

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 27, 2020

GROENE: I'm going to get started with the announcements. Welcome to the Education Committee public hearing. My name is Mike Groene. I'm from Legislative District 42. I serve as Chair of this committee. The committee will take up 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. 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. It really helps if we-- the first three seats over here on your right on the front, if people keep filling them in. And then when you're done testifying, go to the, uh, to another seat so we got some idea of how many people are testifying and so the transition from one to the next is quicker. I'd rather use the time to hear you than to wait between testifiers. The order of testimony today is introducer, proponents, opponents, neutral, and closing remarks by the introducer. If you'll be testifying, please complete the green testifier sheet and hand to the committee page 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. You should have at least 13 copies, I believe, is what we need for clerks and members. If you are not going, if you're not going to publicly testify or need to leave early, you can turn in written testimony with a completed green testifier sheet. I was off by one, we need 12 copies for the committee. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that testimony would be five minutes. There is a light system up there. We'll be using a light system, green. Then when you have only one minute left, it turns to yellow. And then when it's red, please stop or wrap it up. If you would like your position to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. If you're not testifying in person on the bill and would like to submit a written position letter to be included in the official hearing record as an exhibit, this is too late for today. But in the future, if you're listening, the letter must be delivered to the office of the committee chair or emailed to the committee chair conducting the hearing on the bill by 5:00 p.m. on the last legislative workday prior to the public hearing. Committee members with us today will introduce themselves beginning at my far right.

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MURMAN: I'm Senator Dave Murman from District 38, Glenvil, seven counties, south central Nebraska: Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and part of Buffalo County.

LINEHAN: Good afternoon. I'm Lou Ann Linehan. I'm from Legislative District 39, which is western Douglas County.

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

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

GROENE: Senator Brewer and Pansing Brooks, I believe, have told us that they are in another hearing for a while. I haven't heard from Senator Morfeld. I expect him at any time. To my immediate left is legal counsel Chris Jay. To my right, at the end of the table, is committee clerk Kristina Konecko. Our pages today are John. He's a UNL student and from Massachusetts so we gain one citizen for a while at least.

[LAUGHTER]

GROENE: And then Noa is a student from Doane and she's a famous individual, as I told her, from Central City, Nebraska. But please remember that senators may come and go during our hearing, as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into their microphones. The microphones are just for recording, they're not for amplification because the transcribers will, uh, will, uh, transcribe it during the interim. I'd like to also remind the members to speak directly into the microphone. Lastly, we are an electronically-equipped committee and information is provided electronically as well as in paper form. Therefore, you might see some of us looking at our phones or our laptops. And I assure you, it's because we are-- for contacting our staff in our offices to look up information so that we can ask you coherent questions. But hopefully, it doesn't happen a lot. So let's begin with LB950. Senator Murman.

MURMAN: Good afternoon, Chairman Groene and members of the Education Committee. For the record, my name is Senator Dave Murman and that is spelled D-a-v-e M-u-r-m-a-n. I represent District 38; the counties of Clay, Nuckolls, Webster, Franklin, Kearney, Phelps, and a part of Buffalo County. Today, I bring LB950 for your consideration. I wanted to share some background that has led to LB950. In 2014, the U.S. Department of Agriculture created a new spending program called

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Community Eligibility Provision, or CEP. CEP allowed a school to opt to give the entire school free lunch if at least 40 percent of the student population qualified for other forms of welfare assistance. As more and more schools adopt the CEP program, programs that are intended to help only those students overcoming poverty become overloaded as entire schools become eligible for these programs by qualifying for free lunches. There are currently eight schools who are participating in the CEP program. They are Banner County, Bridgeport, Gordon-Rushville, Minatare, Umo N Ho N Nation, Santee, Walthill, and Winnebago. If a larger school system applied to participate in the CEP program, it would completely eat up the available funds for students who need the ACE Scholarship. The ACE, Access College Early Scholarship is one such program. This program pays tuition and mandatory fees for qualified low-income high school students to enroll in college courses from Nebraska colleges or universities, either through dual-enrollment or early-enrollment agreements with these institutions. To receive the ACE Scholarship, the student or student's family must qualify for free or reduced lunch, Supplemental Security Income, Temporary Assistance to Needy Families, Supplemental Nutrition Assistance Program or SNAP, Special Supplemental Assistance [SIC] Program, which is also known as WIC. The objective of the ACE program is to encourage well-prepared high school students from low-income families to enroll in college courses. In 2018, Nebraska colleges and universities enrolled 2,456 low-income Nebraska high school students who received 3,007 ACE scholarships. In 2018, the total amount awarded from the General Fund of the Legislature was \$965,300 to accommodate the scholarships. LB950 stemmed from conversation between the Education Committee staff and the Nebraska Coordinating Commission for Postsecondary Education. The concern is that in 2018 and 2019, 98.5 percent of the students that qualified did so under the free or reduced-price lunch. With CEP qualification of at least 40 percent of the student population qualified for other forms of welfare assistance, the entire school was allowed to opt in. The ACE Scholarship dollars are going to students who may not necessarily need it. Therefore, the idea was to replace the previous eligibility requirements to using FAFSA, Free Application for Federal School Aid, eligibility as a qualifier. Since FAFSA eligibility already requires the student demonstrate financial need, this standard appropriately adjusts the pool of students that would be eligible for the ACE Scholarship and maintains the intention of assisting those overcoming poverty. My main concern when I brought this bill was to make sure that those low-income students who really need these ACE scholarships

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will be receiving them. Right now with the mass volume of students applying for these scholarships because of the CEP qualification, we are overcrowding the pool of applicants for ACE scholarships. Only 40 percent of students in Nebraska apply for FAFSA. I believe that if we require students to fill out their FAFSAs at an earlier rate [SIC], they will see that they are eligible for financial assistance at a higher level, which will encourage them to apply for college. Subsequently, they will receive the ACE Scholarship and will be set up to take classes and receive dual credits towards their college degree. Research shows that high school students who take college courses while in high school remain in school and graduate at higher rates, enrolling in college at increased rates, and return for their sophomore college years at higher rates. In Nebraska, 83 percent of those who receive ACE scholarships in high school go on to college, compared to 54 percent of low-income, non-ACE recipients who go on to college. I have received a lot of constructive feedback from schools across the state who are concerned with striking the current requirements to qualify for ACE and replacing them with filling out the FAFSA. I am more than willing to work with the committee and the schools here today to figure out a solution. What we all have to be aware of is the current overloading of the ACE Scholarship with current students who don't qualify for the financial support. We also have to be aware of the possibility of the larger school who is considering participating in the CEP program, which will completely consume the funds available for the ACE Scholarship. I think encouraging students to apply for FAFSA at an earlier rate [SIC] will benefit not only our students, but our state with potential graduation rate increases. I will try and answer any questions that you have. Otherwise, Director Baumgartner from the Coordinating Commission for Postsecondary Education is behind me and will know more of the specifics with the ACE Scholarship Program. Ultimately, with LB950, I want to see the scholarship money coming from our General Fund going to those students who really need it. Any questions? Yeah.

GROENE: I missed it, how many dollars are [SIC] available this past year? You said it--

MURMAN: This past year, just under one million; \$965,000, I believe, if I can find it here. Yeah, \$965,300 we spent last year.

GROENE: Do you know what the average cost of the course is?

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MURMAN: Uh, no. I've, I'm thinking they--

GROENE: I'm bound to ask.

MURMAN: Director Baumgartner can probably answer-- I'm thinking around \$200, but he could answer better than I can. Thank you.

GROENE: Any other questions from the committee? Thank you, Senator Murman.

MURMAN: Yep.

GROENE: Proponents?

MIKE BAUMGARTNER: Good afternoon, Chairman Groene and members of the Education Committee. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I'm the executive director of the Coordinating Commission for Postsecondary Education. I am here today to testify in support of LB950. Senator Murman did a terrific job of laying out a lot of the information and case so I'm not going to spend some time on-- the time I was going to on, some of the facts I was going to go over. I will say to you, you know, Chairman Groene, that the average scholarship last year was \$245 and the average amount awarded per student was \$431 because students can get more than one scholarship; they can get two or three. We have to cap that at a different-- depending on how many students we have and how much money is available. So let me just jump into some parts that, that I want to cover more, more broadly. Funding for the ACE program has never met demand so we must target funding to students who demonstrate need. Most OPS high schools met CEP eligibility for the 2019-20 school year, as did two LPS high schools and Scottsbluff High School. If all the high schools identified as CEP eligible by NDE participated, an additional 8,000 would be eligible for the ACE program and that's, that's our main concern. I do have information in the packet that I gave you on the ACE recipients by high school, by grade and on the CEP-eligible and near-eligible schools that will give you an idea, you know, of how much this could affect us going forward. Will more districts and schools decide to pursue CEP? I don't know, but it's not out of the question. And LB1039 sponsored by Senators Cavanaugh, Hunt, and Vargas would certainly nudge schools in that direction to take advantage of federal funding that comes with CEP. So our concern is not a theoretical possibility. I think it's real that we'll get more schools coming on board. LB950 would alleviate the potential problem

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of CEP by requiring ACE Scholarship applicants to complete the FAFSA. It would set the qualifying criteria at 50 percent of the maximum expected family contribution used to determine the Pell grants. The maximum EFC for Pell grants, and that's a calculation the federal government makes now based on the size of your family, your assets, your income, your taxes, all the things that, that they put in to determine Pell Grant eligibility. The maximum is currently \$5,576 and rises annually. So for the current year, if we went to 50 percent of the maximum expected family contribution, that would be \$2,788. That, that would be the cut off point for ACE. And that is roughly in-line with the equivalent free and reduced lunch income limits. Using FAFSA for the ACE program is not without its drawbacks. And some people will tell you that this medicine is worse than the disease. Nobody enjoys filling out the FAFSA and requiring the FAFSA for ACE would mean a couple thousand students would have to file once and sometimes twice before completing the FAFSA that would be used for their freshman year in college. But to the objections I've heard, I would say the following: first; last year, three ACE recipients were freshmen and 171 were sophomores so there are not going to be a lot of students doing four years of FAFSA. That's a, a miniscule part of the ACE recipients. Second, the window for submitting the FAFSA is not short. FAFSA filing date for the current school year runs from October 1, 2018, to June 30, 2020. A 2020-21 ACE application would require the 2020-21 FAFSA, which became available last October 1, 2019 and that's open until June 30, 2021. So students would have many months to apply, including all of summer before the school year begins. Third, the hardship provision remains in the ACE statute to accommodate families that experienced dramatic changes in ability to pay. Fourth, the FUTURE Act, passed and signed into law last month by the federal government, made significant changes, which will make filing the FAFSA easier going forward. According to the National Association of Student Financial Aid Administrators, the changes will eventually make it much easier for families and students to apply for federal financial aid through simplifying, streamlining, and automatic data sharing between the IRS and the Education Department. Uh, fifth, Education Quest has indicated to us that they will be available to help students completing the FAFSA. And if you are not familiar with Education Quest, you should be because they provide incredible service to students across the state. Finally, I'd like to point out the connection between LB950 and the FAFSA graduation requirement in LB1089 sponsored by Senators Vargas, Lindstrom, and Murman. As you know, low-income students must fill out a FAFSA to access federal and

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state aid. Unfortunately, many do not and so they never find out what resources they could have accessed for college. This bill, although that is not the intent of the bill, is a step in that direction of trying to ensure that all low-income students, all high school graduates will complete the FAFSA and know what might be available to them as they went to college. In conclusion, we believe that the issues raised by the increase in CEP schools and its potential impact on ACE cannot be ignored. We're not opposed to adequate alternatives that address the problem, including the addition of an eighth eligibility category that would require a FAFSA only from students attending CEP schools. But we ask that you do not put off a fix beyond this year because of the challenges we may face. Thank you.

GROENE: Any questions? Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Director, would you comment on the, on the number of students that have taken this, even in the large high schools-- Class A high schools in the state are a relatively low number-- or is, is it just because it's the last year or two that they've been, been eligible for this or what? Give us--

MIKE BAUMGARTNER: I'm not-- I'm sorry, I'm not sure of the question. Right, right now, there are only eight high schools participating in CEP and none of the big-- none of the Class A schools are right now, yet. So I'm not sure I understand--

KOLOWSKI: But they're listed as receiving ACE--

MIKE BAUMGARTNER: Well, right. There, this is a list of ACE-- this is a list of ACE recipients by high school in the past, last year.

KOLOWSKI: In the last year only?

MIKE BAUMGARTNER: Yep, the last year, yep.

KOLOWSKI: OK.

MIKE BAUMGARTNER: Yep, correct. It's only one year and so last year, we had 2,309 students receive awards. And we just finished the 2018-19 ACE report, which I would like to give to you, but our commission meeting last week got canceled because of the weather and they have to approve that one before it comes to the public. So I have-- on this

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page, these are all updated figures for 2018-19 so they're going to be slightly different from what Senator Murman told you.

KOLOWSKI: Have they gone up in a year's time just dramatically or--

MIKE BAUMGARTNER: Um.

KOLOWSKI: --gradually or what?

MIKE BAUMGARTNER: Well, the number of students we are able to serve is pretty flat because we run out of money. In fact, my, my financial aid officer, Ritchie Morrow is here with me today and he told me that we've already spent 95 percent of the ACE funds available for this year. So we are, we're perpetually out of money and that's one of the reasons why I'm so supportive of the changes that the committee has put in its, in its LB920 and lottery funding report because that will help us serve a lot more students. But this is about the average number of students we've had over the past several years.

KOLOWSKI: What's the total number of dollars this year, please?

MIKE BAUMGARTNER: Uh, \$995-- \$990,000?

RITCHIE MORROW: We're at \$1.1 million this year.

MIKE BAUMGARTNER: Oh, \$1.1 million? I'm sorry, \$1.1 million.

KOLOWSKI: OK and do you see a maximum of this or how many it will go to?

MIKE BAUMGARTNER: We try to ensure that the maximum number of students can get an award by determining-- by rationing the number of awards a student could get because there are students who could apply for four ACE scholarships and we, we have to cut that off.

RITCHIE MORROW: We're at three.

MIKE BAUMGARTNER: We're at three this year. So the student is taking four classes and the maximum-- we can only afford to pay for three.

KOLOWSKI: And what's the dollar amount again per student, average?

MIKE BAUMGARTNER: The average last, the average last year was \$245 dollars.

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KOLOWSKI: \$245. Thank you, I appreciate it.

GROENE: Any other questions? I've never seen that FAFSA application, is it, uh, complicated? Uh--

MIKE BAUMGARTNER: Yeah. Yeah, it's, it can be complicated. You've got to get paperwork together. It's online now and they will boast that you can do it from your bed on your phone, but you still have to get the papers together to do that. So it--

GROENE: So you've got to--

MIKE BAUMGARTNER: They've made it easier, but it is still-- it's not a, it's not a fun process. They expect it to take an hour the first time and about 20 minutes for renewal FAFSAs, unless your circumstances have changed dramatically.

GROENE: So you have to submit a copy of your income taxes?

MIKE BAUMGARTNER: No, you, you fill that out. You put the number from your, from your income tax returns in. Going forward-- one of the benefits of that FUTURE Act that I mentioned is that right now, there's a data retrieval tool that you can retrieve that information from the IRS. Going forward, once they have the systems in place, the, the information is going to be pulled directly from the IRS into the FAFSA, which should save, save a considerable amount of time for students who've had--

GROENE: For the parents?

MIKE BAUMGARTNER: Yeah.

GROENE: Kids don't know what their--

MIKE BAUMGARTNER: Yeah, yeah.

GROENE: So, um, politically-correct dysfunctional family; I've got a kid who really wants to achieve, but he has, uh, problems at home. How can you be assured he's going to get that filled out?

MIKE BAUMGARTNER: It's, it's-- uh, that's a problem and, um, Education Quest is, is here to help in the state. Guidance counselors help to the extent that they can. Financial aid offices at colleges will, will help out. But if, if you've got, if you've got parents that refuse to

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divulge information, then you've got to, got to find a workaround for that. And that's, um--.

GROENE: That does happen? All right.

MIKE BAUMGARTNER: It does happen. It does happen.

GROENE: All right, thank you. Any other questions from committee? Thank you, Mr. Baumgartner. Uh, next proponent?

BRIAN HALSTEAD: Good afternoon. Senator Groene, members of the Education Committee, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. We're here as a proponent. We understand that this is going to take work to get this done, but we think this is the right strategy moving forward for the Legislature and schools to be looking at in order to make this program work for the intended beneficiaries. So I'd be more than happy to answer any questions you might have.

GROENE: Senator Kolowski.

KOLOWSKI: Building off the comment by our Chairman, what are the-- what, what can we do about the reluctant parent that doesn't want that kind of information shared with the "government" or whatever you're dealing with?

BRIAN HALSTEAD: So I, I grasp that and I mean, obviously, this is a scholarship program government is offering to individuals. So there's going to have to be some agreement of understanding if I want the government to be funding this. What information do they really need in order to determine me or my child is eligible? And I think, I think the executive director did a nice job, of the U.S. Department of Education, and they have streamlined and bringing in an online system. So if you're going to insert the identifier for your income tax returns previously filed, you don't have to do it. It's going to pull that into the system. So it's not a number you got to go find and do. We also understand, though, that that's not sitting there right now; that's coming, in that regard. So they have also eliminated a large number of the boxes that you used to have to fill out on this to better streamline the sources. So like I said, this is not as simple and it's a work in progress. But from our perspective, this will better identify the students who are really needing assistance. And if

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we truly want the best and brightest to come stay in Nebraska, this is one little piece that has to be worked on going forward.

KOLOWSKI: Thank you.

GROENE: Any other questions, committee? Free and reduced lunch; don't parents have to give some kind of federal information that would get their kids on free and reduced lunch?

BRIAN HALSTEAD: Well, I think you're going to hear on some other bills you're going to hear this session that whole topic area. So right now, there are K-12 school districts who've gone full CEP. And he mentioned them off. We have schools in the Omaha Public School system who are using CEP, they just aren't using it at that high school level yet. But it's another way of reducing the burden. I mean, the U.S. Department of Agriculture realized several years ago the burden of paperwork and checking paperwork and all of that was defeating the purpose of children having meals every day. So the poverty threshold for the areas of the schools was the simplest way of eliminating the need for the data.

GROENE: But the question was an individual parent, today--

BRIAN HALSTEAD: Can, yes, absolutely.

GROENE: --has to fill out some type of federal--

BRIAN HALSTEAD: No.

GROENE: --application?

BRIAN HALSTEAD: No, they do not.

GROENE: If it's a school that doesn't have the CEP, I mean, right now?

BRIAN HALSTEAD: Correct. There's also the-- we do data sharing with the Department of Health and Human Services every night where we do what's called direct certification, where we can take that and identify the kids who should qualify based on all of these others so schools don't have to ask for the form. They're doing direct certification. But again, that's a-- the school has to choose if they want to use direct certification as another methodology as opposed to the parent filling out the form.

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GROENE: So the parents, families on SNAP, the school knows that?

BRIAN HALSTEAD: They can if they're doing direct certification instead of making the parents fill out the form, yes.

GROENE: But there is a lot of schools that-- they still fill out a form, just like they would have to fill out the FAFSA.

BRIAN HALSTEAD: Sure and there's a lot of parents who don't fill out the forms and the kids, if they're having the lunch or the breakfast, are paying for the lunch or the breakfast. Yes, it's not paid for.

GROENE: So it-- this isn't something new that parents have to fill out forms before and prove their income?

BRIAN HALSTEAD: No, the CEP program was a realization by the U.S. Department of Agriculture. Instead of making people fill out the forms, the dollars the US Department of Ag will provide for it. It's just more efficient and effective to just provide the funding instead of the paperwork behind the scene.

GROENE: I guess my point I'm trying to get to-- if somebody would say, well, we're making the kids fill out this paperwork and the parents, the parents have already always done that. If there's a, if there's a child getting an ACE grant now their parents fill out the form, I mean--

BRIAN HALSTEAD: Yes, if the parents have already filled out the form and everything, yeah. This has nothing--

GROENE: --fill out a form for SNAP or something else?

BRIAN HALSTEAD: Right.

GROENE: All right.

BRIAN HALSTEAD: Absolutely.

GROENE: Thank you. Senator Kolowski.

KOLOWSKI: Brian, just the-- I'll use the three high schools I know in Millard; north, south, and west. There were, uh, 13 kids from three high schools, three major-sized high schools, three of the biggest in the state. Is that unusual that it would be so few or is it a matter of the counselors and the connections through the counseling services

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of this particular school trying to find those kids and get them signed up?

BRIAN HALSTEAD: There are probably a lot of factors, Senator, in the sense of even knowing there is the ACE Scholarship and whether they want to try to access it. I mean, obviously, I think you have the list of the number of students from the high schools who received a ACE scholarship in the past year. So it's dependent on even knowing the program exists, even pursuing trying to get the program, the assistance in doing that as to-- Again, the neighborhoods in which the children live in suburban Omaha doesn't have the dense poverty that other parts of Omaha have. So there's not a need or desire to find assistance. I, there's a whole number of explanations--

KOLOWSKI: Sure, sure.

BRIAN HALSTEAD: --but the number you cite isn't shocking to the department. You'd find a different number at Omaha Central, Omaha South, Omaha North just because of the community.

KOLOWSKI: Right. Thank you.

GROENE: Any other questions? Thank you, sir. Any other proponents? Opponents that would be against it? Uh, Neutral?

HEATHER PHIPPS: Good afternoon. Excuse me, good afternoon, Chairman Groene and members of the Education Committee. My name is Heather Phipps, H-e-a-t-h-e-r, and I serve as the associate superintendent for educational services in the Millard Public Schools. I am offering neutral testimony for LB950 because we very much support the intent of the bill, but we believe there are solutions that are less burdensome for our Nebraska families. We have been in conversation with some of our peers in other school districts and they have similar concerns. In our conversation with Elizabeth from Senator Muran's [SIC] office, it appears that there are large and small districts across the state who agree this is an issue but are seeking a less cumbersome solution. The issue LB950 is attempting to resolve is a real one. The Accessing College Early [SIC], or ACE Scholarship Program, administered by Nebraska's Coordinating Commission for Postsecondary Education, is designed to support students who live in poverty with completing dual-enrollment classes while still in high school. There are currently several ways that students can qualify for an ACE scholarship, but by far, the most popular method is through

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participation in the free and reduced-price lunch program. With a rise in school buildings or districts accessing free meals through the community eligibility program, CEP, the possibility has arisen that a student who does not live in poverty could be eligible for the free and reduced-price lunch program because of the CEP also making them eligible for an ACE scholarship even though they don't live in poverty. That is a problem and we are grateful the bill is addressing it. The students already, the students are already limited in the number of scholarships they can receive because of limited funding. It's important the scholarships do not go to students for whom they were not intended. Our concern and the reason we are neutral and not currently in support of the bill is the manner in which LB950 attempts to resolve the issue. It removes all of the current eligibility options and replaces them with just one, the FAFSA. Currently, any high school student who meets eligibility requirements, can apply for an ACE scholarship. We have seniors, juniors, sophomores, and even freshmen who apply. Asking every student at any grade level in high school to complete a FAFSA is an unnecessary burden. While the FAFSA is free, it is a time-consuming and cumbersome process for families and is typically something that only seniors in high school and a small number of juniors complete. According to the coordinating commission, there are currently only eight schools in Nebraska that use CEP for free and reduced-price lunch. Therefore, we would be asking students in 236 Nebraska school districts to complete a much more time-consuming and complicated process than they currently do to address an issue impacting eight schools at this time. We believe there is an easier solution. If the current eligibility requirements were left in place and FAFSA was simply added as another option for all students, then language could be added allowing for students in non-CEP districts to utilize any of the approved eligibility options and students in CEP districts to use any eligibility option except participation in the free and reduced lunch program. Families in CEP districts have already had an administrative burden removed for them by eliminating the need to complete a free and reduced-price lunch application. We are grateful to Senator Murman for addressing this concern and we are willing to work with the Senator and other school districts to create a solution that both addresses the problem and avoids the unnecessary burden for students and families in Nebraska.

GROENE: Senator Linehan.

LINEHAN: Thank you, Chairman Groene. I don't expect you to have an answer for this, but I just want to get the question on the record.

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Out of our 244 school districts, do we know that all of them would be eligible for CEP, which would mean, if I'm following this correctly, that every school has at least 40 percent of their children on free and reduced lunch?

HEATHER PHIPPS: No, not every school would qualify for CEP.

LINEHAN: OK. And do you know if it's by the district or it's by the building?

HEATHER PHIPPS: I believe it's by the school building. But I, I believe that if the building has a community that is 40 percent poverty then they would qualify for CEP. And just-- there are large districts where schools qualify for CEP and they don't have the whole district CEP, which is why I believe it's by school.

LINEHAN: OK, thank you very much. Maybe the Department of Ed probably has those numbers, too. Thank you, Senator Groene.

GROENE: Is there another question? Wouldn't it be wise if these children have such a curiosity for education that they did fill out the FAFSA because they-- you would, you would assume that if they are taking these classes, they plan to go on with their higher education?

HEATHER PHIPPS: Absolutely. We want all of our students to complete a FAFSA. We support the idea of 100 percent of the students qualifying for-- or filling out a FAFSA. Right now, as a state, we are far from that when you look at our seniors so we have a lot of initiatives going. We have some initiatives going in the metro area, for example, around FAFSA completion. Senator Vargas has a bill that he introduced last week around this. We really support all of our students completing the FAFSA. There's work to be done, though, when you look at the percent that's currently completing that. So we don't want that to be a barrier right now for students who are already qualifying for free and reduced, therefore already qualifying for ACE. So as we do that work towards getting our seniors to complete the FAFSA, hopefully we can then have more juniors and sophomores and freshmen. But to ask freshman parents to have that on their radar right now would be a reach, especially when you look at the percentage of seniors completing it.

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

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DAPHNE HALL: Good afternoon. I am Daphne Hall, D-a-p-h-n-e H-a-l-l. I'm a senior vice president of Education Quest Foundation and we are here today testifying in a neutral capacity for the bill. We are a nonprofit college access organization. We're located in Lincoln. We are Nebraska based and have been helping students and families with college planning and funding for over 34 years. Our services are currently provided free of charge. We take a neutral position on the proposed legislation and we do understand that if the FAFSA is required for eligibility for the ACE Scholarship, it would generate an increase in the number of FAFSAs that are filed. As a nonprofit, we have the capacity to assist students and families with this form through our college planning offices in Lincoln, Omaha, and Kearney. We have a staff member in Scottsbluff and we have 15 full-time staff that work in all of the high schools across the state assisting families where needed. Do you have any questions for me?

GROENE: Any questions? Senator Linehan.

LINEHAN: Thank you, I wasn't paying-- thank you, Chairman Groene. You're neutral?

DAPHNE HALL: Yes.

LINEHAN: Because you don't want the-- I don't understand why you're neutral.

DAPHNE HALL: Um, as a nonprofit organization we are an information resource and so in conversation with the Coordinating Commission about the capacity to help assist students and families-- it-- if the form is required, we're able to lend our resource to that.

LINEHAN: You are able to?

DAPHNE HALL: Yes.

LINEHAN: So it's not the-- filling out the FAFSA is not why you're neutral? See, I still don't-- I guess I don't understand why you're not supporting it. Maybe I'm not asking the question correctly.

DAPHNE HALL: Um, we don't take a stand in regard to lobbying.

LINEHAN: OK.

DAPHNE HALL: And so that's why we're-- plead the neutral position.

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LINEHAN: So what you're saying is you're not taking a stand on the bill, but if it passed, you would be able to help?

DAPHNE HALL: Yes.

LINEHAN: OK.

DAPHNE HALL: Yes.

LINEHAN: That's much clearer. Thank you very much.

DAPHNE HALL: Um-hum.

GROENE: Anybody else from the committee? So does every school district, Banner County, everybody, is there somebody in that school district that has your contact information if they have a student that wants help--

DAPHNE HALL: Yes.

GROENE: --with that?

DAPHNE HALL: Yeah. We work through the school counseling offices and have a website that has a number of robust FAFSA completion tools. So we have a FAFSA tutorial. We have FAFSA demos. We have financial aid presentations that are done in a school available online and a toll-free number that any Nebraskan can call.

GROENE: So do you keep track of where your inquiries come from? Are they across the state?

DAPHNE HALL: We do through our college planning offices in Kearney, Lincoln, and Omaha, yeah. We would have an idea of number of contacts that would come into an office. We don't necessarily track if a call comes from a particular high school, for example, though.

GROENE: That's what I was asking--

DAPHNE HALL: Yeah.

GROENE: --if it's statewide, if it-- you know, there's some areas where you're not getting calls and you contact the school, offer your services?

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DAPHNE HALL: Yes.

GROENE: All right, thank you.

DAPHNE HALL: Um-hum.

GROENE: Any other questions? Thank you. Any other neutral? Senator Murman, do you want to close?

MURMAN: Chairman Groene and members of the Education Committee, thank you for your consideration today of LB950. The objective of the ACE program is to encourage well-prepared high school students from low-income families to enroll in college courses. This is a great program that positively affects students in our state. The ability to receive dual credits towards a college degree when you're still in high school helps a lot. Research shows that high school students who take college courses while in high school remain in school and graduate at higher rates, enroll in college at increased rates, and return to their college sophomore years at higher rates. I think encouraging students to apply for a FAFSA at an earlier rate [SIC] will benefit not only our students but our state with potential graduation rate increases. I want to thank the Coordinating Commission of Postsecondary Education for bringing this bill to me and to all the schools who came to testify. As I mentioned before, I am more than willing to work with the committee and the schools here today to figure out a solution. After speaking with the schools and representation from Coordinating Commission of Postsecondary Education, it sounds like if a student is a CEP school [SIC] and wants to apply for ACE scholarships, then you will, then you would be required to fill out the FAFSA. I think this is a great discussion and I'm ready to work together to address this issue. What we have to be aware of is the overload on the ACE Scholarship with current students who don't qualify for the financial support. There's a possibility of a larger school who is considering participating in the CEP program, which will completely consume the funds available for the ACE Scholarship. The main point of this bill is to make sure the students who really need the funding will be the ones getting it. And I'll work with anyone to figure out the most efficient and best way to do that. Thank you.

GROENE: Thank you. Any questions--

MURMAN: Any questions?

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GROENE: --from the committee? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Senator Murman, thank you for bringing this. I was at-- testifying on another bill, so I may have missed this at the beginning, but are there discussions about how a child will be-- I mean, when a child will be administered this, uh, this application or is it during school hours? Is it-- um, who's going to do it? I'm just interested in what that discussion is. Could you summarize it if you've already testified?

MURMAN: Well, I think it varies from school to school. I think typically, a school counselor helps the student when they're considering college--

PANSING BROOKS: OK.

MURMAN: --to fill out the FAFSA--

PANSING BROOKS: So every student--

MURMAN: --and to direct them to Education Quest to fill out--

PANSING BROOKS: OK.

MURMAN: --to get it filled out.

PANSING BROOKS: OK, so not necessarily during school hours?

MURMAN: Uh, well, I think that that changes from school to school also.

PANSING BROOKS: OK, so some schools are going to require it at the school during school time?

MURMAN: I don't think the FAFSA is required by any schools that I know of right now, to fill out the FAFSA.

PANSING BROOKS: Well, I know, but I thought that that's what this was about. I thought this was to require them to do it so I'm just wondering, how will they be required to do it? Where will they be required to do it? When will they be required to do it?

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MURMAN: Yes, they would be required for the students that are in the CEP schools. So it-- there isn't a method about how that would be done. I assume it would be done by guidance counselors in the schools.

PANSING BROOKS: OK, thank you.

MURMAN: Yep.

GROENE: Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Senator, do you know-- do you have any information on the background of the counseling services across the state and how many have a background in filling this kind of form out and how they go about doing that--

MURMAN: No.

KOLOWSKI: --with the schools?

MURMAN: I don't have any information on that. I assume guidance counselors in, you know, all schools would have information on applying for scholarships.

KOLOWSKI: They do have that, but isn't this a particular type of application to FAFSA in that it's different than a lot of things they do apply for?

MURMAN: But most scholarships require a FAFSA application if they're based on need.

KOLOWSKI: Depending on the need in each school, that, that could vary greatly depending on--

MURMAN: Sure.

KOLOWSKI: --numbers that they're dealing with.

MURMAN: Sure. I think we-- I have figures that as high as 95 percent in some schools qualify for free and reduced lunch all the way down to probably less than 20 percent--

KOLOWSKI: Sure.

MURMAN: --at some schools.

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KOLOWSKI: Thank you.

GROENE: Any other questions? Senator Linehan.

LINEHAN: Thank you, Chairman Groene. I can't remember if it was in your opening remarks or Director Baumgarten [SIC], but didn't you say one of the reasons those that thought this was a good idea is because these are the same form you have to fill out if you want to go to college after graduation?

MURMAN: Yes.

LINEHAN: So to get children, students familiar with the form because it's the same form they use for, to apply for Pell and other grants?

MURMAN: Yes, that's true.

LINEHAN: That's what I thought, OK.

MURMAN: I, I'm actually a cosponsor of another bill that would require all students to fill out FAFSA--

LINEHAN: OK.

MURMAN: --but we'll hear that one later.

LINEHAN: OK. All right, thank you, Senator Murman.

GROENE: Any other questions? Thank you-- you have one more? Senator Pansing Brooks.

PANSING BROOKS: Thank you, Chairman Groene. So if you require all-- having had children go through the whole college process pretty recently, I'm interested that if you require all students to, to take the, the FAFSA, there are a good portion who would never, ever qualify under FAFSA. So is there a discussion about that, about why it's necessary for every child to do it because, um, you know, I think there's a sort of misinformation about, out there about who couldn't, who can even be a recipient of FAFSA dollars. And so it seems to me that there is a good portion of, of the, of the student population that would not even even be-- qualify. So is the point to just make everybody go through it anyway? I'm just interested in what that thought process is.

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MURMAN: No, I totally agree with you that the reason we want students to fill out the FAFSA is so that more would, that are eligible for these scholarships would be able to get them. If they don't fill out the FAFSA now, they wouldn't be eligible for scholarships--

PANSING BROOKS: Yes.

MURMAN: --that requires FAFSA.

PANSING BROOKS: I understand that, but there are some that would never, ever have a chance of getting FAFSA because of their parents' socioeconomic standing. So it seems like requiring those students to go through that process seems like a lot. I'm just interested if you've had discussions about that?

MURMAN: No, I totally agree with you. You know, the idea is that more students would qualify and this wouldn't make any more limit on them qualifying than that's already there.

PANSING BROOKS: Um-hum.

MURMAN: So we, we want to reduce those barriers as much as we can.

PANSING BROOKS: OK. Would there be an opt out, ability to, to opt out of it?

MURMAN: Um.

PANSING BROOKS: Because really, it's a lot of work. And those kids that--

MURMAN: Yep.

PANSING BROOKS: --would never qualify because their parents are in a bracket where they could never qualify, it's a lot of work to enforce upon a student who would never be able to get a benefit from that.

MURMAN: Um-hum. Yeah, as I said, maybe there's a better method than the FAFSA to, to qualify for the ACE Scholarship and we'll work with those that testified today to maybe come up with a better method--

PANSING BROOKS: Thank you.

MURMAN: --so thank you. Yes.

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GROENE: Maybe it wouldn't be a bad idea the rich kid understood what the poor kid goes through and the parents also--

PANSING BROOKS: [INAUDIBLE]

GROENE: --by making them all fill it out. Thank you--

MURMAN: Yep, thank you very much.

GROENE: --Senator Murman. Letters, uh, proponents, there were none. Opponents: Jenn Walker from Omaha; Brenda Franklin, a teacher from Keya Paha; Bridgeport Public Schools, which is one of those CEP schools; Joan McManaman, Spalding Academy; and Bayard Public Schools. Neutral, there was none. Thank you. We will go to the next bill. That ends LB950. We'll go to LB998 and Senator Murman, also. It's Murman day at the Education Committee. We'll go ahead and-- go ahead.

MURMAN: Well, thank you very much, Chairman Groene. Good afternoon again, members of the Education Committee. For the record, my name is Dave Murman and spelled D-a-v-e M-u-r-m-a-n. I represent District 38, the counties of Clay, Nuckolls, Webster, Franklin, Kearney, Phelps and a quarter of Buffalo County. Today I bring LB998 for your consideration. LB998 aims to ensure that every student in Nebraska has a safe school environment because every employee at their school will have basic training in how to safely manage inappropriate behavior without allowing that behavior to escalate. This is a comprehensive bill that addresses training for behavioral awareness and intervention. In Nebraska, we are fortunate enough that many of our schools are already providing some form of training. But this is, but this-- it's language would just strengthen and clarify the steps that administrators, teachers, paraprofessionals, school nurses, and counselors can take to protect students and help provide a safe learning environment. The language comes from consulting with administrators, teachers, and school board representatives, multiple behavioral experts, senators, and others. Unfortunately, there are situations when students are harming other students. Violent acts by students always happen in the classroom or in front of a teacher-- sometimes these things-- or don't always happen in the hallways, school buses, or other areas of the school. A key, important part of this bill is that every employee has to receive basic training so they are aware of how they can appropriately and reasonably intervene to make sure the students don't harm each other, themselves, or anybody else in the school. In July, there was a listening session hosted by

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the NSEA for senators on the Education Committee to come and listen to the concerns that teachers had. There were nine teachers that came and spoke to us about their concerns and expressed what we could do to help them. I have heard from school personnel who have been kicked, hit, bitten, spit upon, slapped, punched, or worse. One of the teachers had a traumatic brain injury due to a student who assaulted her. Too many students have been placed in danger, educators have been injured, and enough learning time has been lost. Overall, it's important to remember that the vast majority of the students across Nebraska are attending class and are coming to school ready and excited to learn. It's only a small percentage of students in schools that are being disruptive and causing incidents. This should not be happening in our schools and as a committee, I believe that we need to provide the legislation that would protect our students, administrators, teachers, and school professionals by implementing a behavioral awareness training language. Teachers are hesitant to intervene and take steps to react in an appropriate way and are most times pressured to do nothing when there are serious disruptions in the classroom because the schools are afraid of lawsuits. This bill would allow schools to train their employees to recognize what is and what is not a responsible-- a reasonable response to problem behavior using mainstream evidence-based industry standard practices. LB998 lays out clear requirements to properly train and take the necessary steps to de-escalate, which will reduce the need for physical interventions and redirect problem behavior before it even happens. Our main priority is safety. This bill will be a major step in creating that safety. The, the training will be offered annually. Every employee is required to receive some level of training that will familiarize them with the specific goals, strategies, and plans of the training. Every employee includes janitors, bus drivers, and cafeteria staff. This bill requires that everyone be on the same page so that the entire school is communicating and working together to maximize safety schoolwide. However, the experts we consulted in crafting this bill unanimously agreed that the bill should not mandate that everyone should have the same level of training. Providing everyone with a one-size-fits-all level of training would mean compromising the quality and flexibility of the training. That being said, however, administrators, teachers, paraprofessionals, school nurses, and counselors are required to be provided-- specifically describe the behavioral awareness and intervention training. Each year, at least one-third of these employees will go through the training so by year three, 100 percent of the employees will have been trained. At least

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every three years, these employees will also receive review, review of the training. Representatives from administrators, teachers, and ESUs approved of this structure because it allows for much needed flexibility while still providing a clear baseline for behavioral awareness and intervention training. Behavioral awareness and intervention training will include six steps in the following order: recognizing detrimental signs, positive behavioral support and proactive teaching strategies, verbal intervention and de-escalation techniques, guidelines on removal from and returning students from a classroom, behavioral interventions and supports that will take place when a student has been removed from a class, and finally, the last possible step is physical intervention for safety. At each school district, one or more employees for each building will be publicly designated as the behavioral awareness and intervention point of contact. Each school will need to compose or have access to a registry of local mental health and counseling resources that the family and student can access and utilize outside of the school. The role of the point of contact is to coordinate access to support services for a student. The key word here is "coordinate" because they'd be working to ensure that information is accessible to students who need it in order to prevent situations where a student speaks up but has their voice lost in the daily shuffle. This is important. When students have problems, they need to know there is an individual person they can speak to, not just tell someone and hope that person they told follows up on that. When information for external support is given to a student, the behavioral awareness and intervention point of contact has to give a written notice to a parent or guardian unless the situation involves law enforcement or child protective services. Each school district will receive behavioral training funding for each school within a school district that has any grade above kindergarten, which can include a special education school, an alternative school, or a focused school. The State Department of Education will administer the Behavioral Training Cash Fund and distribute money to the school districts for the behavioral awareness and intervention training. The base training reimbursement will be \$2,000 per year, per school within that school district. For example, a school district with, say, 10 schools would receive \$2,000 times ten or \$20,000. For larger schools, the funding reimbursement for training will increase as follows: one additional unit or an extra \$2,000 for 80 to 159 teachers; two additional units or an extra \$4,000 for 160 to 239 teachers; three additional units or an extra \$6,000 if you have 240 or more teachers and those are FTEs. Before each school year, specifically on September

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1st, each school district will need to submit a behavioral awareness and intervention training report. If they fail to file their report, then they will be noncompliant and will not receive training funding for the next school year, although they will still be required to ensure training. Our main focus as members of the Education Committee is the student, especially the vulnerable students most affected by classroom violence. This is an issue that the Education Committee has been focused on for years. The five steps before physical intervention will help administrators, teachers, paraprofessionals, and all school employees de-escalate a situation to establish a secure and sound learning establishment for students. Multiple behavioral experts, administrators, teachers, school boards, senators, and others worked together to, to reach this comprehensive behavioral awareness and training plan. Thank you for your time and I can take any questions that you might have now. Otherwise, there'll be some behind me that can maybe answer better.

GROENE: Senator Pansing Brooks.

PANSING BROOKS: I can-- I, I guess I'm interested in-- on-- thank you for bringing this Senator Murman. On page 12, the parts that are crossed out under 79-1007.11, lines 16-28 and then what is added in again on page 14 lines 4-16; can you explain to me how, how the bill, how-- why we drafted it this way and, and what is-- so somehow the formula is being affected so I'm just trying to understand what's happening in this case?

MURMAN: OK, page 12, words crossed out and then--

PANSING BROOKS: Yeah, and then page 14 where we've added, um, added back. You've added in the 4-16-- the underlined part that's new--

MURMAN: Yeah.

PANSING BROOKS: --so I guess I'm just interested in what is happening to the, to the district's formula?

MURMAN: OK. I think on page 14, the exact thing that was crossed out on page 12 was added back.

PANSING BROOKS: OK. So I'm just wondering, is it a-- is it word-for-word or-- and why, why did it-- it just needed to come into a

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new section or, is that what-- maybe somebody else can speak to this, I don't know.

MURMAN: Yeah, I'm pretty sure it's word-for-word.

PANSING BROOKS: OK. Well, if anybody has any thoughts on it, I'd appreciate it; what has happened, why it needed to be crossed out in one section and added to another section?

MURMAN: Yeah, I understand.

PANSING BROOKS: OK, thank you very much.

MURMAN: Yep, thank you.

GROENE: Any other questions? Uh, usually it's bill writing that does that. They, they, they take something and move it to another area because it fits better. I was talking to the committee counsel, he said that's what's happened here.

MURMAN: OK, thank you.

GROENE: I'm sure that they, they just moved it and they struck some obsolete language because there's no reason anymore to be talking about 2013 and 14 and 15 and 16; just a cleanup.

MURMAN: OK.

GROENE: Anyway--

MURMAN: Thank you very much.

GROENE: Any other questions?

MURMAN: Yeah, I knew, I knew the dates were changed for sure.

GROENE: Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Senator, do you have the number of, uh, schools that we have? Not districts, but the number of schools within all those districts in the total for Nebraska?

MURMAN: Yeah, I think someone behind me will possibly address that.

KOLOWSKI: Yeah, I'll ask him again. Thank you.

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MURMAN: It's more than 240, I know that.

KOLOWSKI: It's more than 240, that's right.

GROENE: Any other questions? It's, uh-- but it's not school buildings--

MURMAN: Um-hum.

GROENE: --it's schools-- so, like, uh-- I've got, uh, Hershey that has a-- it's one building. They have a grade school and then a high school in it. It's, it's what the school defines as a school, is that not correct?

MURMAN: So I think the 204, is it 247 district?

GROENE: 244.

MURMAN: 244 times two would be the minimum because every school has an elementary and high school. So there would be two for every one and then up from there, yeah.

GROENE: All right, thank you. Any other questions from the committee? Thank you, Senator Murman, you'll stay-- well, of course you will, you're on the committee, to close?

MURMAN: Yep.

GROENE: Proponents?

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. Today I am representing the Nebraska Council of School Administrators and the Nebraska Association of School Boards. Our organizations would like to thank Senator Murman for introducing LB998, as well as Senator Groene for organizing a discussion on best practices to de-escalate student behavior. I'd also like to thank Senator Arch, who was instrumental in bringing representatives from Boys Town to assist with their expertise on managing some of the most difficult classroom situations and misbehaviors. Our organizations have always been in favor of more training for educators. Districts must have common expectations for safe schools and articulate those expectations to students, staffs, and parents. A plan to address all levels of student misbehavior is vital to prevent the most serious, dangerous scenarios.

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We believe Senator Murman's bill will incorporate expertise shared by our colleagues at Boys Town and as a framework, which will benefit all the schools and students and staff in Nebraska. We also appreciate the effort to provide some funding, albeit it probably is not going to be enough. It's never enough, right? But it's a great effort to provide some amount of resources for what the state would like us to do. Uh, also appreciate the timeline to-- it's a big endeavor to train every staff member in our, our schools and that timeline takes into consideration the magnitude of that implementation plan. So with that, I'll just try to answer any questions I can.

GROENE: Any questions from the committee? Do you-- I mean-- our age is-- but have you seen a lot of change over the last 50 years where teachers move from school to school, administrators move from school district to school district, students move from school district to district, do you see an advantage to maybe some cohesion in training and what what a parent expects when they move from a school district to school district? I think you kind of hit on that, but do you see--

KYLE McGOWAN: Sure.

GROENE: --something like this helping?

KYLE McGOWAN: Well, I think-- first of all, there's many schools that have been working very hard at trying to use best practices to de-escalate student behavior. But maybe what you're hitting upon-- and something that we have spoken at our school administrator meetings is when we talk to teachers, they need better sharing of what the expectations are. And so it really falls upon every school district to have a clear plan, set expectations by the school board, and administrators communicating that plan and expectations to their staff, students, and parents. So, yeah, there is, there is more turnover than there's ever been; not only with students, but with staff as well.

GROENE: Thank you. Any other questions? I appreciate it.

KYLE McGOWAN: Thanks.

GROENE: Next proponent.

KRAIG LOFQUIST: Good afternoon.

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GROENE: Go ahead and start.

KRAIG LOFQUIST: All right. Thank you. My name is Kraig Lofquist, K-r-a-i-g L-o-f-q-u-i-s-t. I am the executive director of the Educational Service Unit Coordinating Council representing the ESUs today. Thank you for accepting my testimony in support of LB998. Prior to my current position, I was the administrator at ESU 9 located in Hastings, Nebraska. In that position, I became a certified MANDT trainer and will-- I will remain a certified MANDT trainer until October of this year. MANDT is a relationally-based program that uses a continuous learning and developmental approach to prevent, de-escalate and, if necessary, intervene in behavioral interactions that could become aggressive. One of the first things that MANDT teaches is that when a student is struggling, what they're really demonstrating is that they have a need that's not being met. So I believe in evidence-based training that addresses detrimental factors that adversely affect learning, signs of trauma, positive behavioral supports, proactive teaching strategies, verbal intervention, de-escalation techniques, and finally, as a last resort, specific physical intervention training for safety purposes. I would like to go on the record letting you know that-- how most Nebraska schools are going to respond to this. They're going to call their local ESU for help and guidance. ESUs were created, in part, to provide professional development to their schools. Currently, the legislation says each school district "shall ensure," emphasis on those two words, that administrators, teachers, paraprofessionals, school nurses, and counselors receive behavioral awareness and intervention training. It goes on from there, but the "shall ensure" language allows schools to work with their ESUs to provide the evidence-based training. Finally, I would respectfully encourage you to find the easiest way possible to distribute the allocated funds for this training. While I support the bill, I struggle with running the funds through the formula. You may already know that schools have the ability to consort their funds. Here's an example: federal funds are Title I, Title IIA dollars, Title III, Title IV. Schools will throw them into a pot and consort them so they get the most bang for their buck and it creates a unique win-win situation if they choose to use it. Those are my comments. Thanks for taking my testimony and I'd be happy to answer some questions if you had them.

GROENE: Any questions from the committee? So you're a MANDT trainer?

KRAIG LOFQUIST: Yes.

GROENE: And besides what you do with the ESU Coordinate Commission, so. You were in the room, weren't you, when helping with the language?

KRAIG LOFQUIST: Yes, correct.

GROENE: So this language that Senator Murman has in his bill, would it fit under a lot of different-- is that basically the umbrella definition that would help if they chose Boys Town or they chose MANDT or CPI that that--

KRAIG LOFQUIST: The definition is comprehensive.

GROENE: And all, all of those training methods kind of follow those--

KRAIG LOFQUIST: Correct.

GROENE: --those core beliefs and what their goals are?

KRAIG LOFQUIST: Yes.

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

JOHN SKRETTA: Good afternoon, Chairman Groene, senators, members of the Education Committee. My name is John Skretta. That's J-o-h-n S-k-r-e-t-t-a. I'm the administrator of ESU 6. Educational Service Unit 6 is headquartered in Milford, serving 16 school districts across five counties, encompassing over 13,000 students and 1,300-plus teachers. The need for Senator Murman's LB998 is evident and I believe the rationale is sound. I've been an administrator at various levels for 20 years. I've had the opportunity to help guide professional development in coteaching, inclusive classroom practices, as well as instituting PBIS, or positive behavior supports, at multiple levels, K-12. And I actually began my educational career teaching in the summer school program at Boys Town, where it was indelibly and forever impressed upon me the importance of having a comprehensive program of social skills supports in order to effectively nurture every child to his or her potential. Training is an absolutely essential component in ensuring that we better equip teachers, administrators, paraprofessionals with the skills necessary to effectively work with the increased numbers of students we have encountered in schools who have behavioral and mental health issues that may manifest themselves in oppositional defiant behaviors, which may, in turn, entail an

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exposure to risk of injury for students themselves or staff. Thus, the impetus for this bill is strong. What's most important about this bill, however, in my opinion, is to remember that the devil is in the details and it must be executed, grounded in best practices and a reliance on the expertise of the people in the field. I say this because the training must not be a minimalist exercise designed for compliance, but instead viewed and funded as an opportunity to ensure the baseline level of practice improves. Thus, the standard of the profession in terms of things like verbal de-escalation strategies, blocking, positive behavior supports can in fact improve as a result of a sustained commitment to professionally-delivered trainings, which could be sponsored through this bill. At its best, this bill offers us an opportunity to proactively support teachers, students, and staff to better ensure the safety of all those who inhabit schools. I would urge and encourage the committee in the shaping and framing of this bill and list not only the oversight of the Department of Ed, but ESUCC has-- I believe our educational service units have the expert personnel who are MANDT and CPI trained, who have the ability to institute a "train the trainer" model that's efficient and would substantially increase the level of knowledge in the profession, meaning the toolbox of strategies available to every educator. Done the right way, LB998 will support compassion versus control and will help ensure educators exercise kindness, compassion, and patience to maximize student learning outcomes. I want to thank Senator Murman for proposing this measure and the senators of the Education Committee for consideration of this important bill. Thank you.

GROENE: Any questions from the committee? Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. John, I-- just to double-check-- again, the funding for this program and the training and all the rest would go on for X number of years, that is really important that this is separate from the budget process that you would deal with in a TEEOSA formula, is that correct?

JOHN SKRETTA: Yeah, I just think it's absolutely important that when the funds are earmarked for it, that it's a sustainable funding avenue that does not compromise or deteriorate the otherwise attained revenue of school districts because certainly, the way in which it's structured, compliance is required in order to get the training dollars. And I, and I genuinely believe the training is vital.

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KOLOWSKI: Thank you.

GROENE: Any questions? For your information and for anybody else, Senator Murman came to the committee. He had been told that there was concern about making sure the money is given to every school and it's not considered a resource. There will be a committee amendment to make it clear that every school gets it, unrelated to resources. So that will be cleared up.

JOHN SKRETTA: Thank you.

GROENE: Senator Murman has been proactive on it and has talked to the committee counsels about it. My question is the-- this won't be a surprise to any ESU, they've been proactive-- they've seen this problem and they've been trying to stay ahead of it working with schools.

JOHN SKRETTA: Yes.

GROENE: So with this, it will-- I'll just add--

JOHN SKRETTA: I think we have the capacity to really help with this.

GROENE: It's not like you're going to be running out trying to find MANDT trainers and then people with a with a background--

JOHN SKRETTA: We've got MANDT trainers on-site.

GROENE: So you'll able to work directly with the smaller--

JOHN SKRETTA: Um-hum.

GROENE: --school districts too, service that MANDT there?

JOHN SKRETTA: Yeah, I think we're an ideal resource to leverage, to get that training done for teachers and staff in Nebraska.

GROENE: And leverage those dollars?

JOHN SKRETTA: Um-hum.

GROENE: Thank you. Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. John, again, it's extremely important to point out-- and to those that don't understand the role

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of the ESUs within the state and how they operate and what they can do, the difference they can make, if done properly and in place, all these things are, are doable.

JOHN SKRETTA: Yeah.

KOLOWSKI: So I thank you in advance for where we're going and what we're going to be doing. Thank you.

JOHN SKRETTA: Yeah, thank you.

GROENE: Any other questions? Thank you, sir.

JOHN SKRETTA: Thanks.

GROENE: Could we let somebody from the, the right come? We're going to let somebody from the right come once. They're the guys that actually follow the rules that I set.

[LAUGHTER]

GROENE: So we'll try to alternate back and forth.

ROBERT MILLER: Thank you, Chairman Groene and members of the Education Committee. My name is Robert Miller, R-o-b-e-r-t M-i-l-l-e-r. I am a parent, a public school teacher, and I serve as the Omaha Education Association president. I am here to represent the 28,000 members of the Nebraska State Education Association in support of LB998. I have been a teacher for 19 years, all in the elementary setting. The experience I gain each year adds to my knowledge and skill and makes me a better teacher. While I keep it-- the focus on the student success, I often felt that something was missing and I felt I couldn't fully address situations that involved student behavior. I'd like to share with you a story that illustrates the need for this legislation. During my first year of teaching, I had a student who had several outbursts each day, resulting in attempting to reduce the frequency of those episodes. This student would wander the room, dumping book bins, shoving materials off student desks, taking pencils out of student hands and throwing them across the room. The learning in my classroom often stopped and came to a complete halt until a student could calm down. I attempted to use the systems I had learned, but I didn't have the training to fully address the needs of this student. Another situation is when a student would get underneath the table and raise the table from the floor with his feet because he was asked to follow

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directions. It was his way of avoiding doing work and he would do this on a regular basis. While the other students ignored this behavior and completed their assignments, I took the time with the student to ask him to stop for safety reasons. This took time, but eventually he could come-- he could be coaxed out from underneath the, underneath the desk or a table. During this time, he often began to scream in the classroom, knocking over chairs, and shoving desks out of his way. I often had to call an administrator to assist with the student. I asked administration what techniques I might use to avoid these situations and strategies were shared, they were implemented, and they were reevaluated on a weekly basis to allow this student to succeed, which allowed others in the room to enjoy uninterrupted learning as well. Teachers are dedicated to their craft. They reach out, research strategies, and continue to develop ways to make all students succeed. LB998 requires the designated training every three years, which is not only helpful for educators, but also the means of training that can be constantly improved based on new research. I grew up in Wauneta, in southwest Nebraska. While I live and work in Omaha now, please know that from Omaha to Gering, Gordon to Red Cloud, educators want and need comprehensive behavioral awareness and intervention training as outlined in this legislation. This is a statewide concern and with this legislation, we can begin to address this issue. With an increased understanding of the challenges our students bring to school each day along with the training that provides well-researched and proven strategies for helping these students, we will see improved success for all of our students and our teachers. I encourage you to advance LB998 to the full Legislature for debate. Thank you.

GROENE: Any questions? You said you had the assistance and then the administration worked with you--

ROBERT MILLER: Uh-huh.

GROENE: --gave you some, some skill sets or some idea, but you weren't previously trained--

ROBERT MILLER: Correct.

GROENE: --to address that before it even happened?

ROBERT MILLER: Right.

GROENE: Thank you.

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ROBERT MILLER: Um-hum.

GROENE: Thank you, sir.

JACK MOLES: Good afternoon, Senator Groene and members of the Education Committee. My name is Jack Moles. That's J-a-c-k M-o-l-e-s. I'm the executive director for the Nebraska Rural Community Schools Association, also referred to as NRCSA. I'm going to be really brief on this. Senator Groene, I think you already answered kind of what I was going to talk about. On behalf of NRCSA, I do want to testify in support of LB998. Behavioral awareness and intervention training that is funded through this bill is vital to our school districts and to our-- their staff members. We thank Senator Murman for introducing the bill and Senator Groene for working with him to fill this need. The one thing that I wanted to comment, though, on is I would recommend that you maybe work with Nebraska Department of Education on figuring out a better way to pass the funding on to the schools. In my own mind, I was thinking maybe through the grant process, but something that they could help you with that would really make it clearer and easier just to pass the funds on. I know, I know when I read it, I was confused. So I'd just encourage you to consider that. And I think it already sounds like you're doing that, so. That's all I have for you.

GROENE: Any questions? Thank you.

JACK MOLES: Thank you.

GROENE: Go ahead.

RITA BENNETT: Thank you, Chairman Groene and members of the Education Committee. My name is Rita Bennett, R-i-t-a B-e-n-n-e-t-t. I'm president of the Lincoln Education Association and I am also here to testify on behalf of the Nebraska State Education Association. NSEA supports comprehensive training for teachers across the state in behavior awareness and intervention. I've been a teacher in Nebraska for almost 30 years and in that time, I have seen an ever-increasing number of students in our schools who come to us with a variety of traumas that deeply affect them and that then, in turn, affects their behavior. I connect with teachers every day now who tell me they're experiencing the same. To better meet the needs of our students, we do have an ever-increasing need for training in how to help them. The first time I had a student in my classroom who had a sudden outburst of anger, both verbal and physical, I didn't have much knowledge about

de-escalation techniques that I could have used to defuse that situation. I felt helpless and ill-prepared for that situation. And I know that I did a disservice to that student and to others around him simply because I lacked the knowledge and training that I needed. With more training in de-escalation strategies, that was a situation I know I could've managed more confidently and more effectively. Another time, I needed to meet individually with a student to discuss a concern about his attendance pattern. That student's response was to react in anger and to threaten me with physical harm and to warn me that I needed to watch my back. An administrator's response to that was that he would just have the student cool off for 15 minutes in the office and then send them back to my room. I needed, in that moment, to also know what tools were available to me and in addition, to know if I could have asked for that student to be held out of class until we could come up with a safety plan given that that same student had been known to engage in violent acts within the school building. The fact is that all teachers need the tools available to assist the rising number of students who come to us with many and varied issues that affect their behavior. But this is a significant issue that with your help, we can work to address and all teachers are anxious to get that, that kind of training that we can have in our toolbox. We're lifelong learners, after all. And it continues to be the case when we encounter students that we know need more than we currently have the tools available to give them. All teachers and school staff must have adequate and appropriate training and information. Under LB998, each school district would continue to have local control over the training offered, but would be ensuring that best practices are used statewide. I think the comment that was made earlier about consistency when there's movement by students or by school staffs, it would be very helpful as well. Districts would be required to provide teachers, administrators, paraprofessionals, school nurses, counselors, and more with evidence-based training on interventions. I believe it's important that all are able to recognize those factors that impact student behavior and to learn the positive behavior intervention support and teaching strategies. The six steps of behavior awareness and training that are outlined in the bill would prioritize preventative and de-escalation techniques. The bottom line is that educators-- we all-- we want to give all of our students the ability to succeed. And I know I'm a better teacher when I have the tools and the knowledge to help all of my students. All teachers and school staff must have adequate and appropriate training and this bill will assist us in, in ensuring the consistency, consistency of that

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training as well. To further support the importance of this training, I would also advocate for amending the bill to stipulate that the additional training would be provided during contract time. I think that would be a respectful way to fit that in on top of teachers' already full plates, especially. So I would support an amendment of that nature as well. So on behalf of NSEA's 28,000 members, I also ask you to vote to advance LB998 to General File. Thank you.

GROENE: Questions from the committee? May I ask how many years you've been in the-- a teacher?

RITA BENNETT: Almost 30 years, just short of 30 years.

GROENE: Same school or same system?

RITA BENNETT: Two different schools, same system, um-hum.

GROENE: So how many principals have you worked under?

RITA BENNETT: I'm counting-- approximately five, um-hum.

GROENE: Then every time an administrator came in, policy probably changed?

RITA BENNETT: Not to a great degree, I wouldn't say policy changed. I think, though-- another comment that was made earlier that I do think is also, also important is that there be clear communication so that I know what the expectations are, um, and I think this training would help that too.

GROENE: But a training that's set by the school system and--

RITA BENNETT: Yes.

GROENE: --by the district, that stays with the school and the classroom as, as administrators come and go would be helpful?

RITA BENNETT: Yes, I do believe it would be. And also, this training would be allowed or would be able to be customized for-- to be appropriate training given what grade level you're at. My grade level that I've worked with are high school students, so grades 9 through 12, and that might differ from, say, an elementary teacher's responsibility or appropriateness of reaction.

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GROENE: That question wasn't meant to disparage administrators--

RITA BENNETT: No, not at all.

GROENE: They just move on in their career.

RITA BENNETT: Correct.

GROENE: All right, thank you. Thank you. Any other questions? Thank you for your testimony.

RITA BENNETT: Thank you.

GROENE: Next proponent.

SCOTT HARTMAN: Good afternoon, Chairman Groene and Education Committee members. My name is Scott Hartman, S-c-o-t-t H-a-r-t-m-a-n, and I am the senior director of National Community Services at Boys Town. I'm grateful for the opportunity to speak with you today in support of LB998, introduced by Senator Murman. Boys Town has been a national leader in the care of children and families since its founding more than 100 years ago by Father Edward Joseph Flanagan. Each year, Boys Town provides help, healing, and hope to over 200,000 young people and families. Last year, through our national training department, we trained over 7,000 educators, administrators, parents, and other school personnel in over 400 schools across the country in our evidence-based model. On our Omaha campus, we serve over 400 students in our middle, high, and day school, which serves students who are unable to attend their regular school because of their disruptive behaviors. As a young teacher from Indiana first arriving at Boys Town many years ago, I was ill-prepared to handle the behaviors exhibited by those students I was charged with teaching. Without the training in behavioral awareness and intervention, I simply would have failed. These students were hurting, their behavior that they exhibited showed that. Many had experienced traumatic events at young ages. I had the desire to do well and I wanted my students to be successful, but that wasn't enough. I needed the training and skills necessary to reach these students. As our former executive director once stated and I'm paraphrasing, we're not all Father Flanagans; some of us need training. In my 25 years at Boys Town, I've had the pleasure of speaking with hundreds of educators. The overwhelming majority indicate they need more training and support in how to effectively reach students who struggle with maladaptive, disruptive behaviors. That's why LB998 is so important. This bill supports efforts to

improve the ability of teachers to ensure safe learning environments through support and training. Through that support and training, educators will acquire the tools they need to effectively and proactively set clear expectations for their students' behaviors, build positive and appropriate relationships, proactively teach social skills or life skills, and integrate these social skills, that instruction into the academic day. They will also learn to address, to correct-- address and correct disruptive student behavior by teaching alternative positive behaviors. Teachers would be equipped to reinforce prosocial behaviors, decrease disruptive behaviors, de-escalate emotionally intense situations without using coercion or physical force. They could develop and implement alternatives to suspensions and other measures that remove students from learning opportunities. This training should be practical. It should be comprehensive. And it should focus on prevention. This type of support and training, when implemented, has been proven to reduce incidents of classroom disruption, reduce the removal of students from the classroom, increase teacher and administrator satisfaction, and improve relationships among teachers and their students, all of which lead to a more positive school climate. I believe LB998 would establish Nebraska as a leader in reaching students who struggle by providing educators with the necessary support to do so. Thank you.

GROENE: Thank you. Are there questions?

WALZ: I had a quick question. Thanks for coming today. Can you just give us a little bit of overview of the types of training that you had at Boys Town?

SCOTT HARTMAN: Yes, Senator. The type of training we received at Boys Town and what we disseminate across the country involves recognizing when students are doing well and reinforcing that appropriate behavior. When students are engaging in appropriate behavior, there's less time to engage in the inappropriate behavior. We also learn to be real clear about what our expectations were. When things didn't go well or students struggled, we learned how to manage ourselves. So, you know, when a young person doesn't want to follow instructions, they become violent. They say horrible things. We learned how to manage ourselves first; how to see past the behavior and say to the student, your behavior is terrible, but you're not, right?

WALZ: Um-hum.

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SCOTT HARTMAN: And how to effectively work with those dealing with behaviors by talking about the behavior, not about the personality. That, that was key. The other part of this is the persistence. Working with teachers about why they got into the business in the first place, and that's love for these kids, right? And the persistence to come back each day and work with those young people who are disruptive, that's, that's a piece of good training. It's not just about the techniques, it's about underlying those. As one of our executive directors once said, science without love is manipulation; love without science is sentimentality. And we really believe good training-- districts that choose good training through this bill and this funding should remember that.

WALZ: And what percentage of training do you think you had-- prevention training as opposed to the technique, like, do you have an idea?

SCOTT HARTMAN: At Boys Town?

WALZ: Yeah.

SCOTT HARTMAN: 100 percent prevention.

WALZ: 100.

SCOTT HARTMAN: We did not get trained in, in, um, you know, when, when things-- we ask others to come in and assist with that, but as an educator, we had those resources. I mean, let's be clear; kids do become violent in most of our districts. We do, we do want students to be safe. We also want teachers to be safe. I wanted to be safe. So if that's, if that's-- if, if-- beyond prevention, it is, is a part of the training. It should be trained well and that should be rare.

WALZ: Um-hum.

SCOTT HARTMAN: Those events should be rare. With prevention, and that's why we like this bill so much, because it is so heavily focused on prevention, prevention, prevention.

WALZ: Um-hum. Thank you so much for coming.

SCOTT HARTMAN: Thank you, Senator.

GROENE: Senator Pansing Brooks.

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PANSING BROOKS: Thank you, Chairman Groene. Thank you for being here today--

SCOTT HARTMAN: Thank you.

PANSING BROOKS: --I appreciate it. I'm just interested-- so you've had quite a bit of experience in this area, which it's great to have you come and testify, do you feel that the, the base rate of the \$2,000 that we're talking about is sufficient to cover and handle all of the teachers, administrators, paras, everybody that is to receive this training every three years?

SCOTT HARTMAN: I'm not prepared to, to testify about the financing of it. My Boys Town business head would say it's never enough, right?

PANSING BROOKS: Um-hum.

SCOTT HARTMAN: But, but I, but I think-- I'm not, I'm not prepared to testify about the funding of that training.

PANSING BROOKS: Can you tell about the funding at Boys Town for that, currently--

SCOTT HARTMAN: The funding of--

PANSING BROOKS: --or those kind of training that you've had in the past? You've had training at Boys Town.

SCOTT HARTMAN: Yes. How much did that cost?

PANSING BROOKS: Yeah.

SCOTT HARTMAN: I'm not, I'm not sure what that cost the organization to put me through that training. I had to go through twice, so it was double.

[LAUGHTER]

SCOTT HARTMAN: I'm a, I'm a slow learner and I'm emotional, so--

PANSING BROOKS: OK, thank you very much.

GROENE: Any other questions? So you go-- you contract with schools across the country--

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SCOTT HARTMAN: Yes.

GROENE: --and you go in and train and you, and you have a presence in the school?

SCOTT HARTMAN: Yes, sir.

GROENE: Do you track incidents where intervention, physical intervention had to take place? I guess my question is; with the training, do those instances drastically drop off because you-- isn't the goal to intervene prior to getting to the point where the, the violence occurs?

SCOTT HARTMAN: Yes, Senator, we do. The schools hold that data so when we do get cooperation from the district to get that pretraining data and post-training data, it-- in every case, behavioral disruptions decrease, suspensions decrease. We don't specifically track physical interventions. Most districts don't report it out that way, in my experience, but yes. And I'd be happy to send any of that data to, to, to you, Senator, that shows that when-- and I'm saying it has to be, you know, there, there are good trainings out there. We just happen to be, I believe, one of them. When these principles that are written into this bill are applied and implemented, I think you will see that in, in any case.

GROENE: Thank you, thank you. Any other questions from the committee? Thank you, sir. Next proponent.

CLAUDIA BROWN JACKMAN: Hello and good afternoon, Senator Groene and members of the Education Committee. I was going to start off with my name, but I have to state I'm very, very nervous, so my apologies if I'm trembling up here. My name is Claudia Brown Jackman, C-l-a-u-d-i-a B-r-o-w-n J-a-c-k-m-a-n. I'm here as a proponent to LB998 and as I'm listening to my colleagues speak, I'm here on the other end. I'm a teacher and a self-defense instructor and I offer supplemental self-protection classes to educators and home healthcare providers. I represent Safe Hands, Healing Hands. Safe Hands, Healing Hands teaches self-protection to educators and home healthcare providers. And that came about-- as a self-defense instructor, I was seeing more and more adults seeking how to protect and defend themselves from the loved ones that they were caring for; dementia, Alzheimer's, and Parkinson's. I saw an increase in school psychologists and educators in my women's self-defense programs. Self-defense and self-protection

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are two separate entities. Myself, a director of mental health specialist at the VA/Doctor of Pharmacy, and a therapist for the Douglas County got together and we created this program. Currently, 80 percent of teachers have been victims of threats and physical violence, as I have been. I believe it is my background as an Aikido instructor that has allowed me to remain calm. Aikido is a nonviolent, self-defense martial art, often referred to as the art of conflict resolution, where we take the aggressor's energy and redirect it in a more positive way. I am trained to protect myself as well as the aggressor, to protect him or herself. It is in my background and strong foundation of Aikido that has allowed me to work in the environments that I work in. I am a strong proponent for LB998 and I appreciate and I want to thank Senator Murman and Senator Groene for having this conversation. I'm here to discuss the after; what happens when educators are slapped, are struck, are bit; their hair is grabbed and punches are thrown; I, myself, have had a banister come at my head. Using my own personal knowledge, I was able to acknowledge, accept, and redirect that individual until the proper individuals who are trained were able to intervene. Our instruction teaches self-protection; not classroom management, but what to do when all of those have failed and the individual is coming at you. Senator, I believe I can answer your question on the finances. Another rationale why I developed this program is because there was an incident that had occurred in a school. A teacher was choked out and subsequently has left the education profession. The school psychologist, her hair was grabbed and yanked out and she was told to put her hand on top of her head, still in front of direct conflict of that individual. I wanted to protect myself legally and so I investigated how much would this cost? It's about \$5,000 to be certified. I said I'm a teacher, I can't afford that. I don't want to be certified, I just want to learn the legal manners to protect myself. For a one-day seminar, it's about \$1,200. For a two-day workshop, it's over \$2,000. We've created Safe Hands, Healing Hands to provide an alternative, less-expensive approach for those individuals wanting to seek self-protection to themselves and, of course, to the students and the individuals that they're caring for. I'd be happy to take any questions if you have any, but I do appreciate this legislative bill coming up. And as you can see, I don't think there are any nays are against this. It's all about proponents and moving forward. Thank you so much for your time.

GROENE: Questions? Senator Walz.

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WALZ: I have a question. Thanks, thanks for coming today.

CLAUDIA BROWN JACKMAN: Yes, ma'am.

WALZ: You mentioned this \$1,200.

CLAUDIA BROWN JACKMAN: Yes.

WALZ: How long does it take, how long does the class period last?

CLAUDIA BROWN JACKMAN: Their classes, their class periods at \$1,000?

WALZ: Yes.

CLAUDIA BROWN JACKMAN: The professional training that is already out there, I believe it was a all-day workshop. We offer meat and potatoes; a sense of empowerment for \$175, which is much more affordable to an individual, a wife, a mom taking care of her husband or a teacher for a three-hour workshop. After that workshop, you're entitled to three further continuing free education classes.

WALZ: What is meat and potatoes?

CLAUDIA BROWN JACKMAN: My apologies, the basics: choking, how to remove yourself effectively, kindly; slapping, overhead strikes, the use of a peril against you; we-- that's, that's the meat and potatoes.

WALZ: OK, so it's basically a protection, protecting yourself?

CLAUDIA BROWN JACKMAN: 100 percent protection.

WALZ: Nothing-- OK.

CLAUDIA BROWN JACKMAN: No, 100 percent protection of yourself and to protect the individual coming at you.

WALZ: All right, thank you.

CLAUDIA BROWN JACKMAN: Yes, ma'am.

GROENE: Any other questions? How about-- did you have a question, Senator Kolowski?

KOLOWSKI: No, thank you.

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GROENE: How about if-- does, does it imply when, when a teacher sees-- I always use Johnny and Susie-- Johnny-- I don't want to be-- Susie's attacking Johnny. That, that-- those techniques could be used to, to uh, to intervene?

CLAUDIA BROWN JACKMAN: No, we do not teach intervention of other students on students. This is specifically an individual targeting me--

GROENE: Oh, thank you.

CLAUDIA BROWN JACKMAN: --or the said teacher.

GROENE: Thank you.

CLAUDIA BROWN JACKMAN: Um-hum.

GROENE: Any other questions? Thank you.

CLAUDIA BROWN JACKMAN: Thank you very much for your time.

GROENE: Next proponent.

KYLE HESSER: Good afternoon. Thanks for having me, Senator Groene and other Education Committee members. My name is Kyle Hesser, K-y-l-e H-e-s-s-e-r. I'm here representing the Nebraska School Psychologists Association. The Nebraska School Psychologists Association is an organization that represents over 340 school psychologists working across the state of Nebraska. School psychologists work with teachers, students, and families to promote the academic, behavior, and social and emotional success of children and youth. NSPA supports LB998 for two reasons. First, increasing school personnel awareness of behavioral, emotional, and mental health needs is critical for promoting positive academic outcomes and for sustaining productive learning environments. Secondly, the collaboration between school and community resources provides support for children and families that directly impacts their success in school, at home, and in their community. Given school psychologists' expertise in mental health promotion, intervention services, and crisis management, school psychologists are the ideal candidates to facilitate the behavioral awareness intervention training and to serve as points of contact between school and community resources in their districts. The Nebraska school psychologists are excited to support the delivery of these trainings, yet we recognize there are currently inadequate

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resources to meet the training needs across the state. Given these inadequate resources, NSPA proposes that there should be significant flexibility in the training requirements, specifically in regards to training and physical intervention for safety. As currently written in the bill, physical intervention for safety training would need to involve all educators. To be effective, training in physical intervention must occur over multiple days to ensure the safe procedures are well learned. Yet we believe that's not practical or necessary for all educators to receive the time and resource-intensive training in physical intervention. There is not currently enough qualified trainers available to deliver these workshops to each educator in the state, nor would there be enough time to provide it. Thus, NSPA advocates that attendance requirements at particular components of behavior and intervention training should be contingent on the individual's role in the school, the behavior and mental health needs of the school district, and the training resources available. Areas that we believe are important components of training for any school staff member should include basic understanding of the effects of trauma, recognizing signs that a student may need additional support, and being able to identify school-based mental health professionals available to provide that support. Additionally, all school staff should receive information regarding positive behavior supports such as proactive teaching strategies, verbal intervention and de-escalation strategies, and risks associated with, with physical intervention. As an organization, NSPA supports LB998 for its potential to increase administrators, teachers, and school staff awareness in ability to address behavior issues that can occur in the school setting. Considering that one in five youth suffer from an emotional, mental, or behavioral disorder and that 70 to 80 percent of children who receive mental health services access those services at school, it is imperative that all school staff understand how to recognize and support students at risk of experiencing mental health and behavior issues. NSPA supports LB998 and is prepared to fill the role it designates for our profession. Please make our statement of support part of the public record for LB998. Thank you.

GROENE: Questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you, Chairman Groene. Thanks for being here. Mr. Hesser--

KYLE HESSER: Thank you, yeah.

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PANSING BROOKS: I appreciate it. So I think you heard the question I asked from the testifier from Boys Town; how-- do you feel that \$2,000 is going to be sufficient to be able to train the number of, of professionals and educators and teachers and paras and nurses--

KYLE HESSER: Yeah, I don't, I don't have the finance numbers for that, although I believe the individual that came up just before-- I think her numbers of \$1,200 per day, I think-- I believe I've seen that before, I think that's probably a reasonable estimate.

PANSING BROOKS: \$1,200 per day?

KYLE HESSER: And those, those physical intervention trainings tend to last two days for initial trainings, in my experience.

PANSING BROOKS: OK.

KYLE HESSER: That would be the MANDT system and I am a MANDT trainer for that, so. Um, yes, that, that, that does require two days training.

PANSING BROOKS: Can you, can you train more than one person at a time?

KYLE HESSER: You can, but as far as MANDT goes, they do require a low teacher-- student to-- or trainee to trainer ratio; I believe it's around six to one. So we're talking-- a lot of trainers would be needed for multiple days of training. So talking about the cost of that for each individual and finding the time to train each individual teacher or staff member would seem quite a lot, in my opinion.

PANSING BROOKS: Thank you very much.

KYLE HESSER: Um-hum. Thank you.

GROENE: Any other questions? That was \$1,200 to train a trainer? So you can go back into your school and, and be a coach and a trainer?

KYLE HESSER: Right, we would use the train the trainer model, right.

GROENE: So, so each school-- a small school could send somebody to MANDT training, they can come home and share what they've trained at the train the trainer, correct?

KYLE HESSER: Yes.

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GROENE: Do you think that schools that have or an ESU that has a school psychologist, that they could be the ones-- I don't know your answer. I mean, that they could be the ones to help recognition in detrimental factors impacting student behavior, including, but not limited to signs of trauma--

KYLE HESSER: Absolutely.

GROENE: --because these are laypeople?

KYLE HESSER: Absolutely.

GROENE: I use the-- I told somebody that a teacher is no different than a mechanic.

KYLE HESSER: Um-hum.

GROENE: You can't ask them to be a mental health professional.

KYLE HESSER: Right.

GROENE: --but you could put on a seminar with teachers and say, here are some signs?

KYLE HESSER: Um-hum, absolutely and a lot of school psychologists routinely do that in our buildings anyway.

GROENE: But they noticed it in a student behavior and then referred to the point of contact?

KYLE HESSER: Yes.

GROENE: All right, thank you.

KYLE HESSER: Yes, we are in a great position to write that--

GROENE: And you're there?

KYLE HESSER: --in my opinion, yes.

GROENE: You could fulfill that part for--

KYLE HESSER: Absolutely.

GROENE: Thank you.

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KYLE HESSER: Yes.

GROENE: Any other questions? Thank you.

KYLE HESSER: OK. Thank you.

BRIAN HALSTEAD: Good afternoon, Senator Groene and members of the Education Committee. For the record, my name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d, with the Nebraska Department of Education. We're here in support of LB998 and we're willing to work with Senator Murman and the committee on refinements to the whole concept here. As I said last Tuesday, this topical area is the top priority the State Board of Education identified as a legislative priority, including not only a bill, but funding to do it. And we're here to work with all of you to tweak the language, make this work so that we actually are addressing-- the representative from Boys Town, I think made it abundantly clear to focus on the positive first, not the negative. So we would wholeheartedly agree with that approach. I'd be more than happy to answer any questions.

GROENE: Any questions? Senator Kolowski.

KOLOWSKI: Just for clarification if I could, please, Brian, on-- how many schools do we have in the entire state, when you look at things, not 240 some districts, but times X number of what?

BRIAN HALSTEAD: So, Senator, there are 244 school districts in the state, depending on how you define school, because there is no consistent definition of a school. If you're talking physical buildings or facilities, that number is going to be different than grade-level configurations. Many of our smaller school districts, in terms of enrollment, have a single physical building, but it's broken up into elementary, middle--

KOLOWSKI: Sure.

BRIAN HALSTEAD: --high school. So I don't know that I can give you a precise number of "schools." If you're talking about grade-level configurations for A QuESTT accountability, it's over 1,100.

KOLOWSKI: OK, thank you.

GROENE: Senator Pansing Brooks.

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PANSING BROOKS: Thank you. Thank you for coming, Mr. Halstead. Again, you've heard my question about the funding and whether that's going to be sufficient and I also heard your comment that we'll focus on the positives and so I presume that means any single piece of dollars and money that we could get, is that, is that what you're saying, basically, that this is viable because we at least have something for all these 1,100 schools?

BRIAN HALSTEAD: Senator, I think the concept Senator Murman has brought forward about starting a funding source to provide the preventative training that staff need is one piece of that. There are a large number of other programs out there. The department has a grant to do positive behavior intervention and supports, which is a federally-funded grant. Many of our school districts already participate in PBIS. So in the sense of trying to align this amount of funding with other funding sources that many may already have or utilize in trying to create a more coherent approach, you heard the-- someone testified about the language in the bill about compliance; that's an aftereffect, we think. Let's focus on moving it forward. Let's shape this such that we can leverage others funding sources that are out there. The department is already working through these grants, creating networks where multiple school districts agree to participate. They bring their pieces, their resources. Aligning a network where they can connect with each other is a concept we found that works. And I think that's a concept that's available for this amount of money. I, I believe the fiscal note says there's about \$1.9 million based on current lottery proceeds, depending on how well the lottery does every year. In that regard, there are other strategies than trying to calculate a per school or per district that may produce a better result. But we're willing to work with Senator Murman, Senator Groene, all of you on a better methodology, ensuring this is working and continues to work ongoing because as you've heard, staff turnover. And the expert from Boys Town had to be trained twice before he was so eloquent in what he does. But anyone who's visited Boys Town, the whole culture starts with the positivity and the impact you can make. That's an important piece of all of this.

PANSING BROOKS: I would agree to that. So you don't think that the grants that you're currently accessing-- you think they'll still be available as this bill goes forward?

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BRIAN HALSTEAD: Well, this bill doesn't stop us from other grants that are doing--

PANSING BROOKS: OK, I'm just wondering.

BRIAN HALSTEAD: The PBIS, again, is a federally-funded grant.

PANSING BROOKS: Ok, I just didn't know if that grant says if there's other--

BRIAN HALSTEAD: Oh, there's--

PANSING BROOKS: --state funding.

BRIAN HALSTEAD: It, it's going to sunset eventually, but we'll apply again for another PBIS. So we're up for-- there's a number of grants the Department of Education has sought from federal government that we're trying to align and leverage with other funding sources, with a number of the innovative grants we're doing now. So I think that's another thing to think through as this bill-- the, the \$1.9 million of lottery funds for this endeavor that Senator Murman has brought forward, some of that can be aligned with some others. Obviously, right now, you appropriate funds. The educational service unit, it's part of their core services' professional development dollars, so. But those dollars--

PANSING BROOKS: OK.

BRIAN HALSTEAD: --I would say right now are also somewhat being used in this environment, so. I think there are ways we can help and we're willing to be involved in the conversation to make this work.

PANSING BROOKS: OK. So I have one other question: you talked about the noncompliance. I don't know if that's what it was-- is that on page 10, is that what this sort of zero-tolerance policy, that if somebody-- if some school or director is found to be in noncompliance with the requirements, then they shall not receive the funding, is that what you're talking about?

BRIAN HALSTEAD: That's over on page 7, lines 4-6--

PANSING BROOKS: OK.

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BRIAN HALSTEAD: --collecting the plans and certifying compliance or noncompliance.

PANSING BROOKS: OK, well I, I'm wondering about--

BRIAN HALSTEAD: We understand there's a need to make sure schools are carrying it out.

PANSING BROOKS: Sorry, right. I'm just wondering about page 10 and section (b), where it basically says that behavioral awareness-- it starts from 9 through 17-- that any school that fails to file the behavioral awareness and intervention training report required under (4) (a) or "that is found to be in noncompliance with the requirements of this section shall not receive behavioral awareness and intervention training." So have, has there been discussion about, like, some sort of probationary period, rather than just saying, sorry, you screwed up and so you're no good at it so we're done allowing you to access this highly-important funding to help your school?

BRIAN HALSTEAD: Senator, there's probably other wording that can be utilized to ensure that the funding that you do get from these grant funds are actually used for that purpose.

PANSING BROOKS: And not having zero-tolerance policies where--

BRIAN HALSTEAD: Well, this doesn't even speak to anything else that the school district has in other areas, whether that be your attendance policy, your student discipline policy, your character educational curriculum that you're required to do. So those are other pieces of this and I think Senator Murman's bill is attempting to bring to the forefront the need of the training piece for staff to understand students'-- behavioral awareness, techniques of how to address some of that use, whether it's a Boys Town model or other. But there is more to this than just that little piece. So I can't answer all of the questions. As to the wording, some of that I understand because lawyers write as lawyers are trained to write--

PANSING BROOKS: Well, OK.

BRIAN HALSTEAD: --so you want the money, you've got to assure us you've spent the money as we intended you spent the money, so.

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PANSING BROOKS: Well, anyway, I just don't understand why it says, you know, if somebody-- if a school doesn't comply, they'll all the sudden-- that's it, it's over. So, I mean, you understand that more of a--

BRIAN HALSTEAD: Well, it probably would point out a school that probably needs greater assistance in understanding the whole realm--

PANSING BROOKS: Yes and not less.

BRIAN HALSTEAD: --their services as a, as a--

PANSING BROOKS: OK, thank you, Mr. Halstead.

GROENE: Any other questions?

WALZ: Can I just ask a quick question?

GROENE: Senator Walz.

WALZ: Thanks, I'm sorry. Thank you. I-- as you were talking about PBIS, I just got curious. Since implementing that program, have you been able to track or see a difference in the number of incidents or not really yet?

BRIAN HALSTEAD: Senator, I can't answer that question, but I can probably get you that information from the staff who work directly with PBIS in the schools that are participating in that and knew the data they would have. But that-- I just used that as an example of another funding stream that could be connected to this, to in fact, make this a more cohesive approach and not another silo of funding--

WALZ: Right.

BRIAN HALSTEAD: --for just the silo of funding.

WALZ: Yeah, I'm glad to hear that.

GROENE: Any other questions? This is-- some of the questions have sounded like this is happening in a vacuum. I think I talked to LPS, they have a program-- training program now at some of the bigger districts. Some don't have anything, smaller ones, but they have already put in their budget training dollars and we are forcing them to do this. They are already doing it, but just looking for a

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statewide-- so this is extra money, really, to help districts who are already doing some type of training, is that not true?

BRIAN HALSTEAD: This would certainly be another source. And yeah, there are a lot of our school districts who are already doing some of this work, a lot of this work. We have some school districts that this may not be their focus. And again, even the individuals who came here and testified about their individual ordeals with students-- you can be the absolute best-trained person. You may have gone through all the training, but the moment something hits you, as to whether you remember all that training or not is the inherent problem of it all. And this bill at least says every three years, which recognizes the need of ongoing, continual learning by the staff and school. If you haven't experienced a certain situation, you're most likely going to forget all that training you had because it's not what you normally do. So, again, it's a recognition and I thank Senator Murman for recognizing there's going to need to be an ongoing education piece just like Boys Town; it's embedded in everything they do, it's not just a one time thing.

GROENE: And I talked to one of your staff at the, the-- I said there's not a-- I asked him about this, what Senator Pansing Brooks was asking. He said there is not a program out there, that our staff did not contact schools and say, hey, you better get this report in, we need this report. I doubt any school district will not get their--

BRIAN HALSTEAD: Yeah.

GROENE: --their plan and without being reminded by the staff at NDE.

BRIAN HALSTEAD: Right and I, I think our look at that language for the state security director is there, more of the role that I think even Mr. Moles and others, the department may be able to provide a little bigger perspective in shaping some of the funding that some of the schools may need more of than not. But that's the stuff we're willing to work with the committee, Senator Murman on to make this effective for everybody and make sure every school environment has positive results for everybody there, including the students and the staff.

GROENE: Thank you. Any other questions? Thank you, sir. Any other proponents? Opponents? Come on, Spike.

[LAUGHTER]

GROENE: Neutral?

SPIKE EICKHOLT: Good afternoon, Chairman Groene and members of the Education Committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska as their registered lobbyist. We are testifying neutrally on this bill. Having said that, for the most part, we actually, we do support most of this bill, not just the concept, but the provisions; not just the required behavioral awareness intervention training and its present form where it recognizes the detrimental science first, the proactive preventive measures and physical intervention as sort of the last step or the last part of that component. But not just those provisions, as other people have testified to, but also the version of the bill that provides a single point of contact where someone who's sort of responsible for this, as well as the coordination or at least interplay with parents and guardians for referring for mental health services and so on too because I suspect-- and the people who actually practice in this area and teach will tell you, I suspect that many times at the schools, the teachers are the first ones to sort of notice something that could be diagnosed later on, before the parents, many times, do. When we-- and the reason we're neutral on this, I'll just be blunt, is because we are aware that this bill, although no one's said it yet, is related to LB147 that's on the floor. Chair Groene explained that and we were debating that bill when that was up for debate earlier this year. We remain opposed to that bill and most of the amendments that are pending on it. I guess-- I can't go through all of them, but there's a number that are on there. When we opposed LB147 and whatever bill that was before that Chair Groene did a couple of years before, the explanations and the arguments that we had is what this bill does and that is support teachers by providing for training resources and we've encouraged that. That's why I don't-- I want to be very careful that we do support that. But this bill is linked to LB147. And if you look at page 8, lines 18-20 on LB998, on this bill, not only are we aware that logistically or politically or whatever that this bill is related to LB147, unfortunately, this bill sort of undermines the purposes of this bill, this section that I highlighted to you, because it provides that any sort of protections or affirmative defenses or whatever it may be contained in LB147 will apply regardless of whether a employee had any training. In other words, if you're going to train staff, if you're going to encourage the training process and sort of protect or reward or whatever may exist in LB147, you should have the training to be an integral part of

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that. So I just wanted to highlight that to the committee. And I want to thank Senator Murman for a really comprehensive and very good bill, for the most part. I'll answer any questions that you may have.

GROENE: Senator Walz.

WALZ: Thank you. Maybe you just said this, but I missed it because somebody texted me--

SPIKE EICKHOLT: [LAUGHTER]

WALZ: But in the bill on page 8, line 18, it says, "any protections and defenses found in the Student Discipline Act shall not be made contingent on whether or not an employee of a school district has completed behavioral awareness and intervention training."

SPIKE EICKHOLT: Correct.

WALZ: Can you--

SPIKE EICKHOLT: Well, I don't know-- What I think that means it-- well, I don't know because it's kind of phrased oddly, but LB147 is amending the Student Discipline Act. The Daily case already has interpreted the Student Discipline Act by providing teachers with some protections as long as they act reasonably, consistent with the school, the purpose of the school and effort to bring students education. LB147 does something more that which we are opposed to. And it's unclear whichever form it may be in, if it's-- ever comes up for debate again, it's ever passed, whatever affirmative defense immunity that provides, this seemingly says the teacher, the staff gets it whether they've had any training or not. And that's counter-intuitive, that's sort of-- you'd, you'd want to train staff so they just do the right thing, so they help students and they maintain order in the classroom. You want to incentivize that or you want to encourage that. And if you're going to provide protection or defense or whatever it may be called in LB147, I think you want to have the training be fundamental as their, as a-- I think you want to have it be contingent.

WALZ: Yes, thank you.

GROENE: Any other questions? I have one but my-- he tells me what to, what to ask.

[LAUGHTER]

GROENE: Do you know why that's in there? It fits under the political subdivision Tort Claims Act, that if they're following the policy-- the employee-- the employee plus the district is protected because there's always that instance as we've talked-- we don't have enough funding or enough time for a big school district to train everybody immediately. As you mentioned, the Daily case--

SPIKE EICKHOLT: Um-hum.

GROENE: --already says they can do it--

SPIKE EICKHOLT: Right.

GROENE: --with no training. So we wanted to make sure the Daily case-- in statute, it's already there, I believe. And what Senator Murman, after we discussed them, says they're already protected as is. Any school district, in their right mind, will eventually get everybody trained. But what would happen, sir, if you just hired a substitute teacher and a kid comes in the room with a, with a gun or starts beating up the teacher, would you want to be the lawyer suing, suing the school district because that teacher didn't have training and saved somebody's life?

SPIKE EICKHOLT: Um, well, you said a lot there so I'm trying to respond to it.

GROENE: It was in the background so you know where my question is coming from.

SPIKE EICKHOLT: I, I--

GROENE: Would you want to be the lawyer suing the school district?

SPIKE EICKHOLT: Well, I'd be suing because of someone-- who would be suing the school district?

GROENE: Because they didn't have any training,

SPIKE EICKHOLT: So that-- I just want to make sense, so the cause of action would be the upset that someone got in there with a gun?

GROENE: Yeah.

SPIKE EICKHOLT: OK.

GROENE: And well-- and the employee was just hired, had not had training yet--

SPIKE EICKHOLT: Right.

GROENE: --and did intervention.

SPIKE EICKHOLT: Well, I'm just-- OK, so the-- somehow the para did something with the person with the gun and that may have caused some sort of injury, as your example, to the person with a gun. I don't know where you'd even have a cause of action, frankly, against the school.

GROENE: Isn't that the point?

SPIKE EICKHOLT: Well, that may be, but maybe I'm missing it. But I don't know that your example really speaks to this phrase. I think this is pretty general, broad language and it's, it's directory. It shall not be contingent. I mean, it's not an optional, it's not a fact, you know, fact intended, that dependent it's not permissive. It says-- essentially, one way to read it-- it's kind of written passively, maybe, but another way to write it is an employee is entitled to protection, whether they have training or not, part of the Student Discipline Act, and I don't know that, if that's a good policy; how it's meant, it's not. If you want to have training to encourage appropriate behavioral intervention by teachers, you want to have that training be required.

GROENE: But somehow, we have to protect the district and that employee if they do the right thing and they're caught in that gray area where they-- they then have-- just got hired, there isn't a training seminar to send them to and something happens. That would protect them under the political subdivision Tort Claims Act because the school had the policy; they followed the policy, they just didn't have the training.

SPIKE EICKHOLT: Well, the Tort Claims Act is going to protect the teacher--

GROENE: Yeah.

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SPIKE EICKHOLT: --regardless. The district might be on the hook, somehow, I don't know.

GROENE: It's just that loophole that needed to be protected for liability purpose. I believe that's why that's in there. Thank you. Senator Kolowski had his hand up.

KOLOWSKI: Yes. Thank you, Mr. Chairman. The simple fact of-- I had a, I had 140, 150 classroom teachers at Millard West, another 50 or 60 support staff, 2,500 hundred kids. To put all the training in place, just with that one building--

SPIKE EICKHOLT: Um-hum.

KOLOWSKI: --in the Millard schools, is a massive task. And to have everyone on board with that training at the same time, it calls for a lot of, a lot of people to, to make it happen.

SPIKE EICKHOLT: Yeah.

KOLOWSKI: And you're going to be in different places at different times with different people as all-- as you're having school every day. That is a tremendous opportunity, but also work that you're trying to get that done. And I think we need to, we need to work with the districts and in their plan of how they're going to go and institute this program across the board, K-12 education in their district. Aside from that, there's no magical pill to take or anything else; you've got to get in there and do it and, and make it happen and then live with the results on a daily basis. That's more of a statement than anything else, but I hope you understand the magnitude of human interaction that would be necessary for this to take place.

SPIKE EICKHOLT: If I could just respond, I think I know what you're saying. There ought to some time to sort of phase it in, so to speak, but--

KOLOWSKI: There's no question you can't.

SPIKE EICKHOLT: But this language will remain on the books--

KOLOWSKI: Sure.

SPIKE EICKHOLT: --until it's repealed.

KOLOWSKI: I understand that.

GROENE: Senator Pansing Brooks.

PANSING BROOKS: Thank you, Chairman. Thank you for coming today, Mr. Eickholt. So I just had a couple of questions. I do feel that the bill is good as far as, as positively training the teachers and helping teachers to know what they can and can't do. What I'm wondering is do you feel that-- and maybe it just doesn't need to-- does it go-- does it speak adequately enough to due process protections for the, for the kids?

SPIKE EICKHOLT: It doesn't actually speak at all to that.

PANSING BROOKS: That's my thought so I just wanted you to talk about that, if you will.

SPIKE EICKHOLT: I thought about that. To be fair, I think Senator Murman was focusing on the districts, the teachers, the teachers' staff; that's the nature of the bill itself. And in the statutes that it amends, it doesn't necessarily speak directly to the due process protections for students and the different accommodations that might need to be made for individual students and students of certain need. But that's certainly something that I'd be willing to, to help with, if anyone would invite me to the table.

PANSING BROOKS: I guess that's the part that concerns me because LB147, with the amendment that has been drafted, does not take into full account of the due process protections and then this doesn't really address it either.

SPIKE EICKHOLT: That's right.

PANSING BROOKS: So I'm trying to figure out where that all weighs in and so that's part of my concern about this. The other thing that I'm interested in is your take on the fact that if, if a-- I mean, I'm talking beyond whether or not they file the appropriate report, it also says if they, if they are not in compliance with the requirements of the section, then they're going to not receive funding, which to me seems like cutting your nose off to spite your face. If we want teachers trained and they don't do it appropriately because they either don't understand or something happens and then all of a sudden they're punished, that-- those kids are more vulnerable or those

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teachers are more vulnerable at that point just because they messed up the first time.

SPIKE EICKHOLT: I think that's a good point because if they get 90 percent of the way, they may lose everything and you don't--

PANSING BROOKS: Yes.

SPIKE EICKHOLT: --you want it to be at least 90 percent better. And I don't know if, you know, I don't-- the term compliance and noncompliance, I suspect, have some sort of meaning that I don't really realize. And so it didn't, I didn't appreciate it as much as when you highlighted it at an earlier question. But I think your point is right. I didn't highlight it when-- in my earlier comments until I listened to your questioning earlier, that that might be something to look at.

PANSING BROOKS: OK. Thank you, Mr. Eickholt.

GROENE: Any other questions? Spike, due process; isn't the fact that it says reasonable-- that is due process because if it-- that puts it into the court where the parent or the student says I don't believe it was reasonable, then it goes to the court and due process takes place. That also-- doesn't due process say a parent, you can go to the administration, to the teacher and have a meeting, that's due process? Those types of due-- this doesn't-- does this bill affect due process on LB147? I mean, it's-- those types of-- if it's, if it's not reasonable, it's battery. Therefore, due process is the county attorney gets involved and the police get involved. Neither one of these bills steps over the line, does it, about what present due process for any, a citizen in the United States of America or in the state of Nebraska?

SPIKE EICKHOLT: Well, I don't-- as far as LB998, I agree with you. I don't think this really talks about due process as far as the rights of the student, rights of the parents. I think that LB-- and I don't talk about this now, it's not fair to Senator Murman, but I would just-- I think LB147 is problematic on due process on a couple of grounds, not just for the protection of the student, but the right of the student to get an education and other things like that. But I don't want to give into that-- we'll talk about that later, I'm sure.

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

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SPIKE EICKHOLT: Thank you.

GROENE: You were a very pleasant, neutral testifier.

[LAUGHTER]

GROENE: Any other neutral?

EDISON McDONALD: Hello, my name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm the executive director for The Arc of Nebraska. We advocate for people with intellectual and developmental disabilities. We're testifying in the neutral capacity in regards to LB998. While we are very appreciative of the increase focused on training, upon inspection of the legislation, it was clear that there were still far too many unknowns for us to support it. LB998 provides funds for the Behavioral Cash Training Fund. While this is a positive step forward, we've asked consistently in the conversation around an LB147, many times, for training and are happy to see this step in the right direction. Providing this as a base is key to ensuring the safety and well-being of individuals with intellectual and developmental disabilities. We'd also like to thank Senator Murman for focusing more on things like detrimental signs, positive behavior supports, de-escalation guidelines on removal, and behavioral intervention. However, we are concerned with the immunity or decreased legal responsibility related to LB147 and the same section that Spike pointed out to per page 8, line 18, "any protections and defenses found in the Student Discipline Act shall not be made contingent on whether or not an employee of a school district has completed behavioral awareness and intervention training." This is inconsistent with how the Education Committee has previously acted on training bills such as in LB923. There was a similar immunity piece connected in there that this, that the previous Education Committee had removed. This is also inconsistent with how we go and treat our developmental disability direct professionals in NAC 391,1-006.13E. Our hope is that this issue will be fixed and that we can move forward. We do have a few other concerns, including the broad nature and lack of specificity. We're unsure as to whether this training is required, previous to any sort of action on a student. If we're going to go and provide this training, then it should go and be directly related to whether you can go and take any sort of direct physical intervention action and ensure that those are interconnected. Third, we'd like to ensure the long-term funding. While that has been a little bit clarified, having listened today, we are still unsure about if the

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funding will last. And we want to ensure that this is a serious and long-term commitment as this is-- has tremendous effect on a great amount of students. We believe ultimately, the process that really should happen is the same process that we've talked about previously: ensuring that first, we take the steps to go and track, gather data, and analyze; second, then we should go and focus on training; and then third, we need to make sure that we're dealing with some of the issues of improper restraint already happening; and then fourth, then talking about training for actual physical intervention. What we need is more funding for mental health supports in schools and not just a contact source. We believe that-- we have some questions about this and how this will actually end up playing out. I hope you'll consider these recommendations. And if you do move forward with this, I'd hope that you do so in a thoughtful and comprehensive way that ensures no student will be afraid to go to school because they're improperly restrained. And lastly, we really want to make sure and would like to ask Senator Murman to meet with us to talk about these issues and a variety of other disability stakeholders. That was one stakeholder group that was left out in this conversation and we believe it should be inserted in the ongoing dialog. Thank you.

GROENE: Any questions? Thank you. Any other neutral? We had letters: proponents was Lynne Elwood from League of Women Voters of Nebraska; Rodrigo Lopez and Liz Lyons from Children's Hospital and Medical Center; from the Nebraska Child Health and Educational Alliance. Opponents was Nebraska Association of Social Workers and School Social Work Association of Nebraska. Neutral was Crisis Prevention Institute and Voices for Children. Senator Murman, would you like to close?

MURMAN: Well, thank you very much, Chairman Groene and members of the Education Committee for your consideration today on LB998. Also, I want to thank the administrators, teachers, ESUs, and, and behavioral health people that came in and, and testified today. We deliberately left it open as to how the training would take place. You know, it, it could be done with the MANDT training, Boys Town, CPI, and, and using the trainer-- "train the trainer" method for the different school districts. So we left local control in there to allow the, the districts to continue the training that they're already doing in most, all cases. As far as on page 8, line, I think 18-20 of the bill that was addressed; a part of the reason that that's in there is because the training won't begin until '21 and '22 and wouldn't be completed until three years after that. So we just wanted to make it clear that it wasn't contingent on this training being completed. And then also

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the question about how quickly it could be done; we deliberately left three years, about one-third of the people to be trained each year for three years so that we had enough time. It's a big task, as was mentioned, especially in the big schools, to get everyone trained. So that's the reason we have the three-year period. I guess with that, I'll just ask, is there any more questions?

GROENE: Senator Kolowski.

KOLOWSKI: Just for clarification; the three years-- if you take that one-third, one-third, one-third approach for the three years, you're also adding new teachers every year, replacement teachers. You'd have to have-- there's a lot of balls in the air to make this all work. And to have that take place is-- it's crucial that we think in terms of a longtime rather than a short time.

MURMAN: Um-hum.

KOLOWSKI: It's not just three years and it's done; we don't have to do this anymore, let's go on to the, to the next cute thing, whatever it might be. This is serious work and it has to be there and, and looked at on a yearly basis--

MURMAN: Yeah.

KOLOWSKI: --to get me as strong as it can be.

MURMAN: Yeah, sure. It's very serious so that's why-- also, as was mentioned earlier, the new teachers coming in, new employees coming in, that we have the opportunity to train them each year, each of the three years also, so.

KOLOWSKI: And we haven't even dealt with the sub pool.

MURMAN: Yeah.

KOLOWSKI: All the substitutes we'd like to have.

MURMAN: Yeah, most schools are doing it already. We just want to do everything we can do to help and enhance the training that's taking place.

KOLOWSKI: Thank you.

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GROENE: Are you done, Senator Kolowski?

KOLOWSKI: Yes, sir.

GROENE: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you again for bringing this, Senator Murman. I was wondering, do you-- I didn't see it-- was there any discussion about having something that sort of follows whether or not the training is working, that we see a decrease in incidents and I just wondered if you had discussed that our thought of-- had discussions about that?

MURMAN: No, we haven't had a discussion on that. You know, it's a, it's a process and, and I think it's just very important to get started with the training. Those components that you discussed would be good things to maybe, you know, keep track of as we go forward.

PANSING BROOKS: Thank you.

MURMAN: Thank you.

GROENE: Just to clarify: teachers are being beat up today. Children are being harmed today. Children are raising tables and throwing furniture today. And every teacher who's on the frontlines is-- an administrator is addressing that today, is that not true?

MURMAN: Yeah, it's true.

GROENE: So this is a process, I liked your word "process," that we're trying to get to address it. And we, and we understand the restrictions of the, the financing and the ability to train, as Senator Kolowski said. But, but aren't you just trying to get the process started that should have been done a longtime ago?

MURMAN: Yes. You know, the funding and the training is-- we're getting started as soon as we can. And that's the whole reason for the bill. You know, it's a problem that needs to be addressed to protect everyone in our schools.

GROENE: Do you think maybe we'd get some teachers to stay in the classroom knowing some help is coming?

MURMAN: Sure. That's an issue, an issue that, that fits into this.

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GROENE: Thank you, Senator Murman. Any, any other questions?

MURMAN: Thank you very much.