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Transcriber's Office

Education Committee  
February 13, 2017

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[LB608 CONFIRMATION]

The Committee on Education met at 1:30 p.m. on Monday, February 13, 2017, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB608, and gubernatorial appointments to the Technical Advisory Committee on Statewide Assessment and the Coordinating Commission for Postsecondary Education. 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. My name is Mike Groene. Please shut off your phones...

CHUCK HUBKA: That's your call-in reappointment person.

SENATOR GROENE: or that's...we'll take that one. My name is Mike Groene from Legislative District 42, I serve as chair of this committee. The committee will take up the bill...well, we'll have two appointments first, then we'll have one bill today. Our hearing today is your public part of the legislative process, this is your opportunity to express your position on the proposed legislation or the appointments before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off cellphones and other electronic devices. Move to the chairs at the front of the room when you are ready to testify so we can keep it moving, as an opening in one of the front rows move forward so we can have somebody in the testifying seat as quickly as possible. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks by the introducer of the bill. If you will testify, please complete the green sheet in the back corners, form in hand to the committee clerk when you come up to testify. If you have written material that you would like distributed to the committee, please hand them to the pages to my far right. When you begin to testify, please state and spell your name for the record. Try to remember to state and spell your name for the record, that is for the transcribers. Everything is recorded and they transcribe it into written documents for historical reasons. We need 12 copies of the material if you plan to hand it out. Let's see, I jumped back. We're going to go three minutes today because there's going to be a lot of testifiers. So the green light will be on for two minutes, the yellow will be one minute, and red then wrap up your comments. You might be asked questions by the committee, so stay in the chair until anybody, any senator, has a chance to ask you a question. The committee members with us today will introduce themselves beginning at my far right.

SENATOR LINEHAN: Good afternoon, I'm Lou Ann Linehan, senator from District 39: western Douglas County.

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SENATOR GROENE: Senator Pansing Brooks, I believe she's going to be joining us, but she's absent at the moment.

SENATOR KOLOWSKI: Senator Rick Kolowski, District 31: southwest Omaha.

SENATOR EBKE: Laura Ebke, District 32: Jefferson, Thayer, Fillmore, and Saline County, and the southwest portion of Lancaster County.

SENATOR MORFELD: Adam Morfeld, District 46: northeast Lincoln.

SENATOR ERDMAN: Steve Erdman, District 47: 10 counties in the Nebraska Panhandle.

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

SENATOR GROENE: I will introduce committee staff. To my far right is clerk Kristina McGovern, give any information you have to her and the green sheets that you have, that you filled out. To my left is Charles Garman, a committee clerk (sic:legal counsel) that's handling the bills today. And to my far right are the two pages, Alexi Richmond and Sam Baird. I think they're still attending the University of Nebraska, they haven't told me anything since then. Please remember that senators may 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 electronically-equipped committee. And information provided electronically, as well as in the paper form, therefore you may see committee members referencing information. I might be texting back to my office for information so I can ask accurate questions. Be assured that your presence here today and your testimony are important to us and is critical to our state government. We will begin by a couple of appointments by the governor to committees and commissions. Do we have Mr. Buckendahl on the phone? [CONFIRMATION]

CHAD BUCKENDAHL: This is Chad. I'm here, Senator. [CONFIRMATION]

SENATOR GROENE: Thank you. This is a reappointment to the Technical Advisory Committee on Statewide Assessment. We have...it's supposed to be three experts on this on certain information and they're out of state, a lot of them. But Mr. Buckendahl is a Nebraskan, Ph.D. from the University of Nebraska. Straighten me out, Chad, if I say something wrong here. He now lives in Las Vegas and he is presently a founding partner in ASC Ventures LLC. Responsibilities: develop and manage business, provide evaluations, quality assurance,

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operational support policy, and research for assessment programs and education credentiality. Would you like to address the committee on your qualifications and why you want to be reappointed to this commission? [CONFIRMATION]

CHAD BUCKENDAHL: (Exhibit 1) Thank you, Senator Groene, yes. Members of the committee, I appreciate the opportunity to be nominated again and appointed to the Technical Advisory Committee for Assessment and Accountability for Nebraska. My background is, as the senator mentioned, in an area called psychometrics, which is a combination of psychology and statistics. And I've worked for the last about 20 years or so in the areas of education, educational assessment--anywhere from pre-k through higher education and also in credentialing. The experiences that kind of lend itself specifically to this committee is I work with a number of state departments of education, I've done some work with the U.S. Department of Education, and worked with educational testing programs in a couple of countries internationally as well. And so what we're asked to do as members of the Technical Advisory Committee is provide input predominantly on quality assurance and making sure that student assessments from the accountability systems of Nebraska are consistent with professional standards in testing, as well as meeting best practices. [CONFIRMATION]

SENATOR GROENE: Thank you. Does anybody on the committee have a question for Mr. Buckendahl? Well, you've got a track record of being on the committee, so I think you're going to sail on home free here when we exec on it. Is anybody...is there any proponents for Mr. Buckendahl's appointment? Any opponents? Anybody in the neutral position? Thank you, Mr. Buckendahl, for your time. I guess you've had your hearing. [CONFIRMATION]

CHAD BUCKENDAHL: Thank you, Senator. Thank you, committee members.  
[CONFIRMATION]

SENATOR GROENE: Next gubernatorial appointment is to the Coordinating Commission for Postsecondary Education, Gwenn Aspen. I know Gwenn, I've met her before. I didn't have a chance to look into your qualifications, so Gwenn, I'm going to let you tell us why you should be on this commission. [CONFIRMATION]

GWENN ASPEN: (Exhibit 1) Well, hello, everyone. Thank you for having me today. My qualifications, well, I'm a business owner in Omaha. I'm very passionate about education, the reason being is that I'm passionate about the American Dream and that no matter where you come from or who your family is or what zip code you grew up in that you have the opportunity to live your best life. And so I feel like the Postsecondary Commission does its part to ensure that that happens in Nebraska. The commission helps administer some of the grant programs in the state, ensures that the programming...if you get a degree in the state that it's high-quality

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programming, and also ensures that with for-profit universities that they are financially secure enough to continue working and not leaving students hanging. So lots of fun stuff. I've really enjoyed my time on it so far. [CONFIRMATION]

SENATOR GROENE: So you're being reappointed? [CONFIRMATION]

GWENN ASPEN: No, I've been on it for a few months, but this would be my first. Yeah. [CONFIRMATION]

SENATOR GROENE: That's what I thought, yeah. We just haven't had a chance because we weren't in session, to be able to confirm you. I thought so. Is that...anything else? Any questions from the committee? So what do you believe is the biggest challenge we need to address and coordinate in between the community colleges, the public schools, and the university system? [CONFIRMATION]

GWENN ASPEN: Well, affordability of course is always going to be an issue. And so we just have to make sure that we're utilizing financial resources in an effective way in the state. High-quality programming is not really an issue, I think we have a lot of high-quality programming here. But just ensuring that the degrees hold water when you leave the university and the expectations of what you're going to be able to do afterwards are similar with the degree and those kinds of things. [CONFIRMATION]

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

SENATOR KOLOWSKI: Thank you, sir. Mrs. Aspen, what is your business in Omaha, you said? [CONFIRMATION]

GWENN ASPEN: It is in Omaha. So my husband and I own a property management company and we also do back end support for other property management companies. [CONFIRMATION]

SENATOR KOLOWSKI: Thank you. (Inaudible) thank you. [CONFIRMATION]

SENATOR GROENE: Anybody else? Thank you, Mrs. Aspen. [CONFIRMATION]

GWENN ASPEN: Thank you for your time. [CONFIRMATION]

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SENATOR GROENE: Proponents? You can leave. [CONFIRMATION]

GWENN ASPEN: Oh, I can leave. [CONFIRMATION]

SENATOR GROENE: You don't have to close on your own appointment. Opponents? Anybody in the neutral? Thank you, Mrs. Aspen. We'll be execing on these in the near future to confirm the appointments. So that ends the appointments. And now we will go to LB608 and Senator Linehan will introduce her bill. [CONFIRMATION]

SENATOR LINEHAN: (Exhibit 1, 2, 3, 4) I've got lots of handouts here. Good afternoon. [LB608]

SENATOR GROENE: Do you want to give the... [LB608]

SENATOR LINEHAN: Yeah, let me. No, I'm sorry. Here's one more. So the things I'm having her...asking her to hand out...first of all, I should start. Good afternoon, I'm Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n. Thank you for letting me introduce or discuss LB608 today. I am providing for the committee three different things. One is the Public Education Finances report, which is the most current data from the U.S. Census Bureau, which was issued in June 2016, which compares spending across all 50 states. The second is an article by EdChoice that talks about school choice across the nation. And finally, I am handing out a list of the Nebraska public schools that this legislation affects, and only these schools. And finally...I'm sorry, that wasn't finally, an amendment which I will explain in my opening statement. As a product of Nebraska public schools and a parent who sent each of my children to a public school in Nebraska and a grandmother, two children, in public school today, I support a strong public education system. A strong public schools are the bedrock of our society and crucial to our economy. However, not every parent in Nebraska is as fortunate as I have been in accessing high-performing schools. That's why I'm introducing LB608, the Parental Choice Scholarship Program. Years ago, Nebraska embraced school choice by giving families the ability to opt-in to a different school from which their child was zoned, including schools outside their home district. Thousands of Nebraskans take advantage of this opportunity, today a choice fully-funded by Nebraska taxpayers through the TEEOSA formula. However, for many low-income families that choice is limited or nonexistent. High-performing public schools are at capacity or inaccessible due to location. In my Legislative District, which fully encompasses Elkhorn Public Schools, for the 2016-2017 school year 87 students attempted to enroll using open enrollment from outside the district, but only 13 seats were available. There was not a single available seat in any middle or high school in Elkhorn open for enrollment. The Elkhorn Public Schools have been closed to option enrollment since 1994, their growth simply prohibits open enrollment. Higher performing schools in OPS were also unable to meet open enrollment demands. Nearly half of all the

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freshman students wanting to enroll at Omaha Central High School, but zoned to another OPS school, were turned away last year. Less than 50 percent of the students attempting to opt-in to Dundee Elementary and none of the students attempting to opt-in to Saddlebrook Elementary in west Omaha were successful, due to a lack of capacity at those schools. Clearly there are more students and parents wanting better options than are currently afforded to them by open or option enrollment. Consequently, to say that choices are currently limited to you income or zip code is disingenuous. If you are a parent with a child zoned to Nathan Hale, your chances of obtaining a spot at Alice Buffett Middle School is extremely limited. No one tried to opt-in to Nathan Hale, where the most recent math and reading proficiency rates, according to NAEP, is 8 percent. For far too many, however, this is their only option. Of Nebraska's 87 "needs improvement schools," 28 are located in OPS. According to the Schott Foundation for Public Education, Nebraska's male...excuse me, Nebraska's black male graduation rate is 50 percent, the second lowest in the country. These two facts are connected and the cost to Nebraska is staggering. Too often we hear that these schools are failing because of the kids and parents zoned to them. However, at 2205 Binney Street in north Omaha sits Sacred Heart School, where 93 percent of the student body qualifies for free or reduced lunch and 88 percent of the students are non-Catholic. For the last decade, 100 percent of eighth graders graduating from Sacred Heart have gone on to graduate from high school. Also located in north Omaha is Jesuit Academy, where 98 percent of the eighth graders go on to graduate from high school. Of the 10 district elementary schools nearest to Sacred Heart and Jesuit Academy, the highest proficiency rate, according to NAEP, is 27 percent. The highest NeSA proficiency rate is 63 percent. The lowest proficiency rate, according to NAEP, is 7 percent. The lowest NeSA proficiency rate is 30 percent. In south Omaha, St. Peter and Paul School, the student population grew by 28 percent between 2014-2015 and the 2015-2016 year. Their student population is 85 percent Latino. St. Thomas Moore and Holy Cross, also in south Omaha, saw similar gains. Many of these students are able to attend due to scholarship programs, but current requests for assistance by low-income families wanting these options exceeds the charitable contributions. Again, according to the Schott Foundation for Public Education, Nebraska's black male graduation rate is 50 percent, the second-lowest in the country. This is a crisis. We are not only talking about whether or not some of these students graduate ready for college or career. For many, this is an issue of life or death. We all know that too many high school dropouts end up in prison, we must do better. Nebraskans are committed to K-12 education, spending almost \$4 billion annually, which amounts to more than \$2,000 for every person living in Nebraska--nearly \$12,000 per student enrolled in public K-12 education. The often quoted Nebraska ranks 49th in the country in spending, which we hear again and again, is misleading to the point of being disingenuous. In fiscal year 2014, when looking at total per pupil spending, only 16 states spent more than Nebraska according to the U.S. Census Bureau, which I have provided for you today. The majority of states who spend more are located where the cost of living is much higher. Nebraskans spend more money per pupil than Minnesota, Ohio, West Virginia, Wisconsin, Michigan, Montana, Virginia, Louisiana, Iowa, Washington, Kansas, Oregon, Missouri, New Mexico, South Carolina, Arkansas, California,

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Indiana, Kentucky, Georgia, Alabama, Colorado, South Dakota, Florida, Tennessee, Texas, North Carolina, Nevada, Mississippi, Oklahoma, Arizona, Idaho, and Utah. We know, and I know you all know, that no resource is as precious as a child's future and nothing matters more to the future prosperity of our state than a well-educated citizenry. We cannot wait any longer to provide options to parents whose children are zoned to schools that are not hitting the mark. Believing in public education should not and cannot equate to defending every building without regard for student outcomes. LB608 provides families zoned to the lowest performing schools in the state another options, options already available to middle class and affluent families. The state is responsible for identifying, as you know, the lowest performing schools. These schools have both low rates of proficiency and negative growth. Currently, according to Nebraska Department of Education, 87 schools in Nebraska fall into this category. LB608 applies only to students zoned to these schools. These students would be able to take the option enrollment funding they could otherwise take to another district to an approved or accredited private school. I'm going to shorten this up because...so I hope you all understand that. So if you're in OPS now and you opt-in to Westside, the state part of the TEEOSA formula sends Westside money. So this would work the same way. And I...we had some trouble with the amendment, but the one I handed out today should read that way. LB608 has a potential of saving tax dollars. Currently, the TEEOSA formula provides \$9,200 to a school for a child who opts-in to their school. My legislation would limit the amount for each child to the actual cost of educating the child, in many cases considerably less than \$9,200. Any funding saved would be placed in the Property Tax Relief Fund. The purpose of this bill is to expand high-quality school options for families who are least likely to have them today and for the children most in need of them now. This legislation would empower families without increasing costs to taxpayers. I'm happy to answer any questions.  
[LB608]

SENATOR GROENE: Any questions from the committee? Senator Morfeld. [LB608]

SENATOR MORFELD: Thank you, Senator Groene. You know, one of my concerns with this legislation right off the bat is the constitutional provision that we have, which you may have seen it before. I'll just read it for the record, it's pretty brief. Article VII Section 1, "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years. The Legislature may provide for the education of other persons in education institutions owned and controlled by the state or a political subdivision thereof." So I guess my question is fairly simple. I mean, do you think that this could potentially run afoul of our constitutional provisions here? [LB608]

SENATOR LINEHAN: No, it's been tested in courts in other states and I don't think we'll have a problem. In Nebraska now we have Creighton University, they get federal money, I'm not sure if they get state money. We have many of the programs that allow funding for education have gone

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to private schools and have for years. I mean, the courts have already decided this is not a problem with church and state. [LB608]

SENATOR MORFELD: In other states. But not... [LB608]

SENATOR LINEHAN: Well, they've decided federally. [LB608]

SENATOR MORFELD: Federally? [LB608]

SENATOR LINEHAN: Right. Which would, as you know, preempt the federal laws. If the courts have decided that it's not unconstitutional at the federal level. [LB608]

SENATOR MORFELD: Well, I, as an attorney, would disagree with you in the sense that if they're interpreting whether federal funding can go to a state or a private institution within a state, that's different than whether or not...our state constitution is interpreted by the courts to allow state funding. It's two separate things. [LB608]

SENATOR LINEHAN: I'm sorry, I misspoke. I'm not a lawyer, so you have me on that. But my understanding is the courts have decided that the money doesn't belong to the states, it belongs to the taxpayers, and therefore belongs to the student. So if the money is seen as the student's money, which it is, basically. It's the same as I said, if you opt-in to Westside or you opt-in to Millard...sorry, I don't know Lincoln well enough to know where they opt-in here. [LB608]

SENATOR MORFELD: Certainly. Probably Pius or something. [LB608]

SENATOR LINEHAN: But the money follows the kid. So it's the same, it's the child's money. [LB608]

SENATOR MORFELD: Yeah, and you know, one of the things that I know of the Opportunity Grand Fund, which we have for Opportunity Grant scholarships, postsecondary education, and I think they administer that. That actually technically I guess goes to the student and then goes to the university or educational institution. I'm just concerned that this would run afoul of our state constitution, which I don't think has been litigated yet, because obviously these institutions wouldn't be controlled by the state or a public political subdivision. [LB608]

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SENATOR LINEHAN: But they are accredited by the Nebraska Department of Education, they'd have to...any school that would be eligible under this program would have to be accredited by the Nebraska Department of Education. [LB608]

SENATOR MORFELD: Okay. [LB608]

SENATOR LINEHAN: If they weren't, they couldn't be part of the program. [LB608]

SENATOR MORFELD: Okay. Yeah, I just again... [LB608]

SENATOR LINEHAN: No, it's a good question. I think it's very good. [LB608]

SENATOR MORFELD: Yeah. I just want to state for the record that this area has not been litigated in our state as far as I can tell. And I do have concerns that it would run afoul of that constitutional provision. But obviously we would have to have a lawsuit and see where that went. So okay. [LB608]

SENATOR LINEHAN: Okay, thank you very much. [LB608]

SENATOR MORFELD: Okay, thank you, Senator. [LB608]

SENATOR LINEHAN: Uh-huh. [LB608]

SENATOR GROENE: Senator Kolowski. [LB608]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator, let me understand the selection process again. The poorest identified schools in X number of districts are the ones that would qualify? [LB608]

SENATOR LINEHAN: Yes, sir, Senator. [LB608]

SENATOR KOLOWSKI: And would that be under the number, the number would be from the State Department of Education, it comes from them? [LB608]

SENATOR LINEHAN: Yes. [LB608]

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SENATOR KOLOWSKI: And they only identify three a year right now, is that correct? [LB608]

SENATOR LINEHAN: Well, unfortunately they only are helping three. They actually identified 87, but because of the legislation, and I don't know, I wasn't here then, but even though there are 87 schools identified, they've only...I'm sorry, the word escapes me, but they're only able to actually intervene in three of them right now. Which is part of the problem, obviously. [LB608]

SENATOR KOLOWSKI: So the others would not be--of the 87--would not be eligible for this possible transfer or just those three? [LB608]

SENATOR LINEHAN: No, they would be. All 87 schools would be...excuse me, not the schools, the children. All the children zoned to those 87 schools, as they do now, they have option enrollment available to them. But the problem, as I tried to say in opening statement is, they're either too far away or there are no seats available. OPS has, as we know, it's hard to get into Central. It's very hard to get into Alice Buffett. So there are schools, Nathan Hale, you could opt-in to Alice Buffett if there's seats. The problem is there's no seats. So what I'm trying to do is give them another option. [LB608]

SENATOR KOLOWSKI: And how long has the State Department been identifying those schools, those 87? [LB608]

SENATOR LINEHAN: Well, as you will recall I'm sure, because of your past and your experience in education, there was quite a battle over schools and stars and we had AQuESTT. So the first AQuESTT identifying came out I think in December of last year. [LB608]

SENATOR KOLOWSKI: So just a year ago. And there's no waiting period to give the district a chance to work on those schools as they're identified by the State Department of Education? [LB608]

SENATOR LINEHAN: Remember these schools are not just...this is not a matter of just low test scores, this is a matter of lack of improvement. So I realize that it sounds harsh not to give the schools a chance to improve, but a kid, every year they don't have a chance for a good school is a year they don't get back. So I don't think it's fair to the families and children zoned to those schools that we wouldn't allow them another opportunity that we allow their next door neighbor who got lucky because there was a seat available. We would keep them in that school if they had the wherewithal to opt-in to a different school. [LB608]

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SENATOR KOLOWSKI: But I'm putting my emphasis on the district and their board of education, their superintendent, and his people or her people that they work with to put a plan together to improve each of those schools. There's no wait time, two years, three years. [LB608]

SENATOR LINEHAN: Well, we've had a year, sir. We've had a year and to my knowledge none of them have come out and said they're no longer in that category. It's been over a year, it's been 14 months. [LB608]

SENATOR KOLOWSKI: Okay, thank you. [LB608]

SENATOR LINEHAN: You're welcome. [LB608]

SENATOR GROENE: Senator Erdman. [LB608]

SENATOR ERDMAN: Thank you, Senator Groene. Senator Linehan, thank you for bringing this and being concerned about education for our pupils. This document you gave us that have the schools' names on it, are those the ones that are considered need improvement? [LB608]

SENATOR LINEHAN: They are. [LB608]

SENATOR ERDMAN: I went through that list and underlined three to my surprise that are in my district. [LB608]

SENATOR LINEHAN: And I'm not...anyway, yes. They're all over the state, they're not in Omaha. I spoke to Omaha because that's where I raised my family, that's where my grandkids are, and that's what I know. But I am aware that scattered across the state we have schools that, you know, are struggling. [LB608]

SENATOR ERDMAN: I understand. My question is, so I understand the bill correctly, if a student from we'll say my school is wanting to opt-out and then my school improves and they become up to par, then that voucher will not work for that student anymore after that. Is that correct? [LB608]

SENATOR LINEHAN: For that particular student, it would. With the idea that it's not very fair to put a first grader in school and then make him go to a different school in the fourth grade. But no other students zoned to that school henceforth would be able to use that option. So if you were...if you'd already used it, we would let you stay in that school. But if the school...and

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hopefully, I mean, that's part of the reason for the legislation: get schools to improve. So the school gets out of that category then students in that school would no longer be eligible for the voucher. [LB608]

SENATOR ERDMAN: Well, I think you've identified a problem. I was looking at some information about graduation rates and those kind of things that I seen. Over the weekend I looked at some information, trying to prepare myself for this bill, and one of the things that was troubling to me was 70 percent of all high school graduates that attend community colleges are deficient in math and they need remedial math to move on to go to college. And we have a high graduation rate in the state, but I don't know whether that's because we have low standards to graduate. I'm trying to figure out why that is. [LB608]

SENATOR LINEHAN: I think it is the people I've talked to at community colleges, and they do wonderful work and I think our community colleges are very important part of our education options in the state of Nebraska, but it's very discouraging what they have told me. It's very discouraging if you graduate from high school and you enter community college and your first two courses are remedial math and remedial English. It hurts the completion rate and costs the kids money, and it's like we're paying for it twice. We pay for them to learn in high school and then we turn around and we subsidize and they have to pay tuition to learn in community college. It's a problem. [LB608]

SENATOR ERDMAN: So the goal of this bill is to get the schools teaching the kids correctly so they don't have to do that? [LB608]

SENATOR LINEHAN: We would hope so, yes. [LB608]

SENATOR ERDMAN: Yeah, thank you. [LB608]

SENATOR GROENE: Senator Morfeld. [LB608]

SENATOR MORFELD: So as I understand the bill, what will happen is the funding that would go to that student or that school, the \$9,000 or so...is that what you said? [LB608]

SENATOR LINEHAN: \$9,200. [LB608]

SENATOR MORFELD: \$9,200. So 75 percent of that would go to the private school, would follow the student? I'm sorry. [LB608]

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SENATOR LINEHAN: What I tried to do, it wouldn't be more than what it costs to educate the child. [LB608]

SENATOR MORFELD: In the public school system. [LB608]

SENATOR LINEHAN: No, in the private school. [LB608]

SENATOR MORFELD: In the private school, okay. [LB608]

SENATOR LINEHAN: So many of the private schools are subsidized by the church, so a lot of the...what I know most...and I don't have a child in a parochial school, but my understanding it's around \$2,000, some are \$800, \$1,000, depending on where the school is. But it clearly costs more than that, the church is just picking it up. So this is to cover the cost, which my information is would be around \$6,000 on average. So that would leave \$3,200 which would go then into a property tax relief fund. [LB608]

SENATOR MORFELD: Okay. [LB608]

SENATOR LINEHAN: Costs the state the same. [LB608]

SENATOR MORFELD: Okay. So the private school would only be getting 75 percent of that, but with the expectation that they're already subsidizing a little bit to begin with. [LB608]

SENATOR LINEHAN: Well, actually that is what they...private schools, and there's multiple reasons for this, private schools have a...cost less per pupil in private schools, generally speaking, than in public schools. [LB608]

SENATOR MORFELD: Okay, okay. And are these private schools, in terms of accountability, are these private schools going to be required to submit the same information to the Department of Education for AQuESTT and other measurements that we... [LB608]

SENATOR LINEHAN: They don't...I don't think...I think there is, and this is we'd have to ask the Department of Ed, I don't think that parochial schools take the NeSA tests, but they take...I'm pretty sure when it comes to ACT test and the NAEP test, all those scores are turned in to the Department of Ed. [LB608]

SENATOR MORFELD: Okay, okay. [LB608]

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SENATOR LINEHAN: So the Department of Ed has a pretty good handle on what's going on in the parochial schools. I think if there were problems there they would... [LB608]

SENATOR MORFELD: I mean, my one concern, sorry to interrupt. [LB608]

SENATOR LINEHAN: That's okay. [LB608]

SENATOR MORFELD: My one concern is if we're not subjecting the private schools to the same standards that what we're doing is we're taking a student from a public school, which maybe is underperforming, maybe not. I think there's a lot of reasons why comparatively some of these schools are underperforming. I don't necessarily think it's just because of the school or the staff. We're taking them from an underperforming school and then we're putting them into another school, which we have no clue whether or not they're performing any better or they're doing any better because they're not subjected to the same standards for accountability as the public school system. [LB608]

SENATOR LINEHAN: Well, again, this would be the expertise of the Department of Education. But they are subjected to standards. And again, this is a parental choice, so I don't see a lot of parents taking their children to a school if they're going to the trouble of opting-out to the one next door that they wouldn't do some due diligence about the school and its performance. [LB608]

SENATOR MORFELD: Well, my concern is the taxpayer dollars. And so I'm concerned about number one, the student; but then second, if we're going to be transferring taxpayer dollars to a private entity, I want to make sure that they're abiding by the same accountability standards that even our public school system. Because for me, I'm not just concerned about kids that are going to public schools in the state of Nebraska, I'm concerned about all children. And so I want to make sure that all of our children, particularly children that we're putting public dollars toward in private institutions are following and living up to the same standards as all the public institutions that receive those dollars. That's my concern. [LB608]

SENATOR LINEHAN: Again, courts have found that it's the child's money. It's taxpayers' money, it goes with the child, which we already accept widely by letting people pick different schools to send their children to. And as far as I don't have...I'm just going to defer to the Department of Ed. [LB608]

SENATOR MORFELD: Okay. [LB608]

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SENATOR LINEHAN: I know they have...the Department of Education of the state of Nebraska is the Department of Education for all schools in Nebraska, parochial and public, it's not just for public schools. They oversee all the schools in the state. [LB608]

SENATOR MORFELD: Yeah, and you know, to be honest with you, Senator, I don't know what kind of oversight they specifically have over private schools either. So I'll be interested to hear what kind of... [LB608]

SENATOR LINEHAN: I'm pretty sure they're here today. [LB608]

SENATOR MORFELD: Okay, good. Well, I hope they come up. Yeah, it looks like it. Okay, that's all I have for now. Thank you, Senator. [LB608]

SENATOR LINEHAN: Thank you very much. [LB608]

SENATOR GROENE: Senator Pansing Brooks. [LB608]

SENATOR PANSING BROOKS: Thank you. Thank you, Senator Linehan, I just have a couple questions. First off, part of what you stated was that you're concerned about the schools that are underperforming and giving an option for the kids to go to some place where a school is performing better, right? And so I'm confused about how taking money away from a school that is having trouble would help the situation any. Does it just further punish...? [LB608]

SENATOR LINEHAN: Okay, the way...and this has been confusing, I understand that question. The legislation, and this was not Tammy's fault, but mine, because I wasn't clear on what I was trying to do here, this doesn't take money away from the school. This is opt-in money, just as if the OPS student who wants to opt-in to St. Mary's opted-in to Westside. The money goes with the kid to the school. It's the same here, the money goes with the kid. It's a state program, it doesn't take money away from the school they're leaving. Now in the big kind of macro, if they lose half their students then that's a different thing. But if they lose half the students I think that kind of speaks to why we need this bill. [LB608]

SENATOR PANSING BROOKS: Okay. So if the child decides to go back to the public school, the money follows the kid back to the public school? [LB608]

SENATOR LINEHAN: No more than it would if the Westside student decided to go back to OPS. [LB608]

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SENATOR PANSING BROOKS: Well, for as far as what's happened in the past legally on giving money to private schools in postsecondary, it follows the kid. It's supposed to follow the kid. [LB608]

SENATOR LINEHAN: Right. The money, courts have found...and again, I'm not a lawyer, but courts have found that the money belongs to the child. So if the child goes to a school that is private or parochial, it's not a separation of church and state issue. [LB608]

SENATOR PANSING BROOKS: Okay, so how does it work then if...does it take it out of the top part of the money? Like the TEEOSA? [LB608]

SENATOR LINEHAN: So part of the TEEOSA formula, and I'm not an expert on TEEOSA formula but I'm trying to learn as Senator Chambers told me to, I'm trying. And it's changed over the years many, many times. Because I thought I did understand it, but there's been many changes. Part of it is opt-in funding and it's different than the equalization funding. So we as a state, since the 1990s, have said to middle-income and affluent families that if you're not happy in your school district you can opt-in to this school district and the state pays for that. So part of what's going on in Nebraska, and I think we have not had any pushback from it that I know of, is kids are able to, parents are able to decide, okay, I live in...let's stop picking on OPS, because they have some great schools, I live in Ralston, but I went to high school at Westside and I want my kids to go to Westside. So the kids leave Ralston and they go to Westside. And the state sends... [LB608]

SENATOR PANSING BROOKS: If there's room, right? [LB608]

SENATOR LINEHAN: If there's room, right. Or I can give a rural example, because this is where I grew up. Beatrice, Nebraska has a school, there are kids in Beatrice that opt-in to Lewiston where I graduated. The state sends Lewiston the money. So this is just an expansion of a program we already have, it's just to help kids who aren't close enough to a school where there are seats available or there are...or maybe there are seats. Maybe you live at 32nd and Binney, but the only open seat is in Gretna and you have kids. It's not very convenient to be 40 miles away from school if you're going to be in any school activities or do anything. So it's giving them real options that they don't have now. [LB608]

SENATOR PANSING BROOKS: Okay. Is there some discussion about making sure that the same proportion of kids with disabilities and is it every school that is going to get state funding so that it's a proportionate... [LB608]

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SENATOR LINEHAN: That's another issue that I would like to address. It doesn't address it in this legislation. As you know, federal funding and state funding is afforded to public schools for kids with special needs. Right now, I don't think that funding can go to a parochial school, but there will be some people testifying behind me that could explain that better. I think if the funding was available they would be willing. But it depends on how the funding would flow. [LB608]

SENATOR PANSING BROOKS: It's my understanding that there are schools that send their kids back to public schools if they're much more difficult to teach, because of the public funding available so it seems... [LB608]

SENATOR LINEHAN: It's because it's special funding. There's special funding for special needs. [LB608]

SENATOR PANSING BROOKS: But that affects the numbers on the adequacy of the school too. [LB608]

SENATOR LINEHAN: Well, I mean, I think that is a point that could be debated, whether that does or not. [LB608]

SENATOR PANSING BROOKS: Okay. And again, I have real concerns, again, speaking to what Senator Morfeld talked about. The constitution does require that money that we pay for our public education, and it specifically talks about public education, not that the state is not allowed to spend dollars for any institution that has religious requirements of its teachers or administrators. And so I don't know if there's a plan to try to also change the constitution here, I'm just... [LB608]

SENATOR LINEHAN: There's no plan to try and change the constitution that I'm aware of. [LB608]

SENATOR PANSING BROOKS: Okay. Well, I just wondered because... [LB608]

SENATOR LINEHAN: But the courts have found...but obviously if this would pass there will probably be a lawsuit and then we will...it will probably go to the federal courts. And the federal courts have found in the past that it's not the state's money, the money belongs to the student and the student can spend the money where the student sees or the parents of the student sees fit. [LB608]

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SENATOR PANSING BROOKS: Thank you. And I do know you have a passion for the kids and for the students. And we may totally disagree on how to get there, but I do appreciate the fact that you do care about the kids. So thank you. [LB608]

SENATOR LINEHAN: Thank you. [LB608]

SENATOR PANSING BROOKS: No further questions right now. [LB608]

SENATOR GROENE: Any other questions? As Chairman I believe it's my duty to be Gabriel's proponent or devil's advocate, you can decide. [LB608]

SENATOR LINEHAN: Okay. [LB608]

SENATOR GROENE: Where I'm at or how you like the question. There's nothing in here about economic status, that economic status core children don't have a first shot. It's everybody's equal. [LB608]

SENATOR LINEHAN: Well, the reality, sir, that I have discovered, okay, this is...I ask forgiveness for going into a personal story. And Senator Kolowski knows this. When I was not happy with the school that we were in when my children were in school, I did what most people do that can, I moved right next to the school I wanted to move to. So, I mean, we have all kinds of choices and the first choice all across America is I'll decide where I live according to the schools I want to. The schools in these neighborhoods I don't think, it's my assumption, and I feel fairly confident in it, that these are not people who can move to a different school. So I think if you're in a neighborhood with several low-performing schools that you're probably in the lower income. And most of these schools, I know in the group of Omaha schools, which again I know better, are high percentage of free and reduced lunch, so they are low-income. [LB608]

SENATOR GROENE: The way I understand the TEEOSA formula, it's on head count. So if there's \$9,200, one school district gets it, the other one loses it. So it's a one to one trade in the public school system because property taxes go in first and they figure everything above that is state aid, and that's \$9,200. I've looked into the option enrollment, I was originally against it, but then I seen it did not affect the overall dollars, it followed the student. One loses it, one picks it up. But we can talk about...yeah. [LB608]

SENATOR LINEHAN: Yeah, let's talk to...that's not my understanding, so maybe I'm confused. But I understand. [LB608]

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SENATOR GROENE: If it's an equalized district. If it isn't an equalized district, it's new money. [LB608]

SENATOR LINEHAN: Okay. [LB608]

SENATOR GROENE: But anyway, maybe some of the administrators out there can straighten me out because I'm wrong. But what happens if you have a mass migration, Nathan Hale, with the troubles it has, and all of a sudden you lose half your population in one year of student population. That puts the budget of that school in a bind in a hurry, because you've got the personnel, you've got tenure. [LB608]

SENATOR LINEHAN: But it gets 50 percent of the kids out of there, sir, so I would say... [LB608]

SENATOR GROENE: But they lose...I understand. [LB608]

SENATOR LINEHAN: ...given those two choices, I'd get 50 percent of the kids out. [LB608]

SENATOR GROENE: Now you're thinking of me as a devil. Anyway. [LB608]

SENATOR LINEHAN: No, I'm just...that's my honest thought. [LB608]

SENATOR GROENE: But anyway, but the fact is they still have that staff. They still have those costs and it's a pretty hit to the system in a hurry. [LB608]

SENATOR LINEHAN: But again, the way I think the formula works is it's coming from the state, so they're not losing money. But maybe I'm incorrect on that, so that's what we need to figure out. If I'm not there yet, that's where I want to get. [LB608]

SENATOR GROENE: Yeah, I think...yeah, I understand. We're looking after the child. [LB608]

SENATOR LINEHAN: Yeah. [LB608]

SENATOR GROENE: That's why I'm the Ed Chair, the kids only get one chance. Nobody owns them. [LB608]

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SENATOR LINEHAN: That's right, sir. That's right. [LB608]

SENATOR GROENE: But what if we left...have you thought about leaving that extra money if the private school only needs \$6,000? Leave it with that school district that needs improvement so they have some extra funds to try to improve their situation. Instead of giving it to the Property Tax Credit Fund? [LB608]

SENATOR LINEHAN: I'd be willing to look at that, sir, if you think that's a good idea. [LB608]

SENATOR GROENE: And then I'm from a rural area. Correct me, but I think if you go west of Kearney, there's only one Catholic high school, and that's St. Pat's in North Platte. In most of the rural towns there's no option except another public school, which they're all Lake Wobegon, they're all perfect out there. [LB608]

SENATOR LINEHAN: Yeah. [LB608]

SENATOR GROENE: But anyway, and the kids are above average. But this is a more of an urban...it would help urban students. [LB608]

SENATOR LINEHAN: And there's a few other...I don't want to...I think West Point would be another place where you have a pretty good... [LB608]

SENATOR GROENE: I'm talking out west. [LB608]

SENATOR LINEHAN: I don't know, sir, I'm not as familiar with them. [LB608]

SENATOR GROENE: There's some small Lutheran ones, some small private ones. [LB608]

SENATOR LINEHAN: And this would be Lutheran, private, it's not... [LB608]

SENATOR GROENE: Yes. All right, any other questions from the committee? Thank you, Senator. [LB608]

SENATOR LINEHAN: Thank you very much. [LB608]

SENATOR GROENE: If you want to join us, you can. I mean, you can't ask questions. [LB608]

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SENATOR LINEHAN: I think I'll sit back out there. [LB608]

SENATOR GROENE: All right, it's getting pretty crowded. I understand there's students here that want to speak. We'll start with proponents, how many proponents are there? How many opponents? All right. Is there any students that want to be a proponent of the situation? I know you have to...I got a note here. I don't know why, but I figure you got to get back to school, so we're going to let the students go first. [LB608]

SENATOR MORFELD: Or maybe they don't. [LB608]

SENATOR GROENE: Maybe they don't want to. So if you would want to start. Remember to spell your name, full name, and then... [LB608]

SARAH VILLARREAL: Hello. My name is Sarah Villarreal, that's S-a-r-a-h V-i-l-l-a-r-r-e-a-l, and I am currently a senior at Omaha Marian High School. And I think I'm here to just talk about the experience that I've had in a private school and how financially that I've been given has allowed me to be successful in that environment. So just a really quick picture of who I am, I am a first generation here in the United States. My mother immigrated from Vietnam during the Vietnam War and we have had our fair share of struggle. She is a single mother raising myself and my younger brother, who is currently 14 years old and a freshman at Creighton Preparatory. What has allowed me to attend Marian High School is the financial aid that I have been given from Marian, from the Archdiocese, from donors who are generous enough to give to our education, and the work study program that I have been involved in all four years of my experience at Marian. My brother is enrolled in currently the same thing, which is allowing him to be successful at Marian...I mean, at Creighton Prep. Marian is an all-girls school, so he doesn't go there. Let's see. What's really unique about my experience at Marian is that I originally went to Standing Bear Elementary and then I attended Alice Buffett Middle School from fifth grade to eighth grade. And so going to an all-girls, private Catholic high school was a huge shift and change for me just in environment. But I don't think I could have succeeded and have been as successful as I am as a student and as person as I have been able to do through going through the Marian education system. I mean, it's really been an incredible four years. And I'm a part of, I'm captain of, my track team, our engineering team, our robotics team, our science club, I help tutor. I am currently looking for an appointment to the United States Air Force Academy, which I have been nominated to by Senator Deb Fischer and Honorable Brad Ashford. And I think all of those aspirations and my goals and what I have been able to accomplish and succeed in being a part of is because of the empowering environment that is given at a private Catholic school like Marian High School. And because of the financial aid that I have been given to allowed to be successful there, because I do know for a fact that without that work city program and without generous

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donors that the financial situation that I have grown up in would not have allowed me to do that. [LB608]

SENATOR GROENE: Any questions from the committee? What process was there transitioning from the public school to the Marian? Was it through your church or how did you apply, or who helped you get the tuition help that you needed? [LB608]

SARAH VILLARREAL: I'm actually not Catholic, I'm Buddhist and I practice that with my mother and my younger brother. What's great about the Marian community is just because, yes, the majority of them Catholic, I am free to practice whatever religion I choose to practice. And that's not held against me at all, that's not looked...they don't look at that, at me at all when they decide things. How I found Marian High School, I was just an eighth grader looking around at all the different high schools. Because of the district that I'm in, I believe it was Burke that was probably top of the list. But we just looked around at other schools and I walked into Marian and I told myself this is where I'm going for the next four years of my life. And immediately my mom knew that that was going to be a struggle. Going to a private school is not cheap, but we talked to the financial aid people available at Marian High School and they have set up a financial program for me that allows my tuition to be affordable for my mother. [LB608]

SENATOR GROENE: Thank you. Any other questions from the committee? Well, you can add to your resume you testified at a public hearing. Thank you. [LB608]

SARAH VILLARREAL: Thank you. [LB608]

SENATOR GROENE: Next. Let's keep it proponent. You don't have to be polite, we need to keep moving. So the first one to the chair gets to testify. Thank you. [LB608]

JIM BENDER: Good afternoon, Chairman. Thank you. My name is Jim Bender, J-i-m B-e-n-d-e-r, and I'm the president of School Choice Wisconsin. And I will try to be as brief as possible, but I'm here today because the legislation LB608 is similar in many ways to the four parental choice programs that we have in Wisconsin. The Milwaukee program has been around for 27 years, the Racine Parental Choice Program is a few years old, and we now have a statewide program. They all have different dynamics, we also have a special needs scholarship program. They all have different dynamics to them, rural, urban settings. But Nebraska and Wisconsin, although your percentage of property taxes is higher than Wisconsin's, the funding is similar, the way that districts operate are similar, the proposed legislation is similar in some respects. So just from some of the comments before, I thought I'd just try to answer some of the questions that were there. You asked a question, Senator, about the religious aspect of instruction. And so for the Wisconsin programs, the student that attends the school is not required to take any religion

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classes, and for a high school in the program you cannot have a religion class as a requirement for graduation. The practice is that...so we have an opt-out. The practice is that most students do not opt-out, but for legal considerations, which gets back to the Senator's question on constitutionality, that was part of the tested case in Wisconsin. That, as long as the parents were in control of the dollars, they were the one that directed the dollars, it wasn't the state directing the dollars to a private or religious institution, and the parents...sorry, the students have the opt-out provision that it was found to be constitutional. The Zelman case on the federal level found the First Amendment clause to not be in violation with the Ohio program, although the Wisconsin program was considered as well. The programs in Wisconsin that are now, what started with a couple hundred schools...I'm sorry, a couple hundred students, with just a handful of schools in Milwaukee back in 1990 for very much the same reasons that you're considering this bill. It was an urban setting, there were many parents that were not satisfied with their schools. The programs are voluntary in Wisconsin, the schools enter voluntarily, the parents enter voluntarily. And the one thing that's true, regardless of the political up and downs or the legal battles here or there, the program continues to grow because parents are seeking opportunities and options. There are now programs in 25 different states, there are hundreds of thousands of students and programs very similar to this legislation. In Wisconsin, we've had a 30-year track record. We've earned an awful lot. There's been some bumps in the road, but it is something that parents to this day continue to show demand for. And with that, I will take any questions. [LB608]

SENATOR GROENE: Senator Morfeld. [LB608]

SENATOR MORFELD: Thank you for coming all the way out here today, sir. To your knowledge, in the state of Wisconsin...and how long have you been in this field? [LB608]

JIM BENDER: I was a legislative aide for six years, from 2004 through 2010. And then I worked...excuse me, fighting a cold here. Then I worked for seven months with Susan Mitchell, who was my predecessor at School Choice Wisconsin. [LB608]

SENATOR MORFELD: Okay. [LB608]

JIM BENDER: Then I took over as president after that. Susan Mitchell was with Tommy Thompson, Polly Williams, and Howard Fuller at the creation of the Milwaukee program. [LB608]

SENATOR MORFELD: Okay. [LB608]

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JIM BENDER: So through her lineage, while I wasn't working on the issue then, our organization has been around... [LB608]

SENATOR MORFELD: So you've worked a lot on this issue and you've worked in the state legislature. [LB608]

JIM BENDER: Yes. [LB608]

SENATOR MORFELD: Okay. To your knowledge, are you aware, and I'll just read off a sentence or two from the constitution here. This is a different provision than I brought up with Senator Linehan. But in Section 7...or excuse me, Article VII, Section 11, our constitution states "Notwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof." Do you guys have a provision in Wisconsin state constitution? [LB608]

JIM BENDER: I don't have it in front of me. There is a common schools provision. [LB608]

SENATOR MORFELD: We already have that one and we already read it off. [LB608]

JIM BENDER: There is, and I don't have the language in front of me. I'd be happy to send it to you after this. [LB608]

SENATOR MORFELD: Okay, yeah. [LB608]

JIM BENDER: And I believe it's the Benson case is the case that was in Wisconsin that found it to be constitutional. [LB608]

SENATOR MORFELD: So a state supreme court case? [LB608]

JIM BENDER: A state supreme court case, yeah. [LB608]

SENATOR MORFELD: Okay. [LB608]

JIM BENDER: You would want, actually, the best research would be at the appellate division. Justice Roggensack at the time, it was... [LB608]

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SENATOR MORFELD: A state appellate? [LB608]

JIM BENDER: A state appellate, yeah. She's now actually on the supreme court, but she at the appellate division the case was actually...school choice actually lost at the appellate division, the supreme court came to appeal then and overturned the appellate division. The dissent from Justice Roggensack at that time is what the supreme court based most of their decision on and this is where, in this particular section, Wisconsin Supreme Court, where they determined that was...that the dollars were being directed at the behest of the parent. And so once those dollars get to the parent and the parent redirected it, that at that point it was no longer state dollars being delivered to the private school. If the state were determining where the private...or sorry, public dollars went to the religious school, that would have been a problem. But Justice Roggensack hit on this point. And again, I'm sorry, I wasn't doing constitutional. [LB608]

SENATOR MORFELD: No, you're fine. [LB608]

JIM BENDER: That was kind of a critical part of that decision, was the fact that once the parents made the decision, the dollars were being directed by the parent and not the state, and so that clause, this similar clause in Wisconsin didn't apply. [LB608]

SENATOR MORFELD: Okay. Yeah, and I guess I'm just kind of using you a little bit as a sounding board, but I think it's also interesting to look into other states. Obviously our State Supreme Court is made up and composed of different people than the Wisconsin one. [LB608]

JIM BENDER: Yes. [LB608]

SENATOR MORFELD: I think that the language here is fairly clear. But I'll have to look into the Wisconsin case law. Another question in terms of what's going on in Wisconsin. What proportion of public school special education students go into your guys' voucher program in Wisconsin? [LB608]

JIM BENDER: So Wisconsin is in a state of flux. Their...when the No Child Left Behind Act came down, Wisconsin was actually the first state to sign on, well, with the Common Core State Standards, and we established very early the student information system requirement for the statewide report card. Myself, as a member of School Choice Wisconsin, served on the design team for the statewide report card and so one of the things that was included in the Wisconsin law is, now the student information system, every school that houses a publicly-funded student must turn over the same data. So they take the same tests, they turn over the same demographic data. All everything for the report card. And like most states, Wisconsin has the federal reporting

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requirements and a slightly different version for the statewide report card that they send out to parents. But nonetheless, all of the publicly-funded students have the same data sent to DPI and so this next fall the data for the private schools and the report card, it took a couple of years to get all of the student information systems up, all the data coming in, and all of that will be available this fall for the first time from all the publicly-funded students. The numbers that have been used in Wisconsin in the past, there's been varying degrees of students with special needs. There was a number that's been used by opponents for years, that 1.2 percent of the students in private schools. Unfortunately, that was based on the Wisconsin...the WKCE was the state test before we got into the Common Core test, which we only had for one year, now we're on to another test. When you, as a student or a teacher, that 1.2 percent number was done off a self-selection on the test when it was being taken itself. It had no basis in IEP status or former IEP status, or services planned status, or what was being done through your local public school district. There was no relevance to that. So that number was oftentimes used as they don't treat students with special needs, when it's in fact it's the opposite. The Arkansas University study, the School Choice Demonstration Project, that was a five year longitudinal study, they came out with numbers that were closer between 12 and 14 percent. [LB608]

SENATOR MORFELD: And how does that compare to the public school system? [LB608]

JIM BENDER: I think the public schools, I'm more familiar with Milwaukee, I know that Milwaukee is near 20 percent. [LB608]

SENATOR MORFELD: Okay. [LB608]

JIM BENDER: But statewide, I don't have that number off the top of my head. I think it's a little bit lower than that. Although, Wisconsin has moved from an average of about 21 percent students in poverty across the state, a statewide average, to just over 40 percent in the last 12 years. And with that, there has been an increase in the number of students that are being identified as students with special needs. So I don't have the most current numbers. I would be able to tell you this fall exactly how many are. But even that's going to be a bit of an inexact science, because in Wisconsin unfortunately, as you know, federal law is very distinct between public schools and private schools when it comes to students with special needs. No dollars go to a private school through the federal system. The public school, back in the...I mean, I think context is needed here. Back in the '70s, when IDEA was created, it was created because there were so many students that were being discriminated against in public schools. And so the federal...Congress came in and basically cut a deal and said, okay, we are going to start to fund this. And at the behest of the public school establishment, all of the money goes to public schools, and all of the legal responsibility too. So private schools fall outside, the faith requirements fall outside the legal responsibility. They also fall outside the funding stream. If

there are students that have identifications in the private schools, they can receive services from the local public schools and from the LEA and they can provide those services. But the dollars don't go there. Unfortunately, in Wisconsin oftentimes the problem is...so I sit on a committee called Risek (phonetic), which works with private schools in the Milwaukee area to garner services through equitable participation from Milwaukee Public Schools. The problem is that there are so few dollars that unless you are in a very narrow grade band and you have one issue, usually a language issue or a speech issue, you can get funding. But if you are a student in a private school and you have two identified issues, you are not going to get a service plan, because there's no funding for it. So the statewide report card won't pick that up as a student with special needs, even though they're enrolled in a private school, receiving education there. But they don't fit the correct standard and they don't meet the correct federal requirement. So it's very difficult to say what is the correct percentage and what isn't and what is the correct legal burden. I think when states are considering these types of programs, oftentimes, and even at the federal level, there's a question, I think you stated before, that they should live to the same accountability...private schools should have the same accountability as public schools. The problem is the law doesn't treat schools equitably. [LB608]

SENATOR MORFELD: Okay, and that's good context and I appreciate that. So right now your guys' reporting system is in a little bit of flux, just because your change around is hard to have. And that's good context in the background. So with the statewide report card that you have in Wisconsin, so here in Nebraska we have AQuESTT and we have NeSA scores and all that, are the private schools that are receiving these public funds are they required to have the same statewide testing and accountability standards for those students to measure up to other schools? [LB608]

JIM BENDER: Yes, so they're all included... [LB608]

SENATOR MORFELD: And that's a part of the report card? [LB608]

JIM BENDER: That's a part of the report card. So for this last year, unlike Nebraska, but I think you guys are going to a full ACT testing for all students. Okay, we just got there, so the Department of Public Instruction just released the scores the ACT exam in Wisconsin for all publicly-funded students. And when you compared the low-income students in Milwaukee and income-limited students in Racine and the statewide program against their full-income peers in the public schools, the low-income students in the voucher programs exceeded the scores of their full-income peers in public schools in Wisconsin. So when we compare an apples to apples basis, the students in the voucher programs, the parental choice programs, were the highest performers in the state of Wisconsin. And they only get...they're income-limited. I don't believe this program is income-limited, but the Milwaukee program is capped at 300 percent of federal

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poverty. The Racine program is capped at 300 percent of federal poverty, the rest of the state is kept at 185 percent of federal poverty. [LB608]

SENATOR MORFELD: Can I get that information from you after? Are you willing to give that data? [LB608]

JIM BENDER: Sure. Absolutely. [LB608]

SENATOR MORFELD: Thank you. [LB608]

SENATOR GROENE: Any other questions? Senator Pansing Brooks. [LB608]

SENATOR PANSING BROOKS: Yeah, thank you for coming. I guess I what I'm interested in, and you keep...I hear you saying that the results and the outcomes will be reported for those students who get the vouchers, but not the other students in the private schools. Is that correct? [LB608]

JIM BENDER: We have a dual system, so the state did not, the legislature, when they created the statutory parts of the report card, which is somewhat limited, they left most of it up to the department for rule making. But the statutory provisions basically provided the private...the state was interested in creating a report card for the students they were funding, that was their primary function. So that is the legal requirement of the school, that there will be a report card, because... [LB608]

SENATOR PANSING BROOKS: Well, it seems like it should be going...there should be a report card of all the schools that receive any kind of public funding. So I don't understand why it would only be the students themselves, rather than the full schools. I mean, the public schools are having to report everything about how they're doing what they're doing. And if the private schools only have to report on those kids that have vouchers, that's not a full picture of what's happening to state dollars. [LB608]

JIM BENDER: Well, no, because all of the dollars that are sent through the voucher to the private school. There are three audits done a year: a fiscal practices audit, an enrollment audit, and a gap audit on those schools and all of the money is segmented for the voucher program. So I think the decision by the legislature for private pay students, the legislature did not choose to require them to turn over all of the additional data that's required for the report card because those students that are in that school are not receiving the benefit of state dollars. The accounting is rather cumbersome for the program, in fact that is one of the reasons that there are some

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schools that don't get in and don't grow quite as fast, because of the cumbersome nature of having to separate out all of those dollars. Every penny is accounted for with an audit every year, so the legislature at least in Wisconsin did not make that requirement, although they allow it, and most private schools are turning over the data for their full income for all of their students. Because if there's going to be a statewide report card, most of the private schools said we don't want there to be a report card on just, in some instances, a very small subset of our students. We want it to be encompassing of our whole student population. [LB608]

SENATOR PANSING BROOKS: Okay. [LB608]

JIM BENDER: If they turn over all the data, they're allowed to do that. [LB608]

SENATOR PANSING BROOKS: Thank you. And what about the proportion of special ed kids that go through the voucher program to the private schools, what proportion? You spoke to it a little bit, but I'd like to hear it one more time just more clearly. [LB608]

JIM BENDER: So I'm...as I explained to the Senator, there are...the report cards for the publicly-funded students for the first time will be released this coming fall. That will give us a better indication of students that have disabilities in private schools. But there is no perfect metric for it for a large number of reasons. [LB608]

SENATOR PANSING BROOKS: That just doesn't make sense to me why that wouldn't be something that (inaudible). [LB608]

JIM BENDER: The way that they...no, it's not, though, because the only time that you are recorded through your LEA is if you're receiving services or if you've been identified as a student with special needs. That is done through the protocols of the local, of the public school. And if there is a student with special needs in a private school in Wisconsin, and this might be different here, I'm not aware of that, but there are students that won't meet their requirement because there's no funding available for their particular disability. And so if you're not...you don't have an active service plan if it's not funded. [LB608]

SENATOR PANSING BROOKS: So if we're not funded, we don't even want to look at it. That's not even something that you want to keep track of? [LB608]

JIM BENDER: No, we would like to keep track of that. I didn't develop the reporting requirement that's dictated by federal law. I mean, I think most of this conversation in regards to students with special needs is a bit of a red herring, because you're talking about what federal

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law dictates and how federal law and how federal resources are distributed. And they're very discriminatory, they're set up that way on purpose. It is not the fault of a private school that they aren't receiving funding or anywhere near the funding that public schools are. It's not the private school's fault that reporting requirements work to their disadvantage. It's not the private school's fault... [LB608]

SENATOR PANSING BROOKS: We're not talking fault here, we're just talking about the best use of state dollars. Thank you. [LB608]

JIM BENDER: Absolutely. Okay. [LB608]

SENATOR PANSING BROOKS: I got my questions answered, thank you very much. [LB608]

SENATOR GROENE: Senator Ebke. [LB608]

SENATOR EBKE: Thanks for being here, Mr. Bender. Just one question. Over the weekend, a lot of us got a lot of emails, and several of them that we got dealt specifically with comparison to what, you know, this sort of apocalyptic notion of this is what's going to happen. It's going to be just like in one of them said Wisconsin. And so since you're here, tell me about the nature of the public schools, because the story I heard was that spending on public schools has gone down, that the public schools are falling apart, that teachers aren't getting pay raises, and on and on and on. So if you've got any insight into that, I'd love to hear it. [LB608]

JIM BENDER: Just a bit. [LB608]

SENATOR EBKE: Okay. [LB608]

JIM BENDER: Most of that are separate issues. The funding, as most states did in 2009 and 2010, and onward after that, especially after the federal stimulus dollars went away, overall funding for K-12 education, and you probably made reference to it, you're close enough here to maybe have seen a t.v. show or two that featured Act 10. And there were a few people around the capitol in Madison for any number of months. The Act 10 reforms that dramatically scaled back collective bargaining in Wisconsin for public employees were accompanied with education cuts at the time to balance the budget. That was unrelated to the voucher program. Much like this bill does, Wisconsin has an open enrollment system, I think you call it opt-in. And so you have actually more dollars flow with the child. In Wisconsin, our combination of state aid and property taxes is called our revenue limit, it's about \$10,000, a little bit less than that on average around the state. But it varies depending on your property wealth as to how, you know, how

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much you go. Most districts are about \$6,500 state aid, \$3,500 property tax, and then you've got federal dollars on top of that. What happens in Wisconsin, much like this bill does, in open enrollment when a student transfers from one public district to the next about \$6,600 goes with the child. To your point, Mr. Chair, the remaining money stays with the resident district, we do have a property tax fund, but it's not put there. The voucher payment follows very closely to that, we actually have a bifurcated voucher system, it's about \$7,300 for K-8 and about \$7,800 for high school because of the cost difference between the two. That money follows very much the same pattern as the open enrollment, much like this bill would do. And so does the money follow the child? Yes. Does the district have the burden of educating that child anymore? No, it does not. So you have in a comparative nature a very similar funding system. One of the interesting things, in 2013, when the legislature was discussing the expansion of the program outside of Milwaukee and Racine was they talked...graduation rates was a big center of that topic. And when legislators started to look into the graduation rates, not just in Milwaukee and Racine, which are pretty well-known, but in Green Bay and Madison, what they found out were two things. One, if you're white and middle class in Wisconsin, your education system is pretty good; if you're anything except that, there's problems. Graduation rates for people of color, especially African Americans in Green Bay and Madison...Madison, Wisconsin currently has the lowest graduation for an African American male in the state of Wisconsin at 50 percent, and it fluctuates around there. One of the things while the voucher program has been in existence in Milwaukee is the African American graduation rate is actually higher in Milwaukee than it is in Green Bay and Racine, with a new program, and Madison and other areas around the state of Wisconsin. And as anyone will tell you, or anybody that's been in a job interview, I have been asked if I have a high school diploma, I have been asked if I have a college degree. I've never been asked what my score was on a standardized test. Graduation rates are a far better indicator of life goals. [LB608]

SENATOR GROENE: Thank you. We got to keep the answers. Any other questions? I think you answered one of them, it's about \$6,500 that follows the student (inaudible)? [LB608]

JIM BENDER: In the public school open enrollment that's what it does. For the voucher, it's about \$7,200, about \$7,300 for K-8; and for high school it's about \$7,800, almost \$7,900. [LB608]

SENATOR GROENE: So it's more than what the state aid is to teach them. [LB608]

JIM BENDER: In some instances we have districts that are aided in higher than 80 percent, some that are in the 70, some that are in the 60. It is higher than the statewide average is though, yes. [LB608]

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SENATOR GROENE: Is it the same amount for every student statewide or does it vary? [LB608]

JIM BENDER: No, it is now at a point there are students in 141 of the 240 school districts that are in. And there's 141 different districts...yep. [LB608]

SENATOR GROENE: I'm going to interrupt you because we got to get the questions answered. But you said it was voluntary by the private school to take them or voluntary by the public school to participate? [LB608]

JIM BENDER: No, it's voluntary for the private school to enter the program. [LB608]

SENATOR GROENE: All right. [LB608]

JIM BENDER: So the program is voluntary for schools, they get in that way. It's voluntary for the parents and the students to get in. For the schools, the way the process works, you have to fill out a form that says in fourth grade we're going to take 20 kids and if 15 kids apply, they're all in, no questions asked. Can't cram, no test, no nothing, you're in. If 30 kids apply and there's 20 spots, it's a random lottery approved by the department. [LB608]

SENATOR GROENE: So it's been 30 years you said you've been into this? [LB608]

JIM BENDER: Yeah. [LB608]

SENATOR GROENE: How has the public education accepted it as just part of the education system of the state of Wisconsin now or is there still a few...? [LB608]

JIM BENDER: I'm not sure I would use the word accepted. [LB608]

SENATOR GROENE: It's still feuding over money? [LB608]

JIM BENDER: There is. I think there certainly is and as I explained with the recent expansion statewide, it's really not a statewide program. I refer to it as a lot of little Milwaukeees, because it's the initial questions, the same conversations that happened in Milwaukee 30 years ago are the conversations you're having here. And they're happening on a much smaller, local level across the state. Our system is ramped up right now for the statewide program, it's 1 percent of the local public school district enrollment is available and ongoing. [LB608]

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SENATOR GROENE: People are...other folks want to talk. [LB608]

JIM BENDER: Okay. [LB608]

SENATOR GROENE: You've been very helpful to get us perspective of what happens in another state. The next proponent. [LB608]

JIM BENDER: Thank you. [LB608]

SENATOR GROENE: And that's a good point, if you could...we really want information. If you could keep your answer precise so that we get basic information. We have a lot of people want to testify. [LB608]

JAY DUNLAP: I'll do my best to be brief. My name is Jay Dunlap, I'm president of Madonna School and Community-Based Services in Omaha. Thank you for what you do for our state. Brief history, in 1960, a sister of mercy by the name... [LB608]

SENATOR GROENE: Spell your name. [LB608]

JAY DUNLAP: Pardon? Jay, J-a-y, Dunlap, D-u-n-l-a-p. Thank you. 1960, a sister of mercy, Sister Mary Evangeline Randolph was teaching at what at the time was the St. James Orphanage in Omaha. It was decided to move the orphans out of their own school into schools in the community, but a couple of them tested as having special needs. The sister happened to have a master's degree in special education. OPS at the time actually didn't really have a special ed program. She started teaching these kids, word got around the community. Before she knew it, she had 24 kids from throughout the city, and Madonna School was born. In 1983, after the inquiry of some parents, she launched an adult program that started as the Madonna workshop and now continues today as Madonna Community-Based Services, where adults with special needs can know the dignity and self-worth that come with a daily job and a regular wage. In 2008, we added a transition program for 18 to 21-year-olds and in 2011 an employment services program for adults with disabilities who can be employed in the competitive marketplace. We're blessed with great community support and able to do these things. And I think it's important to understand that Madonna School, we're not the only school of our kind in the state. I know of one, Villa Marie here in Lincoln, that private schools do serve people with special needs. And as a matter of fact, we're kind of a unique public/private partnership because there are a number of smaller districts around the Omaha area that contract with Madonna to provide special education services. Right now we have students coming to us through the districts in Springfield Platteview, Gretna, Yutan, Bennington, and also Boyer Valley Schools in Iowa. Other districts

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like Blair have also recently contracted with Madonna School. So we have a great appreciation and we believe we are very much complimentary to what's happening in special education in the public schools. We might want to talk a little bit about the meetings that we have for our students and their individual education programs that involve not just Madonna, but also the district, and which then leads to some reporting through that district to the state. But the key point here is, yes, nonpublic schools serve students with special needs; yes, we partner with and compliment public schools; yes, the families we serve would benefit from opportunity scholarships such as you're looking at today. And so please join us in saying yes to this program. [LB608]

SENATOR GROENE: Thank you. Any questions? The individual from Wisconsin said a private school cannot receive federal special education money, do you receive federal special education money? [LB608]

JAY DUNLAP: We do not receive any federal funds. When we contract with a school district, they contract with us, it's the parent's choice through the district and the district choosing to send a school to us, and then they pay a per diem. [LB608]

SENATOR GROENE: So how many students do you have that are not contracted? [LB608]

JAY DUNLAP: Oh, that are not contracted? It's about three-quarters of our students. [LB608]

SENATOR GROENE: So all of your students are special needs? [LB608]

JAY DUNLAP: Yes. [LB608]

SENATOR GROENE: But if an individual outside of your school would say your school doesn't have any federal special education students, the answer would be yes you don't, right? [LB608]

JAY DUNLAP: Well, we don't have any federal special education funds. [LB608]

SENATOR GROENE: Special education students, yeah. Therefore, you're not listed as... [LB608]

JAY DUNLAP: Well, I think the students who are contracted with us through the various districts I've mentioned would probably figure in the statistics you're referring to. [LB608]

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SENATOR GROENE: What I'm trying to figure out is when I hear that private schools have no special needs students, they actually do. [LB608]

JAY DUNLAP: They do, yes. [LB608]

SENATOR GROENE: Yes. But there's no record in the federal records that there's funding going to that school, they are funding it themselves. [LB608]

JAY DUNLAP: Correct. [LB608]

SENATOR GROENE: All right, thank you. Any other questions? [LB608]

JAY DUNLAP: Thank you very much. [LB608]

SENATOR GROENE: Next proponent. How many more proponents are there? Two, three, all right, thank you. [LB608]

TERRY BROWN: Good afternoon, my name is Terry Brown, T-e-r-r-y, Brown like the color, and I am vice president at School Choice Wisconsin. And I ran one of the schools in the program...in the program, so I thought I could be helpful in giving you answers on how a program like this affects schools. Just briefly to start off, all of us here would like to choose the school that's best for our children. Everyone here. The wealthy are able to write a check to whichever school they choose to send their child to, the middle class moves into school districts that are successful in educating kids. The problem is, is for those without financial means they're trapped in schools that none of us would allow our students or our children to be trapped. This...we need to write the order here, which is that parents are the first educators of their children. The education should be chosen by the parent, it should support the values of the family, and we shouldn't have the state directing where children go to school but rather where parents decide to use their tax money to send their children to school. What we have found in Milwaukee is once parents, whether they're in public school, private school, wherever they might be, in charter schools, every parent in polling they'd show rising and rising satisfaction with their school because they have actually chosen the school that they wished to attend. And that's public and private. I have nephews and nieces by the way that went to Millard Schools here in Nebraska, and so there are great schools in every sector. There are no preferences for any one child over the next when they move into a voucher program in Wisconsin, I would assume it would be the same here, it's always by random lottery. You're right when you say that special education children are not counted when we determine...if they're funded by the school, there will be no account at the state level for federal reporting that they're special needs. And I want you to know that I work around

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the state working with schools and we have schools in rural areas, suburban areas, and urban areas obviously concentrated in those heavy population areas, but we have schools everywhere. And then in my recollection is that the National Catholic Education Association would mimic Lutheran schools and Christian schools and Jewish schools and whatever the case may be, they estimate about 9 percent of the kids in private schools have a special need. And but only, like in Milwaukee, only about 2 percent of those actually receive services. [LB608]

SENATOR GROENE: Any questions? One quick question, in Wisconsin, what percentage of this student total population or in private versus public now with this? [LB608]

TERRY BROWN: Sure, great. There's about there's a little over 120,000 children in private schools in Milwaukee out of roughly 800,000 students. [LB608]

SENATOR GROENE: In the state, you mean? [LB608]

TERRY BROWN: 800,000 in the state, 120,000 of those students are...no, there's 800,000 total, 120,000 students are in private or religious school, and of those 120,000 about 35,000 of those are in a private school on a voucher. [LB608]

SENATOR GROENE: How does Wisconsin limit that everybody just doesn't take the voucher? [LB608]

TERRY BROWN: Right, yeah. So that's, you know, there's private schools don't necessarily have classroom after classroom to open up. It's always been in every case in Wisconsin where we have expanded or started a choice program, it's been an orderly transition. And in fact, in our statewide program it was limited percentage of basis so that the public schools could adapt. [LB608]

SENATOR GROENE: Thank you. Any other questions? Next proponent. [LB608]

CAMERON GALES: Good afternoon. My name is Cameron Gales, C-a-m-e-r-o-n G-a-l-e-s, I'm a father of three from Omaha. I have two daughters, nine and eight, and a son that's four years old that's excited this week about kindergarten roundup. My kids attend St. Bernard's in Omaha and this is they're completing their first year there after transferring out of an OPS school. If the future of my three children was not enough for me to be before you today, maybe the fact that if you type in certain zip codes in Omaha some of the poorest and impoverished communities have failing and underachieving schools. I work as a consultant and own my own commercial and residential painting business, however, I feel it would be a disservice if I didn't share the sacrifice

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that my wife and I take to have quality education for our children. So I'll share why we decided to remove our kids from Omaha Public Schools. When a school district creates a grading system to accommodate or skew the poor performance of students while forcing comprehensive sex education and common core, we felt it was time to remove our children. I want my tax dollars to go towards helping me ensure my kids have a solid foundation in math, reading, science, and history. Most important, I want this not just for my children, but I want this option for all children, no matter where they live, in Omaha or in any other part of the state. I make these sacrifices for my children and for their future because we can't wait for OPS to pass the next bond issue to improve conditions of schools or for them to figure out ways to better pay their teachers. As a taxpayer, I want choice. I want OPS to succeed, because they teach the majority of the kids in our communities. However, until there's competition or other options, there's no need to speed up the process or raise the bar or give teachers the freedom or the material they need to succeed with teaching our children. There are many great teachers in failing schools. There are many failing schools with great students. The bottom line is we can no longer fail children and families by not allowing them the right to choose. Thank you. Any questions? [LB608]

SENATOR GROENE: Thank you, sir. Any questions from the committee? Thank you. Next proponent. Historically, folks, in the body we've always let proponents speak first and then opponents and then neutral. If it gets too long, I would alternate, but it doesn't look like we have that many proponents to testify yet. So go ahead, sir. [LB608]

MATT LITT: Chairman Groene, members of the Education Committee, my name is Matt Litt, M-a-t-t L-i-t-t, and I'm the Nebraska director of Americans for Prosperity. I've pared down my testimony. But on behalf of the organization, our activists across the state, we are here to support LB608. Our organization is a strong proponent of giving every child in Nebraska access to a high-quality education, regardless of income, socioeconomic status, or where they live. And that means supporting the right of families to make the best decisions about education for their children. This might be at a traditional public school, a private school, or choosing to homeschool. We believe LB608 helps families find the right fit for them, which in this case may be a private school. This bill represents an opportunity for the Nebraska Legislature to put a high-quality education opportunity within the reach of children who find themselves in schools that are not serving their needs. Our organization strongly supports the passage and we look forward to working with you going forward. And I'd just try to answer any questions that I can. [LB608]

SENATOR GROENE: Thank you, sir. Any questions? Thank you. Next proponent. [LB608]

MATT LITT: Thank you. [LB608]

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MICHAEL McHALE: (Exhibit 5) Good afternoon, Chairman Groene, members of the Education Committee. Thank you for having me. My name is Michael McHale, M-i-c-h-a-e-l M-c-H-a-l-e, and I am the general counsel and policy analyst for the Nebraska Catholic Conference. We represent the mutual public policy interests of the three Nebraska bishops. And we are in support of LB608 insofar as it represents a sound effort in removing barriers that prevent many parents from choosing the education best-suited for their child. We also appreciate Senator Linehan's willingness to amend a few technical details to ensure the maximum amount of participation as possible from private schools. In the end, different children have different needs and LB608 would help more children attend those schools most fitting for them. And I am going to skip to my second point for the sake of time, regarding good policy. So the Catholic Conference believes this is good policy because, as the Supreme Court has held, a parent has the fundamental right to direct the education of their child. And that right is largely without substance in Nebraska, given that the public funding is essentially exclusive for public schools. And that puts a parent who desires their child to be in private schools at a distinct disadvantage because those private schools have to charge tuition if they have any hope of staying open. And so this is especially punitive and we think unfair for lower income families. And finally, I want to address quickly the constitutional argument. In our state constitution, particularly in Nebraska, I believe...and I'd be happy to answer any questions on that, but I believe we're looking at the Blaine amendment, which the key word in there is that no public appropriation can be made to a nonpublic school. And the way the bill is drafted, there could be an issue. But there's no doubt, and there's precedent in Nebraska, that indirect aid...so the Textbook Loan program for instance, which provides public school funded textbooks to Catholic school parents or Lutheran parents or whoever directly to the parents and they take it to the private school. So there is precedent. [LB608]

SENATOR GROENE: Thank you. Senator Morfeld. [LB608]

SENATOR MORFELD: Thank you for coming in today. So how many low-income kids are turned away from Catholic schools each year because they can't afford it? [LB608]

MICHAEL McHALE: I don't have that number in front of me. I will say that for example in Lincoln I don't know of any. The tuition is down to like \$900 for elementary schools and \$2,000 at Pius, which is far below the actual costs of providing education so. [LB608]

SENATOR MORFELD: And you guys have scholarships too, that are income-based, correct? [LB608]

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MICHAEL McHALE: It's not a formal scholarship program, but yeah, there's private funding, there's private donations, and some schools have their own scholarship program. A lot of it is through just church donations and things like that. [LB608]

SENATOR MORFELD: Certainly. A lot of my family went to Pius and I think it's an excellent education. I also think public schools provide just as good of an education as well. So there's not a mass amount, there's no students that you know of right now that have been turned away because they're low-income from Catholic schools? [LB608]

MICHAEL McHALE: There are a number of students who desire to go to Catholic school but because of just the fact there has to be a tuition provided, they just don't consider it, they don't ask, they don't want to essentially seek the private funding that it takes. So I know for example in Lincoln there's just a substantial amount of outreach to low-income families to say, hey, we'll find the money. But there are so many parents who don't know that and can't find the money. And in higher tuition programs, such as Omaha, it is more than \$2,000 for example to attend a high school, so in that case there is a significant demand, but not enough funding. As some of our superintendents have put it up there, their private donations are tapped out. They're doing everything they can, and it's not enough. Children's Scholarship Fund in Omaha for example, they can't fund enough, they have more demand than they can meet. [LB608]

SENATOR MORFELD: And going to the...if you guys do have any numbers of how many students had to be turned away because they couldn't be given a scholarship throughout the state. I know Lincoln has a very well-funded private school system that's ran by the Catholic Church, but if there's other data that shows actual students that are actually turned away, not just conjecture or thoughts or things like that, that would be great. The second thing is, is I think that there's a, just for the record, key difference between a Textbook Loan Program, because textbooks are technically still owned by the public school system and loaned out. In this case, even if we do a pass-through scheme, which for me is kind of like money laundering, where the money goes through...technically goes to the student, but then it's passed through to the institution. Even if we did that, that's much different than a Textbook Loan Program, because money, direct state dollars, whether you believe they should be the taxpayer's choice or not, direct state dollars would be going directly to a private institution, which I think is problematic constitutionally in both articles that I noted. So I just think that there's, I just have to state for the record, a key distinction between a Textbook Loan Program. Unless the private schools are taking those textbooks when they're done with them and then selling them on eBay and getting money or something. I mean, I think there's a key difference between that and what would be happening here, which would be a direct transfer of funds, even if there's a middle person. [LB608]

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MICHAEL McHALE: But the essential portion here, the essential key, is not who owns the book or who doesn't own the book, but it's whether the aid is directly provided to the nonpublic school, without regard to the individual and genuine choice of the parent and the student. So they are the key middle man. The aid isn't going to the school unless the parent, the private parent, who's not necessarily associated with that school, unless the parent chooses that school. That's the key. So the language, you know, "to," before it was "in aid of". This language was amended in 1972 from the state in the State Constitution. It used to say "in aid of," so even indirect aid. Now it's "to." And I don't think this is a formalistic change, it is still the genuine decision of the parent, and it's just almost a formality whether it's given to the parent or they send it directly to the school that the parent chooses. So I don't think it's an ownership...it's not just the textbook loan precedent, but also the Lenstrom case, which goes to this opportunity...or the predecessor program I believe of the Opportunity Grant Program. In that case, there was state aid provided directly to a student who could take it to a postsecondary institution. [LB608]

SENATOR GROENE: Thank you. [LB608]

SENATOR MORFELD: I suppose it will be a for a court to decide. Thank you. [LB608]

SENATOR GROENE: Senator Kolowski. [LB608]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. My question is the one of homeschool. Are they eligible for money from the state? \$9,200 a kid? [LB608]

MICHAEL McHALE: Well, there have been several amendments, so I haven't seen the most updated language. But in the introduced version, I think they would be. But if we had say an accredited or approved requirement in there, then I don't think they would be. So I think it's just a policy decision for the introducer and the committee to make. [LB608]

SENATOR KOLOWSKI: So it doesn't exist basically? [LB608]

MICHAEL McHALE: Not in the introduced...well, in the introduced version I think... [LB608]

SENATOR GROENE: Is it in the amendment? [LB608]

MICHAEL McHALE: But I wouldn't be opposed to a requirement that the school be approved or accredited. [LB608]

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SENATOR KOLOWSKI: But it's a homeschool, parents are teaching. [LB608]

MICHAEL McHALE: Right. [LB608]

SENATOR KOLOWSKI: Okay, thank you. [LB608]

SENATOR GROENE: Any other questions? Senator Erdman. [LB608]

SENATOR ERDMAN: Senator Groene, I'll be quick. How many students are enrolled in the school system that you work with? [LB608]

MICHAEL McHALE: 26,000, 27,000, somewhere in there. [LB608]

SENATOR ERDMAN: In the state? [LB608]

MICHAEL McHALE: Yes. [LB608]

SENATOR ERDMAN: Thank you. [LB608]

SENATOR GROENE: Any other questions? Did you say 26,000? [LB608]

MICHAEL McHALE: Yep. [LB608]

SENATOR GROENE: What's your capacity? [LB608]

MICHAEL McHALE: It's around... [LB608]

SENATOR GROENE: Have you done a survey of you schools across the state? [LB608]

MICHAEL McHALE: I don't know the most updated numbers, but it's around 70 or 80 percent. [LB608]

SENATOR GROENE: So you've got room for another... [LB608]

MICHAEL McHALE: Yep, for sure. [LB608]

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SENATOR GROENE: Give me the math. I went to Catholic school and public, so I'm confused--4,000 or 5,000 students you have seats. [LB608]

MICHAEL McHALE: Right. On average, but yeah. [LB608]

SENATOR GROENE: So we wouldn't have a mass migration to the Catholic schools, you couldn't handle more than 4,000 or 5,000 statewide. [LB608]

MICHAEL McHALE: Right. Not without expanding or building expansion. But correct. [LB608]

SENATOR GROENE: Thank you. Is there another question? [LB608]

SENATOR WALZ: I have a quick question. [LB608]

SENATOR GROENE: Senator Walz. [LB608]

SENATOR WALZ: Thank you so much. And I may have missed this because I had to leave for a little bit. My daughter attends a parochial school in Fremont and I have been a public school educator, but does it concern you that the use of state funds would change the climate of the parochial school? [LB608]

MICHAEL McHALE: Yeah, to a certain extent. If you look at different programs across the state, or across the country, I'm sorry, you find statutory protections so the school can maintain its identity. So that's certainly an important component of any school choice program, including this one. And I know that Senator Linehan has been more than welcoming to suggestions about how we can model after other successful programs in other states that allow private schools to maintain their identity. But, you know, there is no problem at all with accountability regarding our graduation rates. We're taking the ACT universally in our diocesan schools and possibly letting the public see that data. So there's sort of a balance. If there's public funding going to a parent who goes to a private school, there is a certain right the state has, a definite right the state has, to ensure accountability. But at the same time, we'd like the school to maintain their identity, their unique identities whatever they are. [LB608]

SENATOR WALZ: Their faith-based identities? [LB608]

MICHAEL McHALE: Exactly right. [LB608]

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SENATOR GROENE: Thank you, sir. And by the way, I got a good education at both. [LB608]

MICHAEL McHALE: Awesome. [LB608]

SENATOR GROENE: Take sides. [LB608]

MICHAEL McHALE: Awesome. [LB608]

SENATOR GROENE: Any...next proponent. Any more proponents? Opponents? [LB608]

MICHELLE TILLEY: Hi. [LB608]

SENATOR GROENE: Spell your name. [LB608]

MICHELE TILLEY: (Exhibit 6) My name is Michele Tilley, M-i-c-h-e-l-e T-i-l-l-e-y. Thank you, Senator Groene. Thank you, Committee. I'm here to testify against LB608, Parental Choice Scholarship Program Act. I did attach a couple of articles to my testimony and one does counter what they were saying about Wisconsin. It is sort of fraught with problems up there. And I'm sure you've heard it over the weekend so I won't go into that. I am a small business owner and my husband is the president of a manufacturing company here in Lincoln, Nebraska. When we receive our tax bill, just like you, we see the money we give for public education every year. And even though we don't have kids, we know the public education is the backbone of a healthy community. We also know that part of our social contract is to make sure the entire community grows together and not just portions of it. Quoting the American Association of School Administrators, study after study has shown that private vouchers do not improve student achievement or provide greater opportunities for the low-income students they purport to serve. In Wisconsin, the lottery system only handles a few of those students. And private voucher schools do not provide the same rights and protections to students as public schools. The other article I attached does point out some of the problems that have happened and suggests different ways that you can handle those problems. It's...anyway, you'll see it. The school voucher system is seriously flawed and it takes needed money from our already strapped but excellent public school system, our rural schools. Our public schools will be hurt by a voucher system. Consider this: If you live on a private road, you pay for the private road. You still have public streets. You still drive on public streets. You just have your own private road. And you certainly wouldn't expect me to pay for the private road. That's your choice to drive on the private road. I am adamantly against having my tax dollars used for a private school. Please consider how much public education means to our communities in Nebraska. Please oppose this bill. It's not in the best interests of Nebraska or Nebraskan children. Thank you. [LB608]

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SENATOR GROENE: Thank you. Any questions? Steve. [LB608]

SENATOR ERDMAN: Thank you, Senator Groene. [LB608]

SENATOR GROENE: Senator Erdman. [LB608]

SENATOR ERDMAN: Thank you for coming today. You mentioned the rights are not protected in a private school like it is in a public school. [LB608]

MICHELE TILLEY: That's correct. [LB608]

SENATOR ERDMAN: Can you define what you mean? [LB608]

MICHELE TILLEY: I should have brought that and I didn't. But private schools aren't subject to the same rules unless you stipulate that in your bill, meaning that disabilities, I know we've been talking about special education, but disabilities and special education and even American Civil Liberties. I think Title VI and Title IX, but don't quote me on that because I'm not an expert, but those aren't stipulated by this and they fall through the cracks. Plus that money, you know, for...well, sorry. Yes. [LB608]

SENATOR ERDMAN: So is...did I understand you in your testimony, did you indicate that private students aren't getting as good a education? [LB608]

MICHELE TILLEY: No, you cannot infer that. [LB608]

SENATOR ERDMAN: What did you...? [LB608]

MICHELE TILLEY: And I would say that actually it depends on the private institution. And some of the people who have spoke earlier like Pius, you know, excellent schools. It's that private schools are not all created equal and there are some that were created in Wisconsin that are just nightmares, you know, over liquor stores, you know, people just siphoning off money, kids playing in alleys. So if there's not regulation on the private schools, this is a massive problem. [LB608]

SENATOR ERDMAN: Have you...do you understand Senator Linehan has been...sent out with a...passed out with these seven schools that need help? [LB608]

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MICHELE TILLEY: I did not. I did not see that. [LB608]

SENATOR ERDMAN: Two of those...three of those schools are in my district. [LB608]

MICHELE TILLEY: That would bother me. [LB608]

SENATOR ERDMAN: Yeah, it bothers me. I didn't know that before. So did you know that in the...when they do the ACT test they add in the scores from the private schools? [LB608]

MICHELE TILLEY: I don't. [LB608]

SENATOR ERDMAN: They do. And did you if they take out the private school ACT scores, the average goes down? [LB608]

MICHELE TILLEY: I'm not putting down private schools. I'm putting down the fact that they're not regulated and you can't say that they're same. We do have excellent private schools here and I think we're blessed with some. [LB608]

SENATOR ERDMAN: I don't know about that. [LB608]

MICHELE TILLEY: Oh, don't do that to me. But I...but they're not all created equal. And we should be taking this money and putting it to make our public schools excellent instead of taking it and siphoning it off. And that's why I'm here to talk. [LB608]

SENATOR GROENE: Thank you. [LB608]

SENATOR ERDMAN: So you said your property taxes are high and it goes to public school. [LB608]

MICHELE TILLEY: I'm happy to pay every penny. [LB608]

SENATOR ERDMAN: The comment that I ask is how many students do they have in that private school? And they said 27,000. So if you take the 27,000 times the \$12,500 if these private schools would go away, then somebody has to pay for those would be your tax dollars. Do you know much money that is? [LB608]

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MICHELE TILLEY: You're going to answer it. [LB608]

SENATOR ERDMAN: It's \$337 million more that you would have to pay, someone would have to pay in property tax or some kind of tax to fund these students that are being educated in private schools. [LB608]

MICHELE TILLEY: I'm not sure where you're going with this, Senator. I like your numbers. They're fun. [LB608]

SENATOR ERDMAN: I'm just making a comment that the private schools make a big dent... [LB608]

MICHELE TILLEY: My only point to this... [LB608]

SENATOR ERDMAN: ...pay a big portion of education. [LB608]

MICHELE TILLEY: Sorry, Senator. I don't mean to interrupt you. My only point was that we have great public schools. And if we have public schools that are failing, then we need to pay attention to them and make them stronger and not siphon money off to give to private schools that are not, at this point, taking that money. So this is...it's the same discussion. [LB608]

SENATOR GROENE: Thank you. [LB608]

MICHELE TILLEY: Sure. [LB608]

SENATOR GROENE: The young lady over here because she was polite and didn't push. [LB608]

JULIE NICHOLS: My name is Julie Nichols, J-u-l-i-e N-i-c-h-o-l-s, and I'm a resident of Lincoln, Nebraska. I would very much like my son to be able to attend a Jesuit school because I know the level of education in the parochial schools are...is very high, as been mentioned by several. My son has an invisible disability. He was asked to leave a private preschool even though the private preschool accepted students with disabilities but apparently only so they could put them on the front of their flyer. I will not say that I have no criticisms of the public school. I have worked very hard to get my son the services that he needs and it's always a battle every year. I do not see how that would be improved by giving money to private schools from public funds. I'm a single parent. The idea that this is providing choice, in fact, the fact that it's

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mentioned is nonsensical to me because I don't feel as if it's a choice for me. And I think that we have underestimated the growth of our public schools to the point where we need every penny to go to them to...we have more population coming in. I don't know...my son is in a school of 2,000, okay? We might as well be in Chicago. We might as well be in Milwaukee although that's not a state I would choose and it's unfortunate that we spent so much time listening to Wisconsin's success and its problems. Essentially I would echo what Senator Morfeld said at the beginning. I think that this is not only unconstitutional in our state but I think it is a dangerous mingling of the private and the public. And I...believe me, you know, it's come here, too, do we get that \$900...or the \$9,000 if I decide to homeschool my son who is having difficulties in school and is best tutored one on one? Do I as a parent get that money since that money is spent on my child? I see it as being a need pointed out for a greater and not lesser funding to public schools. And my personal experience, you know, I would not question the excellence of parochial schools. I had classmates in my public school who went to Lutheran and Catholic schools. They're nuclear physicists and geologists with Ph.D.s They were excellent students. That's not the issue for me. But I think what we have here is oil and water and I would like it to not be mixed. [LB608]

SENATOR GROENE: Any questions? Thank you for your testimony. It was a good perspective. Next. [LB608]

BECKY BREED: Thank you for visiting with us today. My name is Becky Breed, B-e-c-k-y B-r-e-e-d. I'm here because I'm a longtime educator. I have a doctorate in educational administration. I've spent half of my career working with rural schools in Nebraska at a service unit, and the other half working with a large metropolitan school. I was also a staff development in both situations. With the rural schools as well as with the larger school district. So I spent a lot of time working on school improvement, aggregating data and looking about the aspects of teaching and learning and accountability for students. I'm here because I am for public schools. I'm for the work they do for all students. I'm for the standards that they establish and provide opportunities for all students to reach those. I'm concerned with this bill because primarily I have three major points. My first one is I'm concerned about the accountability standards for private schools. Right now I would question how would we ensure that all Nebraska students attending private schools would meet certain national standards. I think that's for me the key question when we look at education in Nebraska. How can we assess progress in these private schools if they are not regulated in the way that a previous speaker talked about? So accountability in private schools is a big one. Study after study would indicate that private education does not accept every student who comes to their doors. This is been presented by several people. We have to look at all students do not cost the same. There are children with special challenges and disabilities and they are more costly to the school district. So what has happened in study after study with many private education policies across the nation, there is a certain stratification that happens. We haven't called it that, but that's what the research would say. It's a stratification that happens. And private schools often, not always, do not have the resources or the staff to work

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with kids with certain special education needs. That's my second point. Now we talked about the--Kolowski, is that correct?--about there aren't presently private schools past North Platte, or very many at least. I'm not sure how many there are. And so I wondered about the application of this bill. And so possibly the only direct impact would be that the schools out in central and western Nebraska, because they would receive reduced limited funds to support their public education. So I think that's a significant point. But let's look what Minnesota did. Minnesota conducted a... [LB608]

SENATOR GROENE: Time. [LB608]

BECKY BREED: ...study on how...what the impact private schools were in Minnesota. And there were many financial implications. And I haven't really heard these points so I hope you bear with me. This may take a couple more minutes. [LB608]

SENATOR GROENE: Let me interrupt you. [LB608]

BECKY BREED: Yes. [LB608]

SENATOR GROENE: I will make it legit by asking you a question. Would you tell us what happened in Minnesota? [LB608]

BECKY BREED: Yes, (laugh) okay. So thank you. The districts who did, and this is looking at the privatization of schools in Minnesota, the schools who did receive additional students because they transferred there, they had an opportunity to upgrade their educational and extracurricular programs. There were system staff increases and decreased class sizes. Conversely, and this is the key point, is rural school districts that experienced a decline--these were not the private schools; these are the public, rural schools--that lost students, they spent proportionately more on special education and also tended to make up these losses--this is what we don't want to hear--via local taxes spent and regained through referendums. So schools in Minnesota who are public, rural schools who lost students because of private competition from private schools actually in some cases had to make up their losses via local taxes. They also...morale and collegiality, certainly this would be important, they reported the parents using the threat of moving their children to another school district, a private one, extracted concessions that were not necessarily related to academic programming. And the competition not only resulted in a loss of collegiality among the superintendents, they spent more money on public relations and marketing in order to keep those students from transferring to private schools. This is all in the research by Jimerson, J-i-m-e-r-s-o-n, if you're interested. So when we talk about does competition in practice really improve and result in academic performance? Not always, certainly sometimes. On a personal note I spent 18 years in rural schools and I observed how

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schools, public schools are often the civic centers for the community. They're the civic centers. And any siphoning away of public funds from these schools could have a large impact on the engagement and satisfaction of the individuals in those school districts. [LB608]

SENATOR GROENE: Thank you. Any questions? Senator Erdman. [LB608]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. Can you define...you mentioned several times you work with rural schools. What do you mean by that, rural schools? [LB608]

BECKY BREED: In Minnesota, you mean that study I gave? [LB608]

SENATOR ERDMAN: No, you said you worked with rural schools. [LB608]

BECKY BREED: Oh, I worked for a service unit... [LB608]

SENATOR ERDMAN: Which ones? [LB608]

BECKY BREED: Educational Service Unit 4, Auburn. [LB608]

SENATOR ERDMAN: Okay. [LB608]

BECKY BREED: And that's where I worked with small schools, very small schools. [LB608]

SENATOR ERDMAN: Thank you. In your testimony you commented that you're concerned about the oversight or the testing or whatever of the private schools, that they're not being held to the same standards. Would that be a fair assumption to what you said? [LB608]

BECKY BREED: Study after study would indicate that in other states have implemented private schools, that they're not held to the same kind of standards as the public school students in those same states. That would be accurate. [LB608]

SENATOR ERDMAN: Do you think that's true here? [LB608]

BECKY BREED: I cannot really comment on that. [LB608]

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SENATOR ERDMAN: Well, I would think if one is concerned about private schools not being held to that standard and had your credentials, I'd be working on that. [LB608]

BECKY BREED: You know what, that may be next up. What I'm here to say is what I've learned from studying other rural...other private schools in states and what typically what we find, the research would indicate, they do not reach the same standards. [LB608]

SENATOR GROENE: Thank you. [LB608]

SENATOR ERDMAN: Thank you. [LB608]

SENATOR GROENE: Thank you. Any other questions? Thank you. [LB608]

ANN HUNTER-PIRTLE: (Exhibit 7) Good afternoon, Chairman Groene and members of the committee. My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r-P-i-r-t-l-e. I'm the executive director of Stand for Schools. We're a nonprofit dedicated to advancing public education in Nebraska. Stand for Schools has significant concerns with LB608 which would bring private school vouchers to Nebraska, concerns about the bill's impact on state budgets and property taxes, its impact on student performance, and its lack of protections against student discrimination. First, LB608 could very well increase, not decrease, property taxes. As the preparers of the bill's \$23 million fiscal note point out, their estimate is based on an assumption that 10 percent of students in needs improvement schools would take advantage of vouchers, though they note there is no way to know in advance how many students would participate in a voucher program. What we do know is that larger school districts, like larger businesses, create economies of scale. So peeling off a handful of students from different grades within a large school is unlikely to meaningfully decrease that school's operating costs. The building maintenance costs are the same. The same or nearly the same number of teachers and staff might need to be employed. And this bill spells out explicitly that the public school district is still responsible for students' transportation. The same would be true of other federally mandated programs like English language learning and special education. In effect, LB608 creates a parallel state-funded education system on top of our existing public schools to the tune of \$23 million a year, possibly more, at a time when the state is facing a billion dollar budget shortfall and the Governor is pursuing income tax cuts. Second, we have concerns about how this bill would affect student educational performance. The bill states that voucher students are counted as residents of their home district; 75 percent of a per-student average cost would go to private schools while 25 percent would provide nominal property tax relief. That means that LB608 is under-resourcing exactly the students it purports to help, providing them just 75 percent of what an average public school student would receive, which is even more problematic the greater their needs such as special education. I want to share a statement from Erin Richards, an education

reporter with the Milwaukee Journal Sentinel who wrote in January of this year regarding Milwaukee's longstanding voucher program. Quote, those high-performing private schools are only educating a small number of voucher students while many others are stuck in institutions that in some cases have administrators who bought fancy cars and bloated salaries where there is scant overall resources and teachers with little experience, sometimes not even a bachelor's degree. The problem is in many cases the schools are not doing anything wrong by the letter of the law, end quote. This is not a road we should start down in Nebraska. Third and finally, we have serious concerns about the role of vouchers in encouraging segregation and discrimination in schools which is what has happened in Milwaukee. To answer a couple of questions from earlier, NDE does accredit private schools but they are not subject to the same standards either for NeSA testing or when it comes to serving all students. So in effect that would mean that private schools receiving taxpayer funding under LB608 would continue to have the ability to discriminate based on a student's religion, sex, ability, English language proficiency, immigration status, sexual orientation, gender identity, or almost any other reason. By contrast, public schools educate all children. So for these reasons, Stand for Schools opposes LB608 and asks committee members to vote against it. I welcome your questions. [LB608]

SENATOR GROENE: Thank you. Any questions? Steve. Senator Erdman. [LB608]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. I've asked this question before from people who work for nonprofits because where I come we don't have enough money to have nonprofits so it's kind of unusual for me. Who is Stands for Schools and who funds that? [LB608]

ANN HUNTER-PIRTLE: Stand for Schools is a Nebraska-based nonprofit, as I said, that supports public education here in the state. We support issues like expanding early childhood education, career education, and other services that would make our schools even stronger. We oppose school privatization efforts like the ones we're talking about today. Our startup grant is from the Sherwood Foundation and we're pursuing additional fund-raising. [LB608]

SENATOR ERDMAN: So who funds that? [LB608]

ANN HUNTER-PIRTLE: The Sherwood Foundation? [LB608]

SENATOR ERDMAN: Yeah. [LB608]

ANN HUNTER-PIRTLE: Susie Buffett. [LB608]

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SENATOR ERDMAN: Okay. So are you aware that 40 percent of all students who graduate from high school aren't proficient in reading and math? [LB608]

ANN HUNTER-PIRTLE: By what measure are you using? [LB608]

SENATOR ERDMAN: Well, the NS...the report I seen was the NeSA report. [LB608]

ANN HUNTER-PIRTLE: Um-hum. [LB608]

SENATOR ERDMAN: I seen several reports and I also seen where Omaha Public Schools lowered their graduation rate several years back so that more people could graduate. And the difference between graduating and being proficient in certain things aren't quite the same. If one has a graduation certificate or a certificate of graduation, doesn't mean they're proficient and able to go to college. [LB608]

ANN HUNTER-PIRTLE: I'm not sure what you're asking. [LB608]

SENATOR ERDMAN: So our public schools are not accomplishing as much as we think they are. [LB608]

ANN HUNTER-PIRTLE: I would disagree with that on a few points. First, Omaha Public Schools in particular has put aggressive school improvement plans in place in a dozen or so of its lowest performing schools over the last few years. And those efforts are resulting in major gains, especially among students of color in all subject areas. And I'm happy to share this information with you afterwards. Not only are test scores going up overall but achievement gaps are narrowing. So, you know, that's something that Omaha Public Schools in particular is focused on and I would argue that we would need to...we should support efforts to invest more in what OPS is doing and in programs like what the State Department of Education is piloting based on OPS's efforts. [LB608]

SENATOR ERDMAN: Are you aware of the graduation rate for black males is 50 percent? [LB608]

ANN HUNTER-PIRTLE: I believe that's from the Schott Foundation and that is not consistent with what...are we talking OPS or statewide? [LB608]

SENATOR ERDMAN: What do you believe it is, the graduation rate? [LB608]

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ANN HUNTER-PIRTLE: For OPS, I'd have to look for sure but I believe it's closer to 75 percent or 80 percent, which by the way, still isn't good enough, doesn't mean there's not more work to do. There's always more work to do. But a good system isn't a perfect system and there's always more we need to do to serve students. [LB608]

SENATOR GROENE: Senator Morfeld. [LB608]

SENATOR MORFELD: Well, first off, I know a lot...I'm a nonprofit executive director and I know a lot of nonprofits out where Senator Erdman is from and they're very well funded by community foundations--very generous people out west. In terms of going to the source of the problem, do you think that it's...the reason why you have lower graduation rates and some issues with underperformance, as some people call it, do you think that's solely because of public schools? [LB608]

ANN HUNTER-PIRTLE: Definitely not. [LB608]

SENATOR MORFELD: What are some of the reasons that cause some of these problems that are outside the purview of public schools? [LB608]

ANN HUNTER-PIRTLE: I think the simple answer is poverty and growing inequality in our society as a whole. [LB608]

SENATOR MORFELD: Wait, is poverty the sole...is poverty caused by public schools? Is that...? [LB608]

ANN HUNTER-PIRTLE: No. [LB608]

SENATOR MORFELD: Okay. So what are some of the causes of poverty? [LB608]

ANN HUNTER-PIRTLE: Lack of opportunity, lack of education, and depending... [LB608]

SENATOR MORFELD: So there's a lot of reasons why people are in poverty and there's a lot of things that public schools are facing in terms of... [LB608]

ANN HUNTER-PIRTLE: Absolutely. And if I could just note, I think public schools do embrace a no-excuses approach that we need to educate all kids and we need to meet kids where there are. But, for example, here in Lincoln Public Schools the percentage of children eligible for free and

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reduced lunch has gone from 23 percent in year 2000 to 46 percent today. So it's doubled over the last 16, now 17 years. That's quick and it's an indicator that social inequality is growing and it's something that our schools need to address, that are educators care about and are passionate about. But it's not something that they can fix alone. There need to be additional wraparound services that help address that issue. [LB608]

SENATOR MORFELD: Thank you. [LB608]

SENATOR GROENE: Senator Pansing Brooks. [LB608]

SENATOR PANSING BROOKS: Thank you. Thank you for coming, Ms. Hunter-Pirtle. You talked about the fact that the achievement gap is closing and that the test scores are going up. Do you believe that the graduation rates are also able to go increase? [LB608]

ANN HUNTER-PIRTLE: Of course. [LB608]

SENATOR PANSING BROOKS: Yeah, and...I believe there is an example in Lincoln where that's happened too. Are you aware of that? [LB608]

ANN HUNTER-PIRTLE: I'm sure there is, but I'm not aware... [LB608]

SENATOR PANSING BROOKS: Yeah, Lincoln rates have increased significantly in the past about seven years... [LB608]

ANN HUNTER-PIRTLE: Yeah, they've gone... [LB608]

SENATOR PANSING BROOKS: ...(inaudible) graduation rates. [LB608]

ANN HUNTER-PIRTLE: They've gone from just under 80 percent, I believe, to right about 90 percent now. [LB608]

SENATOR PANSING BROOKS: Yes, which was a significant effort by the school district in Lincoln to increase graduation. And so it is possible to work on that and to direct a focus in a school district towards graduation. [LB608]

ANN HUNTER-PIRTLE: I believe there's no ceiling on what's...what can be accomplished in public schools. It's not rocket science. It's hard work and an investment of expertise and focus

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and leadership and, you know, some monetary resources but not even much, you know, above and beyond the normal course of business. [LB608]

SENATOR PANSING BROOKS: Thank you. I hope somebody will speak to that more that's coming up because I do believe that...I believe that Lincoln Public Schools has done an amazing job of educating its students and working hard to increase its education...graduation. [LB608]

SENATOR GROENE: I like your comments--hard work. [LB608]

ANN HUNTER-PIRTLE: Thank you. [LB608]

SENATOR GROENE: Is it fair...I mean we have great private schools and we got great public school in areas. I don't think we have any bad private schools right now. Is what happened in Minnesota and Wisconsin because now the money was available that these fly-by-nights popped up, is that what you're talking about on top of...? [LB608]

ANN HUNTER-PIRTLE: That is my understanding as far as part of the picture. The other thing--and I maybe skipped over this in the end part of my testimony--yes, you know, private schools are accredited by the state. But they do not, at least in Nebraska currently, have to meet the same...they don't do NeSA testing. They may do ACT testing or other things, but they don't NeSA testing. [LB608]

SENATOR GROENE: The ACT is a pretty good indicator of success and I would believe they make every student take that. [LB608]

ANN HUNTER-PIRTLE: Sure, but there is not an equivalent assessment system to AQuESTT in Nebraska for a private schools. And so, no, you know, I agree with you. I think in general our private schools here in Nebraska are great. And I want to note that my organization certainly doesn't oppose private schools or private education. We simply believe that those private options should be privately funded. [LB608]

SENATOR GROENE: Thank you. Any other questions? Thank you. [LB608]

ANN HUNTER-PIRTLE: Thank you. [LB608]

SENATOR GROENE: Next opponent. How many opponents do we have yet? Thank you. Everybody has a right to speak, but if it gets redundant, somebody else said it, then let's not

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repeat it if we can. But some things need to be repeated in life, but not 20 times. Thank you. [LB608]

JASON BUSS: Hi, my name is Jason Buss, J-a-s-o-n B-u-s-s. I am a father of kindergartner and a third grader at Central City Public Schools and last time I was in the State Capitol was in fourth grade on my field trip. (Laughter) So you definitely picked a bill that got my attention and made me want to come out here today. And I think it got a lot of people's attention. You know, I think it's what we put in to public education is what makes it good and definitely you guys are a part of that. What you do every day is part of the piece of what making public education is great. I'm asking you to defend rather than defund public education. Seeing the bill, I started a petition which I've shared with you guys that's growing, over 200 signatures but it's only been a day. So we're going to continue to share news about this and build a coalition against it because I don't agree with sharing public funds for private schools in this way. For my kids and for our community, it would be a bad deal. By my public school math I figured it could be \$1.2 million coming out of my school district to the private schools and it probably depends a lot on the restrictions that will ultimately be included and redone as this bill is amended. So I...you know, that math is old already. I want to make sure that we don't take away from our public schools, you know, throwing the baby out with the bath water or what I see this is this giving up. This is not what people want in our state and we're going to fight it. Our school boards and you work to solve these problems. Please don't give up the fight. [LB608]

SENATOR GROENE: Thank you. Any questions? Thank you. [LB608]

JASON BUSS: Oh, I wasn't paid to be here. (Laughter) And I don't mean to jab, but, Senator Erdman, you didn't ask any of the people on the other side if they were paid or who for them to be here. And I got the feeling that quite a few of them were paid. I think a lot of people in this room are not paid to be here. [LB608]

SENATOR GROENE: Thank you, sir. [LB608]

KRISTALYN GENTRY: Hi, my name is Kristalyn Gentry, K-r-i-s-t-a-l-y-n G-e-n-t-r-y. So I'm a secondary education major at the University of Nebraska right now. I'm originally from Kansas and part of the reason I left there was because, A, I fell in love with the university, I fell in love with this state, and I fell in love with this education system. I don't know if you guys know, Kansas kind of sucks in their education policies. They've done so many budget cuts to public education and that's not where I wanted to teach, so I looked elsewhere and that brought me here and I would not be here today without my public education that I'm very proud that I got. I don't have any handouts. I don't have any numbers. I'm just here with a voice and an opinion that I would like to share. As far as the constitutional issue of whether or not it's funding private

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institutions, I say it is. There was a Supreme Court case the Everson v. Board of Education where families were being reimbursed for transportation to private schools and public schools. There was a 5-4 ruling in favor of this, the reimbursement because it benefited both private and public schools. This bill does not. It does not benefit public education. It simply allows more people to go to private education. And the justice that was in charge and said the ruling, this is what he said, "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." And that is exactly what this is doing. It is helping fund students to go there and taking that funding away from public education. If we take that money from public education, we are not allowing it to get better. And if they are needing improvement, which there are schools that are, you can't take funding from it. That's not going to solve the problem but rather push it under a rug and just direct that elsewhere which we can't have. That's not going to fix anything. We need to increase the funding to increase these test scores. If we want it to get better, we've got to donate more money and time because there are so many resources that it could go to that it's going to be lost if we give this money to a private school. This only makes the problem with education worse and it only increases this education gap between the people that can afford and get these scholarships versus the people that cannot. And if these...all these people do move to a private school, how can they plan? What if it does get overcrowded? Are they going to have to buy spots? How are they going to discriminate then? Once again, they previously mentioned about they can discriminate whichever way they would like and that's not fair as well. So I just don't think this should happen. I think we need to focus on our public schools and building them up because LPS is a great district. It's where I want to teach. All these Nebraska districts are very good. I'm really excited to potentially get to teach there. I would hate to see them lose that funding that I'm so desperately excited to teach in. Thank you. [LB608]

SENATOR GROENE: Thank you. Senator Pansing Brooks. [LB608]

SENATOR PANSING BROOKS: Oh, my gosh. Thank you, Ms. Gentry. You're the poster child of Kansas refugees to Nebraska. (Laughter) I'm very happy and we want more Kansas people to move here and we're going to find them. [LB608]

KRISTALYN GENTRY: I'm trying. I really am. (Laughter) [LB608]

SENATOR PANSING BROOKS: Thank you. [LB608]

SENATOR GROENE: Any other questions from the committee? Thank you, miss. [LB608]

KRISTALYN GENTRY: Thank you. [LB608]

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CHERYL GOODWILLIE: Well, good afternoon. For the record, my name is Cheryl Goodwillie; that's C-h-e-r-y-l G-o-o-d-w-i-l-l-i-e. Thank you for your time and for your service. I'm a retired teacher of 33 years with the Omaha Public Schools and I will be very clear and say that I taught in those schools where the gentleman from Wisconsin said he would never send his children to. That's me. I'm the person who's worked there. I worked for 15 years at a magnet school as a reading specialist and later part time as the gifted facilitator. During those years, I learned a great deal about the opportunities that a magnet school can provide students who may prosper in a better setting than in a neighborhood school versus a charter school. Public magnet schools and academies have accomplished amazing things without taking tax dollars away from our public schools. I have worked at Western Hills University Partnership Magnet School. It served many children in need. We had over 65 percent of our children receiving free and reduced lunch. Many of those students need enrichment to build background knowledge and the vocabulary that is needed to be a successful reader. Children from wealthier backgrounds receive a great vocabularies through great...through exposure to reading books, travel, trips to the zoo, to the museums. It was my privilege to help students bridge the gap from the nonreader to a reader. And it was our school's mission to bridge that gap through daily instruction as well as through the extra experiences that a magnet school provided. It was my responsibility to see that our students achieved at or above Adequate Yearly Progress, which is what the measure is nationally, each year in reading. And each year those goals increased. Our students were categorized under multiple groups. You could be successful in three and fail in one and my school would sometimes not make AYP because of one out of six categories and you get put in the paper for that, okay? I had children who...we had very high standards of testing. I had...100 percent of children have to be tested. One year I had a child who had cancer. He had to take the state writing test while he was in the hospital. He, even though he was a very bright student and I think he would have passed that state writing test, his illness precluded him from accepting...you know, performing an acceptable level. Many students in Omaha Public Schools have transient...you know, come and go, come and go. Transition is a huge issue. So even though I would maybe have served a child a month, I had to include them in my test scores. So I see that I'm out of time. So do you want me to go on? [LB608]

SENATOR GROENE: Any questions? A magnet school, explain that to us, OPS. [LB608]

CHERYL GOODWILLIE: Yeah, I thought maybe that would be what people would not be familiar with. In fact, a lot of people think that a magnet school and a charter school are the same thing. People walk into open house thinking that it is. A magnet school, each of the...in Omaha's high schools, except for Burke and Central, they're magnet schools. You go there for extra technology or for theater or for whatever. My school focused on a partnership with UNO so our kids worked closely with UNO undergrads and we had a band buddy program. Every school has...you know, you choose a different focus. But you do those extra things that will provide

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enrichment and meet kids' and parents' goals. So those are things that a charter school can do that a magnet school can do without taking away dollars. [LB608]

SENATOR GROENE: Thank you. [LB608]

CHERYL GOODWILLIE: Okay. Any other questions? [LB608]

SENATOR GROENE: Thank you. Next opponent. [LB608]

CHERYL GOODWILLIE: Okay, thanks. [LB608]

KATHY DANEK: Good afternoon, Chairman Groene, members of the Education Committee. My name is Kathy Danek, K-a-t-h-y D-a-n-e-k. I am a proud elected member of the Lincoln Public Schools Board of Education for the past 15 years and 8 months. I am also a member of the Greater Nebraska Schools Association. And Senator Pansing Brooks is right. When you put your heads together as a board and you do strategic planning and you set a goal for graduation rates, you see great improvements across your district because everybody is rowing the same way. You see, those graduation rates did improve. But they didn't improve because we lowered standards. In fact, we increased graduation requirements during that tenure. And that's the great fallacy we have when we talk about public education. It doesn't take divide and conquer, but rather, get together and work together. It does take hard work. We understand the intent of LB608, public-to-private and religious voucher plan is to provide an opportunity for at-risk students in failing schools to have the option to attend private schools as an alternative to the failing schools that they are attending. We identify several problems with the bill which is why we oppose LB608. Quickly, one, LB608 public-to-private and religious voucher plan provides direct public funding to religious instruction in a matter that appears to be contrary to Article VII-1 of the Nebraska Constitution which states, "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof." Two, LB608 public-to-private and religious voucher plan prioritizes funding to go to families already attending or having attended private schools over those attending the targeted public schools. Number three, LB608 public-to-private and religious voucher plan does not prioritize scholarships for students who are struggling academically or who come from demographic groups that are historically...be underserved by private parochial and public schools. Number four, LB608 public-to-private and religious voucher plan does not take into account differential impact of students leaving public schools to attend the private school. And number five, LB608 public-to-private and religious voucher plan mandates, and I use that word "mandates," that public schools transfer public funds to private and parochial schools for academic and religious

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instruction without having in place comparable public governance, financial, and academic accountability. I'm going to narrow my focus to the last item. LB608 provides public funds to private entities for the purpose of educating students without proper oversight. Section 6 require participating private and religious schools to provide financial information audited by a certified public accountant and academic accountability information to the department. It is helpful to provide reports to the public and the departments the year that after academic and financial decisions are made. It does not allow proper oversight of the funds as plans are considered, payments and contracts composed, and decisions are finalized. Processes and meetings by these bodies are not covered by the Open Meetings Act. The budgetary process that monitors these budgets are developed and the funds are actually spent... [LB608]

SENATOR GROENE: Could you wrap it up, Miss. [LB608]

KATHY DANEK: I'm doing my best. I've got one paragraph left. [LB608]

SENATOR GROENE: All right. You're an elected official so I'm giving you extra time. [LB608]

KATHY DANEK: Thank you. [LB608]

SENATOR GROENE: I appreciate you coming in. [LB608]

KATHY DANEK: ...are not subject to the transparency measures of the Nebraska Budget Act. The leaders of private and religious schools are not as available or as accountable as public schools or officials, nor are they up for public election every four years. These processes and procedures have been put in place to ensure that public funds are used effectively and those responsible for using them are accountable and available to the public, while public schools embrace these transparency requirements because public schools use their funds efficiently and effectively and we have a great story to tell. I do not have enough time to cover all of the problems with this bill, but I hope others that follow me will share. I would be happy to answer questions. [LB608]

SENATOR GROENE: Thank you. You do write long paragraphs. (Laughter) Thank you. Any questions? Steve. [LB608]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. How much of your budget in your school is from the TEEOSA formula? [LB608]

KATHY DANEK: I believe it's about 48 percent. [LB608]

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SENATOR ERDMAN: Forty-eight percent of it comes from TEEOSA? [LB608]

KATHY DANEK: It could be. That could be a little high, but I think it's...I know it's below 50 percent. [LB608]

SENATOR ERDMAN: Do you know how many students in your system already go to a parochial school? [LB608]

KATHY DANEK: In our system? In Lincoln Public Schools, or in Lincoln Public Schools...? [LB608]

SENATOR ERDMAN: In your district, if those kids were to come to your school, how many would that add to your system? [LB608]

KATHY DANEK: Probably about 2,000. And we're growing 1,000 kids a year and we believe all means all. We would find room for them if they came to Lincoln Public Schools. [LB608]

SENATOR GROENE: Any other questions? Thank you for taking the time. [LB608]

KATHY DANEK: Thank you. [LB608]

SENATOR KOLOWSKI: Welcome, Ms. Blakely. [LB608]

DANA BLAKELY: Thank you, Dr. Kolowski. I'm following Kathy in an effort to not be redundant per Chairman Groene's request. Good afternoon, Education Committee. My name is Dana Blakely spelled D-a-n-a B-l-a-k-e-l-y. I am a Westside Community Schools Board member and appearing today as a member of the Greater Nebraska Schools Association. We understand the commendable intent of LB608 public-to-private and religious voucher plan is to provide an opportunity for at-risk students in failing schools to have the option to attend private schools as an alternative to the school they are attending. We fear several problems with this bill which is why we oppose LB608. Kathy mentioned all of them. The one I'd like to focus on is the fact that LB608 mandates that public schools transfer public funds to private and parochial schools for academic and religious instruction without having in place comparable public governance, financial, and academic accountability. In Section 2(2), LB608 identifies targeted public schools as those that are in the lowest level of accountability as designated by the state's accountability system. In Section 2(3), LB608 identifies eligible private schools as any private school that declares itself willing to participate in the plan. The implication of these two definitions is that a targeted public school has less of a positive impact on every single child in their school than any

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private school in the entire state has on any child in the entire school boundary, even those who do not attend the public school. While people have differences of opinion on the relative performance of schools, this bill attempts to establish that belief as statement of law without trying to provide any reasonable comparative data on achievement using the state's accountability system. In terms of public, private, and religious schools, this comparison is flawed and nearly impossible to make. Just this session in a hearing on tax credit for private school scholarships in the Revenue Committee the superintendent of the Omaha Catholic Schools, Patrick Slattery, was asked by a senator if he would agree to have the students in his system take the NeSA test as a means to compare public and parochial schools. The superintendent said he did not accept the suggestions of adding that test which would allow parents to have comparable data of student achievement. This may have been in recognition of the near impossibility of direct comparison of school systems that function under such rules and for such different purposes. Without a method to measure effectiveness of parochial schools in a similar scale to public schools, it would be impossible to know that families were using their funds in a school that was more effective than the targeted school based on the state's accountability system. Without this is assurance, the underlying purpose of the bill is lost which underscores our opposition to it. I don't have enough time to talk about this. Let me just say this. I'm a lifelong educator. I've been in the public schools for nearly 20 years now. I've taught in different systems, in different states, but always in public schools. There is much to be proud of happening there every single day. Public education--real, true public education--has always been a fundamental belief of our democracy. Please hear me when I ask that you consider the seriousness of any action surrounding this bill. Our children's futures are in your hands. Thank you and I'm happy to answer any questions that you have. [LB608]

SENATOR KOLOWSKI: Yes, Ms. Ebke, please. [LB608]

SENATOR EBKE: Thank you. Did I hear you say you're from Westside? [LB608]

DANA BLAKELY: I am a school board member in Westside and I currently teach in the Millard Public Schools. [LB608]

SENATOR EBKE: Okay, you answered some of my questions there. Do you have any idea what the opt-in numbers in Westside are? I mean you hear great things about both Westside and Millard at different times. [LB608]

DANA BLAKELY: About a third of our students come from outside of our district. [LB608]

SENATOR EBKE: Okay, and do people opt-out of Westside? [LB608]

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DANA BLAKELY: It's not common. [LB608]

SENATOR EBKE: Okay, so... [LB608]

DANA BLAKELY: And I say that only saying I know we have...I don't know the numbers if you going to ask me this. We do have a lot of people residing in our district that choose to send their children to private schools. I don't have those numbers, but... [LB608]

SENATOR EBKE: But it's not option enrollment to another... [LB608]

DANA BLAKELY: Correct, that is correct. [LB608]

SENATOR EBKE: Okay. So given that, why do you suppose people send their kids to Westside? [LB608]

DANA BLAKELY: Well, I mean there a lot of reasons. Don't get me started on selling a district that I actually am a graduate of and... [LB608]

SENATOR EBKE: Well, go ahead. [LB608]

DANA BLAKELY: ...and have a fifth-grader in this school district. We have things that are important to us in Westside, and a level playing field for all of our students is one of them: one-to-one technology is a big draw for people coming into our district for twenty-first century learning skills; our neighborhood schools which work effectively for people who live in the neighborhood but for students opting in from outside of the district. Generally speaking, my experience is we welcome them in as a member of our community in those neighborhood schools. My daughter's in a single section school at Sunset Hills Elementary right now meaning there's one class per grade. It's not tremendously financially effective and it is changing but there's appeal around that, personalized learning, and our idea which is the idea of many people here, that every child needs to be proficient. If the numbers aren't 100 percent of your goal then you're not doing your job. [LB608]

SENATOR EBKE: So are most of your option students coming in from OPS or do you know? [LB608]

DANA BLAKELY: Many of them, and I don't have the exact breakdown, but many of them would be coming from OPS, I mean the ones that I've spoken with. [LB608]

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SENATOR EBKE: And do you know about what percentage of your budget is covered by option funding, rough numbers? [LB608]

DANA BLAKELY: I don't have that in front of me. I can get that and get back to you on that certainly. [LB608]

SENATOR EBKE: Well, I mean what's interesting here, Westside raises an interesting...there's not a problem with the competition between one public school and another public school because there's a better...you know, there's a, perceived at least, better opportunity for kids in Westside, right? [LB608]

DANA BLAKELY: There is. And to be clear, and I think this is an important distinction to make, our opt-in population pretty much mirrors our resident population in terms of things like poverty and those issues. So we're not adding...it's a mirror of each other. [LB608]

SENATOR EBKE: Okay. Thanks. [LB608]

SENATOR GROENE: Senator Kolowski. [LB608]

SENATOR KOLOWSKI: Thank you, sir. Ms. Blakely, good to see you again and... [LB608]

DANA BLAKELY: In all fairness, this is my former boss asking me this question, (laughter) so go ahead. [LB608]

SENATOR KOLOWSKI: More of a comment, I think it's really important in school improvement practices that we have had great success in our strategic planning in our district but also in our buildings with the Breaking Ranks program. I want to go on record with that. That's from the National Association of Secondary School Principals. It's a school improvement planning process that helps build Blue Ribbon schools. And that makes a difference when you're trying to do things correctly and to be a draw for people to come to your districts and do what you have going on in Westside or what we have going on in Millard or other locations. So I think it's really important that we know because we're not talking about the change of moving these schools from a poor-functioning school to a middle- or high-functioning school. There are things out there that can help us if you do it and do it correctly. And I think that's important for people to know. Thank you. [LB608]

DANA BLAKELY: I would also say in addition to that since I appreciate your service probably more than anybody else, is no offense to anyone up here but when people decide and discuss

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education policy and law, educators perceive themselves to rarely have a seat at that table. I am somewhat of an anomaly as a current public school teacher who's sitting on a board of education. But I think the voice is important and I think you have a lot of teachers in this room that would like their voices to be heard. [LB608]

SENATOR KOLOWSKI: Thank you. [LB608]

SENATOR GROENE: Thank you and thank you as a public elected official taking the time. [LB608]

DANA BLAKELY: Thank you. [LB608]

AMY SHANE: Good afternoon. My name is Amy Shane, A-m-y S-h-a-n-e, and I'm the superintendent at O'Neill Public Schools in O'Neill, NE. I am here today to express some concerns regarding LB608, the Parental Choice Scholarship Program (Act). I understand that the intent of the bill is to give parents of children attending a school scoring in the lowest level according to AQuESTT a chance to attend an alternate school at no cost to them. While this seems to make some sense on the surface, there is no way to know whether the private school in the community is actually performing at a higher level than the public school. Private schools are not required to take the same assessments as public schools nor to complete the other accountability measures of AQuESTT. If all "participating schools" were required to adhere to all of the assessment and accountability measures that public schools follow, that problem would take care of itself. That's just one of the problems I can envision with this bill becoming law. As the superintendent of a public school whose free and reduced lunch rate, ELL percentage, special education percentage, and mobility rates exceed the state average, we could one day be one of the schools in the needs improvement category. Should this happen, this might be the consequences for the taxpayers of O'Neill Public Schools. If we use this year's figures, we're expecting state aid and local receipts that total \$8,402,084. O'Neill Public Schools' enrollment as of the last Friday in September was 805 students. Saint Mary's is a parochial school in our district. Their enrollment on the last Friday in September was 184. That would bring our total enrollment to 989 for the 2016-17 school year. When we divide our state aid and local receipts by 989, you get \$8,495 of revenue per student. Fifty percent of our receipts per student would be \$4,247. And I believe the figure in the amendment went down to 50 percent of the revenue per student rather than the 75 percent that we've been talking about. Tuition at St. Mary's High School for the '16-17 school year is \$2,700 per year, plus the approximate cost for uniforms and books of about \$500. This would bring the total cost for attending Saint Mary's to \$3,200 a student. Since this is less than half of our expected per-pupil revenue, that's the figure I understand we would use for calculating scholarships. If 30 of our high school students chose to attend Saint Mary's we would multiply those 30 students by the \$3,200 for a total cost of

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\$96,000. Transportation that we would be required to provide might up that by another \$4,000 to bring that total cost to about \$100,000. Losing 30 students at our high school would not allow us to reduce our staff or any of the other expenses we have to run our school. So that money would have to be raised through property tax increase of \$100,000, that is assuming that the 200 students already attending Saint Mary's or thereabouts would not be entitled to scholarships because that's not clear to me in this bill if it's just new students going to the private school or if all students that attend that school would get the scholarship. If in fact all students at Saint Mary's received a scholarship, that would be a cost in excess of \$736,000 to the property taxpayers of O'Neill because we're a nonequalized district. So I know my time is up. But I think that this is a dangerous thing that might...we have a very good relationship with Saint Mary's, very good relationship. We share programs. We share activities. I think this is a bill that could divide our small community because of the requirements to fund the private school with public dollars. [LB608]

SENATOR GROENE: Thank you. Any questions? Senator Erdman. [LB608]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming clear form O'Neill. Those students that attend the parochial school, 184 students? [LB608]

AMY SHANE: Correct. [LB608]

SENATOR ERDMAN: Do their parents pay property tax? [LB608]

AMY SHANE: They do. [LB608]

SENATOR ERDMAN: And it goes where? [LB608]

AMY SHANE: And it comes to the public school. [LB608]

SENATOR ERDMAN: Okay. [LB608]

AMY SHANE: We do share programs with them. They can come over for agricultural programs, T&I programs, and we also pay for all of our co-ops for athletics. [LB608]

SENATOR ERDMAN: But those students' parents are paying property tax and... [LB608]

AMY SHANE: Absolutely. [LB608]

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SENATOR ERDMAN: ...(inaudible) to go this school. [LB608]

AMY SHANE: They do. [LB608]

SENATOR ERDMAN: Thank you. [LB608]

AMY SHANE: You bet. [LB608]

SENATOR GROENE: Any other questions? Do...you said co-op, you... [LB608]

AMY SHANE: Sure, we co-op golf and we co-op cross-country, co-op band. We have a number of NSAA co-ops. [LB608]

SENATOR GROENE: And you said bussing. [LB608]

AMY SHANE: We don't provide bussing in O'Neill. We pay our students...or our parents to transport their students. [LB608]

SENATOR GROENE: You said something about bussing. [LB608]

AMY SHANE: No, just transportation in general. We pay the parents. [LB608]

SENATOR GROENE: I'm playing Gabriel's proponent here again, but what you were saying was, how to say this, but good students usually have good parents. That's a big plus for students, right? [LB608]

AMY SHANE: Sure, absolutely. Home support is... [LB608]

SENATOR GROENE: So if somebody is going to option out, take advantage of this, it's usually going to be that parent who does it. So are you saying that good students might leave you and then you drop, your test scores drop... [LB608]

AMY SHANE: No, I'm just saying because of the different... [LB608]

SENATOR GROENE: And then you become one of these... [LB608]

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AMY SHANE: ...challenges we have...we could. It's possible. At this point our elementary school is ranked as good and our high school is ranked as very good. But we have an extensive ELL population, an 18 percent special ed population. And all of those students are counted in our scores. So at some point, you don't know. Something I think it's important for us to remember is that even our schools that are in needs improvement, if they were compared to schools in other states would likely be in a higher category because overall in Nebraska we do a pretty good job with education. [LB608]

SENATOR GROENE: Thank you. [LB608]

AMY SHANE: Sure. Thank you. [LB608]

LAUREN GATTI: Good afternoon. Thanks for taking all this time. My name is Lauren Gatti, L-a-u-r-e-n G-a-t-t-i, and I'm not from Nebraska. When I moved here in 2012, I didn't know anyone. I didn't even know what a Runza was. And it took me a little bit to get used to this place and to really like this place. But five years in I love it and I want to talk to you about how education is different here than in my home city of Chicago and Wisconsin where I went to college and graduate school. One of the things that blew me away about Nebraska when I moved here was the remarkable autonomy that the state expressed in terms of education policy. There was no Common Core. There were no charters. There were no vouchers. And this was most incredible to me--there was an open district, so kids could actually choose the schools they went to. That's unheard of in other parts of the country. More than this, Lincoln is a refugee resettlement city, stunned me in the level of diversity that it implied for the city of Lincoln and for the state of Nebraska. I talked to my colleagues from other states and they would be complaining about the vouchers, the segregation, the white flight, the defunding of public schools. And I would surprise myself by saying that's actually not happening here in Nebraska, until now. LB608 is called the Parental Choice Scholarship Act but in reality like all education claiming choice it's about vouchers as we know and it's about using public funds for private schooling. I should say that I'm from a Roman Catholic family. My parents had four children to 12 years of Catholic school, one of them to 16 years of Catholic school. And I taught in Jesuit Catholic schools for 11 years in Chicago. So I have no question that Catholic schools are phenomenal spaces of opportunity for all kids. I taught at Cristo Rey Jesuit. Kids were on a work study program that was not publicly funded. That school found creative ways to fund education for Catholic kids. We would be wise to learn from our neighbors in Wisconsin, not from the lobbyists who showed up today to tell us how amazing the school choice program there is but from what's actually happening. Barbara Miner is a journalist who writes on school choice. She said that \$2 billion in public money have been funneled into private, mostly religious schools in Wisconsin. There are now 33,000 students in 212 private schools in Wisconsin. So students who use vouchers in Wisconsin would comprise the second largest school district in Wisconsin. The thing that I think is really important is that there was a sunset clause in 1989 when this...when

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the choice program came in Wisconsin. And it was immediately, like within weeks as far as I understand it, taken out. So it was supposed to be an experiment, not a long-term thing. Now 30 years later it has definitely increased segregation in Milwaukee, one of the worst... [LB608]

SENATOR GROENE: Could you wrap it up. [LB608]

LAUREN GATTI: Sure. I wish that the Wisconsin man hadn't taken 30 minutes. [LB608]

SENATOR GROENE: Yes, but... [LB608]

LAUREN GATTI: I know. [LB608]

SENATOR GROENE: She was a school board member. [LB608]

LAUREN GATTI: No, no, the man who lobbied from EdChoice. [LB608]

SENATOR GROENE: Oh, yes. I know. But that was with questions, so you can have a couple more minutes. [LB608]

LAUREN GATTI: Can you? Thank you. [LB608]

SENATOR GROENE: The people from Wisconsin, I don't know anything behind, but they implied that people liked it there and they expanded it to the rural parts, too, here just recently. Do you understand...have any history of why that happened? [LB608]

LAUREN GATTI: I don't. I'm not...and I come here as an educator, as someone who's really concerned about public school. The one thing I do want to make, Senator, and then I know I need to stop, is that in this really divisive moment that we're living in right now politically, I just can't imagine a more important moment for public schools to be more funded, not defunded. And it's very possible that our children, that the only place where they encounter a real difference religious, ethnically, linguistically is in a public school. So I just really implore you to think about the repercussions. You can't get the horse back in the barn if this passes. We're one of the few states in the country who have this kind of autonomy. It's amazing. [LB608]

SENATOR GROENE: Thank you. [LB608]

LAUREN GATTI: So I just ask you to really think about that. [LB608]

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SENATOR GROENE: Thank you. [LB608]

LAUREN GATTI: Thank you. [LB608]

SENATOR GROENE: Next opponent. [LB608]

BRIAN HALSTEAD: (Exhibit 8) Good afternoon, Senator Groene, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education here on behalf of the State Board of Education in our opposition to LB608. I have also, in order to speed things up, had a letter that the Nebraska Association of School Boards wanted to offer so I've given you two opportunities here with one person and I'm going to stop and see if you have any questions because you've heard a lot this afternoon. [LB608]

SENATOR GROENE: Senator Morfeld. [LB608]

SENATOR MORFELD: Thank you for coming today, Brian. Did you hear the Catholic Conference's testimony as to some of their legal analysis regarding (inaudible)? [LB608]

BRIAN HALSTEAD: I do recall the individual saying the bill needed to be amended in order to make it fit within the parameters of Article VII, Section 11 of the Nebraska Constitution and I would concur with his opinion. [LB608]

SENATOR MORFELD: Okay. Do you see any other problems with this bill in that...(inaudible)? [LB608]

BRIAN HALSTEAD: Well, in the sense of...reading the bill it says all you have to do is reside in the attendance area of a school that is in the lowest classification level of AQuESTT. Now I've heard a lot of testimony about, well, it's only meant for those kids in the public school that...the bill doesn't say that. It says you just have to reside within the attendance area. It doesn't indicate, I presume, maybe Senator Linehan meant this is only for the kids who are currently enrolled in that public school because it's now in the lowest classification, those children, their parents get the opportunity to pick a private school that decides it wants to participate in the program. But I don't believe that's the way the bill is currently drafted, so there may be other work that others want to do and I'm not here to speak for Senator Linehan. She did a very good job explaining her bill, I think, to start out. [LB608]

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SENATOR MORFELD: Then my other question is, what kind of accountability...I heard from Senator Linehan and I think a few other people saying that the schools have to be accredited by the Department of Education and all of that. I mean so what does accreditation and approval by the Department of Education actually mean and what kind of accountability standards are there for private schools, particularly if we're giving a large amount of public dollars to them? [LB608]

BRIAN HALSTEAD: Okay, well currently the law in the state of Nebraska requires all nonpublic schools who are not exempt, choosing exemption from accreditation or approval requirements, to be either approved or accredited by the department. Approval is covered under Title 92 Nebraska Administrative Code, Chapter 14, Rule 14. The approval requirements are not as rigorous as the accreditation requirements which you'll find in Title 92 Nebraska Administrative Code, Chapter 10. All public school districts, because this Legislature has mandated it, have to meet the accreditation requirements of Rule 10. We have seen in the last several years a large number of the parochial schools moving to be accredited under Rule 10. There are more and more nonpublic schools today that are accredited by the department than there were in the past and I don't know the exact number of nonpublics that are currently just approved under Rule 14. But they have the choice. They can just do approval. Many have chosen to be accredited. [LB608]

SENATOR MORFELD: But they still don't have to submit...they don't have to take NeSA for all their students. They don't have to be a part of AQuESTT or anything like that. [LB608]

BRIAN HALSTEAD: The Quality Education Accountability Act of this Legislature does not require NeSA testing for any students in nonpublic schools. It is all public school district students have to take NeSA test or the alternate exam if they happen to be severe or profoundly disabled, unable to take a normal assessment test. [LB608]

SENATOR MORFELD: Thank you. [LB608]

SENATOR GROENE: Do No Child Left Behind or I can't think of a new name for it... [LB608]

BRIAN HALSTEAD: Every Student Succeeds Act. [LB608]

SENATOR GROENE: Yeah, rebranded. [LB608]

BRIAN HALSTEAD: Yes. [LB608]

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SENATOR GROENE: That doesn't apply to private schools? [LB608]

BRIAN HALSTEAD: No. [LB608]

SENATOR GROENE: They don't take federal money. [LB608]

BRIAN HALSTEAD: No. [LB608]

SENATOR GROENE: It's tied to federal money, is that right? [LB608]

BRIAN HALSTEAD: It is all about the federal funding you take under what's the Elementary and Secondary Education Act. [LB608]

SENATOR GROENE: So a lot of the things you do at public school follows the federal mandates all the way down. [LB608]

BRIAN HALSTEAD: We have to if they take the federal monies and all public school districts take some form. [LB608]

SENATOR GROENE: It dictates an awful lot to you also as a department head. [LB608]

BRIAN HALSTEAD: It used to be said that federal money come with strings. I would suggest today many would say it comes with chains, but we'll see with the new administration whether there's any lessening of that. But, yeah, there's requirements. If you're taking federal funding from the U.S. Department of Education, there are certain minimum requirements you have to meet both at the state level and at the local school district level. [LB608]

SENATOR GROENE: So it isn't that the people in Nebraska wanted all of these regulations on the public schools. It's been tied to the federal funding. [LB608]

BRIAN HALSTEAD: The federal funding comes with the requirements and that's set by Congress and the U.S. Department of Education. [LB608]

SENATOR GROENE: Thank you. [LB608]

BRIAN HALSTEAD: You bet. [LB608]

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SENATOR GROENE: Steve, Senator Erdman. [LB608]

SENATOR ERDMAN: Thank you. Thank you for coming today. Do private or parochial schools get special funding from the state for special education? Do they get funding for that? [LB608]

BRIAN HALSTEAD: No. No. [LB608]

SENATOR ERDMAN: None, at all? [LB608]

BRIAN HALSTEAD: And actually I believe there was a good discussion by the individual from Madonna School earlier. The public school districts contract with Madonna for Madonna to provide the services to the students because those students fit the definition of being handicapped this Legislature has enacted, which fits right within the parameters of Articles VII, Section 11 of the Nebraska Constitution. They do not directly receive the federal IDEA funds. The public school district may get federal IDEA funds, but the public school district contracts and pays, in this case, Madonna out of funding for the services they provide to those children who are, in fact, identified for services under special education. [LB608]

SENATOR ERDMAN: So can they then transfer the federally allocated funds over to the private school? [LB608]

BRIAN HALSTEAD: You've got me on that one. I would have to go talk to our accountants and the financial people. They may be using their own funding or the state General Funds for special ed reimbursement to cover that. There's a question I do not know the answer to. [LB608]

SENATOR ERDMAN: Thank you. [LB608]

SENATOR WALZ: I... [LB608]

SENATOR GROENE: Senator Walz. [LB608]

SENATOR WALZ: Thank you. Sorry. On the opposite, if a child is attending a private school and needs special...a certain class at a public school, how does that work then? Who...? [LB608]

BRIAN HALSTEAD: If a child is enrolled in a nonpublic school in Nebraska and the child...the parents request services under special education, the public school district is the one who provides, does the analysis, does the...and provides the services to that child. It used to be you

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couldn't do that in the private school setting, but the federal government eased back on the...actually now you have public school district officials in the private schools providing the special ed services to the child in that setting. [LB608]

SENATOR WALZ: So the public school system receives that funding. [LB608]

BRIAN HALSTEAD: Correct. They are the ones who are providing the service, are getting the funding, and all of that. Actually, several years ago the federal government gave the choice under special education. You could choose to provide free appropriate public education in the private schools, or you could provide equitable services, which wasn't...we at the department after consulting with school districts...all children in Nebraska get free appropriate public education, FAPE, regardless of whether they're in public or in a private, denomination, or parochial. We chose the higher standard because we focused on the kids, not the setting. [LB608]

SENATOR GROENE: Thank you. Any other questions? Thank you. [LB608]

BRIAN HALSTEAD: Thank you. [LB608]

ERIC ZIMMERMAN: Hello. My name is Eric Zimmerman, E-r-i-c Z-i-m-m-e-r-m-a-n. I am, just like Kristy Gentry, I'm a student at the University of Nebraska-Lincoln studying secondary education. I myself have been in Catholic education for all my life. I went to Catholic grade school and then Catholic high school at Pius. I'm a firm believer in Catholic education. However, there are a few things I felt like you might want to know about certain things in our diocese in particular. In Nebraska there are three diocese. We are in Lincoln, obviously, and then the Omaha diocese. One thing about Lincoln diocese for both Pius for sure and Saint Cecilia is in Hastings, is that for the students it is required to graduate from high school and you would have to take four years of theology classes--just one thing I thought I should point out. My only things were basically that and kind of just to express my opinion on the separation of church and state. I think that Catholic schools do need a lot of money. You know, they are largely supported off of donations...in Catholic schools in the United States of America it cost about \$15 billion to keep them all up and running as a book from Matthew Kelly called Rediscovering Catholicism; that's my source. But, yeah, I was kind of...those are my thoughts and if you have any questions for me as a Catholic education student, I'm all yours. Otherwise, thank you very much. [LB608]

SENATOR GROENE: Thank you. Any questions? [LB608]

CONNIE KNOCHE: My name is Connie Knoche, C-o-n-n-i-e K-n-o-c-h-e, and I'm a financial officer with Omaha Public Schools. And I'm not going to reiterate what some of the people have

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already said but I did want to point out that unlike private schools, public schools have an elected board of education made up of citizens chosen by their peers to oversee the operation of the school district. A local school board is a critical link to public schools. School boards serve their community and look out for the students. When making decisions about school programs and school boards, the school boards incorporate their community's view of what students should know and what they are able to do. School boards are accessible to the public and accountable for the performance of their schools. School boards are the education watchdog for the communities ensuring that students get the best education for the tax dollars spent. Private schools have no fiscal accountability to the public like a public school would. Schools receiving public funds should be required to comply with the same curriculum and testing standards required of public schools. Scholarships would create artificial competition among schools and would allow an unregulated private education industry to access taxpayer dollars. And in the interest of transparency, I just wanted to bring up, too, that on the Omaha Public School's Web site, if you look under the financial operations there's a research division where we post achievements and enrollment of different ethnic groups and of different schools. So all that information is out there. And actually the achievement gap for African-American students is closing; it's not as big as it was in the past. And I don't know where the 50 percent achievement gap comes from that they're talking about but I assume it's something that statewide that would be different than... [LB608]

SENATOR GROENE: I think that was on graduation rates. [LB608]

CONNIE KNOCHE: Oh, okay. And we also have graduation rates on our Web site as well. [LB608]

SENATOR GROENE: Do you keep track of how many students you lose to option to Westside and Millard and West Douglas... [LB608]

CONNIE KNOCHE: Yeah, when students opt-out they have to fill out an option enrollment form that they would show that they're going to a different school, yes. [LB608]

SENATOR GROENE: So do you know what that is? [LB608]

CONNIE KNOCHE: Not off the top of my head I don't. But we do have more students leaving the district than we have coming in. [LB608]

SENATOR GROENE: Thank you. Any other questions? Next. [LB608]

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BRANDON SCHUMAN: Hi, my name is Brandon, B-r-a-n-d-o-n, Schuman, S-c-h-u-m-a-n. And much like Eric and Kristy from earlier, I am a student out at the University of Nebraska-Lincoln and I'm a secondary education major. And as you can see I do not come with a typed out speech and I come with only just a voice and a message that's my own and from what I've gathered here today just listening to the proceedings and as someone that has grown up in Lincoln all my life, went to LPS all my life--Zeman Elementary, Pound Middle School, Lincoln Southeast High School--I learned a lot of things in my years of public education. Just a few things that I jotted down that I want to share with you: Within the classroom I learned how to view from multiple perspectives; how to think critically and creatively; and how to challenge, question, explore, and form conclusions. And outside of the classroom I learned leadership from the years I spent as a leader in the band, I learned courage from the time I spent on stage during theatrical performances, and I learned teamwork from the bonds that I made with everyone around me. And I'm not here to criticize parochial schools. I've come to meet a lot of people such as Eric earlier that had wonderful experiences in private education. But the most important...or one of the most important lessons that I learned from school is that we cannot run from our problems because there are always problems in life and just the way that I've seen this bill today is that it's an attempt to run from the problem which is underperforming schools. And my biggest concern is we talked earlier about massive migration from schools that are not performing at the level that they need to be performing. And we talk about, you know, getting 50 percent of the students into better schools, what becomes of the remaining 50 percent of students? We are taking money away from schools that need this funding and the solution is not just to siphon away funding to other schools. And I just want to thank you all for the opportunity to be here. [LB608]

SENATOR GROENE: Thank you. Senator Kolowski. [LB608]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Brandon, what's your major in secondary ed? [LB608]

BRANDON SCHUMAN: Secondary English Language Arts Education. [LB608]

SENATOR KOLOWSKI: Good luck with your career. I hope it goes well. [LB608]

BRANDON SCHUMAN: Thank you so much. [LB608]

SENATOR KOLOWSKI: Thank you. [LB608]

BRANDON SCHUMAN: Thank you. [LB608]

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SENATOR GROENE: Did you write those notes in cursive? [LB608]

BRANDON SCHUMAN: I did not. Believe it or not, I don't remember cursive. I don't remember it. We learned it in third grade and I didn't use it again. [LB608]

SENATOR GROENE: I just wondered if they still teach it. [LB608]

BRANDON SCHUMAN: That's a great question. [LB608]

SENATOR GROENE: I'm glad you see you know how to write though, not just a computer. Next, please. [LB608]

BRANDON SCHUMAN: Thank you all. [LB608]

SENATOR GROENE: Thank you. Good testimony. [LB608]

JENNIFER ALLEN: I didn't write. I actually have it on my phone. That's how far into technology I am. My name is Jennifer Allen, J-e-n-n-i-f-e-r A-l-l-e-n. I want to speak on...the issue was brought up about separation of church and state. Obviously that's very important. And someone made the comment earlier that parents are able to opt out of a religion class if you're sent to a religious school. I actually went to Catholic schools up until I was in tenth grade. I went to Saint Pius X, Saint Leo in Omaha, and I went to Pius here in Lincoln. In tenth grade I did transfer to Lincoln High where I graduated and I work now actually. Religion was in every aspect of the school. It wasn't just in that religion class that we went to in seventh period. In English class they would bring up scripture when we were talking about...I can't think of an exact example right now. In PE we had some chants--Matthew, Mark, Luke, and John instead of the head, shoulder, knees, and toes. It was Matthew, Mark, Luke, and John. Just little aspects like that that you may not necessarily think about if you weren't exposed to a religious school education. I think that's something that's important to recognize is that it's not just my child can opt out of this religion class, that every aspect whether it be going to the service on Fridays or when you go to speak to the counselors, you know, a school counselor will have that religious background that when they're speaking to your student...to their students as well. Beyond just the issue in the classroom, someone had brought up the...a religious school's ability to discriminate against somebody for whatever reason. One particular instance that I remember from when I was in school, I was at Pius the year that Candice Harms went missing and the year that Teena Brandon was killed. Both were former Pius students. We had an all-school assembly when Candice Harms died. And very...I'm not taking away from the tragedy of her death. When Teena Brandon was killed, we did not acknowledge her at all. We've got one role model Catholic

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school student who has acknowledged who was...her death was something that we as a school took time out to recognize. Then you have a student who was a transgendered individual who was killed brutally and wasn't even mentioned on the school grounds. That right there is an example of where there's a separation between moral values of a Christian upbringing and the values of a public school that I think is important to recognize. It's not just about religion class. It's not just about going to this class. [LB608]

SENATOR GROENE: Thank you. Any questions? [LB608]

JENNIFER ALLEN: Thank you. [LB608]

DONNETTE THAYER: My name is Donnette Thayer. I wanted to follow her because what I have to say relates to what she just said. I want to boil this down kind of because... [LB608]

SENATOR GROENE: Could you spell your last name, Donnette. [LB608]

DONNETTE THAYER: Oh, yes. My first name is Donnette, D-o-n-n-e-t-t-e, last name Thayer, T-h-a-y-e-r. So either we have a violation of the constitution or we're going to skirt that by having people walking around with these big buckets of money, about \$6,000, right? So we may have some really good parochial schools, but we also will probably encourage the establishment of some other schools in order to take that money and I've got a couple of examples. In Dunedin, Florida, the Life Force Arts and Technology Academy, they took about \$800,000 per year in taxpayer funding and there they teach Scientology. So we might get some Scientology schools. Also, in Minnesota there was a big lawsuit against the Tarek ibn Ziyad Academy on the grounds that the school had repeatedly violated the Establishment Clause. And they were finally discredited and closed, but it cost millions of dollars before they did that. So just because the parochial schools are doing a great job doesn't mean that we're not going to get a whole bunch of other schools opening just to take that money. If we want to look at fighting all of this in court and spending a lot of money then on that, that will probably happen. I just want you to be aware that when you have big money from the government going toward things like this that are not accountable to the taxpayers then you're running a big risk. All right? [LB608]

SENATOR GROENE: Thank you. [LB608]

DONNETTE THAYER: Thank you. [LB608]

SENATOR GROENE: Any questions? No questions. How many more testifiers are there?  
[LB608]

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DYLAN TILLEY: Thank you, Senators. My name is Dylan Tilley, D-y-l-a-n, last name T-i-l-l-e-y. I'm going to keep this really short. I have no bullet points. One of...copying everything everybody else has said would be redundant. So cutting right to the heart of one of the issues in this bill, there seems to be some sort of tax relief in there. Whatever money isn't spent should go into a tax relief fund back to the constituents. I'm a constituent. I'm a father. But what I don't understand in this part of the bill is if our public schools are struggling and we need to go to private schools to help fund them and to assist them, why wouldn't we roll that money back into our public schools? Why do we need to put it in a separate fund, unless lobbyists may have some sort of influence why they would need to do that? That's really all I have to say that everybody else hasn't already said. [LB608]

SENATOR GROENE: Thank you. Any questions for...? Thank you. [LB608]

ELIZABETH LEWIS: Doctor Elizabeth Lewis, E-l-i-z-a-b-e-t-h, Lewis, L-e-w-i-s. As a former high school teacher and current teacher educator of many of the finest students that you've seen from UNL who have come before you today. I oppose this proposition, LB608, on the grounds of the body of research that shows that charter schools exist outside legal protections for minorities. So equal access to education and schooling is limited by charter schools is illegal. Also, that private school students are not subject to the same regulations and accountability and other...I will save time by differing to others who have described that in very nice detail to you today. The accountability measures are not there in place. And also, I won't repeat the other good comments that have been made about parochial schools and the separation of church and state that are very important. We don't use taxpayer money for religious private schools. Public education is one of the cornerstones that American values and ideals. Public schools are the cornerstones of Nebraska communities where children are educated, communities are enriched, and all benefit, especially in remote rural locations where there isn't choice. And let's pretend there would be choice there. School choice is not a magic bullet to solve the ills of student achievement when poverty is the strongest factor and predictor of underachievement. When we actually disaggregate achievement data by socioeconomic status, and I'm talking about using that rather than saying this school is failing, there's a lot of rhetoric in the media, there has been in politics about that our schools are failing; we have terrible teachers; our teachers are second rate. This is simply not true. I manage a program in which \$2 million of National Science Foundation money provides stipends for future science teachers to make a difference here in Nebraska. They are highly qualified individuals; they have undergraduate degrees in science. The science curriculum coordinator at Lincoln Public Schools says that these teachers that they're hiring from our program are changing the curriculum in ways that nothing else will. So make no mistake, highly qualified teachers make a difference; private charter schools don't have to hire highly qualified teachers. And it's important to note that until we deal with issues of poverty, and when you look at Omaha Public Schools having one of the highest free and reduced lunch rates in the

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state, and transients, that was mentioned before, look at Lincoln High. Lincoln High at any one point in time in the school year, 20 percent of the students aren't there anymore. [LB608]

SENATOR GROENE: Thank you. [LB608]

ELIZABETH LEWIS: So you tell me how you can provide consistent curricular education when you have students going through a revolving door year after year. [LB608]

SENATOR GROENE: Can you wrap up. [LB608]

ELIZABETH LEWIS: And that happens in schools where there is high rate of free and reduced lunches. [LB608]

SENATOR GROENE: I'll ask you a question. [LB608]

ELIZABETH LEWIS: Yes, sir. [LB608]

SENATOR GROENE: I just got to treat everybody fairly... [LB608]

ELIZABETH LEWIS: Yep. [LB608]

SENATOR GROENE: ...like in public schools. But another aspect of it is, shouldn't people who want to teach have different avenues to teach, to be able to teach in a charter school, because that's what they want to pursue, or a private school? It's not just...you know, the competition there also is not just for students, but for good teachers. [LB608]

ELIZABETH LEWIS: Well, we have laws. Actually, Rule 24 requires in the state of Nebraska that teachers actually have subject matter knowledge in their content area that they teach. So having an undergraduate degree in say, biology, and becoming a biology teacher, that actually exceeds Rule 24 because 24 equals 24 credit hours of biology. So...but the federal guidelines say that in order for someone to be highly qualified teacher, they have to have an undergraduate degree at the secondary level in the content that they teach. And many states actually require that too. So equal opportunity to teach, I don't know. I don't think I just want anyone off the street teaching my... [LB608]

SENATOR GROENE: No, I didn't mean it that way. That graduated from your program would have that opportunity to teach in a different avenue than just public education. [LB608]

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ELIZABETH LEWIS: So the National Science Foundation provides Robert Noyce teachers scholarships and stipends. This is a national program that's been around for over a decade. And has produced many, many, many teachers in mathematics and science; and highly qualified ones, because that's part of the requirement that those teachers have undergraduate degrees in math and science in order to be in the classroom. The other stipulation is also that those teachers have to sign a contract that they're going to teach for two years in a high-need school district for every one year of support that they've received from that program. Those are federal guidelines. And so those teachers are going where they're needed most. [LB608]

SENATOR GROENE: That's your National Science Academy, you said... [LB608]

ELIZABETH LEWIS: National Science Foundation, Robert Noyce Teacher Scholarship funding. [LB608]

SENATOR GROENE: Thank you. [LB608]

ELIZABETH LEWIS: And that's out of Congress. And so those guidelines are... [LB608]

SENATOR GROENE: That's more money...federal grants. [LB608]

ELIZABETH LEWIS: Those are federal monies that have come to Nebraska. So I've managed \$2 million worth of that money that's provided money for 60 teaches, 70 percent of whom have stayed here in Nebraska because they're committed to strong public school education. They come from those contexts and they want to make a difference in kids' lives. [LB608]

SENATOR GROENE: Thank you. Any other questions? Next. [LB608]

ELIZABETH LEWIS: Thank you for your time. [LB608]

CHRISTINE STARR DAVIS: (Exhibit 9) I'm Christine, C-h-r-i-s-t-i-n-e, Starr, S-t-a-r-r, Davis, D-a-v-i-s. Thank you all. What a long day. I'm learning a lot. I know you are learning a lot too. I'm here as an educator with LPS, and as a parent of two graduates. And I have a prepared statement and then I have the notes I took and I think I'm going to mostly talk about what I noticed as we discussed here, and it's kind of coming up at the end. Like so many who work in public education, I hear so often the idea that the scores are indicative of the school, a poor school. And if you just get out of that school and get to a different school, the situation will change. And the truth for many of us who work in those buildings every day, is you know exactly why the scores are lower in some buildings and higher in other buildings, because you see the

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disabled kids, you see the poor kids, you see the kids who don't make it to school every day, you see kids with disabilities, you see kids that are struggling with mental health issues that are in and out. And thank goodness we have a public school system where all those kids have a place to go. My two daughters who are...one graduated last year from Lincoln High School; the other one five years prior, attended Lefler. Okay. Lefler Middle School is a much more diverse school in the city of Lincoln, for those of you who aren't in Lincoln. The year that students were given the opportunity, after Lux Middle School was built, there was a flight of students that they had gone through elementary school with because Lux was the new school and it was in a wealthier part of town and they didn't want to go to that bad school. Okay? I've worked in a lot of different schools in the district and I just want to say that the things that they learn going to Lefler and to Lincoln High were amazing. They were around a lot of kids that didn't achieve as well. They got to exhibit leadership opportunities because of it. Both of them left high school at Lincoln High School which is one of the...if not the lowest scoring high school in the city, with a quarter million dollars in promised scholarships to colleges that they wanted to go to. So I just want to, sort of, hoist a flag that scores on schools don't tell you they're bad schools and they should be able to get out of there. What they tell you is there's a population in that school that's more diverse. And that's not a crime in this country. So... [LB608]

SENATOR GROENE: Thank you. Any questions? [LB608]

ANNIE MUMGAARD: It's kind of hard to be "Nebraska Nice" and wait your turn around here. Good afternoon. My name is Annie Mumgaard, spelled A-n-n-i-e M-u-m-g-a-a-r-d. I'm the mother of two school-aged children. I'm a Nebraska taxpayer and I'm also an elected member of the Lincoln Public Schools Board of Education. Lincoln Public Schools is a member of the Greater Nebraska Schools Association. But I also want to point out that being a member of the school board also points out that I'm also not paid to be here. But I'm here because I understand the intent of LB608 is to provide an opportunity for at-risk students. And quite honestly, at-risk students is one of the main reasons I chose to run for my local school board. It's because I believe at risk means so many different things for both students and the schools in which they go. That's why I'm committed to champion a strong education for all children. I'm committed to being a voice for students; and I'm committed that we work to creating pathways for bright futures for the whole and not just the few. I believe that this bill does not champion at-risk students. And for that matter, I don't believe it champions for many students at all. I believe that this bill can create cracks that will push down kids who are in need even further. In Nebraska, this is more of a solution looking for a problem, and by doing so I believe it will create so many more problems. One of the bigger issues that I think and GNSA would put out there is that pointing out that it is using public tax dollars to provide public...private and parochial schools factoring in religious instruction. You need to look no further than the mission of some of our parochial schools to find out that it would be difficult for public funding to be separated out into only academic instruction at these schools when the mission of the schools themselves is an

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integrated faith-based education. I didn't know...I chose not to cover the rest because you've heard a lot of it. It's been fascinating to kind of listen to the voices. I just would like to say, being a school board member means we are meant to do and figure out the best path for the greater good. And at some times it's harder than other times and we have to make a lot of hard decisions. But I'd like to say that of our schools if any public school is failing in its duty to provide an education to children of its community, especially for our at-risk students, then it's our duty to fix that problem. I would like to say we should address the real problems in our education problems and not create more. Thank you for your consideration and I'd be happy to answer any questions. [LB608]

SENATOR GROENE: Any questions? Thank you as a public servant to come in. I see you have one school on this list, McPhee Elementary School...Lincoln Public Schools. [LB608]

ANNIE MUMGAARD: You know, Senator, I'd like to point out, as others have, the definition of failure is a very large definition. At McPhee Elementary, I believe there's probably over 60, probably more, languages spoken. I can't speak to McPhee. I can speak to the schools my children have gone to. My child went to a school that was also considered failing; there were 50 languages spoken at that school. At our elementary school, when my daughter was in kindergarten, we only had 20-some percent at free or reduced lunch. By the time she was heading into sixth grade and my son was in second grade, we were over 40-some percent. [LB608]

SENATOR GROENE: A lot of this is immigration, isn't it? [LB608]

ANNIE MUMGAARD: No, it's called a transitional housing area. The housing went from home ownership to rentals. It went from...certainly our schools are growing a thousand a year, so we have that issue. People are moving in to town. There are many, many people... [LB608]

SENATOR GROENE: Not to be critical, but with that many languages, you have a lot of immigration in the... [LB608]

ANNIE MUMGAARD: With that many languages, you would have immigration. But language does equal the free and reduced lunch rate. That would equal a poverty rate in Lincoln as going up which equals people working one or more jobs. Actually even working on the PTO, you found where less and less...parents able to give the time that...we used to be able to give when my child was in kindergarten, you could see in a very short period of time. I believe strongly that we are living in a very changing time. And at this point we need to do more to support our children in public education versus less. [LB608]

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SENATOR GROENE: This is not critical of public schools, but doesn't it scare you that the great promise of public education was that we would eliminate poverty? And we have this situation now where the alumni of our public schools, the parents are not the same parents as the generations come and go? [LB608]

ANNIE MUMGAARD: I would say that, you know, change happens. I would say... [LB608]

SENATOR GROENE: I'm not blaming the public schools for it though. [LB608]

ANNIE MUMGAARD: The only way we can eradicate poverty is through education. And I believe, partly, the only way we can truly eradicate poverty is not only through the education of children, but also through their parents. [LB608]

SENATOR GROENE: But poverty is increasing. And we spend an awful lot of money on public education, and private education. [LB608]

ANNIE MUMGAARD: And I would say we're a community in crisis because of poverty. Public education is one member in the community who needs to be working on those issues. [LB608]

SENATOR GROENE: Playing devil's advocate here. Don't label me. But anyway, thank you. Thank you for coming in. [LB608]

ANNIE MUMGAARD: Thank you. [LB608]

AARON MUSSON: Thanks for the public hearing today. My name is Aaron Musson, spelling A-a-r-o-n M-u-s-s-o-n. I live in Elkhorn, the one in Nebraska, although there's probably one in Wisconsin. And my taxes support the education of children from some of Nebraska's most affluent families. My nephew lives across the Elkhorn River and attends DC West. I understand that the school bond issues are separate from today's discussion, however DC West has been unable to pass a school bond issue for the past, gosh, I don't know, 15 years. In the time I've been a resident of Elkhorn, I don't think there's been a school bond issue that we haven't passed. I'm not sure where my nephew's middle school education will go and what it will look like because the middle school in Waterloo is scheduled to be demolished because of a mold problem, can't be repaired, probably wouldn't be safe. In the year that the DC West bond issue is being written in 2013-2014, Elkhorn's Valley View Middle School student body had not one student who qualified for free or reduced lunch. I was shocked last night when I looked at Nebraska Department of Education because I have never seen that statistic. And just for context, Beth Lewis, who spoke earlier, and I have been working together for about the past six years. I'm the

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person that she asks to certify and make sure that our students, our graduates, are teaching in those high-need school districts. And to answer your question, pretty much every school district, the percentage just climbs. [LB608]

SENATOR GROENE: Which percentage? [LB608]

AARON MUSSON: The percentage of free and reduced lunch, which is a...yeah, Title I students. The relationship between socioeconomic status and academic achievement is well documented. I'm sure everyone is familiar with this. My educational work has spanned about 25 years. Twelve of those years I spent on working at Elkhorn Mount Michael which is a private...I would probably say by any accurate assessment, a high socioeconomic class. The tuition is about \$17,000, last time I checked, that was two years ago. I'm pretty sure it hasn't gone down. Last year, I had the great honor of working at Omaha Benson, a magnet school which is now working toward serving its community as a career academy. It is addressing the needs of students to graduate from high school with a career-ready education that also enables them to perform at college level. Benson, you might know, has about 80 percent Title I students. In my classrooms, normally, I'd have about four or five home languages spoken which put a great burden on me to try to make sure that my language was understood, that my written tests were understood by my students, and I'm sure that was a great burden for all of us who are trying to prepare our students for state tests. While I taught at Mount Micheal, there were two home languages; one was Korean, one was English. The Korean students came to us from South Korea. And by no measure were they high needs. Their wealthy families sent them to us. I offer this here just to add context to the understanding of what a persistently under-performing school deals with. I am sure that the folks at Benson High would welcome you to come in and take a look at the work that they're doing and the students with whom they're doing it. My red light is on. [LB608]

SENATOR GROENE: Thank you, sir. [LB608]

AARON MUSSON: Thank you. [LB608]

SENATOR GROENE: You're with Elkhorn Public Schools? [LB608]

AARON MUSSON: I was at Elkhorn Mount Michael. It is a private parochial... [LB608]

SENATOR GROENE: But you're not in Elkhorn Public Schools...you live in Elkhorn. [LB608]

AARON MUSSON: I live there. I pay taxes. I don't have kids. [LB608]

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SENATOR GROENE: Oh, all right. Thank you. I thought...you said you were an educator and I just wondered if... [LB608]

AARON MUSSON: Yes. [LB608]

SENATOR GROENE: I was wondering how Elkhorn qualified for... [LB608]

AARON MUSSON: I just live there, sir. I pay to support our...coming up on three high schools. [LB608]

SENATOR GROENE: They build them fast there. [LB608]

AARON MUSSON: Yeah, we do; we're growing. [LB608]

SENATOR GROENE: Thank you. [LB608]

AARON MUSSON: Thank you. [LB608]

SENATOR GROENE: Next opponent. [LB608]

HARRISON DUNCAN: Good afternoon. My name is Harrison Duncan, spelled H-a-r-r-i-s-o-n D-u-n-c-a-n. And I'm a senior economics major at Nebraska Wesleyan University and I am the son of Todd Duncan, chairman of Duncan Aviation; and Connie Duncan, a retired teacher and current LPS school board member. There's one thing I'd like to focus on in a current story. The LB608 public to private and religious voucher plan does not take into account differential impact of students leaving public schools to attend private schools. My parents enrolled my brother and I in public and private schools. In doing so, they thought about our needs as students, but they never expected the taxpayers to pay the cost of our tuition and they never felt that the public school was failing. They made a faith-based decision for my brother and I. With that said, I want to give you an example for which I didn't think you have accounted...do not think you have accounted. I attended Lincoln Lutheran for sixth through ninth grade, but in tenth grade I wanted to play baseball for a public school, Lincoln East, and I wanted more class choices. My twin brother stayed at Lincoln Lutheran High School and then our tenth grade year we both attended the entrepreneurship focus program through Lincoln Public Schools. So this program ran most of the day, basically, you went from 8:00 until noon, up until lunch and then you went to your home school, is what we called it. So I went to East, my brother went to Lincoln Lutheran. Many of my classmates and friends at other parochial schools also attended programs inside the Lincoln Public Schools for part of the day as well. If I understand this bill, my brother would have been

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living in a boundary area of a failing school. His tuition to Lincoln Lutheran would have been paid, even though he was attending a Lincoln Public School program most of the day. I don't believe most people understand how many private and parochial school students attend public school programs that their school does not offer. This arrangement does not seem to be reflected in the bill at all. If you are asking my advice, have the public school funding go to public schools. If they are failing, meaning failed students, work to make them better. Public schools are where all students are welcomed and welcomed no matter what. It needs to remain our highest priority. I hope my perspective has been helpful to the committee and I would be happy to try and answer any questions you may have. [LB608]

SENATOR GROENE: Thank you. [LB608]

HARRISON DUNCAN: Thanks. [LB608]

SENATOR GROENE: Senator Kolowski. [LB608]

SENATOR KOLOWSKI: Harrison, what major do you have at Wesleyan that you had applied? [LB608]

HARRISON DUNCAN: Economics. [LB608]

SENATOR KOLOWSKI: Oh, figures, okay, very good. [LB608]

HARRISON DUNCAN: Yeah, thanks. [LB608]

SENATOR KOLOWSKI: Congratulations. [LB608]

HARRISON DUNCAN: Thank you. [LB608]

SENATOR GROENE: Are you playing baseball there? [LB608]

HARRISON DUNCAN: No. I decided to retire. (Laughter) [LB608]

SENATOR GROENE: Thank you. [LB608]

HARRISON DUNCAN: Thank you. [LB608]

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SENATOR GROENE: Senator Pansing Brooks. [LB608]

SENATOR PANSING BROOKS: Thank you for coming, Mr. Duncan. [LB608]

HARRISON DUNCAN: You bet. [LB608]

SENATOR PANSING BROOKS: And I appreciate the comments because, you know, it is true that those who can afford to pay shouldn't be getting vouchers to go to another school. And I believe the same can be said about postsecondary education as well, because I'm a taxpayer and my children decide to go to private schools we could very easily extend it to that as well. So I appreciate your help. [LB608]

HARRISON DUNCAN: Um-hum. Great. [LB608]

SENATOR GROENE: One more question from...when you went to the Lutheran school, were there children of not your means there, your classmates? Did they accept scholarships and... [LB608]

HARRISON DUNCAN: Means? So they would get...I could be wrong on this, but they would get help from the churches they attended. And they would, I believe, pay part of their tuition. I don't know to what extent. [LB608]

SENATOR GROENE: Is that the same at Wesleyan? [LB608]

HARRISON DUNCAN: No. I don't get any help from Wesleyan. [LB608]

SENATOR GROENE: No, I mean...you had...you had said poverty...call it poverty, call it lesser means that attend Wesleyan because of help also though. [LB608]

HARRISON DUNCAN: They get scholarships due to their financial means? Yeah, absolutely. Yeah, a lot of students do. I don't know the percentage, but I'd say it's probably very high. [LB608]

SENATOR GROENE: All right, thank you. [LB608]

HARRISON DUNCAN: Yeah, thank you. [LB608]

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SENATOR GROENE: Thank you for waiting so long. [LB608]

HARRISON DUNCAN: I know, I wanted to listen to everyone else, and I wasn't sure if I was ready or not. [LB608]

SENATOR GROENE: You learned patience somewhere. (Laughter) [LB608]

HARRISON DUNCAN: Yeah. Thank you. [LB608]

SENATOR GROENE: Thank you. Is there any more testifiers? [LB608]

JAY SEARS: (Exhibit 10) Good afternoon, Chairman Groene and members of the Education Committee. For the record I'm Jay Sears, J-a-y S-e-a-r-s, and I'm here representing the 28,000 educator members of the Nebraska State Education Association. NSEA is opposed to LB608. Whether it's so-called parental choice scholarships, opportunity scholarships, tuition tax credits, or deductions, or education savings account the public tax dollars go to cover all of these voucher programs. It has to come from somewhere, and it's usually taken away from the vast majority of students, the more than 307,000 who attend Nebraska's public schools. My next paragraph, thanks to Senator Morfeld, has already been read so I'll skip Article VII of the state constitution and then follow up with nowhere in the Nebraska State Constitution does it say that the state shall provide for the education of persons in private schools. And when we talk about private schools, that includes parochial schools and for-profit schools, they're all private schools, they're not public schools. LB608 would divert state and local public tax dollars to private schools. I'll let the scholars argue about whether or not that's constitutional. In my humble opinion as a social studies teacher, I don't think it's constitutional. The state of Nebraska through the Nebraska Department of Education in the constitutional body called the State Board of Education has developed an accountability system for all of our public schools. In fact, they've done that through the direction of this Legislature. There's no such comparable accountability system for private schools. There's no guarantee that the public school funding that would follow a student to a private school would go to a high-performing school. There's no state accountability system for private schools. A voucher scheme by any other name is still a voucher scheme and serves to hurt our public schools and the 307,000-plus students who attend those public schools. I urge the committee to indefinitely postpone LB608. Thank you for the opportunity to testify today. [LB608]

SENATOR GROENE: Any questions? Senator Ebke. [LB608]

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SENATOR EBKE: Yeah, thanks. We've heard a lot about accountability today. And do you think public schools are really accountable? [LB608]

JAY SEARS: They definitely are because that's what you as a Legislature has set out. But what I worry about is, the accountability is based upon a few test scores. [LB608]

SENATOR EBKE: Well, and therein lies the problem. I mean, we've got transparency. Right? [LB608]

JAY SEARS: Transparency of a one-shot test, yes. [LB608]

SENATOR EBKE: I mean in terms of test scores and that sort of thing. We know...but is there true accountability? [LB608]

JAY SEARS: I'm sorry, you'll have to help me. [LB608]

SENATOR EBKE: Well, okay, if you...if you walk...if the health inspector, okay, walks into a restaurant and they fail their health inspection. Okay. One time they get a warning. Okay. I don't know what the exact process is these days, but that's the way it... [LB608]

JAY SEARS: All I know is I don't eat at them if they've got a warning. [LB608]

SENATOR EBKE: Okay, okay yeah, so they fail their health inspection, they get a warning. And the health inspector comes in again and they fail again. Okay? At some point the doors are closed, right? That's accountability? So how does it work with schools? [LB608]

JAY SEARS: And how it works with schools is what you have set up in legislation which is every year after the assessments are completed, the State Department of Education does the calculations. We have four categories of schools. The very last category is "needs improvement." Based upon some types of the pieces of the assessments that students take, and then something else in AQuESTT which is about enhancing the, you know, you may have AP courses, you may have all kinds of other opportunities for students. And then as, again, a formula that develops, okay, basically a normal curve and so all of you on the right side of the room or curve are in "needs improvement," which doesn't mean that they all are failing schools, but we list them. That's where you get the 87 schools listed, those are school buildings based upon all kinds of factors in that process. And then as a Legislature, you have directed the State Department of Education to help support three of those lowest performing schools. That's all the funding that's been given by the state of Nebraska to help all 87 of those schools that may need improvement.

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This year, those 87 schools may change. It's a mathematical formula that doesn't take into account all of the circumstances that go on in a public school. Maybe that's why private schools are lucky, right? We don't do that to them. [LB608]

SENATOR EBKE: Yeah, I don't know. I mean, I think there is a...I mean there's a sense out there, rightly or wrongly, okay, that public schools really aren't accountable. If there's no real...no real consequences to failing. But instead the public will throw more money at it. Now, maybe that's the answer, but is that...does that really boost accountability? And it certainly doesn't in the larger market or when you look at health inspections or whatever else that there are, you know, and I know we're talking apples and oranges and private and public here, but there's... [LB608]

JAY SEARS: I hope we don't come to the position where the state board has to close the public school. [LB608]

SENATOR EBKE: Well, I do too. [LB608]

JAY SEARS: But if what we currently have in place as an accountability system says that school hasn't improved over three years, then that's an option that the State Board of Education will have. It's kind of like your three strikes and you're out or with the health department, right? [LB608]

SENATOR GROENE: Senator Erdman. [LB608]

JAY SEARS: Senator Erdman. [LB608]

SENATOR ERDMAN: Yeah, thank you. You mentioned, Mr. Sears, you mentioned that maybe next year these 87 schools won't be on that list. Have we been doing this for a while, determining who needs improvement and who doesn't? [LB608]

JAY SEARS: One of the problems or issues we've run into is because of the No Child Left Behind law that sat there for 10 or 12 years without being renewed based...schools and improvement, based upon test scores. So as our test changed and we upped our standards, we did have...meaning the Department of Education, did have a list of schools and how they ranked based upon the test scores that children were taking in third through twelfth grade. And so, yes, we've had those pieces, but we haven't had until, I want to say, probably four years ago with legislation from...that came out of this Education Committee. And that accountability system that directed the Department of Ed to rank each of those four categories and then work with the

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three lowest performing as determined by the State Board of Education. So we're actually in our first year of working with those three schools right now in that process. [LB608]

SENATOR ERDMAN: I'm afraid to ask my next question, that took quite a while to answer. [LB608]

JAY SEARS: I'm a social studies teacher. I'm sorry. [LB608]

SENATOR ERDMAN: I'm going to ask anyway. And that question is: have you seen any of those schools that have needed improvement over the last four years actually improved? [LB608]

JAY SEARS: Yes. [LB608]

SENATOR ERDMAN: Okay, that's the answer. [LB608]

JAY SEARS: That's the answer. And they are. [LB608]

SENATOR ERDMAN: Now, my next question: have you ever seen throwing more money at a K-12 education school result in better results? [LB608]

JAY SEARS: I would say having equitable funding for the schools that need it is the important piece. It isn't the throwing the money at it. In fact, the money that you're throwing at the three schools right now are being used to help them improve. And if you would like to help the other 87 improve, it will probably take a few more resources and a few more people. And I know we don't have that right now. [LB608]

SENATOR ERDMAN: Okay. [LB608]

SENATOR GROENE: Um... [LB608]

JAY SEARS: Senator. [LB608]

SENATOR GROENE: The perception is that good teachers want to teach in good schools. Contracts...if OPS said you are identified as a great teacher, hard working, as the one young lady said, a hard worker. Can they make that teacher go into one of these schools that is...needs help, or does the union veto that? [LB608]

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JAY SEARS: By statute the district has the right of assignment. [LB608]

SENATOR GROENE: Is you've seen... [LB608]

JAY SEARS: Which means, yes, the district can put you wherever they want to put you according to your certification and endorsements. [LB608]

SENATOR GROENE: Do you see a lot of that? Do you get complaints from teachers who've said...? [LB608]

JAY SEARS: I sometimes get concerns from teachers who don't want to go to certain buildings, yes. [LB608]

SENATOR GROENE: I don't blame them. I mean, you want life...you want students in front of you that learn. So it does happen though. [LB608]

JAY SEARS: Yes. [LB608]

SENATOR GROENE: Teachers do get assigned into areas where they need improvement. [LB608]

JAY SEARS: Right. And if I'm in Senator Erdman's districts, there's only one social studies teacher, or only one fourth, fifth, and sixth grade teacher, maybe, and so the ability to assign is very difficult. [LB608]

SENATOR GROENE: Do you, just out of curiosity, do you have any teachers in a parochial school that is a member of yours? [LB608]

JAY SEARS: We're blocked by the Congress from organizing nonpublic schools. [LB608]

SENATOR GROENE: But if somebody wanted to join, could they? [LB608]

JAY SEARS: They could join, but we couldn't represent them. [LB608]

SENATOR GROENE: All right, thank you. Senator Pansing Brooks. [LB608]

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SENATOR PANSING BROOKS: Thank you, Chairman Groene. Thank you for coming, Mr. Sears. I was just wondering, I've heard that in states that adopt voucher programs that it's much more difficult, it's not as good on rural areas. Have you heard that? Or do you know anything about that? [LB608]

JAY SEARS: I think today you were presented with some communities where there aren't enough public or private or parochial schools to serve all the students. And so, you know, it's not voucher programs...you know, are not the panaceas, especially in rural schools, but they're not the panacea in urban schools either. I think a young lady told us that, you know, just because you're identified as failing doesn't mean you're failing and that we should throw you away or move you someplace else. [LB608]

SENATOR PANSING BROOKS: Thank you. [LB608]

SENATOR GROENE: Any other questions? Thank you, sir. Any more opponents? I have 35 letters of opposition asking to be read into the record so bear with me. If I butcher your name, I apologize. Seth Felton; Brenda Nickol; Mary Schlieder; Catherine Lohmeier; Deborah Waechter; Elizabeth Husmann; Jennifer Goos; Nebraska Farmers Union; Waverly Public Schools; Barbara Sather; Katherine Graf; Tom Genung; Beth Beach; Neelee Glasco; Troy Loeffelholz; National Association of School (sic-Social) Workers; School Social Work Association of Nebraska; Mary Carrick; Phil Seng; Scott Ideen; David Harwood; Molly (sic-Mary) Scott; Marisa Kibbie; Tippe Deneberg; Julie (sic-Judy) Mullally; Jeremy Klein; Greater Nebraska Schools Association; Norris School District; Norfolk Public Schools; Caitie Leibman; Shannon Cameron; Rebecca Lewis; Kerry Sangster; Shamene Dixon; Dawn Burchell. There was another list, but they did not...you have to ask to have your letter read into the record or else we basically can't do it. But there was another 20 or so against it that we received correspondence. So we will now close... [LB608]

SENATOR EBKE: No neutral? [LB608]

SENATOR GROENE: No neutral? Excuse me, anybody neutral? It's one of those topics I doubt there is, except for the Chairman. But Senator Linehan, go ahead and close. [LB608]

SENATOR LINEHAN: Thank you for your long afternoon. I'm sorry. I just...I have a short closing, but I'm going to skip that and just kind of...some facts as we went through to clear up some questions. Westside did get back to us. For the most recent year, they had 196 requests to opt in, but there were only 116 available. So the kids that are already opting in are not in that count, but new opt in requests. None of the people I had here today were paid to be here. I also have court cases that I'll get to Senator Morfeld, but there's a case, Father Flanagan Boys Home

v. Department of Social Services which says that there's not a problem with giving state money to a private school. There's State v. Creighton University v. Smith, (sic--Creighton University, (State ex rel. Creighton University) v. Smith) Nebraska Court, Nebraska Supreme Court held the fact that the private institution derives indirect benefits from a contract with state does not transform payments for contracted services. I'll get these all to you. State v. School District 320: the Nebraska Supreme Court held that any benefit accruing to a private school as a result of a public supported busing was okay. Then in Lenstrom v. Thone, the Nebraska Supreme Court held that nothing in the state constitution prevents the state from creating a scholarship program to provide financial assistance to students attending public and private postsecondary educational institutions in Nebraska. So while we don't have anything as specific, the court has held several times that when you have a parent...there are...and I looked at many of them over the last year of my life, there are many, many research studies on whether choice works or not. I provided you with a couple. In some 30 empirical studies including all methods have examined private schools choice impact on academic outcomes in public schools within that body of research, 29 studies find that choice improved the performance of nearby public schools. One study finds no significant effect. In other words, not only does the program improve, one child may opt into a school that better serves his needs, but the schools they are opting out of generally improve. I also provided members of the committee with a summary of the research on the effect of private school choice on students whose families have elected to use that choice. Fifteen studies have examined the use of school vouchers by employed method called Randomized control trial considered the gold standard of social sciences. Twelve of those studies have found statistically significant gains in academic achievement for some or all voucher students. Only two studies have detected negative effects. Both of which insert the initial impacts of Louisiana state voucher program. The other thing I provided for all of you today is a public education finances by the United Census data. And all the information on the funding for special ed can be found on page 2 and 3. And as I...a couple of things I have some expanded knowledge on, when I worked for Senator Hagel in D.C., every year we were there we managed to increase IDEA funding. I fought hard for it. I think that many of the people that I know in public education will remember that. Senator Hagel fought for it. And it is unfortunate since Hagel and Harkin and Kennedy are no longer in the Senate, that funding has dropped off. And I would hope that maybe we can all work to get it pushed back up. The other thing, on the No Child Left Behind, also a role in that to some degree, which I don't think Brian is still here, but Nebraska Department of Ed asked Senator Chuck Hagel to get a waiver. And we did for three or four years. So some of the reasons we are not quite with the state assessments is because we managed to get a waiver. So I've looked at this for a long time. And all the people that testified today, I understand this is emotional. As I said in the beginning, I believe in public schools. But I don't remember a lot of people talking about those kids that are stuck in those schools that are not just needs improvement, that's...remember, needs improvement isn't that they just failed tests that year. These are schools who have not shown improvement over the years. And I agree that we should do everything we can to improve those schools, but I also agree that a second, third, fourth

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grader cannot be in a school where they can't learn to read. And when you get to eighth grade, of course you act out and you're hard to control because if you can't read seventh and eighth grade, let alone high school, it's not very much fun. So thank you very much for your patience. I appreciate it very much. [LB608]

SENATOR GROENE: Senator Pansing Brooks. [LB608]

SENATOR PANSING BROOKS: Well, I just...thank you so much. I know it's been a long day. I went off just to...because I have done some research on this area and of public funding of private institutions. And I think you quoted Lenstrom v. Thone, was that right? [LB608]

SENATOR LINEHAN: Let me see, yes. [LB608]

SENATOR PANSING BROOKS: And you also...did you Rogers v. Swanson? Is that right? Anyway, under Rogers, they ruled it unconstitutional, a statute that provides for public grants to students in need of tuition to attend only private colleges. [LB608]

SENATOR LINEHAN: I don't think I did, actually. I did not cite Rogers, but that's okay. It's on here. [LB608]

SENATOR PANSING BROOKS: That was in '74. [LB608]

SENATOR LINEHAN: '74, yes. [LB608]

SENATOR PANSING BROOKS: And then in '81 in Lenstrom v. Thone, they basically ruled that it was constitutional if it was...if kids got grants. So if you're getting a grant to go to a college, even if you get a grant to go to the University of Nebraska and you can get a grant to Creighton, they ruled that that was okay. But this is not the same kind of case. The Supreme Court has never ruled that tuition to only students attending private institutions that that is constitutional. They have not ruled on that yet. [LB608]

SENATOR LINEHAN: Well, you have...I'm not a lawyer, but it would seem to me that a grant that you could use to go to a public university or private university would be very similar to an opt-in amount of money that you could use to go to a public school or a private school. [LB608]

SENATOR PANSING BROOKS: No. Because the schools already have budgets for the schools, so they don't give money to a public school student to be able to use at the public schools. We

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don't break it out that way. But we're being asked to break it out per student for the private students. [LB608]

SENATOR LINEHAN: Okay. I'm very tired, but (laughter) so I'm likely...my intention was... [LB608]

SENATOR PANSING BROOKS: We can talk about it later. [LB608]

SENATOR LINEHAN: My intention is very much exactly that. You get opted money to go to a private school or opted money to go to a public school. If we had enough slots in the public schools that these kids could opt into, that would be grand. But what I've tried to show today is where there are not enough slots in public schools for people wanting to opt in. [LB608]

SENATOR PANSING BROOKS: And are there enough slots in the private schools for the kids wanting to opt in? [LB608]

SENATOR LINEHAN: It would obviously depend on how many wanted to opt in. I don't know. [LB608]

SENATOR PANSING BROOKS: Well, if half the school wants to opt in... [LB608]

SENATOR LINEHAN: It's not going to...it's not...first of all, remember we're talking... [LB608]

SENATOR PANSING BROOKS: Well, but we don't know. We just... [LB608]

SENATOR LINEHAN: ...245 schools, is that right? 245 schools... [LB608]

SENATOR GROENE: Districts, there's a lot more schools. [LB608]

SENATOR LINEHAN: Districts. There's like a thousand schools. I forget. I'm tired. But we're talking a small, tiny percentage of the schools. We're talking schools...87 schools in the whole state. [LB608]

SENATOR PANSING BROOKS: Thank you, Senator Linehan. [LB608]

SENATOR LINEHAN: Thank you. [LB608]

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SENATOR GROENE: To help you out, I mean to... [LB608]

SENATOR LINEHAN: Thank you. [LB608]

SENATOR GROENE: On your amendment addresses what concerns some of the folks about just any fly-by-night school district could...school could start up because you're pretty clear here that it has to file the... [LB608]

SENATOR LINEHAN: Yes, it has to be... [LB608]

SENATOR GROENE: ...lines or ban to any discrimination provisions of 42 USC 2000 compiles with all health and life safety or codes that apply to the school. And here's the most important one: fulfills the applicable...accurate...accreditation and approval requirements established by the State Board of Education. [LB608]

SENATOR LINEHAN: Right. [LB608]

SENATOR GROENE: So you're trying to head off what happened in Wisconsin and Minnesota and so on. [LB608]

SENATOR LINEHAN: Right. And I'm not...again, this is a very small sliver and I think we should go very slow and small. And it's targeted this particular group of students who are in schools that need to improve. [LB608]

SENATOR GROENE: Thank you, Senator Linehan. [LB608]

SENATOR LINEHAN: I'm forgetting something I was supposed to say. But I know all your e-mails and I'm so sorry they're full. I know they are. Thank you very much. [LB608]

SENATOR GROENE: Thank you. That closes the hearings for today. We will not have an executive session. [LB608]