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Education Committee  
February 25, 2014

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[LB972 LB973 LB1060 LB1099 CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Tuesday, February 25, 2014, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB972, LB1060, LB973, LB1099 and a gubernatorial appointment. Senators present: Kate Sullivan, Chairperson; Jim Scheer, Vice Chairperson; Bill Avery; Tanya Cook; Al Davis; Ken Haar; Rick Kolowski; and Les Seiler. Senators absent: None.

SENATOR SULLIVAN: Good afternoon, everyone. It is 1:30 so I think we will get started so we can stay on time with everything. This is the education committee. I'm Kate Sullivan. I represent District 41 in the Legislature which is a 9-county area in central Nebraska, and I'm Chair of the committee. And we're not a full house just yet. I think the other senators will be joining us. But those that are here, I'll have them introduce themselves. I'll start with the Vice Chair of the committee.

SENATOR SCHEER: Hi, I'm Jim Scheer from District 19 which is Madison and Stanton County.

SENATOR KOLOWSKI: Senator Rick Kolowski from District 31 in the Millard, a little bit of Elkhorn area.

SENATOR SEILER: Les Seiler from Hastings, constitutes District 33. It's Adams and all of Hall excluding Grand Island.

SENATOR COOK: I'm Tanya Cook. I represent Legislative District 13 in Omaha and northeast Douglas County.

SENATOR SULLIVAN: As I said, we have three other senators of the committee that will be joining us later, Senator Avery from Lincoln, Senator Haar from the Malcolm area, and Senator Al Davis from Hyannis area. To my immediate left is Tammy Barry, one of the legal counsels for the Education Committee. And to my far right is Mandy Mizerski, our committee clerk who makes sure that we have an accurate recording of this hearing. We also have a student from UNL helping us as a page, Nate Funk from Norfolk. He will be joined with another student from UNL, Tyler Zentner who is actually from my hometown of Cedar Rapids. We have one appointment that we will be having a hearing for shortly. The person is actually calling in, so if we hear the phone ring then we'll interrupt my comments that sometimes can get kind of long and windy. And we'll go right to that appointment. But as we're waiting for that and in preparation for the hearings, if you are planning to testify...and by...as I say that, how many do we plan to have testify today on any of the bills? All right, thank you very much. If you're planning to testify, we'd ask that you pick up a green sheet. They should be on the tables at either entrance to the room. And fill that out. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there's a form

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for you to sign as well. Regarding the green sheet, we'd ask that you would please print as you fill that out, and do fill it out in its entirety. When it is your turn to testify, bring the green sheet up and hand it to Mandy, the committee clerk. If you do not choose to testify, you may submit comments in writing and we will enter those into the official record as well. Thank you for joining us, Senator Avery and Senator Davis. If you have handouts as you testify, we'd ask that you'd have 12 copies and give those to the pages so they can distribute them to the members of the committee. When you come up to testify, we'd ask that you please speak clearly into the microphone. Tell us your name and spell it completely, both your first and last names again, for the adequate record. Please turn off all your cell phones, pagers, or anything that beeps or makes noise so as not take away from the testimony of the testifiers. The introducers of the bills will make the first comments. They are not bound by the light system. But we will be using the light system today for testifiers, a five-minute limit. So at the conclusion of four minutes, the amber light comes on. And when the red light is on, we'd ask that you conclude your testimony. With that, I think we should be ready to go. But let's see. Senator Avery, I had everyone say who they were and where they're from. You might tell people what you represent. He's our senior member of the committee.

SENATOR AVERY: I am Bill Avery representing District 28 right here in south-central Lincoln.

SENATOR SULLIVAN: Senator Davis.

SENATOR DAVIS: Al Davis from north-central and western Nebraska; Alliance, Chadron, Gordon, Rushville, and several other towns, Ainsworth, Valentine, Mullen.

SENATOR SULLIVAN: Thank you very much. And as I indicated, we do have this hearing for an appointment to the Technical Advisory Committee on Statewide Assessment. And the appointment will be from Chad Buckendahl. And Mr. Buckendahl, have you joined us? [CONFIRMATION]

CHAD BUCKENDAHL: I have, Senator. Thank you. [CONFIRMATION]

SENATOR SULLIVAN: All right. Please tell us a little bit about yourself if you will. [CONFIRMATION]

CHAD BUCKENDAHL: Sure. Thanks to the committee for spending a few minutes today to chat. As Senator Sullivan said, my name is Chad Buckendahl. I'm originally from Pierce, Nebraska. Lived in Lincoln for a number of years and moved to Las Vegas about seven years ago mostly to escape the brutal cold that you guys still have there. My educational background was University of Nebraska kind of through and through, through the poli sci department, did a master's degree in legal studies at the law school and then did a degree in psychometrics through the educational psychology department

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at the teacher's college. Employmentwise, I worked with Gallup for a few years while I was in Lincoln and then through graduate school and then through a research assistant professor position following graduate school at the Buros Institute at the university until 2007. And then joined a company as an owner/partner of a group called Alpine Testing Solutions. We're a virtual office company that works nationally, a little bit internationally with test development and validation for education licensure and professional certification examinations. My role there is as a manager of a team and also as a consultant basically to a number of different programs. Some of the groups that I work with in education...I've done some work for U.S. Department of Education evaluating the national assessment of educational progress. I sit on technical advisory committees in Nevada and Mississippi for their student assessment programs, serve as a consultant in Oklahoma and Massachusetts for their teacher licensure program and also sit on an advisory committee for the standards and testing agency for the national examination Programs in the U.K. I know...and then I guess kind of on the licensure and credentialing side, some of the groups that we work with are a couple state bar exams, some language testing for the Department of Defense and the University of Cambridge in England, dentistry, dental hygiene, architecture. There's a few thousand different sort of certification programs out there and so we get to learn a lot about a whole bunch of different types of professions along the way. So it's kind of a fun diverse sort of thing. Psychometrics as a discipline is kind of the combination of psychology and statistics. And at the same time we ended up getting drawn in a lot times to policy and sometimes legal sorts of discussions around the use of tests and test scores and appropriate and inappropriate uses. Senator Sullivan asked that I talk a little bit about some of the goals that I had for participating as an advisor to Nebraska's committee. I know that the primary role that we typically serve when we serve on advisory committees is to really be a resource for diverse educational systems and philosophies. Having grown up in Nebraska, doing some work for Nebraska Department of Education for a number of years back in the late '90s and early 2000s, I have somewhat of a sense at least yet of some of the educational philosophies and goals of the state system. At the same time, having spent time now in number of states and then internationally, bringing some of that diversity I think to the committee is valuable. The secondary piece--this is kind of from a professional standpoint--is to ensure that what the state is doing with respect to its testing program, whether it's the general assessment, the alternate assessments, or the English literacy examination, is to ensure adherence to our professional standards. And those are the standards for educational and psychological testing. That essentially establishes the professional foundation for whether or not a program is valid, reliable, fair, and then underpinning legally defensible. I know that Nebraska has been a state that has not been a strong supporter of like the Common Core state standards for content or performance and also tends to be a little more independent with respect to its educational policy. So part of my goal with some of these diverse experiences...to basically help the state be able to avoid isolation without blindly complying with federal policy. I think that a lot of times what's occurring at the federal level isn't actually helping any individual teacher in the classroom. And so what Nebraska has done historically I

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think has provided more value to individual teachers and administrators at the local level. But I think it can't be done in a vacuum. And so that's part of what I try bring in conversation. And then finally, part of some of the research that I've been doing for the last few years is to try to help rethink secondary education a little bit. The broader conversation has been about blending this idea of college and career ready. And most of the education discussions and activities focus pretty highly on college ready. And you'll, you know, have folks from ACT or College Board or ETS talk quite a bit about that. The career ready aspect is usually not as discussed. And there's a large segment of the population for whom career ready should absolutely be a goal. And there are things that the secondary education system could do to help with that. In learning a lot about these different aspects of certificates and certifications and registrations and licenses, there's a lot of things that students actually could be learning already in secondary experiences that would prepare them for successful careers in a number of these different areas. So that's kind of a quick overview, Senator Sullivan. Did you have any other specific things you wanted me to touch on or just open it up for questions?  
[CONFIRMATION]

SENATOR SULLIVAN: Well, all right. Thank you, Dr. Buckendahl. I really appreciate that thorough overview. This is a new appointment for you, is that right?  
[CONFIRMATION]

CHAD BUCKENDAHL: Yes, ma'am. [CONFIRMATION]

SENATOR SULLIVAN: And how long is the term? [CONFIRMATION]

CHAD BUCKENDAHL: I think it's for three years. I don't have my letter around. But I think it's like a two- to three-year term. [CONFIRMATION]

SENATOR SULLIVAN: All right, very good. Members of the committee, do you have questions for Dr. Buckendahl. Senator Avery. [CONFIRMATION]

SENATOR AVERY: Thank you, Madam Chair. I see on your resume that you had a position as a psychometrician. [CONFIRMATION]

CHAD BUCKENDAHL: Yes. [CONFIRMATION]

SENATOR AVERY: What is that? [CONFIRMATION]

CHAD BUCKENDAHL: Well, Dr. Avery, I do have to disclose I took a class with you about 24 years ago. (Laughter) [CONFIRMATION]

SENATOR AVERY: I knew that was coming. [CONFIRMATION]

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CHAD BUCKENDAHL: It was a great class, so don't...there's nothing bad about it. So a psychometrician is somebody who...a lot of the training actually comes in the form of research design and statistics in the context of psychology and specifically psychological measurement. So psychometricians generally kind of fall into one of two areas. One area that people go into is personnel selection. So locally in Lincoln there you have...I guess Gallup is in Omaha now. So Gallup has the division in personnel selection, Talent Plus, Kenexa before they were acquired by IBM, those are all organizations that build personality examinations to evaluate potential fit for employment. The other segment of psychometrics goes into test development. So what we do for example for the architect licensure examination, if you want to be an architect you currently have to pass seven different examinations after you meet some eligibility requirements. So we help architects. We basically take them through a systematic process to develop test questions, to define the profession in order to establish a blueprint from which then to develop those test questions. And then that's kind of like the cognitive measurement piece. And then there are some statistics that we look at to ensure that the characteristics of the test are functioning the way they should in terms of the ease or the difficulty of the exam, how the passing score is set, how to make sure that different forms of the test are ultimately empirically equivalent to each other.  
[CONFIRMATION]

SENATOR AVERY: So it sounds like you've spent your entire career doing exactly what we're trying to do with testing in the state of Nebraska. [CONFIRMATION]

CHAD BUCKENDAHL: Yeah, pretty much since leaving Gallup in '97, this has been pretty much all I've been doing. Yeah. [CONFIRMATION]

SENATOR AVERY: Well, that's an impressive title. [CONFIRMATION]

CHAD BUCKENDAHL: It's just long. [CONFIRMATION]

SENATOR AVERY: Psychometrician. Thank you. [CONFIRMATION]

CHAD BUCKENDAHL: Sure. [CONFIRMATION]

SENATOR SULLIVAN: Any other questions? Seeing none, Dr. Buckendahl, I thank you for calling in today and also thank you for your willingness to serve. So take care.  
[CONFIRMATION]

CHAD BUCKENDAHL: Sure. Thanks, everyone. [CONFIRMATION]

SENATOR SULLIVAN: Before we leave this hearing appointment, is there anyone interested in speaking on behalf of this appointment? Okay, we will close that and move right on into bill hearings. The first one we have before us is LB972 being introduced by

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Senator Lautenbaugh, to adopt the Independent Public Schools Act. And Senator Haar is just joining us. Welcome. [CONFIRMATION]

SENATOR HAAR: Thank you. Sorry I'm late. [LB972]

SENATOR SULLIVAN: That's all right. Welcome, Senator. [LB972]

SENATOR LAUTENBAUGH: Thank you, Madam Chair and members of the committee. My name is Scott Lautenbaugh, L-a-u-t-e-n-b-a-u-g-h. I'm the senator from District 18. I am not a psychometrician, I've never claimed to be one. [LB972]

SENATOR SULLIVAN: Excuse me, I don't know if this is necessary. Very good. Thank you. [LB972]

SENATOR LAUTENBAUGH: I moved it earlier when I was setting up before I realized I wasn't first up. So I'm here to introduce LB972. I looked down at my notes, and it says LB593 because this is my second go around on this. And I refer to them as my notes but it's really just the transcript from last time around. I did not prepare an opening. And careful observers among you will think, well, when do you ever, but it doesn't seem like you do. But as you know we've been discussing this appropriately or inappropriately on the floor from little fits and starts for the last few weeks. This is obviously a topic that I'm fairly passionate about. What it would do is authorize five charter schools in a city of the metropolitan class. I want to hone that down to Class V school districts. We do in part of the bill. I want to make it clear we're talking about Class V's because I believe the need exists primarily in OPS. And this year we're using the vernacular independent public schools instead of charter schools because I was frequently last year confronted with, while I support public schools, I'm opposed to charter schools. And everyone can't afford the tuition for these charter schools you want to set up. Well, these are public schools. There is no tuition. What I did was I took last year's bill and ran it by a national organization...sort of the best practices if you will because we do have now as a nation experience with charter schools, a couple decades of experience now. We've seen what's worked and what has failed. And I wanted the bill to be tightened up to reflect those best practices. The application process alone specified in the bill is daunting and comprehensive. And I was trying to explain it to someone as far as what it would take, and finally I said, understand someone like me would not be able to sit down and apply to open a charter school. It would take people with specialized knowledge in the area I believe to even fill out the application for the charter as set forth in this bill. This is not something that would be entered into lightly. It's not something that would be approved lightly by the approving entity under this bill, which would be the State Board. But again, it would authorize five charters...up to five charters. And I think this is crucially important. And there are going to be witnesses behind me. Immediately after me will be Jason Epting who is the principal of a charter school in Harlem. He's a Nebraska native. And his experiences can better explain why this is important much better than I can

sitting here and telling you from my experiences. But these schools provide an option within the community, and I've never once tried to represent that this would be the be-all, end-all, "change-all" of every child's future for the better. But when we have people come from other states and we have to explain that we are still trying to get the bill through to authorize the existence of these schools, people are frankly amazed that we're still having this discussion because we're one of eight states that does not allow charter schools at this point; one of eight. And what we're finding now is that in underserved communities, particularly where poverty is prevalent, that is where charter schools are getting the biggest bang for the buck. We are seeing gains. We are seeing payoffs. We are seeing them outperforming the traditional, if you will, public schools. And that's the whole point of this, to bring another alternative within the community maybe run more with the community in mind and getting better results. These wouldn't be for profit. The for-profit entities are finding that there's no money in doing this from a for-profit standpoint. This is just another education alternative, just a different kind of public school. The argument that it drains funds from public schools...other public schools, traditional public schools that we hear, I think that argument has already ended with the fact that you can take your funds and go from OPS to Millard. It would be no different taking your funds and going from OPS to a charter within OPS. I think it's instructive to note that the...I believe the OPS board's position on this was no position, or if they were the authorizing entity, supportive. This is not a radical proposition. I find myself in an odd position when I'm standing on the floor quoting the President or Cory Booker and being dismissed as a crazy radical Republican trying to do something that only conservatives like. That's not what this is about anymore or anywhere else. And people from elsewhere don't seem to understand how we continue to be where we are on this issue. So I'm hoping...and I'm kind of rambling at this point and so I'll draw it to a close. I'll answer any questions. I'll try to answer any questions you have. I'll be here to close. But I think the witnesses as always are going to be more illuminating, unless it's...unlike those bills where I only have opponents, this time the witnesses will be more illuminating. But I'll try to answer any questions you have now or at the end as well. [LB972]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. A couple questions or things that come to my mind, and I'll look forward to the testimony of the people that are coming forward. But with respect to your passion in introducing this, I think first of all, you're the kind of person that doesn't necessarily just do things just because other states are doing them. [LB972]

SENATOR LAUTENBAUGH: Yes. [LB972]

SENATOR SULLIVAN: So that being said, what is it specifically about a charter or independent school that captivates you so much that makes you feel that it's so important for us to do here in Nebraska? [LB972]

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SENATOR LAUTENBAUGH: Well, the last three, maybe four years I've been paying a lot of attention to the workings of my own school district, OPS. My kids go to OPS still, and it's become fascinating to me to watch that district try to change, if you will, try to make itself better. And they have a new board now, and they have a new superintendent who I think is remarkably qualified and doing everything he can. But I honestly believe that OPS is a...well, this is not a blinding observation unique to me. It's a huge organization. And I made some comment somewhere about it not being what I would call nimble, and people laughed like that was meant to be a slam. But no organization that size is what I would call nimble or readily adaptable to change. And we have I would say certainly parts of Omaha where the education needs are being underserved and whether you look at test scores or other measures you want to look at, drop out rates. And the past attempt to address it was to kind of maybe paper over it with, you know, just letting more people graduate. Okay, look, now we have a better graduation rate. Well, that's not helping anyone. And it occurred to me that if...I think the people at the top are trying to make good changes for the district which is a huge thing. But I think there also need to be examples that exist even within the communities that are being underserved of public schools that are able to succeed and to take away the excuse that is too often used that well, these kids come to us with issues, these kids come to with a poverty background and so no one can succeed. Other places are pointing out or demonstrating daily that that's not true. And we need to demonstrate that in Omaha as well so we stop having that conversation and the district starts emulating what can happen in east Omaha. And for me, the shortest route from A to B is to have some charter schools do that. [LB972]

SENATOR SULLIVAN: And when you talk about a school such as this being responsive to the community, and then looking at what you propose as the structure, a board of trustees, where's the link between that board and the community? [LB972]

SENATOR LAUTENBAUGH: Well, at the very basic level no one is compelled to go to the school. So you could set up...this is the hypothetical, worst-case example. Say the State Board did approve an entity that came in and asked for a charter that had no connection to the community, made no attempt to get any support from the community. Guess what else they wouldn't have from the community? They wouldn't have any students from the community either. So that would not succeed. To get the community to buy in, there has to be an involvement in that board of trustees in and of itself. So while you're right, the bill doesn't mandate--and the board of trustees shall be a person from here, a person from here, and a person from here--if you want the community to believe in your school and actually entrust your school with their kids, that board of trustees can't be some, you know, alien group from North Dakota. That has to be part of the community in some way or else this thing won't succeed ab initio, for right out of the starting gate it's not going to work. [LB972]

SENATOR SULLIVAN: Okay, thank you. Senator Cook. [LB972]

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SENATOR COOK: Thank you, Senator Sullivan, and thank you, Senator Lautenbaugh. Did you say in your opening testimony that the Omaha Public School Board of Education...if it were authorizing this would be supportive of that. Did they meet and record that in a public meeting? [LB972]

SENATOR LAUTENBAUGH: I believe...that's my understanding of their position. If they were the authorizing entity, they would be supportive. [LB972]

SENATOR COOK: And they said that to you directly in a conversation or in a public forum? [LB972]

SENATOR LAUTENBAUGH: Senator Cook, I honestly don't remember. That's my understanding of their position. [LB972]

SENATOR COOK: All right, maybe somebody from the district will come up and say what they said because I can't recall anything like that being brought forward, especially since I've had some conversations with the superintendent of the district. Thank you. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you very much, Madam Chair. Senator Lautenbaugh, on the...thank you for bringing the issue forward. I think it's an important one that we discuss. And you talked about an application process for this charter school. Are you looking at any one particular model because there's lots of sponsorships across the nation for charter school processes? And do you have one in mind or are you looking at something because when you look at public schools as a whole, it's about a trillion-dollar significant figure that we're looking at on a yearly basis in the United States of America? Do you have one you're looking at or following? [LB972]

SENATOR LAUTENBAUGH: No. [LB972]

SENATOR KOLOWSKI: Okay, then where did you come up with the application process idea? Where did that come from? [LB972]

SENATOR LAUTENBAUGH: Again, that was verbiage that we took from basically...there's no model act, so I can't say it was a model act but suggested by what has worked in states that have a strong regulatory in chartering, if you will, structure. It's an extensive listing of what your application process has to involve both mechanically as far as what you have to submit and what you have to demonstrate. So...but it was not...first of all, it wasn't conceived of by me. And second of all, I don't have a particular entity in mind... [LB972]

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SENATOR KOLOWSKI: Okay. [LB972]

SENATOR LAUTENBAUGH: ...or group of entities or type of entity even. [LB972]

SENATOR KOLOWSKI: And in some of those states like Colorado where the Walton family is very much behind the push for charter schools, would that be one of their application-type models that are out there? [LB972]

SENATOR LAUTENBAUGH: Colorado is not one of them that comes to mind. I was thinking more of...Massachusetts and New York are the states that I recall. I don't recall Colorado being in the mix. It could very well be, but I just don't recall Colorado specifically. [LB972]

SENATOR KOLOWSKI: Okay. Have you ever seen an application for the national Blue Ribbon Schools of Excellence program which has been around for about 30 years through the federal government? [LB972]

SENATOR LAUTENBAUGH: No. [LB972]

SENATOR KOLOWSKI: Okay, that might be something to look at as something that has a very, very high standard to meet and difficult challenge in that way. And it's within the public sector, and it has honored many of our schools in the state of Nebraska over time including many in the metro area. My other question is for the Class V school districts which this only applies to, how many school districts would that be? [LB972]

SENATOR LAUTENBAUGH: Currently, one. [LB972]

SENATOR KOLOWSKI: Just Omaha Public. [LB972]

SENATOR LAUTENBAUGH: But now there is a portion there where we still refer to a metropolitan city area, so we need to correct that to make sure that I'm consistent throughout. In my mind we're talking about Class V's, which again, there is only one. [LB972]

SENATOR KOLOWSKI: Okay, but many of your comments over the last weeks have been about the quality of education in Nebraska. And having spent 41 years in that endeavour in my own life in this state, I just wanted to make sure we're narrowing it down to your concerns about OPS and where they are and what's being done at this time. [LB972]

SENATOR LAUTENBAUGH: Yeah, this bill is a pilot project in my mind to be wholly within OPS. [LB972]

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SENATOR KOLOWSKI: Okay, and would you also then put most of your comments you've been making about public education pertaining primarily to OPS as far as measurements are concerned? [LB972]

SENATOR LAUTENBAUGH: Well, the numbers I had were state of Nebraska numbers, so I don't know how to do that. You know... [LB972]

SENATOR KOLOWSKI: Okay. [LB972]

SENATOR LAUTENBAUGH: I mean, it's...I did not have at my disposal...and of this percentage of what the state was doing, this percentage was accounted for from OPS. I did not break it down that way. So I don't want to sit here and say, everything I said was germane only to OPS when I was talking about statewide numbers. So I don't know how to answer that really fairly. [LB972]

SENATOR KOLOWSKI: We may have to call our "psychotrician" friend and find out what answer would be. (Laughter) I wanted to just narrow the scope and make sure I'm understanding where you're coming from from the view of OPS and your concerns within OPS because that's...there's an awful lot of...when you look at the data, the ACT scores, the percentage of students taking ACT in our state, how the upper Midwest ranks in ACT compared to all states across the country. We have a great deal to be proud of, and I don't want that to be lost in the discussion compared to where other things might be coming from as far condemnation statements about the status of Nebraska's education in total. Thank you. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Scheer. [LB972]

SENATOR SCHEER: Thank you, Senator Sullivan. Senator Lautenbaugh, your bill talks about the authorization coming from the State Board of Education. [LB972]

SENATOR LAUTENBAUGH: Yes. [LB972]

SENATOR SCHEER: You also relieve it from I'm assuming the Rule 10 regulations as far what other school districts would be responsible providing. How are you going to determine how well the school or schools are doing? Are they still going to be required to take the state assessment tests? Are you...how is it that we will know if these schools are successful or not? [LB972]

SENATOR LAUTENBAUGH: Well, in my mind, they would have to take the same assessments. I mean, there's no other way to know. You have to be able to compare in someway. So there's no way around that. The issue would never be settled. [LB972]

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SENATOR SCHEER: Okay. [LB972]

SENATOR LAUTENBAUGH: So there has to be a way to evaluate the performance. [LB972]

SENATOR SCHEER: And I did not look that closely at the bill. Is that specified in there, or is that something that would have to be done by amendment? [LB972]

SENATOR LAUTENBAUGH: I don't believe it's specified other than...I think in my mind that would be part of the regulations. If it needs to be specified in the bill itself, so be it. But I don't know how you would do it otherwise. It wouldn't make any sense to set these up, have no way to evaluate them, and then assert that they're doing better or worse. I mean... [LB972]

SENATOR SCHEER: Understood, but I just wanted...for record purposes wanted to make sure that we had something finite as far as what we planned to assess. Thank you. Thank you, Senator Sullivan. [LB972]

SENATOR LAUTENBAUGH: Right. [LB972]

SENATOR SULLIVAN: Senator Cook. [LB972]

SENATOR COOK: Thank you, Senator Sullivan. Does the bill specify...I'm in Section 15. Is that the part that specifies that these would be piloted specifically in the areas that you've identified as impacted areas in Omaha because as you know, the Class V school district...OPS has buildings far and wide, north and south and east and west... [LB972]

SENATOR LAUTENBAUGH: Right. [LB972]

SENATOR COOK: And I can't find the language that says it'll be these. The physical plant for these facilities would be in northeast Omaha or southeast Omaha. [LB972]

SENATOR LAUTENBAUGH: It does not specify that they would be in... [LB972]

SENATOR COOK: Okay. [LB972]

SENATOR LAUTENBAUGH: ...a specific part of OPS. I got concerned when I tried to hone it down further than just OPS. [LB972]

SENATOR COOK: Okay. [LB972]

SENATOR LAUTENBAUGH: I didn't know if that would raise additional legal issues. In my mind I thought they would spring up where the need was perceived, not otherwise. I

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mean, I don't know how a charter would do out on 144th and Maple. I don't know that there's a lot of dissatisfaction there. But I do not feel comfortable saying, and it shall be east of 72nd. And, you know, set it out in that way. We talked about using other terminology, other measurements to try to hone it down even further as far as different, you know, standards that are used to describe different geographic areas. But we settled on Class V, just leave it within the district. [LB972]

SENATOR COOK: All right. Thank you. [LB972]

SENATOR SULLIVAN: Senator Haar. [LB972]

SENATOR HAAR: So how would hiring personnel, teachers, etcetera, etcetera, go in your model? [LB972]

SENATOR LAUTENBAUGH: Well, that's really...the answer is, it would depend on the proposal. It would be up to the chartering entity that is approved, what their plan sets forth as far as how they would be hired. I mean, there are different models, different ways of doing it. It would not be...that's not something that is specified in the bill at all. [LB972]

SENATOR HAAR: Would you have to have certified teachers? [LB972]

SENATOR LAUTENBAUGH: Yes. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you, ma'am. Senator, have you had a discussion with Superintendent Evans about the nature of charter schools or his opinions on this within OPS? [LB972]

SENATOR LAUTENBAUGH: I think so. [LB972]

SENATOR KOLOWSKI: And does he have an opinion that he shared with you concerning them? [LB972]

SENATOR LAUTENBAUGH: The fact that I am so hazy in recalling whether I did really makes me reluctant to say what he said and speak for him. If he was a supporter of this concept, it probably would have stuck with me, and I probably would be telling you that. Or I would have, you know, kidnapped him and drug him down here. But I don't want to speak for him. So I don't want to answer that for sure. [LB972]

SENATOR KOLOWSKI: Thank you. I'll come back to that later. Thank you. [LB972]

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SENATOR SULLIVAN: All right. Thank you, Senator Lautenbaugh. We will now hear proponent testimony on LB972. [LB972]

JASON EPTING: Good afternoon, ladies and gentlemen. [LB972]

SENATOR SULLIVAN: Welcome. Could you hand that green sheet to the page? Thank you. [LB972]

JASON EPTING: Here you go, sir, Tyler. My name is Jason Epting, and that's J-a-s-o-n E-p-t-i-n-g. I just want to introduce myself real quick. I am a native Nebraskan, and I am a Cornhusker fan, and I am a Nebraskan true and true. I just so happen to live in New York City. I chased a girl there, and I got her. So I'm also a 16-year educator. I taught here at Rumsey Station Elementary in Papillion, and I also taught in Council Bluffs at Lewis and Clark Elementary. And I love those experiences as well. My past seven years as an educator has been at Harlem Village Academies Charter School which is located at 144th between 7th and 8th in Harlem, New York. I'm here today just to weigh in on this bill and just tell my experiences as an educator both from being from Nebraska and also a charter school and being in a high-performing charter school for the last seven years. I do...I would like to help clarify some of the things that you guys have questions about. So please, I invite you afterwards just to ask me any questions and I'll just tell you how it goes with us and see if it's something that you can help clarify things for Nebraska. The thing I want to talk about most is mind-set. I think right now I think that in Nebraska, I personally love Nebraska, and I think that the educational system has done well for myself and my brothers and sisters and what have you. But there is a small section of Nebraska that I think that has been overlooked, or we just don't know what to do with it yet. In those impoverished areas, I think it all starts with what we think. There's been a debate about whether kids in impoverished areas can actually learn because of the circumstances they have facing them, whether it's them eating, having a meal or just not having money or just providing their basic needs. While I know that that is a circumstance of our students, we've been proving at our school that that's all it really is. It is a circumstance. Our students who are impoverished can absolutely learn. They're able to learn. If you create an environment in which...that tailors to their needs especially. If the mind-set of our state, whether we're doing well in one area...we have to be thinking of all the students as a whole as well. So if we are thinking about this...these areas where these students are not performing in high regards, we have to think about what we're really thinking about them. Are they affording they're incapable of actually learning? We're putting the banner on that school and those students saying that it's impossible for them to learn. So poverty is absolutely an excuse for why students can't learn. And I would hate to be a teacher, I would hate to be a student, I would hate to be a parent in one of these schools where there's a banner of impossibility that's labeled over them because of their socioeconomic status. The other thing that I wanted to say is that there's no gains from anyone if we keep using excuses, it's poverty. I think some of the things that have been proposed are like having wraparound programs and having

pre-K. I think that those things absolutely should happen. We should do whatever we can for all of our students. But I think in conjunction with those things, too, having our students for the seven hours a day--or in our day it's about 10 to 11 hours for my students--sending that message that they can do it, and that education is the way to break that cycle of poverty. At my school in Harlem we currently have...81 percent of our students are free and reduced lunch; 30 percent of them are special ed or special needs students; 100 percent of them are students of color. I don't think that there's one day or one time that they or their families feel that it's impossible to learn. Listen to some of the things that we do at our school. All of our students have to read 50 books in a year, and they have to make sure...and those are on their grade level, and they have to pass a quiz in order to get credit for those. What I found...oh, man, I only have a minute. With those 50 books, what I found is kids exceed that tremendously. So if you create something in which students can...where they feel empowered, and you have people who are standing behind them that can really...and they have the mind-set that they can do it, our students are able to achieve way more than even we, the people who believe in them, really put for. There's a lot of stats for our school, and if you guys are interested in those I'd talk to you about them. But overall, it is not impossible for a kid that's impoverished to learn. It is absolutely possible. We just make sure that we've given them the tailored needs that they need to have in order for them to succeed. And sometimes in a big, big system you need to do some different things for different people so that it's more intentional and it's tailored...we can look at this as a place we'd send any of our kids. I look at our Nebraska kids from everywhere, and I look...I feel that they should have the same education or better education than I had. And it doesn't matter if they live in north Omaha or they live in Alliance. I'm so glad somebody brought up that place. But those are the things that I have to say, and I hope you guys do consider this as a way to strengthen Nebraska. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Epting. Appreciate your testimony. You mentioned that in your particular school some of the, I guess what you would probably consider best practices...one of them was a longer school day. [LB972]

JASON EPTING: Yes. [LB972]

SENATOR SULLIVAN: In addition to that, are there other particular features that you think are different than maybe what might be in a non-charter school. [LB972]

JASON EPTING: Yes, so one of ours is a longer school day. Another one is just making sure we're hiring for the best teachers possible, the most qualified, but also the ones who share our same value. We have eight values that you can see on our Web site. But we extensively interview them for those values to make sure that they're aligned with what we have. The other thing is we have higher expectations. So what we have is each one of our students, in order to pass have to have 80 percent or higher, and they have to be at a certain reading level, and they have to read 50 books a year, and their

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attendance levels have to be at a certain place. So all those things come in conjunction with creating an environment where these have been problems before. But now we're tackling them as, these are things that will help you be better students. And those expectations, if you give them to them they usually can do well with those. The other thing is we just have the opportunity to create our own curriculum. Instead of using a same textbook that everybody else would use or some of the same practices that a whole district would use, our teachers have the autonomy to do what they do best. They don't have to use a textbook. They can use their own expert knowledge, but they're still accountable for results. We check in on them in current observations of our teachers. I'm in the classroom 80 percent of the time. I'm not a typical principal. I am an instructional leader. So I'm looking at the quality of instruction to make sure it's much like South Korea, that the best teachers are working with the most difficult students to educate. [LB972]

SENATOR SULLIVAN: Okay, thank you. Senator Cook. [LB972]

SENATOR COOK: Thank you, Senator Sullivan, and thank you for coming back to visit. I am a former resident of New York City. [LB972]

JASON EPTING: Wow. [LB972]

SENATOR COOK: It is a fabulous place. [LB972]

JASON EPTING: Yes, it is. I love it. I'm going to stay there. [LB972]

SENATOR COOK: Yeah, it is not Omaha, however. [LB972]

JASON EPTING: Yes, I love it here. My mom is even back there, but I'm going to stay there. [LB972]

SENATOR COOK: Well, I can certainly understand that, especially on a day like today. [LB972]

JASON EPTING: Yes. [LB972]

SENATOR COOK: My questions are not about the weather or the great city of New York however. They relate to...you mentioned that you work in the Harlem Children's Zone. Is that... [LB972]

JASON EPTING: Harlem Village Academies. Harlem Children's Zone is an after-school program, and they have a beacon program in our school. It's actually a great program for Harlem. [LB972]

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SENATOR COOK: Thank you for clarifying that. Do you receive...is that funded entirely through public dollars? [LB972]

JASON EPTING: It is not entirely funded through public dollars. Each student...I think this may be the same in Omaha or in Nebraska, but each student has like...how much is spent on education for them. I think it's around...I can't remember exactly how much it is, but each student...none of funds...all of those funds go right to our school. So let's say it's \$13,000. Their education is paid for. We get those public funds, but we also have a small percentage of our funds given by private donors. And private donors give to different...to help with the outside things, more like a network of people, curriculum developers, space if we don't have enough space because we're colocated in schools. So it's not entirely funded by public dollars, but it is mostly. My budget that I work on each year, I only look at how much money is generated from each student that comes through my school and then that's how I pay my teachers and run our facilities. But there are things on the outside like a dean of students. [LB972]

SENATOR COOK: Okay, so those are...you build your budget on tax dollars, state tax dollars, and in New York City they have city tax dollars as well as I recall. [LB972]

JASON EPTING: Well, actually these are the same tax dollars that each student would have in any other school. [LB972]

SENATOR COOK: Okay. [LB972]

JASON EPTING: So if it's a kid at P.S. 194, whatever they would get at their school, that's what we would get. It would same be the exact. [LB972]

SENATOR COOK: Okay, and you described your school as a high-performing charter school. [LB972]

JASON EPTING: Yes. [LB972]

SENATOR COOK: Can you give me an example...are there any examples of not high-performing charter schools in New York City? [LB972]

JASON EPTING: Yes, there absolutely are. And actually across the country you'll see that there's some people who have a vision, and sometimes there's some things that stand in their way from actually making that vision come true. So just like with anything that's new, some people...there's a lot of evidence of high-performing charter schools like Uncommon Schools networks, Democracy Prep, KIPP across the whole country has been doing a really excellent job. But there's been some places like Richmond, Virginia. They're having a really tough time, but that fear can't...I don't think that fear should hold anyone back though. I think that we should go after it. But I don't think that

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there's a success story in every one. And there's been charter schools that's closed down, as they should be. They're, again, a low-performing school. No student should have to endure that kind of education is my belief. [LB972]

SENATOR COOK: And I have one statement, and you probably didn't mean it this way, but I have to say that there's nobody on this committee or in this Legislature that thinks that the children cannot learn. And you said that a couple of times I think, in a couple of different ways. So we don't ever go into, certainly not this job, believing that any child across this state...and believe it or not, the lowest performing school building is not in north Omaha or south Omaha. We don't go into this policymaking role thinking that children cannot learn. [LB972]

JASON EPTING: I'm glad to hear that because I think that it's been a sentiment of some things that I've heard over time, and I don't want to gossip or anything, but if anyone feels that way I don't think that they should be on the board. I think that they should not be around kids or people in general. (Laughter) [LB972]

SENATOR COOK: Thank you. I agree. [LB972]

SENATOR SULLIVAN: Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you, Madam Chair. Jason, thank you for your testimony, and welcome back for a short time, and congratulations on the work that you are doing. Do you have particular model that you're following as a charter school? Have you copied or taken the best of what you've seen at other places or a certain name of a group that you're following in any way? [LB972]

JASON EPTING: That's interesting you say that. Our charter is not like a lot of other charters. I think our CEO is brilliant, and her name is Deborah Kenny and she followed...she went to...actually we don't look at our charter as, we want to be just the best of charters. We want to just be the best period. So what we do is we go to a lot of high-performing schools across the country, private schools, progressive schools, expeditionary schools. And what we found is like the best practice of education is what should be standing in how we design our school and who we're serving instead of looking at the models of other charters. We have taken some of the best of the charters, too, though. So any champion will tell you that they're going to take the best of every world but also learn from the mistakes of the other ones. So I would say that our charter has done all of that. And we still have...I mean, I would say that we're just now getting started, too, even though we have a lot of scores. But I think we can be a lot better too. [LB972]

SENATOR KOLOWSKI: Having built a school from the ground up, I know exactly what you're talking about. Tell us about your eight values. Name a couple of those and what

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you stand for. [LB972]

JASON EPTING: Okay, one of them is the children come first. So that just means that there's no excuses. That we don't make excuses why a child can't learn. The child come first, we make sure that we put all of our resources and things into them instead of everything else on the outside. It's about student growth. It's about them actually achieving. Another one is we're...that also goes with we're accountable for results. So every person there is on the same mission to make sure that we are trying to bridge the achievement gap instead of just existing. [LB972]

SENATOR KOLOWSKI: Every teacher, every cook, every janitor, everyone. Absolutely. [LB972]

JASON EPTING: Everybody, I mean, every single person is embodying these values. If they are not embodying the values...it's funny. I call it the red balloon. If you put a lot of balloons in a bag and one of them is not...has water in it, it's hard to hold weight, or keep the bag up. So it's...if they're dropping any one of those values, we definitely help them with improvement plans. And if they don't have it, then we have the autonomy to let them go. [LB972]

SENATOR KOLOWSKI: Can I ask about teachers also? [LB972]

JASON EPTING: Yes. [LB972]

SENATOR KOLOWSKI: New York City...and I had a son who lived 40 blocks of south of you for 12 years. I also enjoy the area. The...New York City's AFT, their union... [LB972]

JASON EPTING: Yeah. [LB972]

SENATOR KOLOWSKI: How did you...how do you go about your selection of teachers within that structure, and what gave you the latitude to be able to pick and choose those who would buy into your eight values and hold them to those? [LB972]

JASON EPTING: That's a great question, Senator. [LB972]

SENATOR KOLOWSKI: Yes, it is. Thank you. (Laughter) [LB972]

JASON EPTING: We have no...we don't have a union. And that's the best thing about, I say, our charters because we don't feel like our hands are tied with any of the things we do. Our teachers are at a will contract so they can decide to walk away when they want to, but we can also let them go if they're not performing. But because we hire so well, we find that we don't ever...we don't usually have to let go of many teachers. And the tough part about the union is they've...we recruit from all over the country, and all over

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New York. And a lot of teachers leave the public...the AFT to come to a charter because they have more job satisfaction, and they feel like they're more fulfilled doing the things they're doing at our school without having the influence of the AFT. [LB972]

SENATOR KOLOWSKI: Tell us about your teachers' training. How many have a master's degree, or is your staff development program equal to or as strong as getting a master's? How do you feel about those things, and how does that produce? [LB972]

JASON EPTING: All of our teachers are certified. But again, you have to remember some will come over from other states, so they have to have reciprocity... [LB972]

SENATOR KOLOWSKI: Sure. [LB972]

JASON EPTING: ...from the state that they come from. They still have to go through the New York State system, so they have a little grace period to do that. Every single one of my teachers have to have a master's or be enrolled in a master's program to show that they're moving towards the professional development of the kind of teachers we want. I actually recruit for, are using teachers who have four or more years experience because they know a lot. You don't want hear about my first year teaching. (Laughter) So it was awful. But like after four years, most teachers really feel that they have a good grasp of their craft. But we actually just started a new initiative, and this is something that no other charter is doing even in the country, that we are having our own graduate school of education that I am helping pilot where we have the best experts like Kelly Gallagher and just all these ELA experts and people from Singapore, South Korea, all these people working together to have the best professional development for our teachers so they feel empowered and they want to stay in the classroom and be master teachers. So it's... [LB972]

SENATOR KOLOWSKI: Have you looked at Finland yet? [LB972]

JASON EPTING: Not yet, but that's the next step. I mean, I wish I could let you know how Deborah really is. She is crazy, and she will get every...I mean she's gotten so many people around me that I feel fulfilled in what I'm doing because I'm being developed as...not just out of talent but I feel developed. And every teacher feels that way. And of course that goes to our students too. [LB972]

SENATOR KOLOWSKI: And the length of your contract, not contract...the year of the school students is how long? [LB972]

JASON EPTING: It's exactly the same as the... [LB972]

SENATOR KOLOWSKI: New York City. [LB972]

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JASON EPTING: ...other New York City schools. [LB972]

SENATOR KOLOWSKI: Okay. [LB972]

JASON EPTING: But again, a charter is so great. If you think that you should...you want yearlong school, have yearlong school. If you think you have a longer school day, have a longer school day. It's one of those things that you have to be passionate about and really make sure that you're being strategic about, and if there's a problem you have to be entrepreneurial and change it before...you can't wait a whole year to change something. You have to just start changing, making those changes. [LB972]

SENATOR KOLOWSKI: It sounds like you have many types of extended-learning opportunities, ELOs, that could impact students beyond the regular classroom day. [LB972]

JASON EPTING: Absolutely. [LB972]

SENATOR KOLOWSKI: They have hours there after that. So time on task with students and professional preparation of staff and level of preparation is extremely important to you. [LB972]

JASON EPTING: Yes, and the thing is is I always go back to my children. I just want the best for them. And every time I look in every...eyes of any of them, I'm trying to provide that same kind of quality that I want for my kids. So for instance, we try to make some offerings that are going to be great for them in the future as well like keyboarding and making sure they like violin and things that...we don't just promote being great at tests, like that's not what we are about; like, yes, that happens. It's a by-product of us saying that, be the best you can be and also that you matter and that you were created for a purpose. [LB972]

SENATOR KOLOWSKI: How many students in your school, please? [LB972]

JASON EPTING: Two hundred eighty-one. [LB972]

SENATOR KOLOWSKI: Two eighty-one, and staff members? [LB972]

JASON EPTING: I have 36 staff members, 27 teachers. [LB972]

SENATOR KOLOWSKI: Thank you very much for your answers. [LB972]

JASON EPTING: Yeah. [LB972]

SENATOR SULLIVAN: Senator Scheer. [LB972]

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SENATOR SCHEER: Thank you, Senator Sullivan. You got started with a lot of questions, and I know that red light came on fairly early. [LB972]

JASON EPTING: It was scary. Thanks. (Laughter) [LB972]

SENATOR SCHEER: So I will ask you the question, is there something else you'd like to provide this information so if you'd like to go back to your notes and make sure that you've covered what you would like to have covered? Please, feel free to. [LB972]

JASON EPTING: Yeah, you guys' questions were really focusing. The only thing I really want to make sure that I put out there is I just think that a one-size-fits-all model is not ever going to be good for anyone. There's always going to be someone looked over. I just think that the most strategic thing to do with this is like try out these schools and see if it will have an impact over the course of two years. I think that if you get some passionate people in there who much like myself or someone who really believes that they can tailor to the needs of the students who are not performing well at this time, I think that you're going to see some huge benefits from it. You are going to see some setbacks, I know that. But I think that going after this is going to make Nebraska just as strong as I know it to be, everywhere though. [LB972]

SENATOR SCHEER: Thank you. [LB972]

SENATOR SULLIVAN: Senator Avery. [LB972]

SENATOR AVERY: Thank you, Madam Chair. Welcome back. [LB972]

JASON EPTING: Thank you. [LB972]

SENATOR AVERY: I have one question. If you had to pick the one thing out of your environment that is perhaps missing in other public schools that account for your successes, what would that be? [LB972]

JASON EPTING: That's probably the easiest question. I think it would be my teachers. Every teacher has bought in. Everybody is on the same page. We hire for the best, and we have the autonomy to find the best. And I think our teachers make everything. I was a teacher at my school, and I feel like I'm still a teacher. And everything that's great comes from the passion and the experience of our teachers. So I would say if I didn't have my teachers, none of this would be possible. [LB972]

SENATOR AVERY: Thank you. [LB972]

SENATOR SULLIVAN: Senator Haar. [LB972]

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SENATOR HAAR: Yes, thank you. So I wish you could say nobody fails at your school either. [LB972]

JASON EPTING: Yeah. [LB972]

SENATOR HAAR: But how do you deal with failure, and what happens to kids if they come from the public schools to you and they're still failing? What happens to those kids? [LB972]

JASON EPTING: We just keep...we keep doing different things to help with those students. So let's say that a child...most of our students come in at about a 2nd grade reading level in 5th grade. A lot of them make it to grade level by the end of 5th grade or by the end of 6th grade. A lot...there's a few kids who don't. What we do is we can now change their school day so that it's more impactful. For instance, I'm thinking of one child, Mussa (phonetic) who has guided reading three times in a day but also has a reading specialist. So like those are wiggle rooms that I can use and I can...now if I think I can do something else like after school tutoring, I can go on-line right now and find a tutor and say, hey, I want you to be in after school tutoring. So we try to find the interventions that are going to help our students the most. Our students with special needs, we make sure that we follow everything that the state asks us to do on their individualized education plans, but we try to exceed what's on there to be able to give them the best chance to be as successful as possible. [LB972]

SENATOR HAAR: So in those individual education plans that kids come to you with, who sets those up? [LB972]

JASON EPTING: That's just usually done by the state or the special ed providers from the school they have. So it's a normal practice of education that they're diagnosed or evaluated through a special ed, let's say bureau, and then they tell them what their passing rate will be. But usually the special ed provider updates those yearly. So those kids coming to us, somebody else evaluated them. But we take whatever they have, and we probably...quadruple it and try to...we shoot for the stars, but we still have to give them everything that's in that individualized report. [LB972]

SENATOR SULLIVAN: Senator Seiler. [LB972]

SENATOR SEILER: Yes, I have a granddaughter...it's Oscar Mayer in Chicago. And as the name is corporate sponsored, I was wondering if your school system has corporate sponsors like that in some of your other charter schools. [LB972]

JASON EPTING: Right, in our network we don't have any...I don't know how to answer that question the best way. My CEO lets me do what I do best. I don't know much about

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that part. [LB972]

SENATOR SEILER: Okay. [LB972]

JASON EPTING: But I know that we do have donors who give money, like John Legend is on our board, like those kind of people give money and then we use those for, you know, books or what have you. But we don't have a sponsor who are sponsoring or authorizing us. But there are donors out there and philanthropists who help us out with a lot of different things. [LB972]

SENATOR SEILER: Do you use any nonteachers for your programs? Like she's in an art class, and it's not taught by a teacher. It's taught by a local artist. [LB972]

JASON EPTING: Yeah, that's excellent, and I'm glad you said that. Yes, we absolutely have noninstructional staff members. But the core classrooms have to be done by a certified teacher, but like our enrichment and those different things...well, here's the thing. Art and physical education, they have to be certified as well. I mean, I was a physical educator. They have to go to school. But some of the other things that we have them doing, they don't have to be. But through their course work through the day, they have to be with a certified teacher. [LB972]

SENATOR SEILER: Okay, thank you. [LB972]

SENATOR SULLIVAN: Mr. Epting, thank you for your testimony. And just so you know, I really would like you to come back to Nebraska. (Laughter) [LB972]

JASON EPTING: Yes, I will. There might be a couple people. Thank you, thank you very much. [LB972]

WILLIE HAMILTON: How are you doing? [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

WILLIE HAMILTON: My name is Willie Hamilton, H-a-m-i-l-t-o-n. Before I get started...how are you doing, Senator Avery? I want to thank you so much for bringing the bill ban the box. I think it really went a long way to address some of the problems and the barriers that comes to returning citizens. [LB972]

SENATOR AVERY: I didn't set him up. (Laughter) Thank you. [LB972]

SENATOR SULLIVAN: Okay, okay. [LB972]

SENATOR SEILER: How much did he pay you to do that? [LB972]

SENATOR SULLIVAN: Okay, okay. [LB972]

WILLIE HAMILTON: Basically I have two boys and a girl, both products of OPS. I also been on the African American Achievement Council for probably about 12 years, so I've been working closely with the school system. Also, I have a program called Real-Men-Read where we actually go into the schools and have kids in front of them that look like us, have black men go into the schools and have them read, level reading. So we work closely with the school system. But what I was kind of upset about was that we really don't have a choice to be able to have particular schools focus on our black boys. I just did a conference around Campaign for Black Male Achievement where we actually brought in Shawn Dove from the Campaign for Black Male Achievement out of New York, who works closely with charter schools. Also, we brought in Phillip Jackson from Chicago who actually did the Black Star Project as well, who worked closely with charter schools as well. And we brought in again, let's see, Kenneth Braswell who does Fathers Incorporated and he worked closely with schools as well. And the conference whole focus was best practices. We didn't want to deal with any of the stigma of statistics that people say when it comes to our black boys. We want to talk about best practices, what's actually working to be able to close the achievement gap. And I have to say, it was a phenomenal, phenomenal conference with the focus on that. And they basically took what the President was talking about when he talks about My Brother's Keeper. When he talked about best practices, actually going in and looking at those disparities that our kids are facing and put resources geared specifically towards that. It sounds like it's a no-brainer to do that that way. But for whatever the reason, that was not taking place. So also he talked about the external pieces where the government would be able to supply specific resources to those disparities that we were actually reference. Now for whatever the reason, people get kind of taken back when we talk about having black schools for black boys. I don't understand why that's a big issue. But the fact of the matter...Eagle Academy has one of the best schools for our black boys in the country ran by 100 Black Men which are doing a phenomenal job when it comes to educating our black boys. Mr. Phillip Jackson who also has a program...actually started his own school called Saturday academy as well and now has been recognized by New York as being one of the finest schools when it comes to teaching our boys. The fact of the matter is this is about choice, pure and simple. If I have a choice to be able to take my boys and put them in a school, I should have that choice. And so I'm hoping that the group would look at the choice aspect of it. And that's why I'm supporting this bill. Thank you. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Hamilton. When you talk about educating in the African-American community...I was really serious when I said to Jason it would be really nice if he could back here in Nebraska. Have any suggestions on how we can encourage more young black men to go into education and be the role model in front of the classroom? [LB972]

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WILLIE HAMILTON: Well, OPS used to go out to the predominately black universities and actually recruit folks from the university and bring them back. By I think they'll have to do a better job to do integrating within our community. But we have a problem because a lot of our kids are not achieving at a high level. And until we fix that problem, we'll always be coming right back to the situation of trying to find more people of color to maybe go into education. [LB972]

SENATOR SULLIVAN: Thank you. Senator Cook. [LB972]

SENATOR COOK: Thank you, Senator Sullivan, and thank you, Mr. Hamilton, for joining us today. I have a question. You mention that the 100, in I don't know what city, have the Eagle Academy. [LB972]

WILLIE HAMILTON: Eagle Academy, I think they're out of New York. [LB972]

SENATOR COOK: Okay, right now there is no expressed prohibition to the creation of a charter school. What do you think the primary barrier would be to starting a charter school without this legislation or without taking resources from the public schools? [LB972]

WILLIE HAMILTON: I don't know, interesting question. Why would it have to be taking resources from the public schools when it's supposed to be about the kids? The resources should follow the kids, shouldn't they? [LB972]

SENATOR COOK: Absolutely, and we have that as a policy, but there is a finite pool of money. And we had a long and painful discussion about that money last year. What this bill is asking is for taxpayers to fund a school which is not under the purview or dominion, if you will, of the public. This is proposing a board of trustees would run it. And my question to you would be, what's stopping Black Men United or 100 Black Men or--there is in existence, the Jesuit Middle School--from starting without this statute? [LB972]

WILLIE HAMILTON: Well, first of all, we don't have the...Black Men United don't have the experience to be able to start a charter school. [LB972]

SENATOR COOK: Okay, it's an example. [LB972]

WILLIE HAMILTON: So that's not our lane, if you will. I guess you would have to ask 100 Black Men, would they be available to do things like that. But there are examples out here where we could tap into. Phillip Jackson didn't ask permission to start his Saturday academy in Chicago. So maybe that's something that we should look at here, to actually to go and do work. I don't have the capability to be able to do it. [LB972]

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SENATOR COOK: All right, thank you. [LB972]

SENATOR SULLIVAN: Any other questions? Thank you, Mr. Hamilton. [LB972]

WILLIE HAMILTON: Thank you. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

DEBORAH ANDREWS: (Exhibit 1) Thank you. My name is Deborah Andrews, D-e-b-o-r-a-h A-n-d-r-e-w-s. My testimony today is in support of LB972, the Independent Public Schools Act. I found out firsthand that parents need school options for their children. Lance Izumi featured my story in his 2007 book Not As Good As You Think: Why The Middle Class Needs School Choice. Despite my child's love of learning, he was failing in Westside schools at every level. I could not understand why. School administrators advised me the reason my child was having so much trouble resulted from him spending too much time on his computer at home after school. We didn't own a computer. After speaking out about instructional practices employed by Westside schools, I received a two-page letter from a 20-member law firm accusing me of libel. The letter ended with this statement, and I'll quote from it, "Westside demands that you cease and desist from making any such defamatory statements in the future. Westside also demands copies of all writings of every kind in which you expressed any statements, opinions, or allegations relating to Westside." I learned why parents don't speak up. I realized efforts to improve my child's education at Westside would be futile. Fortunately, our financial resources allowed us to exercise school choice. My child's 4th grade escape from Westside to an Iowa school providing effective curriculum and instruction propelled him toward a Ph.D. in chemical engineering. I'll share a quote from my son's advisor, "His dedication, brilliant mind, and results to date will lead to a dissertation of outstanding quality and scientific discoveries of broad and extraordinary impact." In Nebraska, school choice exists only for the privileged. The poor are trapped in schools which produce ghastly results. The 2013 National Assessment of Educational Progress Nebraska reveals just 23 percent of poor students scored at grade level or above in 4th grade reading. I urge you to allow children of all incomes to escape learning failure and have the opportunity to reach their greatest potential in an independent public school by voting in favor of LB972. [LB972]

SENATOR SULLIVAN: Thank you, Mrs. Andrews. Any questions for her? Thank you very much. Welcome. [LB972]

SHARIF LIWARU: (Exhibit 2) Thank you. My name is Sharif Liwaru; it's S-h-a-r-i-f L-i-w-a-r-u. I am a proponent of this because as a community member I'm involved in a variety of things. But first and foremost, I am a father and husband. We have three children. My youngest is 16. I have a son in college who is 18, and a son that is 22

today. And one of the things that I've been able to notice as a parent is a reason why I'm in support of this. I also work as a consultant for school districts, K-12, on attendance. And so I've been involved in elementary, middle, and high schools within three different districts and able to see from a community collaborative perspective working with the school administrators, working directly with students as well as with parents. And I've been able to get feedback from them that let me know that is an important opportunity to say that a student has the option to be able to go to a school that resounds with that student. As a father, I noticed that my oldest son struggled in certain categories of school, and one of the things that he excelled in was his media intelligence. And as we find that there's certain type of testing that tests certain levels of intelligence or proficiency, his skill level was not really one that was taken advantage of. He didn't find a niche for him in those particular areas and had to develop those on his own which he had some opportunity to do and explore. And one of the things that he will tell you is that if he was able to be in a school where he had a choice of being in a school that tailored to his interests and expertise and grew in that particular area, he would be able to do well with that experiential education. We work a lot with service learning, and we have found that that has been something that is a benefit for a lot of students who are hands-on, kinesthetic learners. And an independent school can often allow an opportunity where an entire structure and curriculum is put together that allows that student to learn by doing. This student would obviously need to learn how to read and read well and be proficient. But one of the things for me going through school was that I did not see examples of myself within the schools. And some of that had to do not so much with the educators, although that was applicable as well, but also in everything that was shown to me. What I learned about my people and my history and my culture and my heritage was something that was learned outside of the classroom. I was able to take that information and bring it back to the classroom and had...conversations that happened, bring things to the table. And sometimes I would have an occasional teacher, who because I brought certain points to the classroom, would go out and do research themselves and bring that to the attention of the rest of the students validating the things that I would bring to the table. I had some teachers though who were a little disturbed at the fact that when they said, do a story on an inventor, mine was an inventor who came from my heritage or my history. If they said, do a book report, an autobiography or talk about a scientist or look at world history, I came from a perspective that included me in that culture and heritage. Within school, being able to adequately tell the story of the American experience of my ancestors as enslaved peoples without a sense of watering it down. But also, celebrating that before that we had a rich and beautiful culture and what was going on now in the continent where I came from. These types of things would help me to find relevance in my education, but again, I had to get them from my father, from my mother, from outside the school system. And I felt that I would do tremendously better within the academic arena if I was able to be at a school, an independent school potentially, but it would have been nice if there was a school curriculum that allowed for that within a public school system. So I found that there are certain things I learned. I'll give you an example. We're talking

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about twins and how in American culture the first twin out is the oldest. And if anybody has twins share with them this. It's the first one out that was sent by the oldest to go see how things were. This is what my people teach me. This is my heritage and my history. And so when we look Nebraska joining in on this conversation related to this independent school, don't look at it as you are not the leader. Look at it as you sent the rest of the states out first, let them find out what was going on, make their mistakes, and then when we do it as the pioneers that we are as Nebraskans, we are not behind everyone else, we just sent the rest of them out first. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Liwaru. [LB972]

SHARIF LIWARU: You're welcome. [LB972]

SENATOR SULLIVAN: Senator Scheer. [LB972]

SENATOR SCHEER: Thank you for coming today. And believe me, I will remember that because I have twin granddaughters that are a very young age and at some point in time that will come in handy I'm sure. [LB972]

SHARIF LIWARU: Good. [LB972]

SENATOR SCHEER: When you were in school, did you attend a school in Nebraska? [LB972]

SHARIF LIWARU: I did attend...actually I attended my senior year here in Nebraska. I came to Nebraska to go to college. Residency is cheaper, so I came a year early. [LB972]

SENATOR SCHEER: Okay, when you were attending which would be, right, years ago, and I only say that by the age of your children, but were there people of color that were instructional leaders that would help try to mentor you at that time in your high school career? [LB972]

SHARIF LIWARU: Here in Nebraska? [LB972]

SENATOR SCHEER: Um-hum. [LB972]

SHARIF LIWARU: Yes, very briefly. My first experience...I have a foster brother who is white who came with us. My first experience in Nebraska was that we could not ride the same bus to school. He was white. He got special exception to go to school as part of the balancing situation. I had to get on the city bus to go, really a poor introduction to Nebraska's education system though the intent I'm sure was good. But when I got to the school, there were not black educators that were teaching the classes that I was in.

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With that being said, Coach Ball, the football coach taught an African-American history and heritage class which I took. And the information that he provided in that class was extremely beneficial. But I did find them outside of my own school. James Freeman would be an example of one. Mel Clancy would be another. And then Elmer Crumbley would be a third that I sought who were outside of my own school. I did have administrators there, both Haynes who was the assistant principal at the time, and Harvey who was a principal, who I saw immediately as role models, and they have been mentors to me from that point forward. [LB972]

SENATOR SCHEER: And now with your children, and I'm assuming they've gone through the Omaha system... [LB972]

SHARIF LIWARU: Yes. [LB972]

SENATOR SCHEER: Were their teachers any different than yours would have been during their career? Had it changed from your time in class to your children's time? [LB972]

SHARIF LIWARU: It has not. I think that for me in looking for opportunities for them to be involved, there are teachers that they had. I say they have not...Mr. Williams at Omaha North High School is a mentor to my son and now my daughter who are at North High School, and they had a teacher that was able to push them tremendously within that. If I'm looking at K-12 though, I would say that the experience still has been a smaller number. And I heard earlier the question related to being able to recruit more and pull more from our communities, men as well as African-Americans that are in the field of education. And I think that that can be done when you have a curriculum that allows a freedom to be able to say, I'm going to incorporate the educational components that we need to, but be able to come from a culturally relevant perspective. [LB972]

SENATOR SCHEER: Did you believe that when your children were going to school that the expectations were set high for them? [LB972]

SHARIF LIWARU: We set them extremely high. [LB972]

SENATOR SCHEER: Were they set high in the school system? Were there high expectations of them? [LB972]

SHARIF LIWARU: No. If I'm going to say overall, this is a yes or no question. So I would say, no. I had many times where... [LB972]

SENATOR SCHEER: You can answer however you'd like. It doesn't have to be yes or no. [LB972]

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SHARIF LIWARU: Yeah, sure. When looking at...for example, one of my children's teacher at the parent-teacher conference saying, he's doing pretty well. He's doing a great job. I love him. He's really funny. He's a great guy and all of this. His grades are what? He has a C in my class. Please do not ever tell me again that my son is doing well, and he has a C. And I would find that too often that the expectations reflected were that he was doing well because he's personable and doesn't cause problems and maybe brings some great topics to the classroom, but that's not performing well. And so sometimes we would have some challenges related to the expectations. And for my oldest, who some of the classes were not in advanced placement-type of classes, then they would find it...not that it was his weakness in a particular area that led him to do that. For example, he may excel in reading and not as much in mathematics. So he's in a basic mathematics class. And so they're saying, well, average grades, he's an average kid. I have other children. The other two may have been advanced placement classes. Expectations were often laid very high for them in those advanced placement classes but much after once we told them what our expectations were as parents. The teachers usually follow them pretty well with holding up to our level of expectation of our students. [LB972]

SENATOR SCHEER: Okay, thank you very much. [LB972]

SHARIF LIWARU: You're welcome. [LB972]

SENATOR SULLIVAN: Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you, Madam Chair. Thank you very much for your testimony today. Wanted to ask you, you moved to Omaha as a senior in high school? [LB972]

SHARIF LIWARU: Yes. [LB972]

SENATOR KOLOWSKI: And from the combination of both your family you were raised in and the public schools or wherever you attended school, could you tell us where that was and what district that was in? [LB972]

SHARIF LIWARU: I grew up in California. [LB972]

SENATOR KOLOWSKI: Okay, was it one district you were in? [LB972]

SHARIF LIWARU: Yes, two districts, southern California in Urbita and then Tulare Union which is in central part of California a little below Fresno, so two school districts. [LB972]

SENATOR KOLOWSKI: Thank you very much. [LB972]

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SHARIF LIWARU: You're welcome. [LB972]

SENATOR SULLIVAN: Any other questions? Thank you again for your testimony. [LB972]

SHARIF LIWARU: And thank you for your time. [LB972]

SENATOR SULLIVAN: Um-hum. [LB972]

KEVIN LYTLE: Good afternoon. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

KEVIN LYTLE: I'm Kevin Lytle, and I represent, at the end of the day, the black community in south and north Omaha. I am here as a proponent of... [LB972]

SENATOR SULLIVAN: Could you please spell your name, please? [LB972]

KEVIN LYTLE: Oh, Kevin, K-e-v-i-n, Lytle, L-y-t-l-e, Junior, and I am a proponent of LB972 and one of the reasons why is that I lived in a couple different cities and moving back to Omaha, Nebraska...part of that reason was that Omaha was growing. The issue that I had was that although Omaha was growing, north Omaha, Omaha that represented the people of color was not growing in the same way. You heard all over the country how Omaha is being recognized and Omaha is progressing, but there was this spot, this black spot so to speak in Omaha. And it was black Omaha. It was north Omaha. And I wanted to do something about that. It took me a while to get into that lane, but now as a service provider of outside education leadership and life skills of young black boys...young urban boys, so they don't always have to be black, but those who reside in these areas of poverty, these areas of struggle, those are the young men that I serve. With that said, one of the things that I talk to them about all the time is how to get from here, their area where they see certain things to the rest of the world. And it seems to me that Omaha is...everything in Omaha except for north Omaha represents the rest of the world. But in north Omaha there's this box. They feel like they're in a box, and there's this box mentality. And whether it's OPS, whether it is all these other areas or all these other entities, they are not doing enough to help our students to understand what the rest of the world looks like and how they themselves can fit and not just survive but thrive in the rest of the world. Too often we're dealing with growth and we're talking about independent public schools or charter schools. The city is growing, but there's a small area that doesn't seem to be growing. And I don't understand that if this small area isn't growing, why are we not being more open to the possibilities and to all the possibilities of helping this small area grow? If you are talking about a school district that serves close to 33 percent black students and has a large number of free and reduced

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lunch students which we're using that to basically measure poverty, and if we are, then we have a large number of students who are in poverty. And these large number of students, this gap is continuing to be increased between those who are not in poverty and those who are in poverty. And I just don't understand why we are not...why we don't have a larger sense of urgency to attack what that looks like. Omaha is progressing, but north Omaha is...we're not. And we're not necessarily asking for anyone to come in and be our savior, but we are asking for the opportunity or the freedom to create things that we can help save ourselves. [LB972]

SENATOR SULLIVAN: Thank you for your testimony. Why do you think this box has been created, and what are the barriers that have created it? [LB972]

KEVIN LYTLE: As we keep hearing and as I watch certain things, read certain things...you know, you talk about poverty. That's one of the reasons why this box is created. And then, you know, you hear some of the other testimonies, and so you talk about how...well, you got poverty, and poverty is basically supposed to feed crime. It's supposed to feed, you know, all these different things, and I guess I thought that education was supposed to be the key to eliminating poverty. But for whatever reason, that's not happening. [LB972]

SENATOR SULLIVAN: I overlooked maybe what you had said in your introduction. What do you do? What's...? [LB972]

KEVIN LYTLE: I'm what you call the vice president of programming for nonprofit organization that teaches leadership and life skills to young urban males. [LB972]

SENATOR SULLIVAN: Okay, thank you very much. Any questions? Yes, Senator Scheer. [LB972]

SENATOR SCHEER: If this bill were to pass and there would be availability of schools, what would you envision them to look like? [LB972]

KEVIN LYTLE: I would envision these schools to look like an environment where every staff member, every educator is there with the understanding of what the children being served truly need and that have the capacity to meet those needs based off an educational background, based off an experience background, and based off a true care of what our students, what these students are truly capable of bringing. [LB972]

SENATOR SCHEER: Okay. Thank you. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Kolowski. [LB972]

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

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and for your work in both north and south Omaha. Your excellent analogy of the box I think is very much on target. But I wondered, in my 46 years in Omaha, looking at the growth of the city, and I wonder if there's been some entrances and exits built to that box that have expanded the black community to way beyond its boundaries of 1967, for example, when I moved to town. Seems like there's more opportunities in more places. I look at the African American Achievement Council and many other groups that are active and busy in the north Omaha area and trying to make a difference in the quality of life for all citizens there. Is there some truth to that expansion as well and the opportunities that have presented themselves? [LB972]

KEVIN LYTLE: I feel that to answer your question, is there some truth, I guess I would say, yes, there is some truth to that. What I would, I guess, argue is that we're talking about a large collective with a collective mind-set. And that mind-set, while you can find a few individuals and then a few groups and a few organizations that target a certain mind-set, we're talking about a large collective mind-set. And not too many places, there are organizations here today that are being represented that target that large mind-set. But whether it is OPS, whether it is a lot of different entities in this, in Omaha, that claim to serve the best interests of this large mind-set, it's not being served properly. It's being underserved and so, thus, the results are way below what they need to. And again, I'm here to talk about...I'm here...I'm dealing with a sense of urgency. Those children of color, those underserved, those free and reduced lunch children, it's...we've fallen behind too far and there needs to be something, even if, again, it is an option granted and provided by LB972 to allow us and allow people that have an understanding of what these children need, that have the passion to deliver the results and have the capacity to do so based off of their needs. I think that option needs to be available. [LB972]

SENATOR KOLOWSKI: Thank you. [LB972]

SENATOR SULLIVAN: Senator Cook. [LB972]

SENATOR COOK: Thank you, Senator Sullivan. And thank you for coming, Mr. Lytle, today... [LB972]

KEVIN LYTLE: Thank you. [LB972]

SENATOR COOK: ...to testify. And I absolutely agree that education is the...is one of the ways that we can truly invest publicly to turn children's lives around. My question to you is this. Under the terms of this proposal, the school would be run by an independent board of trustees. [LB972]

KEVIN LYTLE: Okay. [LB972]

SENATOR COOK: What are your feelings about using public dollars to a private entity

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without the opportunity for public input? [LB972]

KEVIN LYTLE: First and foremost, I would say that my feeling is that public input, a public entity or an organization, even if it's private from the district, should and is supposed to represent the people, and it gives the people an opportunity, based off of their experience and their expertise, to come together and to be the ones who administer these schools or bring these schools to the neighborhood. And from my understanding, this bill would give the people that opportunity. It's not just a private company coming in. Am I wrong on that? [LB972]

SENATOR COOK: Well, the district...the proposal describes a board of trustees. [LB972]

KEVIN LYTLE: Okay. And so am I... [LB972]

SENATOR COOK: And I think the presupposition and all of our hope, of course, would be that there would be some sort of input. But at the end of the day, lawfully and legally, it would not require that. My other question to you is you're probably aware that the Omaha Public School District undertook or is still undertaking a strategic planning process... [LB972]

KEVIN LYTLE: Yes. [LB972]

SENATOR COOK: ...and is executing some of the preliminary results. [LB972]

KEVIN LYTLE: Correct. [LB972]

SENATOR COOK: What are your thoughts about that having potential to do many of the things that you described? [LB972]

KEVIN LYTLE: I'm in support of it. I have children now that are in OPS and, again, many of...close to 90 percent of the young men that I'll work with, and I'll work with about 200 of them, they are OPS students. With that said, that is just one option. And again, we're talking about a city, a state that's progressing with the largest urban or largest metropolitan area, being Omaha, that is progressing in a progressing city, in a progressing...with a progressing mind-set. We don't just hang on one option. And again, we are in a sense of and in a state of urgency as it relates to our children of color, and so there needs to be more than one option. Even though I applaud some of the changes that OPS is doing, I know that is going to take a while and also know that what we're proposing today is going to take a while. But I also know and truly believe that again we're trying to progress. And the rest of Omaha is progressing and there's this area that's not, and we need to open that up to more than just one option. [LB972]

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SENATOR COOK: Okay. Thank you. [LB972]

SENATOR SULLIVAN: Any other questions? Thank you, Mr. Lytle, for your testimony. [LB972]

KEVIN LYTLE: Thank you. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

GABRIELLE GAINES-LIWARU: (Exhibit 3) Thank you. My name is Gabrielle Gaines-Liwaru, spelled G-a-b-r-i-e-l-l-e, Gaines-Liwaru, G-a-i-n-e-s hyphen L-i-w-a-r-u. And I am with African Culture Connection as a board member and teaching artist. I also substitute teach in OPS, I have been affiliated with through internship, teaching full-time, and subbing now for ten years. And I have organized my thoughts more on a letter, so I'll just kind of read as my testimony. Public education choices, equal rights, equal democracy: As a person with African-American heritage, 8 years of being a certified teacher in Nebraska and 22 years' experience being an involved and passionate parent in Omaha, I strongly feel that it's time for innovative changes in what we offer our kids for a positive educational pre-K through 12th grade experiences. As I was taking teacher education courses at UNO, I was raising my own children, three of them, and growing in awareness of student needs. I joined our neighborhood school's PTA and served as a paraprofessional intern in the building. What I began to see was a distance between what I thought all educators and staff were there for--the best interests of all kids--and what was happening, especially to boys with African-American heritage. My son was one of those students. I saw him labeled. We were on free and reduced lunch, though both parents were pursuing college education. I observed examples of discrimination and missed opportunities for affirmation and empowerment. On the other hand, I saw effective teachers who had a huge impact on my son's development and remained positive support while he was in their building. However, I knew the negativity he received in that same building would hold him back from achieving in a higher capacity. And so what we did at home was one thing, but I knew all those hours that he was required to be in public education, that that was a critical time. So I entered him in the lottery for attending a magnet school which would challenge him in math, science, and technology, which he had high aptitude in. I prayed for acceptance because I knew his future hinged on switching to that school. I wished I had more power of choice during that time but only could pray to the higher power. He was accepted, which also meant that his younger sister could also follow that better path. But what if he hadn't been? The neighborhood school they left eight and ten years ago is failing AYP and has been struggling for all of those years. That's only one story, which continues with my son having graduated from North High School with multiple scholarships to go to college. But I'm not sure about many students who were and are on that disempowered elementary path. When I taught full-time in middle school, I saw the majority of habitual in the back office for disciplinary action students were nonwhite students. As I taught, I

found that my diverse student dynamics and needs required customized curriculum and lesson enrichment that no textbook was able to adequately handle. I served on the textbook selection committee for OPS back in probably 2006-2007, which was adopting textbook series for the 4th through 6th grade Social Studies curriculum, and I passionately gave a speech on our final meeting how we had to responsibly choose the textbooks which included contemporary and...contemporary examples and better historical representation of diverse American people, only for the majority of that committee to go with the textbooks that had more bells and whistles that accompanied it. I've had class sizes of 32 students enrolled, with so many needs to differentiate, in a classroom built to accommodate only 28 multiple times. I've been to public forums for strategic change and served on a diversity committee that was highly ineffective and not proactively engaging committee members to advocate for all our students. I've taught in some building...or the same building as a teacher who yelled at students and called those students animals and seen them nominated for awards. Change is slow within a major school district, affecting the lives of my children and those I consider my children--that's all students who I continue to see as underserved. We need options for these children through LB972 and passionate effective educators for them. [LB972]

SENATOR SULLIVAN: Thank you for your testimony. Any questions? Senator Scheer. [LB972]

SENATOR SCHEER: You made note that your children were selected in a magnet program, and it obviously worked very well for them. So some of what OPS is doing, realistically they're doing well. In your opinion, because I hadn't really thought of it, would you envision the charter or the...could be a magnet type school to be more of an elementary-middle school, or a K-12 facility? What would you be envisioning by the ability of this? [LB972]

GABRIELLE GAINES-LIWARU: Thank you for that question, Senator Scheer. I envision the most successful route being pre-K through 12 for all of it, because the forces out there right now in the twenty-first century are different than when you were in school and when I was in school. The digital and information age and the social networking, there's a lot of media influence and things that have not been regulated the best for wholesome character development of our students. It's really important to me that if we did have elementary education on a charter school or independent school kind of format, that they would be able to have the experience at least through middle school but even in high school. I think there would be better preparatory for careers that are related to college-bound professions or even trade or occupational things. [LB972]

SENATOR SCHEER: The other question I would have, because, in listening to even Senator Lautenbaugh to start with and the speaker from New York that is with a school there, there are successful programs and there are unsuccessful ones. And what would your reaction then, as a parent, be if a facility was started in Omaha, your child

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was lucky enough to be received in that, but yet it really did no better and possibly worse than what was going on? So, you know, because we always look at the panacea... [LB972]

GABRIELLE GAINES-LIWARU: Uh-huh. [LB972]

SENATOR SCHEER: ...of something being better, but there is the chance that things would not work out as well. So I'm just wondering what the thought pattern, as a parent, would be. [LB972]

GABRIELLE GAINES-LIWARU: My opinion would be if we have LB972 then we still have options of choice. So if that's what was failing the needs of my child or children that I really care about, especially if I had anything to do with that school...if I'm a parent, you know, I would be highly involved there and I would expect and hold, you know, everyone accountable for making adjustments that they would need to. If that didn't happen, and they went under, then there's still an option of choice. Also, right now currently with the public education system, I feel like there's nothing to lose. [LB972]

SENATOR SCHEER: Okay. Thank you very much. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Haar. [LB972]

SENATOR HAAR: Yes. Thank you. How do you think, if we really got serious about preschool all the way down, you know, the sort of thing that Educare is doing in Omaha with sort of birth through kindergarten, how would that make a difference in...? [LB972]

GABRIELLE GAINES-LIWARU: Thank you for that question, Senator Haar. I think that the early childhood education, we all know, is critical. But though I know I worked with my three children very hard, reading to them, doing lessons at home, and then I got even better as I was going through the teacher education courses and I stayed home with my kids. I didn't put them in day care and I didn't work, and we were struggling. [LB972]

SENATOR HAAR: Uh-huh. [LB972]

GABRIELLE GAINES-LIWARU: That's why we were on free and reduced lunch. But I had a lot of sense. [LB972]

SENATOR HAAR: Uh-huh. [LB972]

GABRIELLE GAINES-LIWARU: So we know that's a super-impacting age that has to be handled correctly and we know that some parents or some situations are not best. So that's critical, but beyond that, when they enter, there has to be curriculum that

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showcases positive identity for those kids that had positive experiences with nursery rhymes and the foundational things. Then they have to be moving very progressively into seeing themselves as successful citizens and adults and contributors to society. [LB972]

SENATOR HAAR: Uh-huh. [LB972]

GABRIELLE GAINES-LIWARU: So what I'm seeing in public education system right now doesn't do that effectively. [LB972]

SENATOR HAAR: Uh-huh. Are you teaching right now? [LB972]

GABRIELLE GAINES-LIWARU: I am a substitute teacher and I also have my own entrepreneurial company called G. D'Ebony Outreach, which is for youth empowerment, and I am contracted to work with any age group of kids and give them positive identity kind of experiences and through the arts integration especially. [LB972]

SENATOR HAAR: Uh-huh. [LB972]

GABRIELLE GAINES-LIWARU: I'm certified, art K through 12 and ESL K through 12. [LB972]

SENATOR HAAR: Okay. Subbing is tough. I've done that. [LB972]

GABRIELLE GAINES-LIWARU: It's tough, but it provides me with an opportunity to connect with students who may get a different perspective and more empowerment through me being there, and I look at it one day at a time making a difference or planting seeds; that I can't change a whole system but I can be out there and do something like that. If I have an opportunity to work in a charter school or independent school, it would probably be a wonderful experience for me. [LB972]

SENATOR HAAR: Okay. Thanks. [LB972]

GABRIELLE GAINES-LIWARU: Uh-huh. [LB972]

SENATOR SULLIVAN: Thank you for your testimony. [LB972]

GABRIELLE GAINES-LIWARU: Thank you. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

ZAIID LIWARU: Thank you. My name is Zaiid Liwaru, that's Z-a-i-i-d, last name, Liwaru, L-i-w-a-r-u. My emphasis for my testimony, I'm a proponent of LB972 and I'd like to

emphasize the amount of care that teachers and parents provide that ensure a student's success. So my mom gave...my mom is Gabrielle, my father is Sharif, they gave a lot of background information on what I was going to talk about. But through things that they taught me, I was able to adapt to different situations in school where I didn't feel like I was successful enough or doing well, and I didn't really have the resources to overcome those. But their care and also with, later on in my life during my high school years, Mr. Williams, the National Society of Black Engineers was a group at North High School in Omaha, and he pulled me aside as a freshman during open house and asked if I knew anything about engineering. I said no, but then, when he started explaining it, I realized that different things that I liked to do were relevant. So through that, it wasn't...the group became a mentorship of him and then...give me one second. He mentored a group of about 20 students. Each year he would take them on a trip where in those different places--for my first year I went to Toronto, I went to Pittsburgh, I went to St. Louis, there was another place--but through those, when we got to the convention we saw...I saw a lot of people that were my skin color that were doing things with their life that were really successful. And being able to see that, getting outside the box of Omaha, was really nice. And I got a bigger picture and I also realized that I shouldn't think outside the box. I should just think like there is no box because that's...because...yeah. (Laugh) With more emphasis from...more emphasis on learning and more emphasis like Mr. Williams gave to me, more culture in the curriculum would be beneficial. I notice that students in his program, the seniors each year, will go through filling out scholarships and he encouraged us to fill out at least 75. We would fill out approximately like 50, well, I filled out around 50--a lot of them were small ones--because getting your name out there to get money was a big thing. But no one else besides my parents and...well, you hear from adults to go get the scholarship money but then there's like...you just...you feel like the competition around you is just...you're not good enough. But with the push of my parents and the push of Mr. Williams, I received a full ride scholarship to UNO and also I'm getting paid extra to go there. And in the scholarship program that I'm in is the Goodrich Program, and they emphasize diversity. And so when I got to the Goodrich Program, in college in general, this is my first year of college, it's a lot different than high school. Things are very basic in high school and I just...I did what I could. I just did what...to get by, basically. I just did what I needed to, to get that B or that A. But other than that, you're just learning day to day and you're preparing for tests back to back and not so much a focus on learning. During my time at North High School, the four years I was there, the grading scale was changed five times. And so it was kind of hard to learn as you're adjusting to these different things. It made me more adaptive in the end, but it was just a lot to go through for everybody. And I think that you should teach your children, parents should have a choice of who teachers, like who teaches their children and especially if test scores are met or requirements are met or exceeded. And that's my stance. [LB972]

SENATOR SULLIVAN: All right. Thank you for your testimony. [LB972]

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ZAIID LIWARU: You're welcome. [LB972]

SENATOR SULLIVAN: Any questions? Senator Cook. [LB972]

SENATOR COOK: Thank you, Senator Sullivan. And thank you, Mr. Liwaru, for coming today. [LB972]

ZAIID LIWARU: You're welcome. [LB972]

SENATOR COOK: You obviously have excellent parenting and that is key to success in any kind of school environment--public, private, parochial, whatever. [LB972]

ZAIID LIWARU: I agree. [LB972]

SENATOR COOK: So you attended Omaha North High School,... [LB972]

ZAIID LIWARU: I did. [LB972]

SENATOR COOK: ...which is a magnet school. [LB972]

ZAIID LIWARU: Yes, I did. [LB972]

SENATOR COOK: And it sounded like you got some opportunities there, yet you were testifying in support of the creation of...well, I'll refer to them euphemistically as charter schools which would be outside of the purview of the public schools. [LB972]

ZAIID LIWARU: Correct. Correct. All right, so... [LB972]

SENATOR COOK: Okay, expound upon that idea. [LB972]

ZAIID LIWARU: All right. So Mr. Williams, to me, he was ostracized by the rest of the school actually, but he was doing a lot to push for the kids. He's the only licensed engineer at Omaha North High School, which is actually an engineering magnet, so. But the people in charge of the engineering department there, which is the magnet focus of the school, they're actually not licensed, I found out. And I thought that was really weird that he was being put down and... [LB972]

SENATOR COOK: Okay. [LB972]

ZAIID LIWARU: I told the rest of my peers who weren't really in NSBE, like NSBE was about engineering but it was just an opening to what's outside the box, outside of Omaha. So there are people in the program that won't even be engineers, but it was a collective brotherhood and sisterhood. So with Mr. Williams' mentorship, I was just

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emphasizing on that one person, like a teacher caring, that helps out a lot more, even if...because all the stuff that we did, we did it as a part of the school but, honestly, we felt as if our goals were different than, you know, the rest of the school, I would say. [LB972]

SENATOR COOK: Okay. [LB972]

ZAIID LIWARU: Does that answer your question at all? [LB972]

SENATOR COOK: Yes. [LB972]

ZAIID LIWARU: Okay. [LB972]

SENATOR COOK: Thank you. [LB972]

SENATOR SULLIVAN: Senator Seiler. [LB972]

SENATOR SEILER: What type of engineering are you going into? [LB972]

ZAIID LIWARU: I was going into civil engineering. I just recently decided not to do engineering. I like to have more of a social and business perspective on what I want to work with. I want to work with renewable energies, so the civil engineering route was the route that was suggested. But I find my other talents to be more overwhelming than those. [LB972]

SENATOR SEILER: I think you're the second or third witness that's talked about Mr. Williams. You might want to consider going back there and replacing him. [LB972]

ZAIID LIWARU: If Mr. Williams...if it was a school, a charter school, with all "Mr. Williamses," then that would be my ideal school, because he truly cared beyond just requirements. And he actually...like he connects with me today still. And there are always those teachers who say you can't do things...or, there's not always those. Let me take that back. There's teachers that don't emphasize what you can do. That's the biggest issue. And he really showed that it makes a difference. [LB972]

SENATOR SEILER: Thank you very much. [LB972]

ZAIID LIWARU: You're welcome. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Scheer. [LB972]

SENATOR SCHEER: This has nothing to do with the bill today, but you're in college, so did you take the ACT? [LB972]

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ZAIID LIWARU: I did. [LB972]

SENATOR SCHEER: And when you got the results, and I'm assuming that you did well in that, did that give you more confidence then to go on to further your education? [LB972]

ZAIID LIWARU: No. [LB972]

SENATOR SCHEER: Okay. [LB972]

ZAIID LIWARU: It didn't. Preparation for ACT, they talk about it in the classroom, but sometimes you feel like that doesn't help because you see people who, you know, won't do anything in school. And then when they get to the test, you know they're really good at testing so maybe they get a 29. I personally got a 23, and the three times that I took it, well, I got 23 twice in a row and I was kind of deterred by that because I had actually taken steps to do better. But there's no really way to prepare for it. Well, there is, but in a way it's testing. So my third time, I got a 24 and I was...it's not a bad score. But I was a higher score than a lot of my peers and I saw that it's really deterring when you get a low score and you're like these people are getting this score, like these people are told that this is what they can do, and then people with lower scores, you know, they don't have that opportunity, but... [LB972]

SENATOR SCHEER: Uh-huh. And to be specific, the reason I was asking, I was not trying to put you on the spot, but one of the things that we are doing right now is having a pilot project in some different high schools where all the students will take the ACT. And one of the hopes is that with all the children taking that class or that test, that there will be some that will do well enough on that test that will encourage them then to go further in education. And if they weren't ever going to take that test, they may not have known that they would be able to or had the ability to do that. So that's why I was really sort of trying... [LB972]

ZAIID LIWARU: It's a good point. I also like to stress that like beyond the test there's a lot of other factors that... [LB972]

SENATOR SCHEER: It's okay. [LB972]

ZAIID LIWARU: The ACT, it's a big test and there's so much weight on it. But I think there's other elements in a person's...you know, that's why you look at volunteer like community service, also participation in school and stuff like that. But I don't know, there's just so much...there's less emphasis on doing community service and getting like involved in school than there should be. [LB972]

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SENATOR SCHEER: Okay. Well, thank you very much. [LB972]

ZAIID LIWARU: You're welcome. [LB972]

SENATOR SULLIVAN: Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you, Madam Chair. Zaiid, here you talked about a lot of different people, Mr. Williams for example and the engineering, and you've got a great facility there at North with the addition that was put on for that particular purpose. But you've also had some great leadership in your life. Your parents, either through fear and trembling or whatever, made you what you are today... [LB972]

ZAIID LIWARU: Uh-huh. [LB972]

SENATOR KOLOWSKI: ...and that's a good thing. And when you think of others around your school facility, how do you look at, for example, the young man from New York City that we had here earlier, Jason, as a principal of that elementary school and the problem, that the things he was bringing to that school as a leader in that school? How did you look at Mr. Haynes at North, for example? [LB972]

ZAIID LIWARU: Mr. Haynes is wonderful actually. He pushes for a lot of things. [LB972]

SENATOR KOLOWSKI: Uh-huh. [LB972]

ZAIID LIWARU: As principal, there was a sense of "mentoringship" that he had among all the students, of course. And his efforts with Mr. Williams were very productive. Since the school, like the democracy of the teachers, I heard a lot about their meetings that they get into and then they're like arguing over a specific thing. And then, you know, somebody gets thrown under the bus. But... [LB972]

SENATOR KOLOWSKI: Politics, yes. [LB972]

ZAIID LIWARU: Yeah, exactly. But, I don't know, there seemed like there was a lack of...like Mr. Haynes can say all he wants, but like also he has to stay neutral, you know, in terms of all the teachers. So it's also difficult to just make a change happen right away, I guess I could say. [LB972]

SENATOR KOLOWSKI: Other people, such as your counselors, did you get the counseling that you needed? Do you feel like your teacher advisors gave you the direction and cheered you along the way to your personal success? [LB972]

ZAIID LIWARU: I do, but my counselor, she was helpful but there were...it's like up to you ultimately as a student to find the people that can help you out the best. And she

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cared but, you know, I'm a student coming through the system. Like there's an amount of care for a student but then some...I realize that culturally when you like make a connection with someone you share a similar culture with or who understands the struggle, it helps out a lot better because then they can open up what the struggle is to you and let you know what's going on, because before this year I didn't even know what LB972 was. So like it's just as different things come up, you know, there's the opportunity for learning in the changing of it. But I did get the support I needed from a lot of other teachers there as well, not just Mr. Williams. [LB972]

SENATOR KOLOWSKI: So culture and a climate of caring, as Jason was talking about his school in New York City,... [LB972]

ZAIID LIWARU: Uh-huh. [LB972]

SENATOR KOLOWSKI: ...is equally as important to a high school student. You're just taller... [LB972]

ZAIID LIWARU: Right. [LB972]

SENATOR KOLOWSKI: ...and older. [LB972]

ZAIID LIWARU: True. So also, the extracurricular activities that you're opened up to, there's a lot of extracurricular opportunities in high school. But you're there for six hours, and the general...the general care for being there like as a student, like most...you ask a high school student, do you want to be in school right now, they're probably going to just say, no, I really don't; like I'm temporary, you know, day to day; I'm coming to school because I have to, not because they...or I'm coming to school because I have to prepare for this test, because I have to prepare for this before I have to do that. But there's like not a focus on...there's a focus on learning but the biggest question that comes up, and it especially comes up in math, is when am I going to use this in life again? And I found out that a lot of the teachers didn't have that answer, especially because people have their specific journeys. But there was nothing that was like...like that question would come up and it would be like, well, you know, there, you'll use it. And there it's just hard to identify with that and to see the bigger picture. Once I got to college, I realized, because when you get to college you see all the opportunities that are laid out right in front of you. It's pretty...it's there, but in high school it's really...it's blurry. It's so blurry, you don't know what you're doing with your life. I still don't, but now I see the different things going on in the university and it's...yeah, it's a lot better society for me. [LB972]

SENATOR KOLOWSKI: But many people influence you along that way and, as Jason said, it's everyone under that roof, it's not just the teaching staff. [LB972]

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ZAIID LIWARU: Right. [LB972]

SENATOR KOLOWSKI: Did you know George Anderson at North? [LB972]

ZAIID LIWARU: Yes. Yes. [LB972]

SENATOR KOLOWSKI: Did he influence you? [LB972]

ZAIID LIWARU: He didn't because I didn't do...he was mostly affiliated with the track. [LB972]

SENATOR KOLOWSKI: Right. [LB972]

ZAIID LIWARU: I didn't do track, but the people who did, he was a strong coach and especially for football as well. And he was very inspirational but, yeah, he... [LB972]

SENATOR KOLOWSKI: Lots of different mentors. [LB972]

ZAIID LIWARU: I didn't know him personally, like on a personal...so. [LB972]

SENATOR KOLOWSKI: Sure. No, that's okay. Thank you for your comments. [LB972]

ZAIID LIWARU: Uh-huh. [LB972]

SENATOR SULLIVAN: All right. Thank you so much for your testimony. [LB972]

ZAIID LIWARU: You're welcome. [LB972]

JIM VOKAL: (Exhibit 4) Chairwoman Sullivan, members of the Education Committee, my name is Jim Vokal, J-i-m V-o-k-a-l, and I'm the CEO of the Platte Institute for Economic Research, a Nebraska-based, nonpartisan, free-enterprise think tank. I'm here today to support LB972, or the Independent Public Schools Act, which would allow the formation of public charter schools in Nebraska. Nebraska has a strong tradition of parent-controlled education. It is home to the 1923 Supreme Court ruling, in Meyer v. State of Nebraska, affirming the right of parents to control their children's education. However, Nebraska is one of few states without a charter school system which would greatly improve the ability for parents to continue to control this aspect of their children's lives. Public charter schools combine the accountability and oversight of traditional public schools with the flexibility of private schools. A charter school system would give parents the ability to have more influence, not only in where their children go to school but also what and how they are learning. Charter schools give teachers the flexibility to teach curriculum that they deem to be the most effective. This ability has given rise to a wide variety of schools that focus on back to basics, career technical training, college

preparatory, and math and sciences. This educational autonomy also brings with it accountability. Public charter schools are held accountable for meeting the terms of their performance contracts, which detail each charter school's mission, program, goals, students served, financial plan, and assessment methods. If a charter school doesn't perform up to its standards, it will close. Charter school parents applaud the benefits of new teaching methods, greater accountability, and innovative programs that lead to not only benefiting their children but also the community. In 2013, the Platte Institute published a policy study, "Comparing Public and Private Schools in Omaha." In that report, a 2009 survey showed that approximately 90 percent of Nebraskans attend public schools, but only one in five parents surveyed would send their children to public schools given other alternatives. In this study we found that, like the rest of the state of Nebraska, Omaha voters across political parties support school choice options and policies that help parents access these options. Not every charter school necessarily has been successful. However, research studies published since 2010 show positive results for students who attend public charter schools compared with traditional public schools, especially with minority students. Three national studies and ten studies from major regions across the country found positive academic performance results for students in public charter schools compared to their traditional public school peers, suggesting a strong upward trend among new studies in the effect of public charter schools on student performance. Some of the examples from that research I speak of: According to the Florida Department of Education report released in March of 2013, that study showed that public charter schools outperform their traditional public school counterparts in math, science, and reading on state assessments. Second, the Center for Research on Education Outcomes at Stanford University, released in February 2013, found that the typical student in a New York City public charter school gains more learning in a year than his or her peer in a district public school, amounting to about one more month of learning in reading and five more months of learning in math. Student performance in Harlem public charter schools was also considered. The results for the typical student in a Harlem public charter school--approximately 25 percent of the city's charter students--were even more pronounced in math. Finally, that same organization, the Center for Research on Education Outcomes, released a report in New Jersey in 2012. That report found that students in New Jersey public schools...charter schools, I should say, on average made larger learning gains in both reading and math, compared to their traditional district school peers. Studying five years of data from 2007 and 2011, and six tested grades, 3rd through 8th, this report found that New Jersey charter school students on average gain an additional two months of learning per year in reading and an additional three months of learning per year in math, compared to their peers in district schools. There are hundreds of other examples that illustrate charter schools are making serious strides that outperform the status quo. Senator Kolowski, anticipating your question, based upon best practices across the country, we recommend, based on best practices, four items included in any sort of legislation involving charter schools: first, a transparent charter application and decision-making process; second, performance-based charter contracts; third, comprehensive public charter school

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monitoring and data collection process; and finally, a clear process for revocation. In addition to providing these suggestions, within two weeks the Platte Institute will be releasing a policy study on the fiscal consideration of school choice programs on Nebraska's budget. It's time to do what is best for Nebraska families, which is to give them the power to choose the best educational opportunities for their children by allowing charter schools to operate in Omaha. With that, I would be happy to answer any questions. [LB972]

SENATOR SULLIVAN: Thank you. Thank you, Mr. Vokal. Senator Cook. [LB972]

SENATOR COOK: Thank you. Thank you, Mr. Vokal. I'm looking at about the fifth paragraph and it says that public charter schools are held accountable for meeting the terms of their performance contracts. To whom are they held accountable, since they would not have public elected boards? [LB972]

JIM VOKAL: Well, they're accountable to the boards, but they are also accountable because they can be closed if they don't meet those standards. [LB972]

SENATOR COOK: They're...who are they accountable to again, their board of trustees or a publicly elected board? [LB972]

JIM VOKAL: Well, both, because the charter school application under various charter school systems that we have seen, whether it's the State Board of Education that issues the charter and then secondarily the independent board of trustees. But they are also accountable to the parents. They're accountable to the parents that have active input in the application process, in the performance-based contract input, and certainly in the governing structure that is the board of trustees. [LB972]

SENATOR SULLIVAN: Mr. Vokal, in some of the research that the institute has done, have you done anything on the rate of closure of...and the process of closing charter schools and also the impact of the...that that has on the students who have been attending there? [LB972]

JIM VOKAL: I have not. While I haven't...we haven't done a policy study specific to that, I have certainly seen some best practices as it relates to who is best to govern the entities. What we have seen in the research, that is more likely for a charter school to close if a nonprofit initiates the application, if a nonprofit is the board of trustees. But anything above and beyond that, Senator Sullivan, we haven't seen anything or...but it's certainly worthy of consideration and it's certainly worthy of a future weekly Platte Chat within the Platte Institute. [LB972]

SENATOR SULLIVAN: All right. We'll look forward to that. Senator Scheer. [LB972]

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JIM VOKAL: You have my commitment. [LB972]

SENATOR SULLIVAN: Uh-huh. [LB972]

JIM VOKAL: Senator Scheer. [LB972]

SENATOR SCHEER: Thank you, Senator. Jim, you list your four recommendations. Have you looked at the current bill and does it meet those four criteria that you have brought forward, just out of curiosity? [LB972]

JIM VOKAL: Well, I did look at the bill and I also looked at the recommendations from the National Alliance for Public Charter Schools, and I just wanted to be very clear, based on the research that we saw, Senator Scheer, that those four aspects, if you looked at over a realm of charter schools across the country, those four aspects that we looked at the research of those that have continuously outperformed those in public schools, those are the four that must be included in the bill. Specifically, the bill that Senator Lautenbaugh is proposing does have a clear process of revocation. There is an application process, indeed, and it is based upon performance-based charter school contracts. I can't speak on the comprehensive monitoring. [LB972]

SENATOR SCHEER: Okay. Thank you. Thank you, Senator. [LB972]

SENATOR SULLIVAN: All right. Thank you for your testimony. [LB972]

JIM VOKAL: Thank you very much. [LB972]

SENATOR SULLIVAN: Uh-huh. Welcome. [LB972]

CLARICE JACKSON: Thank you. My name is Clarice Jackson, that's spelled C-l-a-r-i-c-e, last name Jackson, J-a-c-k-s-o-n. I am coming to speak to you guys. I am a proponent of the bill as I am a parent first and I am an advocate second for families of children who receive special education services in the public school system. I am also a advocate for families of children who have kids who have dyslexia. Speaking from a parent's perspective, my daughter, who I became the legal guardian of after working in the public school system as a Title I paraprofessional and watching her struggle and make it to the 4th grade unable to read the word "what," really disturbed me. And once I began to advocate on her behalf, I found that she had had failing grades since kindergarten. And, yes, her mother was in prison and, yes, she lived with her grandmother, who had less than a 6th grade education. But that still did not make me believe that she was incapable of learning. I went on to advocate for her to get into special education, as at that time I believed that that was the answer and that once she was placed into a special education classroom that she would receive the appropriate accommodations that she needed in order to become a grade-level reader. Well, she

was placed in special education and she was in there for a period of one year, where she made no progress. And the answer I received from the public school system was, well, we're doing the very best we can do for her. But the very best was nothing. It was only after I began to look outside the school system did I find that my daughter had dyslexia, which is still, to this day, unrecognized and undiagnosed in the school systems today, although it is in Rule 51 under specific learning disabilities as a word. I had to take my daughter from the public school system and put her in a private school, where in one year she went from a nonreader to a 3rd grade reader by receiving the right program. And so then began my journey of training myself on the laws of special education, on the laws of the school system to become a voice for other parents. I almost lost my job trying to advocate and go to meetings and beg the school system, sitting in rooms with people just like yourselves at the Omaha Public School TAC Building, superintendent, assistant superintendent, director of special education, begging and pleading with them, could you please provide the curriculum to help not only my daughter but other children that are exactly like her. Dyslexia affects one in five students across the board but is more prevalent in urban school settings. Currently, in Omaha Public Schools, of the 2,547 students that are in special education that are African-American, and we're just giving you one race, 1,036 of those are in there for specific learning disability. And according to the International Dyslexia Association, 70 percent to 80 percent of those kids have dyslexia. I have a center where I screen and test and provide tutoring that is based on evidence-based, proven methods to address dyslexia. Families, I have families and teachers who call my center daily who are frustrated because they don't have the tools needed to help children who have dyslexia. And we have parents who are frustrated, who have cried, who have begged, who have pleaded with the school, with teachers, and there are plenty of good teachers out there that are doing the very best they can, but they can't give a child something they have never been given. And so I am here today because I represent myself as a parent and I represent other parents who feel like they are stuck if their child does not fit in that one-size-fits-all model. If there's anything outside of that model that does not fit, that the school system does not recognize, then what do they do? What is their option? I'm here to say we need options. And, yes, maybe the bill as it stands right now has some questions or some issues that need to be revised. Senator Cook has asked the question of everybody, basically, up here, that's come up here: Well, it's an unauthorized governing body. Well, let's make it a governing body of community organizations that govern it. The point is, we need the choice. Right now we don't have it. That's my statement. [LB972]

SENATOR SULLIVAN: Thank you, Ms. Jackson. [LB972]

CLARICE JACKSON: Uh-huh. [LB972]

SENATOR SULLIVAN: Any questions for her? How's your daughter doing? [LB972]

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CLARICE JACKSON: She is doing quite well. Thank you. [LB972]

SENATOR SULLIVAN: Is she still in the OPS school system? [LB972]

CLARICE JACKSON: Well, actually, she's 23 now. [LB972]

SENATOR SULLIVAN: Oh, very good. All right. Very good. Time flies, doesn't it? [LB972]

CLARICE JACKSON: Yes. Yes. And that's my whole point, is that this happened when she was eight years old and I have parents still today who are coming to me with the same problem. And, yes, OPS has a different school board and I'm not against OPS and I believe that there are some good, genuine people that want to do good things. But I don't think that they are the answer to it all. And we need to provide our children and our parents with the hope that they need. You don't...you just don't know how many parents come into my...and children who come into my center crying, believing that something is wrong with them, because we have a system that is unable to help them. And I just think it's a travesty, it really, really, really is. [LB972]

SENATOR SULLIVAN: Thank you very much for your testimony. [LB972]

CLARICE JACKSON: Yes. [LB972]

SENATOR SULLIVAN: Oh, excuse me. [LB972]

CLARICE JACKSON: Any questions? [LB972]

SENATOR SULLIVAN: Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Ms. Jackson, thank you very much for being here today. Do you think there are more options with the magnet schools and the open boundaries that have been set up within OPS, because they've changed within the last six years? With the start of the Learning Community and the transfer policies, OPS did a significant set of changes to allow movement within the district that hadn't been there before, so you could go to a school that seemed to be better matched with your own child in the last, like I said, four or five years. Has that proven to be beneficial in any way? [LB972]

CLARICE JACKSON: I will say this, just as Gabrielle stated. By prayer, because I'm a woman of prayer, by prayer, my son was able to go to a school that I think was a better fit for him based on the fact that I was sent home a lottery pick and said, do you want your son to go to these particular schools. But prior to that, he was at his neighborhood school for the first four years of his academic life. And the school culture changed when the principal changed, and the expectation from his teachers was no longer there, the

expectation of the parents was no longer there. I attended a parent-teacher conference on his behalf. And my son struggles to read in math and has had below grade-level scores in that area. And as a parent, I was very, very concerned about this. And again, my son, he took the public school bus to school. And the assumption was that, when I raised the question, well, what can you offer him outside of the regular education classroom in regards to math to help bring him up: Well, we have a before-school tutoring program, but your son rides the bus and the bus won't get him here. That was the assumption. The assumption was that because my son rode the school bus, that his mother was incapable of getting him to school if that's what he needed. And then to further add insult to injury, I received a letter a couple of days later that told me that my son could not be in the tutoring program because his scores could not be used in the grant dollars. And so it took me as a parent, who was already empowered, and that's the key--you also have to be a parent who's empowered, who believes that you have a voice in your child's education. And there are a lot of parents who are products of the school system, who themselves have not received a quality education, who have dyslexia, who cannot read. And then they all now have children who are being funneled through that same system. And so we can't expect parents, some parents, to give children what they themselves never got. And so they get in front of professionals that they assume have gone to school, teachers, administrators, and so they believe they are experts and so they believe what they're being told. I am not one of those. So when they told me this, I of course said you need to put my son in this tutoring program, I could care less about your grant requirements, he needs this program and I'm his mother and I will get him there, but you need to open up the door for him to be able to do that. But anyway, he ended up going to a lottery school, but his friend was not so lucky. And when we moved, of course she wanted to move her son, but she wasn't a part in that lottery. So the only way that she could get her son into the school system, the school that my son went to, was to move her family to that side of town, which was in west Omaha, which she could not afford and she ended up being evicted. But that's what she had to do in order to get her child in a school that was of better grade, better quality. [LB972]

SENATOR KOLOWSKI: You said something early on in your comments that when your son was looking at this other school, attending that, the principal change and, I take it, things did not change for the better with the principal change, which takes me back to leadership within that building. Because your statement was that all the teachers seemingly geared down and didn't have the same high expectations for the students, which takes us back to leadership. Every time we deal with these kind of issues I think it becomes a leadership issue, not only principal for those buildings, the teacher leaders in that building who also demand that same high level of expectation. [LB972]

CLARICE JACKSON: Absolutely agree. [LB972]

SENATOR KOLOWSKI: Thank you very much. [LB972]

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CLARICE JACKSON: Thank you. [LB972]

SENATOR SULLIVAN: Thank you for your testimony, Ms. Jackson. [LB972]

CLARICE JACKSON: Thank you. [LB972]

ED TAYLOR: Good afternoon. My name is Ed Taylor, 30 years, Omaha native, four children in the Omaha Public School system, all girls of course, two college graduates... [LB972]

SENATOR SULLIVAN: And you'll spell your name, right? [LB972]

ED TAYLOR: T-a-y-l-o-r. [LB972]

SENATOR SULLIVAN: Okay. Thank you. [LB972]

ED TAYLOR: Two college graduates: one with a master's degree in education, teaching freshmen English at South High School; one a graduate from Fordham University, Central High School graduate, one at the University of Kansas as a freshman, don't ask me why; and the last one as a sophomore at Central and her first year on the honor roll as a sophomore. I represent Omaha Talons as an organization of South Sudanese young men between the ages of 13 and 17 years of age. If you understand the plight of immigrants in Omaha or in this country, you understand that the assimilation process is becoming neutral, at best. To understand a culture within a culture within a culture becomes very difficult for people who have been coming to this country for hundreds of years, but yet in the last 50 years there's been this interruption of really understanding what an American culture is like. So we take on the task as more senior men, and we try to get them to understand a process. We try to get them to understand that please and thank you is the basis for any form of communication, and the respect of your elders runs high, just like it did in many of their cultural beginnings in coming to this country. But we get interrupted by a climate of separatism, a climate of segregation that has gone on for 400 years in this country, more than 400 years, and it allows for blighted parts of our community to be pushed to the side. We're better than that, as a culture. My principal, graduating from high school in 1976 from Layton High School in Layton, Utah, was named Vaun Barber. He died within four years after he...after I graduated from high school. But he took me aside as a senior and he said to me, you know, you've got a great opportunity in this country, in this community, and that opportunity is that you're going to college. Of course, I was. Well, my father made sure of that. But Mr. Barber, as an administrator, became one of those people outside of my family that made an impact on my life. He was not African-American. He was a man that cared. We miss...we missed, from a social science perspective, what we all have that's common, which is we're all human. And we know the factors involved with OPS or any

public school entity has become tantamount in terms of being able to address the issues of the students. That doesn't make the OPS bad, doesn't make the people in the administration wrong. What it has to do is open up a channel of dialogue and communication, which I think you see in front of you, the narrative that states that we as a community would like to see alternatives in terms of our choice of education in school. If we know that education is the basis for how we survive in this world, then we know that we have to do what we have to do as administrators or from a legislative perspective to join in the conversation and the debate that puts education to the forefront, because the cultural aspects of education will tend to blend and everyone will get their say in terms of where they go in their lives. It's not happening today. We can look at the crime statistics and understand that. We know that we've privatized prisons in the state of Nebraska, as many other states have done, or we are attempting to. We know that in the state of Tennessee, charter schools have even gone so far as to start to have private schools for men and women who are coming out of prison who meet demographic age requirements, because culturally they're not...they don't understand what it means to be part of the culture. I don't...if assimilation is the wrong term, I don't know. I'm just...I'm looking at it from the standpoint that we have to find a way to get that point across to many of our young people that we are, you know, we are a community of many with the same interests for us all to be successful and to challenge each other to make sure that we provide these types of choices as an experiment, who knows, but certainly give them the option, give them the opportunity. I was fortunate that Mr. Barber placed such an impact on my life that I retired at 36 and had to get back to work at 56, but the main interest for me was to make sure that my children had the opportunities that I didn't have as a young person in terms of my socioeconomic background. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Taylor. Any questions for him? Senator Cook. [LB972]

SENATOR COOK: Thank you. A statement, Mr. Taylor. [LB972]

ED TAYLOR: Yes. [LB972]

SENATOR COOK: The prisons in Nebraska are not privatized. [LB972]

ED TAYLOR: Okay, but there are...excuse me, I misspoke. But I know that in other states it's a big business. [LB972]

SENATOR COOK: Yes, in other states, indeed. (Laugh) [LB972]

ED TAYLOR: And I know that...I know that...I know that as the wind blows in a lot of situations, those things can occur if people aren't paying attention. [LB972]

SENATOR COOK: Right. And... [LB972]

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ED TAYLOR: I think that we are not paying attention to addressing the needs of certain communities in the state, of Omaha...or the city of Omaha, and I know that...you know, I take that back. There is a contracted organization of the state at the airport, the U.S. Marshal Service is privatized, X amount of beds have been bid out to... [LB972]

SENATOR COOK: Is that a federal U.S. Marshal? [LB972]

ED TAYLOR: Well, it's in the state of Nebraska. I have no idea. [LB972]

SENATOR COOK: Okay. And I have another question. It's... [LB972]

ED TAYLOR: Go ahead. [LB972]

SENATOR COOK: ...more than a statement. It's a rhetorical question. [LB972]

ED TAYLOR: Fine. I'll listen. [LB972]

SENATOR COOK: I will preface it that. Other than the schools in your travels, are there other public institutions or public decisions that have been made along the way that have created what we observe today? I am a native Omahan, a north Omahan. Were there any decisions made along the way in terms of economic development or perhaps a highway going right up the middle of north Omaha that could also be impacting the levels of poverty there and the pathologies that we see there? [LB972]

ED TAYLOR: Certainly, I think that it's all...it's socioeconomic. The realities of not...you know, God love President Clinton and trade bills, but the fact of the matter is we exported over 25,000 jobs out of the city of Omaha, Nebraska, to India and the Philippines. If you go back and do the study and research, you can start to see influxes of change. We have to...protectionism, if that's what you want to call it, competitiveness, if we're not competing from an educational perspective, we certainly are not going to be able to compete from an economic perspective. I'm one to say in Omaha, Nebraska, we've missed the boat because of...and I was in the telemarketing industry for 18 years. I was on the board of directors for a publicly traded company called Sitel Corporation, so I know firsthand what the job implications are to our community. I was against...I wanted to move the jobs to north Omaha. We got to northwest Omaha on Crown Point,... [LB972]

SENATOR COOK: Yes. I know where it is. [LB972]

ED TAYLOR: ...over... [LB972]

SENATOR COOK: By the museum. [LB972]

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ED TAYLOR: ...650 employees, 45 percent of them being African-American and/or women, the highest profitable division within the framework of a \$56 million organization start-up. Now it's \$2 billion, I think, in U.S. dollars. But the reality of economic development outside of real estate, which still boggles my mind, but in, you know, in terms of human capital and human expenditures, I think Yahoo! opened up a facility in Council Bluffs, Iowa, right across the river. I won't talk about the casinos. But I look at north Omaha as a vibrant community. One of my business charters going forward is not to use the word "exploit" but to look at opportunities for size and scope, employment-base, fair wage, applications that can fit within the community as well as south Omaha,... [LB972]

SENATOR COOK: Uh-huh. Sure. [LB972]

ED TAYLOR: ...as west Omaha or any other part of Omaha where there's access to human capital. [LB972]

SENATOR COOK: Okay. [LB972]

ED TAYLOR: I consulted with an offshore company for four years in the Philippines with 3,000 employees all speaking English to Americans, and they work in the Philippines for, you know, I can't even talk about the wages. [LB972]

SENATOR COOK: Okay. Well, I've got a priority bill to talk to you about, but that's a different hearing. [LB972]

ED TAYLOR: Right, so, yeah. [LB972]

SENATOR COOK: Thank you. [LB972]

ED TAYLOR: So to answer the question and to get right to the matter, it is economic. It is about wage. It is about raising the minimum wage. But it is also about accountability to single parents and parents to take responsibility for whatever the school system that we have in place or the new one that we might bring to the table, that you've got to get involved. [LB972]

SENATOR COOK: Yes. [LB972]

ED TAYLOR: You can't allow for, you know, status quo. It's not acceptable that Johnny can't read at an 11th grade level in 11th grade, and Sally can't count. It's not acceptable. So I thank you for your time. [LB972]

SENATOR COOK: Thank you. [LB972]

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SENATOR SULLIVAN: Thank you, Mr. Taylor. Welcome. [LB972]

MIRIAM BLAIR: Thank you. My name is Miriam Blair, M-i-r-i-a-m, last name is Blair, B-l-a-i-r. This is going to be short and to the point because my daughter may be playing her last senior basketball game in a little bit. I work for Goodwill Industries and I kind of...we're a little different in why I'm here today. Goodwill yesterday, we run about 16 stores in eastern Nebraska and southwest Iowa, but I do not work in a store. I oversee the YouthBuild Program. And YouthBuild Program is for young people ages 16 to 24 who have dropped out of high school and are in need of a GED. YouthBuild there are about 270 YouthBuilds across the country, and 10 percent of them are charter schools, so that's kind of what piqued our interest in this. Again, as far as our students, they're not OPS students when they get to us anyway. Some of them are brought to us by OPS counselors. They're too far behind on credits. They're not going to be able to graduate. And so they bring them to us. Not only do they get their GED, they get a construction trade, OSHA certification, things of that nature, and as Goodwill is known to do, they get employment. So like I say, we're on a little different, listening to everyone else's testimony, we're on a different spectrum of that. I've visited a lot of those charter schools. I'm very intrigued but they are not K through 12. They are 16 to 24. It is also a Department of Labor funded program. The charter schools are run in New York, Philadelphia, Ohio. All are YouthBuild charter schools. And so that's kind of piqued our interest today. [LB972]

SENATOR SULLIVAN: All right. Thank you. Any questions? Thank you for your testimony. [LB972]

MIRIAM BLAIR: God bless you. No questions. [LB972]

SENATOR SULLIVAN: (Laugh) [LB972]

SENATOR SCHEER: Good luck to your daughter. [LB972]

MIRIAM BLAIR: Thank you. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

RHONDA STUBERG: Hi. My name is Rhonda Stuberg, R-h-o-n-d-a S-t-u-b-e-r-g, and I am in support of LB972. I have been teacher and administrator in private education facilities, such as Boys Town, Cooper Village, Uta Halee, and I did have my own small school in north Omaha for about 12 years. My main emphasis has always been in working with students who had difficulty being successful in the existing public school system. Charter schools have been around for 20 years. There are 6,000 schools now in 42 states serving more than 2 million students. They must be doing something right. I

have been advocating for charter schools for over 14 years, off and on, and I believe that they would provide a more successful alternative for the types of students especially that I have taught. I am very glad that this particular testimony is not one of my own personal experiences with my students, although I have had plenty of them. There's been so many today, obviously, that I'm glad that I took sort of a different route, and it has to do mostly with myths about charter schools. And Nebraska has repeatedly voted down charter schools over the years and these are the major myths that keep rising up in our state and every previous state that has advocated in the past for charter schools. Forgive me for reading from my paper, because it would be very easy for me to ramble on about each one of these but I don't want to do that, obviously. The first one is the creaming myth: Charters will attract all the best students and leave the districts with the harder to educate students. Not true. They serve a disproportionate number of low-achieving or at-risk students. The exclusivity myth: Charters will exclude students with behavioral or academic problems, minorities, or low-income families, or special needs. Not true. They are not permitted to discriminate and have become so popular that there are waiting lists and they now have to use lottery systems to choose new students. The lack of learning myth: Charters have not been successful. That's not true. Sixteen academic studies have been published on charter school performance since 2010: four national studies and twelve regional studies from throughout the country. Fifteen of the sixteen found that students in charter schools do better in school than in their traditional school peers. One study found mixed results. Charters continue to disproportionately top the list of America's best high schools in Newsweek, U.S. News and World Report, and in The Washington Post. More than one-fourth of the best high schools are charter schools. The unaccountable and unregulated myth that charters, when cut free from district bureaucracy and state regulations, will operate without regard for business ethics, educational integrity, social conscience, or common good sense. Not true. Charters are overseen by governing bodies, held accountable, and if they don't meet the standards they can be closed down. The highway robbery myth: Charter schools take support and resources away from other public schools. That is not true. Charters are alternative public schools and a percentage of the per-pupil amount of state and federal funds follow the student to the charter school. In most cases, charters run on less money than the traditional public schools. The masked marauder myth: Charter schools show a callous lack of support for public schools and is a blatant attempt to undermine and destroy public schools. Not true. Charters are merely trying to provide an alternative for educators and their families. They are built on concern and they will strive for quality and provide healthy competition between schools. It's not a bad thing, a fly in the eye of an elephant. Charters don't lead to innovation and are only a distraction and a diversion from the real system-sponsored and driven reform that already is taking place. Not true. Charters have provided a wide variety of innovations, including curriculum design such as Montessori, core knowledge, advanced placement courses, foreign language immersion programs, science, technology, engineering, mathematics, on and on and on. Also, have created extended learning time, school cultures with high expectations for all students and adults, more structured and

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disciplined learning environments, rewarding high-quality teachers with higher pay, parent contracts, and multiage programs, just to name a few. So that's really all of the myths, thank you. My most frustrating fact to me is that the greatest opposition seems to come on charters in every state from the teachers' unions and the public school administrations. [LB972]

SENATOR SULLIVAN: And I might remind you we're on your... [LB972]

RHONDA STUBERG: Yes. [LB972]

SENATOR SULLIVAN: Okay. [LB972]

RHONDA STUBERG: And I have one more. Just, you would think that they'd be in full support of any way that might help students be more successful at learning. Thank you. [LB972]

SENATOR SULLIVAN: Okay. Thank you very much. [LB972]

RHONDA STUBERG: Uh-huh. [LB972]

SENATOR SULLIVAN: Questions? Yes, Senator Cook. [LB972]

SENATOR COOK: Thank you. What school did you run in north Omaha? What was the name of it? [LB972]

RHONDA STUBERG: It was called Apollo's Prep School. [LB972]

SENATOR COOK: And who...how did the students get...how did you get paid? [LB972]

RHONDA STUBERG: It was a nonprofit... [LB972]

SENATOR COOK: Okay. [LB972]

RHONDA STUBERG: ...and so they paid a small amount of tuition. [LB972]

SENATOR COOK: Uh-huh. [LB972]

RHONDA STUBERG: And then I also got donations from individuals and few, you know, like grants, so. [LB972]

SENATOR COOK: Okay. Thank you. [LB972]

RHONDA STUBERG: Uh-huh. [LB972]

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SENATOR SULLIVAN: Thank you for your testimony. [LB972]

RHONDA STUBERG: Uh-huh. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

MATT LITT: Thank you, Chairwoman Sullivan and members of the Education Committee. My name is Matt Litt, M-a-t-t L-i-t-t, and I am the Nebraska director of Americans for Prosperity, a 40,000-member, free-market advocacy group. Much of what I planned to say has already been said, so I'll condense my testimony. I just want to leave you with a few points from our perspective. We aren't naive to think that this is going to be a panacea for education in the state of Nebraska and in Omaha, nor is it a critique of teachers or administrators who are currently serving students in the Omaha Public Schools. What this is, is a matter of expanding parental choice about what's best for their children. We think this is a great move forward and we believe this is a direction we should head in, in public education. And thank you for your time and take any questions you might have. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Litt. Any questions for him? Thank you for your testimony. [LB972]

MATT LITT: Okay. Thank you. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

RANDY LUKASIEWICZ: Good afternoon. Thank you for the time and the opportunity to be here. And in preparation for this, I went to...I kind of reverted back to my high school Latin interest and... [LB972]

SENATOR SULLIVAN: Can you state your name... [LB972]

RANDY LUKASIEWICZ: Oh, excuse me. [LB972]

SENATOR SULLIVAN: ...and spell it. [LB972]

RANDY LUKASIEWICZ: Yes. Randy Lukasiewicz, R-a-n-d-y L-u-k-a-s-i-e-w-i-c-z. Thank you. In Latin, it means to draw forth, to draw forth what's already there. So I guess my approach in kind of looking back over this is what brought me to be here today. I look back 55 years ago. Little did I think I would be here when I made the trip out of 4th grade to visit the Nebraska State Capitol. And it really did have a profound effect on me, the more I look back and think about it. And also in kind of preparation for today I was thinking over the weekend, it was Olympic weekend, you know, the

celebration of the human spirit. And I combined with that and with the true meaning of education, it is about the human spirit. And I think what is education, and I think of, you know, happy kids, happy teachers. One of those happens to be my daughter and she's the one that first brought the idea of charter schools to mind to me. And so that got me interested in it. So anyway, I'm a product of a two-room schoolhouse, sandlot, private-public education, little familiar with Montessori, and that brought me here today. And the other thing, in thinking about the Capitol, 400 feet above us is The Sower and it's sowing seed. And in a sense, I feel that's what education is. As adults, we are helping produce and nurture seeds of growth. And I was sitting here thinking that, you know, I have you legislators to thank partially for indirectly saving my life. Some years ago, the legislators in 1921 nominated John Neihardt to be Nebraska Poet Laureate of the state. He taught himself Greek at 16. Ten years after he was nominated Nebraska Poet Laureate, he helped produce this book, Black Elk Speaks. And the more I think about that book, I was just thinking, to me this book has been a case study for race relations, life, bullying, racial issues, social studies, art, writing, discipline, Nebraska history, life skills. Anyway, a couple weeks ago I was for some reason on the Internet. I saw this article that was entitled, "Creativity, Pessimism, Education, and Environment," that told where this kid was just stumbling through school, rabble-rouser, in gangs, got in trouble. He would draw. He would sit at his desk and he would draw on his lap. Finally, the teacher asked him one day, what are you doing? He says, I'm drawing. At that moment, the teacher asked him, do you want to come up and share it? So he went up to the classroom and shared it, and he told all about it, and the kids wanted to also hear it. So he drew the cowboys and Indians, cowboys are shooting the Indians, Indians are shooting the cowboys. Interesting enough, there were P-51 bombers that were taking care of the cowboys. Well, this kid went on to grow up. He studied art. He enjoyed baseball. Ended up going to the University of Colorado. After a year and a half, he was asked to leave. Anyway, I'm sure you've probably heard of actor, producer, director, entrepreneur, environmentalist, businessman Robert Redford. So I was just blown away because I really appreciate Redford and all he does. But to see the beginnings and the life that he had experienced, because his father came from Ireland and Scotland and he was a hard-nosed individual, probably like my great-grandfather. If you can't do it right don't do it at all, was the mentality. So he was under the thumb of progress and growth, but Robert overcame that. Anyway, another little sidelight that kind of ties in with creativity is I shared that Robert Redford article with some friends of mine in education and got back a reply from this lady and she said, the exact same happened to me in kindergarten. I wanted to be home ironing clothes with my mother, but the kids made fun of me. But the teacher says, you shouldn't make fun of this young lady; some day she is going to grow up to be a fine young lady and kids are going to like her. Interesting enough, anyway, Judy wrote back that, you know, that was me; I experienced the same type of care and concern and compassion from a teacher. Well, yesterday in the mail I got a newsletter. It's a 20-page newsletter. It comes quarterly from, as far as I know, the largest alumni association in the country, South High School in Omaha. Anyway, at the top of the list, the editor of that is Judy. She's the one that

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had replied back from that. But I just relate two examples there of how important creativity is and diversity, plus the fact that none of us are all dressed alike. We haven't driven the same vehicles here. And I think variety is a spice of life. And I thank you for your time and attention. I'll take any questions. [LB972]

SENATOR SULLIVAN: Thank you, Randy. Any questions? Thank you for your testimony. [LB972]

RANDY LUKASIEWICZ: Thank you. [LB972]

SENATOR SULLIVAN: Any other proponent testimony? Welcome. [LB972]

BOB EVNEN: Thank you, Madam Chair, members of the committee. My name is Bob Evnen, B-o-b E-v-n-e-n. I wish you good afternoon, almost good evening. I speak today in support of LB972. I speak to you as a former member of the Nebraska State Board of Education, and as the former State Board subcommittee chair of the standards committee and the accountability committee. I have toiled happily in the vineyard of public education policy for more than 25 years. I would also point out that although we spend something on the order of \$3 billion each year on pre-K-12 education in our state, none of it has wound up in my pocket. I do not have a financial dog in this hunt. I want it understood that I do not speak today in criticism of teachers, who work hard every day and find it personally and professionally rewarding when their children learn. I've waited until near the end of the proponent testimony in order to preview for you what you are likely to hear from the opponents of the bill. The opponents of the bill are good and decent people. For the most part, they are hardworking, taxpaying citizens, trying to make their way in the world just like the rest of us. But my friends in opposition are self-interested. It's very difficult for them to be impartial about this. Public education in Nebraska is a monopoly, one of the fundamental attributes of monopolists is their absolute and uncompromising opposition to competitors. We're likely to hear about a level playing field, but they really don't want a level playing field. They want the only playing field. And who could blame them? Who wants competition? I'm reminded of the old political saw: I believe in contested primaries in every race except my own. But we know that competition makes us all better. We see the proof of that all around us every day. A little competition, even the possibility of a little competition will make all schools better. You're likely to hear two broad categories of opposition. One, I regret to say, Senator Cook, is the scurrilous slander of poor people as incapable of learning. The other is the Groucho Marx defense. In the movie Duck Soup, Groucho (sic) Marx famously asked, "Who are you going to believe, me or your own eyes?" I suspect that you're about to hear claims made in reference to lots of studies. I encourage you, in the strongest possible terms, to review these studies for yourselves with a critical eye. The last time we were here talking about a bill like this, much was made of the 2009 CREDO study regarding which statistical methodological flaws were later identified. Even then, a fair reading of the 2009 CREDO study would lead to the conclusion that some charter

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schools improve educational achievement, others do not, so pick well. In 2013, another CREDO study was released, presumably taking into account the criticisms of the earlier study, and here's one of the 2013 CREDO study conclusions: The impact of charter schooling is especially beneficial for black students who are in poverty. For me, one of the definitive studies was conducted under the auspices of the National Bureau of Economic Research. This was an eight-year longitudinal study conducted in New York City, in their public schools, involving tens of thousands of students randomly assigned to scores of charter schools over the range of elementary grades. The study found a clear difference. The educational achievement of students randomly enrolled in charters significantly exceeded those who were not. I have the study and I'll be happy to provide it to anyone who wishes. The other broad category of defense is the scurrilous slander uttered implicitly and even explicitly that children in poverty cannot learn. This assertion is false. No public policy should be based upon it. After two years of administration of statewide tests, I took a look at the disaggregated results of reading and math tests in our state's largest school district, and what I found was very disheartening. The Nebraska Department of Education publishes disaggregated data along 13 different demographic characteristics, including race, national origin, and free and reduced lunch eligibility. What I found was that achievement scores for African-American students in our largest school district are far lower than achievement scores for African-American students elsewhere in the state. The same holds true for Hispanic students, and the same holds true for children in poverty. They all fare far worse in our largest school district than they do anywhere else in the state. You need look no further than the front page of a recent edition of the Omaha World-Herald to learn about this. As you listen to opponents who urge you to wait, to study, or who throw rocks in the road to reform in the form of questionable claims about results, I hope you'll think about this. You were taught how to read. You were taught how to write. You were taught how to count. And the whole world opened up to you. How can you deny the same opportunity to the children of those who have come before you today? How long must they be made to wait? It is no exaggeration to say that the lives of these children hang in the balance. I'm going to close on a personal note. You've heard today from people who have had enough of waiting. That's what Reverend Martin Luther King, Jr., was told--wait. I have a photograph in my office of my uncle marching shoulder to shoulder with Reverend King. Today I'm proud to stand shoulder to shoulder with those who seek a modest educational reform for the children of their community. I thank you for your time and attention. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Evnen. Questions for him? Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you, ma'am. Mr. Evnen, how many years were you on the State Board of Education? [LB972]

BOB EVNEN: Seven and a half. [LB972]

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SENATOR KOLOWSKI: Seven and a half? Do you think you made gains during that time with the school districts in the state? [LB972]

BOB EVNEN: Well, that would be for others to judge. I certainly hope so. [LB972]

SENATOR KOLOWSKI: Did you have a feeling about that yourself? [LB972]

BOB EVNEN: I felt positive about what we accomplished. [LB972]

SENATOR KOLOWSKI: Okay. So you left them better than you found them, you feel? [LB972]

BOB EVNEN: Senator, I'm sure, from your years of experience in education, that you would agree with me that it is a long, slow, and tough slog. [LB972]

SENATOR KOLOWSKI: Have you ever heard of the...something called Breaking Ranks? [LB972]

BOB EVNEN: I have. [LB972]

SENATOR KOLOWSKI: You have? What is that connected with, do you know? [LB972]

BOB EVNEN: Well, it's connected with educational reform. [LB972]

SENATOR KOLOWSKI: Yeah. Do you think we do a pretty good job of pushing ideas like that in our state? [LB972]

BOB EVNEN: Well, Senator, what I have done is I tried to evaluate, based upon the data and the evidence, which we...which is, I would say, is one of the things that I hope that I was able to participate with the board in accomplishing, greater access to data about educational achievement of our students. And when I look at that data, what I find is that in the district that is...that ends up to be the focus of attention here in this proposed legislation, that we have to, when we shine the light of day on the data, we have to say that there are some serious needs from the standpoint of educational achievement in that district. And here we have a proposal that would provide some opportunity for change, some opportunity for choice. It's pretty evident from the testimony that has been heard up to this point that there are serious-minded members of the community who care, who would look forward to such a choice. I don't see it as a zero-sum game. I see it as an opportunity to expand choice for students. [LB972]

SENATOR KOLOWSKI: Thank you. [LB972]

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SENATOR SULLIVAN: Any other questions? Thank you, Mr. Evnen. [LB972]

BOB EVNEN: Thank you. [LB972]

SENATOR SULLIVAN: Any further proponent testimony? I would like to read in...oh, excuse me. Welcome. [LB972]

ANTHONY VARGAS: Hello. State my name, correct? [LB972]

SENATOR SULLIVAN: Uh-huh, and spell it. Uh-huh. [LB972]

ANTHONY VARGAS: Well, welcome. Thank you for having me. My name is Anthony Vargas, it's A-n-t-h-o-n-y V-a-r-g-a-s. So I am here...well, let me tell you a little about myself. I think that's important. I am a current board member on OPS School District, but I am not a representation nor I'm not standing or saying the opinion for what OPS believes in. I'm acting as a private citizen, on my own accord. I'm acting as an individual that grew up in a public school system in the United States. I'm acting as a first-generation college student. I'm acting as a son of immigrant parents from Peru, as a first-generation college student, and a former public school teacher with the New York City Public School system, and a committed, committed advocate for ensuring that all students can and do and should deserve a quality education. And that's why I'm committed to the public school system as well. And part of the reason I'm here is because I've had the opportunity to listen to the conversations that have been occurring on the legislative floor and today. I feel privileged that this conversation is happening because the conversation needs to happen, and it needs to happen partly because...oh, one thing I forgot. My day job is I work as an education consultant or for a policy consulting firm, so I'm a policy analyst working to improve educational needs with states and districts across the country. Again, the reason why I'm here is because of hearing this conversation and I felt a need to speak up as a private citizen, partly because I think a lot of what we've been hearing is taking sides. I think it's really easy to take sides in this conversation around charter schools because it puts one side as being better and one side as being worse. I implore everyone to consider that if we were considering what is best for kids, this isn't a something is better or something is worse. This is about coherence. This is about ensuring that there...well, we know there is no one silver bullet, but what we do know is there is a cadre of solutions that help to solve inequities in public education that includes many different things, many different things in terms of teacher evaluation; in terms of increasing the rigor of our assessments; increasing our teacher appraisal systems; increasing teacher development; increasing, you know, principal framework systems and development and appraisal systems. The list goes on. And one of the things that is included within this list is charter schools. I'm in support of them because I've seen the research. People have been citing the research throughout these testimony. And the research shows that they do have a strong impact on students of color. That doesn't mean that they're the silver bullet and that doesn't mean that

every single charter school is always as effective as it could be, but it stands...we stand to know that we actually know which charter schools are effective and ineffective because we have such high accountability in standards for what they're able to produce. The conversation on the legislative floor was one that I think was important, but another reason it moved me was because of my background. I'm Latino. I come from a Latino family. I was on free and reduced lunch my entire life, and I'm one of only two people in my entire family tree to go on to college. And out of the two people that went on to college, the only way that I was able to go on was by moving outside of my school district in New York City, from a school that was not meeting my needs, and my mother decided to take me from one school district to another school district, which pains me. And the conversation that I was hearing was around poverty, that until we address poverty, which is of real issue, until we address poverty that we won't be able to have or set or meet these expectations for students of color or from disadvantaged backgrounds. From my experiences in education and being a teacher and being a consultant, I refuse to accept that as an excuse. If that was the case, I wouldn't be here. I did have public school teachers that advocated for me, but that came at a price. It came at a price of leaving my community. Not sure what the red light means. I just want to make sure I'm clear... [LB972]

SENATOR SULLIVAN: It means your testimony, you need to wrap it up. [LB972]

ANTHONY VARGAS: ...what it means. Okay. Thank you. Long story short, the only thing I want to say is we are saying that there are sides to this issue. I believe in public education. I am committed to it. I have people in my family that are public education teachers and I, myself, was. I believe in our school systems and we are doing things right now that are going to do amazing work over the amount of years. But that's not a reason for why we shouldn't widen what we're doing and learning from the 43 other states...42 other states that have charter school law currently. It's not a reason for us not to expand what we consider to be innovative in our school districts in the state. It's not a reason why we can't learn. And I actually think we can decide, from all the great things that other states are doing, why are there some successful charter schools and some that are not as successful. I think we have years of experience and research for us to be able to make an informed decision on what is going to help us create this type of school choice option in Nebraska and hold them accountable to making sure they have amazing results for students that are behind, particularly black and brown and those that are from lower socioeconomic status. I welcome any questions regarding my stance or my work in other districts or with other states or my background or my conviction. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Vargas. Appreciate your testimony. Any questions for him? [LB972]

SENATOR COOK: I have a question. I have a question. [LB972]

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SENATOR SULLIVAN: You do? [LB972]

SENATOR COOK: I do. [LB972]

SENATOR SULLIVAN: Okay, Senator Cook. [LB972]

SENATOR COOK: Thank you. Thank you, Mr. Vargas, for coming today. I have a couple of questions. I guess I'll go in order of appearance. Earlier today, in the opening statement from the introducer, the introducer made reference to the Omaha Public School Board saying that they were supportive if they could authorize the charter schools, and that's how I'm recalling it. I don't have the transcript in front of me. As a member of the Board of Education for OPS, can you shed some light on what the conversation in the meetings may or may not have been as it relates to this particular...the language of this particular proposal and charter schools in general? [LB972]

ANTHONY VARGAS: I don't know if I can fully do that justice, probably because I'm not speaking on behalf of the board or speaking on the stance that we took. What I will say is I think what we took is we did take a stance that not the current writing of the legislative bill but that if and when charter schools were required within the state of Nebraska that we would support charter schools if they were under the purview or the control or what have you, the language I can't remember, of a school district...sorry, of the public school district or public school system. We did not take a stance because we were still wrestling with that conversation around what we believe. And so as of right now, as a district, we didn't have a full-on stance but we did discuss that, if that was the case in the current language of the bill, that we would support, we would support it with that stance. [LB972]

SENATOR COOK: Okay. So it was kind of tabled, if you will, and I'm not even certain... [LB972]

ANTHONY VARGAS: It was...it wasn't tabled in terms of we're saying supporting or not supporting, because the language of the bill wasn't yet set. We did say, and I think it's...I think, I don't know, I mean we could probably procure it but I think there's... [LB972]

SENATOR COOK: Okay. [LB972]

ANTHONY VARGAS: ...writing on it from we discussed it about a week and a half ago, the writing on that statement, and we voted on it. And that statement was put into place, but we didn't say we're either for or against it, but we said that that statement is what our...what we're standing behind. So I can't quote that statement right now off the top of my head. I don't want to do it...I can't do it justice,... [LB972]

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SENATOR COOK: Okay. [LB972]

ANTHONY VARGAS: ...but that was our stance. So whatever you have in front of you regarding that statement is what the statement of OPS is. [LB972]

SENATOR COOK: Okay. All right. And I guess I'll have to get that in front of me at some point. You said that you were watching the floor debate. [LB972]

ANTHONY VARGAS: Uh-huh. [LB972]

SENATOR COOK: Were you watching the actual live floor debate or a synopsis that might have been... [LB972]

ANTHONY VARGAS: I was watching live. [LB972]

SENATOR COOK: Okay, live. Legislature for shut-ins, as it is joked about sometimes. (Laughter) [LB972]

ANTHONY VARGAS: Yeah. Yeah. Yeah. [LB972]

SENATOR COOK: Okay. And I want to clarify something because I think that it is part of a narrative and I think that's just so dangerous, especially in the Nebraska Legislature where we pride ourselves on our populism and our individualism and our uniqueness. [LB972]

ANTHONY VARGAS: Uh-huh. [LB972]

SENATOR COOK: There seems to be a narrative that says that putting any attention toward poverty, and OPS does receive a poverty allowance as part of their TEEOSA funding, putting any effort toward that means that youth...somehow poor children cannot learn. If that were the case, we would not be funding any additional help that students might need because they are living in poverty. So I understand that you might be sensitive based on your own direct experience in New York City, but as I stated earlier, nobody in this body, nobody certainly on this Education Committee think that children cannot learn because they are poor. That being said, we had quite a time last year in our conversation about the TEEOSA formula. OPS is the largest recipient of funding from the state in terms of state aid from sales and income tax. They're at the top of their property tax levy. As a board member, I'm sure you're sincere about opening up choices, but that pot of money is finite. And in some people's mind it should be shrinking. How can you advocate for money to come out of that pot for the...to go follow the child to another created charter school district? Is that...how can you reconcile advocating and pretty ferociously--I was part of that--for money for the district but

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saying, oh, well, that...these pieces of it can follow the child outside of that district?  
[LB972]

ANTHONY VARGAS: Thank you very much. I appreciate that. I first would like to react to what you discussed or your comment to the conversation around what's going on, on the legislative floor this past couple of weeks, or at least what I've been watching. I don't want this to be misconstrued because I think that it's not a blanket statement that I'm hearing, that obviously there is a poverty problem that exists. And that's what you identified; that we are, as a state, are trying to overinvest in ways to address social inequities. Trying to address healthcare. we're trying to address, you know, the unemployment rate. We're trying to address many different things. I applaud that. But from my standpoint, and the word you used was "sensitive," from my standpoint, from listening to it, there was a lot of language that I think, outside of my interpretation of it, still told a story that as long as there is a poverty that exists within some of our areas within the state, that it is a lot harder for us to expect a student in those areas to achieve the same educational attainment than a student in another area. And that was what was...until we also solve some of these problems. And so that language, some of those words, concern me as a private citizen, because they often were--and this is not just everyone and this is just certain words and certain statements that I heard--they often created (inaudible) this is either one side of the problem or not. And so I agree with you that poverty is a problem, but I was still hearing statements that geared towards, well, this district has a higher free and reduced lunch rate, we need to address poverty, like we need...we can't expect these same results right now at this moment for, you know, relative to another high-performing area in our school district. And that was something that I reacted to as a person that works in other school districts in other states where I often am hearing other individuals say the opposite. It's a very, you know, it's a very convoluted, multifaceted problem, education. There is no silver bullet. But that's a reason why we would support charter schools because we have seen it has some success in terms of especially meeting students of color. To your second question around how can I justify or how would I justify the use of that funding going to another school or outside of the district. Is that the question? [LB972]

SENATOR COOK: Yes. [LB972]

ANTHONY VARGAS: Okay. [LB972]

SENATOR COOK: It's related to the fact that currently... [LB972]

ANTHONY VARGAS: Uh-huh. [LB972]

SENATOR COOK: ...the funding follows the student to the school district. You are a member of the Omaha Public School District. A large part of your responsibility is the budgeting, etcetera, for that district. [LB972]

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ANTHONY VARGAS: Again, because you're stating my...one of my affiliations, I'm not speaking on behalf of the board in terms of the way that we are operating and the stances we take. But the way that personally, as a private citizen in Nebraska, how I would justify this is if currently there are options that exist within our school system. If there were charter schools, that we know we have vetted, we have authorized, we have ensured that they have the right plan in place. We are putting an overabundant amount of accountability on them to ensure that they're going to show growth across the entire...across their school and with the student population, that they're going to meet a student population that is similar in demographic to other schools in our district. Particularly the more...the areas that are in higher need--special education, ESLL--if they have higher accountability and we have systems for holding them accountable, I see it not as a question of how can I make that decision but more they're still working with students in our community. The teachers in that area, in that school, are teachers from this community or potentially teachers from this community. The school leader will potentially be a leader from this community or has a vested interest in Nebraska. So it's not a question of can I make the decision, because it's not in front of me yet. But if and when we have a charter school that meets all of those criteria and we hold it to a high expectation, I believe we can because I think we have...I...arguably, we have some of the smartest people in this state that are thinking about how to hold high accountability for things that are coming into our state. But that's more of a reason for I think we would do our due diligence. And then if that comes in front, I wouldn't have a problem with supporting it because it's still supporting kids in Nebraska or it's still supporting kids in OPS. [LB972]

SENATOR COOK: Uh-huh. Are there smart people that support public schools across the state? [LB972]

ANTHONY VARGAS: Yes. [LB972]

SENATOR COOK: Okay. Thank you. Thank you. [LB972]

SENATOR SULLIVAN: Any other...? Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you, Madam Chair. Mr. Vargas, thank you for your time today and your comments. I appreciate that. I appreciated knowing that your board had a discussion on the charter school issue and that you had some statements you agreed to on that. It wasn't in support of the current legislation that's before us. Am I reading that correctly from what you said? [LB972]

ANTHONY VARGAS: I can't speak to it because I want to make sure to do it justice and I want to make sure I'm representing myself and not the board or their... [LB972]

SENATOR KOLOWSKI: I understand that. [LB972]

ANTHONY VARGAS: So I would say that the best avenue for that is procuring that document that's from our lobbyist which says what our final stance was on that. [LB972]

SENATOR KOLOWSKI: Thank you, or I'll talk to your board chairman, who's in the back of the room today, which it's also good to see him here. The discussion that I had with Senator Lautenbaugh earlier was about the issue of talking to the superintendent. As your nine-member board works with the superintendent, the Senator mentioned that he could not recall a conversation that he'd had with the superintendent. I have had conversations with the superintendent and he basically has stated that at this point in time this particular bill, the way it sits, would be a negative distraction to what you're trying to get done in your district with your strategic plan and the directions that you're going that you never have before. And putting that together and changing things like the span of control over administrators in the district, which you've plugged in and have that taken care of now, are things that have never been in place in the Omaha Public Schools that I think are all on the right track and doing the things you need to start to do to get to where you want to be as an excellent district in the future, improving upon where you are at the present time. So I hope we'll keep that in mind in our thoughts and discussions, because you have a tremendous challenge before you to implement a very busy, strategic plan that has taken a lot of time, a lot of energy, and a lot of money in your district to put together to give you a road map for your future that you'd like to be at. And I hope that does come true. I hope you are successful with that. We're all cheering for that in this board, on this committee, and we want to see that happen at OPS. So I hope that that would be a positive that we continue to work on and whether in an official capacity or your personal capacity. Again, I thank you for being here today. [LB972]

ANTHONY VARGAS: Thank you. I've very appreciative of that because it echoes my earlier sentiments that this is a...that there is an overinvestment in ensuring that our public education system within OPS is improving. That's part of the reason why I joined or I'm hoping why they appointed me, because I equally am committed to that and I do that work in other states and districts, especially strategic plan work. And to your comment regarding making sure...or from your conversation with Mr. Evans, Superintendent Evans, making sure that we are not having distractions, I understand and I've had that conversation as well that distractions could be a deterrent to seeing full success with something. [LB972]

SENATOR KOLOWSKI: Thank you. [LB972]

ANTHONY VARGAS: But that a distraction around what is potentially going to lead the best outcome within our district and continuing to have conversations and informing ourselves around what is working across the country, I don't think would be a

distraction. And for this, actually saying that something would be in a district I think that that would be more of a how can we fit it in and make it coherent within our current strategic plan. We looked at six, seven other strategic plans from other districts. We looked at Charlotte-Mecklenburg, we looked at Boston Public Schools, we looked at Houston Independent Public School System, and many of them included charter schools as part of their strategic plan process. We are planning our strategic plan right now, which means it's a crucial time for us to have this conversation and also for us to even have the option to have charter schools, because those districts already had charter schools as an option and they included it in the strategic plan framework, particularly because they saw it as a need to expand the current innovation and a need to also share best practices about what's working in our district as another option, not as a silver bullet, as one of the many priorities that exist to improve the education system in their district. And I think that's where it's coming from and I think...and I have many conversations with, you know, community members and my board that our strategic plan is going to...I believe very deeply in it because I think it's going to be our arm to improving the public education system in OPS. But that is also important for us to have the options to be able to expand the innovations and other things that are going to help our district, and currently we don't have that option and we wouldn't put it in our strategic plan even if...because we don't have an option. It's not something to refer to. But to your point, this is something we need to overinvest in and I do believe we need to overinvest in the strategic plan in what we're doing as a school system in OPS. As a private citizen, I think that's extremely important and I'm excited. I'm excited to personally, as an individual, to be a part of that. [LB972]

SENATOR KOLOWSKI: Thank you. [LB972]

SENATOR SULLIVAN: (Exhibits 5, 6, 7, 8, 9, 10, 11, 12, and 13) Any other questions for Mr. Vargas? Thank you for your testimony. Any other proponent testimony? Would like to read into the record, these letters in support of LB972 are being received from Douglas Quinn in Omaha; Todd Ziebarth from the National Alliance for Public Charter Schools; Aaron Hollinger, Nebraska Alliance for Quality Education; Christopher Finch from Bridgeport, Connecticut; Jeffrey Imwold from the Bronx; Cate Inovanni from New York; Brandon Frost from the KIPP New York City College Prep High School; Sarah Cohen from the Bronx; and Michael Sentance. We will now hear testimony in opposition for LB972. Over here. Welcome. [LB972]

RACHEL PINKERTON: (Exhibit 14) Good afternoon. I'll go first. I am on my own time and my own gas. I'm a grandma and my name is Rachel Pinkerton, R-a-c-h-e-l P-i-n-k-e-r-t-o-n. And as a concerned grandmother, I helped to found LEAP, Liberty Education Advocacy Project, dedicated to securing sound instruction for Nebraska children and youth. I started out a true believer in charter schools, and after a couple of years of research I reluctantly came to see that as a false hope. I treasure my own north Omaha education: Clifton Hill and Mount View Elementary Schools; Nathan Hale Junior

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High; and Benson High School, class of '71--go, Mighty Bunnies. (Laugh) And from Benson I went to UNO on a four-year Regents Scholarship and graduated with a K-12...or, excuse me, K-6 certificate and an early childhood endorsement. Three of my five children are graduates of Omaha Public Schools' Central High. And the academic achievement gap between Omaha haves and have-nots grieves me deeply, and I am very much in sympathy to people who want to see the charter as the fix for that. I'm sure that it grieves the committee as well and your fellow citizens and your senators, excuse me, your fellow state senators. The new OPS Board of Education, led by Justin Wayne, overseeing new superintendent Mark Evans, represents real hope for improved student outcomes. LB972 would complicate, diffuse, and undermine the board focus. Senator Cook, I'm glad you mentioned Mark Evans. And I must say I feel a lot better after hearing Senator Kolowski and Senator Cook, who you've obviously done a lot of research on this and you know what's going on. I listened to the podcast of the February 19 OPS board meeting and so I heard the legislative update and the discussion around what the board was to do, and they did seem to approve the...what the committee, their legislative committee, had come up with which was, in essence, you know, support for something which was a mythical piece of legislation. Oh, Senator Kolowski, I want to emphasize, not only was this the condition that it be district led. It was also to be statewide. They also said they would be in opposition, as I understood the board, the opinion of the board to be that they would be in opposition if it were not a statewide provision. So charter schools, combined with national standards and assessments, are part of a movement to corporatize U.S. K-12 education. I'm one of these grannies who's obsessed with this issue. I spend many, many, many, many hours of communicating with people across the country about this loss of local control. And I quote Stan Karp of "Rethinking Schools." I've supplied you with the full Karp article, including source references. Quote: Charter schools are undermining the future of public education, functioning more like deregulated 'enterprise zones' than models of reform, providing subsidized spaces for a few at the expense of many. "The counterfeit claim that charter privatization is part of a new 'civil rights movement,' addressing the deep and historic inequality that surrounds our schools, is belied by the real impact of charter growth in cities across the country. At the level of state and federal education policy, charters are providing a reform cover for eroding the public school system and an investment opportunity for those who see education as a business rather than a fundamental institution of democratic civic life." Time to put the brakes on charter expansion and refocus public policy on providing excellent public schools for all. Please defeat LB972. I see my time is up. But if I may, like not being officially shackled to the Common Core State Standards Initiative, having our door tightly shut against charter intrusion is a blessing for Nebraska. I urge you to protect both of these advantages. Doing so, I assure you, will put you on the right side of history. Thank you for your service. (Laugh) [LB972]

SENATOR SULLIVAN: (Laugh) Thank you, Ms. Pinkerton. Any questions? Just a minute. Senator Cook. [LB972]

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SENATOR COOK: Thank you. You say there's a podcast and you seem to recall something about the OPS Board of Education. [LB972]

RACHEL PINKERTON: I spent all day yesterday listening to the February 19... [LB972]

SENATOR COOK: Okay. [LB972]

RACHEL PINKERTON: ...meeting of the... [LB972]

SENATOR COOK: I'll have to get that too. [LB972]

RACHEL PINKERTON: ...of the...yes. And the big takeaway was Mark Evans seeming to plead with his board while at the same time being totally differential. So I'm always...I'm a cup half-full kind of person, so I thought, well, this is wonderful because obviously this is a superintendent who wants to...is going to function and is prepared to function as a subordinate of the elected body. [LB972]

SENATOR COOK: Yes. [LB972]

RACHEL PINKERTON: And amen to that. [LB972]

SENATOR COOK: Thank you. [LB972]

SENATOR SULLIVAN: All right. Very good. Thank you for your testimony. [LB972]

RACHEL PINKERTON: Okay. Thank you. [LB972]

SENATOR SULLIVAN: Welcome. [LB972]

MATT BLOMSTEDT: I am Matt Blomstedt, B-l-o-m-s-t-e-d-t, the Commissioner of Education. I'm here to register the opposition of the State Board to LB972, and I'm not just here to filibuster you. I was going to say that, but anyway. The reality is, although the board is opposed to this, we are not opposed to the building level leadership and creativity, autonomy and accountability. We're not opposed to focusing support systems who close achievement gaps. We're not opposed to personalized learning in Nebraska schools. We're not opposed to developing systems that focus attention on learning, focus attention on engaging students and families. And we're also not opposed to organizing community support systems for schools and supporting innovation and ultimately teacher discretion at schools. And I say these things because actually what you've heard today, I mean I sat here and listened very attentively to the types of conversations that folks brought forward, the types of input that they brought forward to you for your consideration, and I would actually say that, hey, look, charter schools are

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not the only way to accomplish those things. And you heard that there are some traditional concerns about charter schools. I've heard all of those same traditional concerns. Here's the reality. When you look at this, we have to establish school districts that have a culture of leadership, a culture of stability, and we have students coming that don't have that stability. No excuses, no excuses from me at all. I mean the fact of the matter is, we can look at places like Wasmer in Grand Island that you just saw recently in the World-Herald. What was so remarkable about Wasmer? Absolutely nothing is remarkable about Wasmer except for the fact that they achieved at a very high level because they instituted leadership, they instituted a culture of high expectations. These are things that can and, quite frankly, should be done in our public schools. I have no problem saying that to you. I have no problem actually sitting here and I think, by the way, I can't remember who said that, you know, that we basically serve at-will. Well, I'm your at-will Commissioner of Education, so if I say something that the State Board doesn't like, quite frankly, I'll be gone. The fact of the matter is, as I look at this, we have to provide the vision and leadership for the state. And when I asked the State Board members, who's responsible, who's responsible for building the system of education in Nebraska, is it us, they said, well, it's partially us. Is it the Legislature? It's partially the Legislature. Is it school boards? It's partially school boards. Here the fact of the matter is it's our opportunity to provide leadership to talk about those things, to actually restructure this. I have no problem with the conversation that we've had today because, quite frankly, it opens people's eyes to what the system ought to look like in the future. This system that we have, quite frankly, was designed over the last 150 years in Nebraska. It was designed with the input of a lot of professionals. It was designed on an industrial model, quite honestly, and we are in the information age. It needs to look different. And that's a very tough thing to do at scale. So what types of investments are we going to make in the future for a different type of system? We have to think about these things, and there's concerns about what that system ought to look like. But quite honestly, it has to come to a purpose and come to a focus on individual students. The future of accountability systems is at an individual level. I absolutely believe that. When I look at my own kids, it's my ability to impact what they do in their lives, my ability to basically say, here's your opportunity. And I've told you before, schools, we have in loco parentis. That is a very high standard for schools to meet. It's a very high expectation for us to take as a society and it's, quite frankly, an opportunity for us to start to do that. I appreciate my ability to filibuster you here at this moment, but I actually appreciate you listening to me. I am very dedicated to moving us forward as a state. I'm not going to change on that. They might fire me. Here we go. [LB972]

SENATOR SULLIVAN: Thank you, Dr. Blomstedt. Senator Scheer. [LB972]

SENATOR SCHEER: Thank you, Senator Sullivan. You talked in the first about all the things that you would like to see in education. Some of those would be applicable to a charter school, probably most would. Most would be applicable to any high-quality educational service unit regardless of where the location is. And you also say that,

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which I agree, that education, we can no longer continue to do the same thing and expect different results. Now I don't know that charter schools are a panacea or a detriment. I do know they are something different. But how can you sit and tell us that they may not be part of what the future of education may or may not look like? Because I agree with you that education ought not look like it looks like now in another three or five or seven years, because if it does, we aren't doing our jobs collectively. [LB972]

MATT BLOMSTEDT: I actually...I guess if you're done I could answer. [LB972]

SENATOR SCHEER: Well, you go ahead. [LB972]

MATT BLOMSTEDT: All right. [LB972]

SENATOR SCHEER: I'm not sure I'm done, but you go ahead and answer. [LB972]

MATT BLOMSTEDT: (Laugh) You know, quite honestly, it's...I mean we put labels on solutions. There's different tools that we ought to be able to establish for school districts to respond to the situations that they have. I mean at one point you get this notion of charter school, you get a notion of, you know, some other type of intervention that we might be able to have in the school districts. In many ways, if, if freeing up school districts, quite honestly, to do what they believe is right, if freeing up teachers to do what they believe is right, if that only comes through one definition of that it's probably something worth talking about. Here's our problem. There's the slippery slope of turning it over to someone else and that's a concern that takes a lot of work. When we start talking about building the system of education, I believe that takes a lot of study. And again, you know, here I sit saying I'm ready to do some of that work, and I am, quite frankly, I am, and I think the State Board is ready to do that work. The reality is, and I, you know, in listening to Bob Evnen about this, I mean the fact of the matter is we've all been part of this system for quite some time. Are we moving it forward? I think that we actually are. Is it moving forward fast enough? Not for the parents that came in here today. I mean that's a scary thing to me. I mean if that...if it's not moving forward fast enough to make a difference in individuals' lives right now, what's that really mean? I think there's certain investments that we need to make. Part of those are things that we've already done as a state. When you look at poverty plans, we've not spent time actually studying and understanding if we're making a difference with that poverty investment, LEP plans the same way. So there's things that I think we need to invest in and those are the types of things that I plan to bring forward from the Department of Education. [LB972]

SENATOR SCHEER: Well, back to the topic at hand, in education we talk a lot about best practices. [LB972]

MATT BLOMSTEDT: Uh-huh. [LB972]

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SENATOR SCHEER: And at some point in time...and again, I'm not necessarily sold on charter schools, but there are 42 other states that are doing this type of education. And I don't know if we model something off of what those other 42 states are or, for example, go to the other extreme, and I believe it was Atlanta, that simply their school board turned their complete system into a charter school, not a building, the whole district into a charter school because they thought that was the appropriate method to handle whatever problems they had. But we cannot sit in an isolated silo in Nebraska and ignore the rest of the world and innovations that are being made around us or put our heads in the sand and assume that they're not happening because we can't see them. So I appreciate your comments, but I do think we have to continue to be proactive to a large degree rather than being reactive. And I'm concerned that we will continue to be reactive. [LB972]

MATT BLOMSTEDT: It's not my intention to be reactive. But one thing I will say, your previous testifier that said, you know, maybe I am a twin, maybe all my twins are all the previous commissioners that were pushed out before me. (Laugh) Quite honestly, I have learned from what I've observed and I think it is time for us to look at this very differently. And it doesn't mean that the whole system needs to collapse on itself. I think you're right. It's intentional investments in certain things that allow us to say, hey look, we are going to be progressive. What that looks like the State Board at this moment in time does not believe it's charter schools. [LB972]

SENATOR SCHEER: Okay. Thank you, Matt. [LB972]

SENATOR SULLIVAN: Senator Seiler. [LB972]

SENATOR SEILER: I have two questions. One, is there any rules or regulations as a State Board of Education that prohibits the public or the school system, Independent Public Schools Act? [LB972]

MATT BLOMSTEDT: Let me put it this way. Depending on...there's nothing that would prohibit a school district right now from doing a lot of creative things relative to a school setting. This idea that the State Board would offer a charter or offer some type of authorizing entity an opportunity to run a school, that's not permitted under the current...currently for the... [LB972]

SENATOR SEILER: So there are rules. So the answer is... [LB972]

MATT BLOMSTEDT: ...for the Department of Education to do that. School districts can do many things, yeah. [LB972]

SENATOR SEILER: Yeah, there are rules and regulation of yours that say they can't,

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this can't be done. The second question I have, is any...is there any reason that the current public schools can't do any of the innovations that's been talked about today? [LB972]

MATT BLOMSTEDT: It's not my feeling that they're currently limited by a lot of things. They are limited by how we treat them for an accountability system and what the federal government treat...I mean so there are certain charters that have been removed out of that in other parts of the country. Currently, we can't remove them necessarily out of that environment. [LB972]

SENATOR SEILER: Okay. [LB972]

SENATOR SULLIVAN: Senator Haar. [LB972]

SENATOR HAAR: Yes. In your opinion, could we just take the pot of money right now and divide it up and give some to charter schools and... [LB972]

MATT BLOMSTEDT: (Laugh) [LB972]

SENATOR HAAR: I mean for me that is a big concern. I mean we're trying to get more money for education... [LB972]

MATT BLOMSTEDT: It bothers me, yeah. [LB972]

SENATOR HAAR: ...as it exists. And it just seems to me that you'd be splitting off groups, whole groups of people into different buildings, and I can't see that there's the money to do this right now. [LB972]

MATT BLOMSTEDT: You know, the amount of money available, it does bother me that we are looking at...I mean I continuously hear we don't have the money to do this, we don't have the money to do that. Under our current environment, that bothers me, because if it's removing it from the other support for public education certainly I'd be concerned about that. [LB972]

SENATOR HAAR: Okay. [LB972]

SENATOR SULLIVAN: Senator Avery. [LB972]

SENATOR AVERY: Thank you, Madam Chair. Do you remember last year or the year before a federal grant program that was part of Race to the Top? As I recall, and confirm this for me or correct me, our application for some of that grant money was downgraded because we didn't have charter schools. Am I right? [LB972]

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MATT BLOMSTEDT: Yeah, I believe that's correct, both. There were two applications for that and charter was part of certainly the U.S. Department of Education's interest in that effort. [LB972]

SENATOR AVERY: So why do you think that we got dinged for not having charter schools if they're so bad? [LB972]

MATT BLOMSTEDT: They were...why did we get dinged if they were so bad? [LB972]

SENATOR AVERY: Yeah. [LB972]

MATT BLOMSTEDT: That's a...you know, I don't know if I can answer that question. I should have taken one of your political science classes. (Laugh) No, I mean the reality is that's someone else's solution for an issue. I'm not saying we don't have all sorts of issues to address. I'm just saying that that's someone else's perception of what the solution is at the moment under our current policy, so. [LB972]

SENATOR AVERY: Not a very good answer. [LB972]

MATT BLOMSTEDT: I would have failed your class. (Laugh) [LB972]

SENATOR AVERY: Let's try again. Let's try again. Somebody in the Department of Education, federal, thought that charter schools are a good idea... [LB972]

MATT BLOMSTEDT: Uh-huh. [LB972]

SENATOR AVERY: ...and thought that it was such a good idea that we ought to encourage states to participate in the creation of charter schools or they wouldn't have had it as an element in the scoring of these grant applications. Now are you saying that the national Department of Education has got it all wrong and we've got it right? [LB972]

MATT BLOMSTEDT: I would... [LB972]

SENATOR AVERY: And we sit and we stand out here like the lonely pioneer in the desert without any support really. I mean all around us the states have charter schools and they don't seem to be collapsing. [LB972]

MATT BLOMSTEDT: Yeah, do I think we would collapse underneath that? Not necessarily. What I'm saying is it's our responsibility. The federal government did not create the education system in Nebraska; we did. And it's our opportunity to say, hey look, we want to create it or we want to be influenced by how they would like it created. And I'm fine, but we have to do our homework to decide what it ought to be here certainly. And this is part of your homework, I get that. [LB972]

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SENATOR AVERY: And we are so special that we not only don't have charter schools but we don't want to even adopt the common core standards. [LB972]

MATT BLOMSTEDT: Yes. I think the previous testifier, we've heard quite a bit about how we should not look at common core standards. And again, I would actually say we have to decide what we want to be as a state for the education system and to design the education system in Nebraska. We have what's been designed. What do we want it to be in the future? I don't think it's the wrong thing for us to be asking that question. [LB972]

SENATOR AVERY: But we ought to...it ought to be about the students and closing the achievement gap. I saw a lot of African-Americans pleading with this committee today... [LB972]

MATT BLOMSTEDT: Uh-huh, and I... [LB972]

SENATOR AVERY: ...to help them,... [LB972]

MATT BLOMSTEDT: Yeah. [LB972]

SENATOR AVERY: ...give them choices, because they are the ones that are suffering most from the achievement gap. [LB972]

MATT BLOMSTEDT: Yeah, we need to design systems that are actually going to make a difference there, I mean for every student. I've been saying every student every day all across the state of Nebraska. That has to be the focus of our education system. [LB972]

SENATOR AVERY: I'm beginning to wonder if maybe I need to change my own thinking, because I've been opposed to charter schools most of my... [LB972]

MATT BLOMSTEDT: I've heard others say that, but I won't respond. (Laugh) [LB972]

SENATOR AVERY: Well,... [LB972]

SENATOR SULLIVAN: Any other questions for Dr. Blomstedt? [LB972]

MATT BLOMSTEDT: Thank you. [LB972]

SENATOR SULLIVAN: Thank you. Welcome. [LB972]

CATHY BEECHAM: Good afternoon. My name is Cathy Beecham, C-a-t-h-y

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B-e-e-c-h-a-m, and I'm not a teacher, I'm not an educator, I'm not an administrator. I'm just a mom. And actually, my kids don't go to OPS. We go to LPS. But I'm here today because I strongly believe in public education and I'm also here because I grew up in Arizona and Arizona, in 1994, implemented charter schools. So I would just like to share with you my own personal observations and feelings on that. I can't speak directly to the legislation. Obviously, it sounds like some of the earlier testifiers had some great points about things that do need to change in our system. But these are some concerns that I have. I grew up in Flagstaff, which is about 50,000 people. It's up in the mountains. We had a hospital, a university, W.L. Gore that makes GORE-TEX was there, a very strong city and terrific public schools. In 1994, they introduced charter schools. And what I can tell you is I've lived in Lincoln for 15 years. The reason that my husband and I decided to move to Lincoln...we were deciding between Lincoln and Flagstaff. We were going to start a business, which we have done. We were going to raise a family, which we are doing. The fact that Lincoln had strong public schools and what we had seen happen with the charter schools in Flagstaff actually was a very big determining factor for us in moving to Nebraska. When I went back this summer to my hometown, my hometown has grown by 17,000 people. In the meantime, the public schools have closed a high school, they have closed a middle school, and they have closed an elementary school. I expect that some people would say, well, that's just good competition. I'm not sure, though, that it's very fair competition. And again, I can only speak to what I saw when I still lived there between '94 and '96. But I know that in many of the early charter schools, teachers were not required to have a degree in education. They were not required to have a specialty. It was really up to each individual board what sort of requirements they wanted to have. I know that a music teacher in one of the charter schools was a mom who had given piano lessons, didn't have a degree in music, didn't have a degree in music education. And I think it's very hard for public schools that are required to have these kinds of things to compete with something like that. You can pay people a lot less if they don't have that level of requirement, but you can't always guarantee that parents who are sending kids to a charter school are getting the education that they think that they're getting. My other interesting fact is that my father runs a charter school in Arizona. It has a high degree of poverty at his school and I know he's very committed to his students. I also can tell you that two years ago an autistic student came to his school and wanted to be admitted and was turned away because his school does not have a special educator. They can't afford one. And he was relieved. His exact words to me were having to hire a special educator can destroy a charter school because of the money it would require. Well, every student that comes to the public schools is guaranteed an education, every autistic student is guaranteed an education. Every student that is expelled for problems, public schools do not choose who they educate, they educate everyone. Some of those students may cost more to educate because they require a para in class with them all the time, but public schools educate everyone. And my concern about charter schools, I'm sure there are very good ones, it sounds like the gentleman from New York has a terrific charter school, but I can tell you at least from what I saw in Arizona, there was not a level of requirement for all

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charter schools to be the same or to function in the same way or to guarantee education to students the way that the public schools do, and that concerns me. I believe every student should have the right to an education. So thank you very much. [LB972]

SENATOR SULLIVAN: Thank you for your comments. Any questions for her? Senator Davis. [LB972]

SENATOR DAVIS: First of all, I want to apologize that I was in Agriculture all afternoon introducing some bills, and I'm sorry I missed this discussion. But I have a cousin who was the superintendent of schools in New York where there was a charter school, fairly extensive program, but now they've moved to Arizona. So knowing this bill was coming up, I asked him for some help with it. And so specifically as to Arizona, one of the things that they were concerned about is that there are what are known as BASIS schools. Are you familiar with those? [LB972]

CATHY BEECHAM: Just a little bit. [LB972]

SENATOR DAVIS: BASIS schools in Tucson advised parents of students that all students are required to take and pass all AP classes, and if a student can't keep up with AP or fails to do well, they're not allowed to stay there. Was that your experience with Flagstaff? [LB972]

CATHY BEECHAM: And again, you know, I didn't have kids in the public schools. I was a graduate. I have lots of friends who had kids in the public schools. You know, I felt that a lot of the high-ability learners, high scorers on tests went to a lot of the charter schools because they were able to focus in on some of those. I think that, again, just my guess, I don't have statistics, but it seems to me that if all of your or many of your high-ability learners go away from your public schools, your scores on your achievement tests are going to drop and, like it or not, federal funding is tied to test scores. And so I have friends now who, you know, struggle with do they send their kids to the public schools, because the public schools have laid off a lot of teachers. You know, the music program is only down to one person part-time between two high schools. I don't know if I really answered your question, but that was my experience. I know what we heard earlier that that's a myth. Maybe it's not an overarching experience but it's one that, according to my friends, happened in the public schools in Flagstaff. [LB972]

SENATOR DAVIS: Do you feel those students were recruited away? [LB972]

CATHY BEECHAM: I think many of them were, yeah. And many of them, I'm sure, got topnotch education, but I do worry about the students that couldn't go, didn't go, you know? I guess I just feel that if something is not working in the public schools, I agree with coming up with creative solutions. I'm not sure that I think charter schools are going

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to help the public schools solve problems. I'm afraid, based on what I saw in Arizona, that they're going to hurt the public schools' ability to serve all students. [LB972]

SENATOR DAVIS: But you said in Flagstaff they had closed three schools. And those children are going to charter schools? [LB972]

CATHY BEECHAM: I can't tell you. I know that the population in the schools declined enough that they had to close three schools. [LB972]

SENATOR DAVIS: So would you say people are voting with their feet then? [LB972]

CATHY BEECHAM: Possibly. You know, like I said, I think it's hard to compare though when, you know, I can educate students over here at a music academy and not have to pay people to have a certain degree, you know, because I can make up the rules. I can set my own rules in terms of what their requirements should be to teach there. [LB972]

SENATOR DAVIS: Thank you. [LB972]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. Welcome. [LB972]

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 Nebraska Association of School Boards, Nebraska Council of School Administrators, and here in opposition of LB972. And we do not oppose Senator Lautenbaugh's priority bill lightly. But a few points I would like to make in regard to this particular situation, and I'll go right back to the first testifier. Number one, OPS has a reconstituted board that occurred because of a bill by Senator Lautenbaugh. And this Legislature had helped OPS and sometimes things even turn out better than you might think they're going to, because from all accounts and my observations, this is a very capable, well-functioning board. They've hired a talented superintendent. And now they're trying to undertake the process of looking at what they can do to improve OPS and deliver the services that their community needs and wants, and they just need some time. I sincerely believe that given the time this strategic plan and with this board and superintendent, there's no reason that the alternatives and choices that the testifiers want can't be delivered by this board through OPS and looking at focus schools and different ways to organize what they're already doing. Now we talk a lot about charter schools and Nebraska and all these states have them. Well, there may be 42 states that have charter schools. How many of those 42 states have Learning Communities that are superimposed over the same district that you want to create charter schools in? That Learning Community was something that was created by the Legislature and it's working hard to try to deliver what the Legislature set out for it to do. You know, I had a conversation with the executive director of the Learning Community about the sites that they're working with in south Omaha with Latino families

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and trying to help parents with language issues so that the parents can help their children with their homework and in school. They're doing...they have a center in north Omaha that is I think structured through the Educare and it's early childhood. But the Learning Community is trying to deliver services to help close the achievement gap. So I think there are a lot of dynamics here. And lastly what I would say is that the School Boards' Association, school administrators talk about charter schools and it isn't always evil and that may be a solution at some point at some time for some problems. And I think that you'll hear from John Lindsay the position that OPS has taken on charter schools. It, I think, was crafted from discussions with the Nebraska Association of School Boards, and the School Boards' Association has, through their delegate assembly, a standing position on charter schools that's been on the books for a number of years and it talks about charter schools that are sponsored by school boards and would be held accountable to school boards. And there's the elected connection with finances and what have you. I think that OPS and what they're trying to accomplish deserves a chance, and I will conclude my testimony there. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Bonaiuto. Any questions? Senator Haar. [LB972]

SENATOR HAAR: Yes. Thank you. It would seem to me that Omaha isn't the only place that parents want choice, and so how could choice work in Beatrice or Schuyler or...I mean when you start getting to smaller schools, has your organization talked about that at all? [LB972]

JOHN BONAIUTO: You know, and, you know, I'm trying to think of conversations that may have occurred in some of the greater Nebraska communities. I look at Lincoln and what's happening at LPS with the...they started out with zoo school and the different focus schools. And you know what? I think that...and again I'll go back to if a community is looking at options and would like some more choice, I think having those conversations with the school board and looking at how can we do things differently within the context of our current system. And if that doesn't create the opportunities that are necessary then maybe something like charter schools is the answer. I think that you have to explore and look for what solutions that you might try and then look beyond that for other options. But, you know, I think that with districts that have multiple elementary sites, there is opportunity to do different things in different sites, do different things in different classrooms. It's just a matter of having those conversations and trying to find ways to best serve the children. [LB972]

SENATOR HAAR: Well, it seems to me, too, that often the thing of choice is that people take ownership and then they become more involved with their children as well. And so... [LB972]

JOHN BONAIUTO: And that would be a good thing. You would hope it is. You know we

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a while back we looked at open enrollment. And when parents option and choose schools to do an option student here or there, wherever, I think it's the number one reason parents selected a site was it was convenient. It was on the way to work or it was a way to get the student to a particular area which was easy for them. It isn't always the program. So there are other things that are taken into account beyond just the curriculum and could be other activities that a site might have or be involved in. But there are a lot of factors that take...are taken into account when parents make those kind of requests and choices. [LB972]

SENATOR HAAR: Okay. Thanks. [LB972]

SENATOR SULLIVAN: Any other...? Senator Scheer. [LB972]

SENATOR SCHEER: Thank you, Senator. John, I realize you're speaking on behalf of the association and not OPS, obviously. [LB972]

JOHN BONAIUTO: Yes, and they are the largest member of both and... [LB972]

SENATOR SCHEER: I understand, but... [LB972]

JOHN BONAIUTO: ...there are three board members from OPS on the NASB board of directors. [LB972]

SENATOR SCHEER: Well, and that's fine. I'm not asking... [LB972]

JOHN BONAIUTO: Yeah. [LB972]

SENATOR SCHEER: ...for a narrative. But we have a district that's got 48,000 students and they have not done well, in relationship to students of color, for a substantial length of time. I believe, and I think I'm correct when I state this because I was just looking at it yesterday, that Omaha has the largest educational gap for black males in the nation. And so when I see normal people coming up and begging for some type of choice, some type of an alternative to what they have had over the last 5, 10, 15, 20 years, however long it has taken to get into the position we are now, if I were them and listening to your testimony I'd say, you know, how long do we have to wait? Can we afford another generation that will be lost because of the achievement gaps that we have now, we know exist and need to do something better? I don't know that charters are the answer or not. But you know, we talk about a lot of things positively happening in Omaha, and I understand that's a big boat, you know, it does not turn on a dime. [LB972]

JOHN BONAIUTO: Uh-huh. [LB972]

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SENATOR SCHEER: But we keep waiting for it to change the wake, and I'm just...I wonder at some point in time how long we wait for that to change before we have to let people start doing some things that at least let them...if it sinks or it swims, it's on their dime. I asked one of the mothers. I said, what happens? She said she'd take the risk. [LB972]

JOHN BONAIUTO: Yeah, I heard, I was here for that testimony. And you know, because something is different, it doesn't mean it's necessarily going to be good or better. And it is a risk. And again, I'll go back to the fact if the board had not been changed so dramatically, new board members, there's all new faces, a new superintendent, I don't know, I can't sit here and say, yes, they're going to, you know, move, be able to move heaven and earth and do all the things that need to be done in the next year. But I'm hoping that, if they could be working with a community and moving in the right direction. And I know time is of the essence. I...yeah. I don't know what the right answer is. But again, we would add another dynamic on top of the Learning Community and all of the changes that that district has already really experienced. And so I would hope that they would have a chance to catch their breath and work through some of this. They're trying. [LB972]

SENATOR SCHEER: Well, I understand that. I guess my only response is I don't know that they have time to stop and catch their breath. I think they're on a sprint and they have to continue to keep moving. Because when we stop to take a breath, what happens? We stop. We cannot afford to stop. [LB972]

JOHN BONAIUTO: Well, and I would say, you know, maybe that was a poor choice of words on my part, but I think that, you know, they may be like the paddling duck, you know--calm on top and they're paddling like heck underneath. I just think that they're trying to do the right things and they just need a little time. And it is something that, without question, needs to be done. And there has to be accountability. And the elected board members will be held accountable. [LB972]

SENATOR SCHEER: Thanks, John. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Avery. [LB972]

SENATOR AVERY: Thank you, Madam Chair. I can't...you just said that just because something is new and different doesn't make it better. Am I right? [LB972]

JOHN BONAIUTO: I did say that. [LB972]

SENATOR AVERY: I cannot avoid the observation that the entire education establishment is here to oppose this bill. Is it because it's different? Is it because it is new? Because you don't know if it's better or worse;... [LB972]

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JOHN BONAIUTO: We...we... [LB972]

SENATOR AVERY: ...you just seem to be concerned about change. [LB972]

JOHN BONAIUTO: Senator, I think that...and I appreciate the question and I'll go back to what the commissioner would say when he was testifying is that, you know, charter schools may be the solution but it may not be the solution in all instances. I know that when the U.S. Department of Education was pushing the Race to the Top grants, they were looking at urban...the urban districts that were failing. And I'm not saying that Omaha doesn't have room to improve, but the districts that they were looking at and they put the charter school pieces in there, you know, that's what they knew in Chicago. That's what they knew about in the areas that they were experiencing some serious difficulties. And Arne Duncan was pushing charter schools. Now I would say never, but that may be the solution for a problem down the road or it may be the solution for this problem after the Omaha board and the superintendent have a chance to try to work through it with their strategic planning. And again, if they have the opportunity to do the authorization from the board, the board may come to the conclusion that charter schools is the answer and the board would use that as the solution, not the Legislature. [LB972]

SENATOR HAAR: Some charter schools fail and some succeed. And, wait, let... [LB972]

JOHN BONAIUTO: That's true. [LB972]

SENATOR HAAR: ...yeah, let me finish. And...but we know that investing money in preschool works and... [LB972]

JOHN BONAIUTO: That is the place. (Laugh) [LB972]

SENATOR HAAR: ...so I keep thinking in my mind whether, you know, money does make a difference, we're going to have to invest more money in our education system. Wouldn't it make more sense to, you know, like OPS, the new board is working on this, but start to invest rather quickly the money we need to in preschool? [LB972]

JOHN BONAIUTO: The success that Educare has had is just phenomenal and that's absolutely true and that's exactly why the Learning Community has the site in north Omaha. And so I do think there are things that can be replicated and things are happening. They never happen as quick as we would like. And I know the urgency is there because, all the time that is spent, there are children that are not getting the services and the help they need. [LB972]

SENATOR HAAR: Okay. Thank you. [LB972]

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SENATOR SULLIVAN: All right. Any other questions for John? [LB972]

JOHN BONAIUTO: Thank you. [LB972]

SENATOR SULLIVAN: Thank you. Welcome. [LB972]

CHRIS PROULX: Thank you. My name is Chris Proulx, C-h-r-i-s P-r-o-u-l-x. I'm the president of the Omaha Education Association testifying against the bill. I guess I would want to preface my testimony by acknowledging I've got a lot of friends around the country in other local associations in the union who are in some different positions and there are examples of where my colleagues are actually authorizing and running charter schools. So it isn't as though the union is always against. It isn't that we're just here to always quash the idea. There are examples of where they work. There are examples of where unions are authorizing their own charters and making them work. I think it's a bigger question. I think to pose it as are you for or against is a false choice. I want to share some of my experiences through my colleagues' eyes through a story about, you may be familiar with, Jaime Escalante, a math teacher from Los Angeles. The movie Stand and Deliver, in that movie he was labeled a hero in how he saved all these kids and was able to get these kids from poverty to achieve these great heights. If you were to put that into today's context in 2014, looking at the fact that half or more than half, using the movie as reference, of those students left the class, essentially dropped out of his math class, he'd be labeled a failure as a teacher by today's standards. As teachers, we aren't allowed to let any students drop out. If one student were to fail, it would come back on us. So we've got a new paradigm that we're trying to operate under. However, if Jaime Escalante worked in a charter school, it would be okay because they aren't held to the same standard as our public schools are. It's okay for those kids to leave; nobody questions it. And the charter schools typically don't balk at the notion of a kid leaving because they do have this waiting list and there's someone else to take their spot. The premise that we'll lose money if kids leave so we have to do a great job just doesn't hold water. Because of this waiting list, there's someone else to take their spot and it will supplant the money lost by student A with student B. So they aren't risking what they oftentimes claim that they're risking. The charter schools, as from my colleagues in Denver, Minneapolis, different parts of the country, they see the charter schools don't provide all the services that we have to provide as a school district, like the one parent spoke about in Flagstaff that they didn't want to hire a special education teacher. It costs too much money. So who has to provide those services? The district. However, the district had to give all of their fiscal resources to the charter school, even though the district still has to provide the services without the funds to do it. And that's how, as a system, the rest of the students get hurt. As a parent of three students in OPS, that I think is more of my fear is to see the system hurt in that way. Knowing that if we take 1,000 kids out and put them in charters, it isn't a revenue-neutral move, it just isn't, to ask the school district to transport all those kids because the charters should have to do

it. But if we're going to take away all the money from OPS to do it, it just doesn't make sense. It isn't...that doesn't mean that we can't do it right, but this is a short session. We don't have a lot of days and we have some huge topics in front of this body. And what I would fear most is to see this body take on this big of a topic, this important of a topic, and try to get something through in a short amount of time and not get it done well and not get it done right and not allow this to ever work because we got it off on the wrong start. It isn't that charters are bad or good. It's a false choice. But they can work but they can also have huge detriments. And I'll close with my colleagues in Columbus, Ohio, as an example, and I believe it was this year. The school year started. They had 17 charter schools close because they just realized they weren't going to make it work. This was like the weekend of the school year or right before the school year started. Where do those kids go? The school district didn't hire teachers for those kids at those 17 schools because the charter school got all the money. So now they've got to put all those kids back into these schools and the district is not prepared for it. That means overcrowded classrooms. That means waiting to hire more people and trying to find space. If it's not done well, it can go very, very poorly, and I think that's what I'm here to speak more to this evening. Thank you. [LB972]

SENATOR SULLIVAN: Thank you very much for your testimony. Many times in these conversations about charter schools, I'm sure you would probably admit that the teachers' unions get a little bashed about this. I would like to ask you what you think should be and could be a productive role of your education associations in fostering innovation, addressing concerns with perhaps poor teacher performance, and moving toward more flexibility in delivering education. [LB972]

CHRIS PROULX: There are a lot of examples around the country of where teachers' unions are leading this effort in terms of that reform and getting outside the traditional mold. Minnesota has got a lot of examples of charter schools that are authorized by teachers' unions and being able to step outside the traditional way of working. You're seeing labor contracts around the country where they're incorporating ideas around teacher evaluation, different ways to look at performance-based pay. Sometimes it works; sometimes it doesn't. But you're starting to see the unions around the country being more willing to try new things. It isn't that we're always just going to say no. We don't want to see performance-based pay, as an example, done poorly or done in a matter that's not sustainable or isn't going to be fair in how it gets applied. But we are learning from our colleagues about some different ideas that can work. So it isn't that we aren't willing. We just want to make sure we do it right. [LB972]

SENATOR SULLIVAN: Okay. Thank you. Senator Scheer. [LB972]

SENATOR SCHEER: I don't know that I want to correct something you said, but I might take issue with something you said to the extent in your comment that with the special-needs student that they would have to do it without the money. Well, that

student is their child. They would be having the funds for that child in that school district. He didn't leave anywhere, I mean he or she is part of that district, so they are receiving the funds for that. And from the funds issue in relationship to charters or whatever we talk about as far as the funding mechanism, you know, I think we've got to be honest with ourselves. We're already allowing option enrollment so I have districts all over and in my part of the state that are actively recruiting and seeking students from one district to the other. And why? For the option enrollment money. Now they're not a charter school but a public school, but the money flowed away from that school district. Makes it pretty darn hard for them to react when all of a sudden they find out they've lost 20 kids and it's a school district of, you know, 200, pretty tough to react. So I think when we start, we can no longer use funding as an obstacle in relationship to talking about educational opportunities because we already allow that and districts are already actively involved in trying to work that system to their benefit. Because when they recruit that 20 students away from that, they probably didn't hire another teacher because the students are dispersed enough that it probably didn't change their teacher ratios. So it is just additional dollars to that district. And conversely, it didn't change the teacher ratios of the district that lost those students but it put a world of hurt on their cash reserves or their ability to react. So, you know, this may not be the answer but we can no longer continue to try to use funding as a reason not to try something different than we're doing, because we already allow that. We really do. [LB972]

CHRIS PROULX: Can I respond? [LB972]

SENATOR SCHEER: You bet. [LB972]

CHRIS PROULX: Just real brief, I understand what you're saying, but I guess the part I would take exception with is when district A loses their students to district B, district A doesn't have to provide any services for the students who left. [LB972]

SENATOR SCHEER: Uh-huh. [LB972]

CHRIS PROULX: In the charter school scenario, OPS would still have to provide the services even though the funds aren't within the OPS greater system... [LB972]

SENATOR SCHEER: Well, but that's...but... [LB972]

CHRIS PROULX: ...now they're within the charter system. So there's a little bit of a difference. I... [LB972]

SENATOR SCHEER: Well, no, because...I mean we keep talking about the funds follow the child. So the only funds that left the district are those that are following the children that are in that building. Regardless if it's a charter school or if it's somebody moving from Bellevue to OPS or to Ralston, the funds follow the student. The student that we're

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talking about, the special-needs student, was already a resident of that district. They already had the obligation to pay for that student. And I'm not...this is a separate, distinct conversation than the charter. But when we are letting districts utilize the movement of students for the profitability of school districts, I'm not sure how then we can use that as an excuse in other mechanisms. We can say, well, that's okay here; but whoa, whoa, when we're talking about it in this method then that's not fair game, because we're already letting districts do that actively right now. [LB972]

CHRIS PROULX: Okay. [LB972]

SENATOR SCHEER: Thank you. [LB972]

SENATOR SULLIVAN: Any other questions for Chris? Thank you for your testimony. [LB972]

CHRIS PROULX: Thank you. [LB972]

SENATOR SCHEER: Are we 28,000 strong, Jay? Jay. [LB972]

JAY SEARS: I'm not sure. [LB972]

SENATOR SCHEER: Are you 28 or 20 today? [LB972]

JAY SEARS: I always have the right numbers. [LB972]

SENATOR SCHEER: Okay. [LB972]

JAY SEARS: (Exhibit 15) Good evening, Madam Chair, members of the Education Committee. For the record, I am Jay Sears, J-a-y S-e-a-r-s, and I'm here representing the 28,000 members of the Nebraska State Education Association. NSEA is opposed to LB972. It is deja vu all over again. I appeared before you on February 25, 2013, to address this very same topic, though not some of the same issues. And in fact, it's also my daughter's 40th birthday so I'm feeling really old, but I don't know how old she feels. (Laughter) But as time goes on, we may all be older. I've provided you with testimony that I used...testified before in opposition to charter schools under LB593. You can use that for whatever purposes, in case you've lost it from last year. Nothing in that testimony has changed from my organization. I've also provided you with a copy of the Great Lakes Center's analysis of the CREDO National Charter School Study of 2013, which is often cited by charter school proponents as the "definitive study that proves charter schools are better than public schools. I could add a quick summary: They do well, they do bad, they do poor. I think you got a better analysis from somebody that understands statistics and scores. Mr. Bert Peterson sent you a letter and I imagine it will get read into the record. He's a statistician and understands all those things and can

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tell you that .01 is not a significant increase for any size. I can go back to my master's degree in Ed Psych and remember that .5 is significantly a statistic that you want to work at. But I don't want to get into the arguing about whose study is better than whose study, or which solutions, which is the best. What I want to do is talk really about what's reality right now. And I wanted to talk to you about what's going on in the Omaha Public Schools that I'm also a part of and the Omaha Education Association is a part of and the Omaha School District is a partner in and the National Education Association is a partner in and the Sherwood Foundation is also a partner in that, and that's the Collaborating for Equity Grant that the Omaha Public Schools and the Omaha Education Association received three years ago. And so that's mainly my testimony. OEA and OPS received a \$250,000 grant for each year of five years to look at and undertake a collaborative effort that would look at improving instructional practices, increased academic achievement, and develop collaborative partnerships with families and communities in neighborhood schools. The Sherwood Foundation, as I said, is providing matching funds for this Collaborative, and they've provided those for the past three years and we anticipate that they will continue throughout the grant matching,... which we greatly appreciate. But...and the Sherwood Foundation serves on the steering committee. I serve on the steering committee, representing the Nebraska State Education Association as a part of the NEA family. And Chris, who just testified from the OEA, serves on that steering committee, plus a lot of other community people. It's not about the people there. It's what I've heard in the last few years in the reports that are coming from the three pilot schools that I think are exciting, and it's why we need to continue to support the Omaha Public Schools and their new superintendent and their board in whatever other solutions that may need to happen. I know Commissioner Blomstedt talked about the systems and the supports that we need. That's what these three pilot schools are looking at. We're thinking about and we're bringing on three more pilot schools to try the same collaborative types of things. And what the district will do is learn from those things that are happening. But specifically what we've heard from a first-year analysis and report from our UNL partners in the evaluation system is teachers are getting to talk to one another, they're designing instructional practices that meet the needs of children. And, though it's not a trendline because one year of data does not a trendline make, student achievement is improving. What I suggest to you is OPS has the ability to make the changes. I heard many parents come to you this afternoon and this evening asking for choices and solutions. The OPS board can do and make any of those innovative changes they want under the current guidelines that we have in this state. I have yet to see, and I spent the last 18 years watching the State Board of Education and the Department of Education in their monthly meetings, no school has come to ask for a waiver of Rule 10 requirements that had to do with curriculum and the way they structure schools and all those things. All of those things can happen. And then I would say to the people in Omaha who want to fund opportunities for children, come and talk to the new OPS board and the new superintendent. Bring your ideas. I don't think they're going to throw you out. So thank you for the opportunity to talk to you on this late evening. And how many more bills do we have? [LB972]

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SENATOR SULLIVAN: Thank you, Jay. [LB972]

JAY SEARS: Thank you. [LB972]

SENATOR SULLIVAN: Any questions for Mr. Sears? Thank you very much. [LB972]

JAY SEARS: Thank you. [LB972]

SENATOR SULLIVAN: (Exhibit 16) Any other testimony in opposition to LB972? I'd like to enter into the record that we have one letter of opposition from Nancy Carr of Lincoln. Anyone wishing to speak in a neutral capacity? Welcome. [LB972]

WILLIE BARNEY: (Exhibit 17) Thank you. Willie Barney; I am president and facilitator of the Empowerment Network in Omaha, Nebraska, also a parent of two students that attend Omaha Public Schools. And I want to thank Senator Lautenbaugh and others in this committee for the opportunity to address you on this issue. I have prepared a couple of documents that would be helpful, I think, as we have this conversation. And really I have been wanting to have a conversation with this Education Committee, and this affords the opportunity. I've heard a lot things today, and I really wanted to come. Had a couple other meetings that I decided...I'm going to cancel those meetings and come here because this topic is so critically important. And one of the things I want to emphasize is the number of comments that were made by parents and the fact that parents took the time to come down here today to speak to this topic because we really literally are out of time. We're out of time. The sense of urgency to address education and employment not only in north Omaha but other pockets across our state has to be addressed. And as many senators and others have said as we've gone along today, education is a critical piece of that. And I do want to...as I've been reading and following the Education Committee, the support that this committee has shown to make sure that we have additional funds for education is critically important. I want to share with you...again, I was here...the last time I testified before the Education Committee was almost four years ago, and it was in regards to keeping open a focus school in Omaha. And we kept that school open. And what the reasoning behind it is not just for our own kids, but we wanted to have a model within the Omaha Public School System that shows that with the proper investment, the proper focus, the proper collaboration, that you can have the achievement at the level that we expect. And so here we are four years later, and that school, Wilson Focus School, is open, and it takes in kids...a very diverse student body. My understanding, it's 54 percent free and reduced lunch. And the academic performance, especially of the 6th grade students that have stayed with that school over that four-year period is outstanding. In addition to that, within the Omaha Public Schools district there are models...you've heard about magnet schools. The magnet school that I wanted to reference today is the Crestridge Magnet School which is a dual language program. It's a magnet school that across the country, when dual

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language programs have been implemented there is a very high success rate in reading and in math but specifically in reading. As an example, the Crestridge school in Omaha Public Schools is a dual language school with just nearly 60 percent free and reduced lunch, but an 88 percent reading proficiency. So there are just two examples within OPS right now, a focus school and Crestridge dual language program that are showing very high productive results in reading and also climbing in math. The reason I bring that to your attention is many times we get into these conversations, and we don't have all of the information that would be useful for us to make the decision that we need to make and specifically in regards to the growth and the opportunities that we have within OPS and in these high-poverty areas. The information that I just gave you identifies that, yes, every child can achieve. Yes, we've heard it over and over again. Every child, no matter what level of poverty, they can achieve in the right environment with the right investment and the right strategy being put in place. The document that you have in front of you is a lot of results and work that's gone over the last few years, but it walks through specifically the impact of poverty not only in OPS, but the impact of poverty across the state of Nebraska. And what it will show you is that...and Harvard University has looked at this information and confirmed that it's pretty much the same curve across the United States, and it's been the same curve for the last 40 to 50 years in the United States of America. What I mean by that is if you take schools and divide them by free and reduced lunch populations, and this is in OPS, number two, 91 percent of the kids in OPS that attend an elementary with 0 to 20 percent poverty, 91 percent of them are proficient in reading. The next group is 20 to 30 percent. Of those students, 87 percent are proficient in reading, all the way down to 90 percent or higher of those students being free and reduced lunch where 49 percent of them are proficient in reading. So a lot of people use that data to say that OPS is not doing certain things. But if you go one step further, look at the state. The same exact curve that happens in OPS also happens in school districts across the state of Nebraska, the exact same curve. So the issue that is being discussed is how do we fully address poverty in our state. It's not only OPS, it's not only north Omaha and south Omaha, but there are schools across the state that have a certain level of poverty. And in most cases, there's some outliers, but in most cases you see the exact same trend across the board. So at the bottom of this sheet that I've handed to you...and I realize the time is out...there are specific strategies that have been identified across the country that have research and data behind them that show what needs to be done to close the gap. It's not like we don't know what it takes. And we must have a sense of urgency and invest in these schools that have a higher level of poverty because the kids can learn, and we need to step up our game in the state of Nebraska and really invest in these schools that have been proven to be successful, the models that have been proven to be successful across the country. I'll stop there, and I'll take any questions that you may have. [LB972]

SENATOR SULLIVAN: Thank you for your testimony. [LB972]

SENATOR COOK: Thank you, Senator Sullivan, and thank you, Mr. Barney, for coming

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and staying all afternoon to offer your testimony. I'm looking at the handout on the front in the lower-right corner. [LB972]

WILLIE BARNEY: Yes. [LB972]

SENATOR COOK: The number one point under North Omaha Cradle to Career Solutions and Strategies, Equity Funding Formula, match funding to needs. [LB972]

WILLIE BARNEY: Yes. [LB972]

SENATOR COOK: This is a bill about creating the independent public schools which we're referring to as charter schools. Do you as an individual or a parent or as a leader of the organization have any concerns about the money, our limited funds coming out of that pool, currently going to the public schools, that might go to a child or children attending the newly created charter school? [LB972]

WILLIE BARNEY: Let me say it this way. Thank you, Senator Cook. Over the last ten years, I've worked very closely with OPS, very closely with the community. We have polled, surveyed over 3,000 people, over 1,000 young people, have traveled to about 20 different cities. We looked at charter schools in Atlanta. We've been to Indianapolis. We've been to Minneapolis, Chicago. We've looked at charter schools, public schools, independent schools across the board. At the end of the day, really what we're talking about is no matter what you call that school, there are certain elements that must be in that school for it to be successful, extended day, extended year, especially high-poverty schools; those schools that have extended day, extended year, high use of technology, experiential learning, early childhood investments, all of those things are necessary. So there is a concern that at the point that we are right now in Omaha, that there is a lot of momentum behind creating a very strong strategic plan. And within that strategic plan we are trying to reinforce that we have to have dual language programs, that we need to have focus schools, and we need to use those resources as best as we possibly can right now but with the understanding that if at the end of the cycle, even in the current process, there will be additional funds that are needed. And so the question would be, whether it's charter school, public school, private school, at the end of the day when we really deal with high poverty schools, we know there are certain things across the country that have proven to be successful. And they will require a higher investment than what we have right now. So to take those dollars currently, I would have a concern, But I want to make sure that we're emphasizing...I'm not against charter schools. I have associates in Minneapolis that run some of the highest performing charter schools in the country, and they've been recognized for that. So they can do a good job. The question I would have for this body right now is, at the moment that we're at right now, have we fully invested in focus schools? Have we fully invested in dual language schools that could be directly targeted to north Omaha or in some schools in Grand Island to test this right now? So hopefully I've answered your question... [LB972]

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SENATOR COOK: Yes, absolutely. [LB972]

WILLIE BARNEY: ...but I think the biggest piece now is that there are models in our state right now that are working. But the question becomes, how much are we willing to invest in those current models to expand them with a sense of urgency that these parents have given us? And I want to emphasize, I am right in the corner of these parents. We've got to do something now. And it's not just in north Omaha, but the key is that we know what works. We have examples now of what works. And how do we expand those models with the quickness and the sense of urgency that others...Dr. King talked about sense of urgency. We are at that sense-of-urgency moment. We don't have any more time to waste. We have to deal with this now. [LB972]

SENATOR COOK: Okay, thank you very much. [LB972]

SENATOR SULLIVAN: Any other questions? Senator Haar. [LB972]

SENATOR HAAR: Well, I know in Lincoln for example if you ask, you know, where's the highest reading scores and all that stuff, it's at East High School. It's one of the older high schools. But that's where the, you know, the kids are more affluent. The families are more affluent. And so I would like...I'll read this piece you gave us, but I would like a little bit more...what do we know works, and then what do we need to invest in that? [LB972]

WILLIE BARNEY: And again, in conversations...had an opportunity to present at UNL about a year ago. And Harvard University was here, and they presented a scope of 40 years of research that says, we know what needs to happen. And in that research it shows that the number one model for educational improvement and reform is integration socioeconomically, not necessarily even by race. But socioeconomics is the best model for education. It's been proven hands down to be the most effective, most sustainable way to educate all children. The second model is where you have, what I mentioned is, a dual language program. For some reason, when kids are learning multiple languages, their reading proficiency is in many cases off the charts. And we have examples of that not only in Omaha but across the country. So dual language program has been proven to be a very highly effective way of increasing reading proficiency of kids of all income levels. So the third thing that...and that's again, I think, in what Senator Lautenbaugh and others have brought this bill forward is the schools where you have 60 percent or higher of free and reduced lunch students, not to say that those students can't learn because they absolutely can learn. But there are different things and techniques and strategies that must be in play. In most cases as I've looked at charter schools and high-performing schools and high poverty, it's usually an extended or an extended year or both, there's high use of technology, there high use of hands-on learning, there's been an investment in early childhood as been said before,

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after school programs, support services, wrap around, all of those things are in place across the board is typically where you'll see high-performing schools even in a high-poverty school. So those are just some of the examples, and those are captured on here. But it's not one or the other. It's not charter or public. It really is those elements that have to be in that school, especially when you get to 60, 70, 80, and 90 percent of the students are from a low-income background. And again, this is not just north Omaha, but if you look across the state, I can show you school by school in elementary and that 80, 90 percent of poverty where they're having the exact same issues. But if there was the investments, strategic investment that's needed in those schools, there's no question that they can...that those kids can learn. They can achieve. [LB972]

SENATOR HAAR: I'll start on this. Thank you. [LB972]

WILLIE BARNEY: Yeah, thank you. [LB972]

SENATOR SULLIVAN: Senator Kolowski. [LB972]

SENATOR KOLOWSKI: Thank you, ma'am. Mr. Barney, thank you for being here today, and I couldn't agree more with your statements about, we know what works. Do we have the will to do it? And if we do that, I think we can turn a lot of corners, and we talk a lot about just public education as a whole...that what isn't out there. We don't share very well together. We don't share those ideas. We don't talk about it with our peers very much, and it's unfortunate because we end up spinning our wheels most of the time looking at what can we do, how are we going to do it. And it's a shame because as you stated so eloquently, there is a lot that can be done and done correctly and the gains will be there. Thank you. [LB972]

WILLIE BARNEY: Absolutely, and I think we're right on the verge of that. And I'm hopeful that...and let me say this as well. Speaking as a parent, I have a daughter that attends Columbian and I've had a tremendous experience at a very diverse school, doing great. My son attends the Wilson Focus School. So I've seen the best of the best within the public school district system. But I've also seen areas of weakness. And so that sense of urgency to address those...and we know how to address them within the system, and I'm encouraged by what I've seen with the board and with the superintendent that we will address those as quickly as we possibly can. But with those solutions that have been identified...and I will be the first one on the bus back down to say, if those things are not addressed at the level that they should be, we're out of time. We're just, as the parents have said, we are flatly out of time. And I just want to leave you with that is that there is a sense of urgency within this. I appreciate the work that you're doing, the attention that you're giving to this issue, but we really do need to move forward. I'm not against charter schools. I've seen them work very effectively. We're at a point right now that we really need to move forward and push the accelerator so we can deal with the concerns that the parents have raised. I have another document if you

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want to have it, it has a school-by-school analysis across the state for elementary schools based on poverty and which schools are outperforming that. So that's...again, thank you for your time. I don't know if there's any questions. [LB972]

SENATOR SULLIVAN: Very good. All right, thank you so much for your testimony. [LB972]

WILLIE BARNEY: Thank you. [LB972]

SENATOR SULLIVAN: Anyone else wishing to speak...oh, I guess so. [LB972]

JOHN LINDSAY: Senator Sullivan, members of the committee, for the record, my name is John Lindsay, L-i-n-d-s-a-y, appearing as a registered lobbyist on behalf of Omaha Public Schools in a neutral capacity on this bill. As Mr. Vargas stated a little bit earlier and stated correctly, OPS board did not take a specific position on this bill. They did take a position, a policy statement on charter schools. And we did not intend to testify today, but hearing some of the concerns raised, some of the questions about where OPS stands on this, I wanted to appear just to read to you the policy that the OPS board did adopt. And that policy is as follows: In the event charter are required in Nebraska, such schools should be sponsored by a public school district, located within the boundaries of the public school district, and be accountable to the sponsoring district for their student achievement, finances, and operations. These requirements should be applied to all school districts in the state. That is the position of the OPS board. Be happy to try to answer any questions. [LB972]

SENATOR SULLIVAN: Thank you, Mr. Lindsay. Any questions for him? Senator Cook. [LB972]

SENATOR COOK: Thank you. I was going to ask you the same question about the money because we had that conversation last year. The TEEOSA formula...the OPS particular interest in factors like the averaging adjustment to ensure that they receive as much money as they can toward all of the things we've identified. Are there concerns from you as their registered lobbyist or from individual members of the board or the board as a whole about the potential funding shift or perception thereof? [LB972]

JOHN LINDSAY: Of course, as a lobbyist, I have no sincerely held positions of my own. (Laugh) [LB972]

SENATOR COOK: Oh, congratulations. (Laugh) [LB972]

JOHN LINDSAY: You know, I'm a little bit...I think there's a variety of reasons that the board took positions on the charter school issue. That could have been the position that drove some of the board members, but that is not a board position. And so I really can't

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comment on the whys or the concerns about...certainly OPS has a concern about proper funding, but I don't know that I can put that into the context of charter schools because the board didn't specifically indicate that to me. [LB972]

SENATOR SULLIVAN: Any other questions for John? Thank you. Seeing no one else to testify in a neutral capacity, Senator Lautenbaugh. [LB972]

SENATOR LAUTENBAUGH: Thank you, Madam President, members of the board, I told you I would stay, and I thank all of you for doing the same. This will be a little disjointed because I've been taking notes the whole time, but I'll skip a bit as I recognize the lateness of the hour. This does come down to again, about choice. And I'd hate to bury the lead here. The affected district is neutral. You hear horror stories about how this will be a drain on funding, and this will be an experiment that could go awry, etcetera, etcetera. What are we going to do? This is going to take dollars away from the traditional public schools. And the affected district is neutral on the bill. Does that not tell you anything that this might be different than what we've seen in the past here. And, yeah, I listened to all of the testifiers intently. There was talk of the feeling that the one gentleman described from north Omaha of being in a box. And we all know where that box came from. It's a history of racism and redlining and the poverty that has come with it and the cycle goes on and on and on. What this bill would provide is five schools...up to five schools and a chance for something different. And we talk about urgency. We talk about bringing, you know...well, we have to have all hands on deck, and we really need to move forward. But you'll forgive me if I have my doubts. And I know some of you do, too, just from your questioning as to whether or not the urgency is really shared. I mean, these would be public schools. There's no way these five schools would be a threat to the school district which are neutral by the way...which was neutral by the way on this. We can't say that often enough probably. We talked about pre-K. One thing that studies do show is that the benefits of pre-K disappear if you have inept post-K. This is meant to address the post-K. And I would suggest to you that we are wasting our money if we start spending it pre-K if we don't get our post-K house in order. And again, hoping that we do that is not really a policy. And I know others are doing other things, and I understand that. But I don't want to go down the whole road of discussion on the poverty issue again, but when I first mentioned poverty on the floor this year I said it's certainly a problem, certainly and obstacle, but it can't be the excuse not to educate. And that became the whole discussion. And I think everybody in this room is trying to agree and say the same thing, that we can work around this. One thing you didn't hear very much this year that you surely heard last year was CREDO; CREDO, CREDO, CREDO. You couldn't get away from it last year. Well, what's happened in the interim was an updated study that showed that charters are having success in poor and minority communities, undeniably, undeniably. So you heard one opponent mention it with another study that said, nah, maybe they're not right. Last year, they were damning about charters supposedly, which was an overstatement of what CREDO said. Roger Breed is a friend of mine. Roger Breed disappointed me gravely last year with his

testimony because I think he overstated what that prior CREDO study said. This year CREDO has gone down the memory hole practically. It's almost disappeared from the discussion of charters. But I think it's instructive to note that no one really came forward to dispute what the current study shows, that in poor and minority areas, charters are having an impact. And this bill would authorize five of them. And you heard from the community saying, give us a chance, give us a shot. And again, I talked about, you know, at some point you have to say, it's great that you feel a sense of urgency, and you say you feel a sense of urgency. But again, I sat here and listened. The State Board is opposed again. But I'm not really clear why. We heard that charters aren't always bad, but they're sometimes bad. They're not always evil, and we should surely talk about these things as we look into the future. Well, I know a bunch of kids that aren't going to be able to look into a future because we're effectively denying them one with the more we dither. And this again is not a silver bullet for everyone. I've never marketed it as such. I've never promised it as such. But it is just a chance for some kids in a community that is undeniably underserved. Some other numbers that don't lie, a community that undeniably being underserved. It's not the only thing, but it's certainly a thing that we can do. And we heard opposition again from Mr. Bonaiuto and the two entities that he represents. The new board is doing great things, give it time, give it time. It's working out better than anyone could have foreseen. I urge you to look up who came in and testified against LB125 which created the new board. You'd find Mr. Bonaiuto. It was a bad idea last year, but it's worked out better than we could have possibly seen. So now that's an excuse for not doing the next thing. And so it goes. There's always an excuse for not doing the next thing. But Senator Avery was dead on, dead on when he finally said, oh my gosh, what are saying here? How can you keep saying that the federal government and the Race to the Top funds, right, says we're dinged because we don't have charters. But we're going to say, well, no, we know better than that. Vast majority of the other states have charters, but we know better than that too. We're going to go our own way. And the comment that was made, I guess, that we think we're moving forward, the department said, but it's scary that it's not fast enough for those parents who showed up today. Well, they all had to go home. So we can go back to business as usual tomorrow. We don't have to be scared anymore. They went home. But if we fail to act, they'll presumably be back next year. Or worse yet, they won't. But how long, how long do you have to wait? The last neutral testifier before Mr. Lindsay said, I know people that run charter schools in Minneapolis; they're great. But we don't want to distract from the great things that OPS is doing. There's no way these five schools--if we authorized all five--would be a material distraction from the size of a district the size of OPS. The opposition will never relent on this. But you have to give these folks a chance. You have to see what the statistics now don't lie about. I don't know what more to say about it. I'd be happy to answer any questions you might have. [LB972]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. We heard the concerns of parents today, and they were heartfelt. We also heard there's a sense of urgency. We

also heard that there are best practices and models that we know work that might be present in a charter school. They might be present in an existing public school. You're suggesting that we go the route of a pilot project with five schools. It will take some time to develop the rules of the road, if you will, for an application to be presented. So my question to you is, if in fact there is a sense of urgency, if in fact we have some models that we know work and perhaps are even working in OPS, and if there is the will to divert resources to make those happen, might there be another approach short of what you're suggesting? [LB972]

SENATOR LAUTENBAUGH: Oh, there are myriad of other approaches, and they should all be tried yesterday. I mean you're absolutely right. If there's...there was Wilson Focus School that certainly exists but not to be replicated somehow. Yeah, I'm not saying that we should focus on just doing charters. This is a pilot project of five schools. And yeah, you're right. They're not going to exist if you pass this bill out, and we pass it. They're not going to exist right away. But if we don't do it until next year, they're not going to exist until, you know...you know how it works. But no, this is not meant even to be a substitute for other things. It's another option for people to have. But you're absolutely right. But the beauty of it is I can pretty much guarantee you that as this bill goes forward people who could do things will find out that they are going to do things, and they're darn well going to do them right now; not talk about it, not have a listening tour, not have more meetings around the district to see what should be done because again, we all get e-mails. I got an e-mail that said, when you said our students aren't any different than anywhere else in the nation you were dead on. We don't have to reinvent this wheel. This is nonsense that you keep talking. We know what to do. And the only way you make people do it is keep pushing, always keep pushing. [LB972]

SENATOR SULLIVAN: Senator Seiler, did you have something? [LB972]

SENATOR SEILER: Yes, good testimony. The testimony I didn't hear is if we pass this bill now...to float the bonds, to do the building, to staff the schools, any estimate of time? That's the part I didn't hear anybody say. [LB972]

SENATOR LAUTENBAUGH: Well, traditionally I don't think you do float the bonds and build the buildings. I think that there's a lot of covenants. There's a lot of existing structures that might have previously been schools. I mean, it happens a lot faster than you think in that way. As far as the staffing concerns and whatnot, it would depend on the specifics of the proposal as far as what kind of entity you're trying to create. But I don't think that necessarily you would expect people to run out and build a new building because of this. There are existing structures, and there are existing ways to do it that would not be capital intensive like that. [LB972]

SENATOR SEILER: I just didn't hear any testimony at all about that. That's why I was... [LB972]

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SENATOR LAUTENBAUGH: I think it's because it's kind of a nonissue. I mean, it didn't occur to anybody to address it. [LB972]

SENATOR SEILER: Well, even if they take the temporary, how long will it take them to get the temporary buildings? How long will it take them to get staff? How long will it...get it up and running? Are we talking one year, two years, three years? [LB972]

SENATOR LAUTENBAUGH: My...if the charter were granted, certainly within a year if you're not building new construction. [LB972]

SENATOR SULLIVAN: Senator Cook. [LB972]

SENATOR COOK: Thank you. Thank you, Senator, for your closing. I want to make reference...and I'm a little hungry like everybody else is, so it might take me a while to put this sentence together. I want to make reference to some testimony that I've always thought was true, that the existing new-and-improved OPS board headed by Mr. Wayne who is here today produce a lot of these things right now with or without this kind of legislation. What would you say about that? I saw the summary of the strategic plan, and it did identify a challenge that the board is willing to wrestle with, that they're not putting the resources maybe toward...where they're...might be most needed. How would you respond to that, like tonight or the next meeting, identifying up to five school buildings that could be staffed in the same way? [LB972]

SENATOR LAUTENBAUGH: Well, I think there's different ways to answer, could do it right now. Well, some of it could be done now. And you are surely correct, some things that have led to successes under charter models could be done within the existing legal framework. But the problem is you'd have to rely on people to actually do them which is part of the problem. When I was on a panel and someone was discussing...well, shouldn't you just let the school board authorize these? And he said, well, that's like asking McDonald's to authorize Burger King; it would never happen that way. Now that's not necessarily true, but that was the opinion of that gentleman. But leaving aside, could they do it now? Could they go open five new charter schools leaving aside that I don't know what union contractual issues that may or may not implicate because I just don't know the answer to that. I do know what the subsequent...leaving aside the one plan you referenced, the other issues that have come out regarding other technological and physical plant issues they have to focus on as well, I don't know if the district could go do this right now. If they could do everything a charter could do tomorrow, I don't know if they could go open five new schools in east Omaha next year. I just don't know the answer to that for sure... [LB972]

SENATOR COOK: Okay. [LB972]

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SENATOR LAUTENBAUGH: ...because there are more challenges. We could be here all night talking about the challenges, and you'd go home depressed because...well, more so. So... [LB972]

SENATOR COOK: (Laugh)...more so. Okay. [LB972]

SENATOR SULLIVAN: Senator Haar, did you have something? [LB972]

SENATOR HAAR: Not going to go home depressed but hungry. [LB972]

SENATOR LAUTENBAUGH: Well, give me time. [LB972]

SENATOR HAAR: We got a letter from the Nebraska Catholic Conference, says that your bill reads somewhat like a voucher funding mechanism. We would be supportive of school vouchers in Nebraska. This scares me. [LB972]

SENATOR LAUTENBAUGH: (Laugh) Well, it's not a voucher bill. [LB972]

SENATOR HAAR: What's the difference? And how many states who do charter schools also do vouchers? [LB972]

SENATOR LAUTENBAUGH: I have no idea how to answer your second question. I think voucher programs are still relatively uncommon because of constitutional issues. I don't know the answer to that. I've never proposed one here. I don't think that there are that many of them. I could be wrong, but I don't think there are that many of them. [LB972]

SENATOR HAAR: Well, that's kind of a scary thing in the closet, okay, for me. [LB972]

SENATOR LAUTENBAUGH: Well, the difference is that this bill prohibits those very entities from being able to obtain a charter, I mean, when it's discussing up front who can obtain a charter. So we would have to remove language to allow the entities that operate parochial schools to be able to obtain a charter. Then it would be exactly like a voucher program. But the language is in there to make it clear this is not like a voucher program. [LB972]

SENATOR HAAR: Okay. [LB972]

SENATOR LAUTENBAUGH: So I don't know how many voucher programs there are around the country, I just don't know. [LB972]

SENATOR HAAR: I'd like to see that. You know, and I was kind of feeling depressed until Willie Barney came and talked, and I want to talk to him some more because he

said there are things that we could do right now because we can identify schools where they're doing them, and the kids are performing. And we know these things work. Charter schools are...you know, some people are willing to take a risk, but it is kind of iffy. So why not invest the money in these things? [LB972]

SENATOR LAUTENBAUGH: Well, honestly the short answer is by authorizing, by passing this bill, you're not investing money in anything. You're authorizing the start of a process by which the State Board could approve and issue five charters. Nothing in this bill would prevent anything that anyone currently is going forward with, with a sense of urgency. Nothing would have to stop. No funds would change hands presumably for a year or two down the road at least. [LB972]

SENATOR HAAR: But do you feel...and here's where I just don't...I can't see it, where charters are revenue neutral. [LB972]

SENATOR LAUTENBAUGH: Well, they're not in the sense that Millard and OPS aren't revenue neutral either. I mean, we've already, I think have dealt with that issue. If you allow kids and their dollars to transfer from schools to schools, I don't see the difference between a child leaving OPS and taking his dollars to Millard or leaving OPS and going to a charter school that's within OPS. The same dollars and the same kid go. So it's not revenue neutral, but it's the same as what we already contemplate. [LB972]

SENATOR HAAR: And then...you know, and I listen to the parents too. And I taught at Tech High School for four years when it was a tough inner-city school. I know the deal. But I'm afraid that...like the mother that said her child was autistic. And what I heard is that the public schools weren't listening to her which is a different...it's kind of a different issue than failing. And I think the public schools do need to listen better. But just because there would be a charter school wouldn't mean that they could handle autistic kids any better. [LB972]

SENATOR LAUTENBAUGH: Well, I think dyslexia was her issue but... [LB972]

SENATOR HAAR: Was it? [LB972]

SENATOR COOK: Yes, it was dyslexia. [LB972]

SENATOR LAUTENBAUGH: Which is a little...I shouldn't say easier, but...and it would depend on the charter certainly. But yeah, that's certainly the issue she was concerned about. [LB972]

SENATOR HAAR: But, you know, I'm a little concerned that we're putting something out there that's really pretty iffy, and so people are going to jump into it. And they're going to be disappointed twice. Why not invest in what Willie Barney is talking about, things we

know work? And that's going to cost money of course. [LB972]

SENATOR LAUTENBAUGH: Well, I would say that what we're talking about today isn't costing anything in the short run to start going down the road. As far as being iffy, I think we've taken...again, we're the second twin, to use the one testifier's analogy. We're not pioneers by any reasonable measure at this point. We've seen what fails, and we've seen what succeeds. So... [LB972]

SENATOR HAAR: But the research does show that some, you know...maybe even 50/50 that it's...well, anyway, yeah. Thanks though. I appreciate this discussion. [LB972]

SENATOR SULLIVAN: Senator Avery, did you have a question? [LB972]

SENATOR AVERY: Yes, thank you, Madam Chair. I appreciate the discussion too. But five hours is a bit much. (Laughter) [LB972]

SENATOR LAUTENBAUGH: It's a lot of appreciation. [LB972]

SENATOR AVERY: I do have one concern, and it has to do with who determines the charter school's curriculum. Is that the board of trustees? [LB972]

SENATOR LAUTENBAUGH: You know... [LB972]

SENATOR AVERY: In Section 14 you say that they would be responsible for implementation, but it doesn't say who actually determines the curriculum. [LB972]

SENATOR LAUTENBAUGH: I believe that the plan of getting the charter would specify at least some of the details of the curriculum. That could further be clarified in rules and regs from the department as well, but they would be responsible for implementing it. [LB972]

SENATOR AVERY: I guess I would be a bit concerned that you could get a curriculum determined by a board of trustees, and maybe you would be teaching creationism in science class. [LB972]

SENATOR LAUTENBAUGH: Yeah, there have been failed charters that went down that road, and that's why we have the, what I would say, very rigorous and very clear and very extensive application process spelled out because no one is interested in that kind of thing. [LB972]

SENATOR AVERY: That would never pass muster with the Department of Education. [LB972]

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SENATOR LAUTENBAUGH: Presumably, no. I would hope not. [LB972]

SENATOR SULLIVAN: Any other questions for Senator Lautenbaugh? Okay, Senator, thank you. All right, this closes the hearing on LB972. We will move right into LB1060 which is being introduced by Senator Lautenbaugh. (See also Exhibits 18, 19, and 20) [LB972]

SENATOR DAVIS: Another five hours. (Laughter) [LB972]

SENATOR LAUTENBAUGH: Well, let's see what that one does. I would anticipate a much shorter hearing on this one. Simply put, this would shift Educational Service Units to appointed boards from elected boards. I introduced an unusual...well, not for me. But I introduced a lot of bills this year. And there were about four of them that were all designed with the same point in mind, that the average consumer of education...I use Millard as an example because OPS's ESU board is the same as its board board. If someone in Millard has an issue with education, are they mad at their regent, their ESU member, their Learning Community member, their State Board member, their school board member, etcetera, etcetera, etcetera? And what not by design but by practical effect, I think we've created a system that is impenetrable for the average citizen to figure out who's responsible for what and why...who's responsible when things go awry, more to the point. I'd introduced bills that did away with...I think I forgot the Metro Community College Board...the community college boards as well in my list of boards that people aren't familiar with. I introduced bills that would basically do away with all of those. This is one of those bills. [LB1060]

SENATOR SULLIVAN: Okay. Thank you, Senator. [LB1060]

SENATOR LAUTENBAUGH: And you've already killed two or three of them. (Laughter) Just to recap and bring you all up to speed. [LB1060]

SENATOR SULLIVAN: Any questions for the senator? [LB1060]

SENATOR DAVIS: Senator Lautenbaugh, it seems to me the democratic process is a good process. Are you trying to undo the democratic process in this way? [LB1060]

SENATOR LAUTENBAUGH: Well, my...and one of them was to away with the State Department of Ed...or State Board I should say, not the department. [LB1060]

SENATOR DAVIS: Although that might be next if you're...(laughter) [LB1060]

SENATOR LAUTENBAUGH: And honestly I thought the model of a commissioner appointed by the Governor made more sense because if it isn't working, you know, are you going to mad the Governor? At least you know who that is as opposed to, you

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know, are you going to find your State Board of Education member? I mean, some of us currently don't even have one in Douglas County and we're not aware of it because, you know, we didn't know him or her when he or she was there. It's a problem. You're right. It's not meant to be antidemocratic. There would still be elected officials appointing these officials but in this case, I guess ESUs I think we'd went with county board members...or county boards appointing. Those would be the elected boards that were doing the appointing. There would still be democratically elected officials responsible. But again, it was just removing a layer...trying to remove a layer. [LB1060]

SENATOR DAVIS: Thank you. [LB1060]

SENATOR SULLIVAN: Senator Kolowski. [LB1060]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator, I don't know many people that wouldn't figure out. I guess have a lot more faith in John Q. Public that if he's got a problem with his 7th-grader in that middle school he'll call that school and maybe get a reference from that secretary, from that principal to the superintendent's office or to a board member. Whether it's an ESU thing which are all about services, they may not know that connection and if they wanted to follow that up the school district could give them the ESU number and follow the same kind of path. So I don't...it's not that it's bafflingly unknown, it's just a different structure. And if they ask the opening question to a legitimate source of inquiry, they usually get the answer they need. I know what our district does with those kind of questions. And that's the Millard Board of Education or an ESU board. I don't...I can't...in 41 years, I've never had a regent question. I have no idea what they would ask or what they were connected to. And the same thing with...even on eight years as an NRD. If they had a question about something in the NRD, they'd call the NRD office. And what district are you in? And they'd turn them to their district person of 11 districts in our NRD. So I don't perceive it as a problem, and I haven't had any experiences that would counter that. And I still like the district arrangement of elections. And I just wanted to state that to you. Any retort I'd appreciate. [LB1060]

SENATOR LAUTENBAUGH: I completely understand. I just know from a past life that our elections in Nebraska and in Douglas County in particular are the most complex in the nation because of the peculiar number of people we elect. It isn't... [LB1060]

SENATOR DAVIS Peculiar. [LB1060]

SENATOR LAUTENBAUGH: Peculiar, yes. [LB1060]

SENATOR KOLOWSKI: Number. [LB1060]

SENATOR LAUTENBAUGH: Peculiar people in some instances and peculiar number of

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people that we elect. [LB1060]

SENATOR KOLOWSKI: Thank you. [LB1060]

SENATOR LAUTENBAUGH: I mean, it's just we are--I won't say unique, but you can probably see it from there. We elect a lot of people. And other places aren't like that. So that's what this was about. [LB1060]

SENATOR SULLIVAN: Senator Scheer. [LB1060]

SENATOR SCHEER: Thank you, Senator. And Senator Lautenbaugh, I'll just do the same thing real quickly just because for record purposes, that from the vantage point of the bill, the technical standpoint, I don't see functionally how it works when you have districts that cross around borders of counties. And you've got...I don't know if you go so much population in one so they get to pick two-thirds of the vote and the other one get a third because of the population. I fully understand what you're trying to do, and I don't necessarily find fault in everything you say. But the process that you have in this I think may be more cumbersome than just the elected process. So I'll leave it at that. [LB1060]

SENATOR LAUTENBAUGH: I contemplated just trying to make the ESUs kind of super school boards and streamline education throughout the state, but I thought that might be more controversial than this approach. [LB1060]

SENATOR SULLIVAN: Senator Davis. [LB1060]

SENATOR DAVIS: Well, I just have one more thing to say about it and that's this, as senators on the Education Committee, we probably receive a hundred e-mails from people who are very upset about the Common Core. So we're always glad to defer that and say, that's the State Board's business. (Laughter) But those people, those particular people, they would be upset with the Governor because we would already have Common Core if that were the case because the Governor's appointees would have done that. So it's just something to think about. [LB1060]

SENATOR LAUTENBAUGH: I'm okay with that. To be clear, I'll waive closing just in case. (Laughter) [LB1060]

SENATOR SULLIVAN: Really? That's a wise move on your part. All right, any other questions for the senator. All right, thank you very much. Anyone wishing to speak in support of LB1060? Anyone in opposition? [LB1060]

DAVID LUDWIG: Good evening, Senators. Appreciate the opportunity to speak. I'm David Ludwig, D-a-v-i-d L-u-d-w-i-g, and for the past four years I've been serving in the role as administrator for Educational Service Unit 2 in Fremont. And it's in this capacity

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that I'd like to provide some testimony in opposition to LB1060. As ESUs, the system is built on the relationships established beginning with the premise of one person, one vote. ESU 2 represents 4 counties; 4 in whole with Cuming, Burt, Dodge, and Saunders County with 11 other partial counties represented. Currently, the process for all ESUs is to establish election districts with equal representation of voters throughout the ESU region. ESU 2 has 8 election districts representing 16 districts that we serve to include approximately 12,000 students and about 1,500 educators. Elected ESU 2 board members have a vested interest in K-12 public education, and they do advocate for the schools they represent. And this relationship is built between the boards and the districts upon this interest and concern that they have for K-12 education. For instance, at ESU 2 board members our board member representation includes 4 retired superintendents, 1 retired K-12 teacher, 1 retired higher education instructor, 1 hospital administrator with a spouse as a retired teacher, and 1 mortician with a spouse as a retired teacher. All eight ESU board members either have a direct or indirect connection to K-12 public education. They support it. They're strong advocates for it. And with appointed board members I'm not guaranteed, and I'd feel uncomfortable. Will we have that same relationship with a board member that's appointed rather than elected by one person, one vote premise. ESU boards also have tax levy setting authority with direct accountability to the voting public. Appointments would void this one person, one vote premise that all tax levy entities have at the current time. LB1060 would also change the current equally represented election districts that we have to one appointed member for each county served whereby enlarging the service unit board members that we have. For instance, ESU 2, we have 8 election districts with 8 board members and we have 11 counties...or 15 counties represented. That would increase the membership of our board from 8 to 15. And right now, the system that we have is currently working whereby it enhances the system and enhances the relationships that our board members have with our school districts and with the election districts that they represent. So on behalf of ESU 2 and the schools we serve, I appreciate the opportunity to speak. [LB1060]

SENATOR SULLIVAN: Thank you, Mr. Ludwig. Any questions for him? Senator Seiler. [LB1060]

SENATOR SEILER: What is your mill levy limit, nine? [LB1060]

DAVID LUDWIG: A cent-and-a-half. [LB1060]

SENATOR SEILER: Cent and a half, oh. [LB1060]

DAVID LUDWIG: Right, right. [LB1060]

SENATOR SULLIVAN: Any other questions? Thank you for your testimony. [LB1060]

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DAVID LUDWIG: Thank you. [LB1060]

JOHN BONAIUTO: (Exhibit 1) Senator Sullivan, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o, representing Nebraska Association of School Boards, Nebraska Council of School Administrators here in opposition to LB1060. I also had a conversation about this bill with Larry Dix, executive director of NACO. And the counties are not interested in bringing this duty to their members. So they wanted me to include them in the opposition testimony. Senator Sullivan, I'd like to hand you NASB legislative resolutions and standing positions booklet that has the standing position on charter schools. And it has a resolution that the boards of the school districts that are members of the school boards association, both school boards and ESU boards voted on. So there is a resolution that deals with ESU boards in there and elected boards and elected governing boards. [LB1060]

SENATOR SULLIVAN: Okay, all right. Very good. [LB1060]

JOHN BONAIUTO: Thank you. [LB1060]

SENATOR SULLIVAN: Any questions for John? Thank you. [LB1060]

JOHN BONAIUTO: You bet. [LB1060]

JAY SEARS: (Exhibit 2) Good evening, Madam Chair, members of the Education Committee. I'm Jay Sears, J-a-y S-e-a-r-s, and I do represent the Nebraska State Education Association. NSEA is opposed to LB1060. And I would just direct your attention to my written testimony. It's the same thing with the numbers changed around. We testified in opposition to LB1061 and to LR421CA and for the same reasons. So I won't take any more of your precious time this evening. So thank you very much. [LB1060]

SENATOR SULLIVAN: Any questions for Mr. Sears? [LB1060]

SENATOR SCHEER: No. Thank you. [LB973]

SENATOR SULLIVAN: Thank you. Any other testimony in opposition to LB1060? Anyone wishing to speak in a neutral capacity? All right, Senator Lautenbaugh has waived closing, so that closes the hearing on LB1060. We will now move on to LB973 by Senator Burke Harr. Welcome. [LB973]

SENATOR HARR: Thank you, Chairman Sullivan, members of the Education Committee. My name is Burke Harr. I am here on LB973. My last name is spelled H-a-r-r, the proper way. (Laughter) Before we begin I want to thank Mary Fischer in Bill Drafters who did yeoman's work on this bill. It's not an easy bill. Due to the lateness of

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the hour, I'll just go through the bill page by page. It is a long bill. Let me just go through...instead of specifics of the bill, let me go through the policy and the idea behind this bill. So last year, Senator Lautenbaugh brought a bill about the OPS School Board. And one of the reasons why we looked at the OPS School Board was because there was an issue regarding the swearing in of the members. And what it was, was there was a statute that applied to OPS and OPS only, or Class VI schools. And so I decided, well, let's look at this and see if there's any other uniqueness or differences that apply to one school over another. There was also the issue of, it's a possibility Millard may be a school without a school district because they continue to grow. And so I was looking at it and what occurred to me is, why do we even have a class system? So the school class system was started in 1949. It makes sense for OPS to have a separate class because of a separate retirement plan. But other than that, why do we care? When we go to do school funding, do we look at class size, school size by class or do we look by school size? We look by school size. Class I schools don't even exist anymore. So I started to question why we're doing what...why do we even have it? And then you look and you say, We like local control. We want schools to be able to choose what they...how big or small they want their school district or their boards to be in their elections. We want local control. Well, why not turn that over to them and say, hey, here's a parameter of what we feel as a body is acceptable policy as far as board size, as far as how and when and where you hold your elections...along the gamut. Give them a cafeteria so they can choose. And so that's what became this bill. Now there is a more controversial aspect in there. And it's part of a bill I brought last year. It's on board training. The hours are probably a little high. But the reason I included that in there is because we're turning over more responsibility to our boards. I have 12 and 8 in there; 8 and 4 might be a little bit more reasonable. The majority of our board members already go to conventions in which they get the training. But I think if we're going to turn over more responsibility, I think to whom much is given, much is expected. So that's why I put that in there. That's the idea behind this bill. Due to the lateness of the hour, I probably won't go too much in depth. There are others who are going to testify after me. But I would be open to any questions you may have. [LB973]

SENATOR SULLIVAN: All right, any questions? Will you be here for closing? [LB973]

SENATOR HARR: Of course. I would not just introduce a bill and walk away. (Laughter) [LB973]

SENATOR SULLIVAN: All right. Well, then we may have some questions for you then. [LB973]

SENATOR HARR: Okay, thank you. [LB973]

SENATOR SULLIVAN: All right, we will now hear testimony in support of LB973. Welcome. [LB973]

ELIZABETH EYNON-KOKRDA: Thank you, Senator Sullivan. Good evening. My name is Elizabeth Eynon-Kokrda; for the record, it's spelled E-l-i-z-a-b-e-t-h E-y-n-o-n-K-o-k-r-d-a. I'm an education lawyer, and I'm a proponent of LB973's elimination of the class terminology simply because it's good public policy. It ends up cleaning up unnecessary statutory duplication which I've run into for years. It treats similarly situated districts similarly. And it ensures that school districts don't end up in a limbo which Senator Harr referenced. In the past, prior to a lot of the changes we've done--prior to Class I's and VI's merging, prior to systems being established, prior to the Learning Community--districts were tied a lot more to directly the community they serve rather than the education community evolving that we've seen as of late. Our education statutes haven't really quite tracked the evolution of our education communities. What the bill does is simply show that it's possible that we can refer to school district throughout the state without this class stratification. And we can enable districts to keep the same or similar rights and responsibilities. Let me give you some examples. I know there are a million because there are about 200 statutes that are addressed in the bill. But for example, we have right now on the books five different statutes that basically say, school boards are responsible for the governance of their districts. We have several statutes that say, school boards will choose their superintendent. We have multiple statutes that talk about the roles of officers on school boards. We have, as Senator Harr referenced, different rules about size of school district boards. Some can choose between three and six. Some have to be seven. Some have to be nine. Some can be between six and nine. The logic of the classes in the past had to do really very closely with the size of the student population and the size of the community served. But that's really not the case anymore because we've combined Class I's and VI's so they're effectively II's or III's. And Class III's can be bigger than Class IV's, can even be bigger than Class V's. For example, if you took OPS right now and you divided OPS into five districts, say 10,000 kids each approximately, under the laws they would still be Class V. However, Millard, if it grew in terms of its student body to the size of Lincoln or even to 50,000 kids--the size of OPS--they would still be a Class III. That is unless of course their inhabitants changed. If the 150,000 limit on inhabitants for Class III's were to be exceeded, which is probably going to happen like in the next 4 to 8 years given the growth in Millard for Millard Public Schools, they kind of go into limbo because they don't become a Class IV because that's for school districts of the primary class and they're in the metropolitan class. They don't become a Class V because that is defined solely by the retirement system, and Millard is prohibited from being a part of that retirement system. So you have these anomalies. You also have anomalies because Class V's are defined only by their retirement system, but there are a lot of laws that don't seem to have anything to do with retirement systems that distinguish them. A curious one for example is in school districts that are not under a Class V retirement system, if they have somebody that comes to a school board and that person is disruptive, that school board has the right to ask that person to be removed. And if they refuse, they're subject to legal action. If you happen to be a district that's under a Class

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V retirement system, you can't do that. This came I think out of the changes. I'm looking at Senator Sullivan and going..she's saying, hmm. It's because what's happened is we have evolved in terms of the definitions. They're not as quite...tied as they were back in the day when it was a city of the metropolitan class or a village or a city of the primary class. So you have these possible limbos. You also have a potential limbo for Class V's should you ever decide to merge those retirement systems because then what happens is Class V's effectively legally disappear. I could go on, but the light is glowing and it's been a long evening for all of you. LB973 actually points out a lot of the different problems. It deals with 200 different statutes. It eliminates about 50 that are duplicative. It's good public policy. It treats similarly situated districts similarly. And I would urge you to move it out of committee. Thank you. [LB973]

SENATOR SULLIVAN: Thank you. Senator Avery. [LB973]

SENATOR AVERY: Thank you, Madam Chair. You expect our laws to be rational and logical? (Laughter) You have a high standard. [LB973]

ELIZABETH EYNON-KOKRDA: You know, it's just a dream of lawyers. That's all, just a dream. [LB973]

SENATOR SULLIVAN: Whenever something, irrespective of just the sheer volume of this bill and all the different changes, it almost sounds--which makes me suspect--when it sounds...okay, this just cleaning up statutes. It's just an easy thing. Is it really? Are there any unintended consequences? Are there some areas that might be overlooked that would cause potential problems for school districts? [LB973]

ELIZABETH EYNON-KOKRDA: The goal and intent of the bill as I understand it was to keep every district with the same ability to do what it does now. So for example when it was being standardized as I've read it...what...for example, let's think about a district that caucuses. Some districts caucus, some don't. Class III's in Learning Communities are allowed to caucus, other Class III's aren't. What the bill kind of says is, if you're a Class III, your board could choose to caucus if it so desires, except it doesn't say Class III. It says if you're a school district. So what it tries to do is apply approximately the same rules and abilities so that no school district has to give up what it's doing right now. But it would enable some to do some things that they maybe are not doing right now. Probably the most controversial area would be whether you as a governing body thought it was appropriate to says some districts from a governance perspective must have for example, election by subdistricts, or must have nine board members, not six, not three, not seven; rather than saying, well, we'll let the board choose. So any...you know, all school districts can choose somewhere between six and nine. Right now, you give the choice to some and not others. So I don't know that...these are policy discussions. It's a good policy discussion to have. Is it appropriate to let school boards take that initiative and decide themselves? We want six, seven, eight, or nine rather

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than saying some can decide and some can't. Other than that I think the intent is to let everybody do what they're doing now, but maybe give them a little bit more wiggle room and then maybe some accountability as Senator Harr says with regard to board training. [LB973]

SENATOR SULLIVAN: Okay, thank you. Senator Davis. [LB973]

SENATOR DAVIS: Have you actually reviewed this bill? [LB973]

ELIZABETH EYNON-KOKRDA: Unfortunately, yes. (Laughter) [LB973]

SENATOR DAVIS: I'm glad to hear that. On page 5... [LB973]

ELIZABETH EYNON-KOKRDA: Oh, dear. [LB973]

SENATOR HAAR: Oh, God. [LB973]

SENATOR DAVIS: ...it makes references to...and this is added language: "districts that maintain only elementary grades under the direction of a single school board or school districts that embrace territory having a population of one thousand inhabitants or less and maintain both elementary and high school grades under the direction of a single school board," and that's added language. Well, I'm curious as to what districts in the state offer only elementary grades. [LB973]

ELIZABETH EYNON-KOKRDA: I believe that's a holdover because while Class I's and VI's effectively were--I'll call it for want of a better word--dissolved. Then there was legal...not legal action but a vote that kind of made them resurrect. So Class I's and VI's are still on the books. And this is a methodology to address that language of Class I's and VI's because they are still there due to the vote of the people even though none of those districts sprang back from the ashes like a phoenix. The language went back on the books even though the school districts aren't there. [LB973]

SENATOR DAVIS: I thought they lost their protections. There were protections that were put in place for Class I's, and then the people voted to repeal that bill. I thought those protections went away at that time. [LB973]

ELIZABETH EYNON-KOKRDA: What I remember about that is that what effectively happened is there was a vote to say, can we still have that language for Class I's and VI's. So based on the vote of the people, the language saying Class I's and Class VI's can exist came back into being but the school districts themselves had already by other action of the Legislature been merged or affiliated. And so they did not basically come back into existence. But the language was put back on to the books because of the vote of the people. [LB973]

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SENATOR DAVIS: Okay, I'm going to have to think that one through because I come from a Class VI, Class I situation. And we certainly were instructed that when the vote of the people took place, protections that had been a part of that compromised bill disappeared and they were effectively eliminated. [LB973]

ELIZABETH EYNON-KOKRDA: I'll have to...I remember what you were talking about. The protections with regard to the existence and that when that came back the protections that said, while we're under this new system because we lost the language that was protecting them got lost when it was put back in. That was lost as well. But to your question, why does this exist? It's a methodology for not overturning that Class I, Class VI language that's still there. I think it's...another option would be just to remove it again based on--I'll call it validity, I mean, because they're not there. That's...I think I just am saying why that language sits there. [LB973]

SENATOR DAVIS: Senator Sullivan, can I ask our... [LB973]

SENATOR SULLIVAN: We'll have to cover that in Executive Session. [LB973]

SENATOR DAVIS: Okay, thank you. [LB973]

SENATOR SULLIVAN: Okay, any other questions for her? Senator Kolowski. [LB973]

SENATOR KOLOWSKI: Senator Sullivan, I think we found an answer for Senator Lautenbaugh's bill. I think he can appoint all I's and VI's through the Governor's Office. (Laughter) [LB973]

SENATOR SULLIVAN: Okay, thank you for your testimony. Any other testimony in support of LB973? Opposition? Neutral? To close. [LB973]

SENATOR HARR: Thank you. I can see this has consent calendar written all over it. (Laughter) There's a reason you don't go off script. And I did due to the lateness of the hour. I forgot to thank the hard work of Eynon-Kokrda. And I want to thank her publicly for the work she did on this helping me because this is...it is a very complicated area. I mean, you start looking at it, it's...you know, it's a 200-plus page bill. [LB973]

SENATOR AVERY: Three hundred sixty-seven. [LB973]

SENATOR HARR: What's that? [LB973]

SENATOR AVERY: Three hundred sixty-seven. [LB973]

SENATOR HARR: Three hundred sixty-seven, my second longest bill of the year. The

other was the Model Business Corporation Act. But you can see there's a need for uniformity. There's a need to look at this. I know that the Education Committee, you guys are looking at working on vision statements and what we can do to kind of streamline our statutes. This is an area I think that needs to be looked at. The original class system went in 1949. A lot in this world has changed since 1949. The population and the way we act as a body and as a state have changed, and so I think it's time to reevaluate this. I hope you take this into consideration when you guys work this summer. Maybe I'll come back with something a little more refined next year to address this issue. But I do think...and maybe an interim study is the way to go. And I can talk with Chairwoman Sullivan about that. But I do think it is an important issue because it does have a lot of unintended consequences because we do have these dated statutes on our books. So thank you very much. I'd entertain any... [LB973]

SENATOR SULLIVAN: Any questions for Senator Harr? [LB973]

SENATOR SCHEER: You're not going to prioritize this? I'd just check and make sure he didn't. [LB973]

SENATOR HARR: No. I picked a different bill is all I'll say. I won't say better. I'll say different. [LB973]

SENATOR SULLIVAN: Thank you very much. [LB973]

SENATOR HARR: Okay, thanks. [LB973]

SENATOR SULLIVAN: All right, that closes the hearing on LB973. We'll open on LB1099. Senator Ken Haar. [LB973]

SENATOR HAAR: Chair Sullivan and members of the committee, you saved the best Haar for last. It's so late, but I'm having supper catered in at 8:00. [LB1099]

SENATOR COOK: For everybody. [LB1099]

SENATOR HAAR: I'll try to keep this fairly short and because of the way it's all turned out, there...I don't know if anybody is going to testify or not. But this is an idea to think about. And I'll bring it back next year for sure. You know, early on I was...I had the symbol for what...I thought how TEEOSA worked like a yo-yo. But I have a new one, and I want to share that with you real quickly. My granddaughter, Jenny is a bassoonist. And at the state orchestra that the university puts on, she was the first chair. So I'm very proud of her. And one of the things the bassoonists got to try was a contrabassoon. And a contrabassoon is that great big thing, you know. And so I asked Jenny, how does it sound? And she said, put your hands over your ears and go like this (sound effect). That's kind of the way I think of TEEOSA. (Laughter) And you may not want to try that

right now but it's... [LB1099]

SENATOR SULLIVAN: We're not going to do that. Somebody might take a picture. [LB1099]

SENATOR HAAR: (Exhibits 1, 2, 3, and 4) Well, they did of me. The whole state can see me right now. But try it later. It's just kind of a neat sound because TEEOSA is patched and unpredictable as far as I'm concerned. And, Tom, do you want to...? The thing I want you to think about and the reason I have these is that TEEOSA is based over and over again in averaging. And I was a math--I don't know major, minor. I can't even remember anymore. But averaging is such a basic arithmetic principle that we always use it, and it's so easy to use. But there's some real dangers of averaging. And I just printed off this little blog. But it says, "avoid getting trapped in the dangers of averaging." And we all use it because it's simple. We can use it, and we use it for analysis a lot. But it's probably inappropriate very often. And I found this really interesting. One of the most famous averaging stories of course is Solomon saying give half the child to one family and half to the other. But I have another example here. And it's the Jones family holds a family reunion every 10 years and the average weight per person is 116 pounds. This is an example. Hopefully it...and I'm going to speed through this, but hopefully this raises questions in your mind. It might be interesting to know that the average weight is 116 pounds. But you've got to wonder how big that family is and what their ages are and what average weight has to do with a family reunion. So I've passed out the next one which actually shows you the family reunion. And here you see the people. I've labeled them as you can see. And by the way, M, this is the name that started to show up. I heard this on NPR news. There's like 120 people last year who named their child Cheese. I'm not kidding you. [LB1099]

SENATOR SEILER: You're getting punchy after 7:00. [LB1099]

SENATOR HAAR: After 7:00. Okay, now, and what I forgot to tell you...and I wish I had a PowerPoint. This would work a little bit better maybe. But this family picture was taken in 1990. Okay, now I'm going to tell you that the average weight in 2000 was 137, and the average weight in 2010 was 150, okay. So again, you know, hopefully you're asking the question, what in the world does weight have to do with anything here? But it's an example of where you can take the weight of all those people in all those three decades and you can average them. Doesn't make much sense; it might be interesting. But you can actually average them. I treated some of them quite cruelly as you can see. But in TEEOSA...and here's the next one. Don't sit down. Here's the next one. In TEEOSA, we use averaging a lot. And this has to do with Gibbon, Gibbon Public Schools. And as you know or maybe remember that in figuring the basic funding, since we don't have current data to predict for the next year, we go back two years. And then we do some stuff to that. And here's an example of how averaging can make a great difference. Gibbon Public Schools, for example, in 2013-14 had 591 students. And when we average them,

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we just put them in a spreadsheet by formula students. We line them up. We take ten greater, ten lesser throughout the top and the bottom. I'm sorry, the top-two lowest and the top-two highest GFOE or just the GFOE. And then finally, you come to a calculated state aid. And for 2013-14, that's \$2,197,000 for Gibbon Public Schools. Okay, if you look at 2014-15, the actual, they lost 43 students, 43 formula students. I don't know where. It could have been two in each grade or whatever or just a big senior class and whatever. So their calculated state aid for 2014-15 was \$1.6 million. It's a lot of difference for that school. And then we also went back and did a calculation. If you do it again, you might be a little bit off. But what if Gibbon would have stayed at 591 students instead of dipping to 548. Remember again, this is just Gibbon's place in the average, ten higher, ten lower. Well in that case, their calculated state aid would have been \$2 million. So by dropping those 43 students they lost approximately \$391,000. And if you take that per student, it'd come out to \$9,000 a student. Now there's something called need stabilization, and that means that you...needs cannot increase by more than 112 percent of the prior year's calculated formula, and needs cannot be less than 100 percent of the prior year's calculated formula. So you know, for this 2014-15, they're going to get need stabilization. And then before you figure out everything, there's things like adjusted valuation, net option funding, allocated income tax, teacher education aid, and so on. The point I want to make though is to get, at some point, to the calculated state aid depends on averaging. And it's simply putting people...it's simply putting schools in a spreadsheet. And then you take the ten bigger and the ten smaller. And sometimes those are really very similar. And then if you look at the...oh, shoot. We didn't copy the backside. But if you remember that for example, if you look at Gibbon, all those schools that they're clustered with are about the same size; not really, but 524 to 682. When you get to the larger schools like Omaha Public Schools and stuff, Omaha Public Schools doesn't have any schools bigger. So they're in the 50,000-person range. And if you go 10 smaller, you get down to 4,000. So in that case you're averaging, you know, the GFOE and so with 50,000 down to 4,000. Averaging doesn't make really sense because in that case there are no peers. Really, Omaha in that spreadsheet, when you're just averaging by pupil size, there are no peers. And so finally, one more thing to pass out. [LB1099]

SENATOR SCHEER: Is this the last graph? [LB1099]

SENATOR HAAR: This is the last. This isn't even a graph. [LB1099]

SENATOR COOK: Is it two-sided? [LB1099]

SENATOR SEILER: How many does it fold out to be? [LB1099]

SENATOR HAAR: Just remember supper...yeah, remember my graph if... [LB1099]

SENATOR SEILER: How could we ever forget? [LB1099]

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SENATOR HAAR: Good, that's exactly my point. So I'm not going to unroll this because you remember the graph. [LB1099]

SENATOR SEILER: No, I mean not what was on it but how you spread it out. [LB1099]

SENATOR HAAR: My room, my office is not...I don't have a wall long enough to display this graph. But the point is again, we're averaging to get important predictions and make important financial decisions. And I would argue that averaging doesn't really make sense in that case. So here's what I'm suggesting. And again, I think it would even fit right into the visioning process. The side that says, "legislative findings." What I am suggesting...and I misspelled the word "formula," and my staff didn't find that. On line 9, that we would calculate...and in my mind I'm thinking of a mannequin. Okay, you start with a mannequin that's every school, child in Nebraska. So instead of looking at what they spent last year or...and another big problem with that is that when you look at what they spent last year, we don't really know if that was spent wisely or not. Again, that's a problem with the averaging. So you start with a primary funding per formula student and that this would be based on an independent comprehensive study of student needs. This is much like Maryland does. You start out with a basic student. And then you start to dress that mannequin on line 17. You look at unique educational needs of districts. And we do this right now with allowances: poverty, English Language Learners, special education funding, summer school, and so on. And then finally on line 24, you look at unique geodemographic characteristics of districts such as sparseness of population, district enrollment, and cost of living. And what I suggested, and obviously this is not a priority bill, but I suggested in line 32 that we actually invest money in this, \$500,000 because we spend about a billion dollars every year on education funding, to fund a study. There are groups who do this, professional consulting groups. Again, this is very much like the Maryland model. And we have talked to a number of them about this kind of process. If you flip it over to the back, you still have the same thing, needs minus resources equals equalization aid. And it's got all the elements I describe on the other. You start with a primary funding per formula student. Then you multiply that like by 1.1 let's say as an example for poverty allowance, 1.2 for an English Language Learning allowance, whatever. So that gives us what we now have as allowances. And then finally, you multiply it by this on line 11, the geodemographic index. The difference in approach is you start with what I call here a primary funding per formula student that's the same across the state. You adjust it for needs like poverty and so on. And then finally, you adjust it for the school district. And that would recognize things like, you know, small school districts are going to need more per student and so on. So you know, going through it really quickly because the time is so late, I believe that this system focuses more on the need of the student instead of simply saying, well, where did a school district's spending start? And then we sort of perpetuate that on and on through a system of averaging which I believe has a lot of fallacies built into it. So I would ask you to think of this in terms of next year. And I'll bring back more details next

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year. But we're all so familiar with averaging. And it just seems like such a normal way to do things. But when you look at what averaging can do, you've got to ask whether it's valid or not. [LB1099]

SENATOR SEILER: Ken, what state did you say that...? [LB1099]

SENATOR HAAR: Maryland. [LB1099]

SENATOR SEILER: Maryland, okay. [LB1099]

SENATOR HAAR: Yeah. And over the summer, too, I will do a lot more looking exactly at what Maryland did. This is... [LB1099]

SENATOR SCHEER: Ken, did you use a set number for our student to start with statewide? [LB1099]

SENATOR HAAR: Yes. [LB1099]

SENATOR SCHEER: Then you're really divorcing the true costs of that child per individual district because you have differences in costs per staffing from district A versus B because one, you're going to have a different...you may have a different schedule. You may have different shifts on that schedule as far two or two and a half or one and a half, across or above. And so the cost per student isn't the same from a base standpoint on any district. So how do we come up with that universal number that is applicable to everybody because, I mean, I don't know who's got the most expensive one. But they may be because they have so...well, it's probably out west somewhere because they've got so few kids. [LB1099]

SENATOR SEILER: Sioux County. Sioux County, 24,000. [LB1099]

SENATOR SCHEER: Yeah, see...well, but that's the problem with the other stuff. I mean, but even if it's 24 and you've got somebody at 8 or 9 or 10, whatever, how do we...how does that compensate for the differences? [LB1099]

SENATOR HAAR: Yeah, exactly. That's what I call the geodemographic index. And that says, such things as population density, cost of living, district size, and so on. So that becomes a multiplier. [LB1099]

SENATOR SCHEER: But then again...and you use a multiplier. And then you're coming up with...is really right back to what you're saying is somewhat of an average because if you say that geographic in this area is a 1.5, well you're just assuming that everybody out there is about a 1.5. And that may not be the case. [LB1099]

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SENATOR HAAR: Well, and here's where you would have to...here's where the professional consultants would come in. And you'd have to look at each district. I mean, so you would not have a 1.5 multiplier for everybody in Senator Davis' district. [LB1099]

SENATOR SCHEER: I sort of like the simplicity of this much better than what we have. But almost if we were going to do that, would feel more comfortable doing a base student literally per district. We only have 249 districts, so it's not like you have thousands of them that you have to come up with. So you would have the same formula that each district would use, but each district may start with a different base amount. [LB1099]

SENATOR HAAR: Right. So mathematically you could either start with the same basic student and then have a different multiplier, this what I call geodemographic index. Or you could, I suppose, start with a different basic funding per district and...yeah, yeah. [LB1099]

SENATOR SCHEER: I guess from my vantage point you started out with trying to get really more accurate real numbers that you're using. Well, what's better than the real number for each district rather than trying to come up with a composite and then trying to multiply it to try to get back to where you think it ought to be? Start off with each district's real number. [LB1099]

SENATOR HAAR: Well, I think it opens up some interesting challenges and interesting discussions. And again, I think it is much more simple and, you know, (sound effect). Do that when you get home tonight. [LB1099]

SENATOR SCHEER: We're already doing it. (Laughter) [LB1099]

SENATOR SULLIVAN: Any other questions for Senator Haar? Okay, thank you. [LB1099]

SENATOR HAAR: Thank you. [LB1099]

SENATOR SULLIVAN: Anyone interested in testifying in support of LB1099? [LB1099]

SENATOR SCHEER: Larry, you could just submit the written testimony. [LB1099]

LARRY SCHERER: (Exhibit 5) Yeah, I could. No, I'll be very quick. We are interested in a data-driven, research-based study of state aid. I think it would make more sense probably to do it after the visioning is done. And what...some of the things Senator Haar was mentioning on averaging are true. There are some anomalies in the formula, and those should be looked at. And NSEA would just be supportive of doing that. Maybe the timing isn't right. Since some of the things will be probably be changed again next year,

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it might make more sense to have those goals from the visioning out ahead of it. But we are supportive of that type of a study where you bring in a consultant and build the thing from ground up and then see how much sense the current system makes. So thank you. [LB1099]

SENATOR SULLIVAN: Thank you. Any questions for Larry? Senator Seiler. [LB1099]

LARRY SCHERER: I was quick. [LB1099]

SENATOR SEILER: How much of the \$500,000 are you going to kick into the kitty? [LB1099]

LARRY SCHERER: I'd have to take that to my board. [LB1099]

SENATOR SEILER: Well, take it to your board. We'll take \$500,000. [LB1099]

SENATOR SULLIVAN: Senator Davis. [LB1099]

SENATOR DAVIS: This is more an observation and it's also for Ken because any time we tinker with this formula there are winners and losers. And we learned a year ago that the losers get pretty angry when they lose. So how are we going to get over that part of it? [LB1099]

LARRY SCHERER: Well, have all winners. And I'm, you know, halfway serious in that you have to look at in terms of not really cutting into base funding that people need and use year to year. But what are some of the things you want to incentivize and emphasize as far as good education and as far as, you know, moving the system forward in terms of a vision that you come up with. And it obviously will cost more money to do it in a way that you don't have those big swings. But it's a good point. Good point. [LB1099]

SENATOR SULLIVAN: Senator Kolowski. [LB1099]

SENATOR KOLOWSKI: Thank you, Madam Chair. Larry, on third paragraph, second to the last line on that paragraph, do you not mean \$3 billion? [LB1099]

LARRY SCHERER: Yeah, that's right. [LB1099]

SENATOR KOLOWSKI: As far as submission for testimony. Thank you. [LB1099]

LARRY SCHERER: Yes, thank you. Thank you very much. [LB1099]

SENATOR SULLIVAN: Okay, any other questions, comments? Thank you, Larry.

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[LB1099]

SENATOR SCHEER: Thank you for your pretty appearance. [LB1099]

SARAH WERNER: Yeah, I should be calving right now. Good evening, Senator Sullivan and members of the Education Committee. I am Sarah Werner, S-a-r-a-h W-e-r-n-e-r. I am a farmer rancher from Davenport, Nebraska, and I am the vice chair of the education committee for the Nebraska Cattlemen. The Nebraska Cattlemen board of directors adopted a position of support for LB1099. LB1099 provides for a comprehensive study of the current Tax Equity and Educational Opportunities Support Act, otherwise known as TEEOSA, to review Nebraska state aid to schools. Nebraska Cattlemen policy supports school funding efforts that include consideration of a variety of methods in the judgment of needs and resources included in the current school aid formula. The needs of students in rural Nebraska with often declining populations are vastly different from the needs of students in often growing urban Nebraska. This state is obliged to educate all of these students. And the current TEEOSA formula attempts to use the same tools to accomplish this task. Since the bill would provide that hearings be held in each of the congressional districts, citizens across the state would have an opportunity to participate in the discussions about state aid for schools. Because of the varying needs between school districts and the students in those districts across the state, gathering comprehensive statewide information is key. Nebraska Cattlemen believe this study is an important step in considering the current state aid formula and any changes that might help bring more schools into equalization. Thank you for the opportunity to testify in support of LB1099. [LB1099]

SENATOR SULLIVAN: Thank you, Sarah. Any questions for her? Senator Davis. [LB1099]

SENATOR DAVIS: Sarah, do you know if your school is an equalized or unequalized district? [LB1099]

SARAH WERNER: No, I do not. [LB1099]

SENATOR DAVIS: Thank you. [LB1099]

SENATOR SULLIVAN: All right. Thank you for your testimony. [LB1099]

SARAH WERNER: Thank you. [LB1099]

SENATOR SULLIVAN: Anyone else wishing to speak in support of LB1099? How about anyone in opposition? In a neutral capacity? So noted that I received a letter from John Neal from Lincoln Public Schools voicing neutral support for this. (See also Exhibit 6). [LB1099]

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SENATOR HAAR: Well, thank you very much. And I appreciate Nebraska Cattlemen coming. And I really didn't recruit any opposition or...(laughter) support for this. So I'm very pleased that someone looked at it. But I'm serious about the averaging we use and how this can distort things. And Senator Seiler, I didn't have quite time to do this, but we spend \$1 billion a year on education. And if we could come up...and it'd have to be agreed on and everything, but you know, spend \$500,000 on professional... [LB1099]

SENATOR SEILER: And I'm willing to spend their money. (Laughter) [LB1099]

SENATOR HAAR: I know. But I would be willing to spend our money if when you look at for... [LB1099]

SENATOR SEILER: Have you given up already? I think I got him talked into it. [LB1099]

SENATOR HAAR: No, you don't. So anyway, something to think about and I look forward to what we're going to do this summer. And when you get home tonight... [LB1099]

SENATOR SULLIVAN: Will do. Okay, thank you very much. [LB1099]

SENATOR HAAR: Thank you so much. [LB1099]

SENATOR SEILER: Maybe Pete would kick in \$100,000. Hey, Pete. Pete. [LB1099]

SENATOR SULLIVAN: And this closes our hearings for the session. [LB1099]