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Education Committee
January 30, 2017

[LB58 LB427 LB428]

The Committee on Education met at 1:30 p.m. on Monday, January 30, 2017, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB58, LB427, and LB428. Senators present: Mike Groene, Chairperson; Rick Kolowski, Vice Chairperson; Laura Ebke; Steve Erdman; Lou Ann Linehan; Adam Morfeld; Patty Pansing Brooks; and Lynne Walz. Senators absent: None.

SENATOR GROENE: Welcome to the Education Committee public hearing today. My name is Mike Groene from Legislative District 42, Lincoln County. I serve as Chair of this committee. The committee will take up bills in the order posted on the outside door. Our hearing today is your public part of the legislative process. This is your opportunity as the second house of the Legislature to express your position on proposed legislation before us today. To better facilitate today's proceedings I ask that you abide by the following procedures. Please turn off cell phone and other electronic devices. Move to the chairs at the front of the room when you are ready to testify so we have a pretty good idea how many individuals want to testify. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks by the introducer. If you will be testifying, please complete the green form and hand to the committee clerk when you come up to testify. The committee clerk is Kristina, there on the end of the table on the right side...on my right side. If you have written material that you would like distributed to the committee please hand them to the pages to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that you limit your testimony to five minutes. If necessary, we will use the light system. We use it and will use it. Green, means four minutes; yellow, you have one minute remaining; red, please wrap up your comments. If you would like your position to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. And when the red light comes on remain in your seat. You might have some of the senators up here ask you questions. The committee members with us today will introduce themselves, beginning at my far right. Senator Pansing Brooks is still missing. I believe she'll show up, she hasn't said otherwise. Senator Morfeld has not said otherwise, so we expect him here today, too. So I'll let Senator Linehan start by introducing herself.

SENATOR LINEHAN: Good afternoon. I'm Senator Linehan from western Douglas County.

SENATOR KOLOWSKI: I'm Rick Kolowski from southwest Omaha in District 31. Thank you.

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SENATOR EBKE: I'm Laura Ebke from District 32, which is Jefferson, Thayer, Fillmore, and Saline Counties in the southwest portion of Lancaster County.

SENATOR ERDMAN: Steve Erdman, District 47, 80 percent of the Nebraska Panhandle.

SENATOR WALZ: Lynne Walz, District 15, which is all of Dodge County.

SENATOR GROENE: The staff here today is Charles Garman, he's the committee counsel handling this set of bills to my left, and to my right is Kristina McGovern and she is the committee clerk. Alexi Richmond and Samuel Baird are the pages and they're both students at the University of Nebraska. Please remember that senators may come, if they do come, and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphones. Also for our audience, the microphones in the room are not for amplification, but for recording purposes only. Lastly, we are an electronically equipped committee and information is provided electronically as well in paper form. Therefore, you may see committee members referencing information on electronic devices. Be assured that your presence here today and your testimony are important to us and are critical to our state's government. So I guess we'll begin. Senator Craighead will be introducing LB58. [LB58]

SENATOR CRAIGHEAD: (Exhibit 1) Good afternoon, Chairman Groene and members of the Education Committee. My name is Joni Craighead, J-o-n-i C-r-a-i-g-h-e-a-d, I represent Legislative District 6 of Omaha, in Douglas County. I come before you today to introduce LB58 which amends current law in Section 79-2,136 to require public school boards to establish procedures and policies allowing the participation in extracurricular activities, as defined in Section 79-2,126, of homeschool students that are enrolled part-time in their school district. Nebraska currently requires public school boards to have policies and procedures in place to allow for part-time enrollment of homeschool students in academic courses. This bill would allow part-time homeschool students the opportunity to participate in extracurricular activities by being continuously enrolled in one class of instruction per semester at the school the student represents in interscholastic competition. The Nebraska School Activities Association, the NSAA, currently requires that students enrolled in homeschooling programs are only able to participate in extracurricular activities if they are enrolled in at least four classes of continuous education at the school they would represent in their activities. The time requirement puts homeschool students in the position of being almost full-time students in a public school setting, canceling out the basic foundation of homeschooling. In the short time I have been involved with LB58, I have been able to meet with diverse parties that are interested in this legislation. While a certain level of consensus was already there between proponents and possible opponents, we think we found a way to develop even more consensus. I have an amendment prepared that has

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been given to the committee members that would change the bill requirement of being enrolled in one class or two classes per semester at the school the student would represent in activities. This amendment was viewed by some in the homeschool community and people like the NSAA, who have said they will come out neutral today with the introduction of this amendment. It is widely acknowledged by parents, students, and educators that allowing students to get involved in extracurricular activities can be important in helping them to develop people skills, work ethic, time management skills, and how to keep a commitment. All students, regardless of school choice, should have the opportunity to develop and build upon those very skills. The location and method of education should not preclude any Nebraska student from involvement in extracurricular activities within the school district in which they reside. I thank you for your consideration of LB58. At this time I would be open to questions, but would also like to defer to the individuals that helped bring this legislation. [LB58]

SENATOR GROENE: Thank you, Senator Craighead. Is there any questions from the committee? You will remain for closing? Thank you. Proponents. [LB58]

DAVID LOSTROH: (Exhibit 2) Senator Groene, members of the Education Committee, my name is David Lostroh, D-a-v-i-d L-o-s-t-r-o-h. I serve as board member and legislative liaison for the Nebraska Christian Home Educators Association, an organization that advocates, encourages, and supports home education. The NCHEA is a proponent of the basic concept in LB58, but we are troubled by the one-year sit out requirement. The NCHEA supports homeschool parents selecting those courses and activities from the local public school that would be helpful to their children. Homeschool parents should have the ability to make these choices because they pay the same taxes whether or not their children attend their homeschool or the local public school and because the Nebraska Constitution says that, "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the age of five and twenty-one years." And over the years, the NCHEA has received a fair number of phone calls from parents who want this option provided by LB58. The NSAA member schools' requirement is the 20 hours, as previously mentioned, so I will not dwell on that paragraph. While it is true that some NCHEA members would utilize the options provided by LB58, others will not. And none want increased regulation at home in order to carry out the options under LB58. And should LB58 be amended in a way that would increase government regulation at home then, of course, we would oppose that. And I don't think that's the intent of the bill, and we trust that that would not happen. This has been brought up before the Education Committee over a number of years. And I've listed a number of bills over the years right here; the last one being LB103 in 2015, regarding the doubts of ability of homeschool parents to be unbiased when reporting home academic performance to the public school for purposes of establishing and maintaining NSAA student eligibility requirements for varsity athletes. That's probably been the single biggest hangup through all these years. I believe that homeschool parents would not misrepresent the home academic performance level of their children. But even so, I cannot

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guarantee in every case that parents would be totally unbiased. It is common knowledge that colleges routinely struggle to be honest about their star athletes, and I suspect that could be true even in the public and private high schools around our state. But to presume the worst against homeschool parents while overlooking the potential in the other schools is discriminatory and unfair. So we would like to see that not be viewed as such a hangup. LB58 is nearly identical to Senator Kintner's 2015 bill of LB103, with the only significant difference being the newly added one-year sit out language in section (2) of LB58. Otherwise, it reads almost identical. In the Statement of Intent on LB103, it did spell things out pretty well. I didn't see that in the Statement of Intent on LB58. But Senator Craighead I think established that already, so I won't go there as to what it would do. The new LB58 language came about due to concerns presented by the NSAA at the 2015 LB103 hearing. The NSAA then expressed concern that students with poor grades might quit their member school to homeschool and then attempt to get right back into their NSAA activity. The one-year delay is intended by the NSAA, as I understand it, to prevent such actions. The disturbing assumption with this is that it still presumes that homeschool parents will misrepresent their first-year homeschool students' performance so they may be permitted by deception to participate, even for those students who were performing well academically prior to homeschooling. It seems quite reasonable that the NSAA concerns could be handled by making the sit-out requirement apply only to students removed from NSAA member schools who are scholastically ineligible for NSAA activities upon departure to homeschooling. Many poor performing students in traditional schools do very well when homeschooled; hence, to us the one year sit-down seems excessively long. It seems like 90 days or something like that might be far more reasonable. Overall, the one-year sit-down for an academically eligible student simply because the student's parents decided to homeschool appears to be an excessive punitive measure against the student and would discourage parents in making the best education decision for their children. Again, the NCHEA is a proponent of the basic concept behind LB58, but we urge that the sit-out requirement apply only to students removed who are scholastically ineligible when they start to home educate and that the one-year requirement be reduced substantially. Thank you. [LB58]

SENATOR GROENE: Any questions from the committee? So the way you read this is the student is a straight A student and then say the parents moved to another community and they decide...in the state of Nebraska and they decided to homeschool. That student wouldn't be able to participate because they moved? [LB58]

DAVID LOSTROH: Well, because they pulled their child out of the public or private school, parochial school to home educate them. My reading of this is that if a parent does that, then they're ineligible for 365 days before they can participate in NSAA activities. And, to me, that seems excessive. I mean, if there's some good reason for it, such as they're academically ineligible already or maybe they've been bullying or doing some other thing that might weigh

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into it, but just to do it with a student who's in good standing in school and then automatically have a one-year sit out seems more punitive than rational. [LB58]

SENATOR GROENE: You, I assume, associate with other homeschool associations across the country? [LB58]

DAVID LOSTROH: Well, we talked with other states. [LB58]

SENATOR GROENE: How many other states allow homeschoolers to participate in sports? [LB58]

DAVID LOSTROH: I wish I could give you the answer on that. I can find that out, but the number is pretty high, actually. [LB58]

SENATOR GROENE: All right. Well, thank you. Any other questions? Senator Walz. [LB58]

SENATOR WALZ: I have a question and I can't remember, if you're transferring from one public school to another--I think it's in the middle of the year--how much time do you have to wait in order to be eligible to play sports in the new school? [LB58]

DAVID LOSTROH: I've homeschooled nine children and I've never had that because of the fact that I've home educated. So I'm afraid I can't give you a good answer. I mean, I wish I knew the answer, but I really don't. I'm sorry. [LB58]

SENATOR WALZ: It's all right. Thank you. [LB58]

SENATOR GROENE: Any other questions? Thank you, sir. [LB58]

PHIL BELIN: (Exhibit 3) Good afternoon, Chairman Groene and members of the committee. My name is Phil Belin, P-h-i-l B-e-l-i-n, and I'm a homeschool parent who lives in District 6 in Omaha, Douglas County. I come before you to discuss the merits of LB55 (sic: LB58), a similar version of which was introduced in 2015, and that bill stalled in committee. But personally I was very encouraged by the goodwill and understanding that was established during that time. Diverse people listened and discussed things and a lot of common ground was discovered, and it's clear that that goodwill remains here today. I think you'll find a lot of consensus today, actually, and I'm hopeful that any disagreement might just be in the margins. While some homeschool families don't, many homeschool families do see tremendous value in public school

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offerings. They see teachers who can take over when the material becomes more conducive to a classroom setting, the chance for children to learn respect for nonparental authority, outlet for extroverted social butterflies like my oldest daughter, and other things. Just as homeschoolers see value in going to public school offerings, many public school folks also see value in homeschoolers coming: the academic capital, diverse perspectives, talent in activities, or other things that homeschoolers may bring. Now, there is a proposal almost identical to this bill that is making its way through NSAA internal channels. I'm not hopeful that it will pass, since it needs a super majority vote. But still, at the most recent stage, a clear majority of NSAA-member schools--at least 170 by my count--voted yes on the substance of that proposal, which basically mirrors this bill as amended. To me, that proves that most schools see the value homeschoolers bring. Many homeschoolers obviously support this bill because taking four classes unduly interferes with home-centered curricula. I also think this bill addresses common objections to homeschool participation, such as academic eligibility and meaningful connection to the school. Regarding academic progress, the bill requires homeschoolers to maintain a minimum GPA in the same academic setting as teammates-to-be do. And then regarding meaningful connection, homeschoolers establish this by attending class at the school; so they earn the right to wear the jersey by walking the halls, so to speak. And you should know that Nebraska wouldn't be the first to take this step. And many states require attendance at two or even less classes, and I'll name some of them: Alabama, Wisconsin, Arkansas, Indiana, Ohio, Arizona, Colorado, Florida, Idaho, and Oregon, among others. And we should note the geographic and political climate diversity among those states. Some may say the Legislature should defer to the NSAA or its schools. And this answers Senator Groene's earlier question. We should note that 30 to 35 states have allowed homeschooler access, and the vast majority of those required legislative action. Homeschoolers are not constituents of the high school activities association nor its member schools. They are outsiders looking in and don't have a representative voice there like they do in the Legislature. So perhaps there's a procedural way to pause this bill if it gets out of committee to give the NSAA the chance to pass its proposal. But if the NSAA doesn't, you have 20-something states as precedent to exercise jurisdiction. Final point: Since we discussed this issue in 2015, more states have eased restrictions on homeschoolers. This is clearly a national trend. National trends are often used in political arguments. Recently, when some Omahans wanted to expand discrimination protections in the city, they pointed to the national trend among large cities to do that and claimed that if Omaha failed to follow the trend it would have negative consequences, it would be perceived as less progressive socially, businesses may take jobs elsewhere, etcetera; and that's a rational argument. That type of argument may apply here, too. The national trend is clearly to ease restrictions on homeschoolers, and if Nebraska fails to follow the trend it will have negative consequences. It may be perceived as less progressive educationally, start-ups and businesses may take jobs elsewhere, etcetera. At least in my town one goal that we have is to be attractive to entrepreneurs and techies. We're actually home to a start-up called Silicon Prairie News. And alternative schooling is very popular among these

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demographics and we would be wise to have an attractive environment for them. So thank you for your time and I'm happy to answer any questions. [LB58]

SENATOR GROENE: Senator Kolowski. [LB58]

SENATOR KOLOWSKI: Thank you. Thank you, Mr. Belin. Thank you, Mr. Chairman. This bill is much more than sports. Do you have some interest in other things that your children would like to be involved in and what might those be? Could you elaborate a little more? [LB58]

PHIL BELIN: My kids are very young. My oldest is ten. Let's see. I don't know if he would take advantage of this, to be honest. He's not really an athlete or...he plays the violin. Maybe he would be a band guy. I think band is covered by NSAA maybe. [LB58]

SENATOR KOLOWSKI: Sure. [LB58]

PHIL BELIN: My daughters would maybe more arts. Yeah. [LB58]

SENATOR KOLOWSKI: I think it's important that we realize it's more than athletics. [LB58]

PHIL BELIN: Absolutely. That's why I used the word activities. Yeah, thank you. [LB58]

SENATOR KOLOWSKI: Thank you. [LB58]

SENATOR GROENE: Any other questions? Sir, you mentioned you're concerned about the...were you concerned about taking...proving you took four courses? The way I read it, that's two inside the school and two outside. You have to prove that per semester. Were you concerned about that? [LB58]

PHIL BELIN: I am a little bit concerned about that. And I think if and when the NSAA speaks later, they might be able to answer some of these questions about their internal procedures. It's my understanding that there might already be something like that in current NSAA bylaws where they already do that kind of look-back at the four classes or at the two additional classes done in the homeschool setting. Dr. Tenopir can maybe speak to that. It does concern me a little bit, but... [LB58]

SENATOR GROENE: Why would it concern you? Homeschoolers are taking classes at home also. [LB58]

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PHIL BELIN: Yep. Yep. It would concern me if schools are unduly intrusive, you know, overly analytical, you know, in questioning the work that we're doing at home. So that does concern me a little bit. [LB58]

SENATOR GROENE: Thank you. Any other questions? Thank you, sir. Proponents. [LB58]

SHANA BAKER: Can I go? [LB58]

SENATOR GROENE: Next in line. [LB58]

SHANA BAKER: Hello. My name is Shana Baker, S-h-a-n-a, Baker, B-a-k-e-r. I live in District 49 with Senator Murante. I'm a homeschool mom of three girls, they're 18, 16, and 14. My husband and I live in Gretna and we've always homeschooled. Our oldest will be graduating this spring. I'm here today on behalf of my family, but also our oldest daughter, Savannah (phonetic), who's currently in class at community college right now. Savannah is a senior, she is an excellent student with a 4.14 GPA. We classically homeschool and as our children get older they sometimes take one or two dual enrollment courses at the local community college. Savannah has also participated in Girls State, RYLA, and attended the Attorney General Youth Conference here at the Capitol last year. She was just elected her senior class president for their homeschool class of over 35 children and has completed course work through Calculus III. She's been accepted to every college she has applied to, over ten I think at the last count, including the Colorado School of Mines and the Rose-Hulman Institute of Technology. Savannah also loves sports and music. But currently in Nebraska she's not been able to play or compete with her fellow Gretna students on a public school team or with a band due to the four class requirement. She's a Gretna Dragon through and through, even though she is a homeschool student. With the current four class requirement it's been impossible for Savannah to pursue the homeschool classes she wants in addition to spending half the day, not always concurrent classes, at the local high school. Savannah attended church preschool in Gretna and then we started homeschooling. In grades six through eight she took some classes at the Gretna Middle School, including their elective, QUINCE, at the time--they're not QUINCE anymore--as well as band. She loved band. She excelled in band and Mrs. Tucker was a great person to partner with in our educational journey. She was the first-chair clarinet for several years. Around eighth grade she hit a wall when she ran up against the current law's trickle-down effect. I say trickle-down effect because as a middle schooler she was still subject to the high school rules because most school districts observe the high school law or guideline--well, it is a law. But even though they're middle schools and they're not subjected to it, they typically follow it for consistency sake. As a middle schooler enrolled in two class periods, including band, she was not allowed to march in parades or competitions; and even though the parades and competitions were required for the class, she literally had to sit on the sidelines or was proposed to do an alternate assignment. It was hard.

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She was young. She didn't understand why. Ultimately, she dropped band and dropped music because she was discouraged. Savannah also loves soccer. If you ask her one of the things she could have had in high school that she has yet to experience, it would be to play for the Gretna Dragons soccer team in their championship game. She ached to play with her fellow students in Gretna, to be a part of the team and to experience that part of high school. Our other two daughters also love extra curricular activities and sports. One plays softball and volleyball and the other one swims. The Gretna swim team is new. When it started they barely had enough swimmers to form a team. Everyone wanted Shelby (phonetic) on the team and yet we couldn't commit to the four classes a day at the middle school--she's going into high school. Shelby classically homeschools and works on her schoolwork six hours a day. She studies algebra, mock trial, short-story composition, Latin, intermediate logic, and general science. To go to school for the four class periods--again, not always concurrently--I would have to take her to school for a class, come home, try to get some homeschool work done, take her back to class, come home, try to get lunch done, take her to school, and I only live about a mile and a half from school. And then it's overly burdensome for a 14-year-old. Our family is in support of LB58. We're supportive of the changes to the current law. Our only recommendation would be similar to NCHEA is that to allow academically eligible students a waiver and not have them sit out that year, because that does seem burdensome on them, although it doesn't affect my family directly. I also liked numbers and facts. And if you guys haven't had a chance to check out the homeschool exempt report on the Nebraska Department of Education Web site I really hope you guys do. The new report should be out within this week. But currently there's over 4,264 middle school and high school students that homeschool. About 2,084 of those would be high school age eligible and over 4,100 families homeschool in the state of Nebraska. And Scottsbluff--I don't know if you have Scottsbluff-but Scottsbluff was actually the fourth or fifth highest county, so that was kind of exciting. I'm originally from there. I want to thank you for your time. And I want to thank you for allowing me to give my testimony. And if you have any questions I'd be happy to answer them. [LB58]

SENATOR GROENE: Any questions from the committee? Senator Kolowski. [LB58]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Ms. Baker, the...is the schedule ever difficult? High schools can vary from a six-, seven-, or eight-period day and could be a four by four block, as some high schools have. And there's lots of different variations on that theme. Has that ever become a difficult issue, because the year becomes much different then? [LB58]

SHANA BAKER: Right. As a high school student, Savannah actually hasn't attended Gretna High School part time. She has taken classes at Metro Community College. And so with the Tuesday/Thursday or the Monday/Wednesday classes, that's a lot easier to also do homeschool curriculum and let her take Calc III. With requiring a student to go to every single class every day of the week, similar to...I think Gretna still has that schedule, versus like a Millard block

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scheduling, it is a little bit more difficult. Shelby, for example, goes to a homeschool program--some might call it a co-op--once a week and she and 11 other students attend a eight-hour session with a tutor and they go through their homeschool subjects and then she comes home and we work on them at home. And so on that Tuesday, when she would be in her homeschool co-op, she wouldn't be able to go to Gretna High School. Savannah was the same in middle school and so the band just gave her an absence that day then. So it was one period out of eight periods and so it didn't hit the radar of the absentee issue. But it is an issue when you have to be able to have administration that would work with you if you had a conflict like that. [LB58]

SENATOR KOLOWSKI: So you have regular classes that you purchase and teach your students? [LB58]

SHANA BAKER: In our homeschool we do. We have a program that my kids are a part of once they get a little bit older, and it's once a week. A lot of homeschoolers, I know the Lincoln homeschoolers as well as the Omaha homeschoolers have maybe learning centers where they might go to. One of my daughters takes ballroom dancing, but sometimes...she's taken sign language there before. So we sometimes supplement our homeschooling with external tutors or classes. And you would just, in our instance, if Shelby wanted to do swim team at Gretna, then we'd have to find a class that would maybe...if her homeschool class was in the morning we'd have to find a class in the afternoon at Gretna that maybe would work every day so she wouldn't obviously be absent and not be able to do her coursework. It's a little bit of a logistical puzzle piece, but if you want to do it and you're motivated to do it and your student wants to do it, it can...at least one class or even two would be a little bit easier than three. Four is...it's jumping through hoops and getting in the car and out of the car too many times a day. And then your other children suffer and you can't truly homeschool like you want to. [LB58]

SENATOR KOLOWSKI: Tell us about the highest level classes. I'm thinking of AP or international baccalaureate, college level physics, chemistry. How do you handle those when you're in a homeschool situation? [LB58]

SHANA BAKER: Well, I have a daughter, again, who's gone through Calculus III. And she had differential equations on her radar until she decided she was switching from engineering to emergency management. And so I have a bachelor's in international business and you don't...I always say you need a library card in 30 minutes to stay ahead of your kid if they're really motivated, so my degree is not a qualifier for that. However, we typically do tend to...Metropolitan Community College has been a wonderful source. And whether you do that through a high school like Gretna High School or we actually go directly to Metropolitan Community College, Calculus III is not something I was necessarily very motivated to teach or had the skills to do. And so we kind of...we let her take classes there. But upper level physics,

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chemistry, if your child is interested all of those options are available, but you can also...homeschool resources are so advanced now that you can actually purchase programs or walk alongside of tutors that will help you walk through your student's journey with them. And so if Metro wasn't available and my daughter wanted to do Calculus III, I would have found a way to do it. [LB58]

SENATOR KOLOWSKI: Help me understand how you do chemistry when you don't...do you have that many chemicals and the ability to do the labs? The same with physics, because that's also extremely... [LB58]

SHANA BAKER: Right. Usually for our chemistry and physics we did go to a lab at Metro for our specific family, but my daughter took chemistry...my younger daughter took a high school level chemistry last year in her co-op. And so we purchased all the microscopes and all of the kits and all of the experiments. She did lab reports, you know, everything that a normal chemistry lab would be able to do. We did it in a kitchen instead of a lab. But oftentimes homeschool parents are so resourceful and also giving of their time that there's usually someone in the group that has had or taught that or done that if you are feeling insufficient. [LB58]

SENATOR KOLOWSKI: Are these co-op experiences paid for as well? [LB58]

SHANA BAKER: No, we have to pay for them. So our current co-op is about \$1,400 a year and then we pay for books. [LB58]

SENATOR KOLOWSKI: Thank you. [LB58]

SENATOR GROENE: Any other questions? The present law says you have to take four classes, right? [LB58]

SHANA BAKER: Correct. [LB58]

SENATOR GROENE: And you're willing...two is...you can handle? [LB58]

SHANA BAKER: Two is manageable, one is awesome. Two is at least a progress. And that's what I hope to see Nebraska. Like I said, for my daughter, it's too late for her; she's graduating. Her heart was broken a long time ago in middle school. [LB58]

SENATOR GROENE: Logistics, too, they have to show up for practice every day now. [LB58]

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SHANA BAKER: Right, yes. Yes. [LB58]

SENATOR GROENE: So they would probably try to get an afternoon...couple afternoon classes so they're already in the school system. [LB58]

SHANA BAKER: Yep. Yeah. And a lot of times they...I mean, they want to. [LB58]

SENATOR GROENE: Do private schools, the parochial system, do they work with homeschoolers, too? There's some parents... [LB58]

SHANA BAKER: Yes, but if they're an NSAA school, they are subject to the same rules. [LB58]

SENATOR GROENE: Same four? [LB58]

SHANA BAKER: Right. So oftentimes you'll get a school district that will let you participate in middle school, because their school board has approved alternate rules. But the majority, at least in eastern Nebraska, follow the four credit hours...the four class rule. [LB58]

SENATOR GROENE: And you've had no...the Gretna Public Schools welcome you? [LB58]

SHANA BAKER: Oh, yes. They welcome me, they just don't let...like they didn't let Savannah march in the parade, even though she was first-chair clarinet and took band and required it as a part of the class. [LB58]

SENATOR GROENE: All right. Thank you. Any other questions? Thank you. Next proponent. [LB58]

KAREN BOWLING: (Exhibit 4) Dear Senator Groene and members of the Education Committee, thank you for the opportunity to come before you. I am Karen Bowling, K-a-r-e-n B-o-w-l-i-n-g, and I serve as the executive director of Nebraska Family Alliance and I'm here testifying in support of LB58. NFA supports LB58 because we believe in equal access for extracurricular activities by homeschool students for three primary reasons. First, parents should be allowed to choose public school activities if they believe such choice is in the best interest of their child's learning experience. Second, homeschool families also pay taxes that fund public schools. Just as it is unacceptable to exclude homeschoolers from publicly funded areas such as libraries, hospitals, and parks, so it is unacceptable to exclude homeschoolers from public school programs. Third, for many families, they choose homeschool education because they believe it is

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in the best interest and meets the needs of their child's instructional learning styles. These parents also desire their students to participate in activities that enhance both their child's learning and personal interests, which may include music, art, debate, or athletics. Finally, we appreciate Senator Craighead's attempt to work and find a compromise and we feel that it is a good compromise in only requiring two credit hours opposed to four, and that each student participating has to participate in the school district which they reside. Thank you for the opportunity to come before you. [LB58]

SENATOR GROENE: Any questions from the committee? Senator Kolowski. [LB58]

SENATOR KOLOWSKI: Yes. Thank you, Mr. Chairman. Ms. Bowling, thank you for your testimony. And your last comment is one of concern to me. Would you elaborate on that, that they would be in the district within which they reside. What if you wanted to...you're living in Gretna but you wanted to go to Elkhorn for their programs? [LB58]

KAREN BOWLING: Well, one of my concerns that we have as an organization, we want to try and meet balance there. Actually, I have just from personal experience in having sons that participated in both athletics and vocal music programs, we did experience where parents would choose to have their children transferred into districts because maybe it was the elite football program. And so that's part of why we think that it's reasonable that you participate in the district where you reside. Willing to work with that, but that's in essence the why behind that statement. [LB58]

SENATOR KOLOWSKI: Thank you. [LB58]

SENATOR GROENE: Any other questions from the committee? Thank you for your testimony. [LB58]

KAREN BOWLING: Thank you. [LB58]

SENATOR GROENE: Next proponent. [LB58]

SPENCER FINLEY: (Exhibit 5) Hello. My name is Spencer Finley, S-p-e-n-c-e-r F-i-n-l-e-y. I do have some prepared comments that are being passed around. I will probably bypass a lot of it because some of it has already been spoken to. But I'm here today to implore you to be a voice for homeschool students. I'm a graduate of Papillion-La Vista High School who benefited greatly from extracurricular activities. I believe that almost everyone here would agree that these activities can be extremely beneficial to students. The NSAA certainly does. Their tagline says,

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"NSAA activities...the other half of education." It's ironic that an organization that believes so strongly in the power of activities would work so hard, at least in the past, to prevent a group of students from joining. Instead of developing rules for the 2,000-plus high school homeschoolers so that all Nebraska students can participate, they dictate that homeschoolers must give up their educational rights and take classes at a public-private school. And so I know a lot of people are in support of the amended even two class. I'm of the position that they shouldn't have to take any classes. They're Nebraska students like every other public and private student, and so they should be able to participate. And as we're hearing, there are a lot of intricacies to the rules and that's where absolutely the best place for this to...for these changes to happen are with inside the NSAA, because there are so many rules. Their bylaws are 68 pages long, and that's a very small print, not big. But those were not developed overnight. Changes happen every year and they've happened over a long time of period. And so if they wanted to, they could easily figure out all of these issues that have been brought up in a way for homeschoolers to participate. As mentioned earlier, I went off of information from the Homeschool Legal Defense Association. They have a summary sheet of all the states and where...what the requirements are in order to participate in extracurricular activities. I saw by my count 17 that require either zero or very little, maybe one or two classes to participate. As mentioned, the NSAA is an association of the public and private schools in Nebraska, not homeschoolers. They have developed the rules with the principal understanding that the students must attend a public-private school in order to participate. The fundamental problem is homeschoolers have no voice. You can be their voice. You can give homeschoolers the opportunity to have fun, grow, compete, and participate in extracurricular activities just like the other 130,000 students that do every year in this state. I would encourage you to please pass this one class law as it is originally written. And that in the future when the world hasn't ended, hopefully the NSAA will remove all the barriers. You can help the NSAA understand that all students should have access to the other half of education. I thank you for your time and your consideration of this bill and your service to our state. [LB58]

SENATOR GROENE: Thank you, sir. Any questions from the committee? Senator Kolowski. [LB58]

SENATOR KOLOWSKI: Thank you, sir. I just wanted to ask you, Mr. Finley, the aspect of not having any classes in your home district, do we just open ourselves up for a citywide draft of who wants to be the best band or choral or music or art or football or other sports? Is that problematic when you start doing all (inaudible)? [LB58]

SPENCER FINLEY: No. I think that's a good point and that's where I reference I think there's a lot of issues that need to be worked out. And the best place for that to happen isn't the Legislature, it's within the NSAA. I think there are some very common-sense things that could be worked out. Again, if everyone sat down and the NSAA truly wanted to make it work, they could figure it out. Again, they have rules about transfers and some of the questions that have

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already been asked. They have all these rules in minute details. They can make it work. I mean, there's private schools already in our state... [LB58]

SENATOR KOLOWSKI: Sure. [LB58]

SPENCER FINLEY: ...that people can go be part of that...so they don't have to live within the district. So I think they could figure it out. [LB58]

SENATOR KOLOWSKI: Thank you. [LB58]

SENATOR GROENE: Any other questions? Thank you, sir. [LB58]

SPENCER FINLEY: Thank you. [LB58]

SHARON GRAY: Good afternoon. My name is Sharon Gray, S-h-a-r-o-n G-r-a-y. I homeschool our children since 2002. And four and a half years ago our boys decided that they would like to go and play football. And we live in the Norris School District and have been since 2000, and so I went to the school and asked them what we would need to do to be able to get them into play. And at that time they had not had anyone come from a homeschooling situation in order to be able to play sports, so I was met with some opposition in the beginning. I did my research and spoke with, at the time it was the president, Rhonda Blanford-Green at the NSAA. And she told me that as we had an incoming freshman that it wouldn't be a problem for him at all because he was coming in from...into high school. But we also had a sophomore, incoming sophomore, and it was going to be a problem that he would be able to play, but wouldn't be able to play varsity sports. I had no problem with that because he hadn't played before anyway. The opposition came from the school, and it was mostly because they didn't understand where we were coming from. We were told that they had to take 20 credit hours, which was four classes. And I had a huge problem with that because they were doing their core classes at home and then would have to spend half a day there also in order to be able to play sports. My children...our oldest now has graduated and is doing very well as a freshman in college. He was heavily recruited because of his football career at Norris. We now have a senior who is now being heavily recruited and is going to be playing football also. So it has afforded us an opportunity that we wouldn't have otherwise, because they are now essentially being paid by the colleges to play football. My problem with the four classes is the fact that they don't get to do anything else. They go to...they do school in the morning and I get them up early to do that. They go to Norris and spend half a day there, then they're there for practice. They come home and they do homeschooling. They homeschool on the weekends. They homeschool during Christmas break. They homeschool all summer because of the four classes that they spend and I appreciate that they are afforded the opportunity to go because they have had some opportunities that I wouldn't be able to give them

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like they've learned how to weld. They've learned how to do woodworking. My husband is a pilot and is not there often and so he can't help them with some of these things as he would like. And so from that opportunity it's been good. But I think four classes is excessive. Our kids want to play football and wrestle and swim, but they can't do everything. So the life outside of school and sports has been greatly shortened, I guess. One thing that I would like to say, too, is one of the questions that was asked was about the people or homeschool families being deceptive with their...the grades that the kids have. I grade much harder than the public school does that they go to half days. And we sign a piece of paper saying that we would allow anyone to come in and test our kids at any time and I'm willing to do that. And I would...I have no problem with what my kids have learned from being at home homeschooling. So I have a hard time believing that...perhaps it could happen, but I have a hard time believing that the parents would be deceptive in their grades, because it wouldn't...it's not going to do them justice. And they're going to find out when they go to college, so. [LB58]

SENATOR GROENE: Thank you. Any questions? Appreciate your modesty, but you do understand your children have a right to a public education, you don't have to act like somebody is doing you a favor by allowing your children to attend. [LB58]

SHARON GRAY: Oh, I don't think that they're doing me a favor. We chose to homeschool because, one, before they started playing sports, with my husband being a pilot, we were able to travel with him and we would take school with us or we would work ahead. And we don't have as much of an opportunity to do that anymore because of them being here to play sports. I want to give our children the best education that we can give them and I do think that is a right, but I also know that it's a privilege to be able to go and have these extra things available to them at the public schools. [LB58]

SENATOR GROENE: So your children go at noon and attend four classes and then go to football practice? [LB58]

SHARON GRAY: Yes, sir. [LB58]

SENATOR GROENE: And you would prefer two? [LB58]

SHARON GRAY: Two would be much better. It would be a lot easier on them. They wouldn't have so much schoolwork to do, because they've got a full load at home and then another half day at Norris. [LB58]

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SENATOR GROENE: When you say a full load at home, they have more homework at home? [LB58]

SHARON GRAY: They have...their core classes are at home, yes. [LB58]

SENATOR GROENE: Thank you. Any other questions? Senator Pansing Brooks. [LB58]

SENATOR PANSING BROOKS: Thank you. Thank you for coming today. I'm trying to just grasp. So they don't have to...so a homeschool student doesn't have to pass the same...doesn't have to pass the course to be able to engage in the extracurricular activities through this, is that correct? [LB58]

SHARON GRAY: They don't...what course? [LB58]

SENATOR PANSING BROOKS: It's my understanding from some of the...from looking at the bill that they don't have to have...the student wouldn't have to pass the course to be able to participate. [LB58]

SHARON GRAY: No. Well, not at...at Norris they do. And, certainly for us personally, me, as a mom, they have to be passing or they're not going to be playing sports, because the education is much more important. [LB58]

SENATOR PANSING BROOKS: So I guess...I'm still trying to remember from last year with the previous bill. As I remember, part of the issue was that if you just put somebody straight into Norris that you won't have had to have met the requirements for passing a course to be able to get into... [LB58]

SHARON GRAY: That's not been our experience. Now, my children do well, so that we have not had that experience for them to say, no, they cannot play. But I do know in talking with the administration there that they are held to the same standard as the other full-time public school kids that if they are not passing, they don't get to play sports. That's for Norris. I don't...I can't speak for another school. [LB58]

SENATOR PANSING BROOKS: Okay, because I don't think that's part of the bill, necessarily, from what I've read. Have you read that part in it? [LB58]

SHARON GRAY: I do not...I can't answer that. I don't know. [LB58]

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SENATOR PANSING BROOKS: Okay. [LB58]

SENATOR GROENE: Any other questions? [LB58]

SENATOR PANSING BROOKS: Thank you for coming today. [LB58]

SHARON GRAY: You're welcome. Thank you. I appreciate your time. [LB58]

ERIN VAN CLEAVE: Good afternoon, members of the Education Committee. And thank you. My name is Erin Van Cleave, E-r-i-n, and my last name is two words, V-a-n C-l-e-a-v-e. I'm going to reiterate pretty much everything everybody else just said, and I appreciate the eloquence of Senator Craighead in her introduction. I have four children, 16, 14, 11, and 8. And like Mrs. Gray and her family, we attend Norris. And my 16-year-old is a sophomore and he's been involved with football and wrestling. And, like the Gray family, four classes is a burden. We have a lot to do at home and then actually this semester my sophomore has to be there at 11:30 for four classes and lunch and then practice, and come home and do more schoolwork, weekends, Christmas, summer, because I do have a lot of stuff I want him to get done plus the Norris classes. Norris has been...we enjoy their teachers. I know they're...his coaches enjoy him. Mrs. Gray didn't say that her two sons have been leaders in football and wrestling. My sophomore is slated to be on the leadership team for football next year, so I know they are well accepted. We can speak with complete sentences. We do enjoy it, it's just the four classes is too much, because there's so much we still want to do at home. Again, I would prefer zero, but two is a lot more manageable, because there are some things he would like to do that the coaches would like. There's a wonderful strength and conditioning class that he's taken since he's gone there and that's been great. Some of the coaches have taught him that. I can't speak for the music end of that, but I foresee that would be something my daughters would be involved in. But it's the time thing. And I can't, I guess, answer for the signing in the grades, but I think my sophomore would attend I am way harder on him than his teachers at Norris are. I have a lot of high expectations and...but yet value sports. My husband played for the university for football and it is...sports are important. I'm not saying my kids will play for the university but it is important, especially for boys, to be in athletics along with their schooling, so. Sorry, this is my maiden voyage. I apologize. So thank you for your time and... [LB58]

SENATOR GROENE: Thank you. Any questions from the committee? Senator Pansing Brooks. [LB58]

SENATOR PANSING BROOKS: Thank you, Chair. Okay, so there is...it does say in the statute, subject to the same requirements, conditions, and procedures as students enrolled in the public school. Thank you for being here, Ms. Van Cleave. [LB58]

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ERIN VAN CLEAVE: Yes. [LB58]

SENATOR PANSING BROOKS: Sorry to...I just started off with a question without thanking you. But again...let's see. I don't think it...it goes on to say...and maybe somebody else can point it out to me, that they had to have been in...so you could start at Norris without having a semester at Norris. So you could be there...you could be homeschooling the entire fall and winter semester and then start in January, is that correct, and then be eligible for whatever the spring sport is, which I don't really know. But... [LB58]

ERIN VAN CLEAVE: I don't believe so, but we didn't because we were going to do football and then wrestling, which starts in November. So we...he started August of his freshman year, because football starts before school, so I had already enrolled him in his four classes. [LB58]

SENATOR PANSING BROOKS: Okay. [LB58]

ERIN VAN CLEAVE: And you do have to pass...and like Mrs. Gray said, the coaches are very strict. They have their own little...at least at Norris. That's all I can answer for. The coaches are given a group login from the guidance counselor all their students and then they check them every day to see who's passing what and what grades you're getting or you don't go. Did that answer your question? I'm sorry. [LB58]

SENATOR PANSING BROOKS: Thank you for answering...I think so, yeah. Thank you very much. [LB58]

ERIN VAN CLEAVE: Yeah, thank you. [LB58]

SENATOR GROENE: Any other questions? Thank you. [LB58]

DAN HUENEFELD: (Exhibit 6) Chairman Groene and members of the committee, my name is Dan, D-a-n, Huenefeld, H-u-e-n-e-f-e-l-d. As a parent of six children, all of which were homeschooled to some degree and coming from a district that I'm going to describe differently than what you've been hearing before, such as Gretna and Norris. I come from a district that has a record of the most ardent resistance to allowing any homeschooled student any opportunities whatsoever in our public school. I can tell you there's a need for LB58. Starting in 1997, I spent nearly a decade lobbying for my local district for opportunities for my homeschooled children. I vividly recall a statement from a former school board member, and I quote, "We cannot let them get a toe in the door." I'm here to tell you they were completely successful. No classes, no activities, no driver's education in the summer, no college entrance tests on Saturday, absolutely

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nothing. Not only were they extremely successful in denying homeschooled students any opportunity during that time frame, but every time a bill was heard here before this committee that would open up some doors of academic or extracurricular opportunity for homeschooled students within our public schools--and I believe public record would bail me out on this--the superintendent from my district never failed to be here to give testimony in opposition. I wish I could tell you that things have changed. They have not. With the passage of LB821 in 2006, our local district was forced to allow homeschooled students to take academic classes, but our school did not open the doors of opportunity one millimeter more than was mandated. Let me give you one example. After passage of LB821, a homeschooled young lady from our district was taking classes in our public school part time. And even though this young lady was also a talented violinist, she was not allowed to play in the pit orchestra for our school's production of Fiddler on the Roof. It seemed like that would be a perfect fit. Our school used other members from the community at large to fill that orchestra pit, but refused to allow her to participate merely because she was homeschooled. I ask you, as I have asked my local school board many times, where is the virtue in maintaining these exclusionary policies? Is it not in the best interest of our state and our communities to encourage participation in such activities? What greater good is served by allowing public schools to keep this segment of our young people out of these activities? And by the way, I mean everything: sports, speech, band, it doesn't matter, FFA. If it was not an academic course in my school district, you're not allowed. It doesn't matter if you took the four classes. You take four classes, that doesn't matter. You still get nothing. It's too late for this legislation before us to be of any benefit to my children, as they've all graduated from high school. But I now have grandchildren living in the same district who will likely be impacted by what you do with this bill. I would ask that you vote to bring this bill out of committee, but with one change, and it's been talked about before. As it reads now, every student who leaves the public school or NSAA-member school would be ineligible for a year. This requirement would also keep the student who, for example--and this example is not all unreal--who begins homeschooling after being diagnosed with cancer. It would keep them out of activities for a full year. Why keep this student out of activities if they are well enough to participate? It would make a lot more sense to me to reserve this penalty only for those who leave the public school while they are academically ineligible. Thank you. Any questions? [LB58]

SENATOR GROENE: Any questions from the committee? Senator Kolowski. [LB58]

SENATOR KOLOWSKI: Thank you, sir. Thank you for your testimony, sir. I appreciate it very much. What's the name of your school district? Would you mind doing that? [LB58]

DAN HUENEFELD: I was hoping to keep it anonymous, but Aurora. [LB58]

SENATOR PANSING BROOKS: What was it? [LB58]

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DAN HUENEFELD: Aurora. [LB58]

SENATOR KOLOWSKI: Aurora? Yeah, thank you. Thank you. [LB58]

SENATOR GROENE: Thank you, sir. Any more proponents? Any opponents? Neutral testimony? [LB58]

JIM TENOPIR: Good afternoon, Senator Groene and Education Committee. My name is Jim Tenopir and I'm the executive director of the Nebraska School Activities Association. I'm here this afternoon to speak from a neutral position. A little bit of my background, I was the executive director of the NSAA for nine years. In 2010 I went to the national office as chief operating officer with the National Federation of State High School Associations. And thinking I was retiring here about a year and a half ago, I was found to...they needed a head custodian or something back at the NSAA, so I'm back at that job again. The NSAA is a voluntary organization of the public, private, and parochial schools in Nebraska that was organized over a hundred years ago to formulate policies and procedures to promote the high ideals of citizenship, fair competition, sportsmanship, and teamwork that will complement the member schools' curricular programs. The NSAA exists to provide a procedure to enable schools to promote and govern interscholastic activities for the students effectively, economically, fairly, and keeping those activities in proper perspective educationally. We are the entity that sponsors a lot of the state athletic and nonathletic events. Schools join the NSAA voluntarily and they participate in a democratic self-governance process to attain the purposes of the association. Fundamental among those rules that our member schools have adopted are those establishing eligibility guidelines considering enrollment, age, academic qualifications, residency transfer, those sorts of things. The contents of the NSAA's constitution and bylaws have been promulgated and approved by the NSAA member schools. Those standards in our constitution and bylaw are not put together by our NSAA board of directors or the NSAA executive staff. The member schools of the NSAA set the standards under which they wish to be governed for activities purposes. It's based on those member-established guidelines that I testify today on behalf of the NSAA member schools. And if you'll bear with me, we've got a couple of bylaws that I think are very important to what we're talking about today. Bylaw 221 specifies that individuals who are bona fide students of a member high school and have not graduated from any high school or its equivalent may be permitted to participate in activities of the Nebraska School Activities Association. And then bylaw 251 specifies the scholastic guidelines for the current semester--and you've heard that addressed as far as the four classes or the 20 credit hours. That bylaw says, to be eligible the students must be continuously enrolled in at least 20 credit hours of instruction per semester at the school the student represents in interscholastic competition. As I mentioned, that represents four classes. And that requirement is in place for any student who wishes to participate in high school sports and performing arts. Additionally, NSAA bylaw 252 pertains to the immediate preceding semester. To be eligible a student shall have credit on the school

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records for 20 credit hours of schoolwork for the immediate preceding semester. So that means for a student to be able to remain eligible to participate, they would have needed to have passed immediate preceding semester four classes or the 20 credit hours. You've heard a couple of the other testimonies indicating that there is a legislative proposal going through the NSAA process. We've worked with the NSAA board and our membership for the better part of the last year in trying to craft an alternative to homeschool or exempt school students having to be enrolled in four classes in the NSAA member school for the current semester in order to be able to participate in activities. I would be the last to tell you that it hasn't been an uphill battle because it has, but I think that we're making great progress. The NSAA legislative proposal addresses students from approved NDE--Nebraska Department of Education--Rule 13, Exempt Schools and would require such home or exempt school students to only have to be continuously enrolled in two classes current semester and at least two classes in the homeschool setting. Further, all students currently have to have successfully completed four classes the immediate preceding semester. The requirement would be that...still, that they'd have to complete four classes, but two of those four classes would have to be in the member-school situation. And the reason for that is to preclude a student from enrolling in two classes in the member high school, but not attending or not working toward academically achieving in those classes. And then one final component of our legislation is that from a residency standpoint, the exempt school student could be immediately eligible in that homeschool district of the district of the parents' residence. The exempt school or homeschool student would be treated equally with all students, as they presently treated. With students who are initially enrolling into grade nine being immediately eligible in whatever school that they showed up in, but if it's after their initial entry into grade nine, such students could only be immediately eligible in their home district. If they wanted to transfer to another district it would fall under our transfer rules for all students. A little bit of an idea on where this proposal is, it was introduced through our legislative process. There's a round of district meetings. We have six geographically located districts across the state. If it passes one of the district meetings in November, that proposal advances to a second round of district meetings in January. It passed three of our six districts in November; it passed four of our six districts in January, so we'll advance in April to our representative assembly. That proposal passed the Omaha, Lincoln, Norfolk, and Scottsbluff-Gering Districts. One hundred ninety of our schools voted in favor of that. One hundred ten voted against. I would be the last one to tell you exactly how the representative assembly is going to vote, but I think there are many of us who have the opinion that that will be a successful piece of legislation. From our perspective, we believe the NSAA membership should be given the opportunity to follow through with this NSAA legislative proposal rather than having the Legislature's involvement. While we can't assure that the representative assembly will pass our proposal, we believe that the NSAA member schools should have priority in making that decision before the Legislature proceeds. We've attacked this issue from the perspective that if the parents have closely held beliefs about homeschooling their children and go through the necessary process with the Nebraska Department of Education, that those students probably should not have to have four classes in

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the member schools. LB58 would address homeschool students being able to enroll in the public schools. The NSAA, as I mentioned earlier, is an association of the public, private, and parochial schools. Our legislation would apply to students being able to attend any of those schools. So, in conclusion, if the NSAA proposal passes the NSAA representative (assembly) in April I do not believe that there is any need for LB58 to go forward. Our request is that LB58 be held until the outcome of the NSAA representative assembly is determined in April. I'm available for any questions. [LB58]

SENATOR GROENE: Thank you. Senator Erdman. [LB58]

SENATOR ERDMAN: Jim, spell your last name. [LB58]

JIM TENOPIR: T-e-n-o-p-i-r. [LB58]

SENATOR ERDMAN: You said you're the janitor? [LB58]

JIM TENOPIR: Close to that. I'm the executive director of the NSAA. [LB58]

SENATOR ERDMAN: So you're a lobbyist then? [LB58]

JIM TENOPIR: I am not a lobbyist. [LB58]

SENATOR ERDMAN: Okay. So those students that come to your school that are homeschooled when they apply for classes, how many classes do they need to apply before the TEEOSA kicks into place and they're part of your numbers for counting. [LB58]

JIM TENOPIR: I used to be a superintendent for 18 years and I probably should know that. But, Senator, I can't tell you. [LB58]

SENATOR ERDMAN: So there's a chance they're counted? They could be counted in the group? [LB58]

JIM TENOPIR: Well, I would hope that that would be the case, but I can't tell you that for sure. [LB58]

SENATOR ERDMAN: So you stepped up here and said your testimony is neutral? [LB58]

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JIM TENOPIR: It is neutral. [LB58]

SENATOR ERDMAN: And then you finished up saying you hope this doesn't pass? So wouldn't your testimony be better qualified as opposition? [LB58]

JIM TENOPIR: What I said was, my hope is that you would hold that until such time as our NSAA proposal goes forward. There is still time if that doesn't go forward on the 7th of April that this LB58 could still proceed. [LB58]

SENATOR ERDMAN: Were you part of the negotiation to go from one class to two? [LB58]

JIM TENOPIR: I was part of the negotiation to go from four classes to two. [LB58]

SENATOR ERDMAN: Okay. Do you have a problem with one? [LB58]

JIM TENOPIR: Our membership would. In our discussions...we have an eight-member board. Our board is comprised of school administrators geographically located across the state. When I came back to the NSAA, one of the things that we talked about at some length was the issue of encouraging involvement. We've gone to the point of providing opportunities for students with disabilities, transgender students. We believe that there is a place for the involvement of the homeschool students to participate in NSAA activities. When we began talking with our board about reducing the requirement from four to something less than four there were some of our board members who were receptive to that. And it's taken some time for us to work through that to where I would still not say that all of our board members are fully in favor of the two classes, but I do not believe that we could have got our membership, our member schools, to accept anything fewer than two classes. [LB58]

SENATOR ERDMAN: So if we step back and assume that NSEA is going to do something and they don't, then these people have lost another year. Is that correct? [LB58]

JIM TENOPIR: We're the NSAA, not NSEA. [LB58]

SENATOR ERDMAN: NSAA, whatever it is. [LB58]

JIM TENOPIR: My strong guess is, is...I don't know what your calendar is like, but your session certainly isn't over by the 7th day of April. And so my guess is, we'll know on the 7th of April

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whether this passes our representative assembly. If it does not pass representative assembly, I would assume that the Legislature still has that opportunity to proceed. [LB58]

SENATOR ERDMAN: Okay. [LB58]

SENATOR GROENE: Any other questions? Lou Ann...Senator Linehan. [LB58]

SENATOR LINEHAN: Thank you, Mr. Chairman. So your association, do you police the programs, too? For instance, it's a kid...let's say that there is a school district--not to be named, I'm making this up, I don't have anyone in mind--that they have kids who really aren't passing but they keep lowering the standards so the kids can play ball or they can be in the band or whatever. So is it your association that would be called to look into that situation? [LB58]

JIM TENOPIR: Well, if that in fact were happening we probably would get that call. But what we indicate is that we determine that the local school determine what the passing requirements are. What is it to be able to successfully complete four classes? What is the grade point average that that school is going to require. [LB58]

SENATOR LINEHAN: I'm sorry. I didn't ask my question very clearly. [LB58]

JIM TENOPIR: Okay, sorry. [LB58]

SENATOR LINEHAN: I'm not talking about the homeschoolers, I'm just talking overall, the whole system. [LB58]

JIM TENOPIR: I'm speaking overall. [LB58]

SENATOR LINEHAN: Oh, okay. I'm sorry. [LB58]

JIM TENOPIR: If, for instance, let's take Lincoln Public Schools as an example. They have to set the standard of what the passing grade is. And students who do not meet that passing grade in four classes are not eligible to participate in sports or performing arts that are governed by the Nebraska School Activities Association. What I heard you saying is, what happens if they set 70 percent as that standard, but because some kids couldn't meet that they drop it to 60 percent, that's a local school board initiative. But my guess is, if there is someone...some school district that is blatantly doing that, we probably would get that complaint and we would do some follow up. [LB58]

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SENATOR LINEHAN: So if a homeschooler, as the gentleman from Aurora says, that they didn't actually...he implied. I'm not sure that that's what he meant, but even though the rules were, they weren't very welcoming. Would you...if this passes and you all agree that...drop it to two or even now when it's four, if people are having trouble with the school complying, letting them in if they're willing to do the four, would they come to you with that complaint? Where do they go? [LB58]

JIM TENOPIR: More than likely. I catch a lot of complaints every day. [LB58]

SENATOR LINEHAN: Okay. [LB58]

JIM TENOPIR: But, yes, that's probably where that would be and we would have the conversation. But once again, the local schools and local school boards make the determination how they're running their day-to-day operation. Let me address a couple of the things that did come up. One of those was about the fact that a young person could not participate in orchestra or band or whatever. NSAA governs, oversees the activity of music. But the only activity where we require a student to be academically eligible under our transfer rules and things along that line is the district music contest. Participating in the school musical, participating in a weekend marching band activity, that's a local school prerogative, that's not an NSAA prerogative. Another one of the things that came up was the NSAA, the legislation requiring a 365-day sit out. That's not an NSAA rule. In our situation, if a student is attending school in the district where the legal parent has their domicile that student can be eligible day one. If they're going...probably where this came from is if a student has been attending a public school but now sees that they only have to take two classes, transferring back, that may have been an attempt to thwart a student moving from having to take four classes in the public school to only having to take two. That's not an NSAA rule. And that's certainly not something that, in our discussions with the senator or with certain proponents of homeschool movement--that has not been an NSAA expectation. [LB58]

SENATOR LINEHAN: So my concern...and I agree that it would be better that we don't pass laws if we don't have to. But my concern is if these homeschoolers are facing discrimination at a certain school board, because it's Nebraska and we have a lot of school districts. If they're in a school district that's not welcoming, even though your rules say they should be, where do they go for redress if it's not the law? [LB58]

JIM TENOPIR: It's a good question. We are the ones who are...regrettably, we're the compliance entity for high school sports and performing arts. And so we're the ones that do the follow up. I am not aware of anyone ever saying anything to me that their kids were involved in four classes and not able to participate, because that is the kinds of things that we do follow up with school

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administrators. Having been a school administrator I can tell you that some of us have got hard heads sometimes, too. And maybe it's the way that it was approached by the parent or whomever. But having said that, I guess from my perspective as the executive director of the NSAA, that would be one of the things that I would certainly visit with that administrator about, have they met the requirements for eligibility, have they met your requirements locally for participation? If so, you need to allow them to participate. [LB58]

SENATOR LINEHAN: Okay. Thank you very much for coming. [LB58]

JIM TENOPIR: You're welcome. [LB58]

SENATOR GROENE: Senator Kolowski. [LB58]

SENATOR KOLOWSKI: Thank you, sir. Dr. Tenopir, thank you for your time here today... [LB58]

JIM TENOPIR: You bet. [LB58]

SENATOR KOLOWSKI: ...and for what you're sharing with us. My question is one of, if it went from four classes to two classes, is this going to heighten certain things, such as the eighth grade recruitment of students, student athlete activity participants around the globe? Do you know what I'm talking about? The... [LB58]

JIM TENOPIR: I'm not sure it can get any higher. [LB58]

SENATOR KOLOWSKI: But I look at that as a question, a challenge, and a reality. I know you can't do a lot about that, nor can I. But the eighth grade is the key grade, because those kids don't have to wait a year when they're freshmen. They're in whatever school through open enrollment and it continues from there. So depending on how a coach or a participant or activities head was looking at and recruiting possible students that would become a very busy year for eighth graders. [LB58]

JIM TENOPIR: I would agree with you. The eighth grade, even now, is a situation...particularly in multi-high school districts where families are in close proximity to a number of schools. There are things happening there that we call undue influence that we try to put a stop to. I'm not sure that it will escalate a lot, considering that those students are still being required to be enrolled in four classes, albeit only two of those four classes being in the member high school that they wish to participate in the activities program. [LB58]

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SENATOR KOLOWSKI: Thank you. [LB58]

JIM TENOPIR: Welcome. [LB58]

SENATOR GROENE: Any other questions? [LB58]

SENATOR WALZ: I have one quick question. [LB58]

SENATOR GROENE: Senator Walz. [LB58]

SENATOR WALZ: Thank you for coming. First of all, NSAA currently mandates the establishment of policies and procedures for public, private, and parochial schools. If that mandate was changed to that the school board establishes policies and procedures, does that also include the school boards of private and parochial? [LB58]

JIM TENOPIR: Under our scenario, yes. It would...to be a member of the NSAA, you've got to sign an application to be a member and pay a minimal membership fee. But in so doing, you are required to follow the rules that all member schools have gone through the process in adopting. So even though a local school sets what that standard is, it cannot be less restrictive than what our membership has set as the NSAA bylaws. [LB58]

SENATOR GROENE: Thank you. What's the breakdown of how many private versus public schools are in your organization? [LB58]

JIM TENOPIR: We've got 304 member schools and with the addition of Omaha Street School this year, we now have 41 nonpublic schools, either parochial or private. [LB58]

SENATOR GROENE: And you said at your April meeting the representatives of these schools will vote. Who are the representatives? [LB58]

JIM TENOPIR: As I mentioned earlier, our...the state of Nebraska is divided into six geographic districts and the schools that each reside in that district each have one vote at both the November and the January meetings. [LB58]

SENATOR GROENE: Can that be a school board member? A school employee? [LB58]

JIM TENOPIR: School employees. [LB58]

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SENATOR GROENE: A coach, an administrator? [LB58]

JIM TENOPIR: It can be a coach. To be a member of our board or a member of our district managing committee, you have to have a job in a member school that requires an administrative and supervisory certificate. So for all practical purposes, some form of administrator, superintendent, principal, athletic director. Presently I think we've got like six superintendents are on our board and two athletic administrators, one from a high school, the other one from a district level. [LB58]

SENATOR GROENE: But at your April meeting there will be a representative from 341? [LB58]

JIM TENOPIR: Each of the districts...and it's like the U.S. Congress in that it is predicated on population. We use student population. We use...for our classification purposes we use a three grade count. Last year's grades 9, 10, 11 total count represents the classification for this year. And so obviously with...I wish I could tell you exactly how many schools are in the Omaha district. They have the lion's share of the schools. And so District 2 is Omaha. They would have the lion's share of the representatives from any of the districts at representative assembly. Lincoln is District 1. They've got a number. District 3 is the Norfolk area. And then Kearney, Hastings, Grand Island is... [LB58]

SENATOR GROENE: So it isn't one vote, one school? [LB58]

JIM TENOPIR: Not at representative assembly. It is based upon representation of the number of students. We'll have 51. It will require 31 favorable votes for a proposal to pass representative assembly. [LB58]

SENATOR GROENE: And then some schools a kid will be held out of a game mid-semester. But your rules say it's the grades he got the previous end of the period, the last grading period? [LB58]

JIM TENOPIR: Schools can be more restrictive than what the NSAA rules say. But our guidelines say that for a student--we're in the second semester now--for a student to be eligible the second semester, during the fall semester they would have had to successfully complete four classes or 20 credit hours. So then that entitles them to participate the whole semester, even though they may be doing failing work. [LB58]

SENATOR GROENE: So a senior high school basketball player... [LB58]

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JIM TENOPIR: Yeah. [LB58]

SENATOR GROENE: He could just drop out of class unless...and still play basketball throughout the season and track season until...well, there might be a quarter in there. [LB58]

JIM TENOPIR: My strong hope is that the local school would make sure that kid was performing. [LB58]

SENATOR GROENE: They could step in and...all right. (Inaudible). [LB58]

JIM TENOPIR: Schools can have more restrictive rules. And the 20 credit hours immediate preceding semester, that's a minimum. We've got some schools that say, students, you have to pass every single one of the classes you take the previous semester. They can be more restrictive, not less restrictive. [LB58]

SENATOR GROENE: But you said LB58 is stricter than what your proposal is. [LB58]

JIM TENOPIR: Well, it...LB58 has the 365-day ineligibility, which ours does not indicate that. Basically, what has been amended into LB58 is the 20 credit hours...the 10 credit hours or the two classes. That matches with what ours is. It's also got the fact that the immediate preceding semester the student has to pass 20 credit hours or four classes. At least two of those four classes have to be classes taken from the member school. And, as I mentioned, the rationale behind that was we had members and member schools who were of the opinion that if they just said a student had to be enrolled in two classes during the semester, they may just enroll but not show up or not work toward successfully completing that class. [LB58]

SENATOR GROENE: So if a child is homeschooled his freshman year, the results of his tests or his homeschool grades do not qualify if he wanted to enroll his sophomore year? [LB58]

JIM TENOPIR: If he wanted to enroll in his sophomore year in his home district...that's the other thing that I don't see in the amendment, but I'm told that that's in the language. The student can be immediately eligible in the district where the legal parent has their domicile. If they want to go to a different district--let's use Lincoln as an example again--and I heard Norris mentioned earlier, if the student lives in Lincoln but chooses to attend Norris instead of their home district, they would be ineligible for 90 school days. Our ineligibility period for all practical purposes is 90 school days or a full semester. The one exception to that under our rules, if it's an international student who comes in they would be ineligible for 180 school days. And I think that

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was kind of a knee-jerk reaction to some recruiting of international players to some of our schools. [LB58]

SENATOR GROENE: So the mind-set is changing that we're looking at students instead of schools have more say and every child should have a chance to--what'd you say?--leadership, teamwork, social skills if they so choose to do that in a public school, have the opportunity for those? [LB58]

JIM TENOPIR: Senator, from very early on my philosophy has been every kid every day. And that's part of the reason that we have taken a look at, as I mentioned before, not just the varsity athlete, but the athlete who has intellectual disabilities. We've started a unified sports program for them this year. Took a lot of heat last year in going through the process of putting in a transgender policy to provide opportunities for transgender students to participate. And I believe you can ask any of our board members or any of the member schools who've heard me speak, the participation by homeschool students was one of those things that certainly I used in discussing the fact that we ought to take a look...if it is a Rule 13 approved exempt school, the parents have gone through the process in getting the school approved through the Department of Education, then perhaps we ought to take a look at four classes is generally considered half the day, is that too much to ask the homeschool student to participate? My personal feeling is, yes. However,... [LB58]

SENATOR GROENE: At the end of the day for NSAA, does that child have a chance to learn leadership, teamwork, and social skills, right? [LB58]

JIM TENOPIR: We hope so. We certainly hope so. [LB58]

SENATOR GROENE: Thank you, sir. Senator Kolowski. [LB58]

SENATOR KOLOWSKI: One last one, if I could, please. Thank you, Chairman. Jim, when you have summer school, does that...if I took two classes in summer school as a junior in high school and then two classes in the fall, would those four cover? It has to be in the second semester? [LB58]

JIM TENOPIR: It has to be...the first semester they have to be enrolled. Now where summer school credit comes in is if the student did not pass 20 credit hours or the four classes during the spring semester, they can make up, up to 10 credit hours or two classes in the summer school setting to be eligible in the fall. [LB58]

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SENATOR KOLOWSKI: I just wanted to clarify the summer. Thank you for coming today.
[LB58]

JIM TENOPIR: Appreciate that, thanks. [LB58]

SENATOR GROENE: Are there any other questions? Thank you. [LB58]

JIM TENOPIR: Thank you very kindly. [LB58]

SENATOR GROENE: Any other neutral testimony? Senator Craighead, would you like to close?
[LB58]

SENATOR CRAIGHEAD: Certainly. Thank you all for being so patient and conscientiously listening this afternoon. Students learn differently, public, private, parochial, homeschool are all very good sources of learning. It just depends on what the parents think is best for their child. I look forward to continuing working with this and all parties and to clarify any language that needs it. I would ask that you, please, give this bill timely consideration and move it forward out of committee. If 190 of 300 schools voted for this, it should pass a general assembly in April at the NSAA. There shouldn't be any problem. So again, as I mentioned, thank you for listening today. And I hope that you will vote this bill out of committee. [LB58]

SENATOR GROENE: Senator, if we pass this out of committee and left it on the floor, would you be willing to pull it if the NSAA...if it's on General File... [LB58]

SENATOR CRAIGHEAD: Absolutely. [LB58]

SENATOR GROENE: ...passed their rule but they have it in place? [LB58]

SENATOR CRAIGHEAD: Absolutely. [LB58]

SENATOR GROENE: Thank you. [LB58]

SENATOR ERDMAN: Senator Groene. [LB58]

SENATOR GROENE: Senator Erdman. [LB58]

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SENATOR ERDMAN: Thank you, Chairman Groene. Senator Craighead, how did you get to the amendment of two classes rather than one? Was that negotiated with whom and how did you arrive at that? [LB58]

SENATOR CRAIGHEAD: It was negotiated. [LB58]

SENATOR ERDMAN: So the original language was one? [LB58]

SENATOR CRAIGHEAD: The original was...well, it's been four. And it was one and then it was two, so it was a negotiation. [LB58]

SENATOR ERDMAN: Okay. Thank you. [LB58]

SENATOR CRAIGHEAD: You're welcome. [LB58]

SENATOR GROENE: Thank you. [LB58]

SENATOR CRAIGHEAD: Thank you. [LB58]

SENATOR GROENE: We're going to take a five-minute break so we can stretch our legs. And then we'll start with Senator Vargas on LB427. [LB58]

BREAK

SENATOR GROENE: I think we're ready to start. Senator Vargas, do you want to introduce LB427? [LB427]

SENATOR VARGAS: (Exhibits 1, 2, 3) Yes, absolutely. Thank you very much. Chairman Groene and members of the Education Committee, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s. Good afternoon, colleagues. I am here today to talk about my bill, LB427, which extends breast-feeding accommodations to student mothers. Under current law, employees may breast-feed their children at any public or private location where the mother is otherwise authorized to be, including schools. LB427 would extend this accommodation to students providing more support to mothers who are students at our schools as they juggle parenthood and finishing their education. LB427 also requires public-private denominational and parochial schools to provide a facility for milk expression and storage for student mothers, such as school nurse offices or empty classrooms or another place that will allow for privacy and is consistent with the ability

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for schools to monitor and supervise students. We know that students who become parents before they finish high school face a number of barriers throughout their lives. For mothers, those challenges start after giving birth, when they are trying to balance being a parent with being a student. Without supportive policies in all of our schools the possibility that they will drop out of school increases, which results in a decrease in long-term earning potential and a greater likelihood that they will live in poverty. LB427 is one step that we can take to provide a more supportive environment for student mothers. You'll hear testimony today from a number of different perspectives about why this policy is important and necessary, including from former student parents, medical professionals, and also Maddie Fennell from the Nebraska State Education Association. You should also have before you a number of pieces of written testimony, including a letter from Dr. Kris McVea, the chief medical officer at OneWorld Community Health Center; a letter from the D2 Center, which is an educational center in Omaha that serves youth not currently in school, which 25 percent of those individuals are pregnant or parenting; a letter in support from Omaha Public School Board members Amanda Ryan, Marque Snow, and Lacey Merica and cosigned by a number of educators as well. By accommodating student mothers and giving them a place to express and store milk we are providing the support that they need, increasing the likelihood that they will be able to finish their education and thrive later in life. With that, I will close and be happy to answer any questions. [LB427]

SENATOR GROENE: Thank you. Any questions from the committee? Senator Erdman. [LB427]

SENATOR ERDMAN: Thank you, Senator Groene. Senator Vargas, in the bill, lines 8 or 9, it says, this shall be applied to denominational and parochial schools. Are they under that jurisdiction now? I mean, do they abide by the same rules the public schools do now? [LB427]

SENATOR VARGAS: Yes. [LB427]

SENATOR GROENE: Any other questions? Senator Linehan. [LB427]

SENATOR LINEHAN: Same kind of concern probably, I would say. Thank you, Senator Vargas, for coming here today. Did you speak to any of the parochial schools, how they do this now, Marian or Duchesne or... [LB427]

SENATOR VARGAS: I did not get to speak with Marian or Duchesne, specifically. I know that we will have some representative on behalf of some of the parochial schools here to provide testimony. I haven't spoken with specific schools. [LB427]

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SENATOR LINEHAN: Okay. [LB427]

SENATOR VARGAS: But there was a survey done by the ACLU that surveyed many different school districts. So it's not including all the parochial schools but it shows that there are inconsistencies in the different policies that support pregnant and teenage mothers. [LB427]

SENATOR LINEHAN: And I guess I would be...and I'm on the committee, so I'll figure this out hopefully, but I'd be interested in what rules we have for public schools that don't apply to private schools. I don't know if there are any, maybe there are not. Okay, thank you very much, Senator. Thank you, Mr. Chairman. [LB427]

SENATOR GROENE: Any other questions? So right now under labor laws, not student laws, they must...even a private organization, nonprofit, must provide a place for a mother to breast-feed her child. [LB427]

SENATOR VARGAS: Yes. [LB427]

SENATOR GROENE: And they also must provide...it doesn't say there, but provide a place to...appropriate facilities to accommodate for milk expression? [LB427]

SENATOR VARGAS: Yeah. [LB427]

SENATOR GROENE: In labor they have to provide a place to store it, too, a refrigerated area? [LB427]

SENATOR VARGAS: They don't currently use the term milk expression, but there is an all-inclusive...any accommodations for breast-feeding. [LB427]

SENATOR GROENE: Every public...every business must do that? [LB427]

SENATOR VARGAS: Yes. [LB427]

SENATOR GROENE: Thank you. Any other questions? Senator Kolowski. [LB427]

SENATOR KOLOWSKI: Thank you, Chair. Senator Vargas, thank you for being here today and bringing this forward. I think it's an excellent discussion we're going to have. On the cost to existing schools, was there...in your fiscal note was there anything run on that as far as the

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possible impact? And whenever we do something after the fact and the school is already built and it's x number of years old, we've got to find space if we're going to do something new correctly. And I'm all for that, but that's not always an easy task. [LB427]

SENATOR VARGAS: Yes. So when we received the fiscal note there was no cost to the Department of Education. There was some additional information that stated that they could do this along with their additional training for the training side of this in terms of school districts. Given that this is something that should already be in law, it should already be applied to employees, the extension of that should be fairly easy for the schools. [LB427]

SENATOR KOLOWSKI: So counting the students then as employees--and I certainly understand it's their work--at the time they should be doing it very successfully and hopefully completing their high school diploma. But they're truly not an employee in the sense of pay. Is there an issue there that we have to work on and get taken care of? [LB427]

SENATOR VARGAS: No. One of the...see, I don't think there is an issue. I think that this is...in the way it's currently stated, this is all for employees. But we want to make sure we're protecting all mothers. And student parents fall into this same group. We want to make sure that we're providing anything that we can to protect this special group to make sure they get an education and can contribute and provide for themselves and their families. [LB427]

SENATOR KOLOWSKI: Excellent. Thank you. [LB427]

SENATOR VARGAS: Thank you. [LB427]

SENATOR GROENE: Presently, can an employer...I'm not taking a side here, but can a mother bring their child to work or can an employer say your children...you can't bring your children to work? [LB427]

SENATOR VARGAS: I don't know if that is true or not. We do have testimony or we have people testifying in support of this bill that are lawyers. And that's a fantastic question that we'll be able to make sure we get the right answer. [LB427]

SENATOR GROENE: Does this put a requirement on schools that they must allow the baby to be taken into school...class time? [LB427]

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SENATOR VARGAS: Not that they must be able...they must accommodate to breast-feeding. There are some school districts, some school buildings that already provide, let's say, childcare facilities and other things. That in itself is not required. [LB427]

SENATOR GROENE: That's where I'm going. Does this say they must...I think Senator...I don't want to put words in his mouth, but does this imply that a mother can bring a child to school and then the school not only has to provide a place to feed the child, but also to care for the child? [LB427]

SENATOR VARGAS: Not to care for the child, no. Just to breast-feed and to provide accommodation for milk expression. [LB427]

SENATOR GROENE: Thank you. [LB427]

SENATOR VARGAS: Thank you. [LB427]

SENATOR GROENE: Any other questions from the committee? [LB427]

SENATOR PANSING BROOKS: I have a question. Thank you, Chairman. [LB427]

SENATOR GROENE: Senator Pansing Brooks. [LB427]

SENATOR PANSING BROOKS: I'm sorry, I had a meeting so I came in, in the middle or towards the end of your testimony, so you may have already spoken about. So we already have the law that allows somebody to breast-feed in public or private where the mother is otherwise authorized to be, but it's not extending it far enough to include schools? Is that what's happening, because seems like the original bill or the original legislation would allow it? But obviously, it's not gone far enough. [LB427]

SENATOR VARGAS: You're correct. It has not gone far enough. We...when the ACLU surveyed the different counties, we saw there was inconsistencies in this and it was not extending enough and, specifically, that there wasn't policy supporting the specific student mothers population. And so that's...we want to make sure we're applying this to all mothers and not excluding student mothers who are trying to finish their education. [LB427]

SENATOR GROENE: Senator Linehan. [LB427]

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SENATOR LINEHAN: Thank you. Senator Groene, I'm just...thank you, Mr. Chairman. I think we're...two different issues here. This doesn't imply that a mother can bring the baby to school with her all day. This implies that there will be provisions if she needs to pump her breasts to provide milk. So there will be a place where she can go and in privacy or someplace appropriate, pump, wash her hands, store the milk. We're not talking about bringing babies to school. [LB427]

SENATOR VARGAS: Yeah, that's not in this provision, no. [LB427]

SENATOR LINEHAN: Thank you. Thank you, Mr. Chairman. [LB427]

SENATOR GROENE: Any other questions? Senator Kolowski. [LB427]

SENATOR KOLOWSKI: Thank you, sir. Senator Vargas, but there are schools--we need to say this--that do have preschools in their boundaries. [LB427]

SENATOR VARGAS: Yes. [LB427]

SENATOR KOLOWSKI: And if they're that advanced in what they're thinking and trying to keep young ladies in school and finish their high school degrees, it's really important that they have that facility there for childcare usage and then easy access by the mother to the child if they so desire to feed in that way. [LB427]

SENATOR VARGAS: Yes. Actually, in LB428, which we'll talk about soon, there is more information around childcare facilities and access and information to student parents. [LB427]

SENATOR KOLOWSKI: Thank you. [LB427]

SENATOR GROENE: Any other questions from the committee? Thank you, Senator Vargas. You're staying for the close? [LB427]

SENATOR VARGAS: Thank you very much. [LB427]

SENATOR GROENE: Proponents. [LB427]

MADDIE FENNELL: (Exhibit 1) Good afternoon, Senator Groene and members of the Education Committee. My name is Maddie Fennell, and I'm the incoming executive director of

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the Nebraska State Education Association, which represents 28,000 members across the state. I'm also a former state teacher of the year and I haven't been here for about ten years, so pardon me if I make any mistakes in process. I'm here today to testify in favor of...broadly in favor of both LB427 and LB428. Both of these bills are in the best interest of our students who also find themselves in the position to be parents. Quite simply, these bills lay a stronger foundation not only for our current students, but for the new generation they are parenting. Being a teen parent is tough. I have watched many try to do the best for their child while struggling to let go of their own childhood. Their romanticized notions of parenting die quickly and they are faced with challenges, such as feeding and day care, and they lack the skills, knowledge, or resources to make strong decisions. As educators, we know breast-feeding provides significant benefits for a baby, including strengthening a child's immune system and assisting the child's general development. We also know the importance of quality childcare and teaching young parents strong parenting skills. Having taught for 28 years, I've seen both success and failure when it comes to how we support teen parents. Just this year I had the opportunity to connect with a former student of mine who did have support. I had breakfast with her in California with her young son and she told me about the doctoral program in education she is finishing. She's going to get her doctorate before I do. Sadly, this year I also had a former student incarcerated for the rest of his life, and he is a teenager. His young mother never received support and this young man was left to pretty much raise himself his entire life. By supporting our student parents, we support not only a current generation of students, but the next to come. I urge you to vote in favor of both LB427 and LB428. Thank you. [LB427 LB428]

SENATOR GROENE: Any questions from the committee? Thank you. [LB427]

MADDIE FENNELL: Thank you. [LB427]

SENATOR GROENE: And I thank you for commenting on both bills at the same time. If anybody wants to do that to save time for everyone, we understand that you're for both bills or against both bills. [LB427]

MADDIE FENNELL: Thank you. And I'll also apologize for leaving early, but my very first NSEA staff meeting is across the hall right now and I need to go lead that. Thank you. [LB427]

SENATOR GROENE: Practice your speech. Next proponent. [LB427]

DANIA DeLONE: Hello, Senator Groene and members of the Education Committee. My name is Dania DeLone, D-a-n-i-a D-e-L-o-n-e, I live at 3510 Fiene Circle in Lincoln, Nebraska. Thank you for taking the time to hear my testimony. I would like to speak in favor of LB427. My husband and I are both parents of four beautiful and intelligent children, including a wonderful

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new baby girl born about two months ago. Our oldest child was born when I was 15 years old, in the tenth grade at Southeast High School here in Lincoln. I never expected to get pregnant towards the end of middle school. It was important for me to finish school, yet at the same time I wanted to take care of my new baby girl. Part of taking care of my new baby was making sure that I could breast-feed her. I knew that I wanted to give her the best start in life and that included the best nutrition. However, it's not easy. Throughout my entire pregnancy I was ill. So ill in fact I spent more than 50 percent of my school days in the nurse's office, was sent home or ended up in the hospital with IV fluids. I was trying my hardest to get up every morning and go to school and stay as long as they would allow. At that point my attendance became an issue and my life began to flash before my eyes. If I got kicked out of school how would I ever go to college? How would I have a career? How would I provide for my family? How would I pay for insurance, childcare, diapers, wipes, baby food? I was striving hard to take the first steps to becoming a model parent and it seemed like all of my effort was a waste of time. I was pulled into my counselor's office one day...I'm sorry. [LB427]

SENATOR GROENE: Take your time. [LB427]

DANIA DeLONE: ...and I was told to drop out. I was told to get my GED because coming to a real school could present more problems and challenges for me and frankly they didn't have time to cater to my personal needs. This unfortunately left me feeling like a burden and a deadbeat mother. It also made me get very serious. For that first time I made the national honor roll. I was then asked to join an elite group of only 20 students chosen from the entire United States to spend a summer interning at Boston Medical School of Nursing. I knew I was too young to become a mother, but this was my responsibility and I was determined to do everything in my power to graduate high school and go to college so that I could make a promising future for my family. I attended all of my classes, made it to class on time if not early, I did all my homework, I got straight A's on all my tests, and I tried to never use pregnancy as an excuse to succeed. After my daughter was born I realized that I was now an active parent who had to fulfill all the requirements of any other adult with a child. I had to figure out how to tend to my daughter as well as homework, work, and my personal life. This wasn't the easiest thing to do at 15 years old. I had to wake up early enough in the morning to breast-feed my daughter because I couldn't take her to school; there was no childcare on site. I also struggled daily worrying about where I was going to find a private, clean, and safe place to pump, as well as store my breast milk. This made my daily lunch hour difficult because I would have to go to the office and ask someone to find me a room. I was usually put into a utility closet, a locker room, or I was told that there was nowhere for me to go and I was told that I needed to find my own space. Now how was that possible when all I had was 30 minutes to eat lunch, pump, and go back to class? I was only allowed to pump during my lunch break, which meant I often got engorged, and it was very challenging to keep breast-feeding my daughter. Breast-feeding is not always easy. And today, I work as a breast-feeding community educator and I support teen moms. It's often hard for them

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to advocate for themselves and their children. I try to encourage them to become educated, do their best, and hold themselves to a higher standard than the average teenager. I encourage them to want the very best for their children, which starts with the best nutrition, which is breast milk. I know that young women who get pregnant in school require more support services. However, our children deserve an equal start in life. They are the next generation and we need to take care of them the best that we can. Teen mothers need to finish their education so that we, too, can take care of our children and ourselves. This way we can also be independent and contribute to our world. We need LB427. Children who are born to teen moms need a village of support so that those mothers can finish high school, participate in school activities, and find supportive childcare. They also need our support to make sure that they get the best nutrition possible. Thank you for listening. [LB427]

SENATOR GROENE: Any questions from the committee? Senator Pansing Brooks. [LB427]

SENATOR PANSING BROOKS: I just want to say, Ms. DeLone, thank you for your courage and your example. And you are an amazing young woman and we are fortunate to get to hear from you today. Thank you for taking the time amidst everything else you're doing to come and speak. Thank you. [LB427]

DANIA DeLONE: Thank you. [LB427]

SENATOR PANSING BROOKS: You did a beautiful job. [LB427]

DANIA DeLONE: Thank you. [LB427]

SENATOR GROENE: Any other questions? Could I ask what year this was? How many years ago? [LB427]

DANIA DeLONE: I graduated 2006, so about 11 years. [LB427]

SENATOR GROENE: So you were 2004. Do you know if the school has changed policy since then? [LB427]

DANIA DeLONE: I do not. I do know that with working with teens moms in the Lincoln Public School District, there are a few schools that now offer more childcare which then helps and benefits with the nursing process, which would then allow for a safe place for you to pump and/or breast-feed your child. But I do not know specifically that Southeast has changed any of their policies. [LB427]

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SENATOR GROENE: Do you know if the employees themselves had that opportunity of place? [LB427]

DANIA DeLONE: Not that I know of. I guess I felt at the time that if the employees had the same opportunity, that I should have been able to be provided with the same space that they were. But none of the teachers that I knew of were pregnant or were breast-feeding. So at that time, I'm sorry, that wasn't something... [LB427]

SENATOR GROENE: Nobody came forward and told you that there was a place for the employees? [LB427]

DANIA DeLONE: Correct. [LB427]

SENATOR GROENE: Thank you. Any other questions? Thank you. [LB427]

DANIA DeLONE: Thank you. [LB427]

BOB RAUNER: (Exhibit 2) Senator Groene and the Education Committee, my name is Dr. Bob Rauner, I'm testifying on behalf of the Nebraska Medical Association. My name is spelled Bob, B-o-b, Rauner, R-a-u-n-e-r. We're testifying in support of LB427. We have a little graph here that I'd like to point out to you. Right now, we're at a point in Lincoln, Nebraska, where 90 percent of women want to breast-feed. And even in the WIC population, about 80 percent of women intend to breast-feed. We've been working on projects for about the past five years trying to encourage this. And what we've found, that there's a very large drop-off within the first two to three months. If you look at the graph there, the recommendation is that all women try to exclusively breast-feed to six months. Within the WIC population, only 11 percent are achieving that and only a little over 20 percent are actually doing any breast-feeding at all. We've not done follow-up with these women. We found that the biggest problem that happens when they return to either work or school. And so that's part of the reason why Dania came up to talk about that, so she could kind of illustrate what the issues are. Some history, LB197, which this bill amends, was passed in 2001. At the time it was passed because we had problems with women being harassed and kicked out of restaurants for breast-feeding their children. That's why that bill came about. Since then there's been some protections in the employer environment to protect...to give women the access to pump and/or breast-feed their babies. The problem was that women were often told, oh, just go pump in the bathroom. Well, pumping on the top of a toilet is not a very hygienic place to go to pump your breast-milk. And so that got passed to protect employees. With my own work environment, my wife and I job shared so it was easy. As a physician, she could kind of say, hey, I need a spot. But a junior level employee isn't going to be able to make that kind of a push, and that's why those labor protections happened a couple of years ago. The challenge, of course, is

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that while it protects employees, it does not protect students. And so in regards to Senator Kolowski's question, what about the school facility? Well, the school already has to provide those places for the teachers to pump. What we want to do is make sure those same protections are afforded the students so they can do the same thing. A lot of our women, of course, have their children through high school, college, graduate school. That's when they're pumping and they need this type of support. As far as expressing milk, sometimes you can express, sometimes you can have your baby delivered. When my wife and I job shared, some days she would pump and other days I would bring Natalie to her and she would feed that way. It didn't mean that Lisa kept Natalie with her at work all day long, it meant that I could drop by, drop her off, she could eat and I could take her away. And I think that's kind of more what this is addressing as far as someone being able to breast-feed at school, is that maybe their mom or the husband or somebody could drop them off, feed. It's actually a lot quicker than pumping sometimes and so that's where I think where that comes up. That will end my testimony and I'll answer any questions. [LB427]

SENATOR GROENE: Thank you, sir. Any questions from the committee? Thank you, sir. [LB427]

DENISE CRAIG: Good afternoon, Senator Groene and members of the Education Committee. Thank you for your work supporting education. My name is Denise Craig, I'm speaking to you today both as a mom and as an educator. I don't represent my school district, but I am an educator who works with the student-parent program in my district. I'm the parent of a three-and-a-half-year-old and a one-year-old. Parenting is full of challenges and breast-feeding is actually the hardest thing I've ever done. I ran a marathon once; that's like four and a half hours of running in a row. Breastfeeding is way harder. It can be exhausting, logistically challenging, painful, but I'm glad I persevered because of the positive benefits that we all know from breast-feeding. In four and a half years of collective childcare, my kids have missed four hours. So my employer gave me the time and space to pump, and in return they have an employee who almost never misses work for sick children. And that's not to say that moms who have sick children have done anything wrong or moms who don't breast-feed have done anything wrong, because I also got kind of lucky on that one. But it does showcase the benefits and advantages of breast-feeding. So my kids are off to a great start, both as far as their health and their academic success. So if breast-feeding was difficult for me as an adult with a job and a car and supportive family, imagine the difficulty student parents must face. And looking at the crowd I can imagine we might hear some more testimony like we just heard. So I'd really like to see support for those student parents. I worked with some student parents who have really successfully breast-fed, thanks to a supportive school environment where time and space is provided for that. I work with a student parent right now who does take time during the day to breast-feed. She's got all As and Bs, she's a model student, really positive role model for other students. Yes, she has to work with teachers a little bit, but it's not too hard to make accommodations to make up that time that she

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misses. And I've worked with several other students who have successfully breast-fed. So I think the time is worth less child illness, fewer allergies, improved cognitive intelligence, and all the other benefits with breast-feeding. So that's regarding LB427. Regarding LB428, I work with dozens of student parents who have not many of the same advantages that I've had. And like I said, parenting is full of challenges. So when student parents struggle with a stable place to live, transportation, money, mental health, medical appointments, an unstable living situation, some with few if any supportive adults, I think we need to do all we can to support them. Of the student parents I work with, almost 50 percent are economically disadvantaged and actually 20 percent are male. So we've talked a lot about how this bill supports females, but it also supports male student parents. Despite the challenges for student parents, as outlined in this bill schools can really support student parents being successful by providing the supports outlined in the bill. I'm going to share two stories of student parents I've worked with recently. Allison was a bright student taking AP classes. Her mom wasn't really around and her dad moved to another country. She left my ninth grade class when she had to move to another city to live with an aunt. She later came back, was still looking around for places to live, and her dad passed away. In 11th grade she was pregnant. She continued to struggle for a place to live. At one point she and her baby lived in her brothers' girl friend's basement on a mattress; still came to school every day trying to get the best grades she could, still trying to do AP classes. Eventually, she moved in with an aunt but she still struggled to get enough hours at her part-time job to pay for gas to get to school every day. Thankfully, our school had a student-child learning center where she could bring the child for day care, had a nurturing place to live, and supportive staff that could help her with resources to get through all of those life challenges. So now I'm happy to say she's a graduate and is going to be counted with other student parents in that positive statistic. Another student parent I worked with, Sam, successful, bright, young student that I worked with early in her high school career. When she got pregnant she decided on adoption. Her mom wasn't around. She just lived with her dad who wasn't super supportive. A few weeks before birth though, she decided on parenting. So in a few weeks the school system helped her with connecting with resources she needed for both parenting and independent living. She used the childcare provided at school and she was able to graduate. She's now working a steady job, saving up for a car and her own place and she's taking classes at a community college. So sometimes student parents do rely on public assistance for help initially, but graduation is that first step in their journey toward self sufficiency. We all know the more education you get the higher your earning potential. So we also looked at graduation rates in my district and we figured out each student represents about a tenth of a percent of the graduation rate, .2 percent. Did I do that math right? Sorry, .2 percent. I work with 40 to 60 student parents every year, so if you do some math on that, that can really affect our graduation rate if we can support student parents and help them graduate. So I've been lucky to work in buildings that are supportive of student parents. I hope that we can see that be consistently applied across the state. Thank you for your time. [LB427 LB428]

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SENATOR GROENE: Thank you. Any questions from the committee? Senator Kolowski.
[LB427]

SENATOR KOLOWSKI: Thank you, sir. I want to thank you for your presentation and the work that you've done. Can I ask you the district you're talking about? [LB427]

DENISE CRAIG: Right. Again, I don't represent them, but I am an employee of Lincoln Public Schools. [LB427]

SENATOR KOLOWSKI: Okay, LPS. I think it's really important to state with your background the experiences I've had in my life in the same way as an education administrator. We're not trying to encourage high school girls getting pregnant. We're not trying to say, go ahead and do whatever you want to do and there's fail safes around you and all the rest. When those things happen it's very difficult and very sometimes tragic. The families and where those kids will be in the future and where the mother will be as far as the raising of those children. So I think it's important that we state that, that on the record, not having one of those undercurrents that we have to worry about and where it's going to be said and what's going to be done. Where are you on the planned family aspect of the whole thing on the later years of their life as they go through high school and making sure there's not a second or a third--in high school--baby that they might have more difficulty balancing all those things in life? Could you talk about that a little bit?
[LB427]

DENISE CRAIG: I want to make sure I understand your question. [LB427]

SENATOR KOLOWSKI: Right. Reproductive rights as far as the possibility of not having a second child in high school. Do you talk full health? [LB427]

DENISE CRAIG: Do we speak with students about that? [LB427]

SENATOR KOLOWSKI: Uh-huh, the whole health... [LB427]

DENISE CRAIG: Certainly, our school nurses talk with students about their options in supporting a healthy pregnancy or supporting their...the decision that they choose to make. Does that answer your question? [LB427]

SENATOR KOLOWSKI: It does. Sure. And they might have a class they would take also, correct? [LB427]

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DENISE CRAIG: Correct. Right. [LB427]

SENATOR KOLOWSKI: Thank you. [LB427]

SENATOR GROENE: Any other questions from the committee? So you run the program or are you like a coach? You teach math or science and then you do this on the side or is this your position with the system? [LB427]

DENISE CRAIG: It's part of my position as facilitating the program in my building. [LB427]

SENATOR GROENE: So do you teach a class, too? Or this is... [LB427]

DENISE CRAIG: I do not. [LB427]

SENATOR GROENE: So you're within the counseling segment of the school or the school health part? [LB427]

DENISE CRAIG: Administration. [LB427]

SENATOR GROENE: All right. And you do the entire district or just one high school? [LB427]

DENISE CRAIG: No, just my building. [LB427]

SENATOR GROENE: One building? [LB427]

DENISE CRAIG: Right. [LB427]

SENATOR GROENE: All right. And Lincoln Public Schools has done that. [LB427]

DENISE CRAIG: For over 20 years. [LB427]

SENATOR GROENE: So how many of their high schools do they have a person like you? [LB427]

DENISE CRAIG: Every school would have a student-parent team that should support any students who are pregnant or parenting and for... [LB427]

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SENATOR GROENE: So things have changed since--I can't think of her name, was it Danielle? [LB427]

DENISE CRAIG: Well, I think that's a great reason for the need to show consistency. If her experience in one district was different from what I've had in the same district, imagine the disparities across the state. So I think that just speaks to the need for a consistent policy. [LB427]

SENATOR GROENE: And do the employees and the students share the same facility for breast-feeding or are they separate? [LB427]

DENISE CRAIG: Generally, no. So like for example, in my building there's a student-child learning center where students can go to pump or feed their babies. And employees might use their classroom or an office space. [LB427]

SENATOR GROENE: Thank you. Senator Linehan. [LB427]

SENATOR LINEHAN: So I just want to...this will probably seem like a harsh question, but so the student-parent program and the day care, is that...how is it paid for? [LB427]

DENISE CRAIG: It's through federal programs, grants. [LB427]

SENATOR LINEHAN: So it's not any state money or property tax money, it's all federal grants? [LB427]

DENISE CRAIG: I mean, I can't be 100 percent sure about that. That's kind of above my pay grade as far as the management and grant allocations. But I believe it's all grant money. [LB427]

SENATOR LINEHAN: Okay. Thank you. [LB427]

SENATOR GROENE: Any other questions from the committee? Thank you. [LB427]

DENISE CRAIG: Thank you for your time. [LB427]

JOHN FICENEC: Hi. My name is John Ficenec, J-o-h-n F-i-c-e-n-e-c. I wanted to thank you all for having me. And I am a proponent for LB427 as well as LB428. Regarding LB427, breast-feeding is a natural, beautiful thing and no mother should be ashamed of it, nor should she be

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shamed for doing so, especially in a public setting. To make it any more difficult for mothers who are students to raise their children would be not only neglecting their hard work but our future generation, because these children of student parents are our future going forward. And we must ensure that the parents who are raising our future leaders can do so with great ease and accommodation. Regarding LB428, if you are a student, having a child should not result in an ultimatum between furthering your education or raising your child. Both can and should be done harmoniously, because no woman should be scolded for deciding to have a child, regardless of age, race, or socioeconomic standing. And no parent who is putting in the work to better themselves through an education should have to feel like they are doing their child a disservice by going to school. It is for these reasons that I wholeheartedly support Senator Vargas' bill. Thank you for your time. [LB427 LB428]

SENATOR GROENE: Any questions from the committee? Thank you, sir. [LB427]

JOHN FICENEC: Thanks. [LB427]

JASEL CANTU: Good afternoon, Chairman Groene and members of the committee. I thank you for having me today. For the record, my name is Jasel Cantu, that is spelled J-a-s-e-l C-a-n-t-u, and I'm testifying on behalf of Lazaro Spindola, the Executive Director of Latino-American Commission in support of LB427 and LB428. For LB427: According to the National Institute of Health, breast-feeding carries many health benefits for infants and mothers, as well as potential economic and environmental benefits for their communities. Among the known health benefits are: nutritionally balanced meals; some protection against common childhood infections; and better survival during the first year of life, including a lower risk of sudden infant death syndrome. Research also shows that the skin-to-skin contact of breast-feeding may have physical and emotional benefits. Other students suggest that breast-feeding may reduce the risk for certain allergic diseases, asthma, obesity, type 2 diabetes. It may also help improve an infant's cognitive development. Breast-feeding human milk are the normative standards for infant feeding and nutrition. Given the documented short- and long-term medical and neurodevelopmental advantages of breast-feeding, infant nutrition should be considered a public health issue and not only a lifestyle choice. While state and federal law give most mothers the right to accommodations to pump at work, these laws do not extend the same rights to students. And this denies important accommodation to many student mothers. Nearly twice as many high school-age girls give birth every year as public school teachers. California law AB 302, which went into effect on January 1, 2017, requires all public schools provide reasonable accommodations to nursing mothers, including access to a private and secure room other than a restroom, with a power source to express milk or to breast-feed a child, a reasonable amount of time to express milk or breast-feed, and place or store expressed milk. The law prohibits students from incurring academic penalties as a result of using these accommodations and requires that students be provided the opportunity to make up any missed work. It also includes an enforcement

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mechanism by authorizing complaints about violations to be filed using a standard complaint process used by all schools. To minimize cost, the law also allows schools to use existing employee lactation facilities for this purpose. Thank you. Would you like me to continue with LB428, or...? [LB427]

SENATOR GROENE: Yes, go ahead, since we forgot to turn the light on anyway. [LB427]

JASEL CANTU: Okay. Among high school dropouts, 30 percent of girls cite pregnancy or parenthood as a key reason they left school. According to the National Campaign to Prevent Teen and Unplanned Pregnancy only 51 percent of teen mothers earn a high school diploma, compared to 89 percent of female students who did not give birth. The picture is even worse for the youngest mothers. Just 38 percent of teen girls who have a child before they turn 18 have a high school diploma. For these teens the task of balancing their education and the baby have proven impossible. Rates among Hispanics are 36 percent and African Americans are 38 percent higher. Educational achievement affects the lifetime income of teen mothers, two-thirds of families started by teens are poor. And nearly one in four will depend on welfare within three years of a child's birth. Many children will not escape the cycle of poverty. The link between getting pregnant and dropping out adds yet another example to the dismal catalog that stem from family breakdown and too-early childbearing. Within three years of having a child, about 25 percent of teen mothers go on welfare. Children of teen mothers are more likely to suffer abuse, end up in prison, drop out of high school. High school dropouts are also more likely to rely on welfare and have higher crime and incarceration rates. Nebraska's teen birth rate of 31.1 per 1,000 women ages 15 through 19 is higher than the national rate of 24.2. Title IX federal law that prohibits discrimination in schools based on sex, protects pregnant students, and Nebraska's Equal Opportunity Education Act prohibits discrimination based on pregnancy. Throughout Nebraska...practices differ wildly throughout the state, from excellent policies that can serve as models and to those that present barriers. It is necessary to standardize your practices in order to protect the student or pregnant mothers from cutting short their education and joining the ranks of individuals living in poverty. Any questions? [LB427]

SENATOR GROENE: Thank you. Senator Pansing Brooks. [LB427]

SENATOR PANSING BROOKS: Thank you, Chair Groene. I just have a question for the committee. So if she testifies for both is her testimony going to be copied and placed underneath the transcript for...I've never seen this happen before. [LB427]

SENATOR GROENE: We just did it in the Revenue Committee just Friday. [LB427]

SENATOR PANSING BROOKS: So what happens? [LB427]

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SENATOR GROENE: Testimony...Kristina, do you separate the testimony? [LB427]

KRISTINA McGOVERN: Yes. [LB427]

SENATOR GROENE: There's your answer. [LB427]

SENATOR PANSING BROOKS: Okay. [LB427]

SENATOR GROENE: I should have asked Senator Vargas, but you...is this okay with you that these folks can give their testimony over? [LB427]

SENATOR VARGAS: (Speaking from the audience.) Yes, as long as it's being separated (inaudible)... [LB427]

SENATOR GROENE: Yes, for the transcripts that we associate with each bill. [LB427]

SENATOR PANSING BROOKS: Thank you. I wasn't sure. [LB427]

SENATOR GROENE: Any questions for the testifier? Does the Latino American Commission have programs yourself to help keep families together and to help young pregnancies? [LB427]

JASEL CANTU: That would be a question to be addressed by the director. Right now I do not believe so, but he is part of the Minority Public Health Advisory Committee and he's a public health administrator so he would have knowledge of programs that would already be in place. [LB427]

SENATOR GROENE: Thank you. Thank you. Thank you. Is there any other questions from the committee? Next proponent. [LB427]

DANIELLE CONRAD: (Exhibits 3, 4) Hello. Good afternoon, Chairman, members of the committee. My name is Danielle Conrad, that's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, I'm appearing today on behalf of the ACLU of Nebraska. Number one, we'd like to extend our sincere appreciation to Senator Vargas for introducing this important legislation. And we're really excited to have this opportunity to dialogue with all of you about ways that we can work together to improve our policy supports for young families, specifically, for pregnant and parenting students in our schools. The ACLU has long been a champion for gender equity and has worked on many of these issues in relation to our charge to take up issues in regards to equal

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protection and to eliminate discrimination on the basis of gender. This is also an extension of our work in regards to students' rights. And then also we see this as a reproductive freedom and a reproductive justice issue. It's really about supporting all women in all choices. And I think this is a really exciting piece of legislation that gives us the opportunity to put aside some of those old and difficult labels and really find some common ground on these issues. So I passed around my testimony; I won't read that for you today. And I've also passed around a copy of the report that has been noted a few times so that you have an opportunity to take a look at that. But essentially what the ACLU did with the help of our law clerks and summer staff this summer did was, we put out an open records request under Nebraska law to all of the public school districts, about 251, and asked them for information regarding their policies and practices to support young families, specifically pregnant and parenting students. And what we got back were some real divergent responses, as you might imagine considering the diversity of our amazing public school districts across this great state. But specifically--and I'll highlight and lift up for you in regards to LB427--what we did find in regards to breast-feeding policies and practices was that only about 17 percent of schools had something on the books on this issue. In addition, there were many schools that wrote back...superintendents that wrote back that said, well, maybe we don't have a formal policy to support breast-feeding accommodations for our students, but we do have those for our employees. And they were kind enough to provide those to us. And they also indicated that they were willing to work with individuals on a case-by-case basis as these issues arose. So in...I just wanted to make sure that that was clear, even though there was only 17 percent of schools that had something on the books, there were many more who indicated a willingness to address these issues, which we appreciate. As you'll see in the report, we didn't really want to single out any individual districts who maybe weren't meeting best practices, but rather wanted to hold up some of those models that actually were doing a great job, because we see this as a wonderful opportunity to get everybody on the same page, to raise awareness about these issues, to adopt some best practices in law, and policy to support all our students so no one has to choose between their education and their family. And we also see that these issues can go a long way in doing a proactive policy update. They really provide that insurance, that insurance against costly civil rights litigation if we don't have good policies and practices in place to support all students up front, because really those would be violations of federal law, which are already pretty clearly covered under Title IX for the most part. So that's a little bit about the law and policy that grounds this work. But we're really excited to have this opportunity to discuss these issues. You've heard from impacted young families on the front line, some public health professionals and educational professionals as well. And I think that really demonstrates a broad support for working together to try and support these families and as reflected in the fiscal note a really low-cost, no-cost alternative is before you to do just that. So I'm happy to answer any more of the legal questions or back clean up on some of these pieces. I did want to just draw your attention to the fact that this Legislature has made a strong commitment to increasing strong protections for breast-feeding Nebraskans, whether that's LB197 that Senator Dubas introduced in 2011 or even just in 2015 Senator Mello's bill, LB627, which provided those same strong

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protections in the workplace. So this is really a continuation of that strong Nebraska policy that already exists and ensures that we're extending the same courtesies to our young families. [LB427]

SENATOR GROENE: Thank you. Any...Senator Pansing Brooks. [LB427]

SENATOR PANSING BROOKS: Thank you, Mr. Chairman. Thank you for coming, Senator Conrad. I am just wondering, when I'm reading it, it says it relates to Chapter 79, so that's K through 12. Is that correct? [LB427]

DANIELLE CONRAD: That's right. Yes, that's right. [LB427]

SENATOR PANSING BROOKS: So what about...did you look at extending it to the various postsecondary institutions? [LB427]

DANIELLE CONRAD: Yes, that's a great question. Thank you so much. Well, number one, the existing state law, which was part of Senator Dubas' LB197 that was passed in 2011 that LB427 seeks to amend is a very broad, general protection providing the right to any Nebraska woman to breast-feed her child in any area, public or private, that she is otherwise permitted to be in. So I want to note that, that existing law is very strong in this regard. But as you'll remember from your legal training, the specific of course always trumps the general. So we thought in working with Senator Vargas that this was a very elegant, very appropriate way to raise specific awareness and specific protections for these young families that he is very concerned about in trying to carry this important legislation on their behalf. So the bottom line is, I think that it already provides some very broad protection in our institutions of higher education. But we'd be more than happy to work with the committee if it had an appetite for specific inclusion in those regards. Of course, it goes without saying that those other entities may already have some existing obligations under Title IX as well. And as noted, those institutions, as large employers, have additional requirements for breast-feeding accommodations under labor law and even under the ACA in healthcare law. So I think that there is a lot of overlap there, is the bottom line. But I think this is meant to address maybe some specific protections for where there might be some gaps or misunderstanding. [LB427]

SENATOR PANSING BROOKS: So the initial part of the sentence that has already been part of the law, that...do you see it as relating mostly to employers and employees rather than people who are using...because you mentioned labor law and you mentioned... [LB427]

DANIELLE CONRAD: Yeah. [LB427]

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SENATOR PANSING BROOKS: So I'm just trying to figure out postsecondary students. Do they have...you believe that they are covered by that very broad language. [LB427]

DANIELLE CONRAD: Yes, I would. And I also believe that they're covered under Title IX as well, which is federal law. [LB427]

SENATOR PANSING BROOKS: Thank you, Senator Conrad. [LB427]

SENATOR GROENE: Senator Linehan. [LB427]

SENATOR LINEHAN: Yeah, thank you, Mr. Chairman. They're covered under federal law as far as employees go. [LB427]

DANIELLE CONRAD: I think the students would also receive protection under Title IX...Title IX, which is nondiscrimination... [LB427]

SENATOR LINEHAN: I could be wrong on this, but I don't think University of Nebraska Law School has anyplace for a mother to pump. [LB427]

DANIELLE CONRAD: Well, they do actually, because I was just up there for a CLE and these are issues that are near and dear to my heart because I am a breast-feeding mom. And they do have accommodations for breast-feeding parents. [LB427]

SENATOR LINEHAN: For the students? [LB427]

DANIELLE CONRAD: Yes. [LB427]

SENATOR LINEHAN: At UNL Law School? [LB427]

DANIELLE CONRAD: Yes. [LB427]

SENATOR LINEHAN: Okay. Well, I will have to check my sources, because I was under the impression they did not. [LB427]

DANIELLE CONRAD: Yes. I went and asked the front desk when I was there for an all-day CLE if they had a mom's room, and they directed me to a space that was off the courtroom. So

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it's interesting that I can field that question, because I just had that experience very recently. [LB427]

SENATOR LINEHAN: Do you know about the community colleges or other universities? [LB427]

DANIELLE CONRAD: I have not been present on community college campuses recently or had the need for those facilities myself, but we'd be happy to reach out and get you some more information in that regard, because I think again we continue to take steps forward to expanding protections and accommodations for breast-feeding parents because we recognize the incredible health benefits for the individual child and for society as a whole. So I would hope that they would be good partners in trying to provide a supportive environment for their students and staff as well. [LB427]

SENATOR LINEHAN: So if I understand the legislation correctly, it's to provide a separate room, with ability to wash their hands, and a refrigerator to store milk, all in one area. [LB427]

DANIELLE CONRAD: I think, Senator Linehan, that might be the...let's say the Cadillac plan or the best case that we can envision. But I think the legislation itself is not specific in that regard. I think it provides a great deal of latitude to the individual districts in that regard. And when we're talking about breast-feeding accommodations and a place to pump, we're not talking about the need to build on a wing, right? We're talking about just that, a room that probably has a plug-in and maybe someplace to then go and wash your hands or to store milk. But many people also use their own cooler packs in that regard. And I think at the bare minimum we're talking about someplace that's hygienic and that's private. And that could even be just a curtain, so to speak. So I think that's reflected as well in the fiscal note, why you don't see a considerable cost associated with this measure. [LB427]

SENATOR LINEHAN: Well, it wouldn't be cost to us. This is something we're telling the schools to do, so it wouldn't be a fiscal note. We're not spending money to do it. [LB427]

DANIELLE CONRAD: That's right. But they have an opportunity to weigh in through that process as well, yeah. [LB427]

SENATOR LINEHAN: Okay. Thank you. [LB427]

SENATOR GROENE: Any other questions? Senator Erdman. [LB427]

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SENATOR ERDMAN: Thank you, Senator Groene. So to follow up on Senator Linehan's question, if it is a cost to the school system, we don't have to record that here. We just record things and put an A bill on those things that cost the state. And I think what Senator Linehan was alluding to is an unfunded mandate on a school... [LB427]

SENATOR CONRAD: Sure. [LB427]

SENATOR ERDMAN: ...that they make a special area available to someone that's going to cost them money. And we never seldom...we seldom ever consider what it's going to cost somebody else, as long as it doesn't cost us. [LB427]

DANIELLE CONRAD: You know, I appreciate that consideration, Senator Erdman, and you're right. The Legislature far too frequently pushes down those costs to other entities of local government. But I think if you read through the fiscal note a little bit further down, it does provide an opportunity for other entities of government to weigh in with some of those considerations. And I think it's reflected that it would be a nominal cost, at best, because the schools already have...the school, right? They already have a facility with at least a room where they would presumably have the ability to put up a curtain or shut the door or something to that effect, so it would just be a matter of coordination amongst existing facilities. But I hear you loud and clear there. [LB427]

SENATOR ERDMAN: But if, in fact, the interpretation of what is appropriate is left up to the school to determine or someone else, shouldn't those specifications be more outlined in the bill? [LB427]

DANIELLE CONRAD: Well, we'd be delighted to work with you in that regard if you wanted to help clarify what the minimum standards are. But we also thought it important to allow some flexibility on the local level for people to come up with the best solution. [LB427]

SENATOR ERDMAN: Well, the worst thing could happen is the school does something that they think is appropriate and somebody says it's not. [LB427]

DANIELLE CONRAD: Sure. And I'll tell you, Senator Erdman, in fielding these kinds of cases at the ACLU through our legal intake line, particularly in the context of discrimination against breast-feeding mothers in the workplace, we're typically almost always able to resolve it with a letter and a negotiation rather than resorting to costly civil rights litigation. So I'd anticipate it would be the same kind of experience on the local level. [LB427]

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SENATOR ERDMAN: Thank you. [LB427]

SENATOR GROENE: Any other questions? [LB427]

DANIELLE CONRAD: If it's okay, Senator, I might just sit back down on LB428, because I know that... [LB427]

SENATOR GROENE: I was going to say. [LB427]

DANIELLE CONRAD: ...my testimony might be a little bit longer and I don't want to conflict the issues. [LB427]

SENATOR GROENE: You can read my mind. [LB427]

SENATOR CONRAD: Great minds. [LB427]

SENATOR GROENE: If you would prefer to testify at both, you may. And I do have a question for you on LB428 and I was going to ask you to make sure. You said 17 percent, when you took the survey, have a facility there. [LB427]

DANIELLE CONRAD: Have a policy in place to address this issue, yeah. So their accommodation... [LB427]

SENATOR GROENE: I've lived in rural Nebraska all my life... [LB427]

DANIELLE CONRAD: Sure. [LB427]

SENATOR GROENE: ...and this happens. [LB427]

DANIELLE CONRAD: Yeah. [LB427]

SENATOR GROENE: And I haven't seen a school district yet...a small school district that hasn't handled it without a policy. They just do it... [LB427]

DANIELLE CONRAD: Sure. [LB427]

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SENATOR GROENE: ...because they're a community. So...and you clarified that. Just because they didn't say they had a policy, it doesn't mean they don't have an informal policy. [LB427]

SENATOR CONRAD: Yes. That's exactly right. And we deeply appreciate the good work of our educational professionals who work with individual students to meet their needs. And we think that it might benefit everybody if we had clear policies so that folks were on the same page, because you have to remember, too, that sometimes individual students might not be empowered to know their rights or to know that they can reach out to school leadership and ask for those kinds of accommodations or to work together. So by having clear policies in place we can just make sure that good work is reflected. [LB427]

SENATOR GROENE: Thank you. Any other questions? [LB427]

DANIELLE CONRAD: Thank you so much for your time. I'll see you in a bit. [LB427]

SENATOR GROENE: If you just want to comment on the principle of Senator Vargas' bills, but if you wish to comment on each because you have separate testimony, then please do so. Next on the proponents. We're ready. [LB427]

APRIL JORGENSEN: Senators, committee members, my name is April Jorgensen, A-p-r-i-l J-o-r-g-e-n-s-e-n. I am testifying in support of LB427 on behalf of the Nebraska State Educators Association and I am a Lincoln Public Schools teacher. As a teacher, I know that my job is twofold, to teach students while they're in my classroom and to prepare them for the future. This bill would assist me and all teachers in those two important efforts. LB427 would help students who wish to breast-feed by making it easy for them to be in school each day. It might even encourage more students to breast-feed, which has its own positive effects. Public school teachers successfully accommodate a wide range of needs within our classrooms each day, ranging from alternate schedules to individualized education plans for special education students, to academic interventions and even alternate education locations. This bill's accommodations for breast-feeding are completely doable within our school settings. Additionally, these rules will help combat absenteeism of student parents. In my other capacity as board member at Milkworks Breastfeeding Education Center I have become aware of numerous studies that show a link between breast-feeding and increased child wellness. When a child is well a parent does not have to stay home and miss important school work. By making it easier for students to breast-feed or pump at school we make it more likely that these students would stay in school and still be able to provide optimal nourishment and immune benefits to their children who, in turn, will become our next generation of students. This bill also makes good economic sense. Research shows that the increased educational attainment leads to higher lifetime earnings, which is good for the student and for the community. According to the American Psychological Association, quote,

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low socioeconomic status and its correlates, such as lower education, poverty, and poor health, ultimately affect our society as a whole. This bill allows our most vulnerable parents the opportunity to breast-feed for the benefit of their children and their parental bond. As a parent who, myself, worked full time while pumping and breast-feeding and attending graduate school I know that the actions taken by this Legislature to protect my ability to breast-feed and/or pump at work made this possible for me. And I believe it is imperative to also extend that help and opportunity to student parents. Thank you. [LB427]

SENATOR GROENE: Thank you. Any questions? Senator Kolowski. [LB427]

SENATOR KOLOWSKI: Thank you, sir. Can I ask the district you're in, please? [LB427]

APRIL JORGENSEN: Lincoln Public Schools. [LB427]

SENATOR KOLOWOSKI: Lincoln, also. Thank you. I appreciate it. [LB427]

SENATOR GROENE: Any other questions? Thank you. [LB427]

APRIL JORGENSEN: Thank you. [LB427]

SARAH ANN KOTCHIAN: (Exhibits 5, 6, 7) Good afternoon, Chairman Groene and members of the Education Committee. My name is Sarah Ann Kotchian, S-a-r-a-h A-n-n K-o-t-c-h-i-a-n, and I appear today in support of LB427 on behalf of the Holland Children's Movement, a nonpartisan, not-for-profit organization founded by Richard Holland, committed to improving public policies essential to providing opportunities for success for children and families living in poverty. I also appear today on behalf of Early Childhood Services or ECS as a board member for this important nonprofit in Omaha that ensures young parents with limited resources receive support to support healthy lifestyles and to increase educational attainment for parents and their children. And finally, I also appear on behalf of the Nebraska Child Health and Education Alliance, a coalition of child health and education advocates. We would all like to thank and commend Senator Vargas for the introduction of this bill. You have heard some powerful testimony today in support of what we believe is a common-sense proposal. And I would just like to briefly add to the record some information from ECS, who served over 500 pregnant and parenting teens and young parents in 2016 with a 2015-'16 participant high school graduation rate of 73 percent, much higher than the national trend of 40 percent with respect to graduation. During the 2015-'16 school year, 90 percent of mothers served through the ECS program initiated breast-feeding as compared to the 75 percent of women who initiate breast-feeding in Nebraska. Of the ECS participants who initiated breast-feeding 70 percent nursed for less than

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three months. And this is directly correlated to the fact that many of these students were unable to continue breast-feeding when they returned to school or express milk while at school. We know we can have better outcomes for young students and their children if they are given the opportunities like those proposed in LB427, and we would urge you to advance LB427 to General File. Thank you for your time and consideration of this important, very important intergenerational issue. [LB427]

SENATOR GROENE: Thank you. Are there any questions from the committee? Thank you for your testimony. [LB427]

SARAH ANN KOTCHIAN: Thank you. [LB427]

SENATOR GROENE: Any more proponents? Opponents to LB427? Neutral? [LB427]

TOM VENZOR: My name is Tom Venzor, that's T-o-m V-e-n-z-o-r, I'm the executive director for the Nebraska Catholic Conference, and National Catholic Conference represents the mutual public policy interests of our three Catholic bishops serving here in Nebraska. And just wanted to come in neutral on this legislation, as we flagged it after it was introduced and we were able to talk with some of our superintendents of schools and kind of take a look at it. And we did reach out to Senator Vargas this morning. And part of the reason we're neutral is that his staff has stated that they're willing to work out some of the issues that I'm going to address. And so one of the concerns we had was this discussion between breast-feeding and then milk expression. And so sentence 1 of this provision concerns breast-feeding. And then the second provision deals with milk expression and storage. And so insofar as this first sentence is concerned, there seems to be a...I guess there's issues that...with regard to milk expression and storage that private schools, parochial schools, denominational schools would be able to have some sort of private accommodation like has been the discussion. You know, there would be able to be a room, a curtain, there's been a lot of different suggestions as to what that might look like. However, with regard to the breast-feeding provision, there's nothing of the sort. And so then I guess the concern would be the location where the mother would be breast-feeding. And of course the Catholic Conference and the Catholic church wants to do everything it can to support mothers in taking care of the human life, the little baby that they're with. But that was one of the concerns we had there, because there's been a lot of discussion that this wouldn't create, I guess, so to speak, an affirmative right to bring your baby into the school. But it seems to do that to the degree that a mother may breast-feed her child in any public or private location where the mother is authorized by law, which includes private denominational or parochial day schools. And so I think there's a little bit of that concern there. And then we also just had...again there's some concerns right there. And then also with regard to...I know there's been some discussion about funding and unfunded mandates and exactly what's an appropriate facility or what's not. And

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again, our private denominational and parochial schools, to the extent that there's not only not state funding to private schools, but there wouldn't be any obviously state funding to create these accommodations as well. So we had a little bit of that concern as well. So I guess those are the things that we're willing to work out. But I know there's been a lot of discussion as to what the extent of this legislation really is and we wanted to kind of...and I think we're kind of curious, too, what the actual intent of the bill is, because some of the language seems to go beyond what the intention seems to be. I think that's all I have unless there's any questions, please. [LB427]

SENATOR GROENE: Questions? Senator Pansing Brooks. [LB427]

SENATOR PANSING BROOKS: I'm sorry. Thank you for coming, Mr. Venzor. I'm totally lost at what your concerns are. Your concerns...I mean, you said the first line. So are you saying line 3 in the bill or what are you...the first line is just the Section 20-170. [LB427]

TOM VENZOR: First sentence. I said, first sentence. [LB427]

SENATOR PANSING BROOKS: Okay. You said, first line, but that's okay. [LB427]

TOM VENZOR: This legislative bill has two sentences. The first sentence deals with breast-feeding. The second sentence deals with milk expression and storage. So with regard to milk expression... [LB427]

SENATOR PANSING BROOKS: Could you just tell me what lines in the bill you're talking about? I'm sorry. Are you talking about the first sentence that starts with 3? [LB427]

TOM VENZOR: Lines 3 through 8 would be the first sentence. [LB427]

SENATOR PANSING BROOKS: Okay. So you have a concern with the bill as written...the statutes as previously written, because it already says in our statutes that a mother may breast-feed her child? So I'm confused if you're saying you have a problem with that first sentence, that's already law. [LB427]

TOM VENZOR: The statement of intent of this piece of legislation states that this piece of legislation is broadening the current legislation. And I think there's probably some discussion here as to the...I think there might be discussions as to the scope of this initial provision and whether it reaches into private denomination or parochial schools. [LB427]

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SENATOR PANSING BROOKS: Are you talking about lines 3 and 4 and 5? Or if we could just talk about which provision you're speaking of. [LB427]

TOM VENZOR: So the original provision that you're referring to. [LB427]

SENATOR PANSING BROOKS: Okay. The one that's already part of law. [LB427]

TOM VENZOR: Yeah. And so then it...again, the statement of intent of this legislation in that it's broadening the original language... [LB427]

SENATOR PANSING BROOKS: To include expression as well as breast-feeding? [LB427]

TOM VENZOR: Yeah, that's one of the things it's doing, but it's also expanding or broadening, as the statement of intent of the legislation says with regard to breast-feeding, that it would include but is not limited to a mother who's attending public, private, denominational, parochial day school, which meets the requirements for legal operation prescribed in Chapter 79, period. And then it goes into its second provision which deals solely with the issue of milk expression and storage. [LB427]

SENATOR PANSING BROOKS: So you don't believe that you were covered as a private school previously about a mother being able to publicly or privately breast-feed before this line came in that brought you guys into it? [LB427]

TOM VENZOR: To be honest, I haven't had enough time to dig into this. And that's why I don't want to really dig too far into the weeds on that, because we weren't aware of this bill obviously until it was introduced, even though that it incorporates our private, denominational, and parochial schools. We hadn't seen this until bill introduction. And so in the midst of going through all the other 670 bills, I haven't had the time to go in depth on it, but. [LB427]

SENATOR PANSING BROOKS: Okay. So if...it's my understanding from the discussion previously that this doesn't really limit anything, it just explains it farther because it's not happening across the state as it should by the law. So what I'm interested in is, is this a new requirement that you don't follow, that you don't provide a place for your students to be able to breast-feed or what is the issue? [LB427]

TOM VENZOR: I'm not sure what you mean by providing a place for our students to breast-feed, because that was never required in the original provision to require a place for the student to go. [LB427]

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SENATOR PANSING BROOKS: Well, okay, excuse me. They get to...yeah. So you don't allow them to breast-feed in private or public location for the mother... [LB427]

TOM VENZOR: No, I haven't said that. I think our schools are probably like many other schools, as has been discussed. We're making those case-by-case determinations and working with mothers as they come to them in the schools and providing some sort of facility or doing something of this sort. I don't know if it's because of this law or because they're just doing it. [LB427]

SENATOR PANSING BROOKS: Okay. Well, again, I'm totally confused about what you're trying to say. So, I'm sorry. I don't know...I don't know what you're saying neutrally that you think about this bill. Now, if you could answer that. [LB427]

TOM VENZOR: Well, sure, yeah. So what we're trying to say here is that the first sentence, lines 3 through 8, deal with breast-feeding. [LB427]

SENATOR PANSING BROOKS: Yes? [LB427]

TOM VENZOR: So in that provision there's nothing about that the school shall also provide for private or appropriate facilities or accommodations when a mother who is a student wants to breast-feed. And so there's no sort of ability for the school to create a private accommodation for that mother to have where that mother can go and breast-feed. So I think the issue there would be that the...it doesn't give the school, I guess, that scope of authority to be able to create that facility to say, you know, if you're going to breast-feed, here's the facility that you can use to go and breast-feed. But when it comes to milk expression and storage, it allows the school to provide for a private or appropriate facility or accommodation for milk expression and storage. So if a faith-based school were to say to a mother who is a student, you can breast-feed your child if we allow the child to come onto the school premises, but you have to do it in this facility. They would not seem to have that authority under this statute to be able to direct them to that private facility, like they would with regard to milk expression and storage. [LB427]

SENATOR PANSING BROOKS: Okay. I do think there's a complete difference between breast-feeding and milk expression, because it's a machine that makes a bunch of noise so there is a difference publicly...I think the initial part of the bill allows that a mother can breast-feed in public without being charged with any kind of obscenity or indecent exposure. And then they have added to the fact that they ought to be able to express in some sort of place. I know because we have it here in the Capitol in the women's bathroom, there's a room, and it makes a lot of noise. So I don't believe that the private or public schools would be happy to have that pumping machine or expression machine in a classroom. [LB427]

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TOM VENZOR: But they also may prefer to have that mother breast-feeding in a private room rather than in the classroom or in some other common area of the school. And under this provision, they would not be permitted to direct that student to that private accommodation. [LB427]

SENATOR PANSING BROOKS: Thank you for your input. [LB427]

TOM VENZOR: Yep. [LB427]

SENATOR PANSING BROOKS: I think you're against the bill. [LB427]

TOM VENZOR: No, we're not against it because we've voiced some of these concerns. And again, we weren't approached beforehand about this bill, even though it incorporates all of our schools. And so that's why we're coming in neutral, because we're happy to work through these issues, like Senator Vargas' staff is...they signaled to us this morning that they were happy to work through these. So we're just trying to get them on the record and we don't intend to oppose it or be a major stumbling block, but we do want to raise the concern. [LB427]

SENATOR PANSING BROOKS: Thank you, Mr. Venzor. [LB427]

SENATOR GROENE: Senator Linehan. [LB427]

SENATOR LINEHAN: Thank you for being here. I think I understand this, but I'm getting confused. The law now is...refers to employees. The law...there's no law on the books now that talks about students having rights to breast-feed or pump during the school day at a school. Right? This is...I understand if you're a woman and you're employed, they have to give you that right. But right now--and this is what I think Senator Vargas is trying to do, is to make that same right available to young mother-students that are still in high school. So we're not talking about just...I'm confused. There's only one law now and it covers employees. It doesn't cover students. Right? [LB427]

TOM VENZOR: Well, so I think you're referring to the federal law, to the Federal Labor Standards Act (sic: Fair Labor Standards Act). Now with regard to this state law provision it says, notwithstanding any other provision of law, a mother--who I think that's not limited to employees, from what I understand--may breast-feed her child in any public or private location where the mother is authorized by law to be. So I think there is one provision that you're discussing, which is the Fair Labor Standards Act, which gives this right to employees. And then there's this state law that deals with any mother. [LB427]

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SENATOR LINEHAN: So right now the law is the student could breast-feed in a public school? That is the law? Or parochial school or anywhere, so we're not even talking about whether that's okay. We're just talking about providing a private room? Is that right? [LB427]

TOM VENZOR: Correct. I think that's some of the issue here, yeah, uh-huh. [LB427]

SENATOR LINEHAN: Okay, thank you. I'm sorry for my confusion. [LB427]

TOM VENZOR: No, no, sorry for my confusion. [LB427]

SENATOR GROENE: Senator Morfeld. [LB427]

SENATOR MORFELD: Thank you for coming today, Mr. Venzor. And I just want to...for the record, I want to correct that this applies to everybody, not just employees. And I was just looking at the act that it falls under and some of the different things. But I know it's a little confusing. It was a little confusing to me, too. I had to look it up quick. I guess, Mr. Venzor, I'm a little confused on what your position is on the bill, too, but I won't belabor that point, because I think Senator Pansing Brooks went through that a little bit with you. So if you had to change this, what part would you change, so that we're clear on the record? [LB427]

TOM VENZOR: I'm going to not answer that, because those are the things that we're willing to work with Senator Vargas' office on. [LB427]

SENATOR MORFELD: Okay, so you're not quite sure what you change if you would change anything. Okay. [LB427]

TOM VENZOR: Not at this moment, because we haven't had a whole lot of time to look at it totally in depth so we're trying to raise some of our initial concerns. But we're willing to go further in depth with Senator Vargas on this. [LB427]

SENATOR MORFELD: Thank you, Mr. Venzor. [LB427]

TOM VENZOR: Yep. Thank you. [LB427]

SENATOR GROENE: To clarify, a mother can breast-feed anywhere she wants to where she's otherwise authorized to be. That's in the bleachers at a ball game, that's anywhere, without being evicted or arrested. That's the way I read the law. What you're concerned about is now if they're

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saying you have to provide a facility, a separate facility, not in the bleachers, not in the hallway, but a separate facility for milk expression. Is that correct? [LB427]

TOM VENZOR: Correct. Well, it seems to authorize the school to have that private facility, whereas it wouldn't authorize... [LB427]

SENATOR GROENE: Shall. It says, shall. [LB427]

TOM VENZOR: Uh-huh, yeah. So, yeah, uh-huh. [LB427]

SENATOR GROENE: Not may. [LB427]

TOM VENZOR: Correct. [LB427]

SENATOR GROENE: I'm not taking a side, I'm just explaining the difference here. And Ms. Conrad can straighten me out. She's nodding her head. All right. Thank you. Any other questions? Any other questions? Thank you. [LB427]

TOM VENZOR: Thank you. [LB427]

SENATOR GROENE: (Exhibits 8, 9) Any neutral? Any more neutral? We have one letter...two letters for proponents I forgot to read in after proponent testimony of LB427: Nebraska School Nurse Association; and the Women's Fund of Omaha sent letters in as proponents. Well, that will end the hearing on LB427. [LB427]

SENATOR KOLOWSKI: Sir, the Nebraska School Nurse Association, when they were alluding to LB426 I think they meant LB428. [LB427]

SENATOR GROENE: LB427, you mean? [LB427]

SENATOR KOLOWSKI: No. We have both of those, and they have one that's about LB427 and then they named the next one LB426. [LB427]

SENATOR GROENE: They have a misprint, correct? That's what you're talking about? [LB427]

SENATOR KOLOWSKI: And they misprinted it through the entire document. [LB427]

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SENATOR GROENE: And I think Kristina caught that, because when we do LB428 they have another letter. [LB427]

SENATOR KOLOWSKI: Thank you. [LB427]

SENATOR GROENE: Senator Vargas, do you want to introduce LB428? Sorry. Close. [LB427]

SENATOR VARGAS: Close? Perfect. So thank you again, Chairman Groene and members of the Education Committee. Simply, I just want to reiterate for this bill, by accommodating student mothers and giving them a place to express and store milk, we are providing the support that they need increasingly that they will be able to finish their education and thrive later in life. And to respond to some of the conversation we had, when we're talking about the expansion of this law, this does read: Notwithstanding any provision of law, a mother may breast-feed her child in any public or private location where the mother is otherwise authorized to be. That is already current law. We are saying that when we talk about mothers, student mothers are mothers. We are just clarifying and extending that to ensure that they have the same rights that are currently stated in our statute. So thank you very much. I appreciate the conversation and I really hope that this gets out of committee and that we can have everybody else in the rest of the body be able to decide how this impacts greater Nebraska in supporting this very, very important population of individuals in our state. [LB427]

SENATOR GROENE: Senator Linehan, did you have a last question? [LB427]

SENATOR LINEHAN: I do. Since your bill, Senator Vargas...thank you, Senator Chairman (sic), I'm sorry. If we pass this would it mean that all the parochial schools and private schools in Omaha would, if a student mother wanted to breast-feed at their school during English class, she could so? [LB427]

SENATOR VARGAS: Currently, any mother is authorized in any public or private location to breast-feed their child. Whether or not that's happening within a classroom or parochial, public, or private, I can't speak to that. But currently under statute, the mother, any mother--it doesn't designate or exclude student mothers--have the authority to be able to do that without persecution. [LB427]

SENATOR LINEHAN: I know I am old and a little old-fashioned. But it seems to me it would be rather disruptive to a class to allow a young mother to breast-feed during class. If that is the law, okay. But this kind of puts the hammer down on the schools to take something that it seems

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like they're trying to work out fairly and pushing a little bit that I would think would be destructive. [LB427]

SENATOR VARGAS: My interpretation...now what I believe is, just to clarify, currently we are able to do this. If anything, I think this is going to provide...saying that we shall provide for private or appropriate facilities is that we are asking these entities--public, private, parochial--to be able to create private or somewhat accommodating space to be able to make sure that this group does have more privacy. Currently, that doesn't exist and student mothers, who are mothers, are capable of breast-feeding in public. My hope is that this provides some accommodation so that they have the privacy they need. [LB427]

SENATOR LINEHAN: So do most of the rules that we pass as a Legislature affect both public and parochial schools as this one does? Are we generally...do we generally include...to include parochial and private schools? [LB427]

SENATOR VARGAS: My understanding is, given that this...the definition and the terminology here is mother, a student mother is a mother, it applies to all student mothers. We are just clarifying the population that would be impacted by this statute. [LB427]

SENATOR LINEHAN: Okay. Thank you, Senator Vargas. [LB427]

SENATOR VARGAS: Senator Erdman. [LB427]

SENATOR ERDMAN: Thank you, Chairman Groene. Senator Vargas, so to follow up on Senator Linehan's question, so if they are in English class and a young mother wants to breast-feed her baby, does she have to leave the classroom to go breast-feed her baby? Can she do it right in the classroom? [LB427]

SENATOR VARGAS: Currently, under statute any mother may breast-feed her child in any public or private location. Whether or not that's happening, I can't speak to whether or not it's happening in a classroom or whether or not the school is prohibiting it. They shouldn't be, because it's in statute, but we want to make sure there are accommodations for that student mother since they qualify under this current statute as a mother. [LB427]

SENATOR ERDMAN: So is that a yes or a no? [LB427]

SENATOR VARGAS: I can't speak to whether or not schools are doing that. [LB427]

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SENATOR ERDMAN: School...with this bill, would it allow them to do that? [LB427]

SENATOR VARGAS: It already is allowed. Yeah, currently, it's allowed under statute. [LB427]

SENATOR ERDMAN: Okay. Thank you. [LB427]

SENATOR GROENE: Thank you, Senator Vargas. [LB427]

SENATOR VARGAS: Thank you very much. Now I will get my other binder and then come right back. [LB427]

SENATOR GROENE: Get a new binder. Quick turnaround time. [LB427]

SENATOR VARGAS: (Exhibits 1-6) Thank you very much, Chairman Groene and the members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. Hello again. I am...I'll talk now about LB428. This bill requires the Nebraska Department of Education and local school districts to adopt policies that accommodate pregnant and parenting students. As we have already had this discussion and we are continuing it, pregnant and parenting students face significant challenges to completing their educational goals. According to a recent study by the ACLU, approximately 70 percent of young women who have a child leave school, often not returning to complete their education until years later, if at all, which places serious limitations on their futures. The ACLU survey of Nebraska school districts shows inconsistencies in their policies for pregnant and parenting students, resulting in a significant variance in experience and success for young student parents. LB428 seeks to address this disparity and make all Nebraska schools a welcoming and more inclusive place for pregnant and parenting students. LB428 would require each school district to adopt a policy that accommodates pregnant and parenting students. In order to provide for consistency and guidance to local school districts, LB428 directs the Nebraska Department of Education to develop and distribute a model policy to local school districts which they can then consider and adapt for their schools before implementing. LB428 outlines some guidelines for the Department of Education to include in their model policy. This policy must include: one, a provision for student absences due to pregnancy and eliminate requirements for physician approval to return to school or participate in extracurricular activities after pregnancy; two, provide for alternative methods to keep a pregnant or parenting student in school by allowing coursework at home or providing for tutoring visits, on-line courses, or a similar supplement to classroom attendance; three,--and this is in line with the last one we were discussing--develop a lactation accommodation policy to ensure students have private hygienic spaces to express and store breast milk during the day; and four, identify local childcare providers or designate a staff person to assist student parents in placing their child or their children in childcare facilities which collaborate with the school if such schools do not have an

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in-school childcare facility. Regarding the last point, I have brought with me copies--and I'm not sure if they've already handed these out--copies of an amendment to LB428 that I would like the committee to consider that you must already have inside your packets. I've drafted an amendment that would direct schools to make reasonable efforts to recommend that students place their children in a childcare facility that have chosen to participate and have a ranking at 3 or above in the Step Up To Quality program, which is a recent legislation that had been passed. I understand that these facilities are not in every community in our state, which is why I emphasize that the amendment and the language only directs schools to make these recommendations when they are available locally. The Nebraska Department of Education model policy would be developed and distributed to local school districts by December 1, 2017, and then the districts would adapt their own policies by May 1, 2018, giving them five months to conduct stakeholder engagement and adapt the policy to meet their own local community needs. The policies would be implemented at the start of the 2018-2019 school year. Again, similar to the previous bill, you'll hear more today from a variety of perspectives about why this policy is important for our students, families, and our communities. You should have several pieces of written testimony, again, including a letter from Dr. Kris McVea the chief medical officer of One World Community Health Center, a letter from the D2Center that serves youth not currently in school, 25 percent which are pregnant or parenting; a letter from First Five Nebraska, an organization that supports high quality early childhood education programs; a letter from Nebraska Appleseed; a letter of support from Omaha Public Schools board members, Amanda Ryan, Marque Snow, and Lacey Merica, as well as many other educators; as well as a copy of an article from the Lincoln Journal Star that outlines the successes of similar policies in Lincoln Public Schools. It's time to have more consistency in how pregnant and parenting students experience school. Too often they are presented with the dilemma of choosing between continuing their education or parenting their child. No one should have to be forced to make this choice. LB428 is an important step towards ensuring that all students in all our schools are receiving the support they need to succeed, both in the classroom and throughout their lives for themselves and for their children. With that, I would like to thank you and be happy to answer any questions. [LB428]

SENATOR GROENE: Senator Erdman. [LB428]

SENATOR ERDMAN: Thank you, Senator Groene. Senator Vargas, on page 2, line 7, it says schools have a constitutional obligation to keep pregnant and parenting students in school. Can you explain that constitutional obligation? I'm not sure I understand what that means. [LB428]

SENATOR VARGAS: Yes. And I'll also mention that it will be best if we have even more perspectives on this from some of the individuals that are lawyers will be able to speak to this. But constitutional is that currently under Title IX there is language that says that we are...we should be not discriminating against and supporting anybody on any basis and that includes

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whether or not somebody is pregnant. And so that's part of the reason why we have a constitutional obligation to keep pregnant and parenting students in school. [LB428]

SENATOR ERDMAN: Okay. And then the second question, page 3, line 6, what's the necessity of that if we pass LB427? [LB428]

SENATOR VARGAS: Yes. Line 6, the develop a lactation accommodation policy. This is actually making sure that we are in line with following up with a policy that expands on what we mean when we're saying a lactation accommodation policy. We made sure...we wanted to make sure that they both were separate issues. So that's the reason why we introduced them as separate. But this is referring to a lactation accommodation policy. [LB428]

SENATOR ERDMAN: So what's the difference between that line 6 and 7 and 8 in LB427? [LB428]

SENATOR VARGAS: It's expanding on what a lactation accommodation policy is, referring to the current statute and making sure it's in line with what we're trying to expand on. [LB428]

SENATOR GROENE: Senator Kolowski. [LB428]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Vargas, one of my questions on LB428 dealt with the section 3 of LB428 requiring...well, I'm going to read it. Anticipating and allowing for student absences due to pregnancy and eliminate requirements for physician approval to return to school or participate in extracurricular activities after pregnancy. Would you elaborate on that, why the doctor would be eliminated from that situation when pregnancies can vary in difficulty or ease as wide as the river, probably. But I'd feel a lot more comfortable if a medical doctor was giving a go-ahead for a young lady that wants to get back out on the basketball floor or whatever else. And maybe there's complications that I don't know about. [LB428]

SENATOR VARGAS: Great. I appreciate you asking that question. As a result of the ACLU survey we found that there were inconsistencies in how absent policies are currently in place and how they conflict with federal law. Currently, under Title IX, this prohibits the school from excluding a pregnant student from any part of its educational program, including all extracurricular activities, such as school clubs, academic societies, honors programs, homecoming court, or interscholastic sports. That's part of the reason we put it in there, because it's already something that should be left up to a student to determine whether or not they come back to an extracurricular sport. And making sure we're not discriminating against pregnant

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students, we're applying that same rationale to whether or not they come back to school if they are so ready. [LB428]

SENATOR KOLOWSKI: I'm still a little concerned about that, for the decision making of a 17-year-old's body at that age making their decision compared to having some medical opinion about her readiness to return to sometimes very challenging physical activity. [LB428]

SENATOR VARGAS: Yeah. So schools currently, if...so, for example, if a student breaks a leg as part of a school activity and they require a note, then they also may require a note for a student that is coming back after having a child. However, if there are not...that does not apply to a student right now that broke their leg and they don't have to come back with a doctor's note, you actually cannot require a student mother to also bring back a note, otherwise that would be discriminatory under federal law. What this is doing, is ensuring that we are not creating undue burdens on a student to then come back, if they so choose, and empowering the student and/or their family and all individuals that take a stake in their education, whether or not it's best for them. [LB428]

SENATOR KOLOWSKI: I've had my say. Thank you. I appreciate that. [LB428]

SENATOR GROENE: Senator Linehan. [LB428]

SENATOR LINEHAN: Okay. So...thank you, Mr. Chairman. Senator Vargas, on page 3, under (4), identify local childcare providers or designate a staff person to assist student parents in placing their children in childcare facilities which collaborate with the school if such schools do not have an in-school...okay. So I'm trying to...so this puts the burden of finding the childcare for the new baby on the school? [LB428]

SENATOR VARGAS: No. And to clarify, the burden isn't on the school district to find and provide them childcare. I would say more is that the school district is identifying childcare facilities in the local area that they can provide that information to student parents so that they know that there are childcare facilities, because you can imagine even having that information provided to you from the school, the information is providing you with a more welcoming environment. It also is I think a signal that the school district believes and supports your choices that you've made. So that's where this comes from. There are some school districts and there are some schools, particularly LPS, there are some schools that already provide childcare facilities. We are not saying that they have to have childcare facilities, just that they provide the information to student parents. [LB428]

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SENATOR LINEHAN: Okay. Thank you. Thank you, Mr. Chairman. [LB428]

SENATOR GROENE: Senator Erdman. [LB428]

SENATOR ERDMAN: Senator Groene, thank you. Senator Vargas, if you follow up on Senator Linehan's comments, it says...number (4) says identify childcare providers or designate a staff person to assist student parents in placing their children. So tell me how that's not the school's obligation to help them find a childcare facility. That says a staff person. A staff person is to assist the student. So tell me how that's not the school's responsibility. [LB428]

SENATOR VARGAS: By stating that...thank you very much, Senator Erdman. By stating that we are designating a staff person our intention was to create the autonomy for schools to decide what staff person is best equipped to make these decisions. We have many staff people that are doing already great work with students, social workers, guidance counselors, some teachers, healthcare providers in schools. And so this is ensuring that there is a person or there is information already provided. And that's why we put or, to make sure the information is accessible and there is somebody that is designated to provide that support. There is some note in the fiscal note around...the heavy lift here would be simply to make sure that the local school districts are identifying that person rather than creating a new FTE or person altogether. [LB428]

SENATOR ERDMAN: That's a little confusing to me. [LB428]

SENATOR VARGAS: If you want to ask a clarifying question, I'll be more than happy to answer it. [LB428]

SENATOR ERDMAN: Fine, but I just... [LB428]

SENATOR GROENE: Senator Walz. [LB428]

SENATOR WALZ: Senator Vargas, thank you. [LB428]

SENATOR VARGAS: Thank you. [LB428]

SENATOR WALZ: This amendment, though...there's an amendment to that as well. Did I miss you saying that? [LB428]

SENATOR ERDMAN: No, he said it. [LB428]

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SENATOR WALZ: Okay. All right. I'm sorry. [LB428]

SENATOR VARGAS: Would you like clarification on the amendment? [LB428]

SENATOR WALZ: No. [LB428]

SENATOR VARGAS: Okay, great. [LB428]

SENATOR GROENE: Couple of questions. It does seem redundant. In LB427 you say, the school shall also provide for private or appropriate facilities or accommodations for milk expression and storage. And in LB428 in line 14, page 2, you say, and provide for facilities and accommodation for breastfeeding or milk expression. And then on line...on page 3, on line 6 you say, develop a lactation accommodation policy to ensure students have private, hygienic spaces to express breast milk during a school day. It seems a little redundant. Couldn't that all be put into one line? [LB428]

SENATOR VARGAS: The intention behind it...thank you very much, Chairperson Groene. The intention behind this is that by taking the original statute in LB427, this is changing the statute to make sure that we are accommodating to student mothers and making sure that there's a space available, expanding on the current statute. This is asking school districts to then develop a policy to support the change in that statute, because the supported policy to do that may look different school district to school district on how they develop an accommodation policy for lactation. We've discussed the different (inaudible), how they might create different spaces, how they might separate that out for student...for teachers or for student parents. And so this is asking them to create the policy as an extension of the change in statute. [LB428]

SENATOR GROENE: Also, I see an unfunded mandate here, unless this is already mandated for children that have long-term illness. But in line 3, student in school by allowing coursework at home--sending homework home to a sick child or a child that can't be there--or providing tutoring visits--now there's an expense--on-line courses--there's an expense--or a similar supplement to classroom attendance. Is this...are you intending that only these students with this condition...natural condition are given this or is this something that all students that are long-term illness already have? [LB428]

SENATOR VARGAS: So part of the ACLU survey included...they surveyed all the different school districts. [LB428]

SENATOR GROENE: I understand that. [LB428]

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SENATOR VARGAS: There were inconsistencies in how this...or a policy was even applied. There are instances where there are students that have had some tutoring or some alternative coursework or a pathway. There are some instances where there was even an application of a sort of a individualized education plan that's supplied to special education students. There isn't...there were inconsistencies in the policies and best practices. Part of the intention of doing this and making sure that the local school district can determine within their local sort of governance, decide what this may look like to make sure it meets their needs and also is getting stakeholder engagement. And so that's why we're including...there are tutoring visits, there are programs that for some student athletes or individuals that get sick long-term, they do have some tutoring available. I know there are some on-line coursework, both in OPS and I think they're even expanding it in Nebraska Department of Education for some on-line coursework modules that are still providing credit to students to be able to finish their education. And so this is stating, we value our students enough to accommodate their coursework so that they can finish their education. But local districts were asking you... [LB428]

SENATOR GROENE: You're not mandating it? [LB428]

SENATOR VARGAS: We are...if you want to use the word mandate, that we are requiring that they make a policy that is accommodating to their coursework. What it looks like, we're leaving up to the districts. [LB428]

SENATOR GROENE: So if they stop at doing homework at home, they've fulfilled that section? They're not mandated to offer tutoring? [LB428]

SENATOR VARGAS: They're not mandated to offer tutoring, but we are asking the state Department of Education to develop a model policy that can help inform what this can potentially look like. My hope is also that stakeholder engagement time, which I know is very, very important for school districts, is going to allow the school districts and people in the community to then provide input on how this can be best suited to meet the needs of their district. [LB428]

SENATOR GROENE: Also, on line 31, eliminate requirement for physician approval to return to school or participate in extracurricular activity. You know, there is provisions like that to protect the student from an aggressive coach or a parent who says, you still got to get your scholarship to instate basketball. There is a reason for a physician approval. So I'm a little bit concerned about that. Thank you. [LB428]

SENATOR VARGAS: Oh, thank you very much, Senator. [LB428]

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SENATOR GROENE: Any other questions? Proponents. [LB428]

SENATOR VARGAS: Thank you very much, Senator, all the senators and Chairperson Groene. [LB428]

SENATOR GROENE: When you show back up I'll know next time it's for closing. [LB428]

ANAVELLE GARCIA: Good afternoon. Thank you for your time to listen to my story. I am Anavelle Garcia, A-n-a-v-e-l-l-e, Garcia, G-a-r-c-i-a. I am 24 years old and I work for Nebraska Children's Home Society. I am a home visitor for pregnant teens and teen moms and I help them with parenting skills and also help with resources in the community. But I am here to tell you my story as a teen mom. When I was 16 I became pregnant right before my junior year of high school. And when I started school my junior year I went to my counselor to talk to her about my options, if I could keep going to school, if I had to drop out, what options I had. And then also for when I delivered my baby, how I would return to school or if I even had that option. I had had a friend who had also had a baby in high school and she said that she had gotten a tutor to come to her house for six weeks, until she healed and then returned to school. So I had asked my counselor about that and she told me that they did not offer maternity leave and that I was expected to return to school as soon as I was out of the hospital. I had asked her about the tutoring and she said she would look into it, but didn't really give me an answer right away. At the same time, my school was working on implementing a Head Start program into my high school and it was set to open around the time that my son was born in March of 2010. So while I was pregnant I continued going to school and then after I delivered my son my school allowed a tutor, so a volunteer, who had time throughout her day to go pick up my homework from my teachers, take it to my house, and sit with me while I completed my homework and my tests that they had for me. After about three weeks I was failing my classes because my tutor didn't have a lot of knowledge on the subjects that I was taking in my classes. So after three weeks I chose, by myself, to go back half day to school and my mom just watched my son for a little bit while I went to class, because he wasn't allowed to start the Head Start until he was six weeks old. After six weeks when my son was old enough to start, I returned full day back to school and I was failing about two classes. By this time it was toward the middle of April, so I had about a month to bring up those Fs to passing grades in order to get my credits. During that time I was also attempting to breastfeed. They said I could have a pass note to leave class to go and pump and I was allowed to go to the nurse's office and use their bathroom. So I didn't know about the other statute and that I could have an actual room to pump. But they just told me, go to the bathroom. I would basically just fold down the toilet seat and sit there and pump my milk and then when I was done, wash my hands. And then I didn't have anywhere to store my milk so I would just hold it with me the rest of the day in my backpack. I was able to bring my failing grades up to low Cs. They were low, but they were passing. I was able to finish my junior year. And I was able to continue on to my senior year, thank you to the Head Start that provided childcare for my son. I

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was not able to breastfeed, because I dried up because I didn't want to...it was between choosing to make milk or choosing to pass my classes within four weeks, so I chose my classes over my milk, because I knew, well, at least I can feed him something and that's formula. It's not as great as breast milk, but it's still food. So I dried up and I just fed my son formula so I could pass my classes. I went on to my senior year and I was able to finish and graduate at the top half of my class with my class on time and go to college and then graduate and now help other teen moms and advocate for them. Thank you for listening. [LB428]

SENATOR GROENE: Thank you. Questions? Senator Pansing Brooks. [LB428]

SENATOR PANSING BROOKS: Thank you for coming, Ms. Garcia. I really appreciate your testimony. It's...in a way it feels as if young teen mothers who choose to have their child are basically punished additionally. If we can't accommodate and make it possible for somebody to more easily go through and carry their baby and help take care of those two in that very difficult situation, it just seems like continuing punishment. What's your experience as you deal with the other teen mothers? Do you feel that there is an attitude that really people are being punished further? [LB428]

ANAVELLE GARCIA: I think so. I mean, me personally, I felt, well, I mean I was a teenager and I became pregnant so I have to live with the consequences and I kind of just accepted them. And so now I try to advocate for the girls that I work with that they do have rights and they can stand up for themselves and I can be there to stand up for them if they need me to, but I didn't have that. Some of these girls do face those challenges and then it leaves them to decide, well, do I just continue going to school or do I drop out so I can breastfeed my baby or do I drop out so I can take care of my baby, because I can't afford childcare? [LB428]

SENATOR PANSING BROOKS: And have you seen any instances where the father has similar burdens or difficulties or is it just the mother that is going through this kind of... [LB428]

ANAVELLE GARCIA: I haven't had personal experiences with fathers. Me, personally, my boy friend had just graduated from high school so he was able to go straight to work. Some of these girls, their boy friends are a little older, straight out of high school. Some of them are still in high school but I haven't had any encounters of their challenges. [LB428]

SENATOR PANSING BROOKS: And have you seen instances where the males are choosing between their baby and education or are they just continuing with their education? [LB428]

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ANAVELLE GARCIA: I have not dealt with it personally. I haven't encountered that, but I feel that it's a lot more burden on the mother since she's the quote unquote sole caretaker and she's the one in charge of making sure the baby is taken care of and the baby is fed, especially if she's breastfeeding. [LB428]

SENATOR PANSING BROOKS: Thank you very much for this testimony. It's really important. [LB428]

ANAVELLE GARCIA: Thank you. [LB428]

SENATOR GROENE: Any other questions? Thank you. [LB428]

ANAVELLE GARCIA: Thank you. [LB428]

DANIELLE CONRAD: (Exhibit 7) Good afternoon, Senator Groene, Chairman of the committee and members of the committee. My name is Danielle Conrad, it's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, I'm here on behalf of ACLU of Nebraska. I'm having the page bring around a copy of our written testimony. And I know it's been a long day, a long hearing. Delighted to hear so many great questions and good perspectives here today, so I'm just going to hit some of the high points on the law and policy that have been subject to some of the questions that have come out so far. So in response to the FOIA project that we did this summer, the open records request project that we did this summer, what our findings showed was that about half of the school districts surveyed really didn't have policies in place to deal with these issues but, instead, would typically take them up more on a case-by-case basis. So in addition to that we were able to distill that about 78 percent of Nebraska school districts had no policies or written guidelines in place when it came to providing educational alternatives to young families, specifically pregnant and parenting teens. And that only about 10 percent of Nebraska schools had provisions in place to assist young families with finding childcare options. So I want to just take a little bit of time to run through some of the legal questions that have come up and then open it up for additional dialogue. In response to Senator Erdman's good questions about the intent language in the bill and recognizing the constitutional protections that already exist to support these young families, I think I'd really draw your attention to two areas. One, of course, being in the Nebraska Constitution where we have a very strong provision providing for the instruction to all students in our public schools, so it's important that we remember that. But more specifically, when we're talking about gender discrimination that's already covered under the U.S. Constitution, that's in the equal protection clause, where gender discrimination would be considered suspect. So that's what Title IX emanates from, those strong, long-lasting constitutional protections. And then the Department of Education has issued guidance to all school districts that receive their federal funding about best practices to comply with those Title IX requirements. And it goes to

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alternative coursework, it goes to absence policy, it goes to some of the other accommodations issues that are outlined in LB428. And so what LB428 does is it says, let's have again a more proactive approach to this where we allow individual school districts to have a conversation to best meet what's appropriate for their local conditions. But we set some kind of minimum standards over the course of the next couple years for what they should be thinking about in that regard. And it really I think helps to provide some technical support to all the school districts so that they don't have to work through those issues on their own, specifically. I think that when it goes to potential redundancies that may exist between LB427 or LB428, I really see them as separate and distinct. LB427 being more of the practice, to support the practice. LB428 being really more about supporting and drafting the policy. But if there are redundancies there, I'm sure that we'd be happy to work with the committee, as is Senator Vargas, to harmonize or address any of those concerns moving forward. When it comes to the issues related to the physician's note and the alternative coursework, this is again really an equity issue. So I'm really glad that we have the opportunity to provide some clarification here. So...and I think Senator Vargas did a great job of laying out what the legal standard is. The bottom line is, if you're going to require a doctor's note to return to school or for participation in extracurricular activity, you have to do it equally. Whether it's for another medical condition like a broken leg or an illness or otherwise, if the schools have a policy in place that says you have to have a doctor's note before you can come back, they can extend that same requirement to young families. But they can't single them out. They can't treat them different. That's when you see a potential violation of federal law. And that was one thing that was disturbing in our survey this summer is that some schools actually have impermissible policies on the books in regards to this that treat these conditions differently. So they'll need to address that, hopefully proactively so it doesn't come as a result of costly civil rights litigation. And we think that this is...it's always a better option to work proactively and positively to get good policies in place rather than to have to resort to litigation there. But it's really just that. If you have the requirement for returning for another condition or illness you can do the same for those young families that are pregnant and parenting, but you can't single them out. And the same goes really to the heart of the requirements on the alternative coursework. If you're offering that for other students who are experiencing absences for a different reason, you need to extend that equally to pregnant and parenting students. If you're not, you don't necessarily have to create something from whole cloth there. So it's not...it truly isn't a new burden in any regard. I see I'm out of time here and we've covered a lot of ground, so I'll stop talking and happy to answer any questions or clarify more so. [LB428]

SENATOR GROENE: Questions? Senator Kolowski. [LB428]

SENATOR KOLOWSKI: Thank you, Senator Conrad. Good to see you again. [LB428]

DANIELLE CONRAD: Good to see you also. [LB428]

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SENATOR KOLOWSKI: My concern with the doctor's permission was one of having had many different boys and girls in high school with concussion protocols. [LB428]

DANIELLE CONRAD: Sure. [LB428]

SENATOR KOLOWSKI: I wouldn't want to make an error on that, put someone back into a playing competition where they may...be it soccer or football, it doesn't matter where it might have happened,... [LB428]

DANIELLE CONRAD: Sure. [LB428]

SENATOR KOLOWSKI: ...basketball even. But those kind of things do happen and I wouldn't want to give up the concussion protocols any more than I'd want to negate the possibility of the young lady who's had a child and is she now ready to go back. [LB428]

DANIELLE CONRAD: Sure. [LB428]

SENATOR KOLOWSKI: People, fine, that's not a problem. [LB428]

DANIELLE CONRAD: Yeah. I appreciate that. And I think that is a good consideration. And I think again the federal law is really clear here. If you require it for some sets of students, okay, you can require it for pregnant and parenting students. But if you don't, you can't treat them differently. [LB428]

SENATOR KOLOWSKI: Sure. [LB428]

DANIELLE CONRAD: So that's what the law says. And I think from a policy perspective it's also important that we acknowledge that we need to trust women and we need to trust that they understand their bodies. And when they are ready to return to resuming their normal activities they don't necessarily need permission to do that. We are expecting a lot from these young families, to continue their education, to raise their families, to contribute to our community and so I hope that we can trust them to do what's right for them and their bodies. [LB428]

SENATOR GROENE: Any other questions? [LB428]

DANIELLE CONRAD: Well, thank you. Oh, Senator, yes. [LB428]

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SENATOR GROENE: Schools have a constitutional obligation to keep pregnant and parenting students in school. [LB428]

DANIELLE CONRAD: Yes. [LB428]

SENATOR GROENE: I'm not a lawyer, but I would think better words would be as in some of your literature here, make sure there's no barriers. [LB428]

DANIELLE CONRAD: Sure. [LB428]

SENATOR GROENE: I mean to keep is to say maybe the student doesn't even have an option, that we're going to keep you here. [LB428]

DANIELLE CONRAD: Fair enough, Senator. [LB428]

SENATOR GROENE: I don't think their wording is very well...right word, is it? [LB428]

DANIELLE CONRAD: Well, I think that that's an excellent point. And we'd be happy to work with you to get a better, more clear word choice. But I think that you're absolutely right. We want to ensure that individuals have the option to decide whether or not to pursue their education at those relevant points. And we can't force anybody to stay in school, of course. But I think what these bills really represent is, we don't see what we used to see. We're getting better, as a society, across different school districts where somebody was pregnant, were parenting in school, and they were asked to drop out, they were pushed out. But what we are seeing, unfortunately, is that there are still these barriers that do exist. So we don't see that kind of explicit pressure, which would be unconstitutional, to push out pregnant and parenting families. But by not providing alternative coursework, by not providing assistance with navigating breastfeeding issues or childcare issues or not having...having an inflexible absence policy, that's when you start to see it kind of be more of a kind of...it's less explicit. It's more of an implicit kind of push out. And that's why the Department of Education has developed these guidances, to help schools meet their legal obligations that already exist. And we'd like to see all schools in Nebraska rise to the challenge and meet those best practices, which I know that they are doing so many good things. So it would just be a good chance to be proactive about it. [LB428]

SENATOR GROENE: So why wouldn't we just take the Department of Education's language and put it into our statute instead of...because it's very clear. I mean it's not... [LB428]

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DANIELLE CONRAD: Yeah, I think that would be one option that we could definitely look at. But we wanted to also acknowledge and respect our strong tradition for local controls, particularly amongst our schools in this state and to provide flexibility for each district to have this conversation and find out what would be the best fit for their individual environment. [LB428]

SENATOR GROENE: It's an awful lot of "shalls" in this law, not a lot of "mays." Thank you. [LB428]

DANIELLE CONRAD: Absolutely, Senator. And that's really reflective of the fact that the schools already have these existing obligations under federal law. So that's why it's rather strong language rather than permissive. [LB428]

SENATOR GROENE: Don't get me wrong, they deserve to be in school, but your shall...making a lot of policies here directing their right to be in school. [LB428]

DANIELLE CONRAD: Sure. Yeah. I think that if we can find some common ground on the fact that we do want to support these young families and ensure nobody has to make a terrible decision between pursuing their education or supporting their families, we can find the right language and the right vehicle to do that. And I know Senator Vargas is committed to as well. And we'll get as many drafts as we need to, to get everybody comfort with where we land there if there is agreement on those core values. [LB428]

SENATOR GROENE: And you made it clear that setting up just pregnancy as allowing for tutoring visits and on-line courses, probably a young person who has cancer or something... [LB428]

DANIELLE CONRAD: Right, yes. [LB428]

SENATOR GROENE: ...or some medical condition could sue the next day and say, why don't I get it also, if that policy is not in place. Right? [LB428]

DANIELLE CONRAD: That's right. I think that once you extend those kinds of options to certain students, you have to extend them to all students. But if you don't have them, you don't have them. So, again, I know that schools do work with individual students who have medical conditions to make sure they don't fall behind in their coursework. So it would really just be codifying that good work. Yeah. [LB428]

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SENATOR GROENE: Okay. Thank you. Any other questions? Thank you. [LB428]

DANIELLE CONRAD: Well, thank you so much for your time. [LB428]

BIANCA RUIZ: (Exhibit 8) Good afternoon, committee members. Thank you for giving me the opportunity to share my life experience in this hearing today. My name is Bianca Ruiz, B-i-a-n-c-a R-u-i-z, and I am a health educator working for a nonprofit organization in Omaha, Nebraska. I am also a public health student pursuing a concentration in sexuality. I am here today to support LB428. I found out I was pregnant spring of 2011, being only 15 years of age and being a sophomore in high school. I got to see firsthand where policies could be put in place to benefit many teen parents today. I gave birth to my daughter on October 31, 2011. My daughter was born with congenital microtia of the left ear, meaning she was born with one of her ears not fully developed. Having a child with a special need was something that I coped with very quickly. It was not the case for my school. Having a special needs child does not just mean more doctor appointments, but also more school absences. My daughter had cranial facial appointments, genetic appointments, and ear, nose, and throat specialists, which she needed to see on a regular basis. These are all separate from the normal check ups a baby has in their first year of life. In total I had around 29 school absences that year, including pregnancy check ups, delivery, baby check ups and special appointments. This is not including any sick days such as first trimester sickness or the flu. Having a child while in school requires flexible attendance. There were multiple times where I was told I could not miss any more days or I was going to be sent to court. How was I supposed to choose between taking my daughter to her necessary appointments and not getting in trouble at school? Most of the time I just did what I had to, hoping the school would not notice my absence. When I gave birth, I was only given two weeks for maternity leave if I had a normal delivery. It is hard to try to learn how to be a mom, learn how to breastfeed, find a day care, and try to recover, all in just two weeks before having to return to classes. Not providing sufficient time for a mother to recover is not okay. Teen mothers need to feel like they will be supported and will be pushed to be great students as well as mothers. If schools have special policies put into place to benefit teen parents to be successful in life, then we should go forth with these. By giving them flexible attendance we can help many teen moms today. I tell you my story this afternoon to help others not have to go through what I did, making them not decide between going to school, parenting, or attending to a special needs child. Thank you for the opportunity to...letting me speak this afternoon. And I'm open for questions. [LB428]

SENATOR GROENE: Questions? Thank you. [LB428]

BIANCA RUIZ: Thank you. [LB428]

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SENATOR GROENE: Thank you for your patience. [LB428]

KAITLIN REECE: (Exhibit 9) Good afternoon, Chairman Groene and members of the Education Committee. My name is Kaitlin Reece, K-a-i-t-l-i-n R-e-e-c-e, and I'm the policy coordinator for economic civility and health at Voices for Children in Nebraska. All children deserve a chance to grow up in a safe, supportive environment free from the stresses of poverty and hunger. Teen births are highly correlated with poverty and other negative outcomes including health problems, low educational attainment, and involvement in the foster care and criminal justice system, with a cost to taxpayers of \$9.4 billion in one year alone. The first step to addressing this challenge is prevention and teen births in Nebraska are the lowest they've been in a decade. In 2005, there were 1,397 babies born to teen mothers. Of these, over 70 percent were born to mothers aged 18 or 19 years old. However, we still need to ensure that teen parents are given every opportunity to succeed and have a pathway out of poverty. For many, if not all, that pathway is education. Families in which a parent has received at least an associate's degree stand to earn on average \$30,000 more each year than families in which a parent does not have a high school diploma. For families with a parent who receive a bachelor's degree, the difference is nearly \$78,000. Sadly, only 38 percent of teen mothers who give birth before age 18 obtain their high school diploma and less than 2 percent of these mothers go on to receive a college degree by age 30. Voices for Children in Nebraska supports LB428 because of its potential to help teen parents remain in school and graduate, giving these teen parents every chance to avoid a life mired in poverty. Voices for Children also supports the provision that requires the State Department of Education to develop a model policy for adoption by school districts. This requirement creates an important baseline for our state, ensuring that whether a teen parent attends school in Wisner or Omaha, they are given the same opportunities to succeed and thrive. I want to thank Senator Vargas for introducing this important piece of legislation, for the committee's attention on this long afternoon, and I'm happy to answer any questions. [LB428]

SENATOR KOLOWSKI: Any questions from senators, please. I see none. Thank you very much. [LB428]

KAITLIN REECE: Thank you. [LB428]

SENATOR KOLOWSKI: Additional proponents. Welcome. [LB428]

CHRISTINE HENNINGSEN: (Exhibit 10) Good afternoon. My name is Christine Henningsen, C-h-r-i-s-t-i-n-e H-e-n-n-i-n-g-s-e-n, and I am an attorney at UNL's Center on Children, Families, and the Law. I direct a project there called Nebraska Youth Advocates, which is focused on supporting and enhancing the practice of juvenile defense. I also worked for five years as an assistant public defender in Douglas County, primarily in juvenile court. I'm here

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today to offer testimony in support of LB428. This bill takes an important step forward in ensuring that pregnant and parenting teens have access to education and do not unnecessarily become involved in the juvenile court system. Despite federal regulations requiring schools to permit school absences that stem from pregnancy and recovery, many girls are at risk or become involved in the juvenile justice system as a result of a truancy filing. Further, there are other absences that are related to pregnancy and parenting where you cannot get a doctor's note. There's numerous prenatal visits, time necessary for bonding with their child, and also time a parent needs to take off if their child is ill or if there are complications with day care. While I was in the public defenders office, I represented young women who had cases in juvenile court that were based on absences they incurred during their pregnancy or in the weeks following the birth of their child. They were expected to return to school one week after the birth of their child, which is not adequate time for recovery or for necessary bonding with their child. One of the young women I represented was right after I had returned to work after the birth of my second child, and I had eight week's maternity leave. Returning to work one week after the birth of my child would have been unheard of. And I assure you all it would not have been pretty. It is not surprising that many young women, as a result of these policies, have chosen to drop-out of school. Not because they do not want to receive an education, but because the system makes it impossible for them to succeed. We must take these steps to support these young women and remove obstacles that make transition to motherhood a barrier to continuing their education. I have spoken with other attorneys who likewise represented young parents in juvenile court. One attorney represented a young woman who was in court due to absences incurred while she was pregnant. By the time the case was adjudicated her child had been born, but her probation was extended because she still had some absences related to childcare issues and child illnesses. Our resources are better spent helping youth identify local childcare providers and community support rather than extending the court process. Another attorney had a client who had a truancy case because she was on bed rest during her pregnancy. Again, it is a better use of our resources to provide up front education support, including in-home tutoring, rather than exhausting the resources of our juvenile justice system. The problem with how the current compulsory education laws work is that they're reactive rather than proactive. A student has to incur a certain number of absences that triggers a letter to be sent to them, which triggers a meeting to be set up where you discuss these barriers to education. Allowing this flexibility where you can do some proactive planning to help support the mother will result in better outcomes. Finally, as a working mother, I also want to express to the committee how important it was to me that I had access to lactation rooms and the flexibility in my schedule to continue breastfeeding. If a young mother wishes to breastfeed her child, the school should not stand in the way of this important practice. Thank you to Senator Vargas for bringing this important bill. And thank you for the opportunity to address you in regard to this bill. I'd be happy to answer any questions. [LB428]

SENATOR GROENE: Any questions? Senator Pansing Brooks. [LB428]

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SENATOR PANSING BROOKS: Thank you, Chairman Groene. Thank you for coming, Ms. Henningsen. I find it so aggravating that we continue to have laws that protect children and then we must go back and spell out exactly that children are required to be covered by the law, such as the right to an attorney which is a constitutional protection and this law which states clearly that the teen mothers have the right to be able to breastfeed. But, again, the children are not as likely to sue the counties, because they don't know their full rights. So I presume you share that aggravation. And I appreciate your willingness to come today. [LB428]

CHRISTINE HENNINGSEN: I completely agree with you, Senator. Thank you. [LB428]

SENATOR PANSING BROOKS: Thank you. [LB428]

SENATOR GROENE: Senator Linehan. [LB428]

SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you for being here today, appreciate it. So when you were at the...you were at Douglas County? [LB428]

CHRISTINE HENNINGSEN: Correct. [LB428]

SENATOR LINEHAN: So was it OPS? [LB428]

CHRISTINE HENNINGSEN: Primarily, OPS. Some Millard school districts, too. [LB428]

SENATOR LINEHAN: And Millard. So isn't...just not to be...it's like the more we try to fix something the more it causes problems. Weren't the truancy laws put in place to protect the children so they'd make sure they'd show up to school? And if they weren't there, the parents get in trouble. Isn't that why we have truancy laws? [LB428]

CHRISTINE HENNINGSEN: Well, the compulsory education laws...there are some criminal statutes, which...where parents can be held accountable for not bringing their children to school. There are also educational neglect cases on the child welfare side. There are also compulsory education laws that would be referred to juvenile court as a truancy filing. I believe the intent, I would hope the intent would be to keep children in school. Obviously, we want children to get an education. We want pregnant teens to get an education, everyone. The issue was sometimes with the referral process, when it was mandatory, are sent forward. But juvenile justice system was not necessarily the best arena to deal with those. You have a court filing, you wait up to a month for your first appearance. You wait up to six months for a trial on that truancy filing. You wait another month before you have a disposition hearing where you put things into practice. So I

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think the changes in the law have been put in so that we address those issues up front so they actually can work towards positive outcomes rather than waiting for a year down the line to address those barriers to attendance. [LB428]

SENATOR LINEHAN: I'm not sure I understand that answer,... [LB428]

CHRISTINE HENNINGSEN: Okay. [LB428]

SENATOR LINEHAN: ... but let me ask again. So with the truancy laws that you are dealing with in these cases were put into effect to protect the child that is now caught in this other world. Is that what you mean? I mean, it's truancy laws...why do we have truancy laws? [LB428]

CHRISTINE HENNINGSEN: I wasn't there when they first went in, but, yes, to keep kids in school, I believe was the intent. [LB428]

SENATOR LINEHAN: Okay, so this is just...and it got on a automatic course and because it's the law these girls get in trouble because they're not in school. [LB428]

CHRISTINE HENNINGSEN: Right. And there were some changes three years ago in the law, because it was at one point at 20 days absence it was an automatic referral to the county attorney. And I was part of those discussions which changed that to be more of a let's talk at the school level at what these barriers of attendance are, because what our experience was, was that the court path wasn't addressing those issues. It wasn't...it was too far down the line and really not able...the traditional probation of monitoring wasn't really addressing some of the transportation barriers or things like that that kept the child from school. [LB428]

SENATOR LINEHAN: Okay. Thank you very much for being here. I'm sorry, I know it's late. Thank you, Mr. Chairman. [LB428]

SENATOR GROENE: Any other questions? Just for clarification, we're not here for truancy law, but... [LB428]

CHRISTINE HENNINGSEN: Right. [LB428]

SENATOR GROENE: ...one attorney represented a young woman who was in court due to the absence incurred while she was pregnant. By the time the case was adjudicated, her child had

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been born but her probation...the case is brought against the child or against the parents?
[LB428]

CHRISTINE HENNINGSEN: Against the parenting teen. [LB428]

SENATOR GROENE: No. In a truancy law, is the case brought against...I think Senator Linehan was trying to get that. Is the case brought against the parents or the student? [LB428]

CHRISTINE HENNINGSEN: The student. In juvenile court, in the student. There are some criminal misdemeanors that could go through county court that would address parents. [LB428]

SENATOR GROENE: So smaller children, it's the parents? [LB428]

CHRISTINE HENNINGSEN: Well, it's really prosecutor's discretion. Sometimes if they want to bring a criminal case against a parent or they can also choose to proceed against the child in juvenile court. [LB428]

SENATOR GROENE: Thank you. Any other questions? Senator Pansing Brooks. [LB428]

SENATOR PANSING BROOKS: Thank you, Senator Groene. I think part of the reason that that changed, some of the laws changed on that was because the schools were trying to get the courts to handle something like truancy, which then put it into the juvenile justice system. And that's part of the problem that we have with the overcrowding, because the most direct path for children that are in the juvenile justice system is...it's direct and straight to adult prison and has to do with the overcrowding that we've got. So we have gone...we've taken schoolyard fights and truanancies and made them criminal activities. Is that correct? [LB428]

CHRISTINE HENNINGSEN: Yes, definitely. The school to prison pipeline has been a relevant conversation and thus far to a lot of policy changes across the nation. I will say, there are a lot of schools are doing a lot of good things. And a lot of people coming to the table now, so that we can better address those issues rather than criminalizing youth and sending them on a trajectory of...with many collateral consequences and unintended consequences as a result of their juvenile court involvement. [LB428]

SENATOR PANSING BROOKS: Thank you. [LB428]

SENATOR GROENE: Thank you. [LB428]

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CHRISTINE HENNINGSEN: Thank you. [LB428]

SENATOR GROENE: Any other questions? Thank you. [LB428]

CHRISTINE HENNINGSEN: Thank you. [LB428]

DEILA STEINER: I'm Dr. Deila Steiner and it's D-e-i-l-a, Steiner, S-t-e-i-n-e-r. I'm here on my own. I'm a retired school administrator from Lincoln Public Schools and I was one of the many that started the Student Child Learning Centers and the Student-Parent Program along with Dr. Ann Irvine. You all need to have a baby in your arms right now, you look extremely tired. So my purpose was not to come to testify at all and, therefore, I have no written documents to put in front of you. My purpose was to come and hear what was happening in the area of student parents, having spent 25 years and more supporting them. I have some language changes that I would recommend, but I would work with Senator Vargas and the others to bring some of that language change. When I see Section 2 and 3...when I see Section 3 it says, the policy shall require districts to...and then number (1), my recommendation would be to shorten that and say, due to pregnancy--because they're developing a policy--the policy shall require districts to...for student absences due to pregnancy and procedures to return to school to fully participate in a high quality education. That would then allow the districts to include in that policy references to other policies. Sometimes we get too specific when we're doing this type of presentation I believe. And (2), I would just change that to say, as deemed necessary and appropriate, because many, many student parents do not need additional supports. So we wouldn't want the policy to say that they had to do everything. And I do see an absence...this is written to cover the mother. When I worked with the families, the student parents, we developed programs for fathers and mothers and how to hold that family together so they had quality family and not segregated pieces. And the grandparents of the babe, then are a vital component of that. So how that gets addressed in here, it's a very complicated, complex dynamic that I think we're trying to simplify in something. And I would welcome the opportunity to provide my historical information if anybody wants it. And so there are some other editorial pieces. But I strongly support having consistency. I think that's what Senator Vargas said in the introduction was, consistency across the state in addressing our student parents. But when we say student parents, we have fathers. And fathers are vital to the health of the family. And I would like to see some stronger language in that. In addition to what's written here for policies and some editing pieces, I would add a (5) under the policy part. I would recommend changing number (4), first of all, that we just have in the...require the districts to have in their policy identify quality local childcare providers as needed to remove barriers to experience school. We don't need to...many times it's the grandparent that's taking care of the child or the father. As a couple of the young women said, the fathers of the babes were out of school, working those schedules just like Dr. Rauner mentioned that he and his wife did some shuffling back and forth. And then I would add a number (5) to have them identify procedures--the districts--to identify procedures to educate the

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parent...the student parents and the parents of the student parents--it's the grandparent--of the babe in their legal rights and responsibilities, because it is a very murky area when you talk about the student parent, who is 14, 15, 16 years old who is now...are they an adult and a family of themselves or are they still under the responsibility of their parent and such simple things as-- which aren't simple--are they eligible under their parents for free and reduced lunch if they're eligible for that or are they a family in and of themselves? So some of those legal rights and responsibilities I think need to be addressed. And I thank you for your time. You may not share the passion that some of us do for the care of student parents, but it is a family issue. And Senator, you had asked the question earlier about how do you...how did you pay for it, you asked Ms. Craig, Denise Craig, how is that? It's a complex money piece and having put those pieces together, I can certainly spend time with you explaining that individually. Thank you. Thank you, Senators. [LB428]

SENATOR GROENE: Thank you. Questions from the committee? I'm sure you're going to visit with Senator Vargas on your ideas. [LB428]

DEILA STEINER: I'd be happy to do that if he wants it, so thank you. [LB428]

SENATOR GROENE: Any other proponents? [LB428]

SARAH ANN KOTCHIAN: (Exhibits 11-14) Good evening, Chairman Groene and members of the Education Committee. My name is Sarah Ann Kotchian, S-a-r-a-h A-n-n K-o-t-c-h-i-a-n, and I know it is late and I appreciate your time very much and the opportunity to be here today. I am here, again, in support of LB428 on behalf of the Holland Children's Movement, early childhood services, and the Nebraska Child Health and Education Alliance. And we would like to again thank and commend Senator Vargas for the introduction of this bill. The Holland Children's Movement and our sister organization, The Holland Children's Institute recently released a report that's being passed around, with research commissioned from the University of Nebraska College of Public Health entitled, "Future Unknown: The Outlook of Teen Pregnancy in Nebraska". The report is a review of the social and economic cost and consequences of teen pregnancy, including recommendations to reduce teen pregnancy and support young parents as they work for their future. Some key findings from the report include the following: In Nebraska more babies are born to non-Hispanic white teen moms than any other racial cohort combined. Many of the counties reporting the highest teen birth rates are categorized as rural. Only about 50 percent of teen mothers receive a high school diploma by 22 years of age versus approximately 90 percent of women who had not given birth during adolescence. Youth in foster care and youths that are homeless are at an increased risk of teen pregnancy and require a high level of services for pregnancy prevention and parenting support. And one of the challenges in issuing a report like this with recommendations to prevent teen pregnancy is the underlying

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critical importance of also recognizing and supporting pregnant and parenting students like the proposals we are hearing today in LB428. So with regard to ongoing supports to ensure the success of student parents and their children we would strongly recommend that as the Nebraska Department of Education would move forward to develop a model policy for school districts that they would include the utilization of their existing program in partnership with the Nebraska Department of Health and Human Services, called Step Up to Quality to support school districts and student parents to identify local childcare providers that are of known rated quality. They also have the existing resources to assist in the identification of quality childcare as well as a full licensing list of all childcare programs in Nebraska. Statistically, the children of teen moms often perform poorly in school, have cognitive delays, are recipients of free and reduced lunch programs, perform poorly on early childhood development indicators, have poor social skills, become high school drop outs and repeat the cycle of teen parenthood when compared to children from nonteen mothers. Our best efforts to overcome these statistics include supporting access to quality early childhood parent education. And with that, I would close and ask for your advancement of LB428 to General File. And again thank you for your time and consideration of these important intergenerational issues today. [LB428]

SENATOR GROENE: Thank you. Any questions from the committee? Thank you for waiting. [LB428]

SARAH ANN KOTCHIAN: Thank you. [LB428]

SENATOR GROENE: (Exhibits 15 to 19) I have here letters from...in support of...my assumption is proponents are...any more proponents? Proponents? In support of LB428: Nebraska Appleseed; a letter from Nebraska School Nurses Association, a letter from Women's Fund of Omaha; and from two earlier testifiers who left their testimony for LB428 also. We'll introduce their testimony as letters of support: Denise Craig speaking in support of LB428; and also the Latino American Commission in support of LB428. Opponents. Neutral. I thought sure the Department of Education would be here, but they're not going to touch this. I guess we're done with the hearing. We're going to...closing by Senator Vargas. [LB428]

SENATOR VARGAS: Thank you to the committee. Thank you, Chairperson Groene. I know this has been a long day and I know you've heard a lot of testimony on both these bills, specifically LB428. I do want to thank you. The only thing I'll add for my closing is just reiterating the importance of this step towards ensuring that all students in all of our schools are receiving the support they need to succeed, both in the classroom and throughout their lives for themselves and for their children. Inconsistencies continue to exist. And I believe that as senators and people that represent our constituencies, there are times where we are elevating a standard while also providing autonomy to our school districts to do what's right for their kids and providing

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guidance from what we see as experts at the State Board of Education. And also empowering student mothers to be able to make informed decisions with their families and themselves and fathers. And I do want to thank you and welcome any changes, ways to make this work, because I know there were questions about different absence policies, the medical, the note requirement in making sure that we're providing the same services to other individuals if we were to provide it to student parents. I do want to thank you and hopefully this goes beyond the committee and goes to the body. And I welcome any additional questions after this I'd be able to answer for you to be able to make a decision on this bill. So thank you very much. [LB428]

SENATOR GROENE: Thank you. Any comments? Thank you, Senator Vargas. [LB428]

SENATOR VARGAS: Thank you all for staying so late. [LB428]

SENATOR GROENE: I have a whole new respect for motherhood again. And I appreciate their choices. We are done. We are adjourned. [LB428]