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Education Committee
March 16, 2015

[LB525 LB526 LB527]

The Committee on Education met at 1:30 p.m. on Monday, March 16, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB526, LB527, and LB525. Senators present: Kate Sullivan, Chairperson; Rick Kolowski, Vice Chairperson; Roy Baker; and Mike Groene. Senators absent: Tanya Cook; Adam Morfeld; Patty Pansing Brooks; and David Schnoor.

SENATOR SULLIVAN: Well, good afternoon, everyone. Looks like we have a full house today. (Laughter) I'm Senator Kate Sullivan, Chair of the committee. And we have not a full house as far as the committee members today here. We have Senator Rick Kolowski from...he was the Vice Chair of the committee from Omaha. We have Senator Baker here from the Lincoln area and also Senator Mike Groene from North Platte. Tammy Barry is the legal counsel and Mandy Mizerski is the committee clerk. Some of the senators are attending a tour of the prison systems so they weren't able to be here tonight...or this afternoon. Seth Thompson is a student from Ogallala and he's our page. I think probably the people who are testifying are well familiar with the logistics but in case some of you who are planning to testify aren't, make sure you have a green sheet filled out before you come up to testify and those are located on the tables. Fill that out in its entirety and give it to Mandy when you come up to testify. If you have copies, make sure you have 12 copies. And when you come to the microphone, please spell your first and last names, turn off cell phones, and I was going to say that we'll limit testimony to three minutes but I don't think we will today. But we will limit it to no more than five minutes because we don't want you to go on forever. (Laughter) So I think with that in mind, we will begin. And we have three bills before us today, LB526, LB527, and LB525. And we put it in that order. I will turn that over to you.

SENATOR KOLOWSKI: Okay. Thank you, Senator Sullivan, and welcome and the floor is yours.

SENATOR SULLIVAN: Thank you, Senator Kolowski and members of the committee. I'm Kate Sullivan, K-a-t-e S-u-l-l-i-v-a-n, here today to introduce to you LB526. It is technical in nature. It has to do with certification of teachers in our state. I...it appears that, for a variety of reasons, this is a topic that is of concern to a lot of people and of interest. I think you heard in testimony that we've had in...on at least one previous bill that there is...were questions about Teach for America and also questions about how we certify teachers in this state. So perhaps the department will have some information for you along those lines when they come up to testify. But getting back to LB526, it would amend Section 79-101 by clarifying that certificate, certificated, or certified, when referring to an individual holding a certificate to teach, administer, or provide special services, also includes an individual who holds a permit issued by the commission of education.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

So I'm going to stop there and hope that, if there are questions about what this technical feature does in this legislation...does, I hope you will keep those questions for the people from the department that are here to testify on this bill. Thank you. [LB526]

SENATOR KOLOWSKI: Thank you. Any questions from the committee? Thank you. Can we have proponents, please, of this bill? Please come forward. Welcome. [LB526]

BRIAN HALSTEAD: Good afternoon, Senator Kolowski and members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education and with the State Board of Education in support of LB526. If one looks at the Nebraska statutes, you can go back to 1963 for the set of statutes, 79-806 through 79-815, that sets forth the provisions for the issuance of certificates or permits and the State Board promulgating rules and regulations for how that's done. And that set of statutes has always said the commissioner can issue a certificate or a permit and the State Board could promulgate rules or regulations for the issuance of certificates or permits. For a long period of time, all the board did was promulgate rules that provided for just the issuance of certificates. In 1996 was the first time that the rule the board had, had a permit in it. It was referred to as a conditional permit and that was largely in response to the fingerprint background checks that the Legislature authorized the commissioner to do for certain applicants for a certificate. As we've gone over the years, we have found ways to create more types of certificates in the regulations. Almost every one of those certificates has requirements that are not quite the same as a full-fledged initial, standard, or professional teaching certificate. There's some deficiency the person has that doesn't allow them to get a provisional certificate or a substitute certificate. What we would like to do is...going forward is, we will still have the initial teaching certificate, the standard teaching certificate, and the professional teaching certificate and the same way for administrative. There's the standard and there's the professional administrative. All other certificates, as they're now called, we would like to term as permits so that everyone understands these individuals who have the permits are not as fully-fledged qualified as someone who graduates from a teacher college with preparation in that area. That seems like a simple concept except over the years the Legislature has enacted a whole number of statutes where they use the term certificate, certificated employee, or certificate holder without including language that also includes anybody who has a permit. So what we did with LB526 is we insert a definition in 79-101 which is the general definitions for all of Chapter 79 to specifically say, anywhere in Chapter 79 where you see the word certificate, certificated, or certified, when it's referring to an individual who is supposed to hold a certificate however that is, it also includes someone who holds a permit. And we modeled the language in what's in the bill subsection 16. If you go up to the top of the page 2...or, excuse me, 3, you see a definition for school board and you see a second sentence there what says, "Board of Education has the same meaning as school board." Back in the '90s, there was a court case where the court interpreted a statute where it said Board of Education and they said, oh, no, there's got to be some different meaning to Board of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

Education than school board. And in response, the Legislature changed that definition to say, school board means school board and then if it says Board of Education it also means the school board. It's a simpler fix than going through all the statutes and making the corrections everywhere for school board and Board of Education. So what we're asking here is a definition that will apply throughout Chapter 79 that, if it says certificate, certificated, or certified it also includes those people who may hold a permit from the commissioner. And that's really what the bill does. I'd be more than happy to answer any questions you might have. [LB526]

SENATOR KOLOWSKI: Senator Groene, please. [LB526]

SENATOR GROENE: Thank you, Senator Kolowski. Can you give me an example of an instance where a situation came up why this is necessary? [LB526]

BRIAN HALSTEAD: Well, in the sense we want to make it clear in the statutes. If we start in the sense of, if we change the name of the provisional teaching certificate to call it a provisional teaching permit, that someone who has that permit, who is employed by a school district is considered to be a certificated employee under the continuing contract provisions that you'll find in 79-824 through 79-845 because there it just says certificated. Well, is a person who holds a permit certificated, because they don't hold a certificate? The interpretation we've been giving that since conditional permits are out there and everybody else has had, yeah, they're covered under it. But all we're trying to do is clean up the language in the statute to make it clear. [LB526]

SENATOR GROENE: So this won't stop some people from teaching that are already teaching, or... [LB526]

BRIAN HALSTEAD: No, no. And... [LB526]

SENATOR GROENE: Or it won't harm anybody that wants to get into the teaching profession in a small town and they need to fill a position and they don't have everything set yet? They can... [LB526]

BRIAN HALSTEAD: It's just making the terminology in the statutes match up with everywhere throughout the statutes. [LB526]

SENATOR GROENE: To what's already happening? [LB526]

BRIAN HALSTEAD: Right. [LB526]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

SENATOR GROENE: Not eliminating somebody's opportunity to teach? [LB526]

BRIAN HALSTEAD: No, we're not trying to eliminate anything at this point and it gives a little more flexibility to make sure that if we issue a substitute teaching permit, that person is covered under the statute that requires them to hold a certificate. [LB526]

SENATOR GROENE: But what's...how does this apply...Senator Sullivan mentioned Teach America (sic). I mean, is somebody trying to head something off there or what? [LB526]

BRIAN HALSTEAD: Well, what we're trying to do is, when the board takes up Rule 21--that's the regulation for the issuance of, right now, certificates and permits--we have a number of certificates in there. The provisional certificate is one. There's a provisional commitment certificate and then there's a regular provisional certificate. The commitment is someone who hasn't yet finished their program but intends to finish it so they can get a provisional commitment certificate and start teaching before they're done with their program. The rule that we're hoping to take to the board in August, we are going to propose for the first time recognizing alternative teacher preparation programs which could include people who come from another state where they've not completed a full-fledged teacher education program but they've held a certificate in that state and they're coming to Nebraska and they have a job here. So the board...we're hoping to provide a little more flexibility so certain people...everybody says Teach for America. Well, that's a huge umbrella. Not everybody who is in Teach for America may qualify for one of those permits we're hoping to take to the board. But if they have met certain minimum requirements, they could get an alternative teaching permit which means they still have work to do. Everybody knows it's an alternative and here are the things they have to do in order to get an initial, a standard, or a professional teaching certificate. So we're trying as best we can to be flexible with what's going on, trying to meet the needs but at the same time not sacrificing what we believe are some minimum quality requirements for people. So this language in the bill doesn't change what we're contemplating at the board level. But what it does clear up is, if we do issue a permit, anyplace you see a statute that says they have to have a certificate, it also includes the permit they've got that authorizes them to do that. [LB526]

SENATOR GROENE: Them to teach children? [LB526]

BRIAN HALSTEAD: Right. [LB526]

SENATOR GROENE: All right. Thank you. [LB526]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

SENATOR KOLOWSKI: Any other questions, please, for Mr. Halstead? Thank you very much, Brian. Mr. Sears. [LB526]

JAY SEARS: Good afternoon. [LB526]

SENATOR KOLOWSKI: How are you? [LB526]

JAY SEARS: Warm. [LB526]

SENATOR KOLOWSKI: Yes, sir. [LB526]

JAY SEARS: Good afternoon, Senator Kolowski and members of the Education Committee, all three of you, and the Chair. For the record, I'm Jay Sears, J-a-y S-e-a-r-s, and I represent the 28,000 members of the Nebraska State Education Association, and we appear before you in support of LB526. That's the right number, right? We've got them in the right order? And I want to thank Brian and the department and the other people in the department that work on certification for sitting down with us and talking about this process. And on Friday, the State Board's committee that advises them on certification and accreditation of teacher education programs will also be meeting and looking at this change in Rule 21 that's coming up. And we've already discussed a lot of that and support the process, think it's important that whoever is in front of children have the authority to do that from the State Board and the commissioner and that they meet certain requirements. And adding and defining what a permit is along with certification is very important in the process. So I will end my testimony and answer any questions if you have them. [LB526]

SENATOR KOLOWSKI: Thank you, Mr. Sears, appreciate that very...very much to the point, to say the least. Any questions from anyone? [LB526]

SENATOR GROENE: Just a quick one. [LB526]

SENATOR KOLOWSKI: Mr. Groene. [LB526]

SENATOR GROENE: Right now, do we reciprocate with most states on teacher certificates? [LB526]

JAY SEARS: Yes. The issue that we're running into...the department is running into is, because there are many different alternative certification programs, sometimes they don't meet all the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

requirements that we have and so giving a person a permit to finish that process, you know, helps the flexibility at the local level, so. [LB526]

SENATOR GROENE: So a person coming in for whatever reason can put in for a permit and teach and then... [LB526]

JAY SEARS: Right. And it would be up to the commissioner to make sure they fit all the parameters but, yeah. [LB526]

SENATOR GROENE: And be able to get their requirements as they teach? [LB526]

JAY SEARS: Yeah. One of the things from our point of view is, a certificate, certified, permit, all fit under the professional practices piece also and so making sure that that's linked in there so that someone that's in the classroom is also under the authority of the professional practices committee is also very important to us, so. [LB526]

SENATOR GROENE: Thank you. [LB526]

SENATOR KOLOWSKI: Mr. Sears, on that line of thought from Senator Groene, do we have any reciprocity issues with people coming into us or are people trained here, educated here, moved out to another state where you hear back that, why didn't we have this or that or whatever? [LB526]

JAY SEARS: The issues, I think, that are coming up right now have to do with the testing out of teacher education and the...and so sometimes, people coming from one state pass a cut score in their state but don't pass one in another. And so that would be another way of issuing a certificate or a permit in the process. And so, you know, if we go back to when you and I were young, there were, you know, reciprocity agreements all across the 48 states and then they added a couple other states. You know, and so everybody accepted everybody in the process. Well, because of the many different changes and alternative programs and people getting different kinds of licenses to teach, it's become more complicated and I think, you know, just changing...adding to that definition of certification helps us in Nebraska take care of those freak incidents where a spouse of a person coming into an urban district who may have had a certificate for ten years in another state can't qualify for a regular certificate in Nebraska. So it helps districts deal with those issues, so. [LB526]

SENATOR KOLOWSKI: Thank you. Any other questions? Thank you very much. [LB526]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

JAY SEARS: Thank you. [LB526]

SENATOR KOLOWSKI: (Exhibit 1) Any other proponents, please? We have one letter that's been sent in that's in your folder from Dr. Mark Adler, superintendent of schools in the Ralston Public Schools. Any opponents now? Any opponents to this bill, LB526? And seeing none, also any neutrals that would like to speak to this? Also none. Senator Sullivan, back to you. And waive and that concludes LB526. We'll now move on to LB527, please. Senator Sullivan. [LB526]

SENATOR SULLIVAN: (Exhibit 1) Thank you, Senator Kolowski and members of the committee. For the record, my name is Kate Sullivan, K-a-t-e S-u-l-l-i-v-a-n. LB527 amends the Excellence in Teaching Act. And it was included in the technical features that the department brought to us but because there were several things that really deserved a little more explaining and also in terms of funding, we...it is brought to you in a separate bill. And as I said, it applies to the Excellence in Teaching Act. There are two components of that act that has to do with forgivable loans. One is the Attracting Excellence to Teaching Program and that is loan forgiveness for new teachers coming into the profession preparing and getting their education. And the other one is the Enhancing Excellence in Teaching Program and that's for practicing teachers who are wanting to further their education. When these technical features were brought forward by the department, there was the anticipation that the funding for these programs would come through the department's budget request. It appears that perhaps the Appropriations Committee is...well, we don't know what that...what's going to happen. But the bottom line is, they did not anticipate that the funding would continue with lottery dollars. And so hence, you will hear me make mention of the fact that these programs continue after June of 2016 which is when all the current uses of the lottery dollars go. So we'll have some decisions to make in the Education Committee with respect to both this and the use of the lottery dollars in general. But as far as LB527 and what it does for the Excellence in Teaching Act and changing the provisions, first of all, as I said, it indicates that the programs continue after 2016. And the forgiveness would begin in terms of loans after only one year of service. Right now, the forgiveness applies...comes in after two years of service. And this would apply both to the Attracting Excellence in Teaching Program and also the Enhancing Excellence one. Secondly, another thing that it would do is that the loan forgiveness would apply for professionals in ESUs as well. There are no other changes to the terms for the Attracting Excellence in Teaching Program. But with respect to the one that applies to current teachers, the Enhancing Excellence in Teaching Program, it increases the maximum loan amount from \$175 per credit hour to \$250 and it decreases the general amount forgiven each year for current teachers to \$1,500 instead of the current \$3,000. And it decreases the accelerated forgiveness for current teachers if they're teaching in poverty and vary sparse schools to \$1,500 for the first year and \$3,000 thereafter instead of what currently applies as \$6,000. Also, for...the funding for these programs currently is \$1.2 million out of lottery dollars with the first \$400,000 going to the Attracting Excellence

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

Program and the remaining \$800,000 to the Enhancing Excellence in Teaching Program. Another component of LB527 states that, if under the appropriations process, the program receives more than the \$1.2 million to...the additional funds would be divided equally between the two programs. So that, in its essence, is the features of LB527 and I'll be happy to answer any questions. But again, I think there are some people from the department here to answer some of those questions. [LB527]

SENATOR KOLOWSKI: Thank you, Senator Sullivan. Do you know if we've maxed out each year the grand total on this dollar amount, everything is... [LB527]

SENATOR SULLIVAN: Yes, we have. We have. I... [LB527]

SENATOR KOLOWSKI: And there are still students waiting beyond that, of course? [LB527]

SENATOR SULLIVAN: Yes. Yes. [LB527]

SENATOR KOLOWSKI: Thank you. Do you know how many? Is it a whole double of... [LB527]

SENATOR SULLIVAN: I don't. I...hopefully maybe the department would have that. [LB527]

SENATOR KOLOWSKI: Somebody could help? We'll ask them. Thank you so much. [LB527]

SENATOR SULLIVAN: Okay. [LB527]

SENATOR KOLOWSKI: Any other questions for Senator Sullivan, please? Thank you. Can we have proponents, please, for this bill, LB527? Welcome again. [LB527]

BRIAN HALSTEAD: Good afternoon, Senator Kolowski and members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education here in support of LB527. The State Board of Education supports the bill. And Senator Sullivan did a very good job. We're just trying to update the language in both of the programs and making largely technical changes. Obviously funding this is a different topic in that regard so that's obviously something you'll have to decide yet as to whether the program continues or not. We see a value in the program. It has worked. With respect...we don't keep a list of people beyond...once the funding is spent, it's spent. So there's not a waiting list you get on. You just have to wait until the next year to apply to try to get that.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

So there isn't a waiting list in that regard. Once all the funds are expended, and we have been utilizing all of the funds each year, it is over with. So in that regard, I'll stop and see if you have any more questions. This is largely updating the dollar figure for graduate credit because I'd like to tell you, it's still what it was seven years ago, but it's not. It's gotten more expensive. So all we're really doing is reducing by one year the amount of time before you get a loan forgiven whether it's in the Attracting Excellence or it's the master's degree program, so. [LB527]

SENATOR KOLOWSKI: Thank you, Brian. I have a question. You say you don't hold onto the names of those after the money has been lent to the receiving students. But do you know how large that body is? Is it...if this is X, is it 2X or 3X size numbers that aren't given anything? [LB527]

BRIAN HALSTEAD: I don't have that available, Senator. [LB527]

SENATOR KOLOWSKI: Okay. [LB527]

BRIAN HALSTEAD: I can go back and check with the program staff who work on this if they have an estimate of what the real demand for this would be, if you had an unlimited pot of money... [LB527]

SENATOR KOLOWSKI: Sure. [LB527]

BRIAN HALSTEAD: ...how many people would apply. But at the moment, I don't believe we keep in the sense of...once we've reached the threshold, we stop accepting applications. So it's kind of...we just shut it off at that point. As to how many more might apply after that deadline, I don't know but I can check. [LB527]

SENATOR KOLOWSKI: Thank you. I'd appreciate that. But do you know the starting date on this, when this began? I'm sorry I don't...I'm trying to see it again. [LB527]

BRIAN HALSTEAD: Well, the...I want to say it was... [LB527]

SENATOR KOLOWSKI: Turn of the century kind of thing, is it? [LB527]

BRIAN HALSTEAD: It was about 2002 or '03, I believe... [LB527]

SENATOR KOLOWSKI: Okay. [LB527]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

BRIAN HALSTEAD: ...is when the attracting people into teaching started. The Enhancing Excellence came along later, I want to say about 2007 or '08 in that regard. But I might be off. It has all been done this century in that regard. [LB527]

SENATOR KOLOWSKI: Got it. Thank you very much. That helps. Any other...Senator Groene. [LB527]

SENATOR GROENE: Thank you, Senator Kolowski. You got any data that shows that there's actually an improvement in the classroom between a master's degree versus experience with a bachelor's degree? I have never seen that. [LB527]

BRIAN HALSTEAD: You're asking, on Nebraska teachers and Nebraska students? [LB527]

SENATOR GROENE: If somebody has got ten years of teaching experience with a bachelor's versus somebody with ten years in a classroom with a master's? [LB527]

BRIAN HALSTEAD: I'm not aware that the department has done any study on that. There are national studies that have been out there on master's degrees for educators and how that may impact student achievement and everything. But I'm not sure that we at the...I know that we at the department haven't done a study on this program per se and I'm not aware of a study that's been done just on the Nebraska loan forgiveness program. [LB527]

SENATOR GROENE: Well, I'm talking just generally because there's an awful lot of teachers that go out on their own and get a master's degree because they get a bump in pay in the steps. And plus they like education. That's why they're in the business... [LB527]

BRIAN HALSTEAD: Sure. [LB527]

SENATOR GROENE: ...for themselves also. But anyway, I just wondered if there was a... [LB527]

BRIAN HALSTEAD: Like I said, I'm not aware of a study on Nebraska teachers and students in that regard. There are some national studies on the topic but I don't know whether they looked to any data from Nebraska when they did their national studies. [LB527]

SENATOR GROENE: All right, thanks. [LB527]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

SENATOR KOLOWSKI: Any other questions, please? Thank you. Any other proponents, please? Welcome back, Mr. Sears. [LB527]

JAY SEARS: (Exhibits 2, 3) Thank you. Good afternoon. For the record, I'm Jay Sears, J-a-y S-e-a-r-s, representing the 28,000 members of the Nebraska State Education Association, appearing in support of LB527. You have my written testimony and I'm...also have a handout that I just received from the Buffett Early Childhood Institute as they're talking about the issue of getting qualified people in the early childhood programs, especially birth to age three and then looking at filling the positions for the three-year-old programs, four-year-old programs, and the transition into kindergarten programs. I bring that information to you because I have a couple of suggestions or requests about LB525 and LB589 and a few other bills that deal with the lottery funds and the loan forgiveness program. So I just want to speak to those being as I only have five minutes. One of the things that I'd bring to your attention is, in the department's bill to change the loan forgiveness program, I think it makes lots of sense, especially for the young people going into education, to be able to relieve their debt and their loan forgiveness process as quickly as possible so they can get on with their lives and be contributing members and taxpayers to the society in Nebraska as a whole. But one of the things that is changed in the proposed legislation is an actual reduction for those who are currently teaching but raising the amount of money that you can borrow. And so I think there's an incongruity in that process and I'd just ask the committee to think about, maybe we should forgive loans at the same rate whether you're undergraduate or graduate. The other piece that I would add is, one of the provisions that was in LB589 was to include the endorsement programs in the loan forgiveness program for our current teachers in service. And that's the reason I provided you with the Buffett Early Childhood foundation...Institute's information about the gap we're going to find or we actually know exists in the early childhood programs. And so NSEA sees the loan forgiveness program as helping whether it's undergraduate people going through and getting an early childhood endorsement or those who are currently teaching and want to go back and get an early childhood endorsement to make it a little less expensive to do that process so we can start to fill the gap with quality people. So I just present those two issues for you. And the last issue that I would bring back to the table again is, as you know, the lottery funds won't exist for the loan forgiveness program in 2016 and we need to make sure that we transition in some process, being as the Appropriations Committee hasn't put any money into it for the foreseeable future. We've gone through some times...economic times with the lottery money when all the lottery money was pulled out and in particular for the loan forgiveness programs and then we found no money for those people and the number of people in the program, of course, only went down to those who had current loans and were in the process of trying to repay those. So as I say in my testimony, it's a program that has attracted educators to the profession. It's a program that's inclined...or, excuse me, incentivized educators who currently have certificates to go and get other training, skills, and knowledge in the programs that they currently teach. And if we allow shortage endorsements for those who are in graduate programs, not just master's degree programs, then I think we can start

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

to fill some of our vacancies in that process too and then guarantee that those people will stay given the loan repayment program. So thank you. I'd be glad to answer any questions. [LB527]

SENATOR KOLOWSKI: Mr. Sears, being a citizen of the state of Nebraska, is that one of the requirements, or attending school here from wherever you were? [LB527]

JAY SEARS: Yes, right. You have to be a citizen...a resident of the state of Nebraska to take part in the loan forgiveness programs. And, you know, if you would be an undergraduate or a graduate and go through the program and leave Nebraska then you immediately have to start repaying that loan. So it's a good incentive to stay, so. [LB527]

SENATOR KOLOWSKI: Okay. Do you know how we stack up as far as the neighboring states around us all touching our borders? [LB527]

JAY SEARS: I'm not aware of other loan forgiveness programs like the one we...you all passed in the early 2000s and then extended it for in-service teachers, so. [LB527]

SENATOR KOLOWSKI: Might be something we could do some comparison with sometime so we know how we stack up. [LB527]

JAY SEARS: Yeah, check out and see, right. That would be good. [LB527]

SENATOR KOLOWSKI: Not that...if they have the same requirement, that you must be a citizen of that state and a resident of that state... [LB527]

JAY SEARS: I would think so, yeah. [LB527]

SENATOR KOLOWSKI: ...then it doesn't help to border jump and go to Kansas or something like that... [LB527]

JAY SEARS: That would be helpful, yes. [LB527]

SENATOR KOLOWSKI: ...so just wondered about that. [LB527]

JAY SEARS: Yeah. As you know, a number of our teachers used to go to Kansas and now they don't, so. [LB527]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

SENATOR KOLOWSKI: Senator Groene, please. [LB527]

SENATOR GROENE: Thank you, Senator Kolowski. You mentioned attracting people to the teaching profession. How does that work? You know, somebody has a business degree without a certificate, they can come back and... [LB527]

JAY SEARS: They might come back and go through a program or it might be a high school student who decides, I want to be a teacher but I don't have the money. [LB527]

SENATOR GROENE: It just doesn't apply until you're going for your master's, right? [LB527]

JAY SEARS: No. There's two pieces to it. An undergraduate...so if I graduate from high school in Nebraska, enter one of the state institutions or even one of the private postsecondary institutions that have teacher ed institutions then I can apply for the program when I'm admitted into teacher education and then that clock starts ticking and I can borrow up to \$3,000 a year. And then my commitment is, to get it forgiven then I have to teach so many years for the loan to be forgiven in the process. So it attracts young people to the... [LB527]

SENATOR GROENE: In certain disciplines and in certain schools... [LB527]

JAY SEARS: Yes. [LB527]

SENATOR GROENE: ...you got to be... [LB527]

JAY SEARS: Yes, well, yes, there's two pieces of that, Senator. At the beginning, it was any endorsement area. As we found shortages then the department came and requested from the Education Committee to limit that to the shortage areas so that we're attracting people in math, science, special education. In fact, every year there's a survey of all the school districts to see what the shortage areas are. And that's how the department sets what loan programs will be offered for whatever shortage areas in the undergraduate program. [LB527]

SENATOR GROENE: Have you kept track of those that are in the undergraduates, what placement percentage you've had? Have you had 100 percent placement because of the shortage in those areas or there's some of them still waiting tables? [LB527]

JAY SEARS: The department has some data on it and I know that the Education Committee and the Governor receive a yearly report on those who have received loans and those who are in the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

repayment process or loan forgiveness process and so the...you can cross-check and see how many stay in. One of the things that...when you look at national data about educators who stay in the profession, you know, you always get that 50 percent leave in the first three years or whatever. In Nebraska it's a lot less. So we are retaining more of our educators in Nebraska. Kansas has kind of helped us out also by not taking any more. And then the other part of your question is, there's also a graduate loan forgiveness program. So if I'm currently teaching in Nebraska and I want to go and get, say, a master's degree in special education or I'm a history teacher, I could get one in history, I could go back in my content area and get a master's degree and get that forgiven if I went through the hoops of staying and teaching. And so that's the current process for the two different loan programs. One of the things we're suggesting is, because of shortage areas that current teachers could possibly fill if they could just go back and get an endorsement instead of a master's degree program then we could fill some of those other shortage areas. [LB527]

SENATOR GROENE: That's not in your...that's the amendment you guys had talked about? [LB527]

JAY SEARS: That's the amendment that we had in LB589 so, yeah. [LB527]

SENATOR GROENE: All right. Thank you. [LB527]

JAY SEARS: Sure. [LB527]

SENATOR KOLOWSKI: Any other questions, please? Thank you, appreciate it. [LB527]

JAY SEARS: Thank you. [LB527]

SENATOR KOLOWSKI: (Exhibit 4) Any other proponents, please? We have a letter of recommendation again from Dr. Mark Adler, superintendent of schools, Ralston Public Schools. That's in your folder as well. Opposition? Any individuals opposed to LB527 who would like to speak? No opposition. Also neutral? Anyone in the neutral category? Seeing none and, Senator, please. [LB527]

SENATOR SULLIVAN: Thank you, Senator. And by way of background, just in terms of history of the programs, the Attracting Excellence first passed in 2000. And then the Enhancing, the one for practicing teachers, was added in 2009. Funding has varied over time and the only loans given during the recession were for beginning teachers who were already in the program. And this is something to think about going forward. Whatever we do with this program, there will

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

need to be continued funding to continue administration of those outstanding loans. So with that, I'd ask for your consideration of LB527. [LB527]

SENATOR KOLOWSKI: Okay. Any last questions, anyone? Thank you. That ends the hearing on LB527. We'll now move on to LB525. Senator Sullivan. [LB527]

SENATOR SULLIVAN: (Exhibit 1) Thank you, Senator Kolowski and members of the committee. My name is Kate Sullivan, K-a-t-e S-u-l-l-i-v-a-n, here to introduce to you LB525 which really is the annual technical bill for the...for education. And I'll give you just a very brief overview of the components of it. The measure would allow early childhood professionals to report their credentials, modify the construction expenditures that are outside of competitive bidding requirements, clarify when homeless students must be admitted into a school district, modify time lines and deadlines, allow for the use of video conferencing for the meeting of the State Council on Educational Opportunity for Military Children, and allow more than one deputy commissioner of education to be appointed. So to elaborate on those just a little, regarding early childhood, as amended, it would it allow childcare and early childhood education providers who reside or work in Nebraska to report their educational degrees and professional credentials, relevant training, and work history to the Nebraska Early Childhood Professional Record System. This record system was implemented in 2009. It has to do...coordinated with the beginning of the Step Up to Quality rating system. So this would coordinate it with that. The second one, it would amend to increase the amount that can be spent for construction, remodeling, or repair of school buildings or for site improvements without being required to advertise for bids. It ups that from \$40,000 to \$140,000. Now, to refresh your memories, if you remember, LB431 which was introduced and passed by Senator Baker, it's right...it's now currently on Final Reading, it upped that amount to \$100,000. So I have an amendment and it's in your books that would keep that amount at \$100,000 rather than increase it to \$140,000. But in addition, there's a new exemption that would be added for situations where a certificate has been issued under the Emergency Management Act. And that allows for immediate action if it's needed to secure any school-owned building from further damage, injury, or potential loss of life due to a natural or man-made disaster. Another amendment in LB525 would clarify when a school board is required to admit a homeless student. A school board would be required under LB525 to admit a homeless student if the district is the district in which the student is currently located, has attended when permanently housed, or was last enrolled. And then another feature is to allow the possibility for more than one deputy commissioner of education. The State Board of Education has the responsibility for appointing and fixing the compensation of the deputy commissioner and other professional employees. The current language allows for only one deputy commissioner and includes all professional employees of the board. The new language would require the board to appoint and fix the compensation for all new professional positions in the department including any deputy commissioners. LB525 also includes several date changes. One of them is to move the deadline for newly organized school districts to be formed,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

organized, and have a governing board from April 1 to June 1. Another date change is to increase the length of time between required reviews of academic content standards. Currently it's five years. LB525 would change it to seven years. Another date change is changing the deadline for approval of progress plans for the priority schools that we identified in LB438, changing that from August 1, 2016 to August 15, 2016. There is also another feature moving the deadline for the State Board of Education to annually adjust the boundaries of Educational Service Units to align with the boundaries of member school districts. Another modification is the provisions for a designee to attend meetings of the Nebraska Educational Telecommunications Commission when the Commissioner of Education is unable to attend. Currently, the deputy commissioner or the deputy's designee is authorized to attend and act on the behalf of the deputy if the commissioner is unable to attend. The revision would remove the designation of the deputy commissioner and simply allows the commissioner to designate a designee. Another feature is to allow the State Council on Educational Opportunity for Military Children to use video conferencing if there is only one meeting held in a calendar year. Otherwise, right now it generally prohibits the use of video conferencing for more than half the meetings of public bodies. Also another change would be modifying the designation of the compact commissioner for the Interstate Compact on Educational Opportunity for Military Children. Currently, the deputy commissioner of education serves as the compact commissioner. The revised provisions would allow the Commissioner of Education to simply designate a deputy commissioner to serve. So those are the features of the technical bill and I would appreciate your consideration. And again, I believe the department will be here to elaborate or explain any details of those technical features that I mentioned. Thank you. [LB525]

SENATOR KOLOWSKI: Thank you, Senator Sullivan, plain and simple, just a lot of cleanup. That's one way to look at it. Any questions for Senator Sullivan, please? Seeing none, thank you. Proponents, please? Welcome back again. [LB525]

BRIAN HALSTEAD: Good afternoon, Senator Kolowski and members of the Education Committee. For the record, my name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education and the State Board here in support of LB525. Senator Sullivan has done an excellent job explaining the cleanup that we're doing. The first section of the bill is just adding permissive language that allows early childhood providers to upload their own experiences and work record into the system so that that is permissive. It's not required. Section 2 of the bill was drafted by us at the department in response to, unfortunately, the tornado that hit Pilger this last summer. The damage to that building ruined the roof and lots of windows. The school district was required to get a bid to purchase plywood and install that over all of those windows and everything else because \$45,000 was it. So what we attempted to do was (1) raise the dollar amount and we'd leave that to you as to what the dollar amount should be to start out with; and then provide an exception under the Emergency Management Act if, in fact, there has been a natural or man-made disaster for which quick work is needed to secure

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

damaged facilities, you don't have to go out for bid just to secure it. So that's what Section 2 was attempting to do. Section 3 of the bill actually came up this last year. A school district in central Nebraska called because they had a homeless student who wanted to enroll in that school district. The homeless student was being temporarily sheltered and in a different community in a different school district. And the statute says any school board shall do it and when we looked to federal law, the federal law says, well, where the child is currently located, where the child was last enrolled, or where the child was last...where they were permanently housed and attending school. So we're qualifying just to make it consistent with federal law as opposed to just, you can pick any school district in Nebraska when you're homeless to go even if it isn't where you're temporarily residing. The other changes in dates I think are pretty self-explanatory. We're trying to align some dates in the reorganization statutes whether that be for school districts or for the Educational Service Unit boundaries to match up with the other statutes. All orders for reorganizations of school districts have to be entered by June 1 of every calendar year so that language about a new school board for a new school district being in place by June 1 would better match than the April 1 date which was added back in the 1980s, the same thing true with the ESU boundaries. Since the orders can be entered on or before June 1 for school district boundary changes but have an effective date of August 1, the current statute talks about between June 1 and July 1 which left a month open this last year. Unfortunately, there were two school districts who reorganized and the effective date of the order was August 1 and they were changing one school district that was dissolving and going to another ESU. But because that didn't take effect, the board couldn't make that boundary change for those ESUs which they will do this June. So we're just trying to align those dates to match up better for that situation. And I believe the other date changes in there are technical. The State Board holds its meetings on the first Thursday and Friday of every month. The August 1 date for the priority schools wouldn't allow the State Board to hold its August meeting on the first Thursday or Friday to get that done. And we're just asking you to move it back to the 15th as the latest date. It will still get done by the August board meeting in that regard. And then finally the standards revision, most school districts do curriculum alignment on a seven-year schedule. And doing standards revision on a five-year now throws school districts off on their curriculum. So we think the seven-year cycle will better fit the need for the review and update of the standards and also better match the seven-year cycle that school districts use for curriculum alignment. So with that, I'll stop and I'll take any questions you might have on the technical amendments. [LB525]

SENATOR KOLOWSKI: Any questions, anyone? Senator Groene. [LB525]

SENATOR GROENE: Thank you, Chairman...Vice Chairman. Sir, on your organizational chart at Department of Education, why would you need more deputy commissioners? [LB525]

BRIAN HALSTEAD: I believe the commissioner would like to have more flexibility as to the names and positions of people at the department. So in that regard, if one looks back into history,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

there never was a deputy commissioner until the 1960s when the thought was, well, what do you do when there is no commissioner? So there was going to be a single person in that role. The language that's being changed here doesn't mean there won't be one deputy. But it does leave it to the commissioner along with the board approving if there's going to be more, that appointment and what salary that person is going to be in. So I think the commissioner sees it as a little more flexibility at the department in how he'd like to organize and run that. One area that is of primary concern to us right now is dealing with school improvement, our AQuESTT, how we're going to do accountability. I think the commissioner would like to have a deputy positioned who oversees all of that in that regard as opposed to one deputy kind of filling in for whatever the commissioner can't do. So it doesn't mean there will be more than one but it does provide a little more flexibility to how the board and the commissioner want to organize and staff the department. It's still got to fit within any budget this Legislature appropriates funds to the department for. [LB525]

SENATOR GROENE: So would it change...well, of course, where I come from, you put another deputy then you've changed the whole organizational chart, who is under each deputy, so the whole system would change. [LB525]

BRIAN HALSTEAD: It's a possibility, yes. Right now under statute, the board ultimately decides how the department is organized. The commissioner runs the department and is the one responsible for the employment of and supervision of all employees of the department. So there already is a check and balance there. So if the commissioner just wants to totally change how the department is organized, the board has to approve that organization. It's not the commissioner's to do. However, that again is part of the check and balance with an elected board and then a commissioner who is appointed by that board. [LB525]

SENATOR GROENE: This would give the commissioner the opportunity to ask the board to add one, then if a new commissioner comes in and he doesn't like that organization, he could go back in and ask to get approval again from the board because he inherits the last commissioner's chain? [LB525]

BRIAN HALSTEAD: Basically, yes, and again, all of this is done within the budget that the Legislature approves. So in that regard, we are limited in our budget, what's known as the personal services limitation. So there's only so much money the department can commit out of its funds to hire people at the department. So there's a limitation there that the Appropriations Committee puts on the department to do that. So it's not unfettered, you can just move everybody around. We have bargaining agreements and we have personnel rules. So it's not as simple as you made it out. But it would provide a little more flexibility on how the department could be organized with the technical changes that are proposed in the bill. [LB525]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

SENATOR GROENE: Or you might have somebody already doing...commissioner trusts somebody, has them with a lot of authority but this way he can give them a title and then the other people have to listen to him, human nature? (Laughter) [LB525]

BRIAN HALSTEAD: Well, I don't...you know, Senator, I've been at the department only...almost 25 years. As to whether anybody listens to me, I'll leave that to your interpretation in that regard. But I think, again, it lets the commissioner have a little more discretion as to how to organize and try to staff the department for the needs that need to be there. [LB525]

SENATOR GROENE: All right. Thank you. [LB525]

BRIAN HALSTEAD: Sure. [LB525]

SENATOR KOLOWSKI: Any other questions, please? Brian, on the...this is a left-field thought I had but just to see if anybody could play the system. On the homeless student situation... [LB525]

BRIAN HALSTEAD: Okay. [LB525]

SENATOR KOLOWSKI: ...as crazy as the movie Blind Side was all about...the young man was homeless and brought him in and became a very good athlete on this team. If someone wanted to do some of that, what NSAA rules apply to a homeless student? I'm stretching now, but things do get thought about them. [LB525]

BRIAN HALSTEAD: Well, I can't speak to the Nebraska School Activities Association and their rules because that's a private organization. We at the department have nothing to do with NSAA and how they organize and the rules they set up. We're focused on the children getting enrolled in school and receiving the education they're entitled to under Article VII, Section 1 of the constitution. So is it possible one could play games? I suppose, but they could do that right now under the homeless definition that is wide open. This actually...for the school district to enroll the child who is homeless, it would be the district where the child is currently located, the school district where the child was last enrolled to attend school, or where they were previously attending school when they were permanently housed. So it isn't all 245 school districts that you can pick from. You're going to be pretty much limited to one or two in that scenario. The situation I pointed out to you, the homeless child actually moved from the state of Wyoming to Nebraska to the community where he was homeless and then he picked a school district eight miles away where he wanted to enroll in school. Under federal law, that other school district would have been required to provide him with transportation every day to get to school because

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Education Committee
March 16, 2015

that's part of the McKinney-Vento Act. So the commonality and the rational thinking fit in...the child actually enrolled and went to the school district where he was then being temporarily housed. But it was so broadly worded that it did make it possible. If I'm in Kearney, I could pick Scottsbluff because I'm homeless and Scottsbluff would have to transport me every day to and from which doesn't make common sense in how we do things, so. [LB525]

SENATOR KOLOWSKI: Okay. Thank you very much. Just way out. Any other questions, please? Thank you. Any other proponents? Mr. Sears. [LB525]

JAY SEARS: Yes. [LB525]

SENATOR KOLOWSKI: Welcome again. [LB525]

JAY SEARS: Thank you, Senator Kolowski and members of the committee. I'm Jay Sears, J-a-y S-e-a-r-s, and I represent the Nebraska State Education Association. And NSEA supports the technical amendments to the department's bill. That ends my testimony. I'd be glad to answer any questions and have a good afternoon. [LB525]

SENATOR KOLOWSKI: You get the medal--thank you very much--the shortest. Any other questions, anyone? Thank you, Mr. Sears. [LB525]

JAY SEARS: Thank you. [LB525]

SENATOR KOLOWSKI: Any other proponents on LB525? Seeing none, any opposition to LB525? None. And any neutral statements on LB525? Senator Sullivan. And we waive and at this time, that ends the hearing for today. Under an hour, Senator, thank you. Well done. (Laughter) Thank you very much, everyone. [LB525]