

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Welcome to Education Committee public hearing. My name is Mike Groene from Legislative District 42, I serve as chair of this committee. The committee will take up the bills in the posted agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off cell phones and other electronic devices. Move to the chairs at the front of the room when you are ready to testify. And we mean that, because there is a lot of bills, we'll be here late. Don't be polite. If the chair is open, jump in it. But the ones in the front row will be the first in line. The order of testimony is introducer, proponent, opponent, neutral, and closing remarks. If you will be testifying, please complete the green testifier sheet and hand it to the committee pages when you come up to testify. If you have written material that you would like distributed to the committee, please hand them to the page to distribute. If you are not going to publicly testify or need to leave early, you may turn in written testimony with a completed green testifier sheet. We need 12 copies of all committee members and-- for all committee members and staff. If you need additional copies, please ask the page to make copies for you now. When you begin to testify please state and spell your name for the record. We start off today, if we run behind on later bills we might change this, but today it is my request the testimony limit to five minutes. We will be using the light system: green, four minutes; yellow, one minute; then when the red light comes on please cease. You might be asked questions afterwards. If you would like your support or opposition to be known but you do not wish to testify, please sign the white form at the back of the room. Check your pro or con, and it will be included in the official record. If you're not testifying in person, if you are sending in an email in support or opposition, you had to have it in by 5:00 yesterday. Additionally, the letter-- That's it. The committee members with us today will introduce themselves, beginning at the far right. Senator Murman I'm sure is here, he hasn't said otherwise. Senator Morfeld.

MORFELD: Senator Adam Morfeld, District 46.

LINEHAN: Senator Lou Ann Linehan, District 39.

WALZ: Lynne Walz, District 15.

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Education Committee March 18, 2019

BREWER: Tom Brewer, District 43.

KOLOWSKI: Rick Kolowski, District 31: southwest Omaha.

GROENE: And Senator Pansing Brooks hasn't said otherwise, so we expect her to be attending. I'd like to introduce committee staff. To my immediate left is legal counsel, Amara Block. To my right, at the end of the table is committee clerk, Trevor Reilly. And our pages today are Erika Llano, a sophomore at the University of Nebraska-Lincoln studying political science and sociology; and Maddie Brown, a junior at the University of Nebraska-Lincoln studying political science. Those are who you hand your information to. Please remember the senators may come and go during our hearing, as they may have bills to introduce in other committees. I would also like remind you our committee members might be on their laptops or on their phones, not talking, but texting to their staff or themselves, looking something up, the factual information up, so they can ask pertinent questions to the testifiers. They're not playing games. And that should start the hearing, LB640 by Senator Howard.

HOWARD: Good afternoon. And I do have an amendment to pass out, Maddie, Erika. Those are also my pages. All right. Good afternoon, Senator Groene and members of the Education Committee. My name is Senator Sara Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. Today I'm presenting you with LB640, a bill that ensures Nebraska students are taught about the Holocaust and other incidents of genocide in our history. In a recent, a recent poll found that two-thirds of young American adults could not identify what Auschwitz is. The Holocaust is a vital part of world history that demonstrates the dangers prejudice, discrimination, and dehumanization that is fueled by racism and intolerance. It is especially important to teach our young people now, as there are very few who, who survived World War II, not only those held in concentration camps, but the soldiers who fought to free them that are still with us today. The United Nations Educational Organization cites that teaching about the Holocaust and other acts of genocide highlights the efforts of the international community to respond to modern genocide. The military tribunal at Nuremberg was the first tribunal to prosecute crimes against humanity, and it laid the foundations of modern international criminal justice. The Convention on the Prevention and Punishment of the crime of genocide, under which countries agree to prevent and punish the crimes of genocide, is another example of direct response to crimes perpetrated by Nazi Germany. Educating about the Holocaust

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Education Committee March 18, 2019

can lead to a reflection on the role of the international community in the prevention of the recurrence of such crimes. Also, understanding about these world events can form broader understands of mass violence globally, as well as highlight the value of promoting human rights, ethics, and civic engagement that filter bolsters human solidarity. It is a powerful tool to engage learners on discussions pertaining to the emergence and the promotion of human rights, on the nature and dynamics of atrocity crimes, and how they can be prevented, as well as on how to deal with traumatic past through education. It is my hope that by educating our youth about the past we can prevent these events from happening in the future. In regard to the language surrounding the Armenian genocide, I have heard from many Turkish residents in our state and the Turkish consulate in Chicago who had issues with the language. I'm fully committed to working with them and have brought an amendment that simply strikes the second portion of the green copy and puts a period after the word genocide on page two. That, I believe, should address any future concerns regarding whether or not the Armenian genocide occurred. I appreciate your support of LB640. I'm happy to try to answer any questions, but I'd like to just tell you about the genesis of this bill because this isn't, I-- I'm very rarely in this committee. Last year, at the end of last year, I serve on the board of the Omaha Public Schools Foundation. And OPSF was honored to receive a national award through Partners for Livable Communities. And so as a board member I was invited to attend the award ceremony in D.C. And the award ceremonies ceremony was, I think it was on a Saturday or Friday. And then the next day I get a call from the executive director, and she said, hey, would you like to go to breakfast with my friend Mark? I didn't have any breakfast plans and so we went to the Capital Club in D.C., which I'd never been to before, and had a very nice breakfast with Mr. Mark Dreiling, who's going to testify right after me. And he works for Representative Bacon in Washington. And he and our, the executive director of the Omaha Public Schools found, foundation, Tobo Cohen-Dunning, talked to me a little bit about how surprised they were that when you look at Nebraska we aren't, we don't mandate education around the Holocaust. My understanding was that we were already doing it in some way, most of us have to read the Diary of Anne Frank. When I was in high school at Duchesne we had to read Night by Elie Wiesel. But the fact that there may be some students who aren't experiencing this type of education or learning about the Holocaust I think is, is one of those things that we as a Legislature can rectify. So I'm happy to try to answer any questions you may have about the bill, and I will try to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

stay to close as well. Is there any questions from the committee?
Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Sara, in your-- Senator, in your research on this topic, what did you find as far as the number of districts in Nebraska and what they do as far as Holocaust education?

HOWARD: So that's a good question. And we didn't, we didn't survey districts in regards to Holocaust education. We certainly can. I think this was coming from sort of a national perspective. The bill as drafted was, was taken from Kentucky. It was passed in Kentucky. So I think a lot of states are really looking at how this-- we are losing a generation, not just of survivors of the Holocaust, but also of veterans who fought for freedom on, on that front who can tell that story. And so making sure that that is part of our education is important.

KOLOWSKI: Have you been to the, any of the locations in Europe?

HOWARD: No, I haven't.

KOLOWSKI: Thank you.

HOWARD: Thank you.

GROENE: Any other questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you for coming, Senator Howard. I was-- have you heard there's some angst by some of the school districts?

HOWARD: The School Boards have written a letter in opposition, but I haven't heard anything from specific districts.

PANSING BROOKS: OK. And have they tried to work with you on some of us or, or explain to you what their thinking is?

HOWARD: No. Not really.

PANSING BROOKS: OK.

HOWARD: When, when asked, they said that their opposition was the same as their opposition to the Americanism bill. But unfortunately I don't serve on this committee, so I didn't really fully understand what that meant.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

PANSING BROOKS: OK. What I heard was that about multicultural education including this, because they attempt to imbue all the other things within multicultural education throughout all the years. I just didn't know if somebody talked to you.

HOWARD: Yeah, no. That, that's, that's new for me.

PANSING BROOKS: I'm trying to understand it myself. Thank you.

HOWARD: Thank you.

PANSING BROOKS: Thank you for bringing this.

GROENE: Senator Linehan.

LINEHAN: Thank you, Chairman. Would you have a problem if it's because they don't want it connected in this particular way? Your goal here is just to make sure kids are exposed to it, students are exposed to it.

HOWARD: Absolutely.

LINEHAN: You don't care exactly how you know how it's put in the legislation, just to make sure that somewhere in their K-12 they're exposed to it.

HOWARD: I couldn't have said it better.

LINEHAN: Thank you very much, Senator Howard.

GROENE: Senator Pansing Brooks.

PANSING BROOKS: I'm sorry, I just wanted to add one more thing. So along those lines of Senator Linehan's question, Senator Howard, I was just wondering are you trying to get it taught every single year or is it certain years? Or do you have a feel for that?

HOWARD: You know, I don't have a feel for that. And I wouldn't want to mandate it if there was a school district that felt as though it was appropriate at a certain time. We just want to make sure of it at some point in a child's career that they are, a child's educational career, that they're being exposed to some type of Holocaust and genocide education.

PANSING BROOKS: I think it's wonderful. I, along those lines, we had a, my kids had a teacher in sixth grade that required them to interview somebody from World War II. And each of my kids did that or

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

somebody that had, had a family member that was in World War II. So my mom was interviewed but also people that had been really active, including people connected to the, the raid on Tokyo here in Lincoln. And those are amazing educational opportunities. And I hope that some of that will continue. So thank you.

HOWARD: Thank you.

GROENE: Anybody else? Thank you.

HOWARD: Thank you.

GROENE: Proponents? Just come up. First come, first serve. When the light turns on green, start.

MARK DREILING: For the record, my name is Mark Dreiling, my last name is spelled D-r-e-i-l-i-n-g. I want to-- honorable Senators, I want to begin today by thanking Senator Howard for her willingness to introduce this critical legislation. This is not just a bill impacting curriculum. What Senator Howard has chosen to do here today is to take action against an insidious hatred that has plagued humanity for centuries. By doing so, she's exposed herself to those who would nurture and spread such hatred. But by doing so she has also brought remembrance to the victims, and she is now carrying the legacy of those who have had the bravery to do what is right in the face of the most odious regimes in the annals of history. As the chief of staff for Congressman Don Bacon, we are working on a number of initiatives to combat anti-Semitism. One of the congressman's top priorities is Holocaust education, which will ensure our students and children understand the dangers of rising anti-Semitism and its history. We see legislation like LB640 as tangential to our efforts on a federal level. I am also here today as a retired U.S. Air Force officer who comes from a family of veterans going back generations. It is through this lens they offer my personal testimony to your committee. We've all seen the growing evidence of anti-Semitism and hate, both in our own country and around the world. From elected officials who play with age-old prejudices to young people who flirt with Nazi symbolism to even recent events in our own state. At the same time, a study conducted recently by the Jewish Material Claims Against Germany showed that two-thirds of American millennials surveyed were not familiar with Auschwitz, the largest of the Nazi death camps. As a military officer, I have always believed that the two key pillars of American prosperity and the continuation of liberty can be found in our armed forces and in our education system. Our military protects

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

the castle walls while our schools help build the foundation that castle stands on. From this perspective, nothing could be more important than what we pass on to our children in our classrooms. The Holocaust is unique in history as it illustrates the ultimate and horrible end point of where hatred leads. As the first-hand witnesses to these crimes pass away, it becomes incumbent upon us to ensure that we are never, that they are never forgotten and that their pain and suffering never become just a footnote in history. This important legislation is not just about the here and now. This legislation, this legislation speaks to future generations. It reveals what kind of a people we are and what we intend to be. In a country that did not commit these crimes some might ask why is it important that we enact this into our own statutes. There are several answers to this. We must remember that the regime committed, that committed these crimes by all appearances was not a backwards country. The perpetrators were doctors, lawyers, and other professionals. The Nazi regime industrialized mass murder on a scale never before realized, and it was integrated into all facets of the society, of their society. Entire communities were rounded up executed. Human history has never witnessed slaughter or depravity on such a scale. When liberating the camps General Eisenhower brought journalists, government officials, and military personnel to the camps, as he believed the evidence should be immediately placed before the American and British publics in a fashion that would leave no room for cynical doubt. If we forget these crimes, aren't we actually saying that there almost was no crime at all? We must never let that happen. This bill also sustains the honor, and sustains and honors the sacrifices of our men and women who fought so hard to liberate those who fell within the grips of movements like the Nazi regime. Freedom from the tyranny of genocide was purchased at too high of a cost for us to forget. We owe it to those who came before us to ensure that these lessons permanently reside within our halls of learning. We must ensure that our honored dead didn't die in vain. This bill does just that. President Reagan offered a warning for the future when he said that "Freedom is never more than one generation away from extinction." We must always be aware that there are those with insidious plans who are simply waiting for the right climate to flourish in. Such individuals often target the young, seeding them with their hateful ideology. We know that when children learn to devalue any one group or individual they will eventually devalue all those around them. Each of us has an obligation to ensure that individuals who would poison the minds of our young can't dictate the future of our country or the free world. This bill offers the cure to combat hatred and this bill is also an opportunity.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

The hour has come for us to speak in one voice, and this bill offers us that chance. It is a safeguard against the crime of forgetting and it is a check against those would seek to spread hate. It is the measure that will impact the lives of countless Nebraskans well into the future for generations. Liberty and freedom from persecution is the birthright of all humanity. America has always been the last, best hope on earth and this bill is a valuable tool to reinforce that foundation upon which this nation sits. Educating our youth is vital so that we never forget and that something like this never again happens. Honorable Senators, I very much appreciate your time again today and thank you for letting me come speak before you. And I would open up myself up to any questions.

GROENE: Any questions? Senator Brewer.

MARK DREILING: Sir.

BREWER: Mark, let's follow up on the question that Senator Kolowski asked earlier. Have you had a chance to tour any of the concentration camps?

MARK DREILING: Actually, sir, no, I have not toured any of the concentration camps. What I will tell you I have toured, on kind of the flip side of that is, during my time in Germany I actually had the chance to visit Nuremberg, which was the site of the Nazi rally grounds. And if anyone ever goes Nuremberg you can get an idea of the scope and scale and the megalomania of that regime from seeing those. But no, sir, I'm not, to answer your question directly, I've not been to one of the camps, sir.

BREWER: No, it's a good point on Nuremberg too, that is kind of a reminder of some of the not-so-pleasant footage you see from World War II and what built up to World War II. But I got to tell you that I've seen five of them and there's no way to tour them without it leaving a really cold, sad place in your heart because you realize how much evil was there. So thank you for the support on this bill. I think it's a good bill.

MARK DREILING: Thank you. I would add, it is personal, by the way, this is the first time I've ever surprisingly testified in front of a legislative committee. Which might explain why I might seem a little nervous. But I can't think of a more important bill to testify for.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

BREWER: All right, thank you.

GROENE: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming here today.

MARK DREILING: Thank you, Senator.

PANSING BROOKS: Drilinger? [PHONETIC]

MARK DREILING: I'm sorry?

PANSING BROOKS: Dreilinger? [PHONETIC]

MARK DREILING: Dreiling. Dreiling, Senator. Sorry.

BREWER: Just call him Mark.

MARK DREILING: Mark is fine.

PANSING BROOKS: Yeah, OK. I just appreciate it so much. I do. My dad was in World War II and I do feel that there is a lack of, of the next generation really having a good feel or understanding of what truly happened and the sacrifices made on behalf of freedom and liberty. Thank you.

MARK DREILING: Thank you, Senator.

GROENE: Any other questions? Senator Kolowski.

MARK DREILING: Yes, sir.

KOLOWSKI: Thank you, Mr. Chair. Mark, thank you for your military service and--

MARK DREILING: Thank you, sir.

KOLOWSKI: --for your donation to our country and the safety that you bring us. I have been to Auschwitz and Birkenau. Nothing, nothing describes what you see there. I couldn't even begin to do that as far as looking into the ovens, where so many were disposed of. And the houses they lived in and the barracks that were still in existence there, because they did leave some up to show as a demonstration. Those are tremendously impactful on a person. The Holocaust Museum in Washington D.C. is also an outstanding resource. If you can't get everyone to go to Europe to see the actual sites, the museum itself is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

a huge success as far as what they have there that impacts people as they go through that experience. So I mention that as a possibility, it's another resource to use.

MARK DREILING: I actually, when a lot of people visit Washington, I encourage people to visit it because I think that it is probably one of the most important things that anyone sees in Washington. Again, this is where hatred unfortunately leads. This is the worst example of where hatred leads and, and again, when I said that this bill was not just about the here and now, it really is about the future. It's about where we are in a hundred years and what do we say to those future generations.

KOLOWSKI: Absolutely. Thank you.

GROENE: Any other questions? Thank you.

MARK DREILING: Sir. Thank you very much.

DAN DONOVAN: Good afternoon, Senator Groene and members of the committee. My name is Dan Donovan, D-a-n D-o-n-o-v-a-n. I am a '62 graduate of the Air Force Academy, a 1971 MA in government from Ohio University, and a 1974 master's equivalent from the Naval War College. I have been a Nebraska resident for 36 years. The Air Force brought me here to Nebraska in 1982, then I retired from the Air Force in 1988, then worked for two great Omaha companies. First Data for six years and TD Ameritrade for 12. Since 2008, I have been a volunteer counselor at SCORE, the Service Corps of Retired Executives. I became chairman of the Omaha SCORE chapter in 2009 for two years, and in 2011 I became president of our Military Officers Association of America. In the early years of World War II, Nazi Germany began to act on long-standing anti-Semitic stereotypes, hateful charges that were instrumental in laying the groundwork for the Holocaust. The persecution of the Jews began with hateful words, escalated to discrimination and dehumanization, culminating in genocide. It began with a pogrom, the organized massacre of Jews in Germany, Russia, and Eastern Europe. It was followed by the concentration camps, converted into mass extermination centers with gas chambers and crematory ovens. In six years over 6 million humans, mostly Jewish, were destroyed. The current Catholic Voice, which is a newsletter put out by the Archbishop of Omaha, a newsletter, has an article this week on a French priest, an authority on an aspect of the Holocaust, who is going to speak next week at UNO. His topic is Holocaust by bullets and covers the genocide of millions of Eastern Europeans by the Nazis. He

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

answers the question why we should learn about something that happened so long ago with-- it's because we see similar patterns today. We also see Holocaust deniers who are to spread, are trying to spread their position that the Holocaust never happened. The medium of choice is the power of the Internet and social media. I also thank Senator Howard for introducing this bill and I encourage its passage. That concludes my comments, sir. I'm ready for any questions.

GROENE: Thank you. Any questions? Thank you. Next.

KAEL SAGHEER: Honorable Senators, my name is Kael, K-a-e-l, Sagheer, S-a-g-h-e-e-r, and I am the education coordinator at the Institute for Holocaust Education in Omaha. I am a third-generation teacher. My father taught at UNK for 50 years. When asked why he became an English professor, he replied that he could think of nothing more moral than to teach students the very best ideas from the world's very best literature. For him, education was both expanding the mind and the heart. For we know that we can have the greatest knowledge, technology, and economic power, but without a moral compass these can become the most dangerous weapons in the world. The Holocaust is a glaring example of this. The very brightest minds in Germany used their incredible talents for evil. This is definitely an example of education gone wrong. Heightened minds with no heart. The Holocaust was without question horrific. Yet, it now provides us with an incredible opportunity to study both the very worst and the very best of humanity. For no other historical event has left us with so much documentation, both from the side of the Nazi perpetrators and of the Jewish victims. Beyond the primary sources there are books, movies, and curricula that are available to bring this safely and appropriately into the classrooms, making our students aware. Yet, we are finding time and again that there is an incredible lack of awareness of what happened to the Jews during the Holocaust. I am hoping that LB640 will address this. And while the Holocaust differed in scope from other genocides, they are no less important because it was the very same lack of moral compass, the very same evil that descended upon Rwandans and Bosnians, Yazidis and Rohingya, just to name a few. This idea of one group of people dehumanizing and trying to annihilate another group of people is not an idea that will go away naturally. But we hope with awareness and education, expanding both the minds and hearts of our students, we will see a decrease and eventually an elimination. The Institute for Holocaust Education has a permanent exhibit at the SAP museum in Ashland called Searching for Humanity. I take about a thousand students a year through this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

exhibit. At the beginning I tell them it's called Searching for Humanity, and I warn them that at the end of the tour I will be asking them why they think we named it this. And then we walk through a photographic history of the Holocaust, ending with a gallery of our local Holocaust survivors, of which we still have 13 living in Nebraska. As we walk out of the exhibit the students walk by a wall with pictures of African genocide victims interspersed with vertical mirrors. The idea is that when they walk by they see someone else's face and then their own over and over until they finally emerge back out into the airplane hangar. When I finally get around to asking them why they think we name this exhibit Searching for Humanity someone invariably answers: Because you want us to find it in ourselves. There is nothing more moral that I could be doing than to help our youth realize that humanity lives in each of us, and that collectively we are responsible for the health and welfare of this world. When Holocaust survivor Eva Schloss recently visited with the high school students caught playing swastika beer pong and giving Nazi salutes, they told her that they really didn't understand what they were doing, that it was just a joke. If you would pass LB640 onto General File, perchance into law, no Nebraska high school graduate could claim such ignorance, and it would send a message to all Nebraskans that education is indeed a moral endeavor. If we want to build good character, good citizens, and good people then we should show them the very best ideas. And conversely, we should show them what happens when those ideas aren't upheld. Thank you.

GROENE: Any questions? Thank you.

ARI KOHEN: Good afternoon, Senators. My name is Ari Kohen, A-r-i K-o-h-e-n. I am on the board of governors at the Institute for Holocaust Education in Omaha, and I am the grandson of Holocaust survivors. My grandparents, Zalman and Shari Kohen are from Eastern Europe originally. After the war, made their way to Israel and ultimately, in the early 1960s, to Detroit, Michigan, where they had a family and set up a life. And I was very fortunate to grow up and to spend decades learning from my grandparents. It is a unique and I think a very special experience. My grandmother is still living, she is 93 years old. As a result, not that many people get to spend a whole lot of time sitting and talking with her and hearing about her experiences. And the reason I decided to come here and, and speak with you for a few minutes today is simply to, to emphasize, to underscore that point. There is a unique moment that we are living in where people who are able to offer first-hand testimony about their

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

experiences, both as, as Holocaust survivors and also those who liberated the camps. Those, those people, that generation, we simply will not have them with us for very much longer. And those that we do have, increasingly it's becoming difficult for them to share their stories, to be able to impact young people in the way that I was impacted. Now, again, my experience was very, very unusual because I had someone who was very close to me and with whom I could spend a lot of time learning. Many people, it's a, it's a one-time experience. A Holocaust survivor or a camp liberator will come to your school and speak to you for an hour, and we know that these first-hand encounters are absolutely crucial. And so the question is, what do we do when we don't have them anymore? It's, it's imperative that we put something in place now to make sure that students in our schools learn about the Holocaust. We know that beyond simply teaching them the facts, what happened, we know that when you get a well thought out, well-planned Holocaust education that is part of a curriculum you also learn other important lessons. It's not just history, but you learn about toleration, you learn about human rights, you learn about caring for other people. And those lessons today, we're seeing are absolutely imperative. Without them, we run very, very serious risks. And, and so that is simply what I what I wanted to leave you with. Thank you very much.

WALZ: Thank you so much for coming. Questions? Senator Brewer.

BREWER: Thank you, Madam Chairman. Have you had a chance to go to Israel?

ARI KOHEN: Yes, sir.

BREWER: Have you been to the Holocaust Museum in Jerusalem?

ARI KOHEN: Yes. Yad Vashem, twice.

BREWER: Is that amazing how you walk on that glass floor, they're calling out the names in Hebrew and English, and they're showing tens of thousands of pictures, and it takes them two years just to go through the 6 million-plus names? So thank you.

ARI KOHEN: Yeah, thank you.

WALZ: Other questions? Thank you so much for coming today.

ARI KOHEN: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

WALZ: Other proponents?

AARTAM HUSSEIN: Good afternoon, Senators. This gentleman came today to share a few minutes with you guys. My name is Aartam, I'm from Iraq. I'm Turkmen so. And my dad, my teacher; my dad, my friend. So he taught us a lot of things. And by the way, I used to interpret for the US Army in Iraq. I served, and my dad was teaching English, Turkish people, Turkey people in Iraq English language. So from the day one we have English language in our place. I'm going to a little bit look at it from different perspective. I know it's about Holocaust. But I just want to throw a point right there today, everybody when goes home before sleeping think about this one, only about one point. And that would be hate. Because I'm coming from a country, from a people, from population it's full of hate. And if I do share that with you guys today, that would help us to prevent other things happening in the US. This is my country. I love it. That's why I'm here. Otherwise, I wouldn't be here. Otherwise I wouldn't be an interpreter. I saved a lot of American soldiers' life. And I think that was a biggest mistake, going to Iraq, because every single American soldiers' blood means a lot. We shouldn't go there. We should figure that some, some, somehow not to go there and kill a lot of people. Even our soldiers. I was going and as interpreter, 20 people, we were coming 3 people back alive. So I am coming from so bad a situation. And I want to bring that up just to see that where I am coming from, what's my point. Now, my dad is my teacher and when I came to the US and my dad told me: Don't tell your mom because your mom, mom feeling and she's not going to allow you. And we told my mom we're going to the US to work. And I came, went to Iraq and, after 10 months, she, my mom figured out my uniform and then she started crying. I don't need your money, I need my son back. So I didn't renew my contract and I back to my family. And our family ourself is the most important thing. And life, it's all about that. That's my opinion. So instead, Holocaust, it's history. Great things, my dad was about, all about history. And but the history sometime, it's just depends. And he, I always asking my dad: Dad, how you, would you explain or interpreter the life? And he was saying life is about, it's like a room has two window. When you, when you look at it from one window, it's a beautiful weather. Green Birds are whistling. It's great. But when you look at it from the bathroom window it just looks crap, smells so bad. So this just depends to you how you look it, how-- who you want to be. So long story short, I respect everybody's opinion. And I know and I believe everybody here for something good. And instead of talking about Holocaust, there is a lot of things happen. I can bring that up, but it's going to take us

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

an hour to discuss that. What the, the facts, not just opinion. That's not my opinion. OK? And instead of working on bringing up bad history, this is a bad history. It doesn't matter who won, who lost. We want to bright our day to day. We want to work on our future. We want-- the present, it's the most important thing. The more important issue and that should be addressed and solved in Nebraska, particularly Omaha and Lincoln, I'm a contractor. I do home remodels. I go to peoples' house. I am, and I'm looking at it from so closely. History, great, we want our kids learn. But not the hate. What's the hates gonna bring? OK, I'm gonna break Ottoman Empire.

GROENE: Sir.

AARTAM HUSSEIN: Yes sir.

GROENE: Anybody got a question for him? Senator Brewer.

BREWER: Thank you, Mr. Chairman. I can tell that you have more knowledge and more information you want to share with us. But I would be remiss if I, first off, didn't thank you for your service. The interpreters that we had many times risked their lives more than we did. And, you know, I would have to agree with you that there was a lot of us that felt that the decision to go on to Iraq was one that, that probably should not have been made because of how it, it changed so many things. But at the time, we simply do what we're ordered to do. You, and many like you, volunteered to come and be that conduit, that voice for us. So if you've grown up in places where hate is sometimes a commonplace, you have a special appreciation for how wrong and how, how evil that can be and how to fix things. But I think the thing that we were most impressed with is how the common person wanted their families safe and to be able to live their life. And, and it's refreshing that some of you were able to change the dynamics and come here and have a better life. So they always thank the veterans for their service but they don't understand that there would be a lot fewer of us alive if it wasn't for people like you. So thank you for your service.

AARTAM HUSSEIN: Thank you. May I have 30 more seconds? Thank you.

BREWER: That would be my question, would you please give me 30 more seconds of your thoughts?

AARTAM HUSSEIN: Thank you so much. I would spend this time on something else, and that would be death, drugs, bad roads. I can't

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

drink-- I can't, I can't drive in the street. That most important than my son learn history, bad history in the class. So there's a lot of things. STDs. In Lincoln and Omaha, 52 percent of young people has STD. If you guys have a two kids, one of them has STD. This is the most important thing. When we go home, we won't talk about reality but this is a reality. If we're not going to talk about homeless people, the crime, poor people mentality, lack of God. How many churches got cut, closed. I'm a Muslim guy but I do respect as I, my belief Christian people, Christianity. I went to churches, respect them, just to understand them. Lack of [INAUDIBLE] of kids, for kids. Depressions, human trafficking, DUI, how many you want? I could, I can bring a thousand of list like problems. We need to work on this. And I love you guys, that's why I'm here.

BREWER: Thank you.

GROENE: Sir, were you a proponent or opponent? You were a proponent.

AARTAM HUSSEIN: Yes.

GROENE: All right, my staff wasn't sure. Thank you.

AARTAM HUSSEIN: My pleasure.

BREWER: Thank you.

AARTAM HUSSEIN: Thanks for the opportunity.

GROENE: Next proponents.

BREWER: Proponent.

GROENE: Proponent. That you're for the bill. Thank you. We'll go to opponents.

UFUK KILIC: [INAUDIBLE] committee members. First of all, I really appreciate Senator Howard for introducing this LB640. However, I need a confirmation that Senator Howard actually made an amendment on this.

GROENE: Could you speak up, sir, and spell your-- say your name and spell it?

UFUK KILIC: Oh, sure. My name is Ufuk, U-f-u-k, and surname is Kilic, K-i-l-i-c. First of all, again, let me repeat, I appreciated Senator Howard to, for introducing legislative bill act LB640. However, before

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

beginning the, beginning my testimony I need a confirmation from, if possible, from Senator Howard that she made an amendment in this legislative bill act. So regarding the Armenian part to it.

HOWARD: That was passed out.

UFUK KILIC: OK. And then we really appreciate for considering our concerns related to this and the-- as you see in my, you know, this, this has been written down yesterday and we were not knowing that Senator Howard actually bring this up. So that but we fully support is a sound Holocaust and Genocide education, we all have to know the meaning of this. Not only the US citizens but also the Turkish citizens and the most corners of the world need the, the meaning, the in-depth meaning an in-depth understanding of these genocide and the Holocaust. So we really thank her to bring this up. And yeah, that's all we can say about that. So thank you very much.

GROENE: Thank you. Any questions? Thank you, sir. Next opponent. That you're against the bill. All right, there is no more opponents? Would it be, are we confused? Everybody who was for it already spoke, did they not? For the bill? All right. Opponent? All right.

-----: The current bill removes Armenia, right?

HOWARD: Yes. The amendment puts a period after the word "genocide" in the green copy, so there's nothing else after it.

GROENE: I will read the amendment for everybody, because I guess we just have it and nobody really read it to you. After it, it fits it into the multicultural area. The culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, Asian Americans; and two, The Holocaust and other acts of genocide. Specifically emphasis should be placed on human relations and sensitive towards all races. So it just mentions the Holocaust and other acts of genocide, all right? That clear it up? Go ahead sir.

SHEHAB SALAHALDIN: Good afternoon, Senators. My name is Shehab Salahaldin, S-a-l-a-h-a-l-d-i-n.

PANSING BROOKS: Is he a proponent or an opponent.

GROENE: You're an opponent?

SHEHAB SALAHALDIN: Yes sir. I am just a recent high school graduate. I graduated in 2016. So I kind of have an idea of what's kind of going

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

on in the classrooms and the history part of it. Yes, we are being taught about the history of the Holocaust. However, my question is-- not a question, it's kind of a proposal: Why aren't we looking more in-depth about other genocides throughout history. Why are we like only focusing on the Holocaust? You know, specifically? And also, like my friend Aartam right there, he brought up more issues that I in my opinion would think that these are actual facts that, that's going on in the state of Nebraska that needs more attention, way farther more attention than what needs to be taught at schools and the education system. I'm just gonna bring up a couple of them: homelessness, crime, poor-man mentality, depression. Depression is through the roof going on right now, especially amongst teens. So why aren't we implementing something in schools to focus more on depression than are we focusing on, on, on, on a hateful part of history? There is also DUIs, underage drinking. Why aren't we proposing some laws into there that, that stricts it, you know, that, that makes it very strict amongst teens? The discipline, no discipline. There is, in my experience around schools, especially with this generation that I grew up around, there was no discipline in schools and that started from homes. So why aren't we putting that, and why aren't we implementing that into the classrooms? That will be all. Any questions?

GROENE: Thank you, sir.

SHEHAB SALAHALDIN: Yes.

GROENE: Where do-- what is your nationality or where did you immigrate from?

SHEHAB SALAHALDIN: I was born in Iraq. Yes, sir, Iraq.

GROENE: The real problem with peer democracy, hard to dictate behavior to people. That's why we wish we could, but we don't.

SHEHAB SALAHALDIN: Right.

GROENE: We just hope they can.

SHEHAB SALAHALDIN: I understand.

GROENE: They do the right thing. Thank you, sir.

SHEHAB SALAHALDIN: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

Sometimes hope is not enough, we have to get united. Thank you.

GROENE: Thank you, sir. Any other questions? Thank you, sir.

SHEHAB SALAHALDIN: All right, thank you.

GROENE: Any other opponents? Neutral?

JACK MOLES: Good afternoon, Senator Groene and members of the Education Committee. My name is Jack Moles, J-a-c-k M-o-l-e-s. I am the executive director of the Nebraska Rural Community Schools Association. I was not necessarily prepared to testify today but you didn't hear any, from anybody from the education side of things, so I did think I want to say a few things. First of all, about the Holocaust and about genocide studies, I do think that's very important in schools. Senator you talked about the Yad Vashem in Jerusalem. I've been there as, as well. The thing that was most amazing to me was the room that had all the binders of the names of the Jews that had been killed. They only have 4 million names in there, not the 6.5 million that were killed. And the reason is because they don't have complete history because full communities were wiped out in the Holocaust. So they can only verify 4 million out of the 6 million that they know were killed. I've also been to Dachau in right outside of Munich. Very, very emotional time there. I do see an importance in studying the Holocaust and genocide to remind us about how hate can, can fill entire populations. The other side of things, I'm going neutral because in the education beauty we would just as soon not have Legislature mandating curriculum. We feel that would be more appropriate out of the Department of Education. I also feel like this might be a better fit into something like the Americanism committee, instead of in the where Senator has it going. So with that, I'd take any questions.

GROENE: Any questions? So yeah, I can agree with you, it kind of implies that something, that genocide has to do with African Americans, Hispanic Americans, Native Americans, and Asian Americans and then they go into genocide. I don't believe it belongs in this section. It should have a section of its own or in world history. Thank you.

JACK MOLES: Like I said, I do believe we need to, we need to stress that in our schools more. Just might be a better place for it than in this bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Thank you. Any other questions? Thank you. Any other neutral? We received letters. The proponents: none. Opponents: Colby Coash, associate director of Nebraska Association of School Boards. And neutral: none. Senator Howard, would you like to close?

HOWARD: I'll be brief in closing, and I apologize for the confusion around the amendment. We worked with the Turkish consulate to draft it and they had approved it, and so we thought there was understanding there. And I'm happy to work with the committee legal counsel and the committee to find the appropriate place for this language. If multiculturalism isn't the right place for it, that's absolutely fine if we need to move it. With that, I'm happy to stand for any questions you may have.

GROENE: Just kind of curious where the original language came from. Why it--

HOWARD: Sure. Great question. I came--

GROENE: Just picked on--

HOWARD: Kentucky.

GROENE: Who?

HOWARD: Kentucky. So we were looking at other states that had introduced recently legislation to include Holocaust education, and that original language had included those, that list of acts, other acts of genocide.

GROENE: All right. Thank you.

HOWARD: Their final draft actually did remove it, which we are looking at introduced copies.

GROENE: There's been a lot of genocides in the history of the world, and that's just some of them.

HOWARD: It's just some of them, yes.

GROENE: Any other questions? Thank you. That ends the hearing on LB640. We will now go to LB668 by Senator Vargas.

BREWER: Really know how to empty out a room there, Tony.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Amazing, isn't it?

VARGAS: All because of me.

BREWER: That's right. Anything but--

GROENE: We're ready for you.

VARGAS: I don't want that to be my reputation, Senator Brewer. Good afternoon, Chairman Groene, members of the committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7: the communities of downtown and south Omaha in the Nebraska Legislature. I'm here today to talk about my bill, LB668, which would establish the Alternative Certification for Quality Teachers Act. Now, for those of you previously on this committee, you may remember this as LB1135 from 2018 or LR461, which is my interim study on this issue last year. I introduced these bills and did the interim study to address the teacher shortage that communities all across Nebraska are experiencing. A recent State Board of Education survey showed hundreds of unfilled teaching positions and long-term vacancies across the state, and I have to think part of that reason for this is that we aren't doing as much as we can to yet welcome nonteachers into the profession. LB668 attempts to do this by creating two alternate pathways to teaching. One, it establishes reciprocity by allowing individuals who hold teaching certificates in good standing in other states to teach in Nebraska. Two, it allows individuals who hold a bachelor's degree or higher from an accredited college or university who pass a basic skills and subject area exam and who enroll in an alternative teaching certification program to obtain a temporary, two-year teaching permit. The temporary permit would not be renewable; and to obtain a teaching certificate in the state in Nebraska, the individual must complete the alternative certification program within two years, which will be approved by the Board of Education, the Nebraska Board of Education. This bill is slightly different from the previous version because I incorporated a change at the request and feedback from the Nebraska State Education Association. This change requires individuals who hold a out-of-state teaching certificate to maintain the same standards that Nebraska teachers are held to, rather than those of their cert-- certificate issuing state. This would allow teachers who recently moved, this would allow teachers who recently moved to Nebraska and are certified to teach in another state to immediately begin teaching while fulfilling the requirements the State Board of Education. And it would require them to maintain Nebraska standards in order to continue teaching. Now, for those of you already

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

know this, I'm particularly passionate about creating this opportunity education because of my own experience as a teacher. After graduating from college with a degree in psychology and biology, I decided I wanted to teach kids, but I didn't have a teaching degree or certificate. I was able to answer a two-year program like the one proposed in LB668 and get into a classroom right away. I ultimately taught science at a public middle school in Brooklyn. I wanted to teach and I loved my job as a teacher. I loved my students and I worked with them to establish a supportive and enriching classroom environment, now which ended up with a huge improvement in their subject understanding and their assessment scores. I was named teacher of the year because of that in my first year teaching in my school. But I wouldn't have had that opportunity to impact kids and do something I really ended up loving without the two-year alternative teaching certification program. I really feel that this is one small thing we can do to help improve schools and educational experiences for kids. Now, it's incumbent upon us as legislators to do everything we can to ensure all students have a learning environment in which they can excel. A huge part of that is having a learning environment they excel. A huge part of that is motivated by high, high-quality teachers in their classroom helping to support that. LB668 attempts to do this by streamlining the alternative certification process and getting teachers in classrooms more quickly. Finally, I want to mention a couple of different components here. The last couple of days, a few education groups in the Department of Education reached out to me with some suggestions for additional tweaks to the bill. Also included with that of the Nebraska Catholic Conference. I'll be reviewing those and working with those groups in the coming weeks. One final thing, and we had-- I don't want to go through a sort of a deja vu here, but in first year when we had this conversation, and even over the interim, I don't want to say that we don't have at least in definition of alternative certification programs. What I'm supposing is that we have on-- we create an alternate certification program in statute that is a little bit more streamlined than some of the current rules and regs that are in the Department of Ed. You will have some people testifying and demonstrating some of the successful programs we see for alternative pathways. But this is a different type of alternate pathway we'd put in. So that's in the record from the previous years and I just want to state that again. With that, I'll be happy to answer any questions the committee may have. Thank you.

GROENE: Senator Linehan.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

LINEHAN: So I do remember them, trying to remember back. People had issues, but you worked with the NSEA and they're fine with this now?

VARGAS: So the NSEA will be testifying, we, one of the issues that we worked on is making sure that if somebody moves from a different state here and wants reciprocity, that they be held to the same standard as a Nebraska teacher in good standing. So that "in good standing" would mean that if there is something that was required of a Nebraska educator that somebody with that new certificate coming in here would have to also be held to the same standard.

LINEHAN: But is there a way for them to go ahead and start teaching?

VARGAS: Yes.

LINEHAN: So they don't have to get it all done before they start teaching?

VARGAS: No. But again, my understanding, and NSEA will be here to testify, is that there are, the hope is that we continue to elevate the teaching profession so that can be done. But it wouldn't impede their ability to do that and operate and, you know, in the state.

LINEHAN: Thank you very much.

GROENE: Senator Brewer.

BREWER: Thank you, Mr. Chairman. Senator Vargas, this seems like a very logical bill. Since I wasn't on the committee last year, what happened? Why did it not survive and become law before?

VARGAS: Oh, Senator Brewer, how wise you are. I'll speak frankly, I mean, this is all on record, so it's all fine. You know, I think the genuine reason is we as legislators sometimes have a different perspective and view of the legislation we bring forward. And at times, we also do have some things that already exist and rules and regs in departments. And they have the latitude to do that, they've made programs. You know, this specific one, there are alternative pathways. But what I've found and what we've seen, and I know Senator Linehan was part of this because reviewing the transcript, it is, it wasn't-- it's not particularly easy for somebody to get certification here. I'm not saying it's particularly hard either, but it should be as easy as possible for somebody to find some reciprocity, should be as easy as possible to get some sort of alternate certification program. And we have some of those currently. But based on my experiences

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

working in the education field as an education consultant and with states that have alternative certification pract-- pathways in statute, one of the ones that I saw to be very effective was where they empower the Board of Education to create the program. It sets some parameters for what that would look like in terms of requirements. But the reason why this honestly got held up is I think there was some people saying, well, we can already do this in statute. But then there's other people saying, well, it doesn't look the exact same way we would want it to look. And so trying to figure out that, find that common language and ground for this was what we've been doing over the last, the last year and a half, and trying to get feedback honestly and explaining it to people. Get-- those things get lost in the details. So that's one of the reasons why it didn't get past, I would believe. And I think we got to a place for most partners that like I understand your underlying intent, Senator Vargas so.

BREWER: Thank you.

GROENE: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thanks for coming again, Senator Vargas. Can you talk about the differences between Section 3 and Section 4 a little bit, because you've added quite a few requirements to Section 4 which seem pretty darn reasonable, like that they've passed the skills examination in the subject area and, I don't know, have the valid bachelor's degree or higher. So why weren't those kinds of requirements placed in the 3? Maybe I'm just not understanding.

VARGAS: Oh, yes. So I want you to think of this in two different buckets. One is reciprocity. So Section 3 is really, say Senator Pansing Brooks decides to change careers. She has a certification from another state and then she wants to come to Nebraska, and she has a valid teaching certificate and she is considered in good standing. Under this Section 3, she would be provided some reciprocity to come to the state if she meets those qualification in Section 3 because she already has an existing certificate of some sort and is in good standing and will be able to teach here. Section 4 is creating a pathway for people that don't currently have a certificate that are looking to get a certificate. I want you to think of, you know, without saying their name, we're gonna call them Bill, a professor at a university in Omaha that wants to change careers from being a physics professor and wants to become a teacher in our public school system or in the school in the state in Nebraska. And instead of going back to school to get their master's degree and certification, they

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

would go through an alternative pathway, be able to teach right away, and then have two years to complete all the different requirements and then after they get their full certification if they meet all these standards in Section 4 and then can be a fully certified teacher in the state of Nebraska. So they are different. That's why we kept them separate.

PANSING BROOKS: OK, so I guess what I'm interested in is are all the requirements for teach, for certified teachers and temporary, temporarily-certified teachers the same? Across the nation are all the certified teacher requirements the same? So they all have the same--

VARGAS: No.

PANSING BROOKS: --requirements on special ed, they have all the same requirements on--

VARGAS: No.

PANSING BROOKS: OK. So if they aren't the same as ours and they don't have some of the things on, I don't know, special ed or whatever it is, why is, why would we just do that without additional requirements like you've done up here? I'm just interested in--

VARGAS: Yeah. So one of the reasons why we wrote it this way is we can't, just can't write in every single exception from every other state. There is a patchwork of different regulations and rules for certification in different states. Some have higher, some have lower. And the piece that we added in here saying that they have to be in good standing and annually complete any main certification rules and regs from the board is that if they do, if they do get reciprocity and then teach here, they will be held to some continuing education standards that all of the teachers would be provided. We just didn't want to provide-- we didn't want more obstacles or hoops for them to jump through on the front end to teach because, ultimately, an administrator would have to hire them and would already sort of do their own due diligence on whether or not they meet the needs of their content area or some subject matter and are doing their resumé. And so we believe, or I believed in drafting this that this is a prudent way of still maintaining a high standard.

PANSING BROOKS: OK. So I guess I just-- it seems like (a) through (c) could be under Section 3 as well as Section 4 and that would help

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

solve some of that. Did you think about that or is it just something, I don't know?

VARGAS: We were, I mean, I'm willing to work with people on the committee on this. We have been working for about a year and a half on this, but it still willing to work with people on this. But more than, more than-- we were not trying to make additional hoops. We felt like there should be a different standard if somebody has not taught at all, versus somebody that has taught in another state and has a certification. But I'm, I'm willing to work with members of the committee to address this.

PANSING BROOKS: I, I'm of course grateful to you. You know, it's pretty amazing what you did as a teacher. It's not people like you that I'm sort of concerned about that. Thank you.

VARGAS: Well, that's nice.

PANSING BROOKS: You're an amazing person, Senator Vargas.

GROENE: Done?

PANSING BROOKS: I'm done, thank you.

GROENE: Senator Linehan.

LINEHAN: Just since Senator Brewer wasn't here, and maybe Senator Murman. We were told, I think, if I remember, it might have been two years ago that it was easy. But then there was the commander's wife at STRATCOM who was a teacher who tried for a year, over a year to get certified and couldn't. So and she was a teacher. So it's not easy. I mean, it's easier now because now we have an agreement that--

VARGAS: Yes. Yeah, yeah. I mean, I give credit where credit's due. I'm never gonna say anything is black or white. I think that there's been steps forward by the department and different agencies that try to make an exception for that. Made it very difficult for somebody to get their certification and they figured it out. But it highlights the underlying reason is, is there a way to make it easier? And I think this is--

LINEHAN: And protect it.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

VARGAS: --one way, and still protect a high standard for education in our state in terms of teaching standards. And I think this is one example, one pathway for that.

GROENE: Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Senator, thank you for coming and presenting this today. I think it's a great discussion that we're having. Your, your state where you were certified was New York?

VARGAS: Correct.

KOLOWSKI: How many matching states are there like that across the United States, that have that kind of experience available for, for students who have a degree, want to teach, and have that opportunity?

VARGAS: Yeah, I'd have to look to see how many have the same standard. But there are-- I'm being conservative, I mean there at least half the states have some, some sort of alternative certification pathways. And they define it in different ways. So I remember talking off the mike earlier today with somebody about Mississippi's standards I think are lower. I wouldn't necessarily want to codify that into statute. But New York's standards I thought were pretty high standards. You have to get hired by a principal, you have to pass all the certification exams on the front end, you have to be admitted into this program. The program is regulated by the Department of Education at the state level. You know, and higher education institutions apply and their programs become certified as these, these types of programs. They allow people like me to immediately start teaching. And I went to night school and weekend school over the course of two years and, and did the equivalent amount of credit hours of a full-time master's program and got my master's in science, master's in science of education in two years over that time throughout both summers working, working in between my, my years of teaching. And then graduated and then was eligible to then get my, my cert-- my permanent certification in the state. I think all those different hurdles and bars made, made sure that the standard of education that I received means after two years I have the same standard equivalency, equitable standard as every other teacher in the state. And so that's what I really wanted to try to mirror.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

KOLOWSKI: Do you know anything about the attrition rate of students that go through that kind of program and how long they're staying in teaching as far as a longitudinal study?

VARGAS: I don't have numbers off the top of my head, but I can look into it. I'm an example where I didn't stay in the teaching profession but I have friends and family that stayed in the teaching profession since then through these alternative certification pathways and, you know, became a teacher coaches, stayed in the classroom for 25-plus years. I also had people that became school leaders like yourself after they were in this program. I think I'm a little bit of a separate example where I then became a state senator. But had it not been for programs like this, I don't think I would have been as engaged with the issues that we're facing in our in our school systems and not just in state of Nebraska, but across the country. But, yeah.

KOLOWSKI: You feel there is more than enough rigor in the requirements that were asked for in New York that you were able to pursue and be successful?

VARGAS: Yeah, I was required to maintain a GPA, I was required to log all my hours with a mentor teacher that I had in my school. I was going to night school two times a week and two weekends a month for full days, and having to do on-line coursework, in-person coursework. In addition to the very little sleep that I, I will say first-year and second-year teachers and teachers in general take, I added more on top of it. And I remember having this good conversation with the committee the first year, there are people that obviously complete this, there are, you know, teaching fellow alternative programs all over the country. And what I really hope is Nebraska has one that empowers the Board of Education to set a really high standard so we can have one here in the state of Nebraska that they, that they're certifying through this legislation.

KOLOWSKI: Meaning the State Board of Education?

VARGAS: The State Board of Education, sorry.

KOLOWSKI: Not a board of education.

VARGAS: State Board Education.

KOLOWSKI: It's just cheap in terms of districts.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

VARGAS: Yeah, yeah, the State Board of Education, not the local boards.

KOLOWSKI: Thank you.

GROENE: Senator Linehan.

LINEHAN: Thank you, Chairman Groene. I'm just looking at the letters that came in, and one of them is neutral from the Catholic Conference. Would you have a problem if this applied to both public and non-public schools?

VARGAS: I don't, but that's something that one of the things you want to look at. There's about in the last week different pieces that we got from my NSEA, Department of Ed, and Catholic Conference, but it's something that I, I think could work.

LINEHAN: Because it basically it's the same rules.

VARGAS: Yeah, it's the same rules and regs, so it's something that we're going to work on. So I don't have an opposition to that.

LINEHAN: OK, thank you.

VARGAS: So that applies to all the partners right now.

LINEHAN: Thank you.

GROENE: Senator Vargas, in answering Senator Brewer, wasn't part of the reason this member of the committee also didn't approve of your bill last time because it made it even more rigorous than the regulation at the Department of Ed? That at the end of the day they had to have a master's degree?

VARGAS: No, there's nothing in here that says they have a master's degree.

GROENE: No, but your bill a year ago or two years ago. It was a copy of the New York--

VARGAS: No.

GROENE: --program that you went through with a master's degree.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

VARGAS: No, sorry. Sorry if there's a miss, misunderstanding on that. I gave the example that in my state they required a master's degree. The way that this is written--

GROENE: No, two years ago.

VARGAS: No, even, even two years ago, yeah. Even two years ago, you know, under Section 4 we're stating that a teacher certification program approved by the board, the board is empowered to create the standard. So if the Board of Education, the Nebraska Board of Education decides that they want every single alternative program that would allow you immediately start teaching and enables you to go and get your certification while you're teaching full-time, and they say it's a master's degree or bust, they can do that. If they decide they want to do like a tiered-- so the way New York State does it is they create a tiered system. You can get a master's degree and still do the alternative certification program and get the certificate or you can do a certificate program and get a certificate.

GROENE: What's the difference between what you're doing and what they're already doing it's yours seems a little bit more stringent than what they're already doing on their transitional teaching permit or their temporary certificates or their local substitute teaching permit or their state steps to teaching permit.

VARGAS: Yeah. So I think what we realized is all those different options that you came up with provide some different pathways for people, but it's not streamlined in the pathway for the kind of individual I said to have, make it easier for that type of individual. So it'll evaluate those different programs that you just mentioned. We'll evaluate all the coursework that you've taken and then provide some sort of a streamlined-- say this program will really work for you really well, you know University of Kearney's program. I think in the past we've had Doane testify and so there are different types of pathways. We wanted to just create one standard, because that's what I've seen in other states, and I've seen that to be very successful.

GROENE: So rural Nebraska, a colonel comes home after 20 years in the military and he's, he's a nuclear scientist and he wants to teach. Got a doctorate degree-- he's got, he's got a bachelor's degree. And he wants to teach and we don't have a math teacher in Maxwell, Nebraska. Right now he could teach if he got, if he passed a local substitute

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

teacher permit, can't he? Or the transitional teaching permit? As long as he took the basic skills test?

VARGAS: It depends on--

GROENE: Passed his Praxis test?

VARGAS: Depends on the course requirements. Like, there's a specific review on the course, whatever courses they have taken. But in this one, the program itself would determine which course requirements they need but, and make a recommendation on where they go which is what they did with me. I had certain course requirements met and then they made the recommendation I go down and be a biology teacher.

GROENE: Who's making these recommendations?

VARGAS: The alternative certification program itself.

GROENE: Which is--

VARGAS: Which--

GROENE: --committee at Kearney, Wayne State?

VARGAS: Yeah, it could be. Like the UNK program could technically qualify, if it's how it's designed in the state of Nebraska after the Board of Education. If the design it that way, it could be. But you brought up what is part of the issue. You listed off four of those different types of pathways. And I've run into a lot of different people that don't know all those pathways exist. It is difficult to understand the four pathways. And if it's difficult to understand, we're not streamlining it for people. This should be easier. I think this is one example, the way this statute will make it easier.

GROENE: Let's say we've got a shortage. I just talked to an individual with a last name you well recognize who went into teaching after being in free enterprise for a while. He told me it's discipline, why he regrets doing it. It's discipline in the classroom. It's what I get emails over and over again from teachers who quit early, from substitutes who tell me they're not substituting again. I get it all the time. It's not-- they love to teach. It's the atmosphere in the classroom, and your bill don't fix that.

VARGAS: I don't think the intent of this bill is to address anything with student discipline. I do have a Student Discipline Act that we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

can we can work on and kick out. But to-- yeah, this bill is not targeting that.

GROENE: I'm talking about another one.

VARGAS: No, I know you were.

GROENE: Thank you, sir. Any other questions? Thank you.

VARGAS: Thank you.

GROENE: You're gonna stick around?

VARGAS: Yep.

GROENE: Proponents.

MADDIE FENNEL: Good afternoon. Thank you, Senator Groene and members the Education Committee. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l, I am the executive director of the Nebraska State Education Association and I'm here representing our 28,000 NSEA members in support of LB668. I want to thank Senator Vargas for introducing this bill and for continuing to work with us to improve the language. We know that we have a need for educators across our state, and they must be highly-qualified educators for each classroom. LB668 offers an opportunity for reciprocity by allowing someone with a valid teaching certificate from another state to begin teaching in Nebraska and eventually transition to meeting the same important certification standards as their Nebraska colleagues. I shared some language changes with Senator Vargas just last week that we hope you will amend to his bill, which would clarify that reciprocity would apply to those who come from a nationally-accredited teacher education program. Senator Pansing Brooks, that would address some of your concerns around uniformity. They've been taught the things they're need in pedagogy and special education. Those things are required and national teacher-accredited programs, so we'd be assured that those things have been covered. Further, the language would provide that if an applicant did not meet Nebraska's certification requirements, a provisional certificate may be issued that allows them to teach full-time while also completing those certification requirements. Those working on a provisional certificate must, in collaboration with their employer school district and a Nebraska accredited teacher education program, develop a plan to complete all Nebraska requirements within two years. Senator Groene, this would respond to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

your concern about somebody who had a higher-level degree. In preparing and helping to, Senator Vargas work on this bill. I found a number of inconsistencies on program to program. One of those is that the person you just mentioned might not be allowed to teach at all, because they hadn't taken the pedagogy that was necessary. And they might be told, well, if you go back to school full-time for a year then we'll let you do it. Well, many people can't afford to go back to school full-time for a year before coming to the classroom. So these changes would allow them to do that. They could work full-time and then work on their provisional certificate, meeting the requirements necessary. The bill also provides an avenue to teaching for those who do not have a teaching degree. If you have a valid bachelor's degree and you've passed the basic skills assessment, as well as a subject area assessment, you'll have two years to teach while you enroll in alternative teaching certification program so that you learn the necessary pedagogy. We offered language to Senator Vargas that would again clarify that the alternative education program would have to be administered by a Nebraska-accredited teacher education program. We believe that these amendments will address many of the concerns that we have heard raised, allowing Nebraska to maintain its high standards for educator preparation while also offering alternative pathways for those who have the passion to become a teacher. We ask you to support these amendments and vote in favor of advancing LB668 to General File. I'll take questions.

GROENE: Any questions? So this, this lieutenant colonel comes home, he's 45 and he wants to teach. And he's commanded lots of men, he's been in charge and he has a background in math. He would have to take the base, the Praxis test. Is that correct? Is that what-- they don't even mention it in regulations, if they ever notice. We all just call it that. But it's called "pass the basic skills examination" in math. And he could pass that and he could start teaching or she could start teaching, right?

MADDIE FENNEL: Well, actually, no. And I've just found this out recently when I was having a conversation with several members of the Nebraska Council on Teacher Accreditation. And they said it depends on what institute, what institution he goes to and whether or not they'll tell him that they approve him to teach. I think that's what Senator Vargas' bill is trying to address, that there should be uniformity.

GROENE: What institution?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

MADDIE FENNEL: Whether it be, he can go to Doane, he can go to Kearney. One might tell him, yes, we can give you an alternative certificate, certificate. Another might say no because he didn't come through the program. So he, he'd be in the second part of Senator Vargas' bill, since he doesn't have a teaching certificate, he would have to pass those things.

GROENE: That's what I meant.

MADDIE FENNEL: Right.

GROENE: The second part.

MADDIE FENNEL: He would have to pass those things. But because there's currently, as I understand, as I've talked to people in higher education, no uniformity, the answer he may get would be different depending on what institution he went to.

GROENE: Because my Wallace is isolated, small town. You can't find a math teacher, this retired soldier comes home, walks into the superintendent's office. I will teach math, and it's August 1st. Where do we go from there?

MADDIE FENNEL: In Senator Vargas' bill, as I understand, he-- since the school district has skin in the game. They've said, we're going to hire this person, and they would find an institution that would work with them. If they're in an isolated area, probably something that's on-line. So maybe the Kearney program. And they would work together to come up with a plan that says, all right, we're going to let him go ahead and teach because we know he has a content knowledge.

GROENE: Does he have to take the Praxis test first?

MADDIE FENNEL: Yeah, to show that he does. Yeah. But also, does he have the pedagogy? Because one of the hardest classes I ever took was the teaching of math because I had to learn in base 2, instead of base 10. And that's really hard when you've done base 10 your whole life. So it's helping him understand what are the best ways to get these ideas across. I always say teaching is both an art and a science. The science is what this gentleman knows, the art is how do you do it in a classroom of hormonal teenagers. That's what you have-- he might still have to learn.

GROENE: But it's August 1st. They need a math teacher August 25th.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

MADDIE FENNEL: Right. So let's get him in a classroom.

GROENE: He doesn't have time to drive to Kearney and take classes or stay up all night taking "pegago" classes. He's teaching.

MADDIE FENNEL: Right.

GROENE: So how does he phase into that or she phase into that, where she's hands are full-- I would think most teachers would think your hands are full with a class of 20 kids, as you described them.

MADDIE FENNEL: So--

GROENE: And they're used to commanding people and discipline, that part of it isn't a problem for them. So does this allow them to ease into it and teach and, and-- or is it all at once?

MADDIE FENNEL: They go in and they start teaching with the support of their district. And the district knowing, if we don't support this person and make sure that they are getting everything they need to be successful, that their provisional certificate would be gone. As we see it. So it would allow them to get started, but it would say that people who have skin in the game have to be committed to your continued success.

GROENE: What's the timeline to take the classes, associated classes while they're also doing study plans for the kids?

MADDIE FENNEL: It depends on what that person's missing. So, and that's why we need to have standards. Because right now, we don't have any standards on what that is. It depends on what institution you go to. We're looking for more consistency in that.

GROENE: So are you looking for the Coordinating Commission to look into this and make sure we have all the same standards that all of our public teaching colleges?

MADDIE FENNEL: Right. So that we know that whether you go to, whether you go to Kearney or you go to Doane or you go to Bellevue, they're all going to say, General, here's what you need to take and here's how we're gonna help you get it done and here's how we want you to be successful in the classroom. Because there's a big difference between commanding officers and dealing with teenagers.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: I understand, but there's a big difference no, no teacher in a classroom.

MADDIE FENNEL: Oh, I agree. Which is why we're in support of this bill and why we supported it before. We think the best thing is a qualified teacher in the classroom.

GROENE: You started your, about the certification or they went to a quality institution and a--

MADDIE FENNEL: A nationally-accredited teacher education program for reciprocity.

GROENE: I think that was the problem with the major's wife, that she had gotten a certificate, an alternative-type certificate in another state and she didn't have that. That's what she ran into a roadblock at the Department of Education.

MADDIE FENNEL: I don't know. I don't know that specific case. I know I've talked with people at the department and I've been concerned that I have colleagues who have become teachers of the year in other states, who have their master's degree and other things, and they would not be qualified to teach here in Nebraska. I think we have to look at-- reciprocity is important so that we can get people in the classroom, but we also have to maintain the high standards that we have. So we're trying to come up with the language that will allow both of those things to occur.

GROENE: Thank you. Any other questions? Senator Linehan.

LINEHAN: Thank you, Chairman Groene. Thank you very much for being here, Ms. Fennell. Who sets the standards? We keep seeing our high standards, and then it's like each school decides what the standard. So every university or college decides what the standards are?

MADDIE FENNEL: Well, the standards for an accredited school are set by, as my understanding, and I'm not an authority on this, are set by NCTE advises the State Board; and the State Board then sets those standards.

LINEHAN: But they set the same standards for every teacher's college or are there different standards at different colleges?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

MADDIE FENNEL: They set the same standards, but sometimes colleges, their interpretation of those standards may be a little bit different.

LINEHAN: OK.

MADDIE FENNEL: Yeah. I think sometimes there's room, I mean--

LINEHAN: There's room for improvement.

MADDIE FENNEL: There's room for improvement, there's room for latitude because programs want to be able to show themselves as a little bit unique. Quite honestly, one of the things that has always bothered me about accreditation and about my profession is if I'm a doctor and I go to, whether Harvard or Princeton or Creighton, I'm going to be taught how to take out an appendix the same way. There will be approve, improvements to that, but it's pretty much this is the best way to take out an appendix. Too often in education we are not equally streamlined in what are best practices and we don't teach them and every institution. And that, as you well know, can become problematic for our kids.

LINEHAN: Last question. I remember this was, I thought this was a problem a year ago or two years ago, whenever. Do you have to have a job before you can, before you can apply for alternative certification in this? I should-- this is something I should have asked Senator Vargas.

MADDIE FENNEL: It's my understanding, currently, no. Although in our discussions with NDE and with other stakeholders, we suggested that should be, that should be part of what it is, what this should-- that should be a part of this so that a district has skin in the game. And we know that someone has taken a look at this teacher and said, you know what, I've done a little more in-depth study. We do believe this person will meet the needs of our district, and then go for your provisional certificate. And that's the way it's done in some other places.

LINEHAN: I've just never understood how you get a job when you're not, when you don't have a certificate.

MADDIE FENNEL: Well people are hiring earlier. So if a district would hire this person in May, they would have time to work with the Department of Ed and others to make sure that they had the provisional certificate on-line.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

LINEHAN: OK, thank you very much.

GROENE: Any other questions? Thank you. Next proponent.

PAUL TURMAN: Good afternoon, Senator Groene, members of the committee. My name is Paul Turman, that's spelled P-a-u-l T-u-r-m-a-n. I'm the Chancellor of the Nebraska State College System. I'm here to testify in support of LB668. I'm certainly new to Nebraska, but I'm not new to the challenges that you experience in rural districts in trying to hire highly-qualified teachers to meet the federal requirements that we have and state requirements as well. I've been doing this similar work in South Dakota for the last 12 years. So I bring experience of not only working with our five teacher education programs, with the South Dakota Board of Regents. I've also worked very closely with the Department of Education in South Dakota, understand the requirements and expectations there, and also served as a elected member of the school board and worked with our administrators in Pierre, South Dakota, to make sure that we had the right types of individuals in the classroom to meet the needs that we have. And so just to spend a little bit of time giving the committee a little bit of background on how it is that the state colleges in Nebraska work with the alternate certification program. You all are familiar with the program that's at Kearney. And so right now the structure of the Nebraska Department of Education provides two different phases or two different pathways that are allowed. So the first is Kearney's program, a, a recognized certification program that students work to complete. Once you've met 50 percent of the course requirements associated with that pathway then you're able to be advanced toward certification and, or at least advance toward licensure with the opportunity to be able to work in a local school district. You also have the capacity of working with other entities of, our three different institutions being one of those. And then individuals either are meeting 50 percent of the pedagogy requirements or they've met 75 percent or more of the content requirements. And so if they've fallen into one of those two areas then we can certainly advance the individual to be able to begin teaching within school districts here in the state. I think one of the elements that this bill certainly provides is, how is it that we can allow individuals who are qualified to be able to do that sooner. My experiences in South Dakota had a variety different programs. Teach for America, as Senator Vargas articulates, was a program that we used radically within that state. Districts that had a very difficult time of being able to attract students were able to come in and on day one begin to teach with the expectation that the districts were working to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

mentor that individual, and they were going through an alternate certification pathway within the first two years of them experiencing teaching. The other mechanism was a troops to teachers program that we used aggressively within the state as well. Many of the examples, the questions that you've asked, provided pathways for individuals coming back from the service or worked in career military within the Guard and decided that this was a pathway they wanted to pursue. How is it that we can help them with the various content knowledge or the pedagogy knowledge that they need? But we can do that right away if the district is willing to provide the mentoring opportunities that they have. In my experience as a local school board, and having to make the decisions about whether or not we want to hire those individuals, Troops to Teachers were probably one of the most successful programs that we had. And they were also extremely good at retaining those individuals because they locale that they're in. And so over the last three years, our institutions, even though we don't have a recognized, approved certification program for the state that is only available at Kearney, we have been working one-to-one basis. Individuals come to us, we identified where their content knowledge may be lacking, we identify where their pedagogy knowledge may be lacking, and then work on a one-on-one basis with providing them with a structured program to meet licensure here in the state of Nebraska. And we've helped serve 76 individuals over the last three years, and we have a good number of those that are going through the process right now. I think you all certainly know the history of the state college system. They are to provide a mechanism to help make sure that rural Nebraska has the teachers that it needed, started as the normal colleges for this state. And we've oftentimes continued to evolve in the ways that we need to make sure that we're providing the services that are necessary. We are vested partners in making sure the rural districts are served, and we would love to work with the committee as you continue to consider this legislation. If there are particular questions that you have, I'd be happy to answer those.

GROENE: Senator Linehan.

LINEHAN: Thank you, Chairman Groene. So I know someone who came back 12 years in the Marines that wanted to teach and was told, in Nebraska, was told that they would have to go back to school for a year and a half, full-time. And because they had a family and they had to support them, they couldn't afford that. So are you saying you now have a program where you can help them do that faster? Or they did--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

not what we have here, but in South Dakota. How, what would have happened if that person had been in South Dakota?

PAUL TURMAN: Mr. Chairman, in South Dakota the program, or at least the alternate certification requirements held by the Department of Education there, was that right away you can get a waiver to begin teaching. There are expectations. I mean, that's laid out in the statute. It's the district, it's beginning an alternate certification pathway. And then over the course of the two years you have to have met those guidelines, and then you are fully licensed to be able to teach in the state of South Dakota.

LINEHAN: But you would have a job and benefits while you were doing that because you're teaching.

PAUL TURMAN: Teaching with the school. Yes, that is correct.

LINEHAN: OK, thank you very much for being here.

GROENE: How many-- somebody's got a bachelor's degree in economics, marketing, comes back and says they want to teach business, economics in a school. How many class hours, how much time, how many class hours would that entail?

PAUL TURMAN: Oftentimes it's, you have to do it kind of on one-on-one basis. Let's assume that that individual right away can pass the Praxis content exam for that area. Then really the only additional coursework that that individual would be required is the pedagogy components. Oftentimes--

GROENE: That's methods, right?

PAUL TURMAN: The methods courses, yes. So anywhere between 15 to 18 hours was probably the most common in the state that I was in. So it's getting them through that process. And I think it's, it's mirroring that classroom experience with the coursework as well. And so we had developed alternative certification programs that allowed individuals to think over the course of that time--

GROENE: Could you give me that information on with the program that was in South Dakota, because that sounded more reasonable than what some of the things we've heard? I mean, just to look at.

PAUL TURMAN: I'll be happy to get that to the committee.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Thank you.

PAUL TURMAN: Yeah.

GROENE: And then also the-- could, we could talk to Kearney, but I don't think I've really actually seen Kearney's program. Thank you. Any other questions? Senator Kolowski.

KOLOWSKI: Yes, thank you, Mr. Chairman. Paul, thank you for being here today. Are all three of the colleges then, they have the same standards as across the board for teacher education? As far as certification?

PAUL TURMAN: That is correct, yes. And those certification requirements are really tied to what it is that the department establishes. So I don't want to confuse standards with our accreditation process and that, yes, our institutions are all accredited by the exact same credit, nationally-accrediting body. And so we then tie that to how we work in advance an individual to ultimately be licensed and certified within this state. That's making sure, I mean, your background as a school administrator, the disposition, the methodology and experience in the classroom, all those things have to be met. And our faculty work along with individuals on a one-to-one basis to help sure that that's in place.

KOLOWSKI: Thank you.

GROENE: Just one more for clarification. When you say "our faculty," you're talking about Wayne State, Peru, Kearney?

PAUL TURMAN: Yes, sir.

GROENE: And they all have a program or just Kearney?

PAUL TURMAN: Not Kearney. It's Wayne State, Peru, and Chadron are the institutions.

GROENE: Kearney, that's right.

PAUL TURMAN: Yep, sorry about that.

GROENE: They're usually at the University of Nebraska. I'm getting old. I remember when they were a state college. But anyway. But those

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

three, you have your program too. And it's the same in Peru State as Wayne State, at Chadron?

PAUL TURMAN: That is correct. And it's, it's modeled after the two different phases. We work within phase 1 as the state statutes, or, or at least the Department of Education has laid out in their standards. And then phase two is for, it's a little bit different for an accredited or a program that has an approved alternate certification, and that's the one that Kearney has available to them.

GROENE: Thank you. Any other questions? Thank you. Any other proponents?

JACK MOLES: Good afternoon, Senator Groene and members of the Education Committee. My name is Jack Moles, J-a-c-k M-o-l-e-s, I'm the executive director for the Nebraska Rural Community Schools Association. On behalf of NRCSA, I would like to testify in soft support for LB60-- LB668. Our members appreciate Senator Vargas helping to address the growing problem of schools finding fully certify, certificated teachers, especially in hard-to-fill positions such as science, math, industrial technology, foreign language, and special education. This is often especially difficult in our rural districts. I said that we're in soft support, as we continue to believe that the optimum way to fill positions is to full, locate fully-certificated teachers who have gone through teacher preparation programs. Nebraska's colleges and universities do a great job of preparing teachers. We prefer that individuals go through the traditional route to certification, but with a growing shortage of teachers, we need to look outside the traditional box. In my past profession as a superintendent, I did that a few times. We got teachers out of the out of the Kearney program that you've talked about. In fact, two of the last four teachers or science teachers I hired came through that program. They were scientists that decided they wanted to go into teaching and went that route. I also hired a Spanish teacher that way. In each one of those cases, we only had one, one applicant, and it was that person. And so there is a role for that program but that's not our preferred route. So in closing, I'd like to repeat that NRCSA does thank Senator Vargas for helping bring this to the forefront. Again, it's not our preferred route but, but we do see advantages to that.

GROENE: Senator Linehan.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

LINEHAN: Thank you, Chairman Groene. What is, what is the underlying concern here? That administrators are going to hire bad teachers? I mean--

JACK MOLES: We would just soon people went through the whole program, so they're fully prepared when they come in. Not that they would have to go back to get classes or to get the certification, the teaching part of things.

LINEHAN: Don't you think the administrators would have a pretty good feel for that when they're hiring them?

JACK MOLES: Yeah, we would.

LINEHAN: That they could do their job.

JACK MOLES: Yes, I--

LINEHAN: That's still ultimately up to the administrator and the school board, right? Can't be forced to hire anybody.

JACK MOLES: Absolutely it is. Absolutely it is. But like I said, in three situations I had, and I was in southeast Nebraska, I wasn't completely away from here.

LINEHAN: [INAUDIBLE] some of them even listed.

JACK MOLES: Yeah. We only had three-- we only had one application, or applicant each one of those times.

LINEHAN: So this is a tool. It's not like you have to take these people, or because it's still up to that school whether they hire them or not, right?

JACK MOLES: Exactly.

LINEHAN: OK.

JACK MOLES: I totally agree with you.

LINEHAN: All right. Thank you very much.

GROENE: What was the average age of those?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

JACK MOLES: I would say the one, one had high school kids already. Another one was probably mid-20s. And the other two were probably mid-20s.

GROENE: How did they work out?

JACK MOLES: Two of them worked really well. In fact, are still great, great teachers. The other one didn't work out well and it was had nothing, well, it did have a little bit do with the teaching part of it. It had more to do with the social life.

GROENE: Isn't that the case when you get a 21, 22-year-old kid right out at Wayne State?

JACK MOLES: Absolutely. I mean, you always run that risk.

GROENE: Thank you. Any other questions? Thank you.

JACK MOLES: Thank you. Oh.

GROENE: Any other proponents?

NICOLE FOX: Good afternoon, Chairman Groene, members of the Education Committee. My name is Nicole Fox, N-i-c-o-l-e F-o-x, director of government relations at the Platte Institute. I'd like to thank you for this opportunity to talk about jobs this afternoon, and I'd like to thank Senator Vargas for introducing this bill. A priority of area for the Platte Institute is to make Nebraska economically competitive and lessen barriers that make it harder to work, harder for workers to enter the profession of their choosing. The intent of LB668 is to address the teacher shortage in our state. The Platte Institute appreciates this intent, but we also appreciate how LB668 poses an opportunity to lessen barriers to individuals who are trying to enter Nebraska's work force as educators in grades K-12. In, their 2017 second edition of License to Work, the Institute for Justice cites a July, 2015, study or White House report highlighting the fact that the occupational regulation impacts employment by limiting geographic mobility. There is variability among states regarding requirements set forth for many regulated occupations. To meet requirements to work in a new state, often workers may need to acquire additional education; take additional exams; obtain more work experience or even go back and start, start over; even if they led successful careers before moving. These types of barriers make little sense. Workers do not become unqualified by moving from one state to another. We need to keep this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

in mind as Nebraska is trying to attract individuals to move to our state, and particularly due to the presence of Offutt Air Force Base. The Platte understands that Nebraska is proud of its high standards, but we've seen that there's no reason for a career to be put on hold in order to enter the work force. And speaking on behalf of both myself and probably a few individuals that are in this room, like many, I completed a degree requirement because I had an interest in a chosen career field. But then as my career progressed, I decided that I wanted to make a change. Alternative or non-traditional teacher certification was initially introduced to fill critical teacher shortages. And today, alternative teacher certification has been widely adopted to recruit individuals who hold college degrees and want to pursue work as teachers but do not have backgrounds in education. According to a 2015, 2016 survey conducted by the National Center for Educational Statistics, 18 percent of teachers leading classrooms and public schools have entered teaching through an alternative pathway. A teacher vacancy survey conducted in the fall of 2018 by the Nebraska Department of Education revealed that of the 451 Nebraskan districts and systems in our state, 114 reported a total of 302 unfilled positions up from 112 districts reporting 232 vacancies in a 2006[SIC] survey, two years prior. The survey offered potential solutions for the districts that were conveyed or that were surveyed to those to address the issue of unfilled positions. The top two solutions chosen essentially dealt with allowing provisional or temporary certification. LB668 is supported by the Platte Institute because, one, it would establish reciprocity by allowing individuals who hold teaching certificates in good standing and other states to teach in Nebraska. And two, it would allow qualified individuals to obtain a temporary two-year teaching permit while meeting requirements for completion of an alternative teaching certification program. And I kind of like two quotes that were said earlier, number one by Senator Brewer, as this seems like a "logical bill." And also comments put forth by Maddie with the NSEA is that we're, we're talking about schools that have "skin in the game." They're, they're dealing with an applicant, either it's somebody from another state that's held a certificate in good standing or they're dealing with someone who they feel would do a good job in the classroom but maybe they need to complete some alternative certification requirements. So again, we feel that LB668 lessens the opportunity costs that could be a significant barrier to earning an income, one's ability to enter the work force is delayed. And so the Platte Institute hopes that you'll

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

consider advancing LB668. With that, I'm happy to answer any questions.

WALZ: Questions from the committee. Senator Brewer.

BREWER: Clarification. You think I'm logical?

NICOLE FOX: Yes.

BREWER: OK, thanks.

WALZ: Other questions? Thank you.

BREWER: I wanted to make sure I heard that right.

WALZ: Other proponents? Do we have any opponents?

JOHN SKRETTA: Good afternoon, Senator Walz and members of the Education Committee. My name is John Skretta, I am the superintendent the Norris School District. I'm here today representing the Nebraska Council of School Administrators, I'm the current chair of NCSA. There's a letter going around that just kind of states our rationale for objection to LB668, and that is essentially grounded in the notion that we believe that LB668 is unnecessary legislation because it is highly duplicative of the current transitional permit. With one notable exception, which is that LB668 would permit someone to step into the classroom without any prior field experience and without, as the transitional program requires, a pre-teaching seminar that covers diversity, classroom management, lesson planning, and instructional strategies. Basically, our, our objection to this is simply predicated on the notion that effective teaching is about more than content knowledge. And so we would assert that LB668 is addressing the right problem but is not the right solution. The problem of teacher shortage in Nebraska is well-known. The issue of teacher retention in Nebraska is every bit as big as the issue of recruitment, and we think there is a variety of different things that we need to make sure we're doing in schools that include the aforementioned student discipline support; classroom, effective classroom management support for teachers; competitive salaries and differentiated salary schedules for high-need positions; enhance career pathway opportunities in education through career academy options, such as SENCAP, the Southeast Nebraska Career Academy program; district level or local level grow your own programs where we establish streamlined pathways from paraprofessional practice to certificated educators; technology integration in schools, both for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

teacher prep but also for instructional delivery, including asynchronous on-line learning opportunities; and then just working hard to have a collaborative culture in schools that make sure that we retain those talented teachers. So that's what we've got on this one. Thank you.

GROENE: Any questions. Senator Brewer.

BREWER: Thank you, Senator Groene. Just so I understand where you're coming from with your opposition. If I was to want to teach now, OK? So I've got a bachelor's, graduate of the Command and General Staff College, Army War College with a master's. If I came and I wanted to teach here in Nebraska, what would I have to do in the way of actual classroom training to be able to step to the platform and teach?

JOHN SKRETTA: Yeah, I think that that's spelled out in the transition certificate program here which would, and-- OK, Rule 24 has some required endorsement components to it that, in addition to holding the baccalaureate degree, 75 percent of the content required by Rule 24, and then three professional graduate courses or 18 hours as well as six graduate credit hours of student teaching completed while on the job. I think that's so.

BREWER: Would, would, I guess what I'm trying to piece this together. So this bill would change what part of this formula?

JOHN SKRETTA: The pre-teaching seminar, and I think it would also remove the alignment component with Rule 24, which should be the analysis of how does it actually align with the certification area, specifically meaning a subject area endorsement that's subject to review the Nebraska Department of Education?

BREWER: And again, as it was brought up earlier, this would ultimately then come down to the superintendent and possibly the principal that would make a decision on whether this individual met the standard?

JOHN SKRETTA: Right. So which begs the question, why not just trust my judgment. Right? And here's my answer to that. The, the single best and most viable endorsement for a candidate for teaching is typically the cooperating teacher, meaning the person who has directly overseen the field experience of that person in a classroom. And we've got their, their professional credibility and commitment to that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

individual. And that there's just very little that can substitute for the meaningfulness of that mentoring and developmental experience.

BREWER: All right. Thank you.

GROENE: Oh, you're talking about that semester every teacher uses, goes through in college as a student teacher.

JOHN SKRETTA: Yeah.

GROENE: That's what you're talking?

JOHN SKRETTA: Yeah. In a traditional program it would be as a part of a pre-service educator experience. So they haven't graduated yet, but it's a culminating experience. But then in the transition program it's actually setup that it occurs while that's happening.

GROENE: But you still got a school needs a math teacher, and the one before quit because the kid beat her up and left. Because no discipline in the classroom. So what do we do?

JOHN SKRETTA: Well, you got to establish discipline in the classroom. I know you're a big fan of that. So I just want to give a shout out to solid student discipline.

GROENE: Appreciate your-- but I don't think they would beat up Colonel Brewer.

JOHN SKRETTA: No. No, sir, they would not.

GROENE: Any other questions? Thank you, sir.

JOHN SKRETTA: Thanks.

GROENE: Next proponent? I'm sorry. Next opponent. Neutral? We received no letters as proponents. An opponent, Travis Coe of Crete, Nebraska. Neutral, Tom Venzor, executive director Nebraska Catholic Conference; Matt Blomstedt, Commissioner of Education, Nebraska Department of Education. Senator Vargas, would you like to close?

VARGAS: Members of the committee, I want to thank you. Only a few things that I want to be able to say and clarify. We're talking about creating an additional pathway that standardizes and tries to provide some efficiency to this. I think we can see that when we're starting to go down a pipeline or start different scenarios we come with, well,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

you can go down this route or you can go down this route, you can go down this route. I'm saying for a very specific type of person, and Senator Brewer, you brought up this example. If you have a bachelor's degree and you wanted to immediately teach, and you're trying to transition, you know, teaching in a Nebraska school. And there's a high-need area and you apply to an alternative certification program and you get accepted and you, and you get hired by, by an administrator, you can start teaching for two years and complete the program over the two years. And then you complete your certification requirements those two years and pass the necessary exam, you have your certification. That's basically it. There are a lot of different other pathways for people that maybe they want to might go down, where they might have a few credits and they want to pick up a few more classes. And those things exist in rules and regs. Providing a very, very specific pathway that I think we've heard, even from opposition testimony, doesn't undermine the existing system. And if, if we take that as valid, as duplicative, I don't think it's duplicative because they are still a little bit different that we should be making this easier, not harder. If anything's a pathway, an obstacle for people to be able to then get into the work force, why are we not jumping over and doing everything we can to make it easier for them? If there is a standard that's going to be set by an elected body for what kind of programs there are, I think that's a good thing. We're empowering some level of elected body in control. And if they're setting the standard for what the program is, I think that's also a really good thing. All we're saying is that we need, we would have a program in statute that would enable somebody that you described, Colonel Brewer, to then be able to then enter our work force as soon as possible. And then for the other pathway, it's reciprocity. We want somebody that might have a certification in another state that's in good standing, and we'll look at some of these other amendments, to then begin to teach here if it's a high-need area. And again, once again, they have to be hired by a principal. Nobody is guaranteed a job without being hired. And I'll tell you that the way in my scenario was, I applied to an alternative certification program, I got accepted to the alternative cert-- certification program. I then had a resume that said I had a provisional alternative certification certificate. I went to then interviews with principals. I said, this is my resume, I did not go to an education school, but this is everything that I've done. And among all the different applicants that they had, they picked me, knowing that I did not have a degree in education. They took a chance on me, the principal did. I'm very thankful, I don't think a lot of things would have happened if that wasn't the case. But I'm not a unique

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

story. There are hundreds of thousands of people across the country right now that are going through these alternative certification pathway programs. So let's make it easier for us to do it here in statute and make it a more standardized for this specific type of example. With that, I thank you. And I hope I can earn your support to then move this forward. Again, we'll be working a couple different things with the individual organizations that we mentioned that have provided some different amendment ideas. But I just want to thank the committee for taking time to then be educated about this issue for the last year and a half, two years.

GROENE: Question. Have you talked to the Department of Education about, and sat down with them?

VARGAS: We have. I mean, we had an interim hearing. They came and testified. And from last year to this year, we haven't had any additional suggestions other than the ones we recently got on legislative changes to make this work. So we have a few.

GROENE: I'm just trying to figure out what the difference between your plan is and the present alternative program teaching permit or the transitional teaching permit. They both, when you read them, they seem to be offering similar pathways. I just wondered if you visited with the Department of Ed.

VARGAS: We have. And we haven't received, up until recently a, an amendment that we would work on. So there is an amendment we have--

GROENE: Because if we pass your bill then do these two disappear, or are they just more confusion? Because these are, these are policy, not statute, I believe.

VARGAS: Correct. So there isn't anything in the current legislation that's being offered that dictates what the program is specifically going to look like, other than what is in the section on the qualifications you would have in Section 4. There would still need to be some regs that created and promulgated by the board to carry out the section.

GROENE: But your bill would clear up that, your part 3, Section 3 would clear up this.

VARGAS: Part 3, Section 3?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Clear up the part about teachers coming in from a different state.

VARGAS: Section 3 applies to reciprocity, yeah. Section 4 applies, gets to this need. I think we heard this from the Nebraska State College chancellor that there are programs that exist in other states, South Dakota is one example. And streamlining and making the pathway more direct and more specific, in this example for a very specific type of person, is something that we should do.

GROENE: Thank you. Any other questions? This closes the hearing on LB668. Now we will LB537 by Senator Lathrop.

LATHROP: Good afternoon, Chairman Groene and members of the Education Committee. My name is Steve Lathrop, L-a-t-h-r-o-p, and I'm the state senator from District 12. I'm here today to introduce LB537. The goal of LB537 is to ensure that Nebraska school administrators don't create performance improvement plans that could include unnecessary and unrelated provisions that effectively coerce teachers into leaving their positions. Although performance improvement plans and other forms of administrative intervention can serve legitimate purposes if done in good faith, some administrators contract the preparation of such plans out to attorneys and that can result in overwhelming a teacher with additional responsibilities. This can drive a teacher from the workplace and it works because, unlike other forms of discipline, improvement plans are not currently "grievable" under state law. So these teachers have no way to stand up for themselves or secure some review of the performance plan. To address this issue, LB537 makes two changes. First, it adds some perf-- first, it adds performance improvement plans to the list of actions subject to a district's formal grievance process, should one exist. Second, it gives teachers the option to appeal such action directly to the school board rather than being routed through the burdensome administrative chain of command. I did bring in an amendment with me today. I understand that some districts, particularly the larger ones, feel this second change would result in school board members being overwhelmed with appeals. So we have an amendment, I have AM780, which replaces the school board grievance with language requiring each district to adopt or negotiate a formal grievance process if they don't already have one. People speaking after me can provide more details and, importantly, examples of how these plans have been abused or written to become onerous and why the grievance process is important. And I'm happy to answer any questions you might have.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

Recognizing the better person to answer them might be somebody that's going to come after me. With that, I'd ask for your support of LB537.

GROENE: I'll wait and ask the question then.

LATHROP: Pardon me?

GROENE: I'll wait and ask.

LATHROP: That's OK with me, Mr. Chair.

GROENE: Any other questions?

BREWER: I'll hit him up. I hate let him go without a question. This is kind of a unique bill in that it seems like it's tailored kind of for a special situation. Is there like somebody who had this happen and that's kind of why you'd worked on the legislation? Or did so--

LATHROP: I think it was a concern. And it might be, and I'm trying to remember, because it's been a little while since I put these bills together and introduced them. But the, I believe it might have arisen out of a case, a reported case from the Nebraska Supreme Court or the Court of Appeals. I'm not positive about that. But I think you'll hear some examples of, of some of these plans that have been put together that seem onerous. And they're now, you know, might have been a sort of an administrative process before and now we're bringing in the lawyers, Senator Brewer. And the lawyers are putting more in there than maybe is necessary to correct some teacher deficiency.

BREWER: All right. Thank you.

LATHROP: You're welcome.

GROENE: Any other questions? Senator Kolowski, I'm sorry.

KOLOWSKI: Thank you, sir.

BREWER: Walking away here.

KOLOWSKI: Senator, did this come from a large district, as far as the roots of this whole issue? Where you'd have a number of district buildings coming together to say this is what's happened to us?

LATHROP: I think that it, I think it might be the collective experience of some teachers.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

KOLOWSKI: OK.

LATHROP: OK? And, and what seems to be a trend with, with respect to these type of plans that are put together. And some of them including more and more things that are unrelated to the original reason for the, for the plan in the first place. So if you have a teacher that seems to have an attendance problem and you put a corrective action in there for attendance, and then you throw in about five more things. And that are unrelated to attendance. I'm confident you will hear some pretty good examples after I--

GROENE: I'm gonna ask you a question.

LATHROP: Certainly.

GROENE: They got tenure and they can't fire them unless they can-- grievous issue. So what you're saying is they try to make improvement plan so onerous that they quit?

LATHROP: Exactly.

GROENE: That's a simple side.

LATHROP: You got it.

GROENE: Thank you.

LATHROP: I tried to say that in a way that didn't sound too accusatory. But that's essentially.

GROENE: I'm not a lawyer, I can say it. Thank you.

LATHROP: OK. Thank you.

GROENE: Any other questions?

LATHROP: I'd be happy to stick--

GROENE: Senator Kolowski.

LATHROP: Oh, I'm so sorry.

KOLOWSKI: Just for clarification, Senator, you can fire staff that are in a different boat like you're talking about.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: All right.

KOLOWSKI: It happens, and I've done it. And many others have done it also.

GROENE: Proponents.

MADDIE FENNEL: Thank you, Senator Groene and members the Education Committee. My name is Maddie Fennell, M-a-d-d-i-e F-e-n-n-e-l-l, and I'm the executive director of the Nebraska State Education Association here representing our 28,000 members in support of LB537. I want to thank Senator Lathrop for introducing LB537 on behalf of teachers who sincerely want to improve their instructional practice. I believe that we as educational professionals have the responsibility to be the quality control guardians of our profession. I have taken my words into action on several occasions, I've had difficult conversations with colleagues who are struggling. I've even worked with administration to address teacher performance issues and see, saw teachers leave the classroom because of it. As with all professions, some individuals struggle. Some teachers may need remediation with classroom management, lesson plans, teaching strategies, or other components of their jobs. Sometimes that means a teacher needs a plan of assistance, which is an agreement between the educator and administrator outlining what performance needs to be improved, what the teacher needs to do in order to improve their performance, and what support the administration will provide to the teacher. When I began my job as NSEA director, executive director two years ago, our field staff brought to me a troubling trend. They were seeing an increasing number of performance improvement plans for teachers that were not really improvement plans. These improvement plans which, I've provided examples of, were actually punitive in nature. They were lists of books to read and other tasks that were burdensome and not supportive of best practice in adult learning. It was evident that many of these plans were not personalized to the needs of the educator. Instead, they were cookie, cookie-cutter plans that were designed to burden and hinder the teacher, not improve instruction. Why would an administrator do this? Performance plans currently have no means of appeal or grievance. If a teacher is given a list of books to read and pages to write, knowing they won't improve practice, they have nowhere to appeal, especially in smaller districts. If they utilize the administrative chain, they can be considered insubordinate. Administrators writing these poor plans use them as a method to drive out teachers without exercising their due diligence

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

and following dismissal practices. To be clear, every teacher must be held accountable to providing quality instruction for every student. We are not supporting this bill because NSEA wants to oppose all improvement plans. We are supportive of helping teachers who are struggling by giving them a viable learning path to success. We cannot fire ourselves to quality. We are supporting this bill and the amendment because administrators must also be held accountable for providing support for their teachers. No teacher comes into this profession wanting to fail. To succeed, teachers need administrators who will exercise their own teaching skills with a sincere desire to help them improve. If asked, I would appreciate the opportunity to quickly walk you through the packet I provided, and we would ask that you vote in favor of advancing LB537 to General File. I see that I still have the green light, so I just want to talk about the very first thing here that's labeled as Remediation Plan page 1 of 8. This plan was given to a teacher who took a day of sick leave because his wife was having a medical procedure. He did everything he was supposed to ahead of time to get the sick leave. His superintendent intentionally drove by his home in the afternoon and saw him outside. His wife had the procedure, she was inside sleeping. He was outside doing something with his car. He was then written up, and as you'll note here, the thing on leave time, he'd already done; expectations for leave time, he'd already done; and then they went on to tell him of all these performance issues. This teacher had had a good performance evaluation the previous spring. When asked, they said, no, no one's been in to observe him this fall. And yet, he's given an eight-page performance improvement plan. When with no documentation, with nothing saying that-- the administrator admitted, well, I've walked through his classroom. I don't know how you'd see all these things needed on a simple walkthrough. These and several other examples are why we are doing this. And in fact, if you look to the very last page of what I've given you, part of our problem is how our administrators are being trained to do these. And this quote in the middle there on remediation was from a prominent Nebraska school attorney who's pretty much telling folks: Don't bother with helping people get better, just find a way to dismiss them. And we don't have enough teachers to do that. We need to help our people get better, not just find a way to push them out. And with that, I'll take any questions you have.

GROENE: Any questions? Senator Linehan.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

LINEHAN: OK, this last page. Thank you, Chairman Groene, I'm sorry. This last page. Do you want to explain what this is?

MADDIE FENNEL: This one here? This is a piece of a presentation that is made by one of the prominent school law firms here in the state when they are working with administrators and training them on how to do remediation plans, and on how to do dismissals. And as one of the attorneys wrote, one of the attorneys wrote to me and he said: we have to get these. And in his words: we give these because the schools that they're going to, the administrative courses that they're taking are not helping them learn this. And so it's our job to help them learn how to do these dismissal procedures. But if this is the kind of information you're giving out, then what you're not doing is helping teachers improve.

LINEHAN: So this was presented by a law firm to administrators?

MADDIE FENNEL: Yep.

LINEHAN: And you making-- not just one group, a group of administrators?

MADDIE FENNEL: Yes.

LINEHAN: OK, thank you very much.

GROENE: Any other questions? Thank you.

MADDIE FENNEL: Thank you.

GROENE: Next proponent.

SCOTT NORBY: Mr. Chairman, members of the committee, my name is Scott Norby, N-o-r-b-y. I'm an attorney in private practice and practice in the area of education law. Over the past 40 years, I have represented literally thousands of educators in each of our 93 counties. I have been asked by the NSEA to address from a practitioner's perspective the need for legislation to address abuses in implementing performance improvement plans. Performance improvement plans, or PIPs, intensive administrative assistance plans, intervention plans, or by whatever name you wish to call them, are an appropriate and necessary administrative action to address performance deficiencies of certificated employees. Where an administrator observes deficiencies in performance, that administrator has a duty to document those deficiencies, address them with the employee, and offer assistance to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

the employee to remediate the deficiencies and bring the employee's performance to a level that meets district expectations. Where normal remediation methods prove unsuccessful, more intensive administrative intervention is appropriate, which is the legitimate purpose of a PIP. PIPs impose additional employment obligations on an employee that are designed to specifically address deficiencies, which can include imposing additional education and reporting requirements, weekly meetings, workshops, trainings, elaborate lesson plans, partnering, intense supervision, and a wide variety of other similar duties and responsibilities. These plans can impose many hours of additional work. Unfortunately, over the last 10 or 15 years, I've seen certain administrators abrogate the responsibility to assist and remediate observed deficiencies and contract out to attorneys the preparation of PIPs. Those contracted out PIPs are not educationally legitimate for a number of reasons. They are not prepared by a certificated administrator; they are not prepared by someone familiar with the educator, nor have they observed their performance; the terms and requirements of the plan are onerous, and in many cases, virtually impossible to satisfy. Oftentimes, these plans address remediation of non-existent deficiencies, never previously documented or observed. And finally, they are implemented not to remediate legitimate performance concerns but rather to shock and overwhelm an employee with additional responsibilities to an extent that they become so discouraged and frustrated that they choose to leave their employment. If that doesn't occur initially, it often, eventually, occurs when they realize that no matter what they do it's never really good enough. LB537 addresses these abuses by merely allowing an employee to grieve that kind of a plan.

GROENE: Any questions. Senator Linehan.

LINEHAN: Thank you, Chairman Groene. Thank you for being here, sir. So there are things-- so you have a teacher who's struggling. But there, there's certainly probably a list of things that they can be fired outright for, right? I mean--

SCOTT NORBY: Absolutely. Absolutely.

LINEHAN: So it's not like they can, I don't know, well, let's just use this: come to school drunk. What happens?

SCOTT NORBY: They're immediately suspended, removed. There are state statutes regarding the manner in which they can be tested and determined whether or not they are, in fact, impaired. If it's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

determined they are impaired, proceedings can be initiated to dismiss their employment. That is in fact just cause, and I am aware of-- I hesitate to say many, but I've practiced a long time-- educators dismissed under those facts. My, my experience with, with these types of plans, Senator, is not incident-related events. These plans are typically designed to address performance deficiencies with regard to competency. They can be associated with attendance and those kinds of things, but typically they are areas where it's determined that the educator is simply failing to meet district expectations in terms of actual competency and delivery of instruction. And so they're entirely appropriate and necessary when typical evaluation and remediation methods prove unsuccessful. And they're kind of a last attempt by an administration to focus on the specifics and impose some specific requirements on the educator over and above the call of duty, if you will. And that's appropriate. What, what I think this bill seeks to address, and candidly what my experience has been recently, is when for one reason or another that responsibility is contracted out to candidly a lawyer.

LINEHAN: Is this widespread? Are we talking about one district, two district? We're talking about you just--

SCOTT NORBY: You know, I, I've seen it all over the state, Senator. I understand some of the metro area districts have had some resistance to this. I often don't see it in the metro area. It's typically other Class 3 school districts where, where this happens. Although, I don't think there is any specific area of the state that's been immune from this abuse.

LINEHAN: OK. Thank you very much.

GROENE: Thank you, sir. Next proponent. Opponent? Neutral? Oh, opponent?

KELLEY BAKER: Mr. Chairman, members of the committee, my name is Kelley Baker, K-e-l-l-e-y, Baker. I have been involved in school law for 44 years, beginning with the Nebraska Association of School Boards while I was a law student, continuing with them and then going into private practice. I'm here on behalf of the school lawyers of the Perry Law Firm, of which I am a member. I this has been very edifying for me to listen to the testimony. I, I am concerned about LB537 because I fear that it changes the roles and confuses the roles of the board and the administration, that it gets into the confidentiality of teacher conduct and teacher evaluations in ways that it shouldn't.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

Because when you review the statutes, you'll find that the behavior of the teachers is an administrative concern. And it only becomes a board concern if it reaches a certain point that could affect the teacher's employment. And I don't want to mix the role of the board with the role of the administration. I'm also concerned that this will take a great deal of time from the administrators who, who wear many hats, they perform many jobs. And my experience with hearings is they take up a lot of time. And so if I go out with, to perform a possible nonrenewal of a probationary teacher and I'm asked by people in the firm how long will it take, I give them a number. I say, well, I think it'll take six hours. Their reaction is to double that time and add two hours because my experience is that hearings in a school setting take, take a lot of time. Administrators are responsible for personnel issues. Board members are responsible for hiring the superintendent, passing policy, and seeing to it that the superintendent does his job or her job and has the principals and others perform their jobs. And I worry about getting the board involved in decisions about personnel. That worries me a great deal. When you go through the statutes and you go through the termination of employment statutes and you go through the decisions of various courts, you'll find that they say that a teacher, a tenured teacher in particular, is entitled to just cause and to an unbiased decision maker. And I know that, especially in smaller communities, there's a lot of pressure on administrators, what's going on there? Why did I hear this? They have to resist that effort by people in the community to find out what's going on at school and what the board members have done about it. It doesn't always work perfectly well for the board members to say, I'm ignorant of that. You're-- I hired, I voted for you to know what's going on, and you don't know what's going on? Well, that, that's the role of the board members. If they if they know too much, then it makes their decision suspect. I've done hundreds of hearings, many of which have involved employment. The issue that I worry about the most in all of these is board bias. We'll deal with the facts, we'll present the facts to the board of education. They'll make a judgment about the reliability of the facts and whether they should take the action that's being urged of them. But I worry that a board member has gotten on the phone, did you hear about what is going on? I've, and I've seen this happen, and I just worry that no matter the appropriateness of the proposed action, board members can't resist looking into it a little bit, making some phone calls, talking to some people, trying to find out what's going on because there's a lot of pressure on them to do that. So I worry about, I worry about board bias. I worry about time. I see my time is about up. I'm sorry I got caught up in that,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

but I worry about administrators' time and board members' time, because when a board member goes to a hearing and it, and it takes four or five, eight hours of the board members' time, that board member-- we're all likely as administrators and board members to push against having hearings like that. I've reviewed a lot of improvement plans, and I am not familiar with those that Mr. Norby has seen, in which the plan is intended to drive somebody out of the business. What I look for when I review the plan is clarity, reasonableness, achievability of the goals. And so sometimes I'll tell the administrator: that's too many, there's too much to do in the time that you have in mind. So let's cut those down. The support of the administration and the review of the plan. Thank you.

GROENE: Any questions? Senator Brewer.

BREWER: All right, you've got my interest stoked now. One of the things I guess I'm struggling with and obviously, not being a teacher, you don't understand what that snapshot looks like in there. But one assumes that when you're teaching at a school, whether it be OPS or somewhere else in outstate Nebraska, that the school has a set of what we call in the military, SOPs, standard operating procedures and methods. And that if you track those, if you follow those, if you're on time, if you have your, your teaching program prepared and all that then you're good to go. But if you fail to meet these, then you're counseled. And if you get enough counseling, then you're going to have negative actions taken against you. Where I'm trying to put it together is this bill is saying that in certain circumstances the administration will arbitrarily make a decision on a particular teacher without that counseling and those, those things in place so that a teacher knows when they've done something wrong and then can correct their actions before they're terminated. Is that-- am I tracking with you?

KELLEY BAKER: That may be the motivation, but by statute and by rules of the Nebraska Department of Education, administrators are supposed to do just what you suggest. This was the, this is the standard to which we expect you, to which you are held. These are the instances when you've failed to meet this standard. This has been my notice to you and my reminders to meet those standards, and you failed to do so. But you are correct that the deficiency has to be identified and the teacher has to be encouraged to meet that, to overcome that deficiency. And the administrator is responsible for providing some suggest, some suggestions for improvement and then staying with the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

issue. So what you propose is good and that's what administrators should do.

BREWER: OK. Thank you.

GROENE: Any other questions? Sir, as it is now, it's just the only two people who know about this improvement plan is the employee and their supervisor?

KELLEY BAKER: Yes, sir.

GROENE: The principal? Nobody else knows about it?

KELLEY BAKER: Correct.

GROENE: Between those two.

KELLEY BAKER: Yes.

GROENE: So we bring the school board in small town Nebraska.

KELLEY BAKER: Right.

GROENE: Would it be in an exec session because it's personnel?

KELLEY BAKER: Well, I'm glad you brought this up because I think it is a crux of this issue. School board members are elected. They're not elected for their knowledge of school administration or personnel matters. They're elected to provide the oversight for the school district of the behavior, really, of the superintendent.

GROENE: But when they talk employees, individual employees, the school board, they go into to exec session, administrator or a teacher.

KELLEY BAKER: Well and that's, that's a, that is an important question. In almost all instances, you're right. If you're going to talk about your concerns about my behavior, a) you can only go into executive session under certain circumstances. I have a right to know that you want to go into executive session and you want to criticize me as an employee. We recommend against that, against the administrator taking people into or talking about people in executive session.

GROENE: But this would be before, the appeal would be before the school board. Would it be in an exec session?

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Education Committee March 18, 2019

KELLEY BAKER: That's up to the school board. There is no, there is no obligation in the bill to put it in executive session. So the teacher now is, can talk about his or her concerns I'm being treated unfairly: This is happening to me. And that happens a lot. Administrators are much more careful and don't disclose their concerns. So you're right, it is better dealt with in executive session. The teacher controls that and can say, I'm a big boy. If you're going to criticize me, you'll do it in the open because I can, I can take it. I can, and I don't want these things said behind closed doors.

GROENE: They can ask to be in exec too, the--

KELLEY BAKER: It can be an executive session.

GROENE: The employee can?

KELLEY BAKER: Yes. And then it goes, but then it goes to the board and that's what worries me. Now the board, and so you'll read decisions about due process which say essentially the hearing should be before a hearing body that's untainted.

GROENE: And how do you see this? We're short of time, so I'm gonna cut you off as soon as I get my answer. Anyway, so how did the board answer? Does the board take a vote four to three that we what?

KELLEY BAKER: Go into closed session to hear--

GROENE: No, what do we do? We don't like the plan.

KELLEY BAKER: Right.

GROENE: So what do they do? They tell us the administrator and principal to come up with a better plan?

KELLEY BAKER: That's, that's a very good question and I don't know. We can say, Mr. Superintendent or Mr. Principal, Ms. Principal, by a four-to-three vote there are aspects of your, your plan that we don't like. But a big difficulty is the board doesn't know about improvement plans and they don't know about--

GROENE: Well, they don't know why the plan is there either. So they go home and they call me and said your boy is in the third grade. What do you think of this teacher? I mean, because how else would they know if

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

the plan is even, fits the crime? And it's the wrong word to use. All right. Thank you, sir.

KELLEY BAKER: Yes sir.

GROENE: Senator Linehan.

LINEHAN: So you're concerned about the school board not being fair. For what other reasons, political or whatever, but you're not concerned that like every superintendent and every principal in the state is fair?

KELLEY BAKER: I share the concern. I, so I say when I, when I look at an improvement plan, I look for clarity. I don't look for vague.

LINEHAN: But what you're, what we're defending here, I think, and I don't know anything about the bill, but what we're defending is one person, a superintendent probably, or a principal, they it's-- they're all-powerful in this situation, right? That situation?

KELLEY BAKER: They have power until some later time. The, the principal has the power to enact an improvement plan subject to the review.

LINEHAN: So in the claim here, so I didn't even understand this. So we're not talking about school board members going out and hiring lawyers to figure out how to fire somebody, if that's the charge, in case what's going on. We're talking about a principal or superintendent calling an attorney and getting a plan from an attorney with this teacher to write an improvement plan that the teacher probably is not going to be able to handle.

KELLEY BAKER: I'm sorry.

LINEHAN: But it's actually just one, one person is in charge of all this.

KELLEY BAKER: One person whose responsibility is to oversee the conduct and the behavior and the, and the quality of the performance of that teacher, and to write that, to write that up. Yes.

LINEHAN: Why would they need to call an attorney to do that, if they're getting, if they're the superintendent of the school?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

KELLEY BAKER: Well, consider that. Here now we're going through a grievance hearing. And so far as I read the statute the proposed statute that grievance can go to the Board of Education for a decision. And my experience with these kinds of personnel decisions is they are, they make administrators worry about their future and whether they can survive a dispute in a small town where the teacher will know everybody and their, you know, the administrators worry about that. So the-- I'm not familiar with Mr. Norby's experience, brilliant attorney that he is, and he deals with so many people. And I'm not familiar with an attorney writing the improvement plan without knowledge of the teacher's conduct. So when I, when I get an improvement plan, I look at it. I look at it for clarity, grammar, and can I understand what is going on here. Can I understand what the principal--

LINEHAN: When are you looking at these improvement plans? Before they're given to the teacher or after they're given?

KELLEY BAKER: Before they're given to the teacher but after they've been written.

LINEHAN: OK, that's, that's enough. So you're saying that we have superintendents, principals, they're writing an improvement plan for a teacher and they're using an attorney to write the improvement plan?

KELLEY BAKER: They can.

LINEHAN: OK.

KELLEY BAKER: Not, not to write the improvement plan, but to review it and make observations.

LINEHAN: All right. Thanks.

GROENE: I don't know why you're not a proponent, because this looks like if this passes every single improvement plan will be covered by a superintendent covering his rear end with an attorney looking at it.

KELLEY BAKER: Yes, sir.

LINEHAN: Sounds like they already are.

KELLEY BAKER: They'll be--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Not all of them. Doesn't happen that often, does it? In small towns it doesn't happen that often that an attorney looks at it?

KELLEY BAKER: No, it does not. On matters that the principal thinks it's a serious matter and wants to make sure he or she is getting it right, approaching it right.

GROENE: Thank you.

KELLEY BAKER: Then, yes.

GROENE: Thank you.

KELLEY BAKER: Thank you, sir. Thank you.

KYLE MCGOWAN: Good afternoon, Chairman Groene and members of the Education Committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n, I'm here representing the Nebraska Council of School Administrators. And we oppose the green copy of LB537. Let me just start with, I knew there would be an attorney here that typically represents teachers. I knew there'd be an attorney here that typically represents administrators. And this is not saying good or bad about attorneys but they represent their clients, right? So a teacher could have, be a bad teacher and the attorney could do the right thing of saying: You're a bad teacher, maybe this isn't the right profession for you. But if that client says, I want to be defended, then that's what the attorney is going to do. The school could have a bad plan. The, the attorney for the school could say: You have a bad plan. You don't want to go to trial. But if the school says, we're going to trial, they represent their client. So this discussion on attorneys is frustrating to me because we all use attorneys when we feel we don't know, particularly procedurally, well enough what's taking place. At least that's why I would think that we would use an attorney, to make sure that we're not messing up on some process that's going on related to the law. Schools are as only as good as their staff. OK? And as and this bill addresses administrators, not teachers. I've had administrators on performance plans before, I've had teachers on performance plans before. And never once have we gone to a hearing. Now, I guess fairness might be in the eyes of the beholder in every system that we have, eventually there has to be a judge making a decision. In some cases, it's the superintendent. When a-- by law, schools are required to evaluate, observe teachers. Probationary teachers have to be observed at least once a semester each year for the first three years. So now a principal observes that probationary teacher and they have a list of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

deficiencies while they go over them. Would that list of deficiencies be called a performance plan? So would that probationary teacher then be able to go to the board and say, I don't like this this plan, because of an observation? I think that's a big flaw in this particular proposal. The addition of performance plans and any, I mean, that's a commonly used process after there has been many other states, state-- or things completed by the administrator with the teacher. And so there should be no surprises. Again, we get back to can people point to something that looks unfair? Well, they sure they can. And there's usually a deeper level to those issues than maybe what we might just see on a piece of paper. I don't know. I'm not saying that's right or wrong. But I am saying, if we're going to skip the process that Senator Brewer just spoke to, I think that is not fair in terms of the staff member. I don't think it's fair to jump to the school board that then is expected to be unbiased in their ultimate hearing. People-- I just heard the senator just talked about what can a teacher do. A teacher can ask for a public hearing. Senator, you mentioned about exec session. For a personnel issue, the person involved can say: I don't want to go into the exact session. Let's have this discussion in public. So there, there is a process in place. And I have been, again, through several performance plans. And as I talk to my colleagues, the vast majority, I would say well over 90 percent of the majorities result, result in the teacher making the improvement and issue solved. I'll stop there.

GROENE: Thank you. Any questions? Senator Brewer.

BREWER: All right, again, I'm going to have to completely understand this before this is all going to add together. So if you go into any given school in Nebraska there should be what I referred to as an SOP. And that teacher gets it when he comes in or she, and, and that's also going to include the methods. And that is their guide. That is how they know what right looks like.

KYLE McGOWAN: Right.

BREWER: And if their actions, whether they wear the wrong color of shoes or whatever they do that upsets their supervisor, which I guess would be the principal or the, or the superintendent, there should be that counseling process that they go to, go through. And, and through that process they're given a chance to correct their actions. If they don't, then at some point there's, there's negative consequences. Is that--

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Education Committee March 18, 2019

KYLE McGOWAN: Yeah, that's, you hit it right on the head there. I mean, we're kind of going over the top of two things: a grievance procedure. But every school district would have a performance plan and minimum expectations. And so there should be many steps before you. In, in the district I was at, if you were put on a school improvement plan, the first step would be to make sure that that teacher would invite their representative from the NSEA to participate in that.

BREWER: And I assume that it's escalated. And in my world, you know, your, your first counseling was up close and personal and then from there you went to written counseling. And then at some point you had to take formal action.

KYLE McGOWAN: Correct.

BREWER: Similar? OK. Well, I'm just I'm trying to understand where this fits and whether this is good or bad by what it does. And part of that's understanding the sequence of events normally happen if, if you need to use them.

KYLE McGOWAN: I, I think you understand it completely. In your scenario, it's skipping an important step for an opportunity to improve and going right to the board. I'm not sure I understand your world very well, but I assume if one of those pages over there has a problem with someone, they don't come right to the exec board. There's probably a step in between before it goes to-- maybe you can explain that better to me. But it seems like this bill is skipping an important part that the vast majority time results in a better team. I am, if I sound a little frustrated I think, you know, administrators are expected to hold people accountable. And there's a way to hold administrators accountable too. So now if, if again we take away that goal of holding people accountable, I think that that's a mistake for better schools to be a better school.

BREWER: And my point was being that don't hold them responsible for actions that they're not aware of because you didn't provide them that standard operating procedures so that they could do the right thing.

KYLE McGOWAN: Right. Yeah, if you're not, if, if you're an administrator and you're not doing a good job documenting and all this is verbal, you didn't, you didn't do a good job.

BREWER: Roger. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: So did you use attorneys on these?

KYLE McGOWAN: Yeah. Never to create. Particularly if I had a, when I was a superintendent and I had a principal just saying, hey, this is not going well, you know, I want to move toward a preferred performance plan. OK. Come, you know, let me see it. Performance plans are, are important that you got to be objective. So let's pick out something simple like being punctual. Are you going to accept no late, you know, zero, zero tolerance? You gonna get three? Let's talk about something that's much more difficult to define, but some of your instructional strategies. Can you demonstrate these instructional strategies? We would bring in multiple observers so that it wasn't just on one person. Now is that stressful? Yeah, it is. But there's not a lot I can do about that, because our school would have a minimum expectations of you as a teacher and you would need to demonstrate that. But again, this was just our school. There were no surprises. We told you when we were coming in to observe you. So we wanted to see you at your best, not to catch you or "gotcha."

GROENE: So this all boils down to you got somebody who isn't doing their job.

KYLE McGOWAN: Right.

GROENE: Personal experience I've never been in a job situation or a situation where there wasn't achievers and there was the ones who didn't achieve. You're trying to get the ones who aren't achieving to raise their quality of work. It's not a vindic-- vindictive, vindictive action.

KYLE McGOWAN: I think Lincoln Public Schools has about 5,000 certified teachers. If 99 percent of them are good or great, that 1 percent is 50 teachers. I mean, you know, how many organizations can say they have 99 percent of their staff are outstanding or good?

GROENE: Well, as Senator Brewer said, he came from a different situation. So do you do. I come from free enterprise. Boss is king, you're out of here.

KYLE McGOWAN: I don't even need to be king. But I'd like to be able to do my job.

GROENE: Thank you. Thank you. Any other questions?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

COLBY COASH: Good afternoon, Senator Groene, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h, and I'm here today to testify on behalf of the Association of School Boards. And I'm also submitting a letter on behalf of the ESU Coordinating Council. Due the weather, their testifier was not able to get here, and so I'm passing around his letter. At the School Board Association, we're here primarily to oppose the second change in the green copy of LB537. And I want to explain why. We work hard at NASB to teach our members that they have three main responsibilities in addition to their role as being an advocate for their school and their community. We teach them that they are to pass a budget; formulate and enforce policy; and hire a superintendent. We are frequently telling school board members to stay in your lane. One of the most frequent calls that we get, especially after election season, is you'll get a newly-elected school board member that will call and say, OK, I just got sworn in. I've got a problem with the basketball coach, what do I do? And it is a funny call, but it is a frequent call because we have to then be very clear with school board members, your role is not to fire teachers, discipline the coach. Your role is to hire and, when necessary, fire the superintendent. And we try very hard to keep them in their lane. Now, if needed, and when by policy a school board has, has to intervene on a personnel decision, this is always the last resort. The last line in a grievance procedure can end up in, in, in front of the school board. And that is an appropriate role. But what LB537 does in that part of the bill is it circumvents that role and it puts school board members in a position that frankly they're not trained to do, nor should they be in as school board members. And so with that, we would-- I would close my testimony and see if there's any questions.

GROENE: Senator Linehan.

LINEHAN: Thank you, Chairman Groene. Can you, you said something right at the beginning, and I'm sorry, I wasn't paying attention. You said three things?

COLBY COASH: So we, we teach the school board members that they have three main roles: to pass a budget; to formulate policy; and to hire and fire a superintendent.

PANSING BROOKS: Do [INAUDIBLE] policy?

GROENE: Wouldn't this be under policy?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

COLBY COASH: Yes, it would be. The grievance procedure, all of those things, are in policy. But what you'll find across the state that the policy is written to say that the school board hires the superintendent, the superintendent supervises and holds accountable their employees. And only when that, that chain of command, which is under the current law, is violated, does the school board get involved in a policy. Or in a-- excuse me, not, in a personnel decision.

GROENE: So you're concerned that they're getting into it one step too soon?

COLBY COASH: Yes.

GROENE: This has not been terminated.

COLBY COASH: Yes. That, that when a school board gets involved in a personnel decision, it should be the very last step. They, for lack of a better term, serve as the judge and jury when there is an appeal or a grievance. But up until that point, the school boards hire their superintendents to be the boss and to hold accountable their employees.

GROENE: So now a teacher even in a small town has the principal as their boss. They have a problem with the principal, can they now bypass the principal and take it to the superintendent?

COLBY COASH: That would be the normal chain of command. It would go from the principal to the superintendent to the school board.

GROENE: But normally the teacher doesn't have the ability to go to the school board?

COLBY COASH: Normally, the teacher has to follow, under the current law, the chain of command, which takes them through the principal, if there is one, to the superintendent, and finally to them. LB537 puts a direct line in that grievance right skipping the superintendent right to the school board, which is a role they shouldn't--

GROENE: Doesn't the union representative play a part in this pretty quickly?

COLBY COASH: Oh yes.

GROENE: With a grievance?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

COLBY COASH: Yeah, they, they, you know, the certificated employee, including administrators, they will engage their union just like as you've heard testimony here very frequently the superintendent or the school district might, might access counsel as well just to make sure things are going well.

GROENE: Thank you. Senator Brewer.

BREWER: All right, back to my question earlier, because I'm going to be very disappointed if I find out that this isn't true. Every school district in Nebraska, big or small, has written standard operating procedures, and that is the guidance that the teachers use and likewise the superintendent used to make sure that they're doing the things they should do. Is that an accurate statement?

COLBY COASH: Yes, we call that policy.

BREWER: Thank you.

GROENE: Any other questions? Thank you, sir. Senator Linehan.

LINEHAN: Thank you, Chairman Groene. But every school could have different standards. There's not a statewide standard a policy or does the Department of Ed give to schools, these are the basic things that your policy ought to include?

COLBY COASH: Well--

LINEHAN: I mean, there's a, there's a long ways to say everybody has policies and procedures when they could be one page or it could be kind a hundred-page book.

COLBY COASH: Yeah, and I've seen--

LINEHAN: One page--

COLBY COASH: I've seen, and I've seen the gamut. So the way I would frame this is that you've got state law, which drives policy; policy drives procedure. And school district to school district, depending on the size, is going to have some changes in how to implement their procedures based on their policy, which is based on state statutes. So you will never see a policy that goes sideways of statute, of course, but there is, of course, we work with large and small school districts

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

and there's some-- there can, can be some, I guess, customization of policy, depending on the needs of that district.

LINEHAN: Most of what we do, what happens in K-12 is not in statutes. It's directed by this Rule 10.

COLBY COASH: Correct.

LINEHAN: But not statute.

COLBY COASH: Well, statute authorizes Rule 10, which authorize--

LINEHAN: Right, but people, I mean, we keep hearing that we put all these unfunded mandates on the schools. But we have very few actual laws on the books in the Legislature that tells the schools, you have to do this.

COLBY COASH: Many of them do come through NDE's rules.

LINEHAN: Right. Thank you.

COLBY COASH: Guidance through, through--

LINEHAN: Thanks.

COLBY COASH: So no argument there.

GROENE: Thank you. Senator Pansing Brooks.

PANSING BROOKS: Thank you for coming, Senator Coash. So I am wondering what, what kind of relief, if somebody is put on a bad plan by an administration or administrator. What, what happens then?

COLBY COASH: Under current law?

PANSING BROOKS: Yeah.

COLBY COASH: Under current law, if the, the certificated employee disagrees with their performance plan, there will be a policy that sends them through what is the chain of command. Which the, if you go back to the policy, will tell you it goes through the administrator. All the way up to the school board as the last resort.

PANSING BROOKS: So, so you believe there is relief for that teacher to be able to--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

COLBY COASH: Well, there are, there grievance procedures. School-- every school and across state has a grievance procedure policy that will tell a, an employee how to work through any action that they disagree with.

PANSING BROOKS: OK.

COLBY COASH: Which would end up potentially at the school board. Where our opposition comes from is that the school board may come a lot earlier in this process than would be appropriate.

PANSING BROOKS: And I was presenting a bill in another committee, so I might be asking something that's been answered. But so some of the letters that I'm just skimming say that they were, that they-- a teacher might be placed on an improvement plan and then it's actually sort of a shortcut way to get rid of somebody. And to get rid of a teacher, and that there was really no opportunity to make improvements on any deficiencies. It's sort of a shortcut way to terminate a teacher. Do you have something to say on that?

COLBY COASH: We certainly the council school board members that they should be very aware of the performance improvement plan procedures within their school, and there is no objection to putting performance plans as a one, the list of things that, that can, that can be done. If you talk to administrators, it's very commonly used and should be. But it needs to be done appropriately and, and in good faith. And we certainly train our members to do that.

PANSING BROOKS: So do you think the Department of Education should set up a standard across the state? Because it sounds to me like things are sort of all over the place, and that you could at one school doing one thing and a teacher have treated one way in one school and another teacher similarly situated at another school treated totally differently.

COLBY COASH: Having NDE weigh in on this certainly would be, would be appropriate through any type of guidance that they provide.

PANSING BROOKS: Thank you.

GROENE: Any other questions? Thank you.

COLBY COASH: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Other opponents?

JACK MOLES: Good afternoon, Senator Groene, members of the Education Committee. My name is Jack Moles, J-a-c-k M-o-l-e-s. I'm the director, executive director for the Nebraska Rural Community School Association. I'm going to be really brief with you. On behalf of NRCSA, I would like to testify in opposition to the green copy of LB37. Our members are concerned that providing the ability of the employee to appeal personnel actions by administrators directly to the board of education could have the effect of making the board a biased party in the case of a teacher termination hearing. We do appreciate Senator Lathrop's move to include performance improvement plans as a method of assisting the certificated employee to improve. In many instances, good administrators are already using that method to help their employees. In closing, we ask that you please not vote to advance LB537.

GROENE: Thank you. Any questions? Thank you. Senator Linehan.

LINEHAN: Sorry, Chairman. I'll be quick. Have you seen this packet that--

JACK MOLES: I have not.

LINEHAN: OK. Maybe she could give you one.

JACK MOLES: OK.

LINEHAN: Or we can give you one just for the record, I guess. Thank you.

GROENE: Any other questions? Thank you, sir.

JACK MOLES: Thank you.

GROENE: How many more on this bill testifying? Three? All right, thank you.

STEPHEN GRIZZLE: Good afternoon, Chair Groene, distinguished senators and members of the Education Committee. I am submitting opponent testimony in the role of president-elect for Schools Taking Action for Nebraska's Children Education, or STANCE. My name is Stephen, S-t-e-p-h-e-n, Grizzle, G-r-i-z-z-l-e. I currently serve as superintendent with Fairbury Public Schools, a district member of STANCE. There are 20 member school districts of STANCE, representing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

well over 30,000 students extending our opposition to LB537. This proposal provides unnecessary reprieve for certificated staff and in the event that they will be issued either a quote performance improvement plan or other form of administrative directive to address alleged performance deficiencies end quote, as stated by the LB537. While we recognize the intent for proposing LB537, which presents an attempt to shield certificated staff from burdensome plans of assistance for improving their job performance, we believe LB537 is so broadly construed that it essentially provides a permissive pathway for resistance of any plan of assistance or any directive given by an administrator. Many times when a certificated staff is placed on an improvement plan, ultimately their performance improves. This is, in fact, the goal of improvement plans: growth in refining professional practice. Nebraska has one of the finest group of educators, both administrators and teachers in the country, that work hard and undoubtedly strive to achieve great things for our students. However, there aren't cases where either performance is below standard or explicit directives are necessary to achieve positive outcomes for students. This bill we believe provides an unnecessary hurdle or reprieve for potential administrative corrections. Districts have policies based on current NDE guidelines and state statutes outlining certificated staff rights and responsibilities, grievance procedures, and evaluation procedures and rights. These policies ensure that every employee is treated with dignity and respect, and the administrators understand each employee's rights. LB537 is duplicative and unnecessary legislation. LB537 creates undue hurdles and additional bureaucracy in an already clear procedure for administrators to work with staff to improve the academic environment for our students. Accordingly, the member districts of STANCE urge the Education Committee to oppose LB537 and not advance it to the floor for full debate. I've included in the packet of information some examples of things that might help the committee with some of the questions you've asked today. Senator Brewer, you have asked questions about is there a standardized procedure. And every staff employee does get a packet that outlines the evaluation procedure, and this is also part of NDE's checklist for Rule 10 accreditation. I've included that, and I've also included sample policies that districts might have pertaining to evaluation procedures and grievance procedures. And I've also included some state statutes that references our ability to have due process. And to Senator Linehan's questions, we have about 400 pages of law that schools deal with legal aspects. So we have a whole Chapter 79 in the Nebraska State laws as, what we refer to a lot as administrators.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

WALZ: Thank you. Questions from the committee? Senator Brewer.

BREWER: All right, part of the reason I guess I kind of became the dog with a bone on this one is I've got several emails just while I've been sitting here from folks who seem concerned, the teachers, that they live in zero-defect world. And it's not necessarily that they mean to stumble, but we're humans and it happens. And evidently, especially with OPS, they, they'd rather, you know, throw them in the grinder than, than sort out exactly what happened because that's the easy way out for the administration. Because there's no risk if you just crush them and be done with it. And so, you know, my concern is that once you live in that world and, and you feel like you have no hope or opportunity to have your side of it honestly heard through to where you can have a fair ending, you don't have much desire to live in that world when you get a chance to move on. And so that we don't continue to put ourselves in a situation where we're struggling to have teachers at all. I mean, I can almost see how this bill came about, because if you are scared that that single point of failure and that supervisor can really decide your fate regardless of the facts. But if what you're saying is true and that their guidance is given, and that if they use that then for counseling and that's the Bible they use to decide whether someone is able to continue in their employment or if they're going to be, again, I'm using military terms, but they're counseled. And then at some point they've had enough offenses to where they can be terminated. You know, then the system works. But I guess my question to you is, do you kind of understand where some teachers are coming from? Their fear that that one mistake is enough for them to have what they know is a career at this point in their life over?

STEPHEN GRIZZLE: One mistake is not going to-- one educational mistake is not going to create the environment in which that person has to resign or be fired. The process of evaluation, the process of getting on a plan of assistance is a process. It's not a one-time event in most cases, unless there is, you know, an insubordination or something that's really against the law. Those kinds of things. An administrator's role is to coach the teacher into improvement. The teacher's role is to take that coaching and to make improvement. And then if it becomes the administrator's evaluation that they did not make the necessary improvements, then they would be recommended to be terminated. There is a due process involved along the whole way. The teacher then will have the opportunity to request a hearing before the board. That's the last step in the process. This bill would sidestep

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

all of that and bring the grievance at the very front of the procedure, tainting the jury, if you will, if it ever gets to the ultimate hearing. This grievance procedure is to basically say, yes, we agree there needs to be a plan put in place; or, yes, we agree with the directive. Has nothing to do with all the moving parts before that. So this bill is essentially sidestepping all of that and going to the very front, and then the board has already been apprised of a concern. They are no longer an impartial jury when it comes to determining the very final act.

BREWER: And if this bill was to become law in the larger communities like Lincoln and Omaha, how do they do that? Because you can't-- I guess you can--

STEPHEN GRIZZLE: Every grievance would then go to the board. So it would really, in my mind it has potential of really burdening boards of education with a lot of grievances.

BREWER: All right, thank you.

WALZ: Other questions from the committee? Senator Murman.

MURMAN: Yeah. Thanks a lot for testifying. I just want to say, when I was on the school board, and also today, it seemed like we always talked a lot about school facilities, budget, taxes, teachers' performance, and so forth, but we almost never talked about what's best for the students for education. Especially academics. And so I just, I know you mentioned that in your testimony. So I just thank you for talking about that.

STEPHEN GRIZZLE: You bet.

WALZ: Other questions. Thank you. Next opponent.

JOHN SKRETTA: Senator Walz and members of the Education Committee, my name is John Skretta, that's J-o-h-n S-k-r-e-t-t-a. I am the superintendent the Norris School District. And while I spoke earlier in capacity of the NCSA chair, I'm here today on behalf of the Norris School Board. The Norris board is opposed to LB537. They read this bill over, and my board president, Patty Bentzinger, was basically like: Oh, dear lord, no. You are opposing this, John. They said essentially we want to follow protocol and we want to adhere to chain of command. There's a right way to go about this process. When working with teachers on improvement plans, one thing that I would really

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

emphasize here is that I believe that both administrators and our association reps, the members of the NAE, Norris Association of Educators, as well as the NSEA reps we work with are teacher advocates. And we want to involve those folks up front because they provide outstanding advocacy, and that when we involve them up front we tend to have an even higher percentage of successful resolution on professional growth plans with teachers. And here's my, here's my caveat on this whole thing as, as a school district superintendent, for whom one of my primary responsibilities is to coach and evaluate our administrators; which is, if an administrator in the role of evaluating teachers is a calloused, insensitive jerk, who is not fundamentally someone who can coach people up and help develop the key characteristics and traits we all want in teachers, then I would suggest that that administrator will eventually get their comeuppance. Because what you're going to have in that school, and I know Senator Kolowski knows this, because he was a Millard principal and a very successful and highly regarded one, is that if, if you operate in that way as an administrator, you're gonna have a bad building climate. And if you have that, teachers are gonna vote with their feet and they're not going to want to teach within that sort of environment. And the school will have retention problems, the board will hear about it. The superintendent will be directed to do something about it and address it. So once again, the Norris board is opposed to LB537, and that's what I got for you on that one.

WALZ: Any questions from the committee? Senator Linehan.

LINEHAN: Thank you, Vice Chairman Walz. The problem here I think is really going back to the problem we're trying to address, is performance plans, that's all good. But if it's really just a way-- if you've got to hire a lawyer and they're saying write it this way so they can't, you're chasing them out of the school, that's problem.

JOHN SKRETTA: I've never known a lawyer to-- sometimes Karen at Perry Law keeps him on hold for a while, but they always take the call. Yeah. So you're right, attorneys, attorneys are accessible. And to reference Kyle's earlier point, you know, you can always retain an attorney. But we don't involve attorneys until we've reached, and this is what I think is best practice, until you reach the proverbial fork in the road where it's like, hey, we have tried and we have worked the plan and we have planned to make this thing work, and we have not seen measurable improvement. So here's what our recommendation is going to be.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

LINEHAN: So you would be concerned with this stuff Ms. Fennell sent out too, right?

JOHN SKRETTA: I, I haven't been privy to it but, I mean--

LINEHAN: It's for the record now. We can get you a copy.

JOHN SKRETTA: From, yeah. From reference, sounds like it.

LINEHAN: I mean it's, this, clearly they were overwhelming whoever got this.

JOHN SKRETTA: It, you know, it should not be attrition warfare. Teacher appraisals should be about coaching people up to ensure, and here's fundamentally why. I mean, we've spent, you've, you members of the Education Committee have spent a substantial amount of time this afternoon hearing about how impactful the teacher shortage problem is in Nebraska. You know, I can assure you when, when we hire someone, we go through a rigorous selection process. We sure as heck want to retain them. So you need to be prepared up front to make that investment and retention, not, I think Senator Brewer had referred to the phrase of kind of just grinding people down and spitting them out. That's not, that's not effective.

LINEHAN: Thank you for being here.

WALZ: Senator Brewer.

BREWER: Since we're rolling on this, quick question. If, and I'm jumping back and forth between the white copy and the green copy here. But if I read this right, it says: may go to the board. It doesn't necessarily require that they do that.

JOHN SKRETTA: Yeah. Yeah, I think what, what I hear NSEA advocating for and what Senator Lathrop has proposed, would be to add an additional layer of statutorily-embedded due process protection for teachers.

BREWER: And if you had a superintendent who was on the, on the darker side of things, that had issues, it would give an option there for that teacher, wouldn't it?

JOHN SKRETTA: Yeah. I mean it's, it's clearly, I mean, I think the intent is there in terms of protecting. Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

BREWER: OK. Thank you.

WALZ: Other questions? I see none. Thank you.

JOHN SKRETTA: Thank you, Senator Walz.

WALZ: Next opponent.

KAREN HAASE: Senators, My name is Karen Haase, first name is K-a-r-e-n, last name is H-a-a-s-e. I believe I am the attorney that was referenced in some of the materials that you had distributed today. I apologize for my attire, I had not planned on testifying. But I was watching on-line and wanted to pop over and provide you with some perspective about some of the materials that you've received, and also to testify in opposition to LB537. It is true that there is a PowerPoint slide in which we quote Madeline Hunter, who says: it is easier to remediate a poor teacher than to replace them. And then there is a joking quote that says "that's B.S.", Karen Haase. What you don't see before you is all of the slides in that PowerPoint deck that come after that, in which my firm makes the point that although we initially started assisting schools and writing these improvement plans with the idea that it would help us fire teachers, more than half the time we write plans or help write plans that then result in the teacher getting better. The point of that slide is this: Teachers deserve clarity. And school administrators have a lot on their plate and do not write improvement plans for a living. They administer schools for a living. And so sometimes they need help in writing a clear plan. I am testifying on my own behalf, not on the behalf of any client, because the only individuals that this legislative, or that this law will benefit if it becomes law, is the attorneys. LB537 is bad for schools, it's bad for teachers, and it's bad for students. And I want to talk about each one of those in turn. Number one, LB537 is bad for schools because it adds an additional unnecessary layer of administrative expense and compliance to schools who are already trying to do more with less so that they do not have to have additional administrators in their central office. Thus, increase, increasing the tax burden. Rule 10 of the Nebraska Department of Education, Section 007.06A1c requires every school district in the state to have an evaluation policy on file. That policy must include at least evaluating teachers on their ability to manage their classrooms, their instructional performance, and their personal and professional behavior. So, Senator Brewer, those are the three criteria that have to be in every single evaluation rubric across the state. Some schools add more. There is a model called Danielson, which

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

has, I don't know, six gazillion different standards. Smaller school districts that are trying to get by, by doing more with less probably may only have those three. But those three have to be an every single teacher evaluation instrument. And that same section of Rule 10 requires the school to provide a copy of the evaluation instrument to each teacher, each year. So not only does the school have to adopt it and have it approved by NDE, they have to give it to the teachers. Adding an additional layer of administrative due process on top of these already rigorous requirements is bad for schools. My second assertion is that LB537 would be bad for teachers. That seems counterintuitive since the Teachers Association is supporting this bill. But I will tell you that it is much better for a teacher to have a clearly written improvement plan that has five or six things that they have to do than to have a generic evaluation that isn't as clear and as, as, as hard-hitting as a teacher would have if they had a formal improvement plan. I say all the time: Honesty is a sign of respect. And I believe that teachers should be respected enough to be told the truth when they aren't cutting it. Now, I have not seen the packet that Ms. Fennell provided you. But I think, from looking over her shoulder, that there is a sample improvement plan that may have been passed out. I certainly could not speak to you to share any confidential information. I can tell you that I've done multiple trainings where I have provided to administrators, hey, here's an improvement plan that would have everything you could possibly think about including. That is not a plan that was given to an individual teacher. That is a monster plan that would be a sample of what, you know, if you have someone that's not lesson planning, you could do this. Someone that doesn't have relationships, you can do that. The second reason this would be bad for teachers is because we have a set of resources that we know have been successful in helping teachers. It would be bad for teachers to say that schools can't access that information and give that information to teachers in a formal improvement plan. The last thing I want to say before I run out a time is to recognize Senator Murman's comment, that what we are forgetting here is that the purpose of any teacher evaluation system is to make teaching and learning more effective for our students. There is a ton of educational research about what teachers can do in the classroom to make them more effective for students. And I think it would be a mistake for this committee to put into effect a law that makes administrators more reluctant to having teachers read those resources and access that research because they're afraid of having this grieved

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

up the chain of command to the Board of Education. Thank you for your time.

WALZ: Thank you. Questions? Senator Brewer.

BREWER: Thank you, Madam Chairman. All right. So, if we go back and take a look at this, what you're telling me is every school, regardless of size, has this improvement plan. The improvement plan is agreed to between the superintendent and the teacher. And that's following the rules that you described that they're required to follow, according to the state regulations?

KAREN HAASE: Every school has an evaluation instrument, which is the way that the principal comes in and says, you're doing a good job. You're meeting my standards here, here, and here. If the teacher is failing to meet those standards, then lots of times that is when you would put the separate document on top of it saying, here are ways in which you can improve the performance that you're failing to meet our standards that are in the evaluation instrument.

BREWER: And if a school is failing to do that, who has oversight to make sure that's happening or will correct that?

KAREN HAASE: If a school district is not using the required evaluation instrument, that's the Department of Ed in the accreditation visit. If the school is unfairly evaluating a teacher or making them read 17 books in two weeks, Mr. Norby then represents the teacher in the termination hearing and boxes the administrator's ears. So there's already a process through which fairness can be assured in front of the board of education.

BREWER: Wouldn't require, wouldn't matter whether it was a little school, big school?

KAREN HAASE: Little school, big school, biggest school in the world versus, you know, Arthur County. All of them have that process.

BREWER: All right. Thank you.

GROENE: So you-- I was out. You represent the administration or the--

KAREN HAASE: My law firm represents around 150 school districts across the state.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: So the administration?

KAREN HAASE: Yes. What, no we don't. I just, so I want to be clear. We represent boards of education, districts. So administrators call us and we help them. But our clients are school districts.

GROENE: So usually you don't get involved in these plans?

KAREN HAASE: It is not uncommon for me to assist an administrator in writing a plan.

GROENE: You do it. Normally, you know, the exception to the rules is what we've passed too many laws. But normally the individual has just ignored guidance, verbally been saying: You might want to-- and then that plan is a last resort.

KAREN HAASE: In fact, Senator Groene, I love the way you said that. Because you said the teacher was given advice, "You might want to blah, blah, blah, blah, blah." What a teacher hears, you've said it in a very nice way. What a teacher hears, if they are not listening for the boss telling them what to do, they hear a suggestion not a directive. So your statement of "You might want to", is exactly where I get involved and I say, no, Mr. Principal Groene, you should say: You are directed to. That clarity helps the teacher, oh, he's not saying you might want to. He's saying you better do it. And in the end, it helps the district because then he or she is more effective in the classroom.

GROENE: But it helps the teacher too.

KAREN HAASE: I believe, I believe in my bones it helps the teacher. I've seen it help teachers over and over again. More teachers are successful in plans that I assist in writing than are unsuccessful.

GROENE: Thank you.

KAREN HAASE: And that's the point of the Madeline Hunter slide. That was a joke, because it's saying, really, these plans help teachers. And so that's sort of like the joke.

GROENE: Sarcasm.

KAREN HAASE: I think I'm funny. Apparently, not everyone does.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Anybody else? Senator Walz.

WALZ: I just have an observation here. I'm just curious, does the teacher have an opportunity when she's meeting with the superintendent or the principal to bring somebody in to be with her or him?

KAREN HAASE: The reason I'm hesitating is this, the teacher does not have an absolute statutory right to have a union representative. It is by-- I don't know of a school district in the state that doesn't allow the teacher to have a union representative sit in with them.

WALZ: In the, on the initial meeting?

KAREN HAASE: Oh, yes.

WALZ: OK. All right, thank you.

KAREN HAASE: It's not statutory. Is that what you said, Senator Linehan? That's right. It is not statutory. We, we, Mr. Baker's firm, every firm that I know of that works with schools recommends that the NSEA be encouraged, not only allowed, encouraged to attend.

WALZ: OK. Thank you.

GROENE: Any other questions? Thank you.

KAREN HAASE: Thank you.

GROENE: Is there any more opponents? Neutral? That ends the hearing on, well, let me read them off and then Senator Lathrop, go ahead and get ready to close. Proponents: None. Opponents: Dave Raabe, Wisner-Pilger Board of Education; Millard Public Schools. Neutral: None.

LATHROP: So that's a little bit of smoke and mirrors. First of all, I want to say this about the opponent testimony, and I understand that John Skretta from Norris Public Schools is a great guy and doesn't have a problem. And so he might not understand why this is a problem for some teachers. The, the opponents spoke to the green copy, right, and said, we can't have a system that takes us straight to the board. It doesn't. The amendment says each, and it's, and it's responsive. And by the way, I said this in my opening, AM780, which replaces the school board grievance process with language requiring each district to adopt or negotiate a formal grieve, grievance, grievance process if they don't already have one. So everything that you've heard about

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

they're going to go straight to the board is not in the amendment. It's been replaced. And that's in response to those very same concerns. Second thing, when you heard somebody tell you that, that teachers have due process, due process rights, that's after they get fired. OK? This is a step before that. And these performance improvement plans, there is no review. There is no review. That's why the bill is here, to provide a process to the grievance process, which the amendment would require each school district to set up. Doesn't have to go straight to the school board, but they need something. And so when I was listening to the opposition testimony, and Mr. Baker came up and he talked about how, by the way, these people are all having lawyers review theirs, right? And there is no appeal after the lawyers get done helping the superintendents write these things. Mr. Baker said: I always review them to see that they're for clarity, reasonableness, and that they're well-tailored. OK. That's all, that's all the teachers hope for: clarity, reasonableness, and that they're tailored to whatever their shortcomings are. But right now, if they're not clear, reasonable, or tailored to their shortcomings, there's nothing they can do about it. Either you read eight books in two weeks and, and you do all the things they tell you to do or then you, then you get fired and then you have the due process. I think the bill is necessary. The more I sat and listened, I have to tell you that, I chair the Judiciary Committee, as you all know. If a judge convicted somebody of burglary and as a condition of probation made him go through sex offender treatment, you go, that don't make any sense. What's that have to do with it? That's what this is about. It's about having these performance improvement plans that aren't tailored to whatever your shortcoming is and then not being able to do anything about it. All they're asking for is the opportunity to, to have some kind of a review through the grievance process to say, look, this isn't clear, reasonable, or tailored. With that, I would appreciate your support of my bill with the amendment that I've proposed.

GROENE: Senator Brewer.

BREWER: Thank you, Mr. Chairman. What you just described mirrors what I'm getting the way of messages here. So, OK, so I stumbled, I did something wrong. I'm put on administrative leave, no one tells me what I've done wrong. There's a hearing date set down the road and I come into it completely blind. No one's helping me prepare to understand how to even defend whatever is I did wrong that I don't even know about. So you can't help, help but kind of feel sorry for them that they're put in this horrible position. Their life is put on hold and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

they have no recourse. So I guess what I'm telling you is that, that this has been revealing to me to realize that there are teachers put in this situation that feel hopeless.

LATHROP: Right. This, this is about these performance improvement plans. So if, if somebody comes in and they go, your lesson plans are awful, like there's no information in them or you've been tardy. You have some shortcoming in, in your performance, then your principal writes up one of these plans or the administration writes up one of these plans, apparently with the help of the lawyer. If they make them clear, reasonable, and tailored, there's nothing to grieve. There's just, this is what's wrong; this is a corrective action; this is what we expect from you. But if they start loading them up with stuff to where you just go, OK, I quit. Right? I quit. You got me. I'm not, I can't read eight books in two weeks, I got kids and, and a life. And that's what we're talking about, just some ability to have some review over whether they're clear, reasonable, and tailored.

BREWER: And in some cases they're in a position, especially with special needs kids, where it's not black and white. It's not a world where it's easily defined. They're trying to do things there that are hard and that are out in an area that others don't have to deal with. And just a single comment or something that, that may not have any grounds to it is said, and then all of a sudden their life is put on hold. So, I mean, I understand now, after some time here, why this probably did come about.

LATHROP: Well, and to be clear, I don't think even the NSEA would say that half of these things are, you know, not clear, reasonable, and tailored. But there's some or many of them that aren't. And there ought to be a process in those instances.

BREWER: Thank you.

GROENE: Even the one that was given as an example by the NSEA, to what Senator Brewer says, it lists what you've been doing wrong. And it gives a specific-- I don't see where they're just hit with it. Examples of when they leave time they took off and then lesson plans or even on this one. So there it's clear even a so-called bad one was clearer with the problem that the performance plan was supposed to fit.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

LATHROP: And I haven't seen, I haven't seen the example, so I'm not able to respond to that.

GROENE: It just may be the remedy was a little too strong. I think the individual thought the remedy was a little too strong to what he had done wrong. But in your amendment, the performance improvement plan, it's never been in statute before? It's a tradition, it's a, it's a practice by administrators? Because it wasn't in there, and it said first. Actually it's an improvement--

LATHROP: Yeah, great question. Great question.

GROENE: -of what's in the law.

LATHROP: It looks like it wasn't because it looks like we're adding it. I'm--

GROENE: Counselling, oral reprimand, written reprimand, suspension, it's actually a performance improvement plan, it's a little, little milder than what, what was in statute before. This is actually gives them a better option.

LATHROP: It might be by tradition a step in the process.

GROENE: So you want to put a: each school district shall adopt or when applicable negotiate a grievance procedure plan provided by the review of the action. So that everybody is on the same page, you want a plan. A new hire knows what's in their contract.

LATHROP: Yeah, yeah and they know that if they have one of these things and they're, they're the subject of one of these performance, performance improvement plans, that if they think it's not clear, reasonable, or tailored then they have a process to say somebody that, you know, you got me doing things that are unrelated to my shortcomings.

GROENE: I would think, to give the administration some credit, they, they softened what was in statute. The only other thing in statute was that you could counsel them, orally reprimand them, write them up, or suspend them. So the performance improvement plan fits in here. The amendment is a lot better than the bill. Thank you. Go ahead.

WALZ: Thank you. And I'm just kind of curious, I was going through some of those letters that Maddie sent around, and it didn't look like they went through the whole grievance procedure. So it might be just

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

beneficial to make sure that, I mean, where's the data showing that the employees went through the whole grievance.

MADDIE FENNELL: They couldn't.

LATHROP: That, that's, that's the thing that can't. There is-- they're not, they're precluded from going through the grievance procedure on a performance improvement plan.

WALZ: OK, I guess I should back up. The policy, a couple policies say, you go to the principal, you go to the superintendent, you go to the school board. I don't know where it's-- no, it doesn't?

LATHROP: I'm afraid, yeah.

WALZ: OK. It just looked like they stopped before they went through the whole policy procedure. But maybe I'm wrong.

LATHROP: She's gonna have to--

WALZ: You can get with me later.

LATHROP: Yeah. If I knew the answer, I'd give it to you.

WALZ: OK. Thank you.

GROENE: Thank you. Any other questions? Thank you.

LATHROP: OK. Thank you. I appreciate your time.

GROENE: That closes the hearing on LB537. Go to the last one, which is Senator Morfeld on LB568.

MORFELD: Senator Groene, members of the Education Committee, for the record, my name is Adam Morfeld, that's A-d-a-m M-o-r-f-e-l-d, representing the "Fighting 46th" Legislative District, here today to introduce LB568. LB568 establishes a program to be administered by the Department of Education that adds mental health first aid training to lists of programs funded by the Nebraska Education Improvement Fund. The purpose of the program is to train teachers and other school personnel in mental health first aid. Trainers would be certified through a national organization on behavioral health, and participants would have the opportunity to be certified upon completion of the trainer, training. A train the trainer format. This is an outcrop of some of the work that I've done as an interim study in the Judiciary

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

Committee in 2018 on how we can improve school safety in a way that utilizes current resources that we have at our disposal. The evidence-based training will include knowledge of how to recognize the sign and symptoms of mental illness and substance use disorders, including opiates and alcohol; information on local resources and services to share with students and others who may be experiencing a mental health or substance use challenge; techniques to safely de-escalate crisis situations; how to refer a student early to prevent escalations or worsening of symptoms; and finally, reduce the stigma of mental illness and substance use and encourage students to seek help. I worked with a group of students in Lincoln that were concerned about school safety and mental health issues, as I referenced a little bit earlier with the interim study. This bill came about in part because of those discussions and the issue of school safety. In fact, one of those students is here to testify in support of this bill. Many students suffer from depression and mental illness. We do not do a good job of identifying and helping those students in a timely manner. This often leads to tragic, tragic consequences in our schools. LB6, LB568 is one way that we can do so in economical manner reach those students before it's too late and get them the help that they need. I would urge your support of LB568. And I also have a letter in support from the ESUs, which we didn't get on time.

GROENE: So, Senator Morfeld, have you talked to the Department of Ed or Coordinating Commission about--

MORFELD: Yeah.

GROENE: Taking their, taking their--

MORFELD: Innovation funds.

GROENE: Yeah, innovation, 17 percent of that.

MORFELD: Yeah. So I, I actively worked with the Department of Education on this and discussed it with them and crafted parts of this with them. So I believe they're in support. I haven't heard otherwise.

GROENE: And you do know as a committee we will, we're charged to look at the whole lottery funds next year. We do it on a five-year.

MORFELD: Yeah. I-- certainly. And Senator, you know, I know that you and I talked about this a little bit earlier in the year in terms of the broader lottery funds. I'll just tell you that to be able to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

tackle, as a member of the Judiciary Committee, to be able to tackle mental health in our state, we're not talking about millions of dollars. We're talking probably over \$100 million, \$200 million to do what I think we need to do. I think that for me this is a very targeted, very kind of low-level, ground-level approach where we won't have a fiscal note, we'll use funds that have to be deployed for these types of purposes one way or another, but can help people that are in the best position to identify these issues at an early stage, teachers and other folks. And do so in a cost-effective way. But I understand where you're coming from the lottery funds.

GROENE: And these six senators, they've been told there's no appropriations. So find the money and this is a place to go.

MORFELD: Yeah, well, I'm not, you know--

GROENE: I understand but--

MORFELD: I'm Senator Morfeld, so I want you to make an exception. And I think this is better than all these other bills so, except I forget what those bills are.

GROENE: [INAUDIBLE] bills and everybody else would be very happy. But, I think it's something--

MORFELD: Totally.

GROENE: --just telling you we look at it, the package next year.

MORFELD: Yeah, no, I completely understand that, Senator. And I hope that, if we don't get to it this year, that this can be a part of the broader package next year.

GROENE: Thank you.

MORFELD: Thank you.

GROENE: Proponents.

JACK MOLES: Good afternoon, Senator Groene and members of the Education Committee. My name is Jack Moles, J-a-c-k M-o-l-e-s. I represent NRCSA, I am the executive director for the Nebraska Rural Community Schools Association. On behalf of NRCSA, I would like testify in support of LB568. Our members appreciate Senator Morfeld helping to address mental health concerns in our public schools. This

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

is a growing issue in which school districts need help, guidance, and resources in order to help their students. We believe LB568 would provide another means for school districts to provide resources for their students in the area of mental health. School districts are in dire need of finding trained people who can provide this support. Providing districts with an opportunity to grow a part of their own support system I believe is at the heart of success, of successfully meeting the growing challenges presented by student health, mental health issues. LB568 takes a sensible approach to making these supports possible. I'd say especially it would be helpful for our rural, more remote districts who really do have a hard time finding these individuals. In closing, I would like to repeat that NRCSA does thank Senator Morfeld for helping us to bring this issue to the forefront.

GROENE: Any questions? Thank you.

JACK MOLES: Thank you.

GROENE: Next proponent.

DEAN FOLKERS: Good afternoon, Mr. Chairman and committee. My name is Dean Folkers, D-e-a-n F-o-l-k-e-r-s, I'm with the Nebraska Department of Education. I serve as the information systems officer and I'm here to represent the State Board of Education's positive proponent stance on LB568. The State Board of Education is committed to supporting efforts around mental and behavioral health. And this educational connection to that as a part of this legislation helps support one of those priorities. In addition, some of the changes within this bill help to better frame the Innovation Grant Program that's a part of the Education Improvement Fund. Currently, the Innovation Grant Programs are used to support a number of activities that focus on career academies that have supported afterschool programs and building networks across the state, as well as personalized learning. And so the identified amendments or adjustments to the language helped to provide continuity and a focus area in areas of early literacy, instructional materials, as well as the mental health first aid and digital learning experiences. So it's with that, and the enthusiasm and excitement around the commitment of this work and the resources that it provides, that I close this part of my testimony and see if there are any questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: Could you clarify, you're testifying for the State School Board?

DEAN FOLKERS: The state, the Nebraska State Board of Education--

BREWER: Board of Education.

DEAN FOLKERS: From the Nebraska Department of Education.

GROENE: And your position?

DEAN FOLKERS: I am the information systems officer at the Nebraska Department of Education.

GROENE: So you wouldn't be involved in this directly?

DEAN FOLKERS: My department manages this grant program.

GROENE: The existing one?

DEAN FOLKERS: Yeah.

GROENE: All right. And is all the funds being used every year?

DEAN FOLKERS: All of the funds have been obligated except for there's around \$300,000 left to be obligated by the end of this year. But they have been obligated in the previous grants that I--

GROENE: This fiscal year through July?

DEAN FOLKERS: Right.

GROENE: Thank you. Any other questions? Thank you. Next proponent.

ANN HUNTER-PIRTLE: Good afternoon, Chairman Groene, 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. Today I'm also appearing on behalf of the Nebraska Association of School Boards, Nebraska State Education Association, Nebraska Council of School Administrators, Greater Nebraska Schools Association, and ESU Coordinating Council. These organizations support LB568 because it addresses student mental and behavioral health, which teachers and administrators across Nebraska have identified as the top unmet need in schools. LB568 provides a focus on mental health supports and training for schools receiving an innovation grant, while identifying areas of focus for integration-- innovation grant programs

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

for early literacy, quality instructional materials, and personalized learning. These areas of focus are now included in the State Board of Education's strategic vision and direction. Across the state, educators have seen firsthand a significant increase in the number of students with mental and behavioral health needs, and they need resources to better identify these issues and connect students and their families with the support they need. The training LB568 calls for is an important step to ensure struggling students receive the help they need. For these reasons, the education community supports the bill and urges you to advance it to General File. Thank you.

GROENE: Thank you. Any questions? Thank you. Next proponent.

ANNETTE DUBAS: Senator Groene, excuse me. Senator Groene and members of the Education Committee, my name is Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s, and I'm the executive director for the Nebraska Association of Behavioral Health Organizations, otherwise known as NABHO. We are a statewide organization advocating on behalf of behavioral health providers, hospitals, regional behavioral health authorities, and consumers. And our mission is to build strong alliances that will ensure behavioral health services, including mental health and substance use disorder services, are accessible to everyone in our state. We thank Senator Morfeld for LB568, which will help provide training for teachers and other school personnel in the area of mental health and substance use disorders. In 1962, a 27-minute training film on CPR was created which showed the ABCs of doing CPR. That program has evolved over the decades and is credited with saving hundreds of thousands of lives through the use of check, call, and care. I equate mental health first aid training to CPR. It gives people the tools to recognize someone who may be in distress and the proper steps to take. CPR relies on check, call, and care. Mental Health uses ALGEE: Assess for risk, listen non-judgmentally, give assurance and information, encourage appropriate professional help, and encourage self-help and other support systems. One in five individuals will suffer from mental illness in any given year, far more common than we like to believe. Unfortunately, far too many people do not understand that mental illness and addiction are that, an illness. These individuals are often viewed as weak, they have a lack of willpower, and are even viewed as being dangerous. This stigma keeps people from seeking the care they need. They're ashamed. They're fearful that they could lose their job, their home, their family, and their friends. This training meets that stigma head on. I have taken both the adult and the youth mental health first aid training, and I would encourage anyone to take

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

advantage of the training if you're able. It provides basic knowledge about mental illness and addiction, and the manuals are a great resource which provide information about depression, suicide, anxiety disorders, psychosis, substance use disorders, and eating disorders. The day-long training walks you through various scenarios, gives you lots of hands-on experience, and really does a great job of just providing that, that solid education about what is a mental illness. If we see someone having a cardiac arrest, an individual with CPR can step up and provide care until a professional help arrives. If we see someone who is experiencing a mental health problem, ALGEE can provide that initial involvement, again, until professional help can be reached. We tend to fear what we do not understand. Mental health first aid provides knowledge that reduces that fear. It's not intended to teach people to be therapists and it's not intended to take the place of professional help, just like CPR. But it does arm people with accurate information, how to identify signs that someone may be struggling, and then guide them to the resources that can help. The more we can do to educate people on mental illness and addiction, the more we can reduce stigma and help people feel comfortable reaching out for help. LB568 will provide training by nationally-certified trainers and help develop skills needed to assist student in a crisis, or even more importantly, prevent a crisis from happening. We know-- the more we know about the signs and symptoms of a physical illness the sooner we can get help. The same can be said for mental illness. And I also do have the training manuals that I can leave in Senator Morfeld's office, if any of you would like to look at them. I frequently use them for, you know, testimony as well as when I'm doing talks with people. They're just, they just contain a wealth of information. Be happy to answer any questions if I'm able.

GROENE: Senator Walz.

WALZ: Thank you for coming today. I was just curious, and maybe I missed it, what organization is it that's, what organization is it that you get your training through?

ANNETTE DUBAS: I took the-- the regions are, are the ones that kind of spearhead the training. And so they were doing a training actually for some corrections officers, some local jail people, and so I was able to get my, my adult training through that scenario. And then I took my youth training, one of the local councils on alcoholism sponsored that. So a lot of different people can sponsor it, but I think it's mainly our regions that have the trained facilitators.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

WALZ: So the books that you have, the training books that you have, would those be the books that we would be using to train teachers?

ANNETTE DUBAS: Yes.

WALZ: OK. All right.

ANNETTE DUBAS: Yeah, it's a nationally set-up curriculum.

WALZ: OK.

GROENE: So it already exists?

ANNETTE DUBAS: Yes.

GROENE: And who, who, who is the author? Who is the company?

ANNETTE DUBAS: The original program I think started in Australia, then it was brought over here to the America. And I think the state of Maryland, the state of Missouri, along with the National Council on Behavioral Health went together and created and adopted the curriculum for, for our name.

GROENE: You mean by one-day.

ANNETTE DUBAS: Pardon?

GROENE: One-day seminar.

ANNETTE DUBAS: Yes, it's an eight-hour training.

GROENE: And it encompasses spotting drug addictions?

ANNETTE DUBAS: Yes.

GROENE: Spotting--

ANNETTE DUBAS: Yeah. It, it gives you, like I said, it gives you kind of that basic knowledge of what each of those things entail. Kind of the signs that you would be looking for if a person is, is experiencing any of those issues.

GROENE: Senator Walz has a bill where you have a point person and pretty much does what you're talking about here. Point the person in the right direction if somebody comes to them. Why couldn't a school

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

district get a hold of those resources and an ESU train these point people in each community?

ANNETTE DUBAS: They certainly could. What this, this goes into more in depth of what are you looking, what would you, what would you notice if a person was struggling, dealing with a depression or an addiction or something like that? What are, what are the signs that a student would exhibit that would bring that to your attention? And then in turn you would use those, that ALGEE that I said, talking to the student, talking to their families and then--

GROENE: But you always ask-- code of ethics of psychologist or psychiatrist is that you always get permission from the guardian or the parent before you diagnose or--

ANNETTE DUBAS: And again, I want to stress that this training does not turn you into an automatic therapist. Just like CPR, you see someone that's having a, you know, a heart episode. You know the steps to take and then professional help takes over.

GROENE: The fear is a psychologist takes a PHD.

ANNETTE DUBAS: Right.

GROENE: You're talking 15 years or more. You're talking 20 years of schooling. But they're licensed. I mean, this isn't CPR. I mean, this is trying to diagnose because somebody is having a bad day at you-- in the wrong hands, you fear that in the wrong hands it's what I-- I'm not joking. But, you know, one-day seminar and you did it at the Holiday Inn and now you're an expert. There is that fear that some people are going to take it too far, start labeling kids. But anyway.

ANNETTE DUBAS: Yeah. You know, like I said--

GROENE: A little knowledge can be dangerous, the old saying said. But anyway--

ANNETTE DUBAS: To me, when I went through the training, that just took so much of the stigma that we deal with people with mental illness.

GROENE: Senator Linehan.

LINEHAN: What-- there's not a cheaper way to do this than \$200,495,000? \$2 million, I'm sorry, not \$200 million.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

ANNETTE DUBAS: Is that the fiscal note you're referring to? And I'm sorry, I haven't looked at the fiscal note, so I--

LINEHAN: So they're saying the Department of Ed estimates there will be approximately lottery funds. And then the program is managed and operated by the National Council of Behavioral Health. Five-day instruction, structure training program is \$2,000 per person. And then, so they want 25 trainers, estimated cost would be \$50,000. And then they do some more than next year. And we've got the regions. Are there-- we don't have this available except going this way?

ANNETTE DUBAS: We do have mental health first aid available in the state, yes. In the regions, it kind of flows through the regions. I can't tell you for sure how many trainers we have across the state, but we do have quite a few trainers already in place across the state. So I don't know if the fiscal note is saying, you know, if every school did it we'd need that many more trainers. But there are already mental health first aid trainers.

LINEHAN: Well, this looks like the fiscal note is just what the Department of Ed decided they'll have to do if this passes. So could you work with them and see if we don't already have the manpower to do this without spending \$2 million dollars?

ANNETTE DUBAS: Certainly, I would be happy to work with Senator Morfeld on this issue.

LINEHAN: Thank you.

GROENE: My community there's Lincoln, there's the Lutheran Family Services, there's the Boys Town that's in North Platte. All of those counselors that work for those that have beyond this training, I'm assuming. Why can't they work with the school district to train the personnel? Why do we have to go top down from more employees at the Department of Ed?

ANNETTE DUBAS: There's probably nothing that's, that's preventing that from happening. Again, this is--

GROENE: Give me some more examples. You work with them all the time-- pronounce your name wrong, probably. But I'll call you senator out of respect. But anyway, you work with a lot of organizations don't you?

ANNETTE DUBAS: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: And they're in a lot of communities across the state, aren't they?

ANNETTE DUBAS: Yes.

GROENE: And all of their personnel is well-trained.

ANNETTE DUBAS: Correct.

GROENE: Thank you. Any other questions? Thank you.

LYDIA RATHE: Hello, Senator Groene and members of the education committee. My name is Lydia Rathe, that's L-y-d-i-a R-a-t-h-e, and I am a student within the LPS school system who has seen some failures along the line of what they are doing to accommodate the needs of students with mental health issues. I am a high school senior and I have been diagnosed with depression and anxiety disorders, both of which have caused me to miss school on multiple occasions. While my family is aware of what's going on and knows that staying home is not always a choice for me, explaining these absences to my school's faculty has created issues in the past. I've been told things like, I need to suck it up or my mental illness isn't an excuse to be gone from school. In regards to the school's resources for my mental health, I was offered a stress management class and a pass to in-school suspension for when I felt overwhelmed. But if I didn't calm down fast enough, my admin would be contacted and they would call my father to pick me up. The accommodations I was offered made me feel as though the school didn't believe my mental illness was real. It was passed off as midterm, midterm stress, and to help me I sat with the naughty kids. This year I handled things on my own because it's simpler than dealing with the school, but I see my friends being offered the same things that I was given. I want this to pass because going through high school without proper support and guidance has made it very difficult. I had to find teachers that I could trust to help me. My last counselor even told me she wasn't trained on how to handle panic attacks, and I think that was enough to catch my attention on the inch-- on the issue. If my school counselor can't help me when that's who I'm told to go to in a time of need, then why would I expect the school to know how to accommodate other issues? I think mental health first aid training for faculty would make students feel more safe discussing what's going on in our lives. I know my high school experience would have gone smoother if my teachers would have just said, I understand, instead of saying I'm lazy or apathetic. There's so much happening in high school and it's super easy for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

students to overlook their mental health. If a teacher is trained in recognizing the signs of mental illness, they might be able to help that student, which could prevent something worse from happening. I think that this bill could help teachers gain more knowledge on mental health and how prominent it's becoming. And by using this as a foundation, schools may start implementing other mental health resources for students as well. Thank you for listening, and I can answer any questions that you.

GROENE: Thank you, young lady. Any questions? Good job. Next proponent.

SUSAN SWEARER: Hi, my name is Dr. Susan Swearer. I'm the Willa Cather professor of educational psychology at the University of Nebraska-Lincoln with expertise in bullying and peer victimization in children, youth, and young adults. I'm here today as a private citizen and do not represent the University of Nebraska, nor does my testimony represent the official position of the University of Nebraska. I'm testifying in support of LB568, which would provide teachers and other school employees the opportunity to be trained in mental health first aid. Mental health first aid seeks to provide strategies and solutions and recognizing and responding to mental health problems. It includes modules for law enforcement, veterans, and specific to this legislation, youth. For the past 22 years I've conducted research on bullying, victimization, depression, anxiety, and related psychological constructs. There's a clear link between bullying, victimization, and mental illness. We know that most bullying takes place in schools and between classmates. One way to reduce bullying is to promote mental wellness and provide effective intervention for mental illnesses. Teachers and school staff are on the frontlines of the mental health crisis in our country and state. They are our first responders for mental health among youth in particular and need help to be better equipped to identify and respond to the telltale signs of mental illness and substance abuse in our youth. I know there's a crisis across the country and in Nebraska. More than one in four Nebraska high schoolers report feeling sad or hopeless almost every day for two or more weeks in a row. So much so that they have stopped doing some of their usual activities, and nearly one in six reported that they have seriously considered attempting suicide. In Nebraska, only one counselor covers 347 students, a ratio which is above 40 percent, which is 40 percent above best practices. With the lack of mental health professionals in our schools, teachers are on the frontline of this crisis and often lack the knowledge and skills it

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

takes to help identify and help students who are suffering. According to the Centers for Disease Control, up to 80 percent of youth who need mental health services do not receive these services in their communities. When you youth receive services, 70 to 80 percent receive treatment in schools. However, with the shortage of school-based mental health providers across the nation and in Nebraska, our youth are suffering. Because so many cases of mental illness in youth go undetected and undiagnosed, many affected young people turn to unsafe coping mechanisms, mechanisms such as alcohol, drugs, and school avoidance. If undiagnosed, mental illness can lead to truancy, self-harm, and harm to others. Youth mental health first aid empowers teachers and adults who work with youth to identify and respond to the first signs of mental illness among students and direct them to appropriate help. It's one of the most cost-effective early intervention programs to improve school safety and protect the lives of those impacted by the mental health crisis, as well as those who surround them. Nebraska has the opportunity to be a national leader to increasing access to mental health training within schools by providing the opportunity for teachers and school personnel to complete the training and become certified to provide mental health first aid training. Research shows that when coordinated behavioral health programming is consistently implemented we can create healthy school environments. Many other states are also leading on this issue, including our neighbors in Colorado, who have provided dedicated funding to mental health first aid. Florida, Texas, Minnesota, Montana have also all have dedicated state funding in place to provide educators with mental health first aid training. I thank you for your time today and for your attention to this critical issue. I strongly encourage you to support the legislation in order to create mentally healthy schools across Nebraska. And I'm happy to take any questions.

GROENE: Any questions? Senator Linehan.

LINEHAN: Thank you, Chairman Groene. So you've been studying this issue for a while?

SUSAN SWEARER: Twenty years.

LINEHAN: So would you say it's true that there's an uptick now, a greater percentage of kids suffering for depression, drug abuse?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

SUSAN SWEARER: Yes. So when we look at longitudinal research and data across the country there is an increase in mental health problems among our young people.

LINEHAN: And that means substance abuse, right. Are you including substance abuse?

SUSAN SWEARER: Substance abuse, depression, anxiety.

LINEHAN: Do you have theories as to why that is.

SUSAN SWEARER: There are lots of theories in terms of, you know, how technology is kind of increasing isolation and distance among kids. You know, family issues, community issues. So there's lots of factors that play into this increase in what we're seeing, in terms of the increase in mental health problems.

LINEHAN: Do you have one that you think outweighs all the others?

SUSAN SWEARER: Well, as a psychologist I would say it's an occupational hazard. But to say there's certainly the fact that kids who need mental health treatment have difficulty accessing adequate treatment is really a problem.

LINEHAN: But I don't remember this being an issue 30 years ago. So why is it such a big, I mean, we've gone from not at least, and I know that we don't talk about. I know the stigma but not, not being front and center to now it's a crisis in-- and actually in a generation.

SUSAN SWEARER: Well, certainly mental health problems have existed since the dawn of time.

LINEHAN: Right.

SUSAN SWEARER: I think what we're certainly seeing, so like 20 years ago when I worked in residential treatment, we would have youth in residential treatment who were there for a year or two years. Lengths of stays have decreased across hospitals, across residential treatment centers. You know, you hear the statistic that the, the number one treatment center for people with mental health difficulties are juvenile detention facilities in our prisons. So what we're seeing as a society I think is this lack of adequate access to care that has changed.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

LINEHAN: We have more care now than we did a generation ago.

SUSAN SWEARER: Well, in terms of long-term care and, you know, we could talk about the insurance industry and how, you know, payment for services and treatment have really declined. So, you know, 20 years ago if you went to a therapist you could see your therapist for 20 sessions and your insurance would cover it.

LINEHAN: In '90, '95 insurance didn't cover mental health. I mean, that's only been in the last generation too. I mean, I remember when the federal government said that they have to cover parity with other health, and that's been since I was an adult.

SUSAN SWEARER: Although now, you know, if you're trying to get, if you go to treatment maybe your insurance will cover five sessions. So I do think the insurance industry has contributed to a lack of access to adequate care.

LINEHAN: OK. Thank you.

GROENE: So counselor in Rule 10 is an academic counselor. That's the only one they have authority schools to have. So when the young lady said her counselor didn't understand, they are trained in academic counseling. And that's all we had. I mean, and I don't remember this problem-- tell me, of course I've never been to a psychologist. Somebody is depressed, how do you treat them? You talk to them. I mean, you don't prescribe drugs do you? That's a psychiatrist, is that correct?

SUSAN SWEARER: Right. So a psychiatrist would provide prescribed medication. Psychologists would use hopefully evidence-based treatment. And the evidence-based treatment for depression is cognitive behavioral therapy.

GROENE: About changing their behavior.

SUSAN SWEARER: And their thinking.

GROENE: Think Boys Town calls it reaffirming boundaries. That's part of it too, isn't it? So somewhat parents used to do; what ministers used to do; what all the brothers and sisters, uncles and aunts is what I think a presidential candidate called the "village" used to do. Have we lost that?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

SUSAN SWEARER: I don't think we've lost that. But I certainly think that a program like mental health first aid helps somebody who's not, as you said, you know, a psychologist or a counselor look for warning signs and symptoms that then, you know, they can direct, you know, they're taught through mental health first aid how, what are services available in the community. And so when I talk to--

GROENE: Who do you train?

SUSAN SWEARER: Who do I train personally?

GROENE: No. You're at the University of Nebraska, you train, teach the future licensed psychologist or are you teaching psychology classes for the people going into counseling?

SUSAN SWEARER: Right. So I train future school psychologists at the doctoral and educational specialists' level.

GROENE: You do, the licensed psychologist, not the individual who works at the Lutheran family services.

SUSAN SWEARER: Right. The seven-year doctoral training program.

GROENE: Thank you. Thank you. Senator Murman.

MURMAN: Yeah, thanks a lot. I, just continue a little bit about what Senator Linehan asked, I've got three choices here. The decline of the family unit, increase in tech technology causing isolation, and substance abuse. I've been around long time too and it seems like 40 years ago-- not that mental health issues weren't around, but they were a lot less than they are now. How do those three things-- are they all about the same contributing or one more than the other?

SUSAN SWEARER: I do think the differences increase in technology and isolationism for some kids. So it's hard to, you know, in psychology it's hard to say oh, there's a direct one-to-one correlation between this variable and this outcome. That it is a complicated mix of factors. But I think your top three are a good top three.

MURMAN: Do you think even more than decline of the family unit? I think that's a big contributing factor.

SUSAN SWEARER: Well, and I think there's again a lot of variability in terms of what that means by family unit. You know, certainly 40 years ago, you know, kids came up came from families where they didn't have,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

you know, say, you know, a mother and fathers. So there that, that's not again a direct necessarily correlation.

MURMAN: They were with the families more and especially more two-parent families.

SUSAN SWEARER: Well, and maybe communities, you know, were, were more involved and supportive 40 years ago.

MURMAN: Thanks.

GROENE: Thank you.

SUSAN SWEARER: Thank you.

GROENE: How many more testifiers do we have?

ANGELA GEBHARDT: Hello, members of the committee. My name is Angela Gebhardt, A-n-g-e-l-a G-e-b-h-a-r-d-t. I'm a special projects coordinator here at the University of Nebraska-Lincoln at the Center on Children Families in the Law. But I am also a certified mental health first aid Instructor, both adult, adult and youth instruction. I am here today in support of LB568. This legislation would provide teachers and other school employees the opportunity to be trained in mental health first aid. As an instructor and also former elementary school employee here in Lincoln for about a decade, I know firsthand how critical this program is and how important it is to expand access to these trainings for our teachers. As you've already heard today, mental health crises is particularly important for our youth. We are having a, an issue both within the state and within the country. It, mental health first aid is an internationally-recognized program that's proven to be highly effective. It teaches educators, school personnel, and others who are in regular contact with youth to understand, identify, and respond to warning signs of mental illness and substance use concerns. It builds understanding of their effects and how they manifest, and provides an overview of common treatments and where to find them locally. It also spends a great deal of time talking about how to access and assess for suicidal concerns, as well as how to talk to a youth and to someone who might be having suicidal concerns. We know that the American Foundation for Suicide Prevention shows that suicide is the second leading cause of death for ages 15 to 34 and our number one leading cause of death ages 10 and 14 in our state. Mental health is an important area that our teachers need to know what to do with. Most critically, mental health first aid can be

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

used as an early intervention tool to keep our schools and our children safe. As was stated earlier, we know that being trained in basic first aid is a good thing. You're not a medical doctor, you don't have those credentials, but if a medical crisis arise, you know, you know what to do if that situation happens. That's what mental health first aid training is. It is not gonna make you a psychologist, a psychiatrist, but if you come across somebody that it seems that there might be a mental health concern, this training can educate you on what should I do. What should I do in that situation? We also have some peer-reviewed studies published in the United States and abroad that show individuals that have been trained in this program, one, they can grow their knowledge of the signs, the symptoms, and the risk factors of mental illness and substance use concerns. Also they are able to identify multiple types of professionals and self-help resources for individuals with a mental illness or substance use concern. This also increases their confidence in and likelihood to help an individual that may be in distress, as well as showing signs of increasing mental wellness amongst themselves. As was stated previously by another proponent, teachers are our frontline. They are our first responders for our youth, and we've already heard from a number of people that they need help in this area. This training can help them to make sure they get the help they needed and don't become a danger to themselves or others. We have excellent teachers in Nebraska. They've been fully trained, they know what to do for students academically. This mental health first aid training, this can help trainers or help teachers to also understand how to assist youth with their mental and their emotional situations. It's also important to point out that this program is supported and implemented by the National Council for Behavioral Health and the 82 state associate members, including Nebraska Association of Behavioral Health organizations. Dedicated mental health first aid staff, the National Council, they engage in the fidelity of the model to ensure that instructors like myself stick to the program, that we are training the way it is supposed to be treated-- trained. They also are managing our ongoing certification and our recertification progress, process. This program is implemented, implemented by local nonprofits, community groups, businesses, and government agencies. Currently we do have 72 certified instruct, instructors in Nebraska, and most of those instructors are located locally. I personally train for Region V through a contract, so I train here in the Lincoln area. Just because that question had come up earlier. So thank you for your time, and I encourage your support of this bill. If there are any questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: So how much training did you have to be to be a trainer?

ANGELA GEBHARDT: Exactly what was proposed in this bill. I had to go through a full week certified training with the National Council. Both, had to do a full week with the adult and with the youth to become certified.

GROENE: How long ago was that?

ANGELA GEBHARDT: My adult training certification was in 2016, 2015. My youth training was in 2016.

GROENE: There's no continued studies? You don't have continued study?

ANGELA GEBHARDT: I do. I do actually have to-- the National Council ensures that I am keeping up with my certification, and there's a three-year recertification process.

GROENE: And what was the cost for you to get that?

ANGELA GEBHARDT: \$2,200.

GROENE: For a week study plus your certificate?

ANGELA GEBHARDT: Right.

GROENE: And it's a certificate not by a state or a federal organization, it's by the group?

ANGELA GEBHARDT: The National Council. Yes, that's correct. And I know one of the other workers, proponents had mentioned this is the manual that was being talked about. Every person who comes through their training goes home with this 177-page manual.

GROENE: But have you taught teachers this at all?

ANGELA GEBHARDT: Within my time of doing this work I have not. I spent a decade at one of our schools here in Lincoln.

GROENE: Most of our experience with teachers are around our kids is you got the good ones and you got-- who care. You can't be taught that. Either you care or you don't. They do notice a kid that's troubled and take care of them. It's just called being a human being. But how are you going to get the one that's just there for the job? You can't train somebody to care.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

ANGELA GEBHARDT: I wouldn't be about to say that I could train somebody to care. No, I can't do that. What I can do is within this training and what we learn, it is similar to what basic first aid is for mental health situation. The great thing about mental health first aid training is you may confront someone who's in a crisis in that moment. This training will help you with that. But where this training really comes in handy, and then I can see it working well for teachers who see those kids every day, is, hey, I noticed that things are different. I notice things are different with you in the last few weeks. And this gives them the tools about how do we approach that? What do you do with that situation? How do you assess that situation? Those are the signs and the symptoms that this training goes through. And the nice thing also is it's not just lecture. It's not just somebody standing up there and lecturing at you. We actually interact, we actually have a role plays. We talk through the situations. We have multiple scenarios depending if you're a teacher in a, in an urban community or a rural community. We can go through all those different scenarios.

GROENE: Just seems to be a mess. It just always bothered me. Teachers hug the kids. These little kids, their dads deserted them, moms deserted them. And then the. Kindergarten teacher hugs them and there deserts them, then the first grade teacher hugs them and deserts them. And pretty soon they get a pretty thick skin that people who seem to care disappear on them. I just don't think you can make a teacher substitute for a parent that should be there all the time, and that's, that's a compliment to teachers.

ANGELA GEBHARDT: Absolutely. And we do know that the age of onset of these, many of these mental illnesses are 11 years old, 12 years old. That's the median age. So trying to help our teachers, since they're the ones that are seeing our children so often, I could see that as a major benefit.

GROENE: Thank you.

LINEHAN: I know we're getting short on time but what, what's 11, 12? What mental illness do you see that onset? What are they?

ANGELA GEBHARDT: For a median age, so like half before, half after. Anxiety, aged, age 11.

LINEHAN: Anxiety? Are there others?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

ANGELA GEBHARDT: Eating disorders, we see a median age of twelve. Substance use disorders are a median age of 15. So, I mean, when you think about it, when you think about that as the median, the median age, they're in school. Teachers are right there. I'm not for a second, and we do train at the beginning, this is not going to make you a psychologist. This does not even remotely get you in any situation to say that you're able to diagnose. That's not what we're talking about. It's what do I do if something doesn't seem right?

GROENE: So do you train them to-- are you done Senator Linehan?

LINEHAN: Yes, I'm sorry. Thank you.

GROENE: To contact parents right away?

ANGELA GEBHARDT: We do but there is a hesitation if there's a potential of child abuse that is happening. Because we're all mandatory reporters, right? Nebraska has that set. So we want to involve the parents as much as possible. We will say we may need to contact the hotline first if there's a child abuse concern, just like any teacher would anyway.

GROENE: To do honors, and you do know this, a child is only in that class for about six hours a day maybe four and a half, if they're in an in-service every Friday, about four days a week. I forget the number but 70 percent of that time they're not around that teacher, 80 percent of their life they're not around that teacher. So I just don't know how you pat them on the back, say nice things to them and send them home to where they came from. It's a big problem, I understand it.

ANGELA GEBHARDT: And like you had mentioned--

GROENE: Starting to act like I stayed at a Holiday Inn and know too much, but anyway.

ANGELA GEBHARDT: Well, and you had mentioned school counselors are trained in academics, right? We need, we need some, some at least basic, basic mental health first aid.

GROENE: All right, thank you. You've been a good testifier. Appreciate it. Anybody else a proponent?

REBECCA ROBERTS: Good evening. Members of the committee. My name is Rebecca Roberts, R-e-b-e-c-c-a R-o-b-e-r-t-s, I'm a deputy sheriff in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

Sarpy County, I'm a school resource officer, and I am a first aid mental health trainer. I'm here today to testify in strong support of LB568. As you know, the legislation would provide teachers and other school employees the opportunity to be trained in mental health. As a police officer, I know firsthand how critical the program is for public safety, particularly in schools, and how important it is to access these trainings to teachers. As a police officer, my number one priority is keeping the public and my officers safe from harm. One of the most challenging parts of my job is working with those who are, who are experiencing a mental health crisis. Law enforcement is often called when someone is in that crisis. This is why I'm trained in mental health first aid, a nationally-recognized training program that helps law enforcement officers and other community members get the tools they need to identify someone in crisis and direct them to care. Our state and our nation are in a mental health crisis, particularly within our youth. And this legislation would go a long way, giving teachers the tools they need to address the crisis. This is something that you've heard from the testimony before me, but I want to emphasize it again, nearly one in six high schoolers in Nebraska have seriously considered suicide. And that's according to the Department of Health and Human Services. Through mental health first aid training I have learned to support the people experiencing the mental health crisis and substance use challenges and ask what happened, how can I help? Rather than what's wrong with you? Learning to normalize the conversation around mental health and respond to mental health emergencies has been a game changer for me and my fellow officers who I've trained. At the same time, this training could be available for teachers. Mental health first aid is critical in early intervention for both students and teachers to keep our schools safer. I would like to reiterate that this program is supported and implemented by the National Council for Behavioral Health. It is networked in 82 states-- or I'm sorry, 82 state association members, including the Nebraska Association of Behavioral Health. Thank you for your time today.

GROENE: Questions? Senator Linehan.

LINEHAN: You're in a school every day?

REBECCA ROBERTS: I am.

LINEHAN: So is part of the problem here behavioral? I mean, we keep going back. I've been trying to figure this out for 18 months and I've

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

given up. Mental health, behavioral health, is probably the problem in schools we have children that don't know how to behave?

REBECCA ROBERTS: I'm honestly not qualified to answer that.

LINEHAN: OK. Thank you.

REBECCA ROBERTS: Yes.

GROENE: Senator Brewer.

BREWER: Thank you, Mr. Chairman. You have been here since about 1:15.

REBECCA ROBERTS: Yes.

BREWER: Well, thanks for your dedication and, and thanks for what you do. My brother was a, both a regular patrolman and also worked at schools. And some of the stories he came back with, the challenges, I had no idea of what you guys have to deal with on a regular basis. Because you get the whole gamut, and you have to be able to handle all the situations from actual crime and criminals all the way to dealing with the mental health aspects of things. So you probably don't hear it enough, but thank you.

REBECCA ROBERTS: My pleasure.

GROENE: So do you rotate between schools? And you're with the sheriff's department--

REBECCA ROBERTS: I am.

GROENE: --and then contract with the schools?

REBECCA ROBERTS: We do.

GROENE: And how many--

REBECCA ROBERTS: How many?

GROENE: How many in your department do what you do?

REBECCA ROBERTS: Seven.

GROENE: Seven. But you're a sworn officer, right?

REBECCA ROBERTS: Yes sir.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: So if you see a crime being committed you have to step in and follow protocol and arrest, is that not true? If you see a fistfight between two teenagers, assault.

REBECCA ROBERTS: We would step in and intervene.

GROENE: But not necessarily press charges?

REBECCA ROBERTS: Correct.

GROENE: All right, thank you. And as Senator Linehan said, you know, us laypeople, we see that there's no boundaries. I hear it from teachers all the time, these kids come to school with no boundaries. I mean, there's-- just stand up and start running and screaming and they don't want to be there. Is that mental health?

REBECCA ROBERTS: Ninety-nine percent are good.

GROENE: Oh, I know. I always said a kid that sits in a corner, you don't want one. You want one that gets in trouble once in a while, that means they got some curiosity in life. But that's not mental health, is it?

REBECCA ROBERTS: Not necessarily.

GROENE: The gray line between behavioral health and just being a human being and misbehaving?

REBECCA ROBERTS: Right. Absolutely. Absolutely.

GROENE: So, you know, the fear is you're gonna start labeling kids that they're mentally, have a mental-- behavior health. And they're just misbehaving because they had a parent who didn't give them boundaries.

REBECCA ROBERTS: We, we don't label or diagnose at all.

GROENE: I understand.

REBECCA ROBERTS: This training is really just to assist people in the schools in recognizing if there is a--

GROENE: So if you see a child--

REBECCA ROBERTS: --with mental health crisis.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: I get it all the time. Some teacher or parent calls me and says a child in the third or fourth grade started throwing chairs, started throwing things. Everybody else out in the hallway and he's-- would you diag-- would you say that the child has a mental health problem or he is misbehaving?

REBECCA ROBERTS: I wouldn't say anything about what he is suffering from potentially.

GROENE: So you don't diagnose at all.

REBECCA ROBERTS: Not one bit. No, sir.

GROENE: So when do you step in and say, call the parent because we've seen the child is depressed or suic-- think they're spending too much time by themselves. You don't do that as a resource officer?

REBECCA ROBERTS: As a resource officer, I certainly can discuss with a parent the behaviors that I'm seeing from their child and give them resources in the community or, you know, refer them to-- I deal a lot with Region 6 or Heartland Family Services. I can certainly point them towards--

GROENE: You do that?

REBECCA ROBERTS: Absolutely.

GROENE: So you have the authority as a resource officer to contact the parent?

REBECCA ROBERTS: Yes, sir.

GROENE: Oh, you do?

REBECCA ROBERTS: Yes.

GROENE: That's good. That's good. Anyway, I just, it's not an exact science I don't believe, so that, that's where the problem lies. Thank you.

REBECCA ROBERTS: Yes. Thank you.

GROENE: And thanks for your patience. You could teach that. Anyways, any other proponents? Opponents? Neutral? Proponents, we've received letters from legal and policy council, American Civil Liberties University; Nebraska Association of Regional Administrators; Ralston

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

Public School superintendent; senior vice president of policy and practice improvement, National Council of Behavioral Health; legislative committee co-chair, School Social Work Association of America; president, Nebraska State School Association. Opponents, none. Neutral, none. Bless you. Senator Morfeld, do you want to close?

MORFELD: Sure. Thank you members of the committee. That looks like consent calendar. So let's kick this out, move along. In any case, I just wanted to point out the fiscal note. Senator Linehan you pointed out this would cost \$2.5 million. That's actually the full amount of the Innovation Grant Fund that this is pulling out of. This would be approximately \$650,000 the first year and \$640,000 the second year. But that's, that's assuming 12,000 teachers go through the program each year. The 50, the additional \$50,000 is to train 25 ESU folks to be the train, the trainers, the actual trainers. Go through that five-day course, which is about \$2,000. And, you know, one of the reasons why, yeah, there's 72 certified trainers, right now they're all, most of them are employed by the regions, not all of them. Or they're are certified by the regions, I should say, not employed. The issue with those folks is that they train during the day, Monday through Friday. Teachers are teaching during the day. Now, they could maybe switch up their schedules or things like that, I don't know, I haven't talked to the regions about that or those trainers. But teachers are going to need to either do it on the weekends or something like that. And, and that's assuming that goes in line with their contract and all that other stuff. So there would have to be kind of a specialized training time frame to suit teachers' needs. And the other \$600,000 is it costs about \$50 for each teacher for the materials. And so that's where it comes into. Now, assuming maybe 12,000 teachers do not go through the course that year, then that's just more money in the Innovation Grant Fund that could be deployed elsewhere based on the Legislature's guidelines. So I just wanted to clear up the fiscal note, and be happy to answer any questions or go home.

GROENE: Go home.

MORFELD: OK, fair enough. Thank you very much. I appreciate your consideration.

GROENE: Thank you.

LINEHAN: Are we execing?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 18, 2019

GROENE: What's that?

LINEHAN: Are we execing?

GROENE: Yeah, let's have a quick exec.