

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 26, 2021
Rough Draft

Does not include written testimony submitted prior to the public hearing per our COVID-19 response protocol

WALZ: Good morning and welcome to the Education Committee. I am going to review a few of the COVID-19 hearing procedures before we begin. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearings to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter through the hearing room when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit doors to the hearing room. We request that you wear a face mask covering while in the hearing room. Testifiers may remove their face covering during testimony to assist committee members and transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by a Sergeant-at-Arms who will allow people to enter the hearing room based upon a seat--seating availability. Persons waiting to enter the hearing room are asked to observe social distancing and wear a face mask covering while waiting in the hallway or outside the building. The Legislature does not have the available-- availability, due to the HVAC project, of an overflow hearing room for hearings which attract several testifiers--testifiers and observers. For hearings with a large attendance, we request only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. Welcome to the Education Committee hearing-- public hearing. My name is Lynne Walz, from Legislative District 15. I serve as Chair of the committee. The committee will take up the bills in the posted agenda. On hearing-- our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off or silence cell phones or other electronic devices. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks. If you will be testifying, please complete the green testifier sheet and hand it to the committee clerk when you come up to testify. If you

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have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, state and spell your name for the record. If you're not going to publicly testify, you can turn in a written testimony with a completed green testifier sheet. If you would like your position 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 are not testifying in person and would like to submit a written position letter to be included in the official hearing record as an exhibit, the letter must be delivered or emailed to the office of the committee Chair of the committee conducting the hearing on the bill or LR by 12:00 p.m. on the last day-- on the last work day prior to the hearing. Additionally, the letter must include your name, address, state a position, for, against, or neutral on the bill or LR in question, and include a request for the letter to be included as part of the public hearing record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. Finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green is five minutes remaining; yellow is one minute remaining; and then you wrap-- you'll wrap up your comments when you see the light turn red. The committee members with us today will introduce themselves beginning at my far right.

McKINNEY: Good morning. My name is Terrell McKinney. I represent District 11, which is north Omaha.

MURMAN: Hello, I'm Senator Dave Murman, District 38, which is Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

MORFELD: Adam Morfeld, District 46, northeast Lincoln.

LINEHAN: Good morning. I'm Lou Ann Linehan, District 39, which is Elkhorn, Valley, and Waterloo in Douglas County.

DAY: Good morning. I'm Jen Day. I represent District 49, which is northwestern Sarpy County.

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SANDERS: Good morning. Rita Sanders, District 45, the Bellevue-Offutt community.

WALZ: I'd like to introduce my committee staff. To my immediate right is research analyst Nicole Barrett. To my-- to my right, at the end of the table, is committee clerk Christina Konecko McGovern. And our pages today are Rebecca Heckel and Savana Brakeman, so welcome today. Please remember that senators may come up and go-- come and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphone and limit side conversations and making noise on personal devices. We are an-- an electronic-- electronics-equipped committee and information is provided electronically, as well as in paper form; therefore, you may see committee members referencing information on their electronic devices. Be assured that your presence here today and your testimony are important to us and it is crucial to our state government. Lastly, a reminder, please allow the pages to sanitize between-- before-- between testifiers. Today we're going to begin with confirmation hearings for gubernatorial appointments or reappointments. The first will be-- we'll be hearing from Clay Smith, who is-- we'll be hearing from for the Nebraska Education Telecommunications Commissioner. So, Clay, can you hear us?

CLAY SMITH: Yes, I can. Good morning, Madam Chair.

WALZ: Good morning. Thank you for being here today.

CLAY SMITH: Why don't I give you a little bit of background. Thank you, members of the committee. Good morning. My name is Clay Smith. I live in Lincoln, Nebraska, with my wife Beth and our three daughters. I am before you today to seek reappointment to the Nebraska Educational Telecommunications. I would like to share a brief history of my background because I think it's relative to my service on the commission. I was born and raised in Lincoln. I attended Lincoln Public Schools. I attended the University of Nebraska-Lincoln on a swimming scholarship. After my freshman year, though, I transferred to Stanford University, where I graduated with distinction in economics, and I also got a master's of science and engineering from Stanford University in Palo Alto. In college, I was very active in student government. I was on the student senate. I was involved in Stanford in government, where I was the first intern for Congressman Bereuter. I

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served two years on the Stanford Board of Trustees as a student representative, and I was a teaching assistant at the Graduate School of Business and the Stanford Graduate School of Engineering. I was an intern with IBM and [INAUDIBLE] in their planning department during my time at Stanford. Upon graduation, I joined Booz Allen Hamilton in New York City as an associate and was promoted to a senior associate. Booz Allen is an international business consulting firm, primarily serving Fortune 500 companies. My clients included General Electric, GTE [INAUDIBLE] Allied Signal, Pratt & Whitney Aircraft, United Technologies, and AT&T. After Booz Allen, I went on and became a principal at Hellman & Friedman in San Francisco. Hellman & Friedman is an international investment banking firm active in corporate restructuring and financial advisory services. Some of our clients included Hewlett Packard Corporation, McKesson, American President Line, and Federated Department Stores. I did return to Lincoln back in 1990 to rejoin our family business. Today, I'm president of Speedway Motors, an international e-commerce and catalog merchant for performance auto parts, headquartered here in Lincoln. We-- alongside my three brothers, we have operations in five states with over 500 associates, and we're celebrating our 69th year in business. I'm also the sole general partner of J-- B&J partnership, known as Speedway Properties. It's one of Lincoln's largest commercial property developers and managers. We actively support historic preservation throughout Lincoln. I was honored four years ago when your committee appointed me to the Nebraska Educational Telecommunications Commission. I had long been a passionate consumer of NET television and radio. Like many of you, I grew up with NET as it offered superior television quality that teaches, enlightens, entertains, and inspires my household. But I was exposed to NET at a very personal level as a young man as Ron Hull, NET's founding director, and his wife Noni were our neighbors and their son Kevin was my best friend. I can still recall dinners at the Hull's being entertained by many of Ron's fascinating guests. Two that stick in my memory from my-- my youth were dinners with Husker tailback Joe Orduna and John D. Neihardt. During my term on the commission, NET has built on its national reputation for success and we've really accomplished a lot during my term. We did the FCC-mandated conversion from analog to digital. We've successfully navigated the Spectrum auction. We introduced NE-- Nebraska Capitol Live, which is the streaming in all the government venues. We managed and expanded our content for schools with

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educational partnerships with the university and with the State Department of Education. We relocated our UNO tower in Omaha and we continued making award-winning documentaries and local programming and expanded our Nebraska coverage of high-school sports, as well as Husker volleyball, Creighton and UNO sports. I've been active in the governance at NET during my term. I served two years as the NETC board chair, and I've been on the executive and finance committee for many years. I feel like I was an effective advocate for NET within our congressional delegation. My wife and I previously served as the southeast Nebraska co-chairs and hosted the kickoff fundraisers for NET's successful \$25 million [INAUDIBLE] Nebraska campaign. And that was-- I was also instrumental in the creation of Nebraska Stories fundraising campaign that honors my good friend Ron Hull. As a commissioner, I think I am uniquely positioned to share experiences and successes that we've had in our company because we've embraced all the new communication technologies within our company. We have a successful digital marketing campaign that includes SEO, SEM. We and our companies have over 16 million unique visitors to our website annually, making over a half-billion impressions. We have 1.5 million followers socially. We send our 57 million emails a year to 2 million subscribers, and our videos have been viewed by our friends and customers 74 million times. Looking forward, NET will be challenged once again with another technology transition as we embrace the next-generation terrestrial broadcasting system standard. This is collectively known as ATSC 3.0. I'm willing to help through that transition. As you know, Nebraska is a special place. We have so many things that bring us together and bind us together. It's our public power, it's our statewide university system, and it's our passion for our sports, specifically volleyball and our football team. Similarly, I think NET's statewide coverage and statewide programming, NET networks is also a great unifier for our state. I thank you for your continued support of NET and if reappointed, I'm excited to serve the state of Nebraska as an NET commissioner and I welcome any questions you might have.

WALZ: Thank you so much. Do we have any questions from the committee? OK, I do have a question, or a couple. This is Senator Walz. Did I hear that you had a swimming scholarship to UNL?

CLAY SMITH: I did indeed. I was actually the first class to swim at Devaney.

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WALZ: Nice. My daughter is a swimmer so that-- when I hear that, it kind of perks me up a little bit.

CLAY SMITH: Yeah, I know how hard your daughter worked then.

WALZ: Yeah, she did. So, you know, we all know that Nebraskans very much appreciate all the benefits that we receive through NET. What are some future goals that you might have?

CLAY SMITH: Well, I think actually the transition to AT-- ASTC 3.0 is a really important one because it actually is a redesign of the television viewing experience, which brings higher audio and video-- video quality with improved compression efficiency. You know, it's a robust transmission for reception of both mobile and fixed devices. And that means for all Nebraskans, it's going to be more accessible, more personalized, and it's going to have more interactivity. It's based on many of the same protocols that are [INAUDIBLE] phone for pop-- the popular streaming media platform. And it's also modular so it actually can be grown and expanded over time. It's starting to be adopted in other NE-- other stations around the country, and it'll be a major challenge for us to fund that and to grow that within the states.

WALZ: All right. Thank you so much for your time today. At this time, we ask for any proponents to testify. Any opponents? Anybody in the neutral position? All right, again, thank you so much, Mr. Smith, for joining us today. This closes our hearing for the gubernatorial reappointment for placement. Our next confirmation hearing for a gubernatorial reappointment to the Nebraska Education Tele-- Telecommunications Commission is Marilyn Hadley. Marilyn, are you there?

MARILYN HADLEY: Yes, I am, Senator Walz. Can you hear me?

WALZ: Yes. Good morning, Marilyn. Thank you for joining us today.

MARILYN HADLEY: Good morning.

WALZ: I'm going to take a minute again and just let the committee members introduce-- introduce themselves.

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McKINNEY: Good morning, Marilyn. My name is Terrell McKinney. I represent District 11.

MURMAN: Good morning. I'm Dave Murman, District 38, which is Clay, Webster, Nuckolls, Franklin, Kearney, Phelps in southwest Buffalo County.

MORFELD: Good morning. Adam Morfeld, District 46, northeast Lincoln.

LINEHAN: Good morning, Marilyn. Lou Ann Linehan, District 39, western Douglas County.

DAY: Good morning, Marilyn. This is Jen Day. I represent District 49, which is northwestern Sarpy County.

SANDERS: Good morning. Rita Sanders, District 45, the Bellevue-Offutt community.

WALZ: Thank you. Again, thank you for being here today-- or for calling in today. You can begin any time you would like.

MARILYN HADLEY: Thank you. And thank you, Chairman Walz and the Education Committee members, for meeting with me, inviting me today, consider my request for reappointment to the Nebraska Educational Telecommunications Commission. I'm a native Nebraskan, having been raised in Red Cloud, where my father was a small businessman and my mother a retired teacher. I attended UNL and was-- during that time was a page in the Legislature, and so I have particular interest in proceedings. My 39-year career in education began as a junior high teacher of civics and history, followed by 30 years as a professor and administrator in higher education. My husband and I enjoyed working together at three institutions of higher education in Colorado, South Dakota, and Nebraska, and we were very happy to have had the opportunity to complete our careers at the University of Nebraska at Kearney. Since retiring from UNK, I've had the opportunity to serve the Kearney community, as well as the state of Nebraska, as a volunteer member of various nonprofit organizations. My interest and experience in education have drawn me to working with organizations that have a focus on education. Serving on the Educational Telecommunications Commission has been a rewarding experience because I've learned of the dedication and expertise of NET staff that is

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behind the quality educational program that is offered to all of the citizens of Nebraska. I'm a longtime consumer of public TV and radio, and I balance-- that I value the balanced news programming and informative educational programs that are offered. As a commissioner I've had an opportunity to work with the leadership team quarterly and have come to respect the each-- the expectations of each. We are fortunate to have a creative and dedicated staff who ensure Nebraskans receive programming about Nebraska as well as PBS programming. I currently chair the NET Commission. The work of NET is noteworthy about-- and has been recognized nationally with awards. The funding that the Legislature provides to support NET is certainly an excellent investment in enhancing the quality of life for Nebraskans. I look forward to serving on the NET Commission another term and thank you for your time and consideration. I would be happy to answer any questions you have.

WALZ: Thank you, Marilyn. Are there questions from the committee?
Senator Morfeld.

MORFELD: Hi, Marilyn. It's Adam Morfeld. I hope all is well. I hope Galen's doing OK, too, staying out of trouble. One question that I had is as the-- as the-- as the chair of the board, and Senator Walz brought this question up a little bit earlier with the-- with the previous board member that we're looking at reappointing, what-- what are some of the future goals of NET? And it's-- I-- I think NET's actually stayed on the cutting edge when it comes to public radio and public television. But what's-- what's the plan to-- to stay on the cutting edge and-- and to, you know, to attract a new generation of viewers?

MARILYN HADLEY: Well, I mean, one of-- one of them is that-- is-- is integrating the-- the redesign of transmission, as-- as Clay spoke about, and that's a-- that's a big challenge ahead, but a-- a wonderful opportunity. But in addition to that, the-- the-- the maintenance of existing equipment is really an ongoing issue. We're-- being a statewide network with our transmitters and translators all around the state, and weather conditions are a factor, sometimes needing replacement or repairs. And I know during COVID that-- that this has been a special challenge because getting workers out, keeping them safe has been a challenge. And the same thing has been true during-- during COVID with the staff inside NET. We have not had any

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meetings of the commission, first of all, because we could not meet in person, and secondly, that there was really a concern for isolating, keeping the staff away from any threat to their health. So in the future, I see that this is-- hopefully in the new normal, that we will-- that the staff will continue to do their work without feeling this isolation and this threat to their health. I think-- just one more thing I wanted to highlight. I think one of the things that-- that the staff and certainly all of us should be very proud of is the original programming that NET develops. And if you've watched Nebraska Stories or if you watch Backyard Farmer, you know what quality programming that can be developed.

MORFELD: Thanks, Marilyn. And I was just watching last night and there was some good programming, too, so I appreciate it. And I-- I'm sure you'll keep us up to date with the needs over there in terms of technology upgrades and-- and other things that are needed. Thank you.

MARILYN HADLEY: Yes. Thank you.

WALZ: Are there any questions-- any other questions from the committee? I see none. Marilyn, again, I want to thank you for calling in today and talking with us. Nebraskans do appreciate all the benefits, again, that they receive from NET, you know, not only the transparency that they get from, you know, in our government, but also all the educational programs, as well as the sporting events that many fans like to enjoy. So thank you so much for your work and thank you for joining us today.

MARILYN HADLEY: Thank you. Thank you. It's a pleasure. Best wishes to all of you.

WALZ: Thank you. Are there any proponents that would like to speak? Any opponents? Anyone in the neutral position that would like to speak? I see none. That closes our confirmation hearing for Marilyn Hadley, and we will open the confirmation hearing for gubernatorial reappointment at the Nebraska Education Tele-- Telecommunications Commission with Paul Turman.

PAUL TURMAN: Good morning, Madam Chair, members of the committee. My name is Paul Turman. That's spelled P-a-u-l T-u-r-m-a-n. I'm currently the chancellor of the Nebraska State College System. Thank you all may

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be aware that I arrived here almost two years ago, and I'm now filling the vacancy from former Chancellor Stan Carpenter, the final two years of his term. I was confirmed by the senate, education, and then ultimately the Legislature in 2019 when I first arrived. So for the last two years I've had the opportunity to serve on the commission and help kind of advocate for the great work that it does. I think Commissioner Smith and Marilyn had indicated some of the great work that we're doing, so I won't belabor that. I'm certainly going to answer any questions that you have. I think just certainly the things that we do within the State College System really reinforces a number of the elements that NET helps provide to-- to the state, providing strong educational content to Nebraskans no matter where they're at. And I think the opportunity to be able to work alongside of other educators, having representatives from the community college, the university system, K-12 with Commissioner Blomstedt, as well as myself, make sure that the-- the voice of education is integrated into the great kind of digital work that-- that occurs. One of the things, and I think the important element, and it's the-- the ATSC standards are critically important. And I think that that will be challenging work for our commission to really take up over the next five to six years as we look to see how we can integrate new streaming technologies, leverage ourself onto that infrastructure, and see how we can begin to develop content that is really specialized for the very citizens of the state of Nebraska. So you're all fa-- very familiar with the various content that-- that NET helps provide, both great programming about Nebraska and our history, but then also providing, I think, during the pandemic an opportunity for students who may be homeschooled or working remotely to do various types of educational engagements at different levels. I think every time, as I watch the session conclude on NET in my office, it kicks over and I get the opportunity to-- to relearn sixth grade and seventh grade algebra. And I-- I know that those are the types of things that the students across the state and families across state really do benefit from. We also continue with the ongoing great programming and making sure that citizens in the state, but then also outside of the state, have the opportunity to see the great athletic as well as fine arts activities that really no other avenues really provide, that streaming content for-- for parents or grandparents who may live outside of the state to still get to see their children participate in those types of engagements. And so my background, I lived in-- was born and raised in

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South Dakota, grew up in Pierre, had the opportunity to come and-- and receive a Ph.D. from the University of Nebraska-Lincoln, about 20 years ago, and then the opportunity to return. But in the 12 years when I was back in Pierre, South Dakota, I certainly worked and engaged in a number of board activities. I was a member of the school board. I was the president of the state library board. I was a president of our United Way. I was also on the high school activities association board in affiliation with the-- my school board activities. And so I certainly understand the fiduciary responsibilities of being on a board and the great work that the commission can do and also what my role is: making sure that we're utilizing the resources as wisely as we can for the state of Nebraska. I'd be happy to answer any questions that the committee might have of my opportunity to continue to serve.

WALZ: Thank you. Thank you. Do we have any questions from the committee? I don't see any. Thank you so much.

PAUL TURMAN: Oh. Thank you so much, appreciate it.

WALZ: That closes our confirmation hearing for-- oh, are there any proponents that would like to speak? Any opponents? Anybody that would like to speak in the neutral position? All right, that closes our hearing for the gubernatorial appointment for Paul Turman. And we will open again for-- the confirmation hearing for Coordinating Commission for Postsecondary Education with Paul Von Behren-- oh, I'm sorry, Mary Lauritzen.

MARY LAURITZEN: Hello?

WALZ: Hello. Mary?

MARY LAURITZEN: Yes.

WALZ: Hi, this is Senator Walz. How are you?

MARY LAURITZEN: Good, thank you.

WALZ: Good. Thank you for calling in and talking with us today. I'm going to start with letting the committee members introduce themselves.

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MARY LAURITZEN: Fine. I'm watching on livestream, so I'm fine.

WALZ: All right.

McKINNEY: How are you doing? My name's Terrell McKinney. I represent District 11, which is north Omaha.

MURMAN: Hello, I'm Senator Dave Murman from District 38. I represent seven counties to the--

MARY LAURITZEN: Yes.

MURMAN: --east, south, and west of the tri-cities: Hastings, Kearney, and Grand Island.

MARY LAURITZEN: Yes, I'm good. Thank you. I'm getting double feedback here.

_____ : Tell her to turn her feed either off or down.

WALZ: Turn the what?

_____ : Her--

_____ : She's listening--

PANSING BROOKS: She's listening on TV.

_____ : --and she's watching it on her laptop.

WALZ: Oh.

_____ : Tell her to turn that off or down, will you?

WALZ: OK, you might want to turn-- is it the TV?

PANSING BROOKS: Your computer.

WALZ: --oh, your computer off--

MARY LAURITZEN: Oh.

WALZ: --or turn it down.

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MARY LAURITZEN: I did, yes.

WALZ: OK, thank you.

MARY LAURITZEN: You're welcome.

PANSING BROOKS: Hi, I'm Patty Pansing Brooks, representing District 28 right here in the heart of Lincoln.

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

LINEHAN: Good morning, Mary. It's Lou Ann Linehan, District 39.

DAY: Good morning, Mary. This is Jen Day, District 49, which is northwestern Sarpy County.

SANDERS: Good morning. Rita Sanders, District 45, representing the Bellevue-Offutt community.

WALZ: All right. Again, thank you for being here today, Mary. You can begin whenever you are ready.

MARY LAURITZEN: All right. Thank you. This will be my 21st year to serve on the Coordinating Commission. I was originally appointed by Governor Johanns in 2000. I can't believe I'm saying those numbers, but that's how it is. I'm the native of Gary, Indiana, and my blue-collar, urban, second-generation American background has made me like from another planet when I moved to Nebraska. But I've been in Nebraska for 45 years. I'm married to an optometrist who-- and we are now gloriously retired, but we've worked hard our lives and we are very involved and active in our communities. Service on the commission is one of the things I do that I care about very much and our relationship with education, and especially higher ed, is our commitment to all those professional years of running an optometry clinic in rural Nebraska, making sure children could see in order to learn. So I was involved very strongly with a support group for the National Optometric Association. I served as president of their women's [INAUDIBLE] auxiliary. I helped establish in Nebraska the Nebraska Foundation for Children's Vision. We spent a lot of time making sure school screenings go well so students get updated and revised and reviewed. And one of our great accomplishments in the last few years has been to be part of an incredible opportunity with OPS

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and the OPS school vision screening project, which came out of Building Healthy Futures, the group in Omaha that identified the need, the high-need student population that was underserved, highly and strongly underserved and not doing well in school, and trying to improve the completion rates. I mean, God forbid those go to college. Let's finish eighth grade and high school, too, you know, so. So we've participate-- we have established this-- this school vision screening project to address the needs of 56,000 kids in the OPS system. And we were able over a three-year period, 2015 to 2018, to screen at least 31,000, identify a lot of need, a lot of-- we have backed up with support and-- I'm sorry, contributions regarding providing eyeglasses and eye exams for kids. It was a most remarkable collaborative. And in that group was our own organization, the Foundation for Children's Vision, Children's Hospital, OPS, the Optometric Association, Blue Cross Blue Shield, a whole-- a whole array of people in this child vision collaborative that still exists and now has provided for a mobile vision van and goes to the school and continue to make sure that kids can see. And I say all that because my service on the commission all these years has been kind of like the ultimate blossoming of this impact of making sure the pipeline, those kids from 8 through 12, are ready to go into higher ed. And because of my blue-collar urban background, I grew up in a trade world. I grew up in a steel town. I was surrounded by plumbers and electricians and my family was in construction and as a result of that, I'm probably the least credentialed person on the Coordinating Commission. I have an associate's in fashion merchandizing, which-- which has served me well through the years, but I also respect and really care about the impact and influence of the community college system in Nebraska, the State College System, and of course the university system. But living in the shadow of Northeast Community College and seeing what those schools do and what they have done, the evolution of [INAUDIBLE] in Nebraska is phenomenal, and the contact with communities. I call myself operating from the trenches, and we do-- on the commission-- one of the benefits of having a commission is we come from all over the state of Nebraska and we go all over the state of Nebraska. We choose to meet in all the various institutions. And my favorite thing to say about this work is we review and research and recommend. We review all the curriculum that goes into all the institutions of higher ed, from the beauty colleges up to the Med Center, all the way in between. Our staff does research that provides all the background detail on what goes on in

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higher ed [INAUDIBLE] and what the various percentages participation are, and it's phenomenal. The reports that come out of the commission are unlike anything anyone else does, so please read it when you get it every few years. It's a biennial report. And we recommend to the Legislature based upon the knowledge that we gained and earned as part-- through all our work. So what else do you need to know? [LAUGHTER] Oh, I'm very active politically. That's the other thing too. [LAUGHTER] And I-- I kiss the ground Senator Linehan walks on [INAUDIBLE]

WALZ: OK. That's great. Thank you so much. Are there any questions from the committee members? Senator Pansing Brooks.

PANSING BROOKS: We all sort of worship the ground that Senator Linehan walks on.

LINEHAN: That's not true.

PANSING BROOKS: Well, so anyway, Ms. Lauritzen, I was just wondering, with your voluminous experience, how has the commission, the-- the Coordinating Commission changed? I think you said you've been on it 21 years.

MARY LAURITZEN: Yes, yes.

PANSING BROOKS: How has it changed-- what have-- how have the issues changed? What has happened to-- that has been an interesting progression for you to watch?

MARY LAURITZEN: Thank you, Senator Brooks. That's the cue. That was the first thing I was going to tell you all. I-- thank you for that. That has been the most amazing thing, because if you learn anything-- and those of you who have served long term, or even medium amount of term, on any kind of organizational structure, you know that just the way-- just because you did something a certain way is how it always will be. Higher ed has changed a lot. It's been kind of insidious. It's kind of revolutionary. But the beauty part has been, again, being the least credentialed member of the commission, I recognize the fact that not every single person must have a four-year degree. And I know that used to be blasphemy at one time, but we have a remarkable need in the state for [INAUDIBLE] and we see these programs in the high

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schools now, the Pathways and the career academy and the opportunities for kids who are not that good at academics but really come through, really blossom, really learn how to fly in regard to exposing them to the trades and skills. And I've seen it firsthand. One place we have a fantastic program here with Northeast, covers eight school districts. And again, I mentioned pipeline before. I'm a firm believer in the strength of that pipeline makes higher ed better, but also the acknowledgment that the state needs people who know how to do all kinds of stuff. And so the beauty of having served for 20 years is I've seen that happen; I've been the ivory tower academics more or less basically accept it [INAUDIBLE] And I'm proud to say that last year I did receive from Northeast Community College a distinguished service award. I-- because my cheerleading for them, which can't be stopped [INAUDIBLE] be noticed by [INAUDIBLE] but whatever. I-- I can, again, say it's probably the greatest revelation [INAUDIBLE] serve on the commission, not to mention the good people that [INAUDIBLE] but-- so--

PANSING BROOKS: Thank you so much.

MARY LAURITZEN: Is that-- yeah.

WALZ: Are there any other questions from the committee? Mary, thank you for being here today. I did-- you know, as I hear you talk, I think about-- I had the opportunity to travel across Nebraska and I visited a lot of the colleges. And it really is exciting to see the opportunity that there is for all kids.

MARY LAURITZEN: Oh, yes.

WALZ: So--

MARY LAURITZEN: Oh, I totally agree, yes. Good for-- thank you for saying that. Yes.

WALZ: Absolutely. At this time, are there any proponents that would like to speak? Any opponents? Anybody in the neutral? All right, that's-- closes our hearing for the confirmation of Mary Lauritzen to Coordinating Commission for Postsecondary Education, and it will open our confirmation hearing for Coordinating Commission for Postsecondary Education with Paul Von Behren. Paul, are you here?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 26, 2021
Rough Draft

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_____ : He has not called me.

WALZ: OK. Take a breather. Good morning, Paul.

PAUL VON BEHREN: Good morning.

WALZ: How are you today?

PAUL VON BEHREN: I'm sorry?

WALZ: I said, how are you today?

PAUL VON BEHREN: I'm doing well.

WALZ: Good. This is Senator Walz. We are so glad that you could join us today. Before we begin, I'm going to have the committee members introduce themselves.

McKINNEY: Hi, Paul. This--

PAUL VON BEHREN: That will be fine. Thank you.

McKINNEY: Oh. Hi, Paul. This is Terrell McKinney. I represent District 11, which is north Omaha.

MURMAN: Hello, Paul. This is Dave Murman from District 38, representing seven counties to the southeast and west of Kearney and Hastings.

PANSING BROOKS: Good morning, Paul. I'm Patty Pansing Brooks. I represent Legislative District 28 right here in the heart of Lincoln.

MORFELD: Hi, Paul. Adam Morfeld, District 46, northeast Lincoln.

LINEHAN: Morning, Paul. Lou Ann Linehan, western Douglas County, District 39.

DAY: Good morning, Paul. This is Jen Day. I represent District 49, which is northwestern Sarpy County.

SANDERS: Good morning. Rita Sanders, District 45, the Bellevue-Offutt community.

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WALZ: All right. Again, Paul, thank you for being here to speak with us. You can begin any time. Paul? Is he still there? Hello? Paul, are you still with us?

PAUL VON BEHREN: Are we back?

WALZ: Yes.

PAUL VON BEHREN: OK, I'm sorry, we must have had a glitch in that connection, so. No, that's fine. I appreciate the opportunity to be here. Just a little bit about myself, my name is Paul Von Behren. I'm from Fremont. I have been here roughly just-- just short of 40 years in Nebraska, married to my first wife for about 52 years, a couple children, three grandchildren. And my-- my vocation, I'm actually a veterinarian. I received DVM from Iowa State and at that point I went into private practice. And it's always interesting to-- as they say, you get two careers in life. You get the one you planned and then the one that you actually received. So my planned practice career early in-- in my term took a bit of a different detour. I became very interested in production systems as a means of maintaining health and animal welfare, rather than just always reacting. So at that point, I left practice. I actually spent about 15 years in the genetics industry, the swine genetics industry, which was a really interesting gig because swine genetics obviously are not fundamentally different than humans in so many principles. But from there on, as the industry evolved, our role became defining the systems, managing them, and as systems developed and technology became standardized, then it all became, how well can you form them and how well-- how well can you build them? And so I did several projects for ADM, Archer Daniels Midland. And at that point came the late career, real-- realizing that it's going to take some retooling to do the rest of what I wanted to do. So I went back to UNO and did an MBA there. And following that, I went on to work with Cargill doing a number of projects for them around-- actually around the nation. So it's been a varied career, but the common theme-- the only reason I mention all of that is the common theme in it all is business. In the process of that career, we also started five individual private businesses. And if there's one thing that's probably defined my life more than anything, it's just the simple-- I like the results orientation of business. There are clear goals. There's clear accountability. And in a lot-- many regards, that's what this commission defines. We have accountability on a

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number of levels. I'm constantly intrigued by the number of issues. We are-- we-- we sit basically in the middle between the Legislature and the administrative boards. And because of that, we get to see both sides. And it's a very interesting aspect and it's been quite an experience. I was appointed to the commission in 2017. And if there's probably one interest that I have, it's just simply maintaining the results focus. The-- the projects that we get involved in, for example, we approve some, you know, some ten-- ten-figure building projects. We approve academic programs. We manage the administration of a number of grant programs, some of the-- for example, the ACE scholarships are an excellent program. And as Mary said, our community colleges over the last even five years have begun to rapidly surface as one-- I believe, or my personal bias is that they are one of the best educational values in Nebraska. So overall, we have a system that we can be very proud of and I'm just very interested in staying connected and staying involved with that. So with that, I'll turn it over for questions.

WALZ: Thank you, Paul. Are there any questions from the committee?
Senator Murman.

MURMAN: Hello, Paul. It's great to hear from you. My question-- well, I guess, I-- I should say, first of all, it's great to see someone that's so closely involved in agriculture involved with the commission. My question would be, what do you see as the future of the colleges that now are involved with the commission? What is their future in the role of both production agriculture and agriculture from the academic side?

PAUL VON BEHREN: I think it can be quite good. One of the-- and I do not mean this one critically at all, but I will just be candid. We are forming a center for agricultural resiliency and it's actually quite a novel concept. It's-- the University of Nebraska is combining the inputs of about 11 departments to coordinate their efforts into what is-- they are looking ahead, of course, at the current topics of production and population growth and climate change and the things that we have def-- defined as priorities. And they are trying to come up with a way of measuring and not just-- it has become such a diverse field. As you know, agriculture has become such a-- well, I hate-- I hate to-- well, it is truly a business. But at the same time, it is also very personal to the people who actually produce our food. And

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the one thing that I would caution, the only concern I have about that, as you view this as a Legislature, on that commission for sustainability-- the center for sustainability, there were no ag producers or ag agencies listed as participants. Now that obviously can develop. That's something that they may have a plan for later on. But I think our future is quite good because we have the academic assets to build what we need. But I think as we get more and more disconnected, as we see more and more of a population become urban and less familiar with what really has to be done within agriculture, I'm just concerned that we might lose touch with that and try to dictate policy from what seems to make common sense versus the view of the people actually doing the work. I hope that makes sense, but it's-- I think it's a good concept. But like everything else, it has to be measured from both sides.

MURMAN: Yeah. Thanks a lot, Paul. Farmers and those that produce food are definitely in the very minority and we need to continue to tell our story. Thanks a lot.

PAUL VON BEHREN: Well, I've worked in agriculture for roughly 60 years now. And what's been fascinating to me is that there has been no group more resilient. When you look at what has been done for food production through sheer efficiency, what we don't think about is that if we had not done that through intensive methods and intensive production, the next available land, to take that for food production, becomes wildlife, recreational land. We have preserved an enormous amount of wildlife and recreational land through the in-- innovations of the ag industry. And I think there's a huge bow to be taken there that doesn't get acknowledged in too many cases.

MURMAN: Thank you.

WALZ: Thank you. Any other questions from the committee? I see none, so thank you very much, Paul, for joining us today and speaking with us.

PAUL VON BEHREN: I appreciate your time. Thank you so much.

WALZ: Thank you. Do we have any proponents that would like to speak? Any opponents? Anyone in the neutral position? I see none. This closes

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our confirmation hearing for Coordinating Commission for Postsecondary Education.

WALZ: [RECORDER MALFUNCTION] ...and get started. Before we begin, I'm going to go over some COVID-19 hearing procedures. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearings to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit doors to the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist the committee members and transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by a sergeant at arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to enter a hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the availability, due to the HVAC project, of an overflow hearing room for hearings, which attracts several testifiers and observers. For hearings with a large attendance, we request that only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. So with that, I'd like to welcome you to the Education Committee public hearing. My name is Lynne Walz from Legislative District 15, which is all Dodge County. I serve as the Chair of the committee. The committee will take up the bills in a posted agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please turn off or silence cell phones and other electronic devices. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks. If you will be testifying, please complete the

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green testifier sheet and hand-- hand to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make the copies for you now. When you begin to testify, state and spell your name for the record. If you're not going to publicly testify, you can turn in a written testimony with a completed green sheet-- green testifier sheet. If you would like your position 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 and would like to submit a written position-- position letter to be included in the official hearing records that exhibit, the letter must be delivered or emailed to the office of the committee chair of the committee conducting the hearing on the bill or LR by 12:00 p.m. the last workday prior to the public hearing. Additionally, the letter must include your name, address, state of position for, against, or neutral on the bill or LR in question, and include a request for the letter to be included as part of the public hearing record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. Finally, please be concise. Testimony will be limited to five minutes. We will-- we will be using the light system. Green means that you can start, yellow is one minute remaining, and red means that you should wrap up your comments. The committee members with us today will introduce themselves beginning at my far right.

McKINNEY: Hi, everyone. My name is Terrell McKinney. I represent District 11, which is north Omaha.

MURMAN: Hello. I'm Senator Dave Murman from District 38 and I represent seven counties to the west, south, and east of Kearney and Hastings.

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

LINEHAN: Good afternoon. I'm Lou Ann Linehan, District 39: Waterloo, Valley, and Elkhorn in Douglas County.

DAY: Good afternoon. I'm Jen Day. I represent District 49, which is northwest Sarpy County.

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SANDERS: Good afternoon. Rita Sanders, District 45, the Bellevue-Offutt area.

WALZ: I'd like to introduce the committee staff to. My immediate right is research analyst Tom Arnsperger and to the right end of the table is committee clerk, Kristina Konecko McGovern, and our pages today are Rebecca and Savana. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphone and limit side conversations and making noise on personal devices. We are an electronics equipped committee and information is provided electronically as well as in paper form. Therefore, you may see committee members referencing information on their electronic devices. Please be assured that your presence here today and your testimony are important to us and crucial to our state government. Lastly, a reminder to please allow the pages to sanitize the chair on the desk between testifiers. And with that we will open with LB92 and Senator Clements. Welcome.

CLEMENTS: Thank you, Madam Chair and members of the Education Committee. I am Senator Rob Clements, R-o-b C-l-e-m-e-n-t-s. I represent Legislative District 2. And I'm here to introduce LB92. LB92 amends Section 85-502, which currently establishes residence requirements for state postsecondary educational institutions and Section 85-607 that prohibits the denial of admission of homeschool students into publicly funded colleges or universities if they meet testing requirements. Currently under 85-502, high school students who graduate from a Nebraska public or private high school are assumed to be residents of Nebraska for purposes-- purposes of in-state tuition rates at our post-secondary educational institutions. Homeschool graduates under Section 79-1601 are not assumed to be residents for tuition purposes and are required to separately apply for in-state tuition. This differential treatment has caused delays and confusion for Nebraska homeschool graduates during their admissions process. LB92 addresses this problem by including homeschool graduates in Section 85-502 treating them the same as Nebraska public and private school graduates in regards to residency. Additionally, this bill strengthens Section 85-607 by adding nondiscrimination language against disparate treatment of a student on the basis of being homeschool educated. In my opinion, there's no logical reason to treat Nebraska students educated in a homeschool in the state differently in

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regards to residency just because they graduated from a nonaccredited high school. Accreditation has nothing to do with being a resident of the state. The only enrollment action that Nebraska students, students should have to face at a postsecondary educational institution should be based on academic achievement, not on where they were educated. This bill was brought to me by the Nebraska Christian Home Educators Association; and their representative, Dave Lostroh, will be testifying after me. I thank you for your consideration of LB92, and I'll try to answer any questions at this time.

WALZ: Thank you, Senator Clements. Questions from the committee? Senator Day.

DAY: Thank you, Chairwoman Walz. Senator Clements, thank you for bringing this bill. I actually had a conversation with a constituent the other day about this specifically. Her family, I believe, was one of the first families in Nebraska to-- to try to address the issue. And it sounds like the residency or I guess the lack of the ability to-- to get in-state tuition also affects the homeschool students' abilities to get certain scholarships as well. So I don't know if somehow we are including in this bill, if that automatically would allow them to be accepted for consideration for these scholarships as well, or if that's in your bill or I don't know if you can speak to that.

CLEMENTS: And I think Mr. Lohsatroh might more directly mention that. But I have had communications from constituents who said they-- their student-- home school student qualified for a Regents scholarship.

DAY: Yes.

CLEMENTS: But they were worried if they were called nonresidents that they would lose that scholarship. And I don't address it in here. If they're just-- if they're residents, any in-state requirement has been met. And it didn't need to specifically address that.

DAY: OK.

CLEMENTS: It's just that if they were still going to be classified as nonresidents, they could lose the scholarship.

DAY: OK.

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CLEMENTS: But in my opinion, this-- the changes we're making here will solve that problem.

DAY: OK, great. Thank you. And I do have one other question if it's all right. The other thing that she had mentioned was it sounds like when a homeschool student takes classes from maybe like a virtual out-of-state establishment, then those transcripts are sent into the university system. And so they're basing the potential residency on where the transcripts are coming from. Is that how I understand it? Or I'm just making sure that I think that was an issue for her and if that's going to be cleared up with this bill as well. Does that eliminate that issue too?

CLEMENTS: I did not address that directly in the bill.

DAY: All right.

CLEMENTS: And I hadn't had that issue brought up to me. And I would ask Mr. Lostroh to address it if he knows the particulars there.

DAY: OK, great. Thank you, Senator.

CLEMENTS: Yes, thank you.

WALZ: Thank you. Any other questions from the committee? I see none. Thank you, Senator Clements.

CLEMENTS: Thank you.

WALZ: We'll ask for proponents.

DAVID LOSTROH: Senator Walz, members of the Education Committee, my name is David Lostroh, spelled D-a-v-i-d L-o-s-t-r-o-h. I serve as a board member and legislative liaison for the Nebraska Christian Home Educators Association. The NCHA is a proponent of LB92. LB92 would eliminate the confusion, worries, wasted effort, and discrimination that home school graduates and their parents experience when applying to Nebraska state colleges, including UNL, UNO, UNK, and perhaps some of the others. Typically, what happens is that the students and parents apply online thinking that all as well. And later they receive a letter to the student that says, quote, You are eligible to attend University of Nebraska-Lincoln or other as a nonresident for tuition

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purposes. And for those students and parents who have lived in Nebraska for years, this comes as a shock. The UNL website says you will be classified as a nonresident if you are not attending a Nebraska high school or you are not a graduate of an accredited Nebraska high school. The problem here is that Nebraska homeschool students' parents do not believe this applies to them because their legal homeschool high school was in Nebraska with the documentation provided to the Nebraska Department of Education. Eventually, the students and the parents discovered that because the state does not believe or count the student graduated from a Nebraska high school, he or she should be treated as a nonresident until the parents-- assume the parents provide proof that the student is a Nebraska resident. In some cases, the proof consists of submitting a copy of the parents Form B, which is associated with the information sent to the Department of Education. But even here, some parents believe that if the signature on the Form B is enough to prove residency, then the address and signature on the student's transcript should suffice as well. But in one case, UNO has required parents to provide copies of the deed to their home and their federal and state tax returns. And in yet another case, a family has had three students that have been taking classes as high school students at UNL and UNO under dual enrollment and were subsequently required to prove that they were Nebraska residents when applying later as freshmen. And there's no consistency. Some people are treated one way and some are treated another when they contact the university about this. The delays incurred while provide-- proving residency status creates needless disgust, discomfort, and even fear for students and parents. Some fear losing already qualified Regents scholarships. These students and parents who feel discriminated against are-- and are disgusted may feel that by objecting the student would not get the resident status and would not qualify for in-state scholarships. And perhaps the scholarship money will be used up by the time they get there. LB92 will clear this up by including homeschool students in the statutory list of those not automatically considered nonresident until proven otherwise in 85-502. So that is the solution. We add home school students to this list. And you can see from the quote there, it says you're counted as a nonresident unless. And so that's how this would fix it. The antidiscrimination wording adding to 85-607 in LB92 is included because there has been discrimination towards students coming to state colleges from law-abiding homeschools. Home school graduates

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and parents have not complained about this problem until submitting fall of 2021-- that's to the best of my knowledge-- but for new student applications. And apparently the state colleges and universities did not enforce the 85-502 nonresidency law towards homeschool students until the fall of 2020 new student applications. So this law has been here for a long time. Because of the recent changes in procedure, the state colleges, somebody at the state colleges has to know about this situation. But rather than seeking to change the law to help Nebraska resident home school students apply as resident students, initially, they have rather allowed the law to become a discriminating hindrance to resident homeschool students with little or no explanation. In addition, UNL and other state colleges and universities should have made it more clear on the websites as to why and how to provide the information to prove residency. That was confusing too. Various answers were given. I think it's fair to say that most people who are trying to help homeschool students and parents with this felt bad for the-- for them having to go through this. So I think the average employee at UNL and all these colleges felt bad, but their job is to enforce what they're told. So somebody higher than them is making this call. The NCHA is a proponent of LB92. We urge the committee to vote it out to the floor. And we would ask that no additional restrictions be added. Of course, we would have to change our position. I'd like to answer or give an answer to this, I think it was Senator Day you asked this. This has just recently come up to my attention. And right now the bill says for schools under 79-1601, and it doesn't address schools from out of state. So I think that-- that it would be good to add something to that because we have another-- another bill that came through a couple of years ago. And it had to do with homeschool students or graduates becoming-- going into the real estate field. And they included "or similar in other jurisdictions" or something to that effect. So this, you brought that up and we would be all for adding that in. This was an oversight, I think, to, to, to, to not be aware that that was a problem until just the last day or so. And so we would like to add that in so.

DAY: OK, great. Thank you.

MORFELD: Thank you, Mr. Lostroh. Any-- any questions for this testifier? Senator McKinney.

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McKINNEY: Thank you for your testimony. My question, when students apply for aid through FAFSA, I know parents are supposed to provide tax information rather than [INAUDIBLE] information. Were there like-- was there some situation that occurred that you're aware of that prompted the universities to change their stance on this?

DAVID LOSTROH: Well, I can't speak to who made that decision. I mean, the highest authority, I think, within the university system is the Regents. Now I don't know if the Regents made this decision to start enforcing the fact that homeschoolers were not on the list of automatically approved. So I can't speak to who made that decision. As far as the income tax information, it wasn't consistent. It was like the employees were unsure exactly what was needed. So some said we want tax records because surely that's going to be enough. Now this is a supposition on my part, but I know that there was one case of that, but that wasn't in other cases. So presumably the people trying to sort through this that worked for the university weren't really clear what was necessary because they asked for different things, depending on who you talk to.

MORFELD: Any other questions? OK, thank you, Mr. Lostroh.

DAVID LOSTROH: Thank you very much.

MORFELD: Any other proponent testimony on LB92? Welcome.

CYNTHIA HAYES: Hi.

MORFELD: Would you just begin by saying your name and spelling it.

CYNTHIA HAYES: OK, my name is Cynthia Hayes, C-y-n-t-h-i-a, Hayes, H-a-y-e-s. I reside at 3805 Orchard Street here in Lincoln and I am testifying in support of LB92. So my husband and I are homeschool parents. We have lived in Nebraska since 1995. My husband Mike walks to East Campus on workdays and is a proud faculty member of UNL. I received my master's of science degree in nutrition from UNL in 1999. We have a son, Riley, who is a Regents scholar at UNL. And our daughter, Olivia, is a senior in high school at our homeschool, Hayes World Explorers. In August of 2020, my daughter, Olivia, completed her online admission process to the University of Nebraska. Her acceptance letter arrived in early September. I felt a feeling of happiness and

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success wash over me as we read of her preliminary admission. But then I read the words, "You are eligible to attend University of Nebraska-Lincoln as a nonresident for tuition purposes." My feeling of happiness plummeted to confusion and angst. What did this mean and how did it happen? Our son Riley did not have any trouble being granted resident status when he applied in 2017. When I called the admissions office, I was told that Olivia would not automatically be considered a resident because she did not graduate from a Nebraska high school. Her status could change to resident if I submitted the Form B authorized parent representative form. This form is submitted to the Department of Education when a family elects to homeschool. Form B simply has my name, our address, the name of our school, and my signature as a parent representative. After the call to admissions and I actually should add, I called admissions more than once because, as was mentioned earlier, there really was confusion about what I was supposed to do. I had to call. An email did not clarify it for me. But once I found out, oh, Form B, I decided, OK, I'll do this. So I uploaded the form on to our account on the UNL website and I waited for her status to change. After I submitted the Form B, my feelings about doing it changed. It was fairly simple. However, it should be unnecessary. If my signature on a Form B is enough to establish Olivia as a resident, then a signed transcript should be sufficient. As I looked back on-- I look back on the situation, I realized that I was afraid to object. Olivia needed resident status to compete for in-state scholarships. If I objected, maybe they would refuse to grant the resident status and she wouldn't get the scholarship she needed. When I looked even deeper into how I felt about this situation, I discovered another emotion that surprised me. I felt discriminated against. This is something I never have felt before and expected to feel. Simply because we-- h'm, that's interesting-- sorry. Simply because we chose to educate Olivia in a different manner than the majority of Nebraskan students-- I don't know [INAUDIBLE] sorry-- she is treated differently. That's unnecessary and it's wrong. Our family has generously given volunteer hours and money to various charities in Nebraska, including to the university. I create a monthly newsletter for Lincoln Area Home Schoolers that promotes Nebraska Colleges, Nebraska scholarships, Nebraska internships, and more. And I verbally am a proponent for Nebraska. As a matter of fact, early this morning, my son and I enjoy going out for our Meals on Wheels route that we do every Tuesday. However, even if our family weren't active supporters

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of Nebraska and its colleges, our daughter shouldn't have to jump through hoops to get resident status upon admission to the admission-- to the university. She should get residency because she lives in Nebraska. This is easily established by my signature and address that is included on the transcript that I submit when she is on her online admission process. So that was-- that transcript was present. You know, we did the whole online process and I had put in the transcript at that point. It was not signed because you don't do that until it's a final transcript. But my address was on there. Because of what we experienced and because I believe the situation is unjust, I support the LB92 bill to prohibit publicly funded state colleges and universities in the state from discriminating in any manner, including residency classification, against any homeschool student. I would like to save future homeschoolers the trouble of having to deal with this and also really in the interest of Nebraska, which I love and the university which I love, it's not a good thing for the state of Nebraska to treat their-- their citizens this way. And it just completely changes the excitement of moving your child into college, which you have worked all these years for, to have the slap in the face of saying you're not a resident. So thank you.

MORFELD: Thank you, Ms. Hayes. And good to see somebody from the East Campus neighborhood.

CYNTHIA HAYES: Yes.

MORFELD: I'm just down the street from you.

CYNTHIA HAYES: That's right.

MORFELD: Any questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming today. I appreciate it. I understand your passion and I appreciate it. So you didn't talk to anybody when she applied at the university or elsewhere? I'm just-- I'm sort of, I mean, I agree. If somebody is a resident, they shouldn't have to go through extra steps. And so I just-- I'm surprised that nobody's really tried to go to the university or to the other schools and say, change your form.

CYNTHIA HAYES: Well, I did.

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PANSING BROOKS: OK.

CYNTHIA HAYES: So I've had extensive conversations. So when this first came about, like I said, when this first happened, I thought, OK, I'll turn in my Form B. And then I heard from other people that were having trouble and they were bothered by it. And actually I really should have turned to NCHEA because I'm a member and-- and I should have realized they would help me with this. But I just was kind of stunned. And really I did feel paralyzed because I thought, well, if I argue with this, they can decide that she's not a resident and then she can't, you know, it changes her-- her ability to get scholarships. So I did feel kind of powerless. I did follow up with calls and talked to them about, you know, whether or not this was going to change. And they were very apologetic. As was mentioned earlier, the people in admissions were not happy about the situation and they had confusion about what had to happen. And they would move me from one person to another. And one person in particular said, well, if this situation is known at the university, it's being talked about. And he was supposed to get back to me, which he hasn't. But everybody was very conciliatory, but their hands were tied. So I had to-- I had to jump through the hoops basically. I didn't have time, you know, because she's competing for scholarships.

PANSING BROOKS: And is she applying right now? I'm just [INAUDIBLE]

CYNTHIA HAYES: Yes. So we applied in August of 2020.

PANSING BROOKS: OK.

CYNTHIA HAYES: And because they did classify her as a resident, she has been awarded a in-state scholarship. And one of those reasons that you apply early is there's several advantages. But also if you-- if you know that she has gotten the scholarship, you don't have to keep having her take the ACT again and try to get that score a little bit higher or whatever. So it does impact how you plan for things.

PANSING BROOKS: Um-hum. I understand the aggravation. Thank you for coming to testify today.

CYNTHIA HAYES: Thank you for hearing me.

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MORFELD: One second. Let's see if there-- are there any other questions? Senator Day.

DAY: Thank you. I just have one more question and thank you for being here today. And I appreciate your passion and advocating for your child. Sometimes I think that it's parents who are passionate about their children and are wanting to advocate for them that end up changing things for the better. So I appreciate you being here. I did have one question. And you had mentioned that when Olivia applied was when you found out about this, but it was different from when your son had applied in 2017. And this was also something that I had discussed with a constituent of mine. And it sounded like there was a change in the application process in terms of how it was going through an app or something, and that was different. Or so I didn't know if that's where the-- where it had come up or it was like had become automated or if there was no change from your perspective in the application process.

CYNTHIA HAYES: Well, both times I would have applied on my desktop.

DAY: OK.

CYNTHIA HAYES: So I did not use an app.

DAY: OK.

CYNTHIA HAYES: It's possible that the questions were different.

DAY: OK.

CYNTHIA HAYES: But with him, there was, you know, my-- my recollection of this is that I, I got the letter and I thought, what-- what does this mean? I mean, because I actually am the type I actually keep the letter because I'm so excited and I put it in their scrapbook. And so I was so, you know, I got the letter for him and it said, you know, he's got, you know, he's in. And so my recollection is, is that I, I, I got this letter and then I emailed and said, what's going on? And then they said, you know, you have to do these other things. And it was just confusing.

DAY: OK, so there was no difference in the application. You felt like maybe it was a decision that was made outside of the application process. Or you [INAUDIBLE]

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CYNTHIA HAYES: I can't speak to exactly--

DAY: Sure.

CYNTHIA HAYES: --what triggered it. But I would have indicated when he applied, I would have indicated that he was a homeschool student.

DAY: OK.

CYNTHIA HAYES: And I would also say that I-- I think that I actually, with Olivia, uploaded the transcript for her earlier in the application process than I did for Riley. And on that application, I do-- do have our address.

DAY: OK.

CYNTHIA HAYES: And-- and she also was getting transcripts sent in from SCC and from Concordia because she was taking classes there.

DAY: OK. OK.

CYNTHIA HAYES: So there were other indicators that she was a Nebraska resident.

DAY: Sure, sure. OK, thank you.

MORFELD: Any other questions for Ms. Hayes? OK.

DAY: Thank you.

MORFELD: Thank you very much.

WALZ: Do we have any other proponents? Any opponents? Anybody who would like to testify in a neutral position? Senator Clements, would you like to close?

CLEMENTS: Just briefly, thank you, Madam Chair. Addressing the question about taking an out-of-state online course, in talking to my LA, he said that the parents will still file that course with the Nebraska Department of Education showing their Nebraska address and we'll research the issue. It may need an amendment, but it may not.

WALZ: OK.

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CLEMENTS: And we'll bring it to the committee if it's determined that we really should have that. But I'm not sure that's a problem. And the other thing is, why are we bringing this bill now that somehow became a problem in this last year, 2020? And prior to that, it's been handled administratively and it looks like it needs statutory change. In the bill in 85-502, it says: a person is not deemed to have established a residence unless: and then there's (1), (2), (3), (4), (5), (6), (7), (8), (9). Item (9) says graduated from a public or private, parochial-- public or private high school in this state. And then we're adding or completed a program of instruction by a school which elects not to meet the accreditation, which would be the homeschool. We're tacking that on. That's really what we're changing here. And evidently, somebody has gone into the statute and decided that they're-- they're directed to say if you're not graduating from a public or private high school, that they're not sure they can award resident tuition. And would there be any other questions?

WALZ: Senator McKinney,

McKINNEY: I have a couple. Are you aware of this-- this change was made because a possible accrediting-- accreditation issue or did somebody retire or chan-- change in legal counsel at the university?

CLEMENTS: No, I'm not aware of why it was-- has become an issue. And the students still academically have to qualify. And it's not part of accreditation of the homeschool. They're qualifying that their academics are acceptable.

McKINNEY: I was meaning accreditation as far as the university getting funding and whether it was some type of issue where they had to verify whether somebody [INAUDIBLE] or not.

CLEMENTS: No, I don't have any indication of that.

McKINNEY: OK.

WALZ: Senator Morfeld.

MORFELD: Thanks. Thanks, thanks for bringing this, Senator Clements. It definitely seems like a very reasonable piece of legislation. While Ms. Hayes, my neighbor, was chatting with us, I sent a message off to the university folks and they indicated that this was because of a

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technological glitch in their software that's been corrected. Have you talked to the university about this? I mean, does it require a statutory change?

CLEMENTS: No, I haven't.

MORFELD: OK. I just-- I, I'm not opposed to the statutory change. I just think that it's common sense that these folks would have residency. And if it's a technical error and it's been corrected, then, well, it'd save us all another bill to vote on. But if you want it in statute so that it's crystal clear down the road, then I guess that's something we can consider too.

CLEMENTS: Yes, thank you. I would prefer that.

MORFELD: OK.

WALZ: Any other-- any other questions from the committee? Thank you, Senator Clements, for coming in today. We did have four letters as proponents that were handed in. And with that, we will conclude our hearing on LB92.

CLEMENTS: Thank you.

WALZ: Thank you so much. And we will open with LB197, LB197, Senator Vargas.

VARGAS: Good afternoon, Chair Walz, members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. One procedural note, just-- are you-- are we able to hand out things? I cannot remember.

WALZ: Yes.

VARGAS: OK. Thank you very much, Savana. As I said, my name is Tony Vargas. I have the pleasure of representing District 7, the communities of downtown and south Omaha, here in Nebraska Legislature. I was here yesterday. If you see me holding my glasses up, it's because they keep sort of falling down and I'm trying to make sure that you don't see a complete fog, as you can imagine. LB197 is a very simple bill that would allow AmeriCorps to be eligible to receive in-state tuition from Nebraska's postsecondary institutions.

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Currently, in-state tuition is granted to residents in a few circumstances, including to members of the military, their spouses, independents, and members of the National Guard. AmeriCorps members serve our communities in a number of ways. Most recently and notably in Nebraska, they were critical in volunteering and offering to help individuals who were impacted by the flood in 2019. AmeriCorps members in Nebraska complete their volunteer service in communities all across the state in programs that educate students in their schools through nonprofit organizations and in partnership with Probation. Nationally, AmeriCorps serves 40,000 communities across the country with 270,000 current volunteers. Now many of you know this and for the new, new members, I'm an alumni of AmeriCorps through my service in Teach for America, which was a very formative and meaningful experience for me. When AmeriCorps members complete our term of service, we receive the Segal Education Award, which is equal to the maximum amount of a Pell Grant. This year, the award is \$6,345. Now the Segal Education Awards can be used to pay educational expenses at eligible postsecondary institutions, including many technical schools and GI Bill-approved programs. By granting AmeriCorps volunteers in-state tuition, we would be bringing these dollars to our local colleges and universities in Nebraska and would make our state a true destination spot for volunteers after their service is completed. Now currently, only Arizona and Maryland grant in-state tuition to AmeriCorps members, so we have the opportunity to be a true leader in this space. In researching this bill, we learned that other states that have implemented this, if they had the opportunity, if they would go back and do it all over again, they would make the policy a bit more broad, allowing any person who has served in an AmeriCorps program across the country to be eligible to receive in-state tuition. In fact, if we did that, we would be the first. We would be a beacon for AmeriCorps members to, to, to make sure that they are looking at our postsecondary institutions when they're seeking where to go get continuing education. I'm going to make sure I have the right thing here. Do you guys have an amendment in front of you that was sent? If not, we will send that as a follow-up. There is an amendment that we put together that was drafted. Now this amendment would still be limiting in that it would only apply to those who completed their term of service under a ServeNebraska grant. We tried to expand a little bit, but on further talking about it, I still think that this would still be somewhat limiting in that it would only apply to those who

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completed their term of service under a ServeNebraska grant. For those of you that don't know much about AmeriCorps, we can make it broader by incorporating the other aspects of AmeriCorps. There's AmeriCorps Senior Corps that helps seniors across the country. There's AmeriCorps VISTA and other national competitive grantees under the AmeriCorps, sort of, wing. And I would suggest that we take this approach and invite all the volunteers within AmeriCorps across the country to attend college here to use that Segal AmeriCorps Education Award in our state and then continue to reduce the brain drain that we're seeing by attracting and recruiting people that believe in service. Hopefully they stay, maybe they'll find some Nebraska love and then they will stay forever. That's the hope here. So with that, I'm happy to answer and take any questions and we'll make sure to get you that amendment, but I do think-- I would want to focus on a broader amendment here that will enable us to be a true leader across the country for AmeriCorps members.

WALZ: Thank you, Senator Vargas. Any questions from the committee? I see none at this time. Are you staying for closing?

VARGAS: Yeah, I'm going to stay. I will stay for closing.

WALZ: Do we have any proponents? Good afternoon.

KATHERINE LACY: Good afternoon, senators. My name is Katherine Lacey and I am the program development officer for ServeNebraska, the volunteer commission for the state of Nebraska. I'd like to talk--

WALZ: Sorry, I'm sorry--

KATHERINE LACY: Oh, yeah.

WALZ: --could you spell your name, please?

KATHERINE LACY: Oh, of course.

WALZ: Thank you.

KATHERINE LACY: Katherine, K-a-t-h-e-r-i-n-e, last name Lacy, L-a-c-y. May I continue?

WALZ: Yes.

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KATHERINE LACY: Perfect, thank you so much. So I'd like to talk with you today on a personal level as an AmeriCorps alumni in favor of LB197. I'm originally from Michigan and after returning home from serving two years with the Peace Corps in China, I was really looking for an opportunity to make a positive impact in my community and to build professional skills that would serve me on my career path. And in my search, I ended up learning about AmeriCorps. I served one-year term as an AmeriCorps VISTA in Flint, Michigan, from 2016 to 2017. As a city of Flint AmeriCorps member, I served in city hall and I provided assistance with implementing the citywide master plan. That involved areas like parks and green spaces, safety, neighborhood engagement, blight and I can truly say that serving as an AmeriCorps member changed my life. Not only did it affect my career path, but it opened my eyes to the tenacity, the goodwill, the entrepreneurship, and the community support that can remain unbowed, especially in the aftermath of a devastating disaster like Flint experienced. Serving in AmeriCorps also made it clear to me that I wanted to focus my career on improving my city, my state, my country. And since moving to Nebraska in 2018, I've continued to utilize my skills and experience to make a positive impact in this state through employment with state and federal government. To give you a little bit of background about AmeriCorps, AmeriCorps is a federally funded national service program intended to meet unmet needs in communities across the country through AmeriCorps member service. AmeriCorps members serve in all U.S. states and territories and impact their communities in areas like education, economic impact, veterans, disaster services, and so much more. AmeriCorps members earn a small living stipend during their term of service. To give you a little bit of context, during my service, my living stipend was around \$14,000 for that year of service. So AmeriCorps members are not serving to get wealthy, they are joining service to make a difference. AmeriCorps greatly values and promotes professional development and personal development among its members. Furthermore, AmeriCorps recognizes that the burden of cost can be one of the main reasons people do not seek higher education. We know that higher education is one of the main pathways to greater economic success and stability for an individual. Therefore, AmeriCorps offers the Segal Education Award as a benefit and reward in return for the dedication and hard work that AmeriCorps members put towards their service. About 75,000 AmeriCorps members serve annually and they earn an education award upon the completion of their term of service. In

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using the-- their award to gain access to higher education, that money is distributed among colleges, universities, banks, loan institutions in that state. So to give you an idea, in 2019, Nebraska institutions received \$899,425 in education award payments from AmeriCorps alumni. In 2019 nationally, AmeriCorps alumni spent \$171 million in education award payments. AmeriCorps alumni are people who have not only sacrificed their time, their effort serving their communities, they're also people who have dedicated their service towards building skills to address some of our most pressing issues that our communities face. After service, these leaders in our community go on to work for the government, nonprofits, schools, universities, and they continue to make an impact long after their AmeriCorps service has ended. I am in favor of passing LB197 and making in-state tuition available for AmeriCorps alumni across the country. If LB197 is passed, Nebraskan schools would attract to Nebraska tens of thousands of diverse and dedicated alumni from across the country.

WALZ: Could you wrap it up and then we'll ask for questions?

KATHERINE LACY: Absolutely, yep.

WALZ: Thanks.

KATHERINE LACY: Nebraska institutions would gain access to millions of dollars AmeriCorps alumni have to spend in education award payments, tuition and fees, related sectors like housing, food, childcare, entertainment. Civically active and engaged students who are leaders in their community will come to Nebraska for college and many times remain in Nebraska to continue to add to our economic growth. And Nebraska, in recognizing the academic potential of involvement in community leadership and acknowledging the value of service, would take an active step to make education more affordable to AmeriCorps alumni who have served their country. Thank you.

WALZ: Thank you so much. Do we have questions from the committee? I, I do have a-- excuse me, I do have a question. How are you selected to become a member of AmeriCorps?

KATHERINE LACY: Absolutely. So you, as an AmeriCorps member, can decide which program that you're serving in. So, for example, let's say I really want to serve in the city of Lincoln. I can see all of

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the programs that are available in the city of Lincoln or I can say, you know, I'm really interested in disaster relief and you can search for all of the disaster relief-related programs across the country. So you get to choose which program you're serving in and I think that way, it's a better fit because you get to choose a program that really speaks to your interests and your further career goals.

WALZ: Are there certain qualifications that you have to meet?

KATHERINE LACY: Yes, there are. So there's an age requirement, 17 years or older. You need to be a U.S. citizen, U.S. national, or lawful permanent resident of the United States. There are some criminal history checks that happen as well and, and those are really the main requirements, I would say.

WALZ: All right. Thank you.

KATHERINE LACY: Absolutely.

WALZ: Any other questions?

McKINNEY: Thank you for your testimony. I just got a quick question. What type of outreach does AmeriCorps do as far as reaching across diverse backgrounds?

KATHERINE LACY: So in terms of people serving or people being served?

McKINNEY: People serving, as far as recruiting.

KATHERINE LACY: Yep, absolutely. So there's kind of a couple different methods of recruitment. The AmeriCorps program-- so let's say that there's-- we currently have an AmeriCorps program within College Possible in Omaha and I'll use that as an example. They can do their own recruitment across the city, within their own community. And we certainly do suggest that they do recruitment for-- from within that community that they're serving because you're getting people who have that experience, that background, that understanding of that population that they serve. But then there's also a national site that basically lists every single open position across the United States, so anyone is able to search through that and find a position that fits with them. But AmeriCorps does greatly value, you know, providing this

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opportunity to opportunity youth and making sure that AmeriCorps is a diverse and represented service.

McKINNEY: All right, thank you.

KATHERINE LACY: Yeah, absolutely.

WALZ: Thank you. Any other questions from the committee? Thank you so much for your testimony today.

KATHERINE LACY: Thank you. I appreciate it.

WALZ: Other proponents? Do we have any opponents that would like to speak? Anybody in the neutral position?

CATHLEEN PLAGER: Good afternoon. My name is Cathleen Plager, C-a-t-h-l-e-e-n P-l-a-g-e-r. I am the executive director of ServeNebraska. ServeNebraska was created under an executive order by then-Governor Ben Nelson in 1994 and still operates under the same order today. ServeNebraska is the organization responsible for managing AmeriCorps program in the state of Nebraska. We are a bipartisan organization and we work to make service to others in-- an indispensable part of the American and the Nebraska experience. America has a-- AmeriCorps has a long history that started in 1964 with the first AmeriCorps VISTA program to combat, combat poverty. In 1992, the AmeriCorps National Service-- National Civilian Community Corps program was created to help communities recover from disaster and other critical needs. In 1994, the first class of AmeriCorps members started and took the pledge to get things done. These are the group of individuals that we are looking at under LB197. AmeriCorps comes together to help those in need, connecting individuals and organizations to help communities tackle the toughest challenges. AmeriCorps is an opportunity for individuals of all ages-- 17 is the, the bottom age. There's no cap on the top age-- and backgrounds to give their time and talent to strengthen communities. Their service creates a better place to live, work, and raise a family in Nebraska. AmeriCorps members pledge to, to strengthen Nebraska communities through AmeriCorps service. Individuals who serve as AmeriCorps members do for a variety of reasons, such as assisting to bridge the divides by connecting individuals and organizations to help communities address needs. AmeriCorps members enrich the lives of

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those they serve and, and the-- those of their own. AmeriCorps members are civic minded. They learn and grow while they are giving back to their communities they serve in. They build new skill sets and they can take them wherever they go. Many AmeriCorps members join AmeriCorps between the year-- their high school and college years or use AmeriCorps as a gap year between undergrad and graduate school; \$7.9 million of federal and local AmeriCorps funding is spent annually in Nebraska across 300 local service sites to organizations who are looking to tackle community issues. They recruit AmeriCorps members to execute the mission and goals of the grant. Members earn a very modest living allowance, you-- Katherine has talked about that. In Nebraska, our programs recruit their own members. Some programs recruit locally, statewide, and then some recruit members on a national basis. Over the last ten years that I have been employed with ServeNebraska, we have worked closely with Nebraska Emergency Management and the Nebraska Volunteer Active in Disaster Program to bring in, in AmeriCorps members from other states to assist in the tornado cleanup and recovery. We also were a part of the front lines to assist with the historic flooding in Nebraska. AmeriCorps members served alongside the community members, church groups, and veterans to assist in mucking and gutting out homes, setting up and operating the volunteer reception centers and, and-- alongside NEMA operations-- and was a force multiplier for recruiting volunteers to assist in the response. Members walked door to door, canvassing neighborhoods and assessing damage. During this past year and currently with the pandemic, members are ensuring that school-age children are staying engaged in school and helping with food distribution to those in need in our community. Again, ServeNebraska was able to bring to Nebraska additional members from out of state to assist in food, food distribution over the summer and fall months. We see AmeriCorps alumni make use of their education awards to further their education and proof of that is the amount of money that is spent in Nebraska since AmeriCorps began in 1994. Over \$37 million have been spent on higher education. Nationally, \$75,000. I want to bring-- to recognize that a lot of our programs are across the state of Nebraska, but we do have one specific program that's with the Nebraska Probation Office. It is our RISE program and what we do with that program is AmeriCorps members work with adjudicated youth to help make sure that those youth stay out of jail, trying to alleviate the population as far as our jails and our prisons in the state. And

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so we have a pretty large program with them and so I will take questions at this point.

WALZ: Thank you so much. Questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. I just want to know if I heard you right. In your testimony, you said 7.9 million AmeriCorps-- is that dollars that were spent in Nebraska? Is that-- or that's the size of the grant? It's a federal grant, right? It comes to your office.

CATHLEEN PLAGER: So, yeah, we receive federal funding. We are a pass-through entity. We then grant those dollars out across the state of Nebraska. We are only one piece of that, but in the state of Nebraska-- and I'm sorry because I was reading this and I'm-- I'll go back and look at my--

LINEHAN: It's about halfway down.

CATHLEEN PLAGER: \$7.9 million of federal and local AmeriCorps funding goes into these programs, so it's a--

LINEHAN: Per year.

CATHLEEN PLAGER: --a very large chunk.

LINEHAN: Per year.

CATHLEEN PLAGER: Per year.

LINEHAN: And then you have a board that's appointed by the Governor?

CATHLEEN PLAGER: Correct. Yeah, up to 25 individuals are appointed by the Governor. They serve three-year terms.

LINEHAN: OK, that's what-- thank you very much. I appreciate it.

WALZ: Any other questions? Senator McKinney.

McKINNEY: Thank you for your testimony. How diverse are the individuals that work with adjudicated youth?

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CATHLEEN PLAGER: That's a very good question, Senator, and I, I don't have the answer to that, but I can get back to you on it.

McKINNEY: OK.

CATHLEEN PLAGER: I don't have those statistics. I apologize.

McKINNEY: Thank you.

WALZ: Other questions? I see none, thank you so much for your testimony today.

CATHLEEN PLAGER: Thank you.

WALZ: Do we have anybody else in the neutral position that would like to speak? Senator Vargas, you're welcome to close. We did have one letter of written testimony in lieu of in-person testimony as a proponent and we also had a position letter, one, as a proponent as well.

VARGAS: All I'll say is I appreciate your time. I think this is a good economic driver. To answer a little bit of the question, Senator McKinney, there are many programs across the country ranging from education to, to higher education to service to conservancy to-- you know, we have RISE-- I think she mentioned that before-- too and it is an opportunity for us to, to attract individuals into our state that are really-- it-- not only caring about the community and the service, but are also providing an opportunity to utilize this Education Segel Award, which I think is a bit of a win-win because that, at the end of the day, is our taxpayers' money being utilized to incentivize service that's coming back to Nebraska. So with that, I appreciate your time and I'd be happy to answer questions.

WALZ: Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz and thank you, Senator Vargas. It's easy.

VARGAS: No, it's OK.

LINEHAN: And maybe not, so-- OK. I'm sitting here- so I know people who have been AmeriCorps, you and others. So is there some limit to

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this? Like I-- it can-- also helps us bring people in Nebraska, which is wonderful, but what if you have somebody who is, like, already graduated from the law school and now they want to get their masters? Is there any limits, like, how many grads-- because a lot of AmeriCorps members already graduated-- undergraduate, right, so-- which is good to recruit people that already have-- I get it, but should there be any limit on it? Like, can you just go to school forever? I mean--

VARGAS: So-- well, I would venture to say if people are going to school forever, that's an independent choice, but a good example is--

LINEHAN: Right, but do--

VARGAS: I'll give you one good example. So my wife--

LINEHAN: Right.

VARGAS: --my wife made a career change from being a teacher. She was in AmeriCorps and after six years of being a teacher, wanted to go to law school. My hope is that we might want to attract somebody that's like my wife that cares about service. Since that time, she graduated from law school. She didn't go to UNL, but she probably would have if she got in-state tuition. She went to Creighton and got a better scholarship. And so after Creighton, she now runs a nonprofit and does work with special education needs. So I think that the point I'm trying to make is I'm more than open to anything that makes it-- makes this possible, but I also think there's a benefit in the long-term trajectory of some of these individuals that started with service and are probably going to do it for the rest of their lives in some way, shape, or form.

LINEHAN: Right, I, I, I'm for it, 100 percent.

VARGAS: Yeah.

LINEHAN: I'm just wondering if there shouldn't be some kind of, like, number of graduate degrees or some kind of-- because I have--

VARGAS: [INAUDIBLE]

LINEHAN: My daughter's is AmeriCorps and she's--

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VARGAS: Yes.

LINEHAN: --after undergrad and then she went to law school. So should she be able to go-- she is in Nebraska, so that's not the point, but if it was somebody-- should be able to come here, a resident-- maybe we want them regardless. I don't know, I'm just thinking.

VARGAS: No, it's a really good question and the only thing I'll say is my hope is we, we provide for our-- let's say, for National Guard, right, we, we want to make sure that no matter what, even if it's been 40 years or if they just, they just got into the guard and they want to start going and getting an education, we should make it more affordable for them. That's kind of the same reason, but I am open. If there is something that needs to be put in, a limit, I'm more than open to that.

LINEHAN: No, I agree then-- the age, it shouldn't be discrimination upon age--

VARGAS: Yeah.

LINEHAN: --but, OK. Thank you.

VARGAS: Yeah, [INAUDIBLE].

WALZ: Any other questions? Whoop, sit back down.

McKINNEY: I asked the diversity question because I would like to make sure that AmeriCorps is recruiting individuals from diverse backgrounds, especially those that deal with adjudicated youth, because the Probation system has had negative impacts on individuals from my community and I want to make sure that those that are, you know, helping service them are aware of the back-- cultural backgrounds and understanding them.

VARGAS: Here's what I'll say and I can't speak to every AmeriCorps program. Programs like Teach for America, probably about 50 percent of the members of the Teach for America identify as people of color at any given point. I think that these programs make a significant effort to try to make sure that the members that are part of them are either from underrepresented groups or understand and had experience or their service is experience in working in underserved or underrepresented

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areas to make sure they understand what that experience is. So I can't speak for every single program, but for some of the larger programs, that is a-- definitely exists.

McKINNEY: OK, thank you.

WALZ: Thank you, Senator Vargas. I have a question, but I'll ask you later.

VARGAS: OK. All right, thank you. Sorry, I have to run.

WALZ: Thank you. That concludes our hearing on LB197 and we will open on LB243. Yeah, I guess if you guys wanted to take a five-minute break, we could since we're waiting for-- oh wait, he's here. OK. Welcome, Senator Bostar.

BOSTAR: Thank you. Very excited to be here today. Good afternoon, Chairwoman Walz and members of the Education Committee. My name is Senator Eliot Bostar. That's E-l-i-o-t B-o-s-t-a-r and I'm here to present LB243, the Access College Early Tech Promise Program Act. As members of the Education Committee, you're likely already familiar with the ACE Scholarship Program or Access College Early Scholarship Program, which provides dual-credit opportunities for low-income students in Nebraska while they're still in high school. In fiscal year 2019-2020, 2,473 students received ACE scholarships with well-documented success. Over 84 percent of those ACE recipients went on to college, as opposed to 52 percent of low-income, non-ACE recipients. Nebraska has experienced a rising demand for ACE scholarships over the past decade, increasing from 1,020 student recipients in fiscal year 2009-2010, up to the nearly 2,500 recipients we saw just last year. The ACE Tech Promise Program will further support ACE participants at the postsecondary level by providing a scholarship to low-income students when they decide to pursue a certificate, diploma, or associate's degree full time at a community college or at the Nebraska College of Technical Agriculture. The program would provide scholarships to students pursuing education in in-demand occupations. These are already defined in statute and include occupations like financial services, transportation, biosciences, health services, engineering services, and others. Examples of programs that students might pursue could be licensed practical nursing or an associate's degree in information technology,

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both of which are in clear high demand in our state. In fact, the National Skills Coalition says that these middle-skill jobs account for 56 percent of our labor market, but only 47 percent of Nebraska's workforce are suitably trained for these professions. The scholarship program will be an important step to drive and encourage students on their path towards college in these high-tech, high-demand fields. When we invest in technical education students, it means we are investing in individuals that will likely live, work, and pay taxes right here in our state after they graduate. I encourage you to support the ACE Tech Promise Program Act and I'd be happy to try to answer any questions you might have.

WALZ: Thank you, Senator Bostar, Bostar. Any questions from the committee? Senator Morfeld.

MORFELD: Thanks for coming today, Senator Bostar. As you know, this was-- is this the same bill that we had last year?

BOSTAR: Yes. Thank you, Senator. This is the, this is the same bill that was brought last year by Senator Bolz, my predecessor.

MORFELD: OK.

BOSTAR: And I will also note that it was unanimously supported by the committee at that time.

MORFELD: OK and then was, was that part of the Education Innovation Fund or how did that come out?

BOSTAR: So it was-- to my understanding, it was, it was intended to be part of that package that ultimately either ran out of time or didn't succeed.

MORFELD: OK, OK, good. Thank you.

BOSTAR: Thank you.

WALZ: Senator Linehan.

LINEHAN: So is this-- thank you, Chairwoman Walz and thank you, Senator Bostar, for being here today. Is this focused on students who

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are still in high school who are taking dual-credit courses? Is that kind of where the focus is?

BOSTAR: No, so this would be-- this is sort of the successor scholarship to ACE. So while ACE is geared toward students that are enrolled in high school and give them access to, to college, this program is to see them through college, so it's not for high school students.

LINEHAN: OK. All right, thank you.

BOSTAR: Thank you.

WALZ: Other questions from the committee? I don't see any. Are you going to stay for closing?

BOSTAR: Yes, ma'am.

WALZ: All right, thank you.

BOSTAR: Thank you.

WALZ: At this time, we'll ask for any proponents. Welcome.

KATHY DANEK: Thank you. Good afternoon, Chairperson Walz and distinguished members of the Education Committee. My name is Kathy Danek, K-a-t-h-y D-a-n-e-k. I am the president of the Lincoln Public Schools Board of Education and I am here today to speak in support of Senator Bostar's Access College Early Tech Promise Program Act and applaud his efforts to support the smooth transition from students-- for students from high school to college in career areas that are both economically viable for the student and vital to the economic development of the state of Nebraska. The bill does not directly support the students while they are in public K-12 settings, but it will play an important role in facilitating students' next steps. All across the state, many high school students participate in career academies or career preparation programs that offer early access college career courses in career areas of high demand. Unfortunately, most students graduate from high school prior to completing community college degrees or career certification. This requires them to continue in college to finish the work that they began in high school. We know that students who complete their community college degree or

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career professional certification close to home are more likely to stay and live in their local communities. A program to help students complete the degree or career certification after high school brings to fruition the community's investment in early college career course opportunities in high schools and career academies and keep skilled workers close to home. For example, this would keep well-prepared and skilled individuals in the fields of precision metals, manufacturing, biosciences, agricultural business management and administrative services, software and computer services, research, development, and engineering services, health services, and many more living and working in Nebraska. If the Access to College Early Teach [SIC] Promise Program Act becomes law, it would help many students who may not otherwise have the chance to make smooth and unbroken transition to postsecondary education career courses and complete their degrees and certification. This act would play a vital role in their long-term success and the long-term success of their family and the long-term success of our state of Nebraska. Thank you.

WALZ: Thank you so much. Do we have questions from the committee? I see none, thank you for your testimony today.

KATHY DANEK: Thank you, Senator.

WALZ: Other proponents.

SUSAN MARTIN: Good afternoon, Senator Walz and members of the Education Committee. My name is Susan Martin, S-u-s-a-n M-a-r-t-i-n. I am president of the Nebraska State AFL-CIO and I'm here to testify in support of LB243. In an economy where more than 80 percent of all jobs require some form of postsecondary education or training, expanding access to programs at community and technical colleges is, is increasingly critical to Nebraska's continued competitiveness. For many of these jobs, particularly roughly the-- roughly 53 percent of jobs in the U.S. labor market that require more than a high school diploma but not a four-year degree, degrees or certificate programs offered at community or technical colleges can provide the right skills and credentials to help workers and businesses succeed, but it's not just a question of ensuring that instruction is aligned with industry demand. To truly de-- address the demands for skilled workers in today's economy, we must ensure that the broadest possible range of students are able to take advantage of these education and training

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opportunities. With Nebraska businesses struggling to find skilled workers for current job openings, it's more important than ever for policymakers to identify effective strategies that will attract students to career opportunities beneficial to Nebraska and to those high-demand jobs. Developing strategies to develop a high-quality, high-paid workforce and to identify barriers to young adults who are career ready with labor market values aligns with our organization's missions and programs. We are committed to the statewide enhancement of any type of career education because it creates multiple pathways to real-world job skills and economic prosperity. It's our responsibility to maintain and enhance our workforce and provide these options to our young people forging a new path for life. Not all youth and young adults have access to college education. By passing this legislation, it will increase not only their opportunities, but benefit Nebraska's employers. It's time to invest in our youth and our young people and provide them with an option for their future. We need to focus on the development and application of career-readiness skills and increase the number of students and employees who can complete middle, complete middle-skill, high-demand career pathways in Nebraska's economic priority areas. I thank Senator Bo-- Bostar for bringing this legislation forward and truly believe it's a good investment in Nebraska's future.

WALZ: Thank you. Do we have questions from the committee? Thank you.

SUSAN MARTIN: Thank you for your time.

WALZ: Thank you.

MIKE BAUMGARTNER: Good afternoon, Madam Chairwoman, members of the 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 and I'm here today to support LB243 to establish the Access College Early Tech Promise Program. Daily, we hear about Nebraska's workforce shortages. There are multiple reasons for the problems and there are many strategies underway or being considered to alleviate them. I believe the Access College Early Tech Promise Program should be one of those strategies. I think it's an exciting opportunity because it's a package of research-informed best practices aimed at helping low-income students to complete a certificate or a degree in a high-demand field. Among the best

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practices, LB243 encourages students to participate in high school career academies, encourages students to complete a Career and Technical Education sequence in high school, which includes both breadth and depth of coursework, encourages students to complete dual-credit courses, which expedites college completion, can provide a link to the state's investment in the Nebraska Developing Youth Talent Initiative, requires students to complete the Free Application for Federal Student Aid, encourages students to attend full time, which improves completion, helps to meet the higher expenses students face in technical courses due to requirements for tools, equipment, supplies, uniforms, certifications, and textbooks, and it encourages graduates to stay and work in Nebraska. The ACE Tech Promise Program would build on the Access College Early Scholarship Program, a highly successful program to provide scholarships to low-income high school students who are taking dual-credit courses. The ACE Tech Promise Program leverages the investment the taxpayers and the students themselves have already made in their educational success. Many ACE scholarship students, like other dual-credit students, focus on general education, speech communication, for instance, college algebra, English, biology, American history, etcetera, and that's an important part of their college education. We should encourage that, but hundreds of ACE recipients complete one or more dual-credit courses in a career program of study. For example, automotive technology, construction, information technology, health sciences, manufacturing, agriculture, design technology, and more. The ACE Tech Promise Program would require students who have taken at least two dual-credit courses in a career program of study. Two is a good baseline for students. It's a strong in-- indicator of student interest and it means that students will be well on their way, making progress to their degree, certificate, or diploma. An ACE Tech Promise Scholarship would be a meaningful amount of aid. Most college promise programs around the country are still called Last Dollar scholarships. They start with the students' Pell Grant and other aid and if that covers tuition and sometimes fees, the promise program pays nothing. There is much to like about Last Dollar programs and they are proving successful in getting students to enroll. But they do fail to address the additional costs students face, like living expenses, transportation, books, supplies, equipment, certifications, uniforms, etcetera. The ACE Tech Promise Scholarship would provide a minimum \$1,500, which would be particularly helpful for students in Career and

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Technical Education programs and particularly helpful because these are, by definition, low-income students, as they have qualified for the ACE Scholarship. The program would be relatively inexpensive, at least at the start. The number of students currently receiving ACE scholarships in two or more courses in fields likely to be eligible is not that large. It's currently around 150 in health occupations, information technology, construction, welding, etcetera. Not all of those students would take advantage of the program. Not all would attend a community college. Not all of them would come back for a second year. Some of their programs would end in a year. Because students are ACE eligible, most will receive a Pell Grant that covers tuition and fees at community colleges where the average tuition fees are about \$3,200. The maximum Pell Grant for 2021 is \$6,345. The average Pell Awards for first-time, full-time Pell recipients at community colleges in 2018-19 was about \$4,400. So there is, there is room within the program to, to help the students maintain, continue their college education, but it's not a program that, that's going to cost an enorm [SIC] amount of money for, for each one of the students. In fact, it's, it's a very reasonable promise program. Together, we estimate the program would cost about \$2,000-- \$280,000 the first year and a little over \$440,000 in the second year. If the program is successful, attracting students into career programs of study in high school, in high school dual-credit courses, and then into the certificates and degree programs of the two-year colleges, cost would ultimately rise, but so would the many benefits that would come from having a highly educated workforce. Thank you.

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

LINEHAN: Thank you, Chairwoman Walz. Thank you for being here very much and you just read through a bunch of information that I would like you to repeat. The average-- those numbers, starting with the average tuition, the average Pell Grant, so I can just kind of understand the picture of what we're talking about.

MIKE BAUMGARTNER: Average tuition and fees at the community-- at a Nebraska community college this year is about \$3,200 for 30 credit hours.

LINEHAN: OK, for how many-- I'm sorry, how many--

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MIKE BAUMGARTNER: For 30 credit hours.

LINEHAN: So is that a year?

MIKE BAUMGARTNER: That's for a year, yeah.

LINEHAN: So \$3,000-- how much? I'm sorry.

MIKE BAUMGARTNER: \$3,200.

LINEHAN: And what is a Pell Grant?

MIKE BAUMGARTNER: Pell Grant will depend on what your family income is because it, it depends on the expected family contribution and the, and the formula they have. The maximum Pell Grant this year is \$6,345. The average for community college students, first time, full time, was about \$4,400.

LINEHAN: So this would help 150 children with-- they give them-- students, adults-- young adults another \$1,500?

MIKE BAUMGARTNER: This would help-- yes, this would give them an extra \$1,500, which goes a long way toward living expenses, transportation, tools, supplies, equipment, and everything that goes beyond tuition and fees.

LINEHAN: So how many-- and this-- if you don't have this-- but it just would be interesting-- I-- you know, it's in the paper, media. Several times, they have these stories, but how many students statewide do we have in these dual-credit programs with community colleges?

MIKE BAUMGARTNER: I, I don't have that with me. We serve, in the ACE program, about 2,400 students a year. That is artificially cut off because we don't have enough money to serve more students.

LINEHAN: Is it the money that comes from the lottery funds?

MIKE BAUMGARTNER: No.

LINEHAN: OK.

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MIKE BAUMGARTNER: No, that's general funds, but, but there are, there are many thousands more who are participating in dual credit with high schools and colleges.

LINEHAN: So the schools or their parents are paying the bill.

MIKE BAUMGARTNER: Yes.

LINEHAN: So could you provide the committee with, like, a breakdown of what's going on here? Because I feel like we see a sliver, but we never get the whole big picture.

MIKE BAUMGARTNER: Well, in high school, if you're taking dual-credit courses, you will either have to pay the tuition on your own or your parents will. Some schools will pay for it. The state, through the ACE program, is paying \$1.1 million for those 2,400 students. But as I said, we're not, we're not serving nearly as many students as I think we could with additional funding for that ACE program. So this is when they're in high school--

LINEHAN: Uh-huh.

MIKE BAUMGARTNER: --and the maximum amount you're going to get paid for these credits under the ACE program is-- we have to limit it to two courses a year, so the student would probably get a maximum of four courses. That would be quite a few for one of the, one of the students, but there are some that-- over two years that would get that. OK, so then after that, they're going, going to college and then they have the other funding sources, the Pell Grant, some other scholarship sources, a little bit of Nebraska Opportunity Grant, but not-- generally not coming close to covering the full cost of attendance, which is tuition and fees and living expenses and books.

LINEHAN: Right, I get, I get the need. Well, I don't get the-- that's my point. I don't understand-- let's say that every child that wanted to do this could do it. What would that look like-- maybe that's what I'm asking for-- and where are we on that scale to get there?

MIKE BAUMGARTNER: Well, the way this program is set up, if every student that could do it-- I mean, they have to take two, two courses and a career program of study for this.

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LINEHAN: They have to start in high school.

MIKE BAUMGARTNER: Yeah. Right now-- and, and they have to get the ACE scholarship or they would have to have low income that would have qualified them for an ACE scholarship, had there been enough funds. So that, that's currently about, by our count, 150 students. Now if this program were in place and they had the opportunity to get a Promise scholarship, I would expect students to take advantage of that, which is what we would certainly want them to do so that they can complete and stay in the state, but I can't give you a, a number because I don't know how many, I don't know how many other students would, would qualify. I mean, the, the, the hypotheticals there, if they weren't ACE recipients-- if it was every student who took a career program of study, I don't, I don't know. I mean, if, if you wanted to build a bigger program that looked at students, a promise scholarship for students who went through a career program of study and weren't ACE recipients, we could try to figure out what that would be, but it would take me a while to get that information together, I think.

LINEHAN: I do think it would be worth-- because here's-- it's, like, a bigger question for me and I'm sorry, Chairman, I know I'm-- I should set up a meeting, but some schools pay for the children to take these courses, some schools don't.

MIKE BAUMGARTNER: Yes.

LINEHAN: So right there, we have a very-- an unfair situation across the state. So what I'm trying to figure out-- what, what is the situation now? What-- how, how many kids are getting those two courses paid for by their school district or paid by the parents or paid by this or the ACE program, but what does that all look like? I think that would help the committee, like, try and get a bigger picture than the piecemeal things with [INAUDIBLE].

MIKE BAUMGARTNER: But you're, you're just looking at the high school students at this point, you're not looking at the--

LINEHAN: Right.

MIKE BAUMGARTNER: --[INAUDIBLE] going on, right.

LINEHAN: OK. All right.

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MIKE BAUMGARTNER: Yeah, I'm-- get that, that information. We know how many students are taking dual credit. We don't know how they're all paying for it. We did a study of that back in 2011 and have tried to piecemeal things going forward, but, but if that-- that's a, that's a different thing, which I think you're saying, than this. That's just looking at this--

LINEHAN: I just want to make sure we're being fair.

MIKE BAUMGARTNER: Um-hum.

LINEHAN: I don't think my-- because I wrote a letter, like, four years ago to all the college-- community college presidents and asked--

MIKE BAUMGARTNER: Um-hum.

LINEHAN: --how is, how is this working? Who's paying what?

MIKE BAUMGARTNER: Yeah.

LINEHAN: And I don't recall that I got any answer, so I'd like to make sure that we're being fair to the kid in West Point or Scottsbluff--

MIKE BAUMGARTNER: Um-hum.

LINEHAN: --or North Omaha.

MIKE BAUMGARTNER: Yeah.

LINEHAN: OK, thanks.

WALZ: Senator Morfeld.

MORFELD: Just as a follow-up question to her question, this isn't the ACE program, so this--

MIKE BAUMGARTNER: Right.

MORFELD: We're dealing with college students--

MIKE BAUMGARTNER: Yes.

MORFELD: --not high schoolers.

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MIKE BAUMGARTNER: Correct.

MORFELD: OK, thank you.

MIKE BAUMGARTNER: The promise program is for after they have graduated--

MORFELD: OK.

MIKE BAUMGARTNER: --from high school.

MORFELD: Got it. Sorry, I'm-- my brain was going blank. Got it.

WALZ: Other questions from the committee? I see none, thank you today-- for, for coming in today.

MIKE BAUMGARTNER: Yeah.

WALZ: Any other proponents? Opponents? Anybody that would like to testify in a neutral position? Senator Bostar, you're welcome to close.

BOSTAR: Thank you, Chair Walz and members of the Edu-- Education Committee and thank you to everyone who contributed to the discussion today. I, I just want to remind the committee in closing that this is about that there is a, a clear and unmet need in our state scholarship programs and ACE recipients have a proven track record of success when they are given the opportunity to succeed. So what I hope to do is to, to keep our commitment to these students to help them achieve their, their full potential. Thank you all again.

WALZ: Thank you. Any other questions? Thank you for coming in today.

BOSTAR: Thank you.

WALZ: We did have two written testimonies in lieu of, in lieu of in-person testimony for proponents, zero opponents, zero neutral, and we had four position letters that were handed in and they were all four proponents. Thank you.

BOSTAR: Thank you.

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WALZ: That concludes LB243 and I think that in-- concludes our hearing for today.