being defined in the state constitution. We had the State Superintendent of Public Instruction at that point in time. That state superintendent position evolved over time to eventually become the State Board of Education. Together the Commissioner and the State Board try to lead the direction of the state relative to the education system in partnership quite honestly with the Legislature and the Governor, the school districts. That is what we plan to do. It's certainly what I plan to do. I kind of like this Harvey guy. I don't think we've named anything after him in the whole state. But the fact of the matter is it's going to take passionate leadership to be able to move this forward. I think the State Board has that...certainly that mind-set about where we need to go. They hired me. I said these types of things in the process. The fact of the matter is I dedicate pretty much my entire being to this job. It's very important. I have five children of my own. We're going to have to work very hard to do this well. And I appreciate any concepts, anything that comes in before your committee to be part of that process that we're able to vision for the state, for the future. [LB952]

SENATOR SULLIVAN: Thank you, Dr. Blomstedt. Senator Avery. [LB952]

SENATOR AVERY: Thank you, Madam Chair. Welcome, Mr. Commissioner. You said that there are things about this bill that you think are worthy, and you didn't identify what they are. So I'm going to give you a chance to tell us. [LB952]

MATT BLOMSTEDT: You had the whole buffet that you're offering on me. No, I think there...I mean first of all, I actually believe in having an accountability system for the state. You know, exactly how you design that accountability system matters. And I think what I actually heard Senator Lautenbaugh talking about is a concept much closer to something that I believe that we ought to be doing, and that's actually informing ourselves, informing the public with the data that we have in place not just as an accountability system but really as a communication to our public about how well our schools are doing. And that's not something to punish schools. That's something to actually start to inform us about how well the school system is working. The focus on reading I think is absolutely appropriate. I mean, if you look at...and I think Senator Lautenbaugh hit the nail on the head. If they aren't reading by grade 3, that is their opportunity to be reading to learn. We have to focus on that data. We have to actually

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say, hey, look, here's our opportunity, and if we miss that opportunity with students, and if for some reason we don't know that we fail to appropriately teach and prepare a student at that point in time, we have actually impacted their lives. And that is a serious thing that we have to be considerate about. I think the focus in the bill relative to those types of things...I think the passion behind the bill is completely appropriate. How you do things is always...the devil is in the details. Quite honestly it's the role, responsibility of the State Board to figure out some of those details; the role, responsibility of the Commissioner and the Department of Education to figure out some of those details. And those are things that we're actually working on. And so as I look at this I go, hey, this is a great opportunity to continue to explore ideas that will inform us as we continue to make policy decisions about the future. [LB952]

SENATOR AVERY: Do you support, for example, alternative teacher certification? [LB952]

MATT BLOMSTEDT: Yeah, as that one pops up I can go back to William Egbert Harvey. And the reason that I go back there is you look...the Commissioner of Education sits as a board of trustee on the state college system. Well, why is that? Because the Commissioner of Education and the state superintendents actually helped establish the system that created teacher preparation. Used to be that a teacher would show up for a week in the summer and, you know, we put minimum requirements that they had...that women had to be 17 years old, and men had to be 18 years old because we don't mature as quickly, men, is the reality. But, you know, we've always done this throughout history. It's always appropriate to come back and review where we go. I can guarantee you that Mr. Sears behind me will probably have an opinion on this. But there is a professionalism that goes with the education system. And we have to be very I think cautious about how we go into that, but I don't think exclusive relative to looking at alternatives that would be appropriately an improvement on the system. [LB952]

SENATOR AVERY: If I might just make this point, there are a lot of people in our society who have very respectable training, experience. They may not have ever taken a class in curriculum and administration. They may never have been in a high school or middle school classroom except when they were a student. That should not mean that they have nothing that they can offer a school district or a school system. I'm intrigued by this idea, and I'm surprised that it might be unconstitutional. [LB952]

MATT BLOMSTEDT: I think...well, yeah that part I can't answer. But, I mean, I think the reality is, I am very interested and I believe the State Board is very interested in finding ways that are going to improve educational opportunities. I worry about limiting opportunities as they persist. If you look across rural Nebraska we have certain challenges there that we have to address. We actually allow teachers to be...we allow people to be substitute teachers with less for standards because there's just a shortage in certain areas. We've tried to encourage teachers into the profession or people into

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the profession. These are things that we have to constantly worry about. And you're right, there's lots of different ways that people learn in their careers and in their future. And I think it's always appropriate to look across the country and say, hey look, are we substantially different than other places or not? And then, what's really good for Nebraska education? So it's not a conversation I would shy away from, but I think it's always one you walk into carefully. [LB952]

SENATOR SULLIVAN: Thank you. Any other questions? Senator Kolowski. [LB952]

SENATOR KOLOWSKI: I have one. Mr. Commissioner, thank you very much for your comments. On that certification issue, a lot of people could have the background, experience, or even the certification in many ways but so many of our schools today seem to be extremely oriented toward the professional learning communities in collaboration being one of the major words. Would you speak to that, please? [LB952]

MATT BLOMSTEDT: Yeah, I mean, I think among the challenges that we face, and just coming out of my world in the ESUs, I mean, part of that charge was professional development. It's one thing to talk about the preparation of teachers as they're coming into a profession. It's another thing to talk about the support for teachers while they're in the profession and the ongoing professional development efforts. And I think they have to be able to collaborate, learn from one another, have best practices among those groups so they really understand what's working. And again, that's part of the research and analysis piece that I believe we can do collectively. I believe we can learn from one another. I believe you can find things that are working in one part of the state and find that applicable to another part of the state. We have to find ways to connect the teaching profession so they can learn from one another as practitioners. [LB952]

SENATOR KOLOWSKI: Okay, thank you. [LB952]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB952]

MATT BLOMSTEDT: Thank you. [LB952]

SENATOR SULLIVAN: Welcome. [LB952]

JAY SEARS: (Exhibit 6) Thank you. For the record, Madam Chair and members of the Education Committee, my name is Jay Sears, J-a-y S-e-a-r-s, and I represent the 28,000 member educators of the Nebraska State Education Association. I'm going to have to read my text because I think it's important. The use of words have meaning. And so that's why I've provided you written testimony today as opposed to my oral testimony yesterday. NSEA does oppose the provisions in LB952 as currently written. And you'll see in the third paragraph down the conversations that NSEA has had with Senator Lautenbaugh and a number of other policy partners, and I'll get to that. The

NSEA strongly supports students being able to read, write, and learn math, science, and social studies standards at grade level. NSEA is also aware that all students do not come to school ready to learn and that each child progresses at a different rate given a number of circumstances. Standardized testing such as the NeSA tests does not capture everything that a child has learned in a subject in a classroom. Multiple measures should be used to assist in determining a student's strengths and weaknesses to measure a program's effectiveness, to communicate learning expectations, and to change instructional practice. The major focus of Sections 3 through 12 are the requirements and programs to support all students to be able to read on grade level and specifically on attaining reading proficiency by 3rd grade. The supports for students who are not reading at grade level are grounded in what is recognized as sound and scientific-based research practice. NSEA is opposed to the state mandating retention in grade for any student that's not achieving at grade level. However, NSEA strongly supports programs grounded in research-based practice that are designed to meet individual student needs. We appreciate that Senator Lautenbaugh contacted the NSEA about this legislation and asked for our input. In fact, I spent many hours personally talking with Senator Lautenbaugh, and I enjoy those conversations. And I found him to be honest and wanting to have conversation. That's not in my prepared text, but I wanted you to understand that we understand where Senator Lautenbaugh is coming from and we have a great opportunity. The Commissioner spoke about the process that is going on and we all have kind of an opportunity in time to make sure that we're providing the learning that all of our students need. To continue on, we believe that there are more unintended consequences in retaining students than there are benefits to student learning. Children should be screened early to detect school readiness, and educators should be prepared to help children learn to read at grade level. Not all students come to kindergarten ready to learn. NSEA supports extended learning opportunities for children, especially for those who come to school lagging behind their peers. In classrooms today of 30 or more students, it's difficult to meet every child's need. Some children will need before or after and...before-, after-school and summer school instruction. And as you look through the proposals in LB952, a number of the interventions and reading plans take that into account. Not all reading can take place within the school day. And that's why we support very strongly extended learning opportunities. NSEA also supports districts providing quality teachers in every classroom. LB952's provision for providing teachers who qualify under the Master Teacher Program, Rule 22 as it's known in the Nebraska Department of Education, as teachers for...who are going to be working with students who are not reading at grade level is a good idea. In reality though there are only 86 National Board Certified Teachers who meet the Master Teacher Program and 19 of those are qualified in the elementary years. And OPS only has 5 of those teachers. If we're going to have master teachers working with the reading intervention programs, we not only need Master Teachers National Board Certified Teachers, we need to fund the Master Teacher Program that was never funded when it was instituted. We've provided Senator Lautenbaugh with some suggestions about how we might transfer or transform

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or transfer into that process, transition, knowing that we don't have as many qualified educators as we need to help in the reading programs. And I'm sure he'll be sharing those as we talk. So as you can see, I have three more paragraphs. The bill is long, lots of sections. And again to reiterate, we look forward to having the discussion with Senator Lautenbaugh and continued dialogue with all of our policy partners as we make sure we provide the best education we can for our students. So thank you for the opportunity to testify. [LB952]

SENATOR SULLIVAN: Thank you, Jay. Are there questions for Mr. Sears? Senator Avery. [LB952]

SENATOR AVERY: Thank you, Madam Chair. Mr. Sears, on the alternative certification issue... [LB952]

JAY SEARS: Yes, Senator. [LB952]

SENATOR AVERY: You say in your testimony here that you currently have a program that leads to a regular certificate to teach. Does that mean that if I wanted...no, I wouldn't be a good example. [LB952]

JAY SEARS: Well, I'd let you in my classroom any day, Senator. [LB952]

SENATOR AVERY: Well, you do admit people with doctorates. [LB952]

JAY SEARS: Yes. [LB952]

SENATOR AVERY: But I mean, let's say I was somebody with vast experience in a technical field that was important to the curriculum in your school, but I do not have a teaching certificate, did not have a doctorate. What kind of regular certificate are you talking about? What does it take to get that, going back to school and taking those curriculum and administration courses? [LB952]

JAY SEARS: Here's the process that we have in Nebraska with alternative certification. Let's say that you probably have a large number of hours in a content area. For example, I'm a social studies teacher. So I might have taken lots of political science courses when I was in the university. That might qualify me to come into a school district and teach American government, American history or whatever as I am going through a process of taking on-line courses to help me understand the theory and practice of teaching. I could be teaching kids right now, certified as an alternative certified teacher teaching and getting paid as I'm doing the coursework that helps us understand the pedagogue working with say, 11th-graders. I know you can work with advanced students in college in political science, and I know you'd probably do a very good job with 8th- and 11th- and 12th-graders. [LB952]

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SENATOR AVERY: No, I wouldn't. [LB952]

JAY SEARS: You wouldn't? [LB952]

SENATOR AVERY: No. (Laughter) [LB952]

JAY SEARS: See...and, Senator, that was the trick in the question is some of us who have lots of content knowledge and have worked and taught at different levels are not necessarily prepared to work with children at different ages. And so that's the piece of the program that was designed by Nebraskans in Nebraska to make sure that we could get the right people in the right places and realizing that some of our districts have shortages in many of the content areas. And so how can we get people in communities who want to be part of that process certified so that they can be and work with children in our situation? [LB952]

SENATOR AVERY: So you'd get them back in the classroom or at least on-line and mold them the way you want them to be in order to teach the way we're already teaching and everybody else is teaching. [LB952]

JAY SEARS: No, I'm going to teach you how to work with 11th-graders and get across the standards that we have in the state of Nebraska. [LB952]

SENATOR AVERY: Sometimes the most unorthodox approach... [LB952]

JAY SEARS: Yes. [LB952]

SENATOR AVERY: ...is the best. [LB952]

JAY SEARS: That's why I'm a staff member with NSEA instead of teaching social studies in Seward right now. Thank you for your questions, Senator. [LB952]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB952]

JAY SEARS: Thank you. [LB952]

SENATOR SULLIVAN: Welcome. [LB952]

JOHN BONAIUTO: Thank you, Senator Sullivan, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing the Nebraska Association of School Boards, Nebraska Council of School Administrators. And we're here to do exactly something that Senator Lautenbaugh mentioned in his intro, and that is gently oppose LB952. And Senator Lautenbaugh, it really pushes the envelope and causes us to think.

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I mean, there's nothing in this bill that we should be afraid to have a conversation about. And I think Senator Kolowski had talked about timing. And there are things that we listen to in committee, and they may not stick at a particular point in time. But with time passing and as people get used to ideas and things change, you know, those ideas come back and are more appealing. So we agree, the State Board should be involved in these types of changes, a lot of moving parts here...and the Commissioner. We also see that we have some things that are in the process right now with the Speaker's priority bill in LB438 that we still have to figure out. And, you know, I listen to the State Board and where they're trying to head. And, you know, they're really trying to move in the right direction with all of the public schools across the state. And so I really have faith that they're going to take a look at doing some things differently. I didn't know there was an acronym so I was happy to learn. I hate to be against WINS, but we are opposed to this bill. And it's good to take a look at best practices whether they're in Florida or wherever they're at and see if they fit what we do in Nebraska. With that, I'll conclude my testimony, and thank you very much. [LB952]

SENATOR SULLIVAN: Thank you, John. Any questions for...yes, Senator Avery. [LB952]

SENATOR AVERY: Thank you, Madam Chair. For some reason this bill seems to have spiked my interest. [LB952]

JOHN BONAIUTO: I can tell that, Senator. [LB952]

SENATOR AVERY: Yeah. You talked about moving, and I observe that the K-12 establishment is all lined up against this bill. That doesn't look like movement to me. I mean, movement maybe at the scale of an aircraft carrier when they're trying to make a turn. You don't like much of this bill I suspect. It's a bit too much change at one time. [LB952]

JOHN BONAIUTO: Senator, I would...that is a true statement. It is...there's a lot of change all at once. And, you know, I remember a number of years ago when Kentucky started to look at education reform and their approach was they abolished their Department of Education and just started from scratch. I don't know that that would necessarily be a good plan for us. But yes, that kind of change is pretty alarming, gets your attention. So this is big change. [LB952]

SENATOR AVERY: Well, you really...if I might make an editorial comment, you ought to look at this as an opportunity. [LB952]

JOHN BONAIUTO: As I said, there are things here that are...there's nothing in this bill that we should be afraid to have a conversation about and really examine... [LB952]

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SENATOR AVERY: Yeah, you said that. [LB952]

JOHN BONAIUTO: ...and see if there's something that would fit to help Nebraska's schools. You know, we're fortunate because our schools are doing an awfully good job. Can we do better? Absolutely. But, you know, I don't know that we need to throw the whole system into flux with this much change all at once. [LB952]

SENATOR AVERY: You said our schools are doing an awfully good job; some are but not all. [LB952]

JOHN BONAIUTO: I would wholeheartedly agree. And so we...there's always room for improvement. [LB952]

SENATOR AVERY: And when we were doing the assessment legislation we were told that everything was fine. You don't need this bill. Everything is fine just the way it is. And I'm not so sure that that's the way to approach education policy because if we have kids that are not performing, schools that are not performing, everything is not fine. [LB952]

JOHN BONAIUTO: Absolutely, Senator. I wholeheartedly agree. And as I say, the Speaker in his priority bill is trying to find out how do we help districts that are not making the kind of achievement that's necessary. And he has a pilot I believe in his priority bill that he's trying to move us in the right direction and do the best practices to help districts achieve better. [LB952]

SENATOR AVERY: So start the process of turning the aircraft carrier. [LB952]

JOHN BONAIUTO: Yes. [LB952]

SENATOR AVERY: Well, I hope that... [LB952]

JOHN BONAIUTO: Let's turn slow. (Laugh) [LB952]

SENATOR AVERY: Yeah. I would hope that you would look at all parts of this bill and be willing to have a conversation with us about what parts of this bill do we think that we could accept, how we could make it work because to oppose the whole thing just doesn't seem to be very helpful to us. Thank you. [LB952]

JOHN BONAIUTO: And I appreciate that, Senator. [LB952]

SENATOR SULLIVAN: Senator Haar. [LB952]

SENATOR HAAR: Yes, thank you. It occurs to me that another way to spend the kind of money that would be required here in this bill would be just go whole hog into preschool

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education. [LB952]

JOHN BONAIUTO: It does have a big fiscal note, yes. [LB952]

SENATOR HAAR: Yeah. [LB952]

JOHN BONAIUTO: And we know early childhood and working in that area pays big dividends. And, you know, there are many things to this bill...the reading piece. So there are good things. There are pieces here that...but it does have a big fiscal note. [LB952]

SENATOR HAAR: But I mean, my point was it seems to me most of the things here that are talked about...and these are good, I mean, like having kids read... [LB952]

JOHN BONAIUTO: Oh, yeah. [LB952]

SENATOR HAAR: ...when they're in third and so on are great. Wouldn't be a problem if we properly invested in preschool education. [LB952]

JOHN BONAIUTO: I wholeheartedly agree. [LB952]

SENATOR HAAR: And we know that would cost a lot of money, but I think the savings in children and later incarceration and stuff would be worth it. [LB952]

JOHN BONAIUTO: Yes, Senator, and I think we're moving in that direction with four-year-olds and doing some things this year even that are going to help us do more along those lines. [LB952]

SENATOR HAAR: Well...and with the Educare where they start with six months old. [LB952]

JOHN BONAIUTO: Yeah. [LB952]

SENATOR HAAR: You know, and those cases where children especially from poverty really need an awful lot that we're not providing now. [LB952]

JOHN BONAIUTO: Very true. [LB952]

SENATOR SULLIVAN: Any other questions for...Senator Scheer. [LB952]

SENATOR SCHEER: Thank you, Senator Sullivan. John...and I apologize, I wasn't here for Senator Lautenbaugh's introduction, but you said that there's a lot of change, big change. And there is a big price tag but...and I will say to the extent of the price tag I think we have to start looking at education differently than just a price tag. I remember,

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you know, at the last session Senator Ashford's bill. Those were huge numbers, huge numbers compared to this. This is a pittance compared to that. And the reason we have those huge numbers is because we don't invest, as Senator Haar said, in early education and some of the other things. So I think to a certain extent, you know, price tags are price tags. And I'm not a flaming liberal that...anything that comes along that's got a price tag I'm going to be in favor of. But I think sometimes we have to start recognizing that it's sort of like...I'm older, and I'll get to my question, John, but the Fram commercial where it's, you going to pay me now or you going to pay me later. And I think we need to start worrying about paying it now rather than paying it later all the time. Having said that, you made the comment that there's a lot of change in here. It's sort of broken down into five areas. Are any of the five areas that you heard presented a place to start? Maybe all five are not the place to start. Are any of those five a place to start? [LB952]

JOHN BONAIUTO: I...Senator, I don't have an answer to that question right now. And as far as picking, when we talked about the bill we did it in its whole, the total bill. We didn't pick out pieces and rank them or what have you. So I...based on the discussions the school administrators and the school boards had about this bill independently, they didn't give me areas that were more appealing than others. [LB952]

SENATOR SCHEER: Fair enough. Thanks, John. Thank you. [LB952]

SENATOR SULLIVAN: Any other questions for John? [LB952]

SENATOR HAAR: Yeah. [LB952]

SENATOR SULLIVAN: Senator Haar. [LB952]

SENATOR HAAR: Just sort of guessing what your membership would consider...and this is a huge change and expensive. Do you think this is more of a change, more acceptable or less acceptable than the preschool? I mean, we're going to have to make some changes on how we invest our money, and it is going to cost money. [LB952]

JOHN BONAIUTO: Yes. [LB952]

SENATOR HAAR: What do you think your membership would say? [LB952]

JOHN BONAIUTO: I think the membership would...this is what I'm guessing now. But when we first started to work in early childhood and preschool education, it was not universally accepted. It took a while for people to warm up to that. When we looked at all-day kindergarten which I thought was a great move and, you know, you would just assume that it would be the right thing to do, there was a little push back. You know, why are we taking these kids and forcing them to go to school all day? Why don't you let

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them be kids for a while? And there...again, anytime you look at change, I think it happens best in a gradual way. And right now all I hear is a tremendous amount of support saying we need to do more with early childhood. We need to do more with preschool. And so I think that the case has been made. People are more comfortable with it. And that's probably the direction we're going to head. [LB952]

SENATOR HAAR: So it's prevention in a way versus remediation. [LB952]

JOHN BONAIUTO: Yeah. [LB952]

SENATOR HAAR: Yeah. Okay, thanks. [LB952]

SENATOR SULLIVAN: Senator Kolowski. [LB952]

SENATOR KOLOWSKI: Thank you, Madam Chair. John, thank you for testimony, and thank you for your words today. I think Senator Scheer is right on target as far as his comments about money. We're already spending money every year. It's already there. It's what we do in those schools and how we're directing those schools that seems to make the difference. Would you comment on that compared to needing more money or, you know, the whole aspect of what this going to cost? [LB952]

JOHN BONAIUTO: And I think any time we invest in K-12 public education and take a look at where we can put dollars that will have the greatest impact to help students it's money well spent. And we're all sensitive to fiscal notes because that's what we hear so much about is, we don't have enough money to do the things that we hope to accomplish. And so that wasn't the first thing I had led off with. As a matter of fact, it wasn't until Senator Haar mentioned the cost that I mentioned the fiscal note. So investing in K-12 public education is critical. [LB952]

SENATOR KOLOWSKI: Thank you. [LB952]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB952]

JOHN BONAIUTO: Thank you. [LB952]

SENATOR SULLIVAN: Welcome. [LB952]

JON HABBEN: Thank you. Good afternoon. Senator Sullivan, members of the committee, I'm Jon, J-o-n, Habben, H-a-b-b-e-n, Nebraska Rural Community Schools Association. You know, several years ago I remember somebody telling me that, you know, if a student doesn't learn how to read well by the time they're in 2nd or 3rd grade, they never catch up. Now that's pretty sobering. That's the kind of thing that really begins to say to you, oh, my gosh. What happens if we condemn kids by not getting

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them up a notch or two or three for the rest of their high school career and beyond? Huge issue, huge issue. And I think we've had these awakenings that have occurred at various times. As an early teacher...a first-year teacher in '73, I remember thinking that I don't have any guidance on what I'm supposed to be teaching in American history and American government. This is all on me, and I'm the last one that they're going to see if they don't go to college and take an American history or American government class; oh, my gosh. We have pressures all the way through the system I think that tell us we need to react, and we need to look at change, and we need to consider possibilities. This is one of them. Now our association, we look at the mandate regarding retention from the state level rather than a locally determined issue. We would disagree with some of the mechanics in the bill such as that. That said, our Educational Service Units have provided a tremendous amount of leadership in working on reading curriculum. The effort that Senator Haar talks about in terms of preschool is going to be a huge addition toward building those skill levels earlier. We do need to invest in those kinds of things; we truly do. That front end is more critical than any of us probably would have imagined 20 or 30 years ago. But we have certainly learned it. We need to act on it. Some of the mechanics in the bill cause us to oppose the bill. But the idea that we need to continually emphasize this preschool forward, raise this bar and raise our kids' performance relative to the bar is absolutely critical with reading. You don't do anything without knowing how to read. You don't do math without knowing how to read. These issues...well, and of course you don't do anything with American history unless you know how to read. So obviously we've got to do more work. It doesn't stop. The curriculum meetings with our teachers at the preschool level, at the kindergarten level, 1st, 2nd grade levels, so on, the curriculum meetings with these teachers, the curriculum learning that they go through, the development of their curriculum and the meetings about kids, those things don't stop. They go on in all the schools, not identically in all the schools, but they go on in all the schools. And we need to keep that in mind that it has been going on. It will continue to go on. And the goal continues to be in front of us. We're not going to get there. We're just going to keep working on it, working on it, working on it. And you know what we'll find? We'll find that we still need to do one more thing. That will always be in front of us, and I think that's where we'll get. We just have to keep after it. [LB952]

SENATOR SULLIVAN: Thank you, Jon. [LB952]

JON HABBEN: Thank you. [LB952]

SENATOR SULLIVAN: Questions for Dr. Habben? Yes. [LB952]

SENATOR HAAR: Yes, thank you. Thinking of your membership, do you think that people are willing to think about paying more for education to go to the preschool level to get some of these...to do the prevention instead of having to do the remediation? [LB952]

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JON HABBEN: I think we are seeing much more conversation about preschool than we ever used to see. You know, when preschool, when the concept first developed it was preschool for the kids who needed it. The rest of them are fine. We've since moved along with the idea that everybody benefits from preschool. And I think that conversation has helped our member school boards and parents and teachers and administrators to embrace the discussion, how do we get there? In my first superintendency, the school that I was at was a very small D-2 sized school. We created a preschool program. We convinced ourselves--board members, myself, and parents--that we needed to do something, that we weren't as far as we wanted to go. And we figured out a way to commit the money. All I can tell you is, I hope every school district has that conversation. [LB952]

SENATOR HAAR: Well, when we had our meetings this summer, we had the Platte Institute in. And I asked whether they support preschools, and they said, yes. And I said, how are we going to finance them? And they said, well, from money you save somewhere else. But if we're talking about additional spending that...how's that going to go across? [LB952]

JON HABBEN: You know, the take from here to put over here...I've always said one of the most difficult things to do in a curriculum discussion is to decide what to abandon. That is tremendously difficult because we buy into what we are doing, and it's not that it's bad or wrong or anything like that. We simply believe in what we're doing, and we struggle with the idea that we're not going to do some part of it. It's like asking the American history teacher, so what pieces of American history are you going to leave out? Well, I don't want to leave any of them out. That's the way we feel about curriculum all across our preK-12 system. The idea that we are forced into a circumstance...and this isn't true in all schools, it can be depending upon how your board views the issue. But the idea that you have to stop doing something in order to add something that is so obviously beneficial is a hard one to swallow. And do we come back and say, state, will you? Yeah, you're going to hear that. Part of it is trying to maximize the resources as you can find them. But that's a tough one. [LB952]

SENATOR HAAR: Well, in your personal opinion, to put you on the spot... [LB952]

JON HABBEN: Sure. [LB952]

SENATOR HAAR: ...do you think we can just get into preschool maybe in some cases where you have to go down to, you know, six months old like Educare does? Can we just do that by other savings in K-12 or is that going to require some extra money? [LB952]

JON HABBEN: I think it's going to require some extra money. You can save a certain

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amount, but you can't save the amounts that you would have to commit to go down to six months old. I mean, we already deal with IFSPs. I don't know if you're familiar with that, but that's sort of the special education piece for early childhood. We already commit funds to those things. The federal government commits funds. The state governments commit funds. We are already doing a number of things there, but to add what you're talking about where you get into the actual education piece. I don't know if you can. In order to do as much as you would like to do, I'm not sure what you cut in order to cause that to happen. The abandonment issue is just gigantic. [LB952]

SENATOR HAAR: Maybe eventually some of what we spend on prisons. (Laugh) Thank you very much. [LB952]

JON HABBEN: You're welcome. [LB952]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB952]

JON HABBEN: You bet. Thank you. [LB952]

KATRINA BURTON: This chair looks really big to me. [LB952]

SENATOR SULLIVAN: Welcome. [LB952]

KATRINA BURTON: (Exhibit 7) First of all, my name is Katrina Burton, K-a-t-r-i-n-a B-u-r-t-o-n. I am a former educator now stay-at-home mom. And as this is the Education Committee, I've opted for a creative means of expressing my concerns for this bill and I hope you'll be patient with me as this is my first time in this setting. I looked down a path filled with color and light, and my strong beating heart longed to go. So my father and mother each took a hand, and together we walked down the road. We stopped to smell flowers, climbed trees, and danced to the beat of our hearts on the way. We laughed as we stumbled and picked ourselves up and continued in joy through the day. One day as we traveled we heard from behind the beat of another man's drum. It was stable and strong, never slow, never fast, marching youth to the pulse of its song. The man in the lead took my hand as they passed. Come, march to the beat of my drum. I will see that you reach the end of the road if you keep to the time of my song. But my heart did not beat to the beat of his drum, and I yearned for the right to breathe free. So I reached out my hand for my parents to grasp, for the beat of their hearts beat for me. But the man held a whip titled sorrow and fear, and it whistled and cracked through the breeze. It is I who will see that this child arrives for my beat will accomplish with ease. So he pushed love aside, and I cried out in fear, and he dragged me along down the norm. And the beat of his drum which was stable and strong never ceased when the bruises were formed. He soothed, march along to the beat of my drum, and you will know happiness soon. So I picked myself up and looked down the path and marched to the beat of his tune. I stumbled and fell, but the drum carried on. I was stepped on and dragged without

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care; no laughter, no joy, only sorrow and fear as the drum marched steadily there. I dared it to look back down the path we had come and sought for the flowers and trees. But my heart saw but dirt and the steps in the mud, and in sorrow my heart skipped a beat. I marched, and I drilled, and I struggled to please without dancing for joy to my song. I learned not to stumble. I learned not to pause. I advanced despite heartache and wrong. I tried not to step on the others who fell for my memory wrought empathy. But the drum marched me steadily on, no relief. Some who fell I had no time to see. We've arrived, cried the beat of another man's drum. Rejoice, now your journey is complete. At last, sighed my heart as the beat carried on. I hope our reward will be sweet. I've brought you, he cheered. It was me and my drum. No sorrow nor fear is allowed. Sing my praises and dance to the beat of my drum. You've made it. Now don't you feel proud? I tried to find flowers and trees more to climb, but my feet couldn't dance to the beat of his merciless drum led by sorrow and fear. So I slumped to the ground in defeat. I breathed in and out feeling weary and sad and wondered at why this was so for happy should be the heart that's arrived at the end of a hard-traveled road. My mind moved within forcing silence without, and with shock I cried out in pain. My heart that had danced to a beat all my own now in sorrow it beat a refrain. A sound unfamiliar, a sound without light, a stranger unseen through the numb, my heart that once beat free to choose, free to love, was the beat of another man's drum. I've heard a lot. Most of my concerns have been addressed as you've spoken. One of the concerns that I have that has not yet been addressed is the concern for the infringement on parental rights and their right to direct the upbringing and education of their children. This bill excludes parents from the ability to overrule a retention. They wouldn't be allowed to overrule this, and I feel that that is wrong as parents are the one best able to know the immediate needs of a child. Also, Section 9.4 says the school district shall provide parents with a "read-at-home plan outlined in a parental contract, including, but not limited to, participation in parent training workshops and regular parent guided home reading." I feel this is a significant overstepping of governmental authority. I feel that government does not have the right to tell parents what they should do in their personal time. Encouraging people to read, that's...you know, no problem with that. But actually telling them, parent training and putting it in a contract form I feel that's overstepping. And given that this is done under contract, I believe this will lead to significant government intrusion into home and family life. I hear a lot of data and numbers being discussed. And regardless of the intent, the good intent, regardless of the success you might have, how that success is achieved is important for the well-being of the children. Thank you. [LB952]

SENATOR SULLIVAN: Thank very much for your testimony. Any questions? Senator... [LB952]

SENATOR HAAR: Just wondering what are the ages of your children? [LB952]

KATRINA BURTON: I have a seven-, a nine-, and an eleven-year-old. [LB952]

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SENATOR HAAR: Good, and I'll bet they have rainbows painted on their bedroom walls. [LB952]

KATRINA BURTON: Well, creativity reigns in our house so... [LB952]

SENATOR HAAR: Thank you very much. [LB952]

KATRINA BURTON: Thank you. [LB952]

SENATOR SULLIVAN: Excuse me. We have some questions for you. [LB952]

KATRINA BURTON: Oh, I'm so sorry. [LB952]

SENATOR SULLIVAN: That's all right. No problem. Senator Davis. [LB952]

SENATOR DAVIS: I think you make some good points. I like what you have to say, and I liked your presentation also. The one comment you make, I just want to make a comment about it because the taxpayers of the state of Nebraska and property taxpayers in any one district provide a tremendous amount of resources for students. And I feel very strongly that there should be a social contract between the parents and the taxpayer and the school board that when an outlay of revenue is put out for education, there should be some reciprocity. And there really isn't a lot. There are too many parents that essentially have delegated the entire educational process to the school system, and then we wonder why it fails because there's just not enough time in the day. And parents need to take a more prominent role in what they do with their children. And so it's just a comment, not a question. But if you'd like to comment on that... [LB952]

KATRINA BURTON: I agree that parents should take responsibility, and I feel that this actually removes greater responsibility from parents adding to the problem, not subtracting from the problem. It puts more pressure on schools, more pressure on...you know, more interventions, more assessments. And I don't feel that that...I don't feel that legislation can adequately address parenting nor should it because then you start to step into the realms of liberty and rights and I don't...there are going to be some problems that you just cannot solve and should not solve. It should be addressed by individuals, communities, local levels. [LB952]

SENATOR DAVIS: Thank you. [LB952]

KATRINA BURTON: Okay. [LB952]

SENATOR SULLIVAN: Senator Kolowski. [LB952]

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SENATOR KOLOWSKI: Thank you, Madam Chair. Mrs. Burton, thank you for your testimony, and I just have a question. If your child was extremely ill, and you took him to a doctor. And the doctor, he or she is there and assisting you with your child. Are you seeking his or her informed professional opinion? [LB952]

KATRINA BURTON: If I go to them and ask for the opinion, yes. I'm asking for their opinion, and I go to them and seek it. [LB952]

SENATOR KOLOWSKI: And then you have a decision to make depending on what the doctor says as far as responding to the doctor about... [LB952]

KATRINA BURTON: Correct. [LB952]

SENATOR KOLOWSKI: ...the treatment of your child. [LB952]

KATRINA BURTON: And as long as that decision remains with me, it is an acceptable thing. [LB952]

SENATOR KOLOWSKI: Okay, but you are seeking their professional opinion. [LB952]

KATRINA BURTON: Correct. [LB952]

SENATOR KOLOWSKI: Would it be any different with an educator? [LB952]

KATRINA BURTON: I'm not sure what...are you referring to something in the bill? [LB952]

SENATOR KOLOWSKI: No, I'm just talking about the process of a teacher teaching and a student learning and a parent assisting in that way. [LB952]

KATRINA BURTON: Right. If I sought their counsel, I began the counsel. I sought it out, not them coming to me and saying, you're going to do this. Me going to them and saying, I need your help, we're struggling with this...or the teacher coming in and saying, we've noticed there's a little...there's some problems here. Would you be willing to work with us on addressing the situation? Yes. [LB952]

SENATOR KOLOWSKI: It wouldn't be necessarily always their seeking you out or your seeking them out, parent teacher conferences, normal communication... [LB952]

KATRINA BURTON: Right. [LB952]

SENATOR KOLOWSKI: ...send home notes, all those kind of things are continuous

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communication from a teacher to a parent about a child's progress. And that is...  
[LB952]

KATRINA BURTON: Are you asking if I'm...I'm sorry. [LB952]

SENATOR KOLOWSKI: No, that is still your choice... [LB952]

KATRINA BURTON: Right. [LB952]

SENATOR KOLOWSKI: ...to take it and agree or disagree with that teacher or that doctor or anyone else, but it hasn't been taken away from you. And I'm a little concerned that you're seeing this as an overstepping of government calling the schools a governmental institution. [LB952]

KATRINA BURTON: The portions that bother me...I didn't want to go into all of the overstepping--well, I shouldn't say overstepping--but the problems that I saw. The only things that I felt were significantly overstepping was retaining the child in 3rd grade without parental right to overrule. [LB952]

SENATOR KOLOWSKI: Okay. [LB952]

KATRINA BURTON: As long as the school goes to a parent, seeks their counsel, works together with them because, I mean, that is a major concern and that will affect their child significantly. [LB952]

SENATOR KOLOWSKI: Okay. And for me, the bill... [LB952]

KATRINA BURTON: So the concern is that in the exemptions it does not include parents in there. It does not give parents a right to override that retention. That's...  
[LB952]

SENATOR KOLOWSKI: I thought reading the bill there were some appeal processes you could go through. [LB952]

KATRINA BURTON: The appeal processes were related to teachers and paperwork which they have on hand from the child. There was nothing with parents being able to override it based on their feelings or opinions. [LB952]

SENATOR KOLOWSKI: Okay, I'll check that. Thank you very much. [LB952]

SENATOR SULLIVAN: Thank you for your testimony. [LB952]

KATRINA BURTON: Thank you. [LB952]

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SENATOR SULLIVAN: Welcome. [LB952]

GINA MILLER: (Exhibit 8) Good afternoon. My name is Gina Miller, and I live at 4511 North 167th Street, Omaha, Nebraska. My two children attend school in the OPS district. I am here today to oppose LB952. I want to say that I believe that the senator has great intentions, and I appreciate his passion for education. He has done more for our district in changing up education, and I appreciate everything that he has brought before the council before. He has obviously been listening to many of the concerns that were voiced when he originally proposed the idea of this legislation last fall...this summer. And you can see it evident in his proposal today, and I appreciate that. And on the surface this bill looks like a good bill, right? We want to bring up reading scores across the state. We want to support our struggling readers with intensive reading interventions. Unfortunately, there are some basic things as a parent with children in the public school systems that I have a difficult time getting past. I'm asking you as our elected representatives to stop legislating testing, measuring our children's education to death. The over legislation of our school system is at fever pitch I feel. From No Child Left Behind to Race to the Top to current measures such as this, we are turning my child's education into a revolving door of testing and measurements. There is less and less time for my child to engage in true learning activities. I have attached a newsletter of last week from my child's school. And then you can see, which I'm sure you are all very well aware already, the testing schedule that is about to occur in the next two months. With that testing schedule, I was hoping to print my child's homework page for last week but they had already taken it down. But last week they did the NeSA 8th grade writing assessment. And the whole week was test prep for NeSA 8th grade writing assessment, no homework all week to prepare for...you know, let the kids get ready for testing. And I shouldn't say 100 percent. But it was significant amount. That concerns me with all the standardized testing and the pressure on the teachers to have these scores so high all the time, and I don't know if a standardized test really incorporates the learning that occurs in a child's education. One of the things that concerns me in the senator's opening statements and actually almost all the testifiers today was the lack of comments about the parent involvement in legislation such as this. I feel that I'm constantly being missed in that equation. I believe strongly in parental rights and local control of government. That does not only mean between federal government and state government, that also means between the state's legislative branch and intrusion on issues at my local school. I voted and elected individuals to be responsible for my child's local education and issues relating to it. Those elected officials are my school board and my State Board of Education. I challenge you that these decisions should be made by my local school board who has direct control and understanding of the unique needs of the children in their district. I would also challenge you that the answer to reading disparity is probably different in an Omaha or Lincoln than it might be in a Crete or Schuyler, Grand Island or North Platte, Valentine or Pine Ridge. Lastly, I believe my child's education should be a conversation between myself,

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my child's teacher, and my school's principal. Decisions on whether to hold back my child should not be made by those people...should be made by those people directly involved with my child and her education, not by state law. I would encourage...in something as rigid as state law. I would encourage all of you if you have not already watched the documentary [When We Stop Counting](#). I have attached a link, and I am planning on sending you the link electronically later this afternoon. This is an amazing documentary done in the Crete School District. We should be watching and learning from districts such as this who have engaged with their parents, not intimidate them; who have worked diligently in a difficult environment to embrace the diversity and try and educate a diverse group of kids. I think most people would be shocked to find out that we require our ELL students to take standardized tests in English with only one year of ELL training. The senator has built in two years I believe in his bill which I appreciate. Have any of you taken a foreign language? I have. Would you be able to go to that home country and take a high-level standardized test in that country's language with one year of education in that language? I would not be able to do that. Just because these kids and other kids don't test at proficient level, that does not mean they are not growing in their education, that we can not still offer ELL and reading services as they move along their educational path. If you want to assist our schools, start looking at the children individually and not as a bunch of numbers on a spreadsheet. I am passionate about that. We need to start educating and stop counting. Thank you all for your service, and I appreciate you listening to this parent's concerns. [LB952]

SENATOR SCHEER: Thank you, Gina. Are there questions? Senator Cook. [LB952]

SENATOR COOK: Thank you, Senator Scheer, and thank you, Mrs. Miller, for coming today. I have a question, and it comes up all the time in conversations about public education and our role as state lawmakers really being primarily to pay for it but then being called upon, each of us by our own local school districts to give them what they want, but then we are still accountable to the taxpayer for the outcomes. It's kind of a strange kind of elliptical relationship. The taxpayers demand and deserve accountability for their product which, as harsh as it sounds, is the child's education. How else would that be measured in a standardized, comparable way than through a test that you can take? And I have follow-up question too. How else could we do that? [LB952]

GINA MILLER: Well, and maybe this is just crazy but...and I don't want to bring us necessarily back 30 years, but I don't necessarily remember when I was going through school of rigorous...of just constant standardized testing. I had teachers that gave me critical testing to make sure and evaluate where I was in the course curriculum or the standards and see whether I met those standards and then was able to regulate that education directly towards those. And those scores were reflected on my report card and were reflected in the district's standards and numbers. And so again, I understand the difficulty that you're trying to get at, that you want a state evaluation. I'm saying that I see in my child's performance or in my child's anxiety levels and the pressure that the

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children are being put under on a day-to-day basis based on these standardized testing is not helpful. And so I don't know. I think it worked pretty well when we went...we learned the subject. We were evaluated on the subject. If that evaluation wasn't proficient, we reviewed that again. And we moved on, and then we had a grade at the end of the time. And based on that, conversations were held with the parent and the school and the teacher on how that should be proceeded. [LB952]

SENATOR COOK: Okay, all right. My follow-up question is related to your statement about reading disparities being different between and among school districts, the OPS District, Gering, etcetera. How are they different? [LB952]

GINA MILLER: Well, I think that in specific...like I believe the new needs assessment...and I'm going to say this wrong. Senator Lautenbaugh probably knows better than I, but I believe that they came up with almost 91 different languages that are spoken in the OPS District. A district such as Schuyler where they had this huge increase almost overnight of primarily Hispanic...those are different cultural needs. Those are different possibly learning needs. I think that how the teachers and parents and how the administration reaches out to those individuals...or you have a predominately, you know, nonracial diverse group of people that have been the same family for years and years and years and years and the teachers kind of know those families and how they go about. I think those conversations and those solutions that can be found in those particular schools and districts are where we need to focus and continue to have those discussions. [LB952]

SENATOR COOK: Okay. [LB952]

GINA MILLER: Does that answer your question? [LB952]

SENATOR COOK: No, because you gave an example of a homogenous school district being able have that conversation and in OPS where they're...I guess I don't understand. If there are best practices... [LB952]

GINA MILLER: Right. [LB952]

SENATOR COOK: ...and the sponsoring senator gave out a handout... [LB952]

GINA MILLER: Right. [LB952]

SENATOR COOK: ...then why are those not broadly applicable among students in a student-centered philosophy? And that's a philosophical question. [LB952]

GINA MILLER: Right, yeah. [LB952]

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SENATOR COOK: And you just came to testify, so thank you. But I just get a little bit alarmed when people describe the children as different because I think it's another step sometimes in the direction of, those kids over there, and my kids over here. Mine are better. Yours are... [LB952]

GINA MILLER: Oh, no, no, no. [LB952]

SENATOR COOK: Okay. [LB952]

GINA MILLER: I would actually... [LB952]

SENATOR COOK: I'm not suggesting that you do, but that's a very common subtext. [LB952]

GINA MILLER: Yeah, I'm sorry. I would actually be completely flipped on that. I would say that those individuals...I used to work very, very closely when the Sudanese population came into Omaha. And their needs were different than needs that I had worked with previously in the Hispanic community. And so that's where I was directing that comment for. So thank you for clarifying that. [LB952]

SENATOR COOK: All right. Thank you. [LB952]

GINA MILLER: Yes. [LB952]

SENATOR SCHEER: Senator Haar. [LB952]

SENATOR HAAR: Yes, well, thanks for coming. [LB952]

GINA MILLER: Thank you. [LB952]

SENATOR HAAR: The Buffett Bulletin. [LB952]

GINA MILLER: Yes. [LB952]

SENATOR HAAR: And then I noticed the names of the schools...is a magnet school and Bryan High and so on. Tell me about who publishes this. [LB952]

GINA MILLER: The local school, that's my...Alice Buffett Middle School in OPS. [LB952]

SENATOR HAAR: Oh, okay. Okay. [LB952]

GINA MILLER: And it's their newsletter. It's their weekly newsletter. [LB952]

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SENATOR HAAR: Gotcha. [LB952]

GINA MILLER: Yes, and grade school by the way. [LB952]

SENATOR HAAR: Okay. Well, I have a headache about the same thing you bring up. I mean, we get so much testing that all of sudden children are supposed to become little robots almost, and we lose arts and music and those kinds of things. And yet we have to have accountability. And I don't know the answer. But thanks for continuing to raise it. [LB952]

GINA MILLER: The ten million dollar question, I guess. [LB952]

SENATOR HAAR: Yeah, yeah. [LB952]

GINA MILLER: Exactly. But there is a lot I have to tell with kids in public...it is very stressful, the pressure that is put on educators and administrators to keep bringing these scores up at all costs. And some of this stuff now coming down from Race to the Top about 100 percent proficiency...who's getting hurt is the students, and they're not learning. They're testing, and they're becoming testers. They're not becoming educated. And so that's really what I'd like to make sure that... [LB952]

SENATOR HAAR: Yeah, I have a granddaughter, and she's in the IB program, the International Baccalaureate. [LB952]

GINA MILLER: Yes, awesome program. [LB952]

SENATOR HAAR: And she says a lot of those kids just skip the test days. They just say, to hell with them. [LB952]

GINA MILLER: Well, and there's a whole bunch of parents... [LB952]

SENATOR HAAR: And I kind of applaud that, yeah. [LB952]

GINA MILLER: ...that are starting to opt out, so then what do we have? So thank you all very much for your time. [LB952]

SENATOR HAAR: Well, thank you. [LB952]

SENATOR SULLIVAN: Thank you, Mrs. Miller. [LB952]

GINA MILLER: Okay, appreciate it. [LB952]

SENATOR SULLIVAN: Welcome. [LB952]

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LINDA WEINMASTER: Hi. Thank you. Get my glasses on because I can't see, and I apologize for not having copies. I had a little problem with my computer this morning. Good afternoon. Thank you for holding this. My name is Linda Weinmaster, L-i-n-d-a W-e-i-n-m-a-s-t-e-r. Am I supposed to give you my address too? [LB952]

SENATOR SULLIVAN: No. [LB952]

LINDA WEINMASTER: Oh, okay. I am here as a concerned parent as well as the volunteer state director of the National Right to Read Foundation. I commend Senator Lautenbaugh for his concerns and desire to better teach our children the one skill needed for academic success. We are on the same page here. Unfortunately, I am here to soft oppose LB952 because it does not directly address the problem of illiteracy in Nebraska. I could support a trimmed-down bill that would require K-2 classrooms to adopt a sound/symbol explicit phonetic program for beginning reading instruction. If this were done, all children would learn to read, and we would not need a lengthy bill which takes decision making away from local boards and parents if the children are not taught to read. I strongly support local control. I was a driving force behind the implementation of the Millard Core Academy, a parent choice program in the Millard district that began 20 years ago this next fall. Educating children...if you have not made a visit to Millard Core Academy, you should. It's a very successful program. I was at their parent open house last night, and all the children learn to read in kindergarten. They never have a failure. Sixteen years ago I sat right here with my eleven-year-old son who had failed to learn to read in Millard. He was the driving force behind me getting involved in the reading instruction. I have a business degree. We both testified to mandate the phonetic code, the body of knowledge needed for reading instruction. Most people assume that phonetics is a methodology, but it's a body of knowledge. It's just like we teach math facts before we expect kids to do arithmetic. If we teach a phonetic code to the kids of our spoken language, they will get it. Anyway, obviously, it did not pass. I am frightened by the increasing number of illiterates. The effects on all citizens can be cured by intensive explicit systematic phonics. This is supported by the National Institute of Child Health and Human Development, Project Follow Through, and numerous other programs that have looked the methodology for teaching reading. In my bag here...I have taught over 700 nonreaders to read in 11 years. It was a pleasure. These kids...I mean, I'm talking all the way from 5, 6 up to and 18-year-olds. I even had a Division I athlete, and this is why I was living in Kansas...that the University of Kansas had contacted me for because he was ready to quit football because he couldn't pass his classes. Tom Osborne will never forgive me for teaching him to read because it was the two times that KU beat Nebraska. So anyway, back to that, it's not that difficult. Most of these students all have the exact same problem. They never were taught that letters and groupings of letters made sounds that they put back together to read the word. It was something that I couldn't even fathom. Well, if you look at some of our classrooms, they don't do the proper instruction. I don't think our teachers' colleges do a good job

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preparing our K-2 teachers to teach this. I had a special education director down in Lawrence, Kansas, that was assistant superintendent, and he let me volunteer across the district. And I didn't even count those in the 700 kids I taught privately. We were moving that direction to get things changed. Then I moved back to Nebraska, the good life, which I'm very pleased to be back. Anyway, the latest empirical research confirms the importance of teaching all children with explicit phonics instructions. I'm going to skip that. My oldest son who is now 27 is an example of a child that would have failed. He probably would have ended up a statistic, and instead he works for the Douglas County, Kansas, Sheriff's Department, is training to be a deputy. And he just excelled beyond belief. He learned to read in three days when I pulled him out of Millard and put him at Phoenix Academy. Then I put him down at St. Agnes School. At the same time I went back to Millard and said, we need to get this program in here. It's working fabulously for my child. And not all children need it, but my children did. All three of my children learned that way. My son went on to be a national honor student. He passed six college credit hours of Latin. So I might be...so anyway, I just...I think I'm probably one step ahead of where the bill is. [LB952]

SENATOR SULLIVAN: Okay, very good. Thank you for your testimony. [LB952]

LINDA WEINMASTER: Okay. [LB952]

SENATOR SULLIVAN: Are there any questions for Mrs. Weinmaster? Thank you again for being here. Anyone else wishing to testify in opposition LB952? Anyone wishing to testify in a neutral capacity? Welcome. [LB952]

AUBREY MANCUSO: (Exhibit 9) Thank you. Good afternoon, Senator Sullivan, members of the committee. My name is Aubrey Mancuso, A-u-b-r-e-y M-a-n-c-u-s-o, and I'm here on behalf of Voices for Children in Nebraska. We first want to thank Senator Lautenbaugh for drawing attention to the issue of grade-level reading. As the committee is well aware, this is a very critical issue and we're glad to see the Legislature talking about this issue. In 2012, only 36 percent of Nebraska 4th-graders and 35 percent of Nebraska 8th-graders were proficient or better in reading. In addition, family income is a strong predictor of reading proficiency, and 79 percent of Nebraska students in both grades 4 and 8 who score basic or below on reading tests were low income. We're here in neutral capacity today because we support Senator Lautenbaugh's overall goal of addressing the issue of grade-level reading as well as some portions of the bill but also want to raise a few concerns. First, we appreciate the use of scientifically based research methods, the ongoing monitoring of reading progress, and the inclusion of parents as part of the reading intervention program. These are all important components of improving grade-level reading. However, one element of the bill that raises significant concern that others have raised is the retention of students in 3rd grade based on test scores. There is an abundance of research on this issue, and it all shows that holding children back in 3rd grade is not effective and

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can have damaging consequences. Retention policies are associated with increased social, emotional, and behavioral problems and an increased likelihood that the student will fail to graduate from high school. Retention policies have also been associated with an increase in disruptive classroom dynamics, and these impact the nonretained peers. In short, many of the goals of retention policies tend to not be met by retention policies. Finally, retention is a costly strategy for schools at a nationwide average of around \$10,000 per student retained. And we think that these resources could be better directed at earlier interventions. In addition, we hope the committee will consider the following when assessing interventions for grade-level reading. One that the committee had mentioned previously is that interventions that start at the kindergarten level are starting too late. And I know the Education Committee will be considering a couple bills this year that start to address that need for expanded access to high-quality early childhood education. And second, that many of the challenges related to grade-level reading are related to poverty. We hope that schools will maximize the use of available community, state, and federal resources that help children come to school ready to learn. Some examples of the effective interventions that impact student achievement are increased access to our federal school nutrition programs, summer reading programs available through public libraries, and school-based health centers that ensure that access to medical care isn't a barrier to school attendance. We encourage the committee to continue this conversation, and I'm happy to take any questions. [LB952]

SENATOR SULLIVAN: Thank you, Mrs. Mancuso. Any questions for her? Thank you for your testimony. [LB952]

AUBREY MANCUSO: Thank you. [LB952]

SENATOR SULLIVAN: Welcome. [LB952]

JIM CUNNINGHAM: Thank you. Senator Sullivan and members of the committee, good afternoon. My name is Jim Cunningham; that's J-i-m C-u-n-n-i-n-g-h-a-m. I'm the executive director of the Nebraska Catholic Conference, one component of which is constituted by the school systems, the K-12 school systems operated by the Archdiocese of Omaha and the Dioceses of Lincoln and Grand Island. I'm here merely for the purpose to address one of the details of the bill for the record. In Nebraska, having a certificate that is issued by the Nebraska Department of Education is a prerequisite to teaching. Section 79-802 of the Nebraska statutes in part states as follows: "No person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education." That particular requirement...except for that small number of parentally excepted schools under Rule 13...but that requirement is a condition precedent for operating a school legally. You can't operate a school legally in Nebraska unless all the teachers are certified by the state. My concern has to do with

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Section 21 of the bill, actually at the top of page 17. And this has to do with the ideas behind alternative certification including the one that is more generally stated in subsection 5 of that section. But if you'll notice on line 1 of page 17 there at the top, it appears that the alternative certification process would only be applicable to teachers in public schools. And I would ask that if you're going to do something with this bill or for future consideration on other bills that in that particular context, the teacher certification, the proper language would be public, private, parochial, or denominational...or denominational or parochial schools. It seems very obvious that if the requirements and the process apply the same, then the vehicle and the route toward compliance should apply the same as well. Thank you. [LB952]

SENATOR SULLIVAN: Thank you, Mr. Cunningham. Any questions? Thank you for your testimony. [LB952]

JIM CUNNINGHAM: Thank you. [LB952]

SENATOR SULLIVAN: Anyone else wishing to testify in a neutral capacity? This closes the testimony. Here's for your closing, Senator Lautenbaugh. At first I thought, why is he standing up? (Laughter) [LB952]

SENATOR LAUTENBAUGH: You thought, for the love of God, why is he standing up? (Laughter) [LB952]

SENATOR SULLIVAN: No, no, no. [LB952]

SENATOR LAUTENBAUGH: Well, thank you all for your attention and questions today. This is a serious topic and a serious bill. And we've certainly given it more than its due, and I won't belabor the point. I won't say more than its due, but you've given it a good hearing. And I appreciate that. I alluded earlier to the fact that I'm a trial attorney. I do jury trials. Sometimes I'll disappear for a day or two. But I do other things too; some commercial representation. I have a client that wants to open a cigar lounge. And, you know, who would you retain for a cigar place, you know, obviously, who better? But you hit hiccups along the way, and he wanted to open January 1. And we've had a few delays. Now it's going to be March 1. So he's lost a couple months of revenue because it happens. Well, what happens when we delay education reform? We graduate about 22,000 students a year here in Nebraska. So how many are we failing literally...not literally because we're advancing them understand, often. How many students are we failing every year that we engage in a good conversation or that we raise important issues that we should think about further? And I don't say this to attack anybody who testified because I appreciated the fact that, you know, people came forward and said, these are good. We're working on it. We've had good conversations, and we have had good conversations. But with all do respect to the Department of Education, I think it's great that they're pursuing whatever they're pursuing and whatever they decide to

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pursue in the future with direction from the Legislature as is proper. But if you think about it, the things in this bill while important are not sea changes that would affect the entire structure of education in Nebraska, far from it. And I did some checking during the testimony. The per-pupil spending in Florida 2011 was \$8,800. In Nebraska, it's \$10,800 and yet they've passed us by. How did they do it? Don't you want to know this year, not 2016? And what happens if the Commissioner leaves again? Do we have to wait and see because maybe they'll have another time to refocus our vision again or...I mean, there's a point at which you have to act. And again, this is not aimed at this committee either. But these are things that people are having success with in other places. And I'm familiar with the concern about another test, another test. We hear that all the time. And, Senator Cook, you are dead on when you say, look, we're supposed fund this stuff and fund it to the hilt in ever-increasing amounts, but we're not ever supposed to put any parameters on it or see what we're getting out of it. But, I mean, we're talking about first, second, and third grade reading assessments, reading assessments. I question how much prep there is and how much teaching to the test there is for first, second, and third grade reading assessments. I think you prepare for these like you do a blood test, not like a math test. I don't think you do much in first, second, and third grade to teach to the test for reading. But we have to know where they are. And there's no other way to do it. You can't just take people's word for it. I've probably already gone on longer than I have wanted for a closing after a very long hearing, but there's no real reason to wait. People know what they know, and the proof is in the pudding. And I'm not going to use any more cliches than that. But we have to take some sort of action here. Every year we wait we fail thousands more children. I mean, there's no other way to denominate it. It's not just a business delay. It's a failure of children. And we heard talk of pre-K. We don't fund pre-K enough. Studies show that the benefits of pre-K disappear if you then put these kids that have had the advantages of pre-K into an inept K and beyond. So there's no point in having good pre-K without K-12 being up to snuff. So on the one hand, yes, this is remedial for many kids that would have benefited from pre-K. On the other hand, the benefits of whatever pre-K we end up with are going to disappear if the schools thereafter aren't doing a good job with reading and beyond. So we have to act I think is the thought I will leave you with unless you choose to keep me here unimaginably with questions. [LB952]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. Any questions? Thank you. [LB952]

SENATOR LAUTENBAUGH: Thank you. [LB952]

SENATOR SULLIVAN: (Exhibits 10 and 11) This closes the hearing on LB952. We will now move on to LB682. Senator Scheer. [LB952]

SENATOR SCHEER: Well, I hope to have mine done by 6:00 which would be a little quicker than the first one. [LB682]

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SENATOR SULLIVAN: That would be nice. (Laugh) [LB682]

SENATOR SCHEER: Thank you, Senator Sullivan and Education Committee. My name is Jim Scheer, S-c-h-e-e-r, and I represent the 19th District in the Nebraska Legislature. I'm here to introduce LB682. One thing that I wanted to...that Mr. Cunningham's appearance made me...kind of thought mine in looking at the physical note, it made the assumption that this was both private parochial and public education as far as districts and that it was all inclusive. We will have to have an amendment because there are some things that the legal counsel has found that need to be tightened up in relationship to the wording on my bill. And we will make it very clear that it is for public institutions only. So I don't want there to be any misconception that what we're introducing here is broad based regardless of what the institution is. This is for public institutions only. As I start today though, I wanted to talk about what LB682 is not. LB682 is not a merger, attempted mergers of schools. It is not consolidation, and it is not an attempt for consolidation of school districts. If that had been the intent...and the reason I bring this up so fervently is because that seems to be the most common thought that has crossed my desk, my phone calls, and my e-mails, that there is the supposition that this is going to be either a merger or a consolidation bill. If they read the bill, if you look at the bill, if that truly was the intent, it wouldn't allow a district to find others to accommodate themselves with that were not...noncontiguous. This bill would allow Battle Creek and Bayard and Benkelman and Falls City, if they would like to choose to affiliate together all to do that. Now if this is truly looking at merger or consolidation, don't think that would be possible. So please understand this is not for consolidation or merger purposes. What this is is a bill that school districts that are less than 650 K-12 will find an affiliation of a minimum of 3 other districts or a total of 1,350 (sic) students that will affiliate themselves as an entity. They will use a local...interlocal agreement as a governing system, and they're required to do one, two things. That's it, two items. The first year...it's a two-year implementation. The first year they're required to find those districts that they would like to affiliate with. The second year they have to come up with a common calendar and a common day schedule. That is all this bill requires in its entirety. That's it. Now the opportunities...my third and last thing that I'll talk about...is then what does this bill have as an advantage, or what are the opportunities? My answer is, they're endless. They're absolutely endless. Over the last number of years, and I've been around education for a long time, not as an instructor, not as a superintendent, not as a paid professional, but either as a local board representative or as State Board and now part of this committee. I hear about small districts having a hard time finding adequate professional teachers in certain subject areas. And when we talk to them, they say, you know, I would give my high...I'd wear dentures if I had the ability to provide the educational opportunities that an Omaha or a Millard or a Hastings or a Norfolk provides their students. But we don't have that capacity. This now gives them the opportunity because with a like calendar and a like schedule, if a district A loses a math teacher then perhaps that district doesn't hire another math teacher, but

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what they can do...and bear in mind that most, not all but a lot of your rural districts, small ones, have a math, a science, an English, a social studies, and a foreign language teacher because that's what you have to have for Rule 10. You have the availability...you don't have the financial resources to have anything else. So now if you have six or seven districts and one of those districts loses a math teacher, instead of trying to find strictly a math teacher, perhaps they hire a physics teacher. Perhaps they hire a French teacher because with a Web-based system these districts can have teachers that are teaching students in other buildings throughout the state of Nebraska. We don't have geographical boundaries anymore. This is an opportunity that allows small districts to finally start providing the educational opportunities that for the last several decades have been exclusive to larger districts simply because of size and scope. This isn't picking on large districts because they have the opportunity to provide those. This is trying to allow small districts the opportunity to try to match some of those offerings that are available in larger school districts. Now having said that, the bill does not require that. All it requires is that the superintendents--and they are specified as the representative of the district--meet, find those districts they are going to affiliate with, and come up with a calendar and a daily schedule. That's all it requires. But what it allows and gives the potential for those districts to do truly is unlimited. If we really are looking at what we can do to start bringing education to rural Nebraska and try to provide an equitable system educationally, we have to break down some of the impediments that are first and foremost. And literally with almost no exception every superintendent I've talked to talks about those barriers. And a lot of them say, well, it's really tough for us to do because maybe we don't start school until after our county fair. Or we always take the whole week off before Christmas. And, well, gosh, our bus routes don't start until 7:15, so we can't start school until 8:15. Well, all those things are adjustable, and if we're really interested in a child's education and the ability to offer those other opportunities, isn't it worth a little bit of an adjustment? Yes, that takes some of the local control away, but this isn't the state saying, you have to start this day and you finish this day. This is a group of four or more districts determining what they will do as a group. It provides small districts with in-service opportunities that they can share and now afford throughout these multiple districts. This bill does not take any employee and make it part of the affiliated group. Each staff member is still an employee of a district, and they are negotiated with that district. It does not do anything with their mill levies. It doesn't require up or down. It doesn't do anything. It doesn't affect their TEEOSA amounts or their student numbers. They are all still independent districts. It provides the opportunity to increase the educational opportunities for those students. I just met...I had lunch with a superintendent yesterday as probably we all did. And in talking to him he told me that as of last July, I believe it was, I don't think he had a math teacher. It was a smaller district. And I said, well, if this were in place you wouldn't have had to worry about that because there certainly would have been a math teacher in the other five districts that could have provided those services. You could have hired somebody else that provides something else that no one else was able to provide before. Gosh, I've never looked at it that way before. Well, it's time we have to look at

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education differently. Technology has advanced. Ten years ago this probably would not have worked. I'm sure it may have not worked. But with Web-based technology and equipment continuing to come down in cost there's absolutely no reason to wait to try to put this in place for an opportunity of smaller districts to facilitate helping each other. This isn't the state trying to mandate something. They can offer whatever they like. They don't have to offer anything differently. They can have coffee once a year and talk about what a bad guy I am. That's their prerogative. If they do, shame on them. Not that I'm a bad...now I probably am a bad guy, but there's things that we can be talking about educationally that will help those students. I just...we can no longer...and I don't know that I agreed with everything that Senator Lautenbaugh said. But, you know, every day we wait to make changes to help students, some student graduates at the end of the year and didn't get those opportunities. This bill has a two-year phase in like I said. This isn't something that they have to do at a drop of a hat. They have plenty of opportunities to get themselves ready to go. It's a bill filled with a lot of opportunities and only two requirements, seems like a pretty decent offset to me. [LB682]

SENATOR SULLIVAN: Thank you, Senator Scheer. How static would this affiliation be? Once they decide, they sign this interlocal agreement, is it...do you perceive it to be permanent? Or what if they wanted to change? [LB682]

SENATOR SCHEER: I don't necessarily assume that it would have to be permanent. I think in most cases it may end up being that way simply because you start working with groups. But it's not necessarily that...there will have to be parameters put on because if you have one school district that gets mad at the rest say for example, and wants to pull out. Well, if that drops them below a certain level then we have to make sure that others are willing to swap places because wherever that district is going to go, perhaps somebody else is wanting to move. So we have to make sure that we keep the pods or the affiliated groups to a certain level. [LB682]

SENATOR SULLIVAN: Who keeps track of all this, and who's kind of the gatekeeper? [LB682]

SENATOR SCHEER: Well, the gatekeeper, who keeps track of it...the only thing that is required by this, again, is for those districts to notify the Department of Education that they are affiliated with a group. That's it because honestly the only thing that this bill requires again is just the calendar and the schedule. It doesn't talk about classes, it doesn't talk about what time you start the day. It doesn't start...talk about athletic programs. It doesn't talk about lunch programs. It just says, get together, come up with a schedule and a calendar. That's it. And then let your mind think about all the other things and all the other opportunities that would be available if you did that. [LB682]

SENATOR SULLIVAN: Would this preclude some relationships that a district may already have with either another school district in the state, or say they're doing some

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reaching out and getting some educational resources from a district in another state?  
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SENATOR SCHEER: It doesn't preclude any of that. A district can continue to do whatever it's doing now. It doesn't tell you you have to do anything. It doesn't tell you you can't do anything. This also gives...before Commissioner Blomstedt moved locations across the street, he and I talked about ESUs becoming involved because now they can become a source for classes more so than they were before. You know, for example, maybe an ESU wants to provide Mandarin. Well, you now have all these different affiliated groups that maybe want just one class of Mandarin. Well, an ESU then would have the ability to hire a staff member and be able to teach to those seven or eight different institutional affiliations. And now all those students have the ability to learn that. And it could be anything. So from the vantage point of what are they precluded or included, whatever they wish. There's no parameters put on that. [LB682]

SENATOR SULLIVAN: Okay, thank you. Senator Haar. [LB682]

SENATOR HAAR: Could you explain the section mandating merger of the football teams? (Laughter) [LB682]

SENATOR SCHEER: Well, that's very simple. If you have a losing record, you have to merge with the next one over. [LB682]

SENATOR HAAR: The east or west? [LB682]

SENATOR SCHEER: That would be your choice. [LB682]

SENATOR HAAR: Well, I think it's a very interesting idea, and I thank you for that. [LB682]

SENATOR SCHEER: Thank you. [LB682]

SENATOR SULLIVAN: Senator Davis. [LB682]

SENATOR DAVIS: Thank you, Madam Chairman, and thank you, Senator Scheer, for being here with the bill. You and I have talked about this off and on since we became acquainted a year ago. I will tell you a little bit about what I heard yesterday at my NASB luncheon and maybe you can respond to some of their concerns. Of course the first thing is, is this really a bill all about consolidation? And I said, no, it really isn't. It's about trying to develop a synthesis and an ability to work together across district lines. Well, why do you think it's important? I said, well, because so much of the DL that's been done in the past has been inconsistent calendars and inconsistent days. Senator Scheer thinks that this will facilitate more sharing. Well, they never thought of that.

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That's a good point. But why the number 650? So I'll ask you that first. And the reason I'll ask you that is I represent...it would take 7 of my small schools put together to reach that 650 limit. [LB682]

SENATOR SCHEER: The 650 truly is not a magical number. But how we came up with the number from a practical standpoint, we looked at a district...if it was 650, essentially it would be a double track system meaning it would have enough students that would have two 1st grades, two 2nd grades. We thought a district of that size probably was able to offer enough of the additional items that they may not need the assistance. Now having said that at the 650, 188 of the 249 district would fall within the parameters of this. That is not to say that if a district that is 654 wanted to affiliate with a different one, with a group they can certainly do that. We had a district...a patron from a district up in northeast Nebraska, far northeast Nebraska said, well, gosh, we're only 20 miles away from a Class B school. You know, we'd like to maybe do that with them. You certainly can, but I wouldn't anticipate larger school districts wanting to change their calendar or schedule to facilitate the smaller one. They may or may not. I mean I'm...that's a supposition, and, you know, that's not necessarily factual. But this doesn't require or it does not...impediments to whatever district or whatever group want to get together as an affiliated group. To answer the question, there is no magic to 650. We just thought that was the size and scope that probably was able to do a lot of this on their own but still could at their choice take advantage of this. [LB682]

SENATOR DAVIS: So then the next question concerning that was, well, the best thing I could do with my district if I needed to offer Mandarin for example would be to hook up with we'll say Papillion. And that would be the arrangement, you know, because a big school...because they'll be offering maybe these classes. And I said, yeah, I can see it. That would work. Well, then you get to the issue of the calendar. So then that becomes a little bit of an issue because is the small school really going to be able to have any say in whatever calendar structure is put together if they were to go that way? But if you get back below 650, you're still going to in many ways be in the same situation you're already in where each of these schools has a minimum number of teachers. I guess it's something I think I hadn't really anticipated when you and I talked about it earlier. An alliance of three or four small schools probably is not going to produce what you're looking for in terms of a physics teachers or a Mandarin teacher or anything else. [LB682]

SENATOR SCHEER: Well, that's not necessarily true, Senator. I'll use the number four or five. School districts that would have perhaps 150 students, 120 to 150, probably means that they're going to have somewhere between 30 and 40 in high school level. If you have 30 or 40 students in high school level, you have about 12 to 15 kids per class. So if you have those five teachers that I talked about in my opening, that means you have a math teacher teaching classes--two, three, four classes because they teach math. And if you only have 60 kids and you're teaching 6 classes, you maybe have 10

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kids in your class. Most instructors can instruct more than ten students regardless if it's in front of them or long distance on a Web-based camera system. So even that small a group, you will only need one or two of the five or six math teachers. That alone offers now some opportunities for physics or other either math items, classes or other educational components that will now be available just to that small a group. So it doesn't take a lot of them to bring a lot of opportunity available to those districts. It doesn't take 15 districts to get together to provide the opportunities. It only takes the five or six or seven. [LB682]

SENATOR DAVIS: It's a good point, but I just thought it needed to be brought out here. [LB682]

SENATOR SCHEER: Yeah. [LB682]

SENATOR DAVIS: I will ask you this, is the 650 figure cast in stone, or is that something that you would be willing to look at? [LB682]

SENATOR SCHEER: It truly is not. I've shared my philosophy behind that number. We also looked at the numbers from the department as far as where the sort of logical break would be. And at 650...then it sort of jumps another 50 to 80 students. But going to down 650 there's usually...you know, maybe a 3 and then a 5 and then maybe an 8-student difference. And it sort of gradually sidesteps down so it appeared to us that was maybe a more logical spot because there was sort of a defined break there, not that there isn't somebody maybe at 656 or 658. But there seemed to be larger jumps as those numbers went higher. But no, I...if there's some other logical more prudent number to use, you know, I'm not stuck at 650. If it's 612 or if it's 585 I'm...you know, it's...the point is to give these opportunities to districts, not to try to put our official barrier in front of it. I'm not trying to do that. This is truly trying to get educational opportunities for rural Nebraska. [LB682]

SENATOR DAVIS: And then I guess the final question I'll ask is, sometimes the best way to accomplish something is to incentivize activity rather than mandate activity. Is there a way that this could be incentivized somehow? [LB682]

SENATOR SCHEER: You know, your guess is as good as mine. To me the incentive is, you know, getting a lot better education, a lot broader education for your students. And that's the bottom line of what we're trying to accomplish. And it should be the bottom line of any educational school district in the state of Nebraska. It shouldn't take more money or something else to coax them into doing something that's going to provide one heck of a lot better education to those students. And, you know, we seem to think that money is always the answer to things. And, you know, money is important in education. I just said so. But when you look at what we're trying the ultimate goal of this is to share services and share teachers. You know, I don't know that there has to be that incentive.

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Now having said that, if...and again we have a two-year implementation here. In the first year if all of a sudden districts come back and say, well, things are moving strong ahead, but, you know, our Web...our T lines or whatever isn't quite enough. It's going to cost us \$3,000 or \$30,000 to get these 7 districts so that we have the capacity to share. Well, then let's talk about that. You know, I'd certainly be willing to do that. If we have to do things to make this facilitate a better education, I don't know any of us that necessarily would be against that. But I don't know that that's the case. So I don't want to say, well, we're going to give every district another \$50,000 or \$100,000 to facilitate this. It may not cost them a dime. It may cost them \$125,000. I don't know. The bill doesn't require them to do that. It just gives them the option to do that. So as we start that conversation, as we move down the road, if there are some obstacles, let's deal with them. I don't want to presume that there will be those obstacles. Will it take more money? I don't know, Senator Davis. Will it be able to provide more offerings with a variety of different staff in small districts? I'm pretty sure it will. But the devil is in the details and so until we start and move that direction, we won't know if those are assumed obstacles or are true obstacles. [LB682]

SENATOR DAVIS: Thank you. [LB682]

SENATOR SULLIVAN: Senator Haar. [LB682]

SENATOR HAAR: Serious question, when I was a kid I was no good at sports and I was always the last one chosen. Is there any...are you going to need a referee in this first step even I mean in terms of getting schools together? Have you thought about that yet? [LB682]

SENATOR SCHEER: I did, Senator, but I specifically did not put a referee in because again, I don't want to tell you, you have to become a partner with Senator Cook and Senator Seiler and myself. You may not want that. So this now gives you the opportunity to choose who you would like to be with. This doesn't...if we put the referee in...the only referee that's in the bill that says if you don't join an affiliation, that the Department of Education will place you in one. [LB682]

SENATOR HAAR: Okay. [LB682]

SENATOR SCHEER: So if you do not or cannot, then you can be placed in one. But certainly it would be your option to find that group that you feel best suited. [LB682]

SENATOR HAAR: Or if there's an odd district out that can't then... [LB682]

SENATOR SCHEER: Yeah, then they can place them wherever. I mean if you looked all over and for whatever reason said, no, we don't want any more. Well, okay, somebody would be placed in that location. [LB682]

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SENATOR HAAR: Good. [LB682]

SENATOR SULLIVAN: What do you think are the financial implications of this for districts in a group or once they sign this interlocal agreement? What, I guess, requirements do they find themselves in in terms of when a course is offered that maybe they didn't expect would be offered and they...? [LB682]

SENATOR SCHEER: Well, they can set these up certainly however they would like. I will give you an example of what I think could happen. You have six districts that get together, and they're all providing different educational opportunities on a class basis. So if my students are taking 500 class periods from other districts and I'm only producing 400 to other districts, I've used 100 more than I produced and as a district I ought to be willing to help compensate those districts that I received additional education from. Now what that value is would be up to those superintendents as they get together and determine that. Maybe they don't care. You know, maybe they say, we just want...we'll use the same staff we've got. We're using them differently. It doesn't make any difference who's using them. We're just glad to be able to get together and provide all these different courses; may not be any cost. There may be some type of transfer of cost, but again, if your students are taking those courses and you're not, then if you have less teachers then you would have those dollars to pay...you know, if you're not providing as much, then you may have additional dollars to help offset those educational costs around. You know, that's a hypothetical setup. They can set them up however they wish. It doesn't preclude them doing it one of a number of different ways. [LB682]

SENATOR SULLIVAN: Senator Seiler. [LB682]

SENATOR SEILER: That's the whole point of the interlocal agreement is that they get together and set it up. And they may differ in each one of those... [LB682]

SENATOR SCHEER: Absolutely. [LB682]

SENATOR SEILER: ...based on what they're trying to accomplish. [LB682]

SENATOR SCHEER: That's correct. [LB682]

SENATOR SEILER: And so the hypotheticals that you're being thrown at may not exist. [LB682]

SENATOR SCHEER: They're in my mind. They may not be in anybody else's. [LB682]

SENATOR SEILER: That's right. Thank you. [LB682]

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SENATOR SULLIVAN: All right. Thank you. [LB682]

SENATOR SCHEER: Um-hum. [LB682]

SENATOR SULLIVAN: We'll now hear testimony in support of LB682. Welcome back. [LB682]

BOB EVNEN: Madam Chair, thank you. Members of the committee, my name is Bob Evnen, B-o-b E-v-n-e-n. I thought I was going to get up here and tell you what a pleasure and a privilege it was to serve on the State Board of Education with Senator Scheer, and it was, and what a pleasure it is to be able to support this really beautiful little piece of legislation, which it is. But I find instead is that I've discovered common ground with Senator Haar. And I would say, Senator, that I considered it a great day in grade school when I was selected next to last (laughter) and somebody was actually behind me. [LB682]

SENATOR HAAR: Not with me. [LB682]

BOB EVNEN: This is a really...a brilliantly conceived little idea that you can enact and put into place and see how districts use it. They can use it if they wish. They don't have to use it if they don't wish. It seems to me to be a great way to...let's see if districts discover that it's useful to them in terms of a more efficient use of existing resources. And I'd say that is a counterpoint to the idea of incentives. I don't know. The incentives usually translate to money to me. And here's something where...all right, you affiliate and you establish your bell schedule and your school calendar. And now let's see whether this is of use to you in terms of a pooling of resources across the districts given the technology that we have available. And if it is useful, it'll be used. And if it's not useful it won't be. These bills are not carved in stone. And if a future Legislature finds that the usefulness of this is questionable, they can do something about it. On the other hand, it's just a compact, very neat, not very intrusive little bill that creates an environment that would encourage but not require the districts that are participating in the interlocal to see whether they can make use of it. For what purpose? For the expansion of curriculum and instruction in their districts, pooling resources for the purpose of expanding instruction and curriculum in their districts. I just don't see the downside here. It is a real pleasure to be able to get up and just enthusiastically without reservation say to this body, you ought to do this. This is a great little idea. I hope that...I don't mean to inflate Senator Scheer too much, but this really is in my view a terrific idea and could prove to be very useful for the districts. Let them try it and see if it's of use. Thank you for your time. [LB682]

SENATOR SULLIVAN: Thank you. Any questions? Senator Avery. [LB682]

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SENATOR AVERY: I just want to make sure I'm in the right room. When I came in I heard the word "brilliant." (Laughter) Just curious. [LB682]

BOB EVNEN: You have arrived, Senator. [LB682]

SENATOR SULLIVAN: Any other comments or questions for Mr. Evnen? Thank you. [LB682]

BOB EVNEN: Thank you. [LB682]

SENATOR SULLIVAN: Welcome. [LB682]

ERIN RETZLAFF: Hi. I'm a little new to this. So my name is Erin, E-r-i-n, Retzlaff, R-e-t-z-l-a-f-f, and well, basically a few weeks ago this bill kind of got set in my lap. And it was brought to my attention by a superintendent. Now normally I wouldn't have paid much attention to it, but as a year ago I've been working with a company and it's a manufacturing company. And we've been working with our local schools in efforts to get a focus on career education. Now we're a small school in Thayer County, Nebraska, and it's about class...small Class C. And we're surrounded by two smaller Class D schools. Well, that being said we have a lot of resources, you know, at our disposal, but we don't all have them within each of our schools. For example, you go north 12 miles they have an ag program. At our local school we have a nice construction program. You go west 8 miles they have a nice metals and welding program. But that being said, you know, we brought them together this last year which was new because it's small schools, rivalries and things of that nature and they weren't, you know, too keen on it. But they still came in the same room and nobody caught on fire. It was all right. So that being said, things went well but a lot of things came up and one of them being said was, you know, we'd have to adjust our schedules to meet yours in order for us to somehow work together. And that was...it was some kind of...I don't know how to put it, but it was just...that was their main resistance was, we are having troubles trying to adjust our ways to fit your ways. And so when this bill came across it was like, all right, they're going to, you know...first thing I thought of was consolidation, but obviously that was not the case at all. It was just simply let's see if we can adjust the schedule to make it fit not only our school but the surrounding schools so that way we can make our resources available to everyone else. And one of the biggest problems we've had with these other schools is they do not want to lose their identities. They are afraid of...I mean, it is an ingrained thing. I mean, I was born and raised...well, I was born in Lincoln but I was raised in Hebron, Nebraska, so I know how small towns work. And I know how we can kind of go back and forth, and we don't like stepping on each other's toes. But the fact of the matter is there are resources available to all of us, and, you know, for this manufacturing company that I work for or for our schools to do well or for the hospitals to run well or anything like that, we still need our kids to have the best opportunities to not only succeed as they go onto college, but not only that but to provide more

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opportunities if we want to get them back to our small town to make it valuable for the future. So basically that's where I'm at with...or that's the opinion of a lot of community members in regards to something like this that has been put forth. So again, I thank you for allowing me to speak and... [LB682]

SENATOR SULLIVAN: Thank you, Erin. You raise an interesting point though, and maybe you could tell me a little bit more about the coordination among your districts with respect to those subject matter areas: industrial education, ag education. Sometimes those aren't easy to do via long distance education. They require the student to be in that location. Did you have problems with that or...? [LB682]

ERIN RETZLAFF: Well, see a lot of this stemmed from...I don't know. I'm sure you guys are all aware of what Grand Island has done with their career pathway. That's where a lot of this stemmed from. My employers went there and, you know, they realized that...we understand that there's 12 miles here, 8 miles here. But I mean the...I guess it is one of those things where it has to be on site. But there has been...for example, the superintendent at our local school has reached out. He is currently right now in the process of working with the school north of our town with the ag. And they've brought the concept of, you know, the traveling time and things of that nature and how it would be kind of problematic sometimes for the...you know, they don't want to allow kids to...even if you're a junior or senior telling them to get into their vehicle and go, they kind of feel that's going to be a little bit of a problem. They'd rather have a bus route and things of that nature in check, but you're right. You're going to have to go to site for certain aspects. But for other aspects you wouldn't have to. I mean, obviously for the welding concepts and things like that you might want to go to some other avenue because they're able to provide more so but, I mean for ag and things of that nature there's nothing wrong with bringing a teacher from that specific area down to the other schools. So you're right. It is kind of subject specific. But then again if you get some kind of, you know, travel arrangements made, and I mean LPS is doing that right now with their new career academy. And so if you guys can handle 25 minutes, I'm sure we can handle 10-15 minutes. [LB682]

SENATOR SULLIVAN: Okay, very good. Senator Haar, did you have a question? [LB682]

SENATOR HAAR: Yes. So what does this bill add to what you're able to do now? Or why do like the bill? [LB682]

ERIN RETZLAFF: I like the bill because it takes...and for small towns it's easy for them to say, no. And a lot of them don't like to...and I can't speak for all small towns but the ones that I've been to and the ones I've been around, it seems like they're going to find ten reasons. You know, if they have ten reasons to do something and one reason not to do it, they're going to go with the reason not to do it because they don't want to lose

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their identity. They don't want anything to happen when it comes to that...they're all scared of that word "consolidation." You know, everybody wants to be proud of their logo, their town, and things of that nature. And in no way, shape, or form have we ever thought about trying to take that away from them. I mean, I guess that's just...I don't know if that directly answers your question but I mean... [LB682]

SENATOR HAAR: Oh, it is. Yeah, thank you. [LB682]

ERIN RETZLAFF: I mean, it's just a hard mentality to overcome. And a lot of it's not even the students. I mean, we've had little kids come together for sporting events and they've had the greatest time of their life. But when they get to high school, they'll get told that, well, you cannot work with this team. [LB682]

SENATOR HAAR: It's an excuse to say, yes. [LB682]

ERIN RETZLAFF: Yeah. [LB682]

SENATOR HAAR: Yeah, okay, thanks. Yeah, I appreciate that. [LB682]

ERIN RETZLAFF: I mean, basically, yeah. You're right. It makes them do something they don't want to do, but it's a good reason to do it. [LB682]

SENATOR HAAR: Okay. [LB682]

SENATOR SULLIVAN: Senator Seiler. [LB682]

SENATOR SEILER: Thank you. Let me comment on your cooperation with the school districts down there with your manufacturing. It's been a tremendous success and you're working...I know your bosses are working with the community college at Hastings. And it's just a real, real success, and three or four schools working together with manufacturing in the area to train people which they need to reach a success, and this will give them a format to work from. Thank you, and continue to help us. [LB682]

ERIN RETZLAFF: Well...and just to reply on that, it's my boss. They have a very good...you know, they're only as good as the employees they hire. And they know that they're not going to see a direct effect from this, but they know somewhere down the line this is going to hopefully open up doors for more individuals to come. [LB682]

SENATOR HAAR: Okay, cool. [LB682]

SENATOR SULLIVAN: Any other questions? Yes, Senator Kolowski. [LB682]

SENATOR KOLOWSKI: Thank you, Madam Chair. Erin, thank you for your testimony

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and for your excellent comments. It sounds pretty exciting what you're doing and great results for kids. And that really works for everyone. I'm always kind of interested in the distances you talk about; 8 miles this way, 12 miles this way. And I think it's always curious that we put it within the context of maybe the Lincoln Public School boundaries or the Omaha boundaries or even Millard school boundaries. We can drive across Omaha or Lincoln 8 or 12 miles and we haven't left the district yet we see difficulty or feel there's difficulty in going 8 or 12 miles in your locale which you can do a lot faster than you can in Omaha or Lincoln and very safely deliver kids to different learning experiences. It just should not be an impediment. There is, as you said very well, there is other things that get in way. And I hope you can continue to overcome them. Thank you. [LB682]

SENATOR SULLIVAN: Any other questions? Thank you, Erin, for your testimony. [LB682]

ERIN RETZLAFF: Thank you. [LB682]

SENATOR SULLIVAN: (Exhibit 1) Anyone else wishing to testify in support of LB682? Anyone wishing to speak in opposition? Oh, I'm sorry. Excuse me. Go ahead, Jon. Sit down. I just wanted to say that we do have a letter of support for LB682 from David Hamm, superintendent at the Osmond Community Schools. Thank you. Hello, Jon. [LB682]

JON HABBEN: Senator Sullivan, members of the committee, Jon Habben, J-o-n H-a-b-b-e-n, Nebraska Rural Community Schools Association. As I listen to this I find it interesting because 17 years ago I was involved in consortia toward the development of distance learning. And so were a whole lot of other schools. There are a lot of schools getting curriculum from many places now. There are schools finding teachers to share now. There are distances being overcome by groups of schools getting together to try and figure out what they can do about this or about that, to expand their curriculum by either finding teachers or finding the courses or finding other opportunities to look at. For example, in a few days there's going to be a meeting out at Bayard. And there will be eight or nine school districts getting together to discuss how they might share resources in terms of curriculum. This isn't odd, out-of-the-ordinary kinds of stuff. This has been happening for a long time. And yesterday and today I met with my executive committee and legislative committees, and the reason that I'm here in opposition to the bill is that it seems we are attempting to create a legal structure to fix something, but we haven't really created the information base about what it is that's going on now. We don't really have a sense of which schools are doing what with whom. We don't have a sense of, are there schools being left out? Do superintendents worry about not being able to find a teacher? Absolutely. So do the principals, maybe even more so. We have those issues now. We worry about those things. We talk to each other about those things. But they aren't insurmountable. We figure out ways to address those issues. And

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it might even be something as focused as something from UNL Independent High School. Or it might be something from Nebraska Wesleyan University. Or it might be something from Central Community College. Or I need to use a Spanish teacher in the next district because I can't find one. So I talk to the next district. And then we work through the issues of schedules and calendars and all of those kinds of things. My only suggestion on the bill is that before you move into the possibility of causing legal structures to exist because that's what an interlocal agreement is, that maybe we need to find out, whether it's an interim study or some other manner, but I think we need to find out what is. And I think that would be much...that would be of great help to determining is this something that is a solution to a problem or not. That's where I'd leave it. [LB682]

SENATOR SULLIVAN: Thank you, Dr. Habben. Are you aware in visiting with your member school districts or even beyond that when they try to coordinate efforts have some of them actually changed their calendar and their schedules? [LB682]

JON HABBEN: Yes. Probably the example longest as far as time frame historically, there was an organization of school districts I believe about a dozen called the, I believe it was the Niobrara Valley Learning Academy. And it was in northeast Nebraska, and those schools went to a common calendar and a common schedule. And they shared what they thought they needed to share. That has been replicated in other places. Sometimes the neighboring school districts...to give you an example as superintendent in Newman Grove, we went to a block format and very intentionally went to a block format. It wasn't just some new thing; let's try it. We did a lot of research and we very intentionally went to it. Well, we ended up in discussion with a neighboring district over some ag courses because we had an ag teacher and they had lost their ag teacher. And so we had to figure out a way to coordinate the time of the courses with our block and their eight period day in order to make this thing happen. We did. We made it happen and it worked just fine and we satisfied a need. In the same group of schools I believe it was Battle Creek and Stanton. Stanton lost their Spanish teacher, went over to Battle Creek and said, can we share? And they worked out their time schedules to share that teacher that Stanton couldn't find. I think those things are more common than what we might perceive right now, and I think before this legal status occurs I think we need to find out more about what is right now and what the need is right now and where the need exists and why it exists. We've got lots of school districts and you heard how many are 650 and below. Before we maybe take that step into that legal structure, let's find out. [LB682]

SENATOR SULLIVAN: What happened to the consortia? [LB682]

JON HABBEN: Well, the consortiums as a formal organization, I think they disappeared a couple of years ago. And somebody from the department can probably better answer this, or from the service units. But I think they disappeared in the movement to providing

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a network Nebraska for the entire state because some of the consortiums were telephone company based. Others were cable based. Some had eight schools. The southeast consortium had 60. There were a whole bunch of different capabilities from consortium to consortium. But they did exist. They still exist. They just don't exist with that geographic designation. [LB682]

SENATOR SULLIVAN: Okay, thank you. Senator Seiler. [LB682]

SENATOR SEILER: Yeah, I'm having a little trouble following your objection when you say that before we set up this structure...well, interlocal agreements have been around as long as I've practiced law. [LB682]

JON HABBEN: Certainly. [LB682]

SENATOR SEILER: And that's 48 years. This just says, if you two want to get together. It doesn't say, you have to get together or you should get together. It doesn't say anything like that. It says, if you want to get together, you will use the...you could use this format. [LB682]

JON HABBEN: My assumption on the bill is that every school has to be in an allied system if you're below 650 students. [LB682]

SENATOR SEILER: Yeah, but that's through the interlocal agreement. [LB682]

JON HABBEN: Right. [LB682]

SENATOR SEILER: And that's in existence now. And that's by voluntary. It doesn't say you have to do it. [LB682]

JON HABBEN: No, I think the allied system is an interlocal agreement. [LB682]

SENATOR SEILER: Right, but it's by mutual agreement of coming into the program. [LB682]

JON HABBEN: But you have to be in one. [LB682]

SENATOR SEILER: You don't have to be. [LB682]

JON HABBEN: I think the bill requires you to be in one. [LB682]

SENATOR SEILER: If you come under the bill, yes. But it doesn't mean that I have to come into... [LB682]

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JON HABBEN: Yeah, if you're 650 or below. [LB682]

SENATOR SEILER: ...the program at all. I can be like Clay Center and sit on the outside and watch and then one day get run over. [LB682]

JON HABBEN: Oh, I didn't understand the bill that way, Senator. [LB682]

SENATOR SEILER: That's the way I understood it. [LB682]

JON HABBEN: I understand the bill that if you're below 650, you're required to be in an allied system which is an interlocal agreement. [LB682]

SENATOR SEILER: Well, I didn't read it that way. I'll apologize then. [LB682]

JON HABBEN: Yeah. [LB682]

SENATOR SULLIVAN: Senator Haar. [LB682]

SENATOR HAAR: Yes. One thing that fascinated me about the testimony we had a little earlier...the excuse to say, yes, okay, because one of the many meetings we've had, we had a school board member...and this is talking about consolidation, but you know, the school board felt it was a direction to go and they couldn't convince their constituents. Well, this would say, yeah, you have to be a part of a group. Does that make sense? I mean, this...so that it sort of gives that excuse to say, yeah, we've got to be a part of this. [LB682]

JON HABBEN: Sure. And I understand that. Like I said, my objection isn't that sharing shouldn't happen or that we shouldn't have a lot of these solutions being developed. My only objection to the bill is we haven't really established what's happening now to see whether or not this bill is the solution to whatever we perceive it to be. We might find out by gathering this information that indeed this bill makes sense. But I guess in talking to all of the folks on my committees, their perception is this is ahead of itself. And they of course want to give you many, many examples of all these things occurring but that's their perception. They believe the bill is ahead of itself. [LB682]

SENATOR HAAR: Okay, so who's the "we" that would put this information together, Jon? [LB682]

JON HABBEN: You know, that's a good question. I don't know if it needs to be a interim study, you know, a formal...we are going to gather this information. I don't know if there's a way that the department can aid in that process. I just don't know. I mean, we can do a survey as an association, but that doesn't necessarily illicit the kind of return that maybe a study with a little punch behind it can do. [LB682]

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SENATOR HAAR: Okay, thank you. [LB682]

SENATOR SULLIVAN: Thank you. Any...Senator Davis. [LB682]

SENATOR DAVIS: Thank you, Madam Chairman. Jon, did you have any discussion about the numbers in the bill, 650 to 1,300 students? [LB682]

JON HABBEN: Yes. [LB682]

SENATOR DAVIS: And how would your membership...or maybe you didn't discuss this, but how would your membership feel though if it was...if it basically said, two or more districts? [LB682]

JON HABBEN: I don't know that that was really the issue. I think the issue was more, we're getting into a requirement before we've got a real examination of the status quo. And, you know, I think there's going to be some bristling. You know, you sort of have to remember that when you're talking to school districts and somebody else is going to tell them what to do there's going to be some bristling. And I know it's not telling them what to share or even if they share anything. I understand that. The telling is, you have to be in this allied system. That's all it is. So you're going to have a little bit of that and you just sort of expect that to happen, that you're going to have a little bit of that bristling. But the real heart of the matter really came from...but let me back up. We did talk about the number 650. Is that too big, too small? Why is it 650? Why isn't it 450? Why isn't it, you know...? You do have that discussion. I don't think that discussion is terribly important. The intent of the bill is to create sharing opportunities, understand that. The intent of the bill is not to reorganize. There's nothing about reorganization in the bill, understand that; not a problem with any of that. The problem is very much, so do we really know what we're doing right now, and is this the solution that fits whatever shortcomings we might have? [LB682]

SENATOR SULLIVAN: Senator Seiler. [LB682]

SENATOR SEILER: I stand corrected. I had read "may" down here at the 650, and I thought it was "may" all the way through. If it was "may" being voluntary, would you have the same objection. [LB682]

JON HABBEN: Oh, I think "may" changes the major focus of the bill. I don't know that the bill would have the same impact that Senator Scheer is desiring it to have. If it said "may" and you didn't have to, I don't think there would be any real objection... [LB682]

SENATOR SEILER: And my point is it provides a structure... [LB682]

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JON HABBEN: Yeah. [LB682]

SENATOR SEILER: ...for those people who want to do it but not one that whips over the top of them. [LB682]

JON HABBEN: Yeah, yeah. I think that's a good point. Thank you. [LB682]

SENATOR SEILER: Thank you. [LB682]

SENATOR SULLIVAN: Thank you, Jon. [LB682]

JON HABBEN: Sure. [LB682]

SENATOR SULLIVAN: Welcome back. [LB682]

JOHN BONAIUTO: Thank you. Senator Sullivan, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing school boards, NASB, and school administrators, NCSA. I want to say up-front that I know that Senator Scheer has given this a lot of thought. His intent is to be helpful. He has talked to the school boards association, their legislation committee. He went to Omaha this fall on a kind of a nasty day and visited with a group, and I know he has talked to administrators in his area. Anytime that I think school boards and school administrators see the word "require" and they look at a piece of legislation like this they...whether the intent is good or not it still is a concern to them. And a lot of the discussion from board members and the administrators I believe has been, you know, we do this now without having legislation to tell us we have to do it. And when Senator Scheer talks about calendar and schedules, it's easier to talk about that than it is in reality and application. You know, when you talk to the districts they're saying, yeah, we can do this but at what cost? What will we lose, have to change? It just doesn't happen easily. The other thing, this may not seem like a big deal to some people but if you live on the line between two time zones and you're trying to work back and forth between two time zones...you know, I don't think about that. I live here and everything works just fine. But try to schedule something out there between the two time zones and...it's not impossible, but it's harder. And so the perception here with this bill is, regardless of what the intent is, that it's setting up a structure to push districts. You know, it were to start with this and then what's the next step? And I know boards get sensitive to that because boards right now in many districts are having discussions about...we need to do something different. We need to go together. We need to look at reorganizing to keep our districts viable. So this discussion is not a discussion that's going to go away or be lost, but I think it's...and Senator Scheer is trying to create a way to get districts to begin working together. But our two groups right now are not supportive of this bill as introduced. So with that, I'll conclude my testimony. [LB682]

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SENATOR SULLIVAN: Any questions? Yes, Senator Seiler. [LB682]

SENATOR SEILER: Again, where the word "shall" is, if it was "may"? [LB682]

JOHN BONAIUTO: I think that would make a difference. I mean, I'd go back and I would approach both the school boards and the school administrators and I understand exactly what you're saying about...let's start with a structure and let's encourage people. Let's encourage boards and districts to take a look at the structure. The interlocal is there, and I think anything we can do to move in that direction is not a bad thing. But I know that when you start to require, it does make people nervous. [LB682]

SENATOR SULLIVAN: Senator Davis. [LB682]

SENATOR DAVIS: I'll ask you the same thing I asked Mr. Habben. If it wasn't a number, 650 to 1,300, but 2 districts, would that make a difference to you? [LB682]

JOHN BONAIUTO: It could. And we had not really talked about those types of discussions, but, you know, if...depending on the geography and if you have been in one of those districts and boards where the communities had some discussions about reorganization and doing something formally and it fell apart. And then you get something like this that says, well, if you fall below a certain number you need to get together with...and it tells you how many districts and you may not have any other options but going back to the districts that said, we don't really care to be with you. And so there are a lot of dynamics when you get into those types of situations. [LB682]

SENATOR DAVIS: And your observation about the time zone was brought to me yesterday. Of course I have both sides of the time zone. When we had our luncheon yesterday, people said, well, our natural associates would be people on the other side of the time zone line. And I hadn't really thought about that. That is a big impediment to working this through. [LB682]

JOHN BONAIUTO: I may have talked to some of the same people you did. (Laugh) [LB682]

SENATOR DAVIS: Probably did. [LB682]

JOHN BONAIUTO: But it is. And I know when NASB has scheduled meetings in that area and drawn people from both sides it does make a difference. So thank you. [LB682]

SENATOR SULLIVAN: Any other questions? Thank you, John. [LB682]

JOHN BONAIUTO: Thank you. [LB682]

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SENATOR SEILER: You've got Valentine and Paxton where it runs down main street. [LB682]

SENATOR SULLIVAN: Anyone else wishing to testify in opposition to LB682? Anyone wishing to speak in a neutral capacity? Senator Scheer for closing. [LB682]

SENATOR SCHEER: Thank you, folks, for sitting through. I will bring one comment up that the gentleman from Thayer said. You're going to hear nine reasons to say, no, but we won't look at the one reason to say, yes. This isn't about consolidation. Don't kid yourself. And that's all that the school boards are concerned about. They're concerned that this is a method and the beginning of consolidation or merger. I'm not going to sugarcoat it. I'm here to try to get some broadened opportunities for kids in rural Nebraska. The rural school associations came up with examples. Battle Creek and Stanton cooperated. What was that? That was reaction to something. That wasn't promoting and doing something more. That was trying to keep the status quo. Everything they talked about was about trying to keep the status quo. You didn't hear them talk about trying to provide some additional opportunities for those kids. You heard them talk about just trying to keep what they had going. We're better than that. They're better than that. It has to be "shall" as far as the calendar and schedule. Talk to administrators on their own when you're having a cup of coffee with them. They'll acknowledge that's the only way this works. Now if you want to dink with it, if they want to be part of an affiliated group and if they don't want to do anything, then maybe say they...they may be a part of the interlocal agreement. I don't know why an interlocal agreement is this big scary thing unless we're right back to merger and consolidation. For crying out loud I gave you the examples of who they could use. This is unending. There are districts out there that have four-day school weeks. They can all get together. They don't have to be worried about themselves more. Now all of a sudden they've got the ability to share with each other. It's about opportunities. And you know, the comment was made, well, some of them are already doing this. Well, maybe some of them are, and God bless them. But they all aren't. And what about those that aren't? What about those kids? Don't they deserve the same opportunities? And I'm going to throw the cannon at the end because this is economic development, folks. This is trying to keep rural communities alive. If a small community tries to recruit what a major employer would be, and a major employer in some of those areas would be 25, 30 new families. I'm going to tell you I was mayor of Norfolk once. And when an industry came to Norfolk, the first people they wanted to meet with was with superintendent of schools because they wanted to know what the education system was like. Do you really think new businesses are going to want to go into communities that are only offering the very basic they have to, that's required by state statute in order to get their kids through high school? Do you really think they're going to come to that community? Don't kid yourselves. Competition is too tough. If local communities and local school districts more specifically won't be part of the solution, please at least don't let them be part of

the problem. If we don't do this, then those communities will start to wither and die. This isn't taking the largest employer out of a community. This is trying to grow that largest employer in the community. It's trying to stabilize that largest employer in the community. If we can't keep the schools open in rural Nebraska, we will lose those communities. That's the bottom line. If we don't provide high level of competent education to those communities, those kids won't come back because when they go get a higher education they find out they don't have the same level of base that other kids do when they go into those higher educational facilities. They find that out. They know that. We have to be the leaders. We have to come up with a better system. Again, back to the bill because I knew I would hear twenty zeros to one one, and the one one is: This doesn't require them to do anything other than have a calendar and a schedule. If they don't want to collaborate, if they don't want to communicate, they don't have to. If it's that bad an idea, Lord knows we do a lot of studies but this isn't something to study about. We all know if you don't have...why is lunch 12:00 to 1:00 for most people? It's because that's when lunch is. So if I say, I'll meet you for lunch, Senator Cook. And I'm going at 11:00 and you're going at 12:00, does that work real well? Don't think we're going to communicate very well. You have to have the same schedule during the day, and you have to have the same calendar. And are there going to be times when maybe some districts aren't open when others are? Could be a snowstorm in one or the other, but with technology today those classes can now be recorded so even if the child is not in school, he can be in school if he wants to. And if he doesn't want to, he can catch up on-line at night because he can click a button and he can watch school. If they're ill, they don't fall behind because they have the opportunity to still be in school. There's no disadvantages to this. Does it take time? Yeah, but two years ought to be long enough. This shouldn't be something we have to study. We know the problem exists. Are there pockets of solutions out there in the state? Absolutely, and they're doing a great job. And are there areas where they would like to be part of this? I think so. Every superintendent I've talked to after I explain what I'm trying to do and they get past this phobia of a merger or a consolidation they think, you know, not that bad. Don't put it on the back burner. This is too important. [LB682]

SENATOR SULLIVAN: Any questions for Senator? Thank you very much. This closes the hearing on LB682. We'll now move onto LB966. Senator Davis. Welcome. [LB682]

SENATOR DAVIS: Thank you, Madam Chairman. I am Al Davis, A-I D-a-v-i-s, and I represent the 43rd Legislative District. Today I am introducing LB966. Beginning in the 2015-2016 school fiscal year, LB966 would change the standards by which a school district can become eligible for the averaging adjustment factor in the TEEOSA formula. The averaging adjustment is one of the ways in which the formula is structured to base state aid to schools on average cost of education around the state instead of the unique cost of a single district. The averaging adjustment is a mathematical calculation performed on the dollar amount of basic funding for a district. Basic funding is one of the amounts included in the formula that is used to compute a district's overall system's

financial needs. Basic funding amounts are calculated by averaging actual general fund operating expenditures in a comparison group of 16 similar-sized districts. The averaging adjustment is a further means of determining an individual district's needs by taking into account costs over the entire state, not just a small comparison of districts. Application of the averaging adjustment is a two-step process. First, a threshold amount is calculated. This amount is equal to the statewide per student average of basic funding for all districts with 900 or more students. A district's computed basic funding is then compared to the statewide threshold amount. If the computed basic funding is less than the threshold, the averaging adjustment may be added in. The averaging adjustment can be applied to a district's basic funding amount if two requirements are met. First, the district has levied tax at the rate of at least \$1 per \$100 of valuation. And second, the district's basic funding amount is less than the threshold amount that is computed using the formula described in the statute. Under current law, the averaging adjustment adds a percentage amount of the difference between the district's computed basic funding and the statewide threshold amount. The percentage amount increases as the district levy increases. The percentage increases in five steps starting at 50 percent of the difference and going up to 90 percent of the difference. The first step which makes up 50 percent of the difference is available for a district that levies at least \$1 but less than \$1.01 per \$100 of valuation. The highest step, a 90 percent adjustment, applies when the district levies at least \$1.04. LB966 would eliminate the five-step increments in the application of the adjustment. Instead, there would be only one step; 90 percent of the difference in all cases leaving only the requirement that a district must levy at least \$1 per \$100 of valuation in order to qualify for the adjustment. This change would make the averaging adjustment applicable to all districts that levy \$1 yet still have basic funding below the threshold, that is the statewide average of all districts 900 or more students. The effect of this change would be to free levy authority up for other uses to be determined at a local level. Under LB966, a local school board could decide to levy at a lower rate knowing it could still qualify for the averaging adjustment. LB966 would enable districts to use the extra levying authority for other purposes such as general maintenance or extra security needs. It could help to relieve the burden of property tax by eliminating the effect of the present step wide formula that encourages higher levies in order to qualify for more state aid. Dr. Breed told the committee last summer that many districts had infrastructure and maintenance needs which were being neglected. With this change, some of those needs could be addressed. And if there wasn't a need, levies could be lowered giving tax relief to residents of the 12 largest districts in the state. At one time, my own school district received state aid. Our school board was quite involved in the budgeting process and we always ran several scenarios to maximize state aid. The belief among some board members was that it was our duty to carry as much state aid as possible despite what that might do to the local levy. I do not believe this is an unusual attitude by superintendents and board members. It stands to reason that many feel the Legislature puts incentives in place for a reason and that they should follow the lead of the Legislature. But trying to maximize state aid can result in inefficiencies and duplications which may not be necessary and result in long-term

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distortion. With the current averaging adjustment, the Legislature has sent a message to districts that they can maximize state aid but only if they levy at \$1.04. LB966 would simply lower that levy amount to \$1 but it would not impose restrictions on districts to lower their levies. It would empower local school boards to better evaluate the needs of the district instead of feeling a strong need to just chase state dollars by levying at \$1.04. I have heard that year after year school districts report that they do not seem to be offered incentives to try save money. Well, LB966 would propose just that. It is a bill that would offer a way to both reduce spending and still qualify for more state funding. Clearly this a win-win for taxpayers, students, teachers, and governing agencies. I'd be happy to answer any questions if I can. [LB966]

SENATOR SULLIVAN: Thank you, Senator Davis. Any questions? Thank you. [LB966]

SENATOR DAVIS: Thank you. [LB966]

SENATOR SULLIVAN: Is there anyone wishing to testify in support of LB966? Welcome. [LB966]

ANN POST: Thank you. Good afternoon. My name is Ann Post. I'm here today on behalf of the Lincoln Independent Business Association testifying in support of LB966. Now LIBA is in support of LB966 because as the TEEOSA formula was originally designed, it was developed to help relieve property tax rates across the state. Unfortunately, in some situations it doesn't seem to be doing this. The formula, through the averaging adjustment, in some unique situations does create the incentive for school districts to levy at their highest rate or at least above the \$1.04 limit for the averaging adjustment. Now for years, LIBA has scrutinized the Lincoln Public School System's budget. Our organization has offered ideas for efficiencies, for cost savings to the Lincoln Public School District in ways that our organization believes they can cut their budget and achieve property tax relief in the area. Now sometimes these were received more warmly than others. And sometimes, especially in more recent years, our organization has gotten the response that even assuming that those efficiencies or savings could be achieved, they would be counterproductive because to lower the tax levy and create that property tax relief would result in an unsustainable reduction in state aid. Therefore in this context, the TEEOSA formula and this averaging adjustment has resulted in both higher property taxes in the area and also diminished accountability at the local level. So that's why LIBA supports LB966 as a measure to increase local accountability while granting the school districts the flexibility to lower property taxes when possible. And so for those reasons we ask for your support. [LB966]

SENATOR SULLIVAN: Thank you very much, Mrs. Post. Senator Cook. [LB966]

SENATOR COOK: Thank you, Madam Chair. And thank you for coming and staying this evening. Other than doing analysis related to school funding, and Lincoln school funding

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in particular, what is LIBA's...what's the purpose of the organization? Is it business networking? Is it tax watchdog? Why was LIBA formed, and what does it do now other than this? [LB966]

ANN POST: LIBA does a little bit of both the things you mentioned. We do do business networking within Lincoln. And we also work to make sure that business interests are represented in local government. We focus mainly at the county and city level, but also once in a while venture up here to the State Capitol, especially where it affects local interests. We are very interested in the school districts because, as the senator mentioned, school districts affect business, businesses that want to move to or stay in Lincoln. But they also affect property tax rates that businesses in the area pay and that really affects their bottom line. So those are the reasons that we are particularly interested in the school district's property tax levy rate. [LB966]

SENATOR COOK: Okay, thank you. [LB966]

SENATOR SULLIVAN: Any other questions? Senator Avery. [LB966]

SENATOR AVERY: Mrs. Post, just one question. Almost everything we do in this Legislature has some unintended consequences. Can you think of any unintended consequences that this bill might have for other school districts if we were to pass it? [LB966]

ANN POST: Right now, looking at I believe they said nine school districts that this would affect, I think the one school district that levies below the \$1.04 threshold might see some additional revenue dollars. I'm sure there are also unintended consequences that we haven't identified yet. [LB966]

SENATOR AVERY: Thank you. [LB966]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB966]

ANN POST: Thank you. [LB966]

SENATOR SULLIVAN: Anyone else in support of LB966? Anyone wishing to speak in opposition to LB966? Welcome. [LB966]

FRANK HARWOOD: I was going to say, good afternoon, but it's good evening now, I guess. My name is Frank Harwood. I'm the superintendent of Bellevue Public Schools. It's F-r-a-n-k H-a-r-w-o-o-d. Senator Sullivan and members of the Education Committee, today I'm representing the Greater Nebraska Schools Association. GNSA's membership includes 31 public school districts responsible for the education of more than 60 percent of the students in the state of Nebraska. GNSA is opposed to LB966. Equalization is the

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center point for school funding in the state of Nebraska. The role of state aid is to fill the gap between school districts' needs and what it can raise locally. Needs minus resources equals the aid. The averaging adjustment is a mechanism within TEEOSA designed to recognize school districts making the greatest level of local commitment, meaning high taxing, but not able to keep proportional pace with the statewide basic funding, low spending. The averaging adjustment has been part of TEEOSA for several years, although its impact has been reduced over time until it was...its proposed elimination for the 2013-14 school year. During the last legislative session, a compromise was reached to reinstate the averaging adjustment for the '14-15 school year resulting in the current law. The current formula calculating averaging adjustment uses a graduated scale determining the percentage of the adjustment that a district will receive based on the local property tax levy. The scaled percentage approach is a reasonable means to address the range of school district circumstances. We believe that we are better served to let the averaging adjustment run for the '14-15 school year unchanged. This will allow the committee to analyze the impact of the averaging adjustment. Making the change before the agreed upon formula takes effect does not allow us to truly study and learn its implementation. Thank you for seeking input on this issue, and I would be happy to answer any questions I can. [LB966]

SENATOR SULLIVAN: Thank you, Mr. Harwood. Any other questions? Senator Haar. [LB966]

SENATOR HAAR: Do you find, because we've kind of heard this, that school districts just rush to the highest levies so they can get money? [LB966]

FRANK HARWOOD: Umm... [LB966]

SENATOR HAAR: I mean the averaging money. [LB966]

FRANK HARWOOD: I've only been in Nebraska for three years now. So...and there has been a lot things that go on there. I mean, I think, yes, a district is going to look at the impact of the levy as it relates to raising local resources and the impact it could have on state aid. I think it's up to a local board to decide if the levy rate that they choose and the subsequent state aid impacts are in the best interests of the district that's there. In most cases, I think that districts are probably trying to maximize their resources so that they can provide the best opportunities that are available. So I think that there's probably less of chasing state aid dollars when it comes to districts that are in the position of being already high taxing and low spending and more of the situation of, how do we maximize the resources we have to provide the best education we can for our students. [LB966]

SENATOR HAAR: What's your levy? [LB966]

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FRANK HARWOOD: Ours is \$1.05 and none of it goes to general fund...or none of it goes to building and site. It's all general fund. [LB966]

SENATOR HAAR: Okay. How many businesses do you think you've scared away by \$1.05? [LB966]

FRANK HARWOOD: Bellevue is a little bit different because we don't have any bonded indebtedness. So we actually have the lowest school levy in the metro area. So our total levy is \$1.05. [LB966]

SENATOR HAAR: Total is...okay, thanks. [LB966]

SENATOR SULLIVAN: Senator Avery. [LB966]

SENATOR AVERY: Thank you, Madam Chair. You're representing GNSA. [LB966]

FRANK HARWOOD: Right. [LB966]

SENATOR AVERY: That's largely the larger school districts. [LB966]

FRANK HARWOOD: It's actually...it was formed with the idea of equalized school districts. So it's not necessarily exclusively equalized school districts now because some people fall in and out, but the purpose of GNSA is to talk about school equalization and TEEOSA specifically. [LB966]

SENATOR AVERY: All right. Do you anticipate that when the averaging adjustment expires that there will be a move by your organization to get it reinstated? [LB966]

FRANK HARWOOD: It's my understanding that the averaging adjustment which is currently not funding any school district will become...is in current law and then would actually take effect for '14-15. So I don't think that it has an ending date in the current law. This would make a change to the law that took effect this year but won't really have any impact until next year. [LB966]

SENATOR AVERY: So you...my understanding is that the GNSA was a major factor in the negotiation last session that was so painful for this committee and the Legislature. And I was curious as to whether you anticipated that perhaps that might be repeated this session particularly as it relates to the averaging adjustment. [LB966]

FRANK HARWOOD: I think that...I can't speculate right now. I mean, I think that GNSA is taking a position in opposition to LB966. So I think...I don't see anything necessarily changing that we would change that position. But how it would impact the rest of the legislative session, I couldn't guess. [LB966]

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SENATOR AVERY: So you're not anticipating that your opposition to this would increase support for it. I'm kidding. [LB966]

FRANK HARWOOD: Okay. [LB966]

SENATOR SULLIVAN: But I did want to clarify or at least ask for a clarification. In your comments I understood just as you indicated that you wanted it to stay in place... [LB966]

FRANK HARWOOD: Right. [LB966]

SENATOR SULLIVAN: ...for this coming year. But in how you phrased it, it made it sound as if...would you entertain further discussion of it going forward after this year? [LB966]

FRANK HARWOOD: Yeah, I think once...I guess where the...what we're mostly opposed to is changing something before it even takes effect. I mean, let it be in there and then I think that with what the committee is talking about with, you know, the whole visioning process, quite frankly the averaging adjustment could be part of that conversation. And as...if you look at not basing funding on historical spending, the averaging adjustment isn't nearly as important. The averaging adjustment is very important to high taxing, low spending school districts because it's the only mechanism that allows any way for those districts to keep up with the growth of other districts. [LB966]

SENATOR SULLIVAN: Okay, thank you. Any other questions? [LB966]

FRANK HARWOOD: So I guess...just a...so we're not necessarily opposed to the change. We're more opposed to the change now before we have a chance to see what happens. [LB966]

SENATOR SULLIVAN: Gotcha. Okay, very good. Thank you for your testimony. [LB966]

FRANK HARWOOD: Thanks. [LB966]

SENATOR SULLIVAN: Anyone else wishing to speak in opposition? Anyone wishing to speak in a neutral capacity for LB966? Senator Davis. [LB966]

SENATOR DAVIS: Thank you, Senator Sullivan. Just a couple of points, the only school district which would have any gain from this is the North Platte Public Schools which levies at a little bit lower rate. So I really honestly don't understand why anyone would

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be opposed to providing more money for schools and giving property tax relief if needed and also giving districts some money as an incentive for maintenance and construction which they're not able to do at the present time. So I'm confused with the statement that was made. But I'll just say a couple of other things. There are 41 districts that are eligible for the averaging adjustment. Only 12 districts receive it. And those 12 of course are levying, with the exception of North Platte, at \$1.04 or above. When the averaging adjustment was put in place, 16 of the schools at that time had levies below \$1.04. That was in 2006 and 2007. And of those 16, 100 percent of them increased their level between 2006-07 and 2008-09. Statewide only 42 percent of the systems increased their levy. So to me that says that districts do chase revenue. We have the opportunity to put money in the state aid formula, hardly change the cost for this state, and help districts with flexibility. It looks like a win-win to me all the way around. Thank you. [LB966]

SENATOR SULLIVAN: Thank you very much. Any questions or comments? Thanks very much. [LB966]

SENATOR DAVIS: Thank you. [LB966]

SENATOR SULLIVAN: And with that, this closes the public hearing for today. Thank you all for attending. [LB966]