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**WALZ:** [RECORDER MALFUNCTION]. I'll go over the COVID-19 hearing procedure guidelines. For the safety of our committee members, staff, and pages and the public, we ask those attending the-- 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 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 covering while in the hearing, 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 chairs between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door-- excuse me-- 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, availability, due the-- due to the HVAC project, of an overflow hearing room for hearings which attract 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. And with that, we will open our Education, Education Committee hearing. Welcome to the Education Committee public hearing. My name is Lynne Walz from Legislative District 15 and I serve as Chair of the committee. The committee will take up the bills in the posted agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please turn off or sal-- please turn off or silence cell phones and other electronic devices. The order of testimony is introducer, proponents, opponents, neutral, and closing remarks. If, if you will be testifying, please complete the green testifier sheet and hand to the committee clerk when you come up to testify. If you have written

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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 the page to make the copies for you now. When you begin to testify, state and spell your name for the record. If you would like your position known, but do not wish to testify, please sign the white form found outside the entrance of the room and it will be included in the official record. If you are not testifying in person, but 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 or bill-- excuse me, conducting the hearing on the bill or LR by 12:00 p.m. on the last workday prior to the public hearing. Additionally, the letter must include your name, address, stated position for, against, or neutral on the position or bill, 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 and finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green is five minutes remaining. Yellow, you have one minute remaining and you'll wrap up your comments when you see the red light. 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:** Good morning. I'm Senator Dave Murman from District 38 and I represent seven counties to the south, west, and east of Kearney and Hastings.

**LINEHAN:** Good morn-- good morning. Lou Ann Linehan, Legislative District 39: Waterloo, Valley, and Elkhorn.

**DAY:** Good morning. Senator Jen Day. I represent Legislative District 49, which is northwestern Sarpy County.

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

**WALZ:** I'd like to introduce the committee staff. To my immediate right is research analyst Tom Arnsperger. To the right end of the table is

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committee clerk Kristina Konecko-McGovern. And our pages today are Ryan and Brytany. 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 remember our-- 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, please re-- as a reminder, please allow the pages to sanitize between testifiers. And I'd also like to say that Senator Pansing Brooks is home quarantining, but she will be following this online. And with that, we will open with LB5, Senator Blood.

**BLOOD:** Well, good morning to Chairperson Walz and the entire Education Committee. My name is Senator Carol Blood and that is spelled C-a-r-o-l B-l-o-o-d and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska. Thank you for the opportunity today to present LB5, otherwise known as the Purple Star School program bill. The Purple Star School program is a state-sponsored recognition designed to emphasize the importance of helping military children deal with school transition while also developing programs that recognize the value of military service and civic responsibility. I'll add that it's a direct ask from the Military Families Office at the Pentagon for this year's legislative session. It's important to note that the average military-connected child moves six to nine times during their school career. We need to remember that when these students move and must then attend a new school, they rarely have a say about where they end up. When we take a step back and look at this type of data, it truly clues us to the importance of encouraging Nebraska schools to have programs in place that will make the transition for these military-connected children a little easier and welcoming, especially for the families who also serve. The Purple Star program is a three-pronged approach. There is the benefit to the student in that they are given information and assets that will help them transition to their new school. There is also a concerted effort by the school to demonstrate how important military service is to the community. And lastly, the Purple Star program recognition allows schools to show they are military friendly. That kind of recognition can be beneficial for the community at large

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as well. There's an aspect to this program I need to address and I want to be quite clear for the record, this is not a state mandate for Nebraska schools. The Purple Star program would offer a roadmap for schools who want to take part, but it does not require participation from any district. I will note that we've received an enthusiastic response from many schools who are given the opportunity to read our draft-- who are given the opportunity to read our draft legislation. You'll note that we have a nice group of support letters in your packets. While it is a vol-- while it is voluntary, there is a process the school will follow if it wants to participate in the program. A school that wishes to be recognized as a participant in the Purple Star School Initiative will need to apply to the State Board of Education. The state board may yearly designate any school that applies in the manner that will be prescribed by the board and meets the qualifications set by that same body. The NDE then designates any school as compliant with the program that, first and foremost, designates a staff member at the school as a military liaison. This does not require the hiring of a new staff person. This liaison then creates programming that is relevant to military-connected students who are transitioning into the school. There should also be a website page that is easily accessed and easy to navigate that has resources for military families. An existing school website can be utilized and the good news is that many schools already have much of what is being requested available to students. Access to resources regarding enrollment, registration, and transferring records to the school, as well as possible counseling services available and how to get in touch with the military liaison will be included on this website. An important part of any transition for these children of our military families is going to be learning that they aren't on their own and have a tangible support system in place. The liaison can focus on setting up student support programs that are led by other military-connected students. Counselors and support staff, such as the military liaison, can tell these kids that they aren't alone in feeling the way that they feel. Letting these students know they aren't the first or only kids who have had to deal with hurdles when it comes to making a new school feel like home can be paramount when dealing with the mental health of these children as well. However, those points are more easily hammered home when another student who has also been through the process is able to share their own experience and is part of a school's programming for this initiative. They are a type of student goodwill ambassador. I feel an important

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part of the overall transition process for these students just to feel as though they and their families are a welcome addition to the community. In order to do this, LB5 also sets out a number of steps the military liaison can do to foster acceptance. Those steps may include something as simple as posting a resolution on the school website showing support for military families, designating April as military child month or November as military family month, or working with a local military installation to either set up a field trip or to have someone come and speak at the school. The bottom line is that the Purple Star School program is one that helps a student transition to school in Nebraska and demonstrates that we understand and appreciate the sacrifices they are making for their military family and the sacrifices their families are making on behalf of all of us. And we know from past military bills that I've brought forward that when we save the family, we save the mission. Parents who are deployed or stationed in new surroundings have a lot to worry about. How Nebraska embraces and welcomes their families shouldn't be one of those concerns. This is a program that is gaining steam across the country and has shown a great deal of success in other states such as Ohio, Texas, and Virginia. I believe we can and should bring this program to Nebraska. I'll also point that out, that Offutt does have a full-time school liaison who provides K-12 information referral services for their military families on public schools, private schools, and homeschooling options. This SL helps connect parents, mili-- schools, and the military by providing assistance in matters that pertain to K-12 education. They also keep the installation wing in-unit commanders all informed on issues that affect the local educational community. This will be a helpful resource for our schools looking for programming or special idea-- special event ideas for their Purple Ribbon School programming. Finally, before I take any questions you might have, I would just point out that transitioning to any school, not just a new school, carries special weight and difficulty in the middle of what's gone on over the last year. Please consider how much harder it's going to be in the next few years for the kids who can truly benefit from this type of program. We should remove as many obstacles for these students as we can, just as we do for our students for whom we constantly tweak curriculum to make sure they receive the school experience they need for future success. I'd like to point out that in lieu of his usual in-person testimony, Martin Dempsey from the Military Families Office at the Pentagon has written a letter in support of Nebraska being the next state to support the Purple Star

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School program. In addition to his letter and handouts I've given you, I did want to point out that we had a bit of a technology issue yesterday apparently. We forwarded letters of support to the committee yesterday morning, but for some reason, we got a bounce-back late last night. So I did want to make sure you were aware of the additional letters of support we received. So I've included those letters from Jeff Rippe, the superintendent of Bellevue Public Schools, Lisa Fricke, Sarah Centineo, Kevin Hensel with the Bellevue Chamber of Commerce, and Andrew Rikli, the superintendent with Papillion-La Vista Schools. You'll also see I included the bounce-back notice at the-- in-- at the end of that email, you can see the time stamp from the original email. I do apologize for doing it this way, but I'm not sure what happened here. So I appreciate your time and I thank you and I'm happy to-- any questions you might have.

**WALZ:** Thank you, Senator Blood. Questions from the committee?

**SANDERS:** Thank you, Senator Walz. Senator Blood, thank you for bringing this bill forward. I just have a couple of real quick questions.

**BLOOD:** Sure.

**SANDERS:** There's no fiscal note--

**BLOOD:** Right.

**SANDERS:** --but if-- some, some school districts might be overwhelmed because of the high military population in their community like Bellevue Public School. Are there grants, do you know, that might be available to assist them to implement this program?

**BLOOD:** To be very honest, Senator Sanders, Bellevue Public Schools pretty much already meets the criteria, so all they would need to do would be to actually apply for it. And this is not a mandatory, this is an optional program. To be, to be very honest, I can't see anything within the context of the bill and speaking to other states that would be an additional cost, maybe with the exception of the additional website page.

**SANDERS:** Thank you. And second, how will the introduction to LB5 be implemented to the schools? Will they receive a letter saying this is--

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**BLOOD:** So it's a program that is going through the state school board. They will handle it after we pass the bill.

**SANDERS:** Perfect. Thank you, Senator Blood.

**BLOOD:** You're welcome.

**WALZ:** Thank you, Senator Sanders. Other questions from the committee? I see none. Thank you. Are you going to stay to close?

**BLOOD:** Yes, ma'am.

**WALZ:** All right. Do we have any proponents that would like to speak?

**JOHN HILGERT:** Good morning. Chair Walz, members of the Education Committee, for the record, my name is John Hilgert, J-o-h-n H-i-l-g-e-r-t. I'm the director of the Nebraska Department of Veterans' Affairs. I am here in support of LB5, introduced by Senator Blood. We support the establishment of the Purple Star Schools program. The Purple Star School program is designed to emphasize the importance of assisting military children with school transition and developing programs that recognize the value of military service and civic responsibility. Children from military families face issues such as gaps and overlaps in curriculum, different graduation requirements, course placement disruption, as well as the difficulties related to social and emotionally connecting with a new school and a new community. Military-connected students face challenges that include leaving supportive friends and activities behind to start at a new school. As you heard, the average military-connected child will experience six to nine different schools during their K-12 education experience. Passing of this bill will encourage schools across the state to appoint a military liaison to create programming and a welcoming atmosphere for children and military families who move to the school district. The schools choosing to participate will be providing a service to the entire military family by providing valuable information about the school, enrollment, registration, transferring records from one school, and activities available to students and military family members. Having a military liaison and programs specific to military students eases the transition for the student and the family. Being a Purple Star School will bring awareness to the local communities of the military students and families by hosting events specific to recognizing students of

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military families. Military family and defense community readiness strengthens our national defense by allowing servicemembers to focus their time on their military mission. The Nebraska Department of Veterans' Affairs, as the state of Nebraska's advocate for veterans, understands that supporting our nation's veterans helps build trust in between the all-volunteer force and the country it serves. While not a traditional veterans bill per se, LB5 also builds trust within defense communities and military installations that they support. LB5 is one more step in realizing Governor Pete Ricketts' vision of making Nebraska the most military and veteran-friendly state in the nation. That concludes my testimony and I'd be happy to answer any questions you might have.

**WALZ:** Thank you. Do we have any questions from the committee? I see none. Thank you for coming in.

**JOHN HILGERT:** Thank you.

**WALZ:** Next proponent. Good morning.

**AMY BONN:** Good morning. Good morning, senators. My name is Amy Bonn, A-m-y B-o-n-n, and I'm here to testify in support of LB5 for the adoption of the Purple Star Schools Act. I've been the proud spouse of an active-duty Air Force member for over 19 years. My husband is currently stationed at Offutt Air Force Base and we have three sons attending elementary school here in Nebraska. There are service members from Offutt deployed in every geographic combatant command 365 days a year. Offutt's unique mission demands that its members maintain a high state of readiness to depart for unpredicted deployments for unknown durations of 180 days or more. I believe that LB5 would provide essential supports to military-connected children in our state and by extension, to our active-duty military members as well. When the stresses of military life are felt by military-connected children, they are by extension felt by those children's active-duty parents as well. In short, proactive, positive supports for military kids are positive supports for their entire families, our military members, and for military readiness overall. There are many challenges involved with permanent changes of station, PCSs. My family has experienced PCSs and we've learned that some of these challenges include problems of continuity with our children's education. For example, one of my sons was receiving reading intervention at school due to a disability at our previous station in Virginia and we discovered that there was



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no continuity at all with that intervention upon our move here. My son did eventually begin receiving reading intervention and then special education here in Nebraska, but not before really struggling. We paid quite a bit out of pocket for private tutoring and we learned the process for getting him needed supports in school. He is now thriving with the support of very good public school teachers and remote school. I strongly believe that the availability of a Purple Star Schools program would prevent the type of struggle that my son and our family experienced by helping to ensure continuity in the learning process. I know through my involvement in the military community in Nebraska and in particular with the large community of military families with children with disabilities, that there are many other families who have experienced similar difficulties. On the flip side of this, my family has experienced the true gift of the involvement of a teacher who really gets the challenges that military-connected kids face and who has made a big impact on our family. After we learned that my husband would be deploying to the Middle East for a year in 2019, I let my kids' teachers know, including the speech pathologist at the school who worked with one of my other sons who has autism. Without being asked, she put together a social story for my son with drawings of and information about the country to which my husband would be deploying and drawings of our family, including all three of our kids, with details right down to their hair colors and names. This speech pathologist, Angi Castle, let both my son and me know that if he ever felt sad or overwhelmed in school, that her office door was always open to him and that she would be there to help him. This wonderful support made a difference. It made a difference for my son and the knowledge of this made a difference for my husband as he undertook his critical duty overseas. Ms. Castle is a phenomenal educator, but her understanding of the needs of children dealing with parental deployments was no accident. She is the spouse of a retired military member herself and so she knew what to do to help support both the academic and functional needs of military-connected children. Of course, not every teacher or school staffer has had the personal experience of multiple PCSs or the deployments of loved ones, but the Purple Star Schools program would open the door for many more school staffers to learn about and understand the needs of military-connected children and work to support them. This, in turn, would make those students more successful and allow their active-duty deployed parents to focus on their missions without the awful burden of knowing that their children are struggling unnecessarily back home. I respectfully

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urge you to advance this bill, as the Purple Star Schools program can help schools support children in what might seem like small ways, but in ways that actually have profound and positive effects that will ripple outward and be felt by our servicemen and women deployed throughout the world. Thank you for your time and consideration.

**WALZ:** Thank you. Thanks for coming in today. Questions from the committee? Senator Linehan.

**LINEHAN:** Thank you, Chairwoman Walz. So your-- did your son have-- thank you very much for being here, appreciate it.

**AMY BONN:** Thank you, thank you.

**LINEHAN:** Did your son have an IEP in Virginia?

**AMY BONN:** No, not that-- he was in reading intervention, which is essentially a response to intervention there, so it-- that's the-- doesn't even have prior parental consent, so we weren't really clued into what that transition process would entail and we didn't get any information during that transition about making sure that there was a communication to the school about where he was in that process, so we basically started over again. I would know now, if we, you know, PCS again, but I think most parents, short of an IEP or a 504 plan for kids with disabilities, don't understand that, that response to intervention process.

**LINEHAN:** So, so the records from Virginia wouldn't have said-- and I, I have great empathy for you because I had children with IEPs and reading disabilities, so I'm just-- what-- the school didn't send, like-- the record wouldn't have shown that he was in reading? You just don't know?

**AMY BONN:** I don't know. Honestly, I, I just-- and I don't-- I think that's something that does fall through the cracks differently than an IEP or a 504 plan would for sure.

**LINEHAN:** OK.

**AMY BONN:** And again, it's one of those things you learn from having experienced the challenge of it. I honestly am not sure that-- the details for transferring state to state, but I do think one of the things that I really like about the Purple Star School program is that

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it would-- that could be a question that could be asked to incoming families. Was your child receiving, you know, what-- because it's called different things in different states.

**LINEHAN:** Right.

**AMY BONN:** We had liter-- little-- LLI, literacy-- level literacy intervention, and honestly, I didn't get, at that point, how it all worked and so I think that could be a real leg up. Just a small question and answer, what-- was your son receiving this? Did you ever get a letter? And then being able to hook that child up at the, at the level that they need to be rather than struggling and then two months go by and yeah.

**LINEHAN:** Right, exactly.

**AMY BONN:** Um-hum.

**LINEHAN:** Thank you very much for being here. I appreciate it.

**AMY BONN:** Thank you.

**WALZ:** Thank you. Other questions from the committee? I see none. Thanks for coming in today.

**AMY BONN:** Thank you.

**WALZ:** Next proponent. Are there any opponents? Anybody who would like to speak in the neutral? Senator Blood, you're welcome to close. While she's coming up, I want to report we had three written testimony in lieu of person testimony. They were all proponents: one from Jason Hayes, NSEA; Jeremy Ekeler, the Nebraska Catholic Conference; and Daniel Russell, Stand for Schools. We had no opponents and no neutral. We also had position letters. The proponents were Ralston Public Schools, NASB, Nebraska Child Health and Education Alliance, NDE, Omaha Public Schools, NSEA, Nebraska Catholic Concert-- Conference, and Daniel Russell, Stand for Schools. And we had one opponent position letter from Shirley Niemeyer, Ashland, Nebraska, and no neutral.

**BLOOD:** Thank you, Speaker Walz. I'm amazed that there's opposition to a program like this, but that's the wonderful thing about these hearings. Everybody has a voice. So I, I, I just want to be really

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specific. This bill does address the three P's when it comes to school: public, private, and parochial. All three can participate because we know that military families don't always utilize public schools when they transfer to Nebraska, so we wanted to make sure that this was-- program was available to all, regardless of where they choose to send their children for education. You've heard the program. It's a simple program that's going to make a huge difference in a lot of lives. I encourage you, even though I know we're towards the end of the hearings, to, to please exec on this bill. It would be a great consent calendar bill and I know that the Military Families Office of the Pentagon would be very thankful that you helped us tick off yet one more thing on the list that they give us every year.

**WALZ:** Thank you, Senator Blood. Any other questions from the committee? Senator Linehan.

**LINEHAN:** Thank you, Chair Walz. Thank you very much for bringing this. Would you give any consider-- and I haven't read the bill, so maybe it's already in there-- would you give any consideration-- so I understand how this would work in Bellevue and Omaha, but what about-- self-interest here-- what about-- we have lots of National Guard spread all over Nebraska that get deployed, so would it be pos-- and-- but every little school is probably not going to be able to do this.

**BLOOD:** Every school can do this across Nebraska because your--

**LINEHAN:** That might be actually something-- OK, I'm-- stop thinking out loud, but the ESUs might be able to help out in the little schools because, you know, they could be in a school with 200 kids and they could be the only kids in the school with their mom or dad who gets deployed because they're in the National Guard. OK. All right, thank you very much.

**BLOOD:** It's my pleasure.

**WALZ:** Other questions? I see none. Thank you, Senator Blood.

**BLOOD:** Thank you for your time.

**WALZ:** That closes our hearing on LB5 and it will open our hearing on LB669, Senator Vargas, adopt the Veteran Promise Act.

**VARGAS:** Good morning, Chair Walz--

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**WALZ:** Good morning.

**VARGAS:** --and members of the Education Committee. For the record, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s, and I represent District 7, the communities of downtown and south Omaha, here in the Nebraska Legislature. Now the idea for LB669 was brought to me by a friend of mine who works in this area. He works with student veterans across the nation and he talked to me about how impactful and successful this policy has been in Michigan at Grand Valley State University for veterans. One of the hurdles that veterans have to overcome when they are exiting uniformed service is transitioning into civilian life. Many veterans go back to school however-- the first time, for an associate's or bachelor's degree, or for a higher professional education like a graduate degree. LB669 would make this one step easier for them and again, show them that our country and Nebraska welcomes our veterans and their families. Essentially as introduced, LB669 would automatically grant admission of any member of any branch of the armed services to any public postsecondary institution in Nebraska. Now the University of Nebraska recently made me aware that some of the provisions of the bill violate the 1977 ruling of a court case, which-- seeing Senator Linehan nod her head-- the Board of Regents of the University of Nebraska v. Exon. In layman's terms, I believe that the ruling basically says that the Legislature is limited in how we can control or interfere with the discretion of the board of regents and how they manage the university. My understanding is that the university supports the concept of this bill and said-- submitted a letter. And because they support the intent, they have been generous in working with my office on amendment language that will get to the same goal without violating the court ruling. We've sent that language up to Revisors and are working through that process, so we'll be sure to share that amendment with the committee once it is finalized. So thank you to the university for submitting a letter in support and for helping us with that. The university also brought to my attention in the last couple of weeks, the Trump administration-- that there were some changes in federal policy that require our state statutes to be amended and realigned. On January 5, former President Trump signed the Veterans Health Care and Benefits Improvement Act of 2020 into law. This new law enhances and expands education benefits of veterans and service members. One of the changes in the law aligns very closely with the subject and intent of this bill, which is to make Nebraska a welcoming home for military service members, veterans, and their

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families, including making postsecondary education attainable and easily accessible. Beginning on August 1 of this year, Section 1-1005 of this federal legislation removes the requirement for covered individuals to enroll in a course at a public institution of higher learning within three years of being discharged to receive in-state tuition. Our current law in Nebraska Revised Statutes 85-502.01 was amended by our former colleague, Senator Sue Crawford, in 2019 with LB122. That legislation put into effect the three-year time limit for veterans that now needs to be removed due to change in federal law. My office is working on language to amend this into LB669 as well and we will share that with the committee when it's ready. As you can see, this legislation needs to have some amendments to make this operational, but I hope today that we can focus more on the discussion on the intent of the bill and how we can accomplish this goal, which is making postsecondary education more accessible and easily attainable for our nation's veterans. With that, I'll close and be happy to answer any questions. Thank you.

**WALZ:** Thank you, Senator Vargas. Any questions from the committee? Senator Linehan.

**LINEHAN:** Thank you, Chair Walz. OK, I'm-- they have to accept any, any veteran-- is it-- I'm just wondering if that's in their interest-- regardless of whether they're prepared for the university? I mean, you could be a veteran and not prepared.

**VARGAS:** So one of the things that we'd be including in the amendment-- and we have a, a draft of it, but it's not-- is essentially that they would be automatically accepted, except with regards to anything in here that would be misconstrued on policy or practice or any additional criteria or prioritization. So if there's additional criteria required for academics, that still is left up to the university.

**LINEHAN:** OK.

**VARGAS:** Yes.

**LINEHAN:** OK, not because I don't want them to have it, but sometimes you can-- you don't want to put people in a position where they're not going to succeed.

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**VARGAS:** Of course.

**LINEHAN:** Thank you very much, Senator Vargas.

**VARGAS:** Thank you.

**WALZ:** Other questions from the committee? I see none. Are you staying for closing?

**VARGAS:** I'm going to go back to another committee and if I'm here, I'll close. If I'm not, you can consider my close-- lead in closed.

**WALZ:** All right, thank you, Senator Vargas. Proponents? Any opponents? Anybody that would like to speak in the neutral? I see none. I will say that there were one-- there was one proponent written testimony in lieu of person testimony from Health Mello at the University of Nebraska. No opponents or no neutral written testimony and there was one position letter as a proponent, Greg Adams from Nebraska Community College Association. No opponent or no neutral position letters.

**VARGAS:** I just want to thank you again. This, this came from conversations-- and again, my-- good friend of mine is the CEO of Student Veterans for America and they're constantly trying to get ahead of what are barriers, be it sometimes procedural operational barriers, for our veterans to pursue higher education? And seeing an institution take on this lead, there's a benefit for us looking down this same exact route. I appreciate the university working with us and being in support of this with the amendments so we're not violating that, that case law and being able to make that strategic-- sorry, procedural federal change to update the federal statutes as a result of the past administration's statute change. So with that, I'm happy to answer any questions. I appreciate your, your thought and conversation on this.

**WALZ:** Thank you. Any other questions? I see none. Thank you, Senator Vargas.

**VARGAS:** Thank you very much.

**WALZ:** That closes our hearing on LB669 and we will open on LB281, Senator Albrecht, require child sexual abuse prevention instruction programs for students-- schools, students, and staff. Good morning.

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**ALBRECHT:** Good morning. Good morning, Chairman Walz, members of the Education Committee. For the record, my name is Joni Albrecht, J-o-n-i, Albrecht, A-l-b-r-e-c-h-t. I represent Legislative District 17 in northeast Nebraska, which includes Wayne, Thurston, and Dakota counties. I'm introducing LB281 with AM298, which will become the bill. As I worked with stakeholders throughout this process, it was determined it would be ideal to add the following four items. Number one, I'm changing the bill to say K-12 instead of K-5. I've added "evidence-based" to further describe the curriculum requirements-- excuse me-- and number three, it was suggested that I add a definition of grooming since there is a definition available in the statute. And number four, the State Department of Education will provide framework and list-- and a list of approved training materials for the program. Let's see-- again, AM298 will become the bill. I was originally asked to carry this bill by a constituent in my district who personally experienced the pain of child sexual abuse. When he heard that 37 other states already have legislation, he had a desire to see it in Nebraska so that other children wouldn't have to experience the pain that he did. LB281 will require that all school districts in Nebraska implement a prevention-orientated child sexual abuse program, which teaches students in grades K-12 age-appropriate techniques to recognize child sexual abuse and make them aware of safe adults that they can go to if they are being abused. It also provides school personnel training and a preventative method for helping reduce incidents of child sexual abuse and teachers and parents and guardians of the, the warning signs of child abuse-- sexual abuse. It empowers everyone involved with the needed assistance, referral, and resource information to support sexually abused children and their families. In just four hours each year, we have the opportunity to educate kids on the personal body safety education, which might turn into safe-- might enter and save them from living with the secret of sexual abuse for some ongoing-- for years. We educate kids on tornado, bus, fire drills, safety, Internet safety, and suicide prevention, yet we are not currently educating kids about sexual abuse. One in four girls and one in six boys are sexually abused by the age of 18. Juveniles-- excuse me-- are the offenders in 43 percent of the assaults on children under the age of six and peak-- and the peak age for involving a younger child in sexual behavior is 14-- sorry. These children are sitting in our classrooms and we have the opportunity not only to stop sexual abuse from continuing, but studies show, for many, to keep it from happening in the first place. Without educating



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children in school, most will never get the message on how to speak up and tell someone that they're being abused. There is evidence that this law really works. I've given you a handout with dozens of articles from across America of arrests or convictions as a result of sexual abuse training being taught in school districts across the country. You will see one of the studies-- one of the stories, sadly, is out of Nebraska. Because a student was taught sexual abuse training after she moved out of our state, she recognized that she had-- what had happened to her when she lived here and she spoke out. Districts that teach it see that it works and the kids are being saved. Our schools are in a unique position to help young people shape positive, healthy behaviors, reducing their vulnerability to being sexually abused or assaulted. My hope is that LB281 will provide a guide, vetting programs, and outline developmentally appropriate ways to talk to children about this topic. The Lincoln Public Schools have implemented a preventative childhood sexual assault program. Carrie Erks is here to share about the impact she believes it's making. LB281, also known as Erin's Law after child sexual assault survivor and author, speaker, and activist Erin Merryn-- after Erin introduced the legislation in her home state of Illinois, the bill was named Erin's Law after her by the legislators and has-- this has caught on nation-- on a nationwide spectrum. Erin's Law has been passed in 37 states to date. President Obama signed the federal version of Erin's Law under the Every Student Succeeds Act, Glamour magazine named Erin Merryn Woman of the Year in 2012, and People Magazine named her one of 15 women changing the world and heroes among us in 2013. Erin is also here to testify today in support of LB281. I encourage the committee to advance LB281 with AM298, which will become the bill, to General File and I'd be happy to answer any questions.

**WALZ:** Thank you, Senator Albrecht. Questions? Senator Day.

**DAY:** Thank you, Chairwoman Walz, and thank you so much for bringing this bill. This is very important and very needed, I think, here in the state and I think we have a really great opportunity to do a lot of good with this bill. I just have a couple of questions about the training that would be provided for the teachers and administrators and also the curriculum. Would the Nebraska Department of Ed be involved in establishing a group of curricula that districts could choose from or how would that be--

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**ALBRECHT:** Great question and-- excuse me, I might need some water if you can find some. This program would definitely have the state overseeing and looking for the, the curriculum. There's already curriculum out there. We don't have to reinvent it.

**DAY:** OK.

**ALBRECHT:** Schools would be able to, to decide what curriculum would be best for them. I, I don't know if the whole state will use the same one that Carrie Erks would come up and talk to you about. I've looked at all of it. I like it a lot--

**DAY:** OK.

**ALBRECHT:** --but that would be the state board's position to, to do that for the schools--

**DAY:** OK, great.

**ALBRECHT:** -- and they would train the teachers and they would be able to take care of that.

**DAY:** OK, so both the training for teachers and administrators and the curriculum would be handled--

**ALBRECHT:** --at the state--

**DAY:** --by the State Board of Education.

**ALBRECHT:** Um-hum.

**DAY:** Excellent. OK.

**ALBRECHT:** Yep.

**DAY:** Thank you so much.

**ALBRECHT:** Thank you for the question.

**WALZ:** Other questions from the committee? Senator Sanders.

**SANDERS:** Thank you, Senator Walz. Senator Albrecht, thank you for bringing this bill forward.

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**ALBRECHT:** You're welcome.

**SANDERS:** In the curriculum, does it also educate the peers or the other students that know each other examples of sexual abuse?

**ALBRECHT:** Every year, they will build on this curriculum. So if they've all gone to school together, they kind of know the program and, and how it's going to escalate through K through-- in the beginning, I thought K-5 would be fine, but in speaking to others, K-12 because a lot that happens in junior high, a lot happens in high school, and these children, once they have been, you know, educated on what, what they need to look for-- and their parents are going to know about it. I mean, if you're in a situation that you can't seem to get out of and, and you need to reach out to somebody, the students would know, based on those four days at the beginning of the year that they get this education.

**SANDERS:** Thank you.

**ALBRECHT:** Thanks.

**WALZ:** Senator Linehan.

**ALBRECHT:** Oh, thanks. You've got all kind of-- I should have had it earlier.

**LINEHAN:** Thanks, Chair Walz, and if you don't-- thank you for bringing this important legislation. And if you don't know the answer, it's just-- I want to get it on the record-- questions. The fiscal note states that all schools aren't-- don't qualify for the federal funding. Do you have any idea what there-- is it just because-- I mean, how many? Like--

**ALBRECHT:** Well--

**LINEHAN:** --it's frustrating. Like, all schools don't-- so are we talking ten schools or 20 schools or--

**ALBRECHT:** Well, I don't know honestly that there-- I mean, you said that some of them are not-- the money is not available to them?

**LINEHAN:** Right, which is-- the reason--

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**ALBRECHT:** Because of the average student--

**LINEHAN:** --I'm asking on the record, I think we need a more definite answer than what--

**ALBRECHT:** OK.

**LINEHAN:** --the fiscal note provides. Just--

**ALBRECHT:** So the, the Every Student Succeeds Act-- and maybe Erin can speak to this-- again, 37 other states are using this program and that's where a lot of the funding is coming from.

**LINEHAN:** Right.

**ALBRECHT:** So if it doesn't come from there, I don't know that-- the fiscal note said--

**LINEHAN:** It's not-- we don't need to drill down on this. I just wanted to, for the record, to make clear that it's, it's less than a complete answer. So we-- maybe we can get a more complete answer on the fiscal note.

**ALBRECHT:** Sure.

**LINEHAN:** OK, thanks.

**WALZ:** Thank you. Any other questions from the committee? Thank you, Senator Albrecht.

**ALBRECHT:** Thank you.

**WALZ:** Proponents. Good morning.

**ERIN MERRYIN:** Good morning. Sorry, let me just set my camera up here. OK. My name is Erin Merryn. I traveled yesterday from Chicago, a nice 500 miles, seven hours, to come testify to all of you to have five minutes of your time, but that is how passionate I am about this law. I've spent the last 11 years traveling America, testifying from one state capitol after another, as far away as going to Hawaii and Alaska. And as you've heard, it's been passed in 37 states and I hope you can help me not let Nebraska be the last. One in four girls and one in six boys will be sexually abused by the age of 18. There is an

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estimated 42 million survivors of childhood sexual abuse in America alone, but it's that topic we often sweep under the rug, look the other way, and act as if it's not going on when the reality is it's happening to kids in public schools, private schools around this world. As a young child going to public school in the suburbs of Chicago, I went off to kindergarten and met my best friend and it was that best friend I had my very first overnight as that kindergartner where I was sexually abused in her home by the uncle that lived there. And this man had told me to be quiet about it, so I didn't tell my mom when she picked me up the next day. No one had been educating me in school on how to speak up and tell. I had heard all about stranger danger from my parents, from the school cop that came in every year from kindergarten to sixth grade and showed us the same creepy van of the man with the missing teeth, looked like he hadn't bathed in months, trying to lure the kids in the car with candy, when the reality is these perpetrators that are often abusing kids are not the creepy-looking homeless person, but someone in the community we often trust and sadly, often right in the family. This man continued to sexually abuse me from the ages of six, seven, eight, repeatedly threatening me. I went from that happy kid to the kid that was displaying all the warning signs: acting out, putting my hand through a window. The school put so much money into the resources to try to deal with all my anger problems, behavior issues, giving me an IEP and labeling me emotionally and behaviorally disturbed child, making me repeat first grade. So how did my abuse finally end? Well, when I was eight and a half, my parents moved. I never saw that man again, but moving got me that much closer to the next perpetrator in my life. No, not that stranger danger that I have now learned about for five years. No, this time a family member. At the age of 11, the start of fifth grade, I woke up to my older teenage cousin sexually abusing me in my sleep. This older cousin continued to do this for the next year and a half. Just like that other perpetrator in my life, he repeatedly told me this is our little secret, Erin. You will destroy our family. You have no proof that I'm doing this to you. So what did I do? I instead kept my secrets locked away in my little, pink childhood diary, entry, entry, entry, describing the details of what this cousin did at Christmas, Thanksgiving while I watched his little brothers, what was going on in the room next door where 40 other relatives had no idea what I had been threatened not to tell anybody. So how did I finally find my voice? Well, something to know about these perpetrators, they don't stop after one victim and I'm now 13 and my 11-year old sister

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comes to me and says our cousin is sexually abusing her too. The two of us came forward, found our voice, broke our silence, and finally told somebody. I had wished somebody, as that little kindergartner, had taught me safe and unsafe touch, safe and unsafe secrets, that you will be believed if this happens to you, that you do report it. Don't keep this a secret. But the only education I got for six and a half years of my life was to keep it a secret, no one will believe you. So I made it my life mission 11 years ago to travel one capitol after another to make sure we educate kids in all 50 states. And I started in Illinois and got it passed there and have since then, as I said, traveled to over half the country testifying on this bill, been trying for many years here in Nebraska and finally got the opportunity to come before you and testify on this. And you might be wondering is this working if you've been after this for eleven years and 37 states? I have sitting here one article after another of legislate-- or articles of kids coming forward as a result-- one just out of South Carolina-- Advocates highlight Erin's Law after brave child abuse survivor comes forward to report abuser after she recorded it. School program about reporting sexual abuse leads to the arrest of a child molester. One out of Portland, Oregon, one out of South Carolina. Another one, family member charged with abusing child, out of Virginia. Another one, he was warned about getting too close-- this is, this is a really interesting one, Maryland teacher sexually abusing five students. Erin's Law had passed. A 12-year old is learning the law in the classroom by the guidance counselor. She breaks down, starts crying, pulled out of the room, reports that her former teacher has been molesting her since the age of ten. Because this brave girl stepped forward and broke her silence, four more kids came forward. And this was the teacher that was known as the favorite, that every parent wanted to get their kid in that classroom, and he was sentenced to 48 years in prison.

**WALZ:** Erin--

**ERIN MERRYIN:** Think for a moment if this law didn't exist. So I hope we can make Nebraska the next state to pass it. Please don't let it be the last.

**WALZ:** Thank you so much. First of all, could you spell your first and last name? I forgot to have you--

**ERIN MERRYIN:** E-r-i-n M-e-r-r-y-n.

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**WALZ:** Thank you. Thank you for your testimony. Do we have any questions from the committee? Senator Linehan.

**LINEHAN:** So Erin, thank you very much for being here today. Clearly, this is an important issue and thank you for the wake-up call. How many state-- you said Virginia. Are, are there other states in the Midwest who have passed this law or are we kind of like the first?

**ERIN MERRYN:** Oh, no. Gosh, Illinois, Indiana, Michigan, Tennessee, South Carolina-- gosh, there's so many down-- Mississippi, Alabama, Georgia. Yeah, whole--

**LINEHAN:** And--

**ERIN MERRYN:** Most of the East Coast has also passed it.

**LINEHAN:** Has any state that's passed it ever went back to review whether it was working or is everybody--

**ERIN MERRYN:** No, everyone's still complying and doing it. Yes, it's never been reversed or-- my goal is to eventually, down the road, to go back and study this with all the different states.

**LINEHAN:** So in the Every Student Succeeds Act, was there funding made available?

**ERIN MERRYN:** Yes, so U.S. Senator Gillibrand [SIC] introduced, in 2015, the Every Student Succeeds Act. Written into it-- and I can send information to you on the articles on it-- is-- Erin's Law is written into that providing federal funding every year. The same funding can be used for, say, the DARE program, other prevention programs we use in schools. But yes, it is written into their-- every state is, every year, given so many dollars, so many millions to cover these prevention programs.

**LINEHAN:** OK, excellent. So Nebraska would have the federal funding?

**ERIN MERRYN:** Yes and a lot of the states-- for example, in Alaska, they're not even needing to use federal funding because they're having the health teachers in the classroom teach it. They're having the school social workers who are already paid employees teaching it. And the curriculum is not that expensive. In fact, there's some curriculum out there that is free that you can get.

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

**WALZ:** Thank you. Other questions from the committee? Thank you for traveling so far--

**ERIN MERRYIN:** Thanks.

**WALZ:** --to be with us today. We appreciate it. Next proponent. Good morning.

**CARRIE ERKS:** Good morning. Hello, my name is Carrie Erks, C-a-r-r-i-e E-r-k-s. I've been a school social worker in Nebraska for 20 years. Part of my role includes training and supporting the implementation of our social and emotional learning curriculum. The personal safety and sexual abuse prevention lessons such as the ones being suggested in this bill fall under my area of my job. These sorts of lessons have been in place in my district's preschool for close to 20 years. By the end of the 2021-2022 school year, all of our pre-K through first-grade students will be receiving these lessons. Twenty years ago, before I became familiar with this sort of curriculum, I did not know how to have conversations with children about personal body awareness. I did not know the importance of teaching them the correct names for their private body parts, how to teach touching rules within the context of other safety rules, or what we should do if somebody breaks a touching rule. If I, as a competent and conscientious licensed mental health professional, trained in understanding all kinds of trauma and the toll that such trauma often takes on the mental, physical, and emotional health of those having experienced it, didn't even know how to start those conversations, how would I expect someone not in the child welfare or mental health fields to be able to do this? If most of us as adults are unwilling or unable to have these types of conversations with our children, how will they be brave enough to talk about such sensitive information with us? These sorts of lessons and the conversations that come out of them have helped me to be a better mother, social worker, and advocate. As a mom, I was able to have these conversations with my children as they learned the names for their eyes, arms, and elbows. As a social worker, I've trained and supported the delivery of this curriculum on behalf of hundreds of children and families over the years. This training has often included training for staff and parents on how to recognize and report suspected abuse. A well-chosen sexual abuse prevention curriculum strengthens the home-school partnership and empowers parents with how



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to have these conversations-- excuse me-- often and early with their children so that as soon as a touching rule is broken, the students are able to recognize, refuse, and report it before it's allowed to expand or continue. Research tells us that most child sexual abuse is perpetrated by someone that the child knows and trusts and that this sexual abuse usually starts as a progression of boundary violations over a period of time becoming more sexual in nature. Over the years, I've watched children who have received these lessons assertively define boundaries around their body and immediately and without hesitation report unwanted or unsafe touches. But so many times I have hoped that this was available to all, all of our community's children. One example was about a year ago when a childcare employee worked in a childcare center in the town where I live, was arrested for sexually abusing several children of the, of the center while they attended childcare. This employee videotaped the sexual abuse and then distributed it as child pornography. I am not naive enough to think that child sexual abuse will ever be completely eradicated. However, much like diabetes, obesity, domestic violence, and substance abuse or any other community health problem, a multipronged intervention approach, which always includes education, can and is effective in reducing the incidence and severity of our public health problems, in this case, child sexual abuse. Personal safety lessons such as the ones being proposed in LB281 are not the only thing we should be doing to decrease child sex-- sexual abuse. However, this bill is an amazing start to our community's efforts to better protect and empower our state's children-- my children, your children, your grandchildren, your neighbor's children. Isn't that the first priority of our society, to protect our children? Much more important than making sure we have proficient readers and mathematicians. It is for this reason that I have-- am in support of LB281.

**WALZ:** Thank you, Carrie. Questions from the committee? I do have a-- oh, go ahead, Senator Linehan.

**LINEHAN:** No, it's probably the same question. Does your school have a program?

**CARRIE ERKS:** We've purchased a program. It's called-- the Child Protection Unit is what we use and it's, it's the same, the same company that makes that-- is what we use for our social and emotional learning.

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**LINEHAN:** Thank you very much for being here today, appreciate it.

**WALZ:** I was just curious. Are parents aware of when the classes take place?

**CARRIE ERKS:** Yes, that's a-- of the-- you know, they're-- like Senator Albrecht said, there's a lot of different options, but the curriculum that, that I am familiar with, parents are very much a part of it. They receive letters beforehand about what's going to happen during the lessons they receive, a little note that is sent home after every one of the lessons, and they're-- they can get online and see some of the curriculum and things.

**WALZ:** Good. Thank you. Any other questions? Thank you for being here today. We appreciate your testimony.

**CARRIE ERKS:** Thank you.

**WALZ:** Other proponents? Good morning.

**KARA MUELLER:** Good morning. My name is Kara Mueller, K-a-r-a M-u-e-l-l-e-r. I am a school social worker at three elementary schools who currently implement the child protection units to students preschool through first grade. The units have been extremely beneficial and I am strongly in support of LB281 for the following reasons. In November, when our counselor was teaching the unit on healthy versus unwanted touches, a kindergarten boy raised his hand and said my dad touches me at night and I don't like it. The child was interviewed privately after the lesson where he disclosed incidents that appeared to be sexual in nature. The case was reported to DHHS and law enforcement for follow up and the student now feels safe and protected. Last year, a fifth-grade girl with significant behaviors disclosed sexual abuse in great detail. She had been taught the lessons privately in previous years and hinted at possible abuse, but nothing was ever confirmed or accepted. When she eventually made a full disclosure, she said she finally felt comfortable talking about it after hearing the language used so openly at school for a long period of time. She told the staff that is why I'm so mad all the time. The case was also sent to DHHS and law enforcement, who conducted a full investigation. At one of my schools, I had three parents sign the paper opting their child out of these lessons and I followed up with all of them. One parent was adamant on the phone that

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she did not want her child to participate. By giving this parent more information and reassurance, the parent was in total agreement to have her child participate by the end of our conversation. Another parent said she signed the paper without looking at it and was so thankful that I called her to clarify because she wanted her child to participate, participate in these lessons. All teachers were thankful for the assistance in talking to these parents and helping them be on board with the lessons. When school staff at one of my schools-- at one school told me-- I'm sorry-- when school staff at one school was told that they would present these lessons, they were pretty hesitant and uncomfortable with the information. Carrie Erks and I met with staff to discuss the lessons and answer their questions. I was present in the classrooms when the lessons were taught and the staff did an amazing job. They later said it went better than expected and they agreed that this was so important to teach their kindergarten students. They are no longer uncomfortable about teaching these lessons. As a survivor of child sexual abuse, I am disappointed that I have not had these lessons taught to me at a young age. I was never told about safe vs. uncomfortable touches and when something made me feel uncomfortable, I did not know at the time to report it. My abuse went on for two years. One day, I was at my older cousin's wedding shower when she received a gift and the word penis was mentioned. I whispered in my cousin's ear that my dad made me touch his penis. She giggled and I giggled because I thought that was normal. Later that night, thankfully, the incidents were reported, I completed a forensic interview, and never had to see my perpetrator again. A few weeks later, my mom told me that some reporters had called wanting to interview me and she asked me if I wanted to do that. I said I did because I wanted to help other kids who went through what I went through. In my family, situations like this were not to become public and I was never supposed to tell anybody because it was a family issue. I was unable to speak to the reporters. Speaking today now allows me to share my experience and my nine-year-old self is saying thank you. I am thankful that my own experiences have the potential to help, to help save so many children. This issue is so important to me and I make a strong effort to teach these lessons to my own child-- my own kids. Since I have been a parent, I have had many conversations with my kids around naming body parts, uncomfortable touches, good, bad secrets, etcetera, and I feel like my kids are very aware of what is OK and what needs to be reported. When I told my kindergarten son he would be hearing these lessons at school this year, he excitedly

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said I already know all about that. He went through the lessons the other week and came home singing about the three R's-- recognize, refuse, report-- and was teaching them to his little brother. I am hopeful that because this language is so normal for us, they will be comfortable talking to a trusted adult if something uncomfortable does happen. I am even more concerned-- or due to the fact that statistically, girls are more likely to be sexually abused than boys, I am even more concerned about the safety for my baby daughter and will continue to use this language at home in an effort to keep her safe. I told my sister-in-law about conversations I had at home with my kids about safe touches, secrets, etcetera, and encouraged her to have similar conversations with her children. My young niece was later playing with an older cousin when the play turned sexual. The older cousin wanted her to kiss her and show her her body parts. The older cousin told my niece that it was a secret and she would give her toys if she did not tell. My younger niece felt comfortable telling her mom about this since they had already talked about it. These are just a few examples about how the child protection units have, have impacted my schools, myself, and my family. There are not enough words to describe the importance of teaching this information to children at a young age. If children are continually-- continuously exposed to this material, it will greatly increase the amount of kids who feel comfortable enough reporting concerns to a trusted adult. I urge you to strongly consider putting LB281 into law.

**WALZ:** Thank you for your testimony, Kara. Any questions from the committee? I see none. Thank you--

**KARA MUELLER:** Thank you.

**WALZ:** --again for coming down today. We appreciate it. Next proponent. Good morning.

**JULANE HILL:** Good morning. My name is Julane Hill, J-u-l-a-n-e H-i-l-l. Madam Chair Walz and members of the Education Committee, children come to us with all kinds of excess baggage that doesn't fit neatly into their backpacks. They come to us hungry, homeless, depressed, having been physically and emotionally abused, and, yes, sexually abused and much more. I witnessed this firsthand as a teacher and as many individuals who have worked closely with students have witnessed this as well. No child can truly reach their full academic potential unless their basic needs are addressed and met. LB281

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addresses one of those needs. My first 23 years, I had the privilege of teaching children ages nine to 19 both health and physical education. My last 17 years, I had the privilege of working with the Department of Education as the coordinated school health director, providing professional development opportunities for school personnel on how to address the needs of the whole child, not just their cognitive needs. In late 2015, I was assigned the project of creating a child sexual abuse policy for the Nebraska Department of Education based on Erin's Law. A work group of various experts was convened and met twice before I was informed in early 2016 this was no longer a priority and funding was depleted for this project. LB281 addresses three of the components the work group had recommended be included in a model policy. Not being able to complete this policy has been one of my biggest regrets upon retiring from the Department of Education in 2017. I am hoping LB281 will be a priority today and in the future. Children are extremely resilient and look to adults for guidance and LB281 provides us guidance. Educating all students in grades K-12 on child sexual abuse provides children with the knowledge, skills, tools, and resources needed to keep themselves safe from sexual predators and also provides them with the ability to confide in a trusted adult if they are currently being or have been sexually abused now or in the past and I have experienced that firsthand. I and others have seen that by teaching children about child sexual abuse, often provides them with the courage and permission they need to disclose their abuse and thereby receive the help they so desperately need. Providing training to school staff on child sexual abuse is extremely important, as adults need to be able to know what to do and how to react if and when a child discloses their abuse to them. There is no greater feeling of helplessness than having a child disclose to you that they are being sexually abused and not knowing what to do or say. Teachers and other school personnel have been in these situations and must be trained on what to do and how to respond in order to assist these children. The Nebraska Department of Education has already established a training format for all schools on suicide prevention training that could be easily replicated for LB281. Almost every day in the newspaper, you see where an adult sexual predator has preyed on a vulnerable child. This behavior is rampant in our society and therefore, our children must be provided with the tools they need to keep themselves safe. By being proactive instead of reactive, our schools can play an important role in keeping our most precious assets, our children, safe from sexual abuse. Please help us in

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getting LB281 passed at this time. Thank you for your time today and I'll take any questions.

**WALZ:** Thank you. Questions from the committee? I don't see any. Thank you for coming in today and thank you for your service as a teacher.

**JULANE HILL:** Thank you.

**WALZ:** Next proponent. Any opponents? Good morning.

**COLBY COASH:** Good morning. Senator Walz, members of the Education Committee, my name is Colby Coash and I represent the Nebraska Association of School Boards in opposition to LB281. My testimony also reflects that of the Rural Schools-- Rural Community Schools Association. But it's really important to note our opposition to this bill is not related to the intent of LB281 or the content of instruction that is mandated within the bill. Body awareness training for students, educator training as prevention methods are appropriate. Our opposition to this bill, to this bill stems from the approach of statutory change as opposed to the normal process of curriculum and content standard-- standards development of which schools are used to. The State Board of Education, working through the Department of Education, regularly reviews and updates curriculum standards by which districts must abide to remain accredited. This is the normal process by which curriculum can meet state law and be applied with uniformity, consistency, and accountability. Our position is simply that the changes proposed, proposed in LB281 would be better served going through this process by which all other curriculum changes and enhancements are made and communicated to schools. As it relates to this topic, the committee should be aware that the department has been working on updates to the health education content standards, which include elements proposed in LB281. These draft content standards will be released for public comment next month, in March, with consideration by the full State Board of Education this fall. As drafted, the state board and Department of Education are not part of this bill, which we feel is inappropriate and could cause, could cause challenges. You have two different tracks here of curriculum changes. One-- and this bill goes directly to statute where all other curriculum changes filter through the, the, the State Board of Education. They look at these on a regular basis. They make changes. It's a public process and then those changes are, are pushed out to schools in that manner and then you get uniformity, consistency of

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those content standards. We think going this route could cause some disharmony and challenges for schools. We do share Senator Albrecht's desire to better empower children and educators to protect from and prevent instances of, of sexual abuse, but we believe the current processes in place for curriculum changes are best suited because they're uniform, they're evidence based, and they're effective in application. That's all I have for you today. Thank you.

**WALZ:** All right, thank you. Questions from the committee? Senator Linehan.

**LINEHAN:** Thank you, Chairwoman Walz. We had a witness-- have you been here all morning?

**COLBY COASH:** For this bill, yes.

**LINEHAN:** So one of the testifiers said that she previously worked for the Department of Ed--

**COLBY COASH:** Um-hum.

**LINEHAN:** --and back in 2015-- if I can read it here-- a "workgroup of various experts were convened and met twice before I was informed, in early 2016, that this was no longer a priority and funding was depleted for the project." So it's a little hard to say we should just leave it up to them if they've already turned away from it less than four years ago.

**COLBY COASH:** Yeah and that was the, the first time I had heard that. But what I do know, because I talked to the department prior to coming here today, is that the health education standards will have a draft curriculum change released in March and those content standards go through a public process where there's public input, there's drafting, and then the state board ultimately decides if those changes to those content standards will become part of the standards for the curriculum moving forward. It's the same process they do with math, with science--

**LINEHAN:** Do we, do we know if they were focused on this before Senator Albrecht introduced the bill?

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**COLBY COASH:** I had heard, similarly to the previous testifier, that the department had been looking at this when a different version of this bill was introduced.

**LINEHAN:** So a bill is introduced and then they look at it.

**COLBY COASH:** I-- that seems to have been the process previously.

**LINEHAN:** Well, that's--

**COLBY COASH:** And that--

**LINEHAN:** --not a very good process if it's really top on the shelf on their concerns. The other thing is this is the same testimony we heard-- and I wish Senator Pansing Brooks was here. We had the same pushback when we did the reading bill, that we couldn't do it because that was the Department of Ed. And even now, now we have a law on the books that people have to help with reading, I still get letters from parents that aren't getting help. So I don't know. I think it's hard to argue that we don't need to move forward on this.

**COLBY COASH:** I do understand, I do understand why you would take this, this route. It can get outcomes that possibly you couldn't get otherwise. I would just encourage the commit-- I just want to make sure the committee understood that there is something that's going to be released next month that the department has indicated to me includes elements that are proposed in this bill. And again, the-- if you have two different tracks, it becomes challenging for schools to go to statute and to figure out what they need to comply with versus going to their accreditation body that say this is how we need to comply with these standards. We, we will just advocate for one standard that is more straightforward for schools to comply with.

**LINEHAN:** OK, thank you.

**WALZ:** Other questions from the committee? I have one. Have you had conversations with Senator Albrecht about the--

**COLBY COASH:** About the department?

**WALZ:** --concern? Yeah.



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**COLBY COASH:** Yeah, we did have a-- I did have a conversation with her staff and illustrated the concerns I shared with you, which is the department, as drafted, is not part of LB281. They don't have any-- anything to do with that. And if the bill were adopted as written, you would have one-- potentially one-- you know, 244 different standards of how schools would comply with LB281 within the, the boundaries of the bill and then you have these other curriculum standards, which are coming through, like I said, starting in March and my concern would be that they might not be in concert with each other. It's kind of left hand not knowing what the right hand is doing and we'd want to make sure that if you have conflict, that both sides are aware of it, right? So that's why the department, I don't think, is here today, right? Because they're not part of the drafting-- or not the drafting, but the, the way that this bill would move forward because the state board, who approves curriculum changes, is not charged with anything under this bill, but they are working on it anyway, like I said.

**WALZ:** OK, OK. Any other questions? Senator McKinney.

**McKINNEY:** Thank you. Just one quick question: if this was passed, wouldn't the board have to comply with the law, with the law? So if they're setting standards, wouldn't they, wouldn't they have to set standards according to the law or they just set separate standards?

**COLBY COASH:** If, if LB281 were passed, the, the school boards would have to go back through their administration and their curriculum committees and start to implement the changes that are here. And then parallel to that, you would get from the Department of Education new content standards on health education, which they also have to comply with through that process. So it's, it's two separate processes that would be in place on this one topic if the bill were to go through and the state board adopts their curriculum changes.

**McKINNEY:** I guess that's probably what confuses me a little bit. So if it's law, wouldn't NDE have to comply with the law as well or they set different standards?

**COLBY COASH:** As written, LB281 puts mandates on the schools--

**McKINNEY:** OK.

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**COLBY COASH:** --and what they have to do, does not put any mandates on NDE and what they-- their role.

**McKINNEY:** OK, that makes sense. All right, thank you.

**WALZ:** Senator Day.

**DAY:** Thank you, Chairwoman Walz. I did mention that to Senator Albrecht earlier about the involvement of the Department of Ed in setting standards. If the bill were to be amended to include provisions that, you know, the Department of Ed would be in charge of establishing the curriculum or of, of an array of curriculum that districts could choose from, would you still be opposed to this bill?

**COLBY COASH:** I, I think involving the Department of Education through the curriculum standards process through this bill would help, but of course, I'd have to see, see the language.

**DAY:** Right.

**COLBY COASH:** They're already, they're already doing it, right?

**DAY:** Right.

**COLBY COASH:** They're already-- you know, if this bill hadn't been introduced, they would still be releasing curriculum changes in health education next month. They'd be doing that regardless. Just-- it just came up. So we, we certainly would prefer a partnership with the State Board of Education because if you go on NDE's website, for example, you can look at what are the social studies standards for a fifth grader? And you can see all of the elements that must be part of the education for that grade level and that subject. That is where curriculum directors and schools across the state are used to going to decide, OK, how do I make sure that the teachers in this subject area are meeting these standards? And so they review books, they review, you know, all of the education materials that go into that. As written, LB281 x's that process out and we think that's an important process because that's the process schools are used to following. Again, I would advocate for one, one process, but I do understand why sometimes you go around that and that's brought us here today.

**DAY:** Yeah, and that's-- sorry, can I--

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**WALZ:** Go ahead.

**DAY:** That's why I was asking was because it sounded like Senator Albrecht was open to including NDE in the process of establishing the curriculum, so it would be similar to, like you said, math or something--

**COLBY COASH:** Yep, and we would, and we would be more than happy to sit down with Senator--

**DAY:** OK.

**COLBY COASH:** --Albrecht and work--

**DAY:** Thank you.

**COLBY COASH:** --and work through those of course.

**DAY:** Yep.

**WALZ:** Senator Murman.

**MURMAN:** Thank you, Senator Walz. And you mentioned there's two other routes that this curriculum could be included and, and is the traditional way of doing it. And if I understand correctly, Erin's Law or, or some version of it has been around for quite a few years and 34 or 37 states have already passed it. Why do you think something like this is not included in Nebraska's curriculum already?

**COLBY COASH:** Well, I think, as you heard from the testifier from Lincoln Public Schools, that they're including it in, in part of, of their curriculum. I can't speak to how Erin's Law has been implemented in all the other states and I would suspect that in some states, it is filtered through their version of the department of, of education, and some states, maybe through a, a mechanism like a, a statutory change like this. But again, we, we don't have a problem with the, the curriculum. We just-- if you put your-- if you put yourself in the place of a school board, a district's place, whether you're in administration or school board, you have a place you go to look for curriculum mandates, right? You look for what does the state-- what is the state's policy on how I-- how a district should teach this subject? And in our state, we give that direction to the Department of

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Education and that's where districts are used to looking at how they're supposed to meet those requirements.

**MURMAN:** But if I could ask another question about-- so through the Department of Education, it is not included in the curriculum now, is that correct?

**COLBY COASH:** I can't speak to exactly what's in the curriculum now. When I spoke to the department prior to coming here today because I wanted to be accurate, they said that elements of what are proposed in LB281 are part of what's coming in the curriculum to be released next month.

**MURMAN:** Thank you.

**WALZ:** Any other questions? I see none. Thanks for coming in today.

**COLBY COASH:** Thank you.

**WALZ:** Other opponents?

**CONNIE DUNCAN:** Good afternoon, Chairperson Walz and distinguished members of the Education Committee. My name is Connie Duncan, C-o-n-n-i-e D-u-n-c-a-n. I am a board member on the Lincoln Board of Education. I am here today to testify in opposition to LB281. You've heard from proponents today of the great value of this curriculum. We do not disagree about its value and we have something similar in place in Lincoln Public Schools. We are sharing our opposition to the bill for two other reasons. The first involves the process of how this curriculum will be developed with worries about ensuring that effective, research-based curriculum for students, staff, and parents is made available and utilized systematically across the state. Colby Coash from NASB has already addressed this issue very effectively in his testimony, so I'd like to address the second concern that LB281 appears to be a uniquely unfunded mandate. It requires a district to redirect its existing federal programming budget to make room for this curriculum, classroom instructional time, professional training of teachers, and parental involvement components. This appears to be an unfunded mandate to districts because it steals away funding from existing programming. Three of new mandates involve paying educator time, which sometimes appears free when it really isn't. The required educator elements are teaching the four sessions, attending

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professional training, and providing a parent involvement component. Again, it is three elements for a teacher. It isn't free, as the cost of funding each of these new requirements is paid for through the deletion of existing programming, noting that no specific state requirements are being removed from schools to offset the addition of these new requirements. Also, since it places multiple programs in competition for the same funds, a district may keep the existing program in place and split funding, unintendedly resulting in two less-effective programs. These are some of the issues that can arise when the state adds additional requirements without dedicating new funding. The alternative is for local districts to pay to add these new requirements and keep the existing programming by raising local taxes. All in all, how damaging may this mandate be to districts? Is it crippling? No. If the bill passes, would we find a way to do it? Of course we would. Most districts are already doing much, if not all or even more than what is required in LB281, but for some districts across the state, the passage of LB281 will recreate-- will create an extra unfunded mandate. It will create this at a time that several state leaders decry public school spending as a source of property tax issues. We believe that if the state mandates new requirements for school boards to enforce, it should come with the funds to implement the requirements at a high level of quality. While we share Senator Albrecht's desire to better empower children and educators to protect them and prevent instances of sexual abuse, we respectfully oppose this bill in its current form. I would take any questions.

**WALZ:** Thank you. Questions from the committee? I see none.

**CONNIE DUNCAN:** Darn it. Every time I come, no one has a question for me and I look forward to it. Thank you.

**WALZ:** Thank you so much.

**CONNIE DUNCAN:** Have a great afternoon.

**WALZ:** Thank you.

**CONNIE DUNCAN:** Get outside. It's beautiful.

**WALZ:** Any other opponents? Anybody that would like to speak in the neutral?

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**IVY SVOBODA:** Good morning, Senator Walz and members of the Education Committee. My name is Ivy Svoboda, I-v-y S-v-o-b-o-d-a, and I'm the executive director of the Nebraska Alliance of Child Advocacy Centers. I'm testifying here in a neutral capacity on LB281. The Nebraska Alliance is the membership organization for our state's seven nationally accredited child advocacy centers or CACs. CACs serve children who experience child sexual abuse, sexual exploitation, and other forms of abuse in all of 93 counties in Nebraska. We also serve caregivers and partner with first responders who must investigate child abuse to coordinate successful outcomes for everyone. In 2019 alone, CACs served over 6,600 Nebraska children, including over 2,500 who were reported to have experienced sexual abuse. In 94 percent of those cases, children were abused by those that they knew and trusted: family members, friends, coaches, school personnel. I want to thank Senator Albrecht for introducing LB281 and starting this important conversation. We appreciate her work, leadership, and openness, especially in adding the requirement that curriculum be evidence based and that education extend to K-12. We hope to continue working with her, this committee, and other key stakeholders after the hearing to find the right solution. Child sexual abuse is all too common in our society. The best national estimates are that one in ten children will experience contact or hands-on sexual abuse before they turn 18. Others will be sexually abused through noncontact exploitation. Only about one-third will disclose that abuse occurred. Even a smaller fraction of those reports will ever make it to our child protection or law enforcement systems. So in short, 2,500 to 3,000 children that the CACs serve annually, due to reports of sexual abuse or exploitation, is only scratching the surface. The Nebraska Alliance thinks that educating students in public schools, as proposed in LB281, is one piece of child sexual abuse prevention puzzle. We're testifying neutrally today for a few reasons. The bill does not clearly include a requirement for training on child sexual abuse prevention and mandatory reporter training for school staff or the adoption of child sexual abuse prevention policies and procedures within schools. Many other states that have adopted education for students have already had broader child sexual abuse frameworks in place. Nebraska does not. Next, Nebraska needs to provide comprehensive statewide guidance and resources to help schools across the state adopt and tailor child sexual abuse practices to their specific location. And finally, sufficient funding is needed for implementation. It was our understanding in the past that dollars designated in this bill were

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unspoken for, as previous testifiers had mentioned, and unavailable to some districts, which also was noted in the fiscal note. These efforts are worth funding with new dollars. Research and recommendations on child sex-- sexual abuse prevention are clear. Adult and community action must be the first priority. We certainly can and should teach our children about healthy relationships and other needed skills, but the primary responsibility rests with the adults to stop child abuse. What happens if we train children, but the staff or teacher they disclose to does not have training to know that a disclosure is happening or what they should do next? The child-focused sexual abuse prevention interventions put forward in LB281 can only succeed if we have other complementary actions as well. We need comprehensive strategies and plans and schools all across the state, public and private, to stop abuse from happening in the first place and to respond swiftly and appropriately when it does. In addition to passing a requirement for student education, many other states have adopted more comprehensive child sexual abuse prevention frameworks for schools and other youth-serving organizations, so Nebraska has been slow to act. In 2015, the Legislature did not advance a similar bill that came before that required schools to develop child sexual abuse prevention policies. And then last year, this committee and the Legislature took an important first step in requiring that school districts adopt policies on relationships between students and school staff with LB1080, but implementation is not yet complete and this policy leaves many gaps, including addressing training needs and providing a framework for responding to youth abusing other youth. Let me-- or thank you for your time. I welcome any questions and I look forward to our work ahead.

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

**LINEHAN:** Thank you, Chair Walz, so-- thank you very much for being here and thank you for your dedication to this.

**IVY SVOBODA:** Absolutely.

**LINEHAN:** It's important and I appreciate it very much. Did you say that the Legislature had a bill in front of it in 2015?

**IVY SVOBODA:** Yes, Senator Blomstedt's [SIC].

**LINEHAN:** I'm sorry?

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Education Committee February 23, 2021  
Rough Draft

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**IVY SVOBODA:** Senator Blomstedt's [SIC] bill.

**LINEHAN:** Senator Blom--

**IVY SVOBODA:** LB300 [SIC].

**LINEHAN:** What was the number?

**IVY SVOBODA:** LB300 [SIC] in 2015.

**LINEHAN:** And then it didn't pass? That might help explain why the Department of Ed lost interest, but-- OK, thank you very much for being here.

**WALZ:** Other questions from the committee? Do you have a copy of your testimony?

**IVY SVOBODA:** I do not, but I can send it back.

**WALZ:** All right. That would be great. Thank you.

**IVY SVOBODA:** OK, for sure.

**WALZ:** Any other questions? I see none. Thanks for coming in today.

**IVY SVOBODA:** Thank you.

**WALZ:** Anybody else in the neutral that would like to speak? Senator Albrecht, you're welcome to close. While she's coming up, we did have four proponent written testimony in lieu of person testimony from Spike Eickholt, ACLU; Lisa Lavine; NSEA, Jason Hayes; and the Children's Hospital, Cora Schrader. We had no opponent or neutral written testimony in lieu of person testimony. We also had four position letters as proponents: School Social Work Association of Nebraska, National Association of Social Workers, Court Appointed Special Advocates, CASA, and Lynn Ayers from Lincoln, Nebraska. We had no position letters as opponents or neutral.

**ALBRECHT:** Thank you very much. I'd first like to thank everyone who was able to come today and testify in favor of this bill. Certainly appreciate the opponents' opinions and the neutral, but to get this forward, we really do need to be working together. If you'll just humor me for just a little bit here, I'm going to run through a couple



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of your letters just for the record. I think this is so important. Dr. Susan Haney [SIC] from the Omaha Children's Hospital, she wasn't able to be here today because of a patient needing her, but she shared in her written testimony that in 2019, 263 children were found to be victims of sexual abuse in Nebraska. She said she, quote, we know that this is just the tip of the iceberg, as most cases of sexual abuse are not reported at the time of, of the abuse and many cases are never reported, end of quote. And just like, you know, Ms. Svoboda talking about the number of cases that are out there-- and this is just at Children's Hospital. That's, that's probably nothing compared to what we are truly seeing. Michael Carnes was the gentleman that asked me to bring this bill and he was unable to be here. That's why I submitted his letter to you earlier. Please take time to read it. He asked me to carry the bill. He wasn't able to join, so submitted written testimony. It's difficult to let anyone know that you're being sexually abused and he just, he's just been pushing this bill for a number of years. I think there's been other senators here that have had a chance to take a look at this. Senator Bloomfield is the one that carried it in 2015. That was the LB300 [SIC] that-- I don't believe it made it out of committee. And with some of the things that I've heard in the opposition, the more we put these things off, the less we're going to be able to help the children, so-- also, the founder and former director of the Nebraska Alliance on Child Advocacy Center, Lynn Ayers, she was unable to join us in person due to COVID, but she also submitted a written testimony in total support of the bill and the amendment as written. For four years, I've watched this bill come and go and I have to tell you, it's been an interesting journey. At the end of the day, I felt it would serve the people of Nebraska best to have the State Department of Education create and support the framework for the-- for excellence and accountability. The bill has, has shown itself, over 37 states, to be working. No one has pulled out of the, the, the program, so I do believe that having-- working with the schools and the state, if we're going to legislate this and make certain that it gets done, just like the reading program, we have to put the teeth into it here, allow the State Department of Education to work, you know, alongside. We did contact the, the State Board of Education back in September, so they are aware that we were bringing this again. They heard it when Senator Bloomfield was here. But when we don't act on this, every child that is abused, every situation could be prevented if we were to act. I'm kicking myself for not even bringing it four years ago when they were

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asking me to bring it. I felt like I had other things that-- you know, you have to wrap your head around so many bills and not all of them are going to go anywhere, but I really believe that we do as a state have an obligation to take care of the children and our families. So again, that process with the State Department of Education, it's something they've already worked with. They can bring it back. The suicide prevention training program seems to be running smoothly. We can analyze it over-- in the next couple of years to see how things are going, but there are children living with secrets of abuse and they don't know what to do. We can help them with this bill and I encourage the committee to advance LB281 with the AM298 becoming the bill. Thank you.

**WALZ:** Thank you. Questions? Senator Day.

**DAY:** So related to the question that I asked you earlier and what Mr. Coash mentioned, would you be willing to amend the language of the bill to directly include the Nebraska Department of Education? Because I-- it's-- from what I understand and I haven't read the bill myself, it doesn't currently include any language that, that says they're the ones that are going to be organizing the curriculum.

**ALBRECHT:** OK, so first of all, this is the very first time I've ever been in front of the Education Committee, so if I didn't quite understand the protocol of what they do or how it gets done, I'm bringing it to your committee. You're the, you're the ones that probably would be able to work through it and, and figure out what they need to see. But I'm a grandparent, 13 grandchildren all under the age of ten, but the more that we keep putting this off and not doing something about it-- with the, with the climate that we have today and the things that are going on, I think that urgency is more today than ever before. So yes, I'd be happy to work through this with the Chair and, and the committee to figure out the best way, but we can't let it be their bill and not ours. If, if we're asking for it as state legislators to put it in law and to follow through like the reading program-- I'm sure that we're going to probably be doing an LR on that too because things aren't happening like they should. So that's why I think we have to take the lead and have-- certainly bring them in because if the state's doing the research on the different programs that they can use and sharing it with them, they've done the homework for them. And then they're going to be the ones that will go online and train the teachers on how to, to deliver it and, and what

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to give to the parents so that the parents know that it's happening to-- you know, for their children. So yes, I mean we should be able to all work together because that's-- we're asking them to take this on and of course, I would want there to be some kind of a relationship there, but--

**DAY:** OK.

**ALBRECHT:** --but to get it over the finish line, we have to, as, as legislators, legislate this bill to them.

**DAY:** OK, great. Thank you, Senator.

**WALZ:** Other questions from the committee? I did have one from Senator Patty Pansing Brooks and it, it may be a statement now because that-- it could be very similar to Senator Day's question, but I'm going to go ahead and read it out for her.

**ALBRECHT:** Sure.

**WALZ:** So she says I really appreciate Senator Albrecht bringing this bill. My concern is that if each district chooses their own curriculum, we can have very-- we could have as many versions of this sexual violence education as we have school districts. Wouldn't it be better if NDE could play a significant role in selecting the curricula that districts across the state could choose from? This would provide some standardization quality control across the state and would also support schools, saving them time and resources in the curriculum selections, so--

**ALBRECHT:** Tell Patty, yes, we probably can do that. Again, I guess I see it as if our state is going to go out and find out what the other 37 states are using-- is one curriculum best for all schools? I don't know that. And we would work with them, but I don't want them to water this down. I want it to be what it needs to be for the students every single year, that they're building on what needs to happen and that it doesn't, it doesn't get watered down, so thanks.

**WALZ:** Any other questions? I see none. Thank you for bringing this bill today, Senator Albrecht.

**ALBRECHT:** Thanks for listening.

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**WALZ:** That closes our hearing on LB281 and it closes our hearings for the morning. Thank you, everybody.

[BREAK]

**WALZ:** OK. Good afternoon and welcome to the Education Committee. I'm going to go over a few COVID-19 procedures. For the safety of our committee members, staff, pages, and the public, we ask that 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 the order posted outside the hearing room. The list will be updated each-- 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 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, for which attendance reaches 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 the 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 att-- which attract several 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. So with that, welcome to the Education Committee 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. 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 your 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 green testifier sheet and

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Education Committee February 23, 2021  
Rough Draft

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hand to the committee clerk when you come up to testify. If you have written materials 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 would like your position known, but do not wish to testify, please sign the white form found outside the entrance 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 or the bill-- conducting the bill or LR by 12:00 p.m. on the last work day prior to the public hearing. Additionally, the letter must include your name, address, state a position of 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. And finally, please be concise. Testimony will be limited to five minutes. We will be using the light system. Green is five minutes remaining. Yellow, you have one minute remaining and you'll wrap up your comments when you see the red light. The committee members with us today will introduce themselves beginning at my far right.

**McKINNEY:** Good afternoon. 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 Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

**LINEHAN:** Good afternoon. I'm Lou Ann Linehan. I represent District 39, which is Waterloo, Valley, and Elkhorn.

**DAY:** Good afternoon. Senator Jen Day. I represent Legislative District 49, which is northwestern Sarpy County.

**SANDERS:** Hello. Rita Sanders representing District 45, Bellevue-Offutt Community.

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**WALZ:** And Senator Pansing Brooks will be joining us online. She's in quarantine right now. I'd like to introduce our committee staff. To my immediate right is research analyst Nicole Barrett and to the right end of the table is committee clerk Kristina Konecko-McGovern. 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 to 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 elect-- their electronic devices. Please be assured that your presence here today and your testimony is important to us and crucial to our state government. Lastly, a reminder, please allow the pages to sanitize between testifiers. And with that, we will open on LB550, Senator Wayne.

**WAYNE:** Good afternoon. My name is Senator Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent District 13, which is north Omaha and northeast Douglas County. This bill is very simple. I would encourage all of you guys to read it. It's a long read. All it does really is just change-- allows from one transfer to two transfer, but I would like to read something. The purpose of LB-- LB183 in 1989 was to increase parental involvement in the education of their children and make public schools more responsive to the concerns and needs of parents and students, thereby improving quality of education. LB183 would allow students to attend school districts of their choice. Parents could consider size, travel distance, course offerings, staff, extracurricular activity, the performance of the school district when deciding which district is best for their children. The reason I read that is because that is the basis of the next two bills and where it started in 1989. We talk a lot about school choice. We talk about the public choice, but the reality is we only have public choice to another school district one time. After that, you have to go back to your home school. So a kid in my-- in Omaha could go to Millard and decide that it wasn't a place for them because they went there for the interactual-- International Baccalaureate program at Millard North and decided that's not best for them. Rather, they wanted to go to Westside after that. But underneath current state statute, that's not allowed-- underneath the intent of LB183 and there's a whole transcript that I could read where you said one-option transfer. For

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example, my home district is A and I want to transfer to B. I could go over there and exercise that option, yes. Can I go to another school district like district C? No, you can always go back to your residence or district. So either we have a choice or we don't and I submit to you with one, we don't have choice. So that's all this bill does. I did pass out an amendment that I received late and sorry to the Catholic Conference who has probably sent out a negative letter in opposition, actually over a concern that we knew about last year. But with all-day committee hearings, it was in my email and I forgot to forward it to him until today, so I take the blame for that, but this does address their concerns moving forward regarding that issue. There is no huge fiscal impact. You'll hear people talk-- maybe come up here and say the paperwork from the sporting perspective, NSAA, might be overwhelming, but at the end of the day, either we're going to have school choice or we're not. And this bill says if we're going to say parents are wise enough and smart enough to make a choice, then after attending a school district for particularly high school students, they may want to go somewhere else and they should be allowed to have that choice underneath our statutes. And with that, I will-- happy to answer any questions.

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

**LINEHAN:** Thank you, Chairwoman Walz. Thank you, Senator Wayne, for bringing this bill. I can still move to a different district, can I, if I have the financial wherewithal to move?

**WAYNE:** Yes and that helps perpetuate the inequity in our-- particularly in Omaha. You could move and go to a different school district.

**LINEHAN:** Because are there school districts in the Omaha area that you can't opt into, even-- the only way to get into the school district is to move there?

**WAYNE:** Is to-- most of them, yes. It's funny you brought that up. I was on the learning community, the first one, and the-- to this day, the reason the learning community failed was one critical vote that we took at Westside and that was the vote that we decided to give up our duty to enforce diversity in transportation that we were actually charged with to allow our member schools and school districts to

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decide whether they were at capacity or not. And when that happened, virtually almost all option-enrollment decreased or stopped or continued the way it currently is, which is if you can punt, kick, or pass, you can typically get into a school.

**LINEHAN:** Thank you, Senator Wayne.

**WALZ:** Other questions from the committee? Senator Wayne, I have a question. So it's up to five times?

**WAYNE:** Yes, I mean, I would like to have an unlimited number, but last year during the committee hearing, there were some concerns about having an unlimited number, so we said five times. And my thought was through 12 years of education, K-12, five years seems reasonable.

**WALZ:** Through all-- through those 12 years?

**WAYNE:** Correct.

**WALZ:** OK, thank you. Any other questions? Are you staying for closing?

**WAYNE:** Yes--

**WALZ:** OK--

**WAYNE:** --I'm here all afternoon.

**WALZ:** --you're next. Thank you. Proponents?

**JEREMY EKELER:** My name is-- are we--

**WALZ:** Yeah, we're fine.

**JEREMY EKELER:** So this morning-- well, my name is Jeremy Ekeler, J-e-r-e-m-y, last name is Ekeler, E-k-e-l-e-r. This morning, I dropped off a-- an opposition testimony due to the language and swapped some emails today and so here I am now in support of LB550. So I'm the educate direct-- associate director of education policy for the Nebraska Catholic Conference and we'd like to talk about our support of LB550, especially as it relates specifically to our schools, our Catholic schools, and I'd love for this to erase our prior drop-off if that's, if that's possible. As you know, the Nebraska Catholic Conference advocates for the public policy interests of the Catholic



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Church and advances the gospel of life through engaging, educating, and empowering public officials, catholic laity, and the general public and we believe LB550 will create more parental and student educational choice. But it is really important for you to also see the impact on Catholic schools and nonpublic schools, of which there are 40,000 students in Nebraska. The original statute allowed part-time enrollment in a public school for students in parochial schools-- this gets a little complicated-- if the nonpublic school student is a resident of the school district. As originally written, LB550 required the nonpublic school student to not simply be a resident of the public school district, but that they be enrolled in the public school district. This meant that to be a part-time student in a public school, a nonpublic school student will already have to be enrolled in the public school, so-- however, for our parents, they do not, for lack of a better term, dual-enroll in both a parochial and a public school. So the language was, was confusing and it placed a burden on our parents to-- who are seeking part-time enrollment to a public school because they'd have to enroll their child into the public school, rather than simply be a resident of the district. OK, so this-- we, we testified on this last year as well. What Senator Wayne has done with this-- with the new language is inclusive to our schools and it's important. So what it-- the Nebraska Catholic Conference is favorable to the idea that a student be able to be part-time enrolled in a school district without needing to be a resident of that school district. And as noted, we do have-- or I haven't noted yet, but we do have students, especially in more rural communities, who belong to one public school district, attend a parochial school in a different district, and want to take part-time enrollment, like a class, a welding class, an ag class with their buddies, but they can't because of current statute. So thank you, Senator Wayne, for considering the language. Appreciate the bill and glad we worked it out. I hustled over here and I hope that was clear as mud. No, thank you. I'll-- I'm open any questions, though.

**WALZ:** Questions from the committee?

**JEREMY EKELER:** All right, thank you.

**WALZ:** Thank you. Next proponent. Any opponents?

**JOSH SCHAUER:** Good afternoon. I'm Josh Schauer, J-o-s-h S-c-h-a-u-e-r, counsel for the NSAA, here in opposition to LB550. The NSAA's motto

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is, quote, the other half of education, end quote. That said, the NSAA promotes the concept that academics must be placed ahead of activities. The current option-enrollment statute, which is now almost 30 years old, has provided a consistent and stable process for parents and students to make choices regarding schools. The statute provides for exceptions to the one time for each student provision for circumstances, including the student relocating to a-- to another school district. The option, as currently written, allows student to continue in his or her current enrollment in a school. It allows for a student to maintain-- or to go to a school in which he or she was previously enrolled as a student. Again, there is already flexibility built into the current statute. The NSAA has one of its-- as one of its central purposes, the fostering and maintenance of a level playing field for the students competing in activities and programs of its member high schools. The NSAA's rule-making process involves educators who are specialists in the field of fostering, promoting, and caring for the safety and best interest of students and assuring that students participating in school activities are provided a fair chance to participate in a manner that enhances their education. To this end, the NSAA has, from its beginning, had rules regarding the eligibility of a student to participate in activities to meet the purposes of the association and member schools. Transfer eligibility is generally based on the domicile of a student's parents or guardians. To accommodate the option-enrollment program, the NSAA has, over the years, modified the transfer rules to allow a student exercising his or her option enrollment to be immediately eligible for the ensuing school year without a 90-day ineligibility period. Allowing more than one option enrollment will or certainly could cause disruption of activities and provide for an unlevel playing field. In short, it, it would provide an avenue to relatively easily change schools for the sole or limited purpose of participating in an extracurricular activity. The one-time rule certainly requires students and parents and guardians to give serious thought before exercising that option. Any more than one would generally eliminate that option or at least reduce some of that flexibility. Again, parents or students should base that decision on academics and providing more than one chance to make such a change could or likely would shift away from that academic focus. Again, the way the statute is currently written, there is that flexibility, but it allows for and provides for connection to the school where the student wants to go, right, where he or she has previously been enrolled, is enrolled, things along those lines.

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There's that connection to the school and if we lose that connection, the fear is it would be nothing more than allowing for an unlevel playing field for transfer, for one-act play purposes, basketball purposes, any sort of extracurricular activity. Again, when it's taken away from that one time, it's relatively limited and again, there is already flexibility built into the system under the current statute. Thank you.

**WALZ:** Thank you. Questions from the committee? I see none. Thanks for coming in. Any other opponents? How are you?

**DANIEL RUSSELL:** Thank you, Chairwoman Walz and members of the Education Committee. My name is Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l. I'm the deputy director at Stand For Schools. Stand For Schools is a nonprofit dedicated to advancing public education in Nebraska. While we appreciate the intention of this bill, in its current form, Stand For Schools opposes LB550 for three reasons. First, under current statute, a number of exceptions apply to when a situation would count against the student's option-enrollment limit and LB550 omits these exceptions. Many of these exceptions, such as if the student continues on in a current school district or in a school district where the student was previously enrolled, promotes stability for students and should not count against any limitation, whether that's one option enrollment or more. Next, we're concerned that shopping for a new school district if a student gets a bad grade or doesn't make a team would become a problem under this type of practice. We want to encourage students and parents to find a school that's right for them. The Legislature's priority should be to promote policies that encourage stability for these students. We believe this could be accomplished in a number of ways, including limiting the number of times per year a student may change districts or by reinstating some of the exceptions mentioned previously for students who are continuing at a school and we would be happy to work with Senator Wayne on that. Finally, changing schools and school districts is a major decision that parents should take with care. We believe a balance can be struck between supporting the needs of families and encouraging decisions around enrollment to be informed and carefully considered and we hope to work with the senator on that as well. With that, I'll take any questions.

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

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**LINEHAN:** Thank you, Chairwoman Walz, and thank you very much, Mr. Russell, for being here. I appreciate it. So you're not saying-- you don't-- and can-- are you saying that maybe it's OK that they would have more than one option in their lifetime if it's a student? It's just-- you're not buying in that one time is enough? I'm a little confused what you're saying.

**DANIEL RUSSELL:** No, I think we don't want to shut the door to some type of change in this policy. What-- we came in on this bill opposed, like we did last year, because we think that some of the changes that we're suggesting are important, but we wouldn't want to shut the door on discussion around upping the option-enrollment limit.

**LINEHAN:** So you-- you're in agreement with Senator Wayne that one time is probably not enough?

**DANIEL RUSSELL:** I think-- yeah, we could be convinced that one time is not enough, yeah.

**LINEHAN:** OK, thank you very much.

**WALZ:** Other questions from the committee? I see none. Thank you so much.

**DANIEL RUSSELL:** Thank you.

**WALZ:** Any other opponents? Anybody who would like to speak in the neutral? Senator Wayne, you're welcome to close.

**WAYNE:** Thank you and I mean, I'm-- if they want to keep the exceptions in to move them from no to yes and, and increase the number to five times, I'm fine with that. So I can remove that opposition. As it relates to the NSAA, if they want to be a government agency and, and deal with it on the education level, I'm great, but this is about education, not about sports. And if people want to make a choice for academic reasons, it just so happens they play basketball or football, the NSAA should comply with that. It shouldn't be an issue. This is about-- this-- nowhere in the bill does it mention sports. This is about parents being able to make a choice, a public choice to go to a different school more than one time-- or a different school district more than one time. So I have no problem getting an amendment to the committee, keeping the exceptions in. The reason we went to five is because there was, like, five or six exceptions, so we felt the number

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would be OK. But we can leave the exceptions in and increase it to five and that should remove all opposition if I heard the testimony correctly from Stand For Schools. With that, I'll answer any questions.

**WALZ:** Questions from the committee? I do have a question. So in this bill, is it possible to option into a school up to five times in a year? I mean, I understand that it's over, you know, a span of K-12, but is there a, is there a limit to how many times you could do it in one year?

**WAYNE:** I didn't limit it and that's not the current law. I mean, the current law is I can option to a different school district one time, but I, I can move around Omaha Public Schools as much as I want, as much as I move, to be quite honest. So it-- this bill doesn't address that issue. If you, if you want to put they can only opt into a school district one time per year, I'm-- I don't see a problem with that.

**WALZ:** OK, that was my question. Any other questions?

**WAYNE:** All right. I mean, right now, it's currently silent on that issue. It just talks about school districts, not schools, so-- but yeah, I'm, I'm open to that too.

**WALZ:** OK. Any other questions? And we did have a-- OK, so for-- we did have an opponent, NASB, written testimony in lieu of person testimony. There were no proponents and no neutral. However, for the record, I cannot read into-- the Nebraska Catholic Conference in lieu-- in opposing position for the transcripts since you came up and testified, just for the record. And then position letters, we had no proponents, no opponents, and no neutral. And that closes our hearing on LB550 and it will open up our hearing on LB561. Senator Wayne.

**WAYNE:** Good afternoon. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. I'm trying to think of where to start because this actually goes back and predates me-- prior to me ever coming down here. When I ran for the learning, for the, the learning community, and then again, I ran for the school board, I ran on the issue of neighborhood schools. I believe that America promises all children that if they are born and they get a good, quality education and they work hard, they have a chance at a better life. They have a

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chance for what we all deem to be the American dream. I think a good education transcends the barriers of poverty, race, gender, that one can reach their God-given potential. And throughout my knocking on doors and running for the school board, people wanted their neighborhood schools back. They wanted Hartman Elementary back, Pinewood, Springville, Minne Lusa, and the first thing I did on the board was we conducted a study around our transportation cost. And if you talk to any educator who comes before this committee, the most important thing that they have or the tool they have in front of them is time on task. And what bothered me in Omaha in particular is we were busing kids for an hour, hour and a half both ways when we could be using those same dollars to have a school start earlier, maybe go a little longer, maybe bring in more resources. I know this because I went to Hartman Elementary until sixth grade where I got on a bus and went back to King Science Center for three years and then I went to my local high school and there was a disconnection and there was a two-education system. My first two years taking honors chemistry and honors biology, I literally repeated the things that I did at King Science Center my seventh and eighth grade year. I wasted two years. But we do so to recruit, to say we want choice, which is ironic because my last bill was about choice, but what I couldn't figure out is we were spending \$36 million at the time in OPS and I actually did an op ed about this for transportation costs, \$36 million a year. And at the time, MAT transit was only \$20 million. We were spending more than the MAT to bus around kids than our entire city. So I've been a strong proponent of neighborhood schools and I will always try to figure out how do we stop incentivizing dollars to go outside the neighborhood to other schools? And in this case, it's other school districts. The fact of the matter is no matter where you live, you should have a strong neighborhood school because most of the time, that neighborhood school is the anchor in your community. But the state-- and the reason I say the state, because in 1989, when you go back and look at the fiscal note of this bill, of LB8-- LB183, was only \$7,000. It wasn't about money. It was about giving parents the choice to send their kid to a different district and it was up to the school district to send the dollars to the-- go where that kid went. They actually got state dollars. They would send it somewhere else. Somewhere in the last 30, 40 years, this has become about dollars, that a kid who goes to Omaha North is worth \$5,000 to this state, but if that same kid goes to Westside, he's worth \$10,000. That incentivize to destroy our neighborhood schools and that puts a value

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that their local school-- that kid going to that local school, from a state's perspective, is worth less. And maybe this isn't everywhere else in the state, but it's a huge problem for Omaha. In fact, Westside, starting five for many of their championships came out of north Omaha or OPS. Bellevue best players, Omaha North-- lived across the street. So if you could punt, kick, or pass, you got into school and they capitalized by adding \$5,000 per student. I have a fundamental problem with that. But when you go back to the original language, they talk a lot-- and you can read the transcripts because I have them-- that you're not supposed to discriminate based on an academic ability. You're not supposed to discriminate based off of handicaps. What I passed out to this committee is the enrollment form and you have to look no further than midway down and the first question they ask is does the student require special education services? Are they a part of an Individualized IEP? And the last question they ask about the student is are they free and reduced lunch? Why is that on the application? Because specialized services required additional cost, but they still have excluded them. Look at the data. Many kids from my district are denied to go to Bennington and Elkhorn because they might have an II-- IEP, but once they get in middle school and they're really good at basketball, all of the sudden, Millard North opens up. That's the facts. And we have school districts that were carved out in 1947 by this body to make sure that it was an all-white district receiving \$10,000 per kid from somebody in my community, but when they go to Northwest, they only get \$5,000 from the state. How does that make sense in this day and age? Every kid, no matter where they are in the state, should have an equal value and that's been consistent whether you're equalized or unequalized. I have always said that from a state's perspective. We are setting up iniquities-- inequities. We are perpetuating the system that we all say we're against now. That's where this starts, today. Can we do something for rural Nebraska to make-- yes, it's called sparsity. We can figure that out, but what's glaring is the fiscal note. It's \$116 million we put into net option, but our formula is so complicated that they couldn't give us a fiscal note on the savings. I just broke down the math. It's \$5,000 and \$10,000. It's about \$4,500 and \$9,000 to be exact, but our-- but we are so complex that we couldn't determine the fiscal note. This is ingrained in our system because it's dollars. It's not about kids. This program originally cost \$71,000, \$7-- \$71,625, 1989 to 1990. The Department of Education projected they would have to hire two attorneys, two secretaries, so \$74,000 may be a

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better number. We're at \$116 million. There's a problem and I can't in good faith go back to my community when I see athletics-- and there's academics. There are some kids who are achieving in Millard and Westside and doing very well, but from a state's perspective, they're worth more because they go to a district outside of their community. And today I'm asking this committee to say no more, no more for petu-- perpetuating the injustice that happens in Omaha. No more adding-- saying this kid is worth more from a state's perspective. And don't let the argument say that because the kid's parents are paying property taxes in Omaha and they don't get the same property taxes in Westside, that's why we have to make it up at the state level. Then if that's the case, then every parent who sends their kid to Catholic school should get a reimbursement too. But we said no, said no matter where you are, you're-- no matter whether you have kids in your schools or not, you are going to help fund our Nebraska free education system. But we made the decision to make a kid who leaves his neighborhood school, his community, worth more than staying. We are part of the problem and we have to solve it today. And with that, I'll answer any questions.

**WALZ:** Thank you, Senator Wayne. Questions from the committee?

**McKINNEY:** Thank you. Senator Wayne, thanks for your testimony and my question, with the difference between \$5,000 and \$10,000 and the historical facts that schools in your district and mine do historically the worst, do you think it would be more beneficial for it to either be even or for that \$5,000 to stay in the district?

**WAYNE:** Well, so what would happen is-- or one, if-- the dollars do follow the students and those who think it doesn't, we can talk about averaging the adjustments over a three-year period and fall membership. So the \$5,000 would still go. We're talking about the remaining \$5,000. And so if you do-- if you break it down and say well, that's \$56 million and you go to an equalized school district like OPS, that's \$20 million to-- \$25 million to \$30 million OPS would get. And if we could keep it in north and south Omaha, we can make some fundamental changes over the next ten years, absolutely. So I don't know if we should keep it the same or leave it as is and let the school go back. I'll work with the committee on that. I just know perpetuating this injustice has to stop and it has to stop now.



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**McKINNEY:** When-- one more question. When we think about equity, what is usually the median income of schools in Millard and Westside compared to those in your district and mine?

**WAYNE:** From a-- they're higher out there, but let's, let's go a step further, right? Let's talk a step further. One of the things that I struggled with on the school board when we talk about median income is your alumni association and your booster clubs, right? So you look at those school districts that have strong alumni associations and booster clubs-- in fact, there's a lawsuit regarding some of this over at Bennington-- people are able to get extra things. And part of the reason North High in your, your district is so successful at science and engineering is because of wealthy beneficiaries who went there in the '50s and '60s who did really well in those areas. So it's-- the median income translates into the ability for disposable income to go back into those schools to keep kids getting things otherwise the schools couldn't pay for. So it just "ascrevates" the, the, the disparity and when you take parents who are in middle income and are doing halfway decent and remove them from the school district on top of that, plus give them an extra \$5 million, we are perpetuating the injustice that we're creating in this system. The fact of the matter-- at Omaha Burke High School, when we decided that OPS wasn't going to play football, 30 percent of those kids picked up and moved to a different district so their kids can play. How many kids left Omaha North? Hardly any. They don't have the disposable income to get up and move. How many kids left Northwest? Hardly any. Now what I'm asking-- I can keep going on about different things that we do to perpetuate it, but this is the one bill before this committee that we can send a message that no matter where you are in the state of Nebraska, we are going to treat you the same.

**WALZ:** Other questions? Senator Linehan.

**LINEHAN:** Thank you, Chairwoman Walz. Thank you for bringing this bill. It's a very important conversation and past time we've had it. Is there any-- so if I-- it's up to the school. I, I read some of the history and what I know, it's up to the school. They can say yes or no, right, the opt-in school?

**WAYNE:** Correct.

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**LINEHAN:** Is there any redress for a parent or student who gets turned down? If they say, no, we don't want you, we can't take you, is there a, is there--

**WAYNE:** The redress is supposed to go through the state board. I don't know how many people actually have ever done that. Well, that's how it originally was. I don't know if there is today. I-- just going back to the original statutes, actually, the State Board of Education had to approve all, all transfers underneath LB183.

**LINEHAN:** So--

**WAYNE:** So I don't know what the recourse would be the-- now.

**LINEHAN:** Is there any statistics kept according to who is transferring where, like, according to ethnic background or income background? Do we know-- do we know the income levels of the kids that opt versus the kids that don't opt? Do we know-- are there, are there children of color that get-- that are opting or are there, are there statistics that we can even look at to see what's going on?

**WAYNE:** I know in Omaha Public Schools, when I was on the board, we had those stats. I don't know if NDE or the state board has those, but I would think they would be available. But at the school board, we did it internally-- have conversations and look at data of who was leaving the district. And actually in our 2013 needs analysis, we concluded about 6,000 students were leaving the district annually. And so part of the reasons we built the new west Omaha high school was because the feedback we got from parents who were going to Bennington, Elkhorn, and Millard North was they wanted a high school closer to their neighborhood. So we passed the bond over a two-bond period over six years to build a school at 156th and Ida. So we internally tracked that data to try to better serve the kids in Omaha Public Schools. I would hope the state would do the same thing.

**LINEHAN:** Thank you, Senator Wayne.

**WALZ:** Any other questions? I see none. Are you staying for closing this time?

**WAYNE:** Yes.

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**WALZ:** All right, thank you, Senator Wayne. Proponents. Are there any opponents that would like to speak?

**JOHN SCHWARTZ:** Good afternoon, Chair Walz, members of the Education Committee. My name is John Schwartz, that's J-o-h-n S-c-h-w-a-r-t-z, and I'm the superintendent with Norris School District. I'm here today to speak in opposition to LB651 on behalf of Schools Taking Action for Nebraska Children's Education, otherwise known as STANCE, which includes 19 mid-sized school districts who collectively represent over 25,000 students. STANCE is unique in the fact that we have districts spanning the geography of the state from as far west as Chadron to as far east as Blair. We have equalized and nonequalized school districts with general fund levies that range from 60 cents to \$1.05. Individually, our member districts range in size from 800 students to nearly 4,000. We are representative of the state of Nebraska and we do not take our positions lightly. For the purposes of this testimonial, I'll utilize perspective that comes from my school district where I serve. Norris School District is geographically large and we are surrounded by other school districts, both big and small. We're a net-option positive school district, meaning we option in more students than we option out. In some cases, students come to Norris because of our smaller size, programs we offer, parental connection to the school community, or because it is geographically closer to a family's personal residence or it's en route on a work commute. We also lose students to neighboring school districts for conceptually similar reasons. In both instances, a family's right to public school choice is something we support and believe has historically served Nebraska well. Because option enrollment is well established in Nebraska, it is also a factor that districts have built long-term facilities, staffing, and budget parameters around when master planning. With more or less students also comes a need for more or less staff, equates to greater or lesser financial resources, impacts facility utilization, and allows schools to maximize an economy of scale to promote efficient operations and scale educational programs to serve students. A sudden discontinuation of the option-enrollment program would have grave and unintended consequences for many school districts from a planning and school operations perspective. We also believe it would be a disservice to Nebraska students and families. Students that join our school districts through option enrollment enrich our school communities. Once accepted, these students are treated no differently than resident students. They receive the same

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services and are given the same opportunities. More importantly, they bring valued diversity to our schools, which makes the learning environment better for all students. STANCE is opposed to LB651 and we would encourage the Education Committee to vote in opposition as well. We thank you for your service and would gladly answer any questions that you have.

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

**LINEHAN:** Thank you very much for being here and Norris is a great school. I've been there and it's very impressive. You mentioned in your testimony diversity. How diverse is Norris?

**JOHN SCHWARTZ:** So currently, Norris is about 90 percent white. We're about 15 percent free or reduced lunch and our option students contribute to making us more diverse than our overall resident population. So about one in five of our options students are free or reduced, which is greater than our overall student population, and we're very slightly-- statistically insignificant, but very slightly more diverse from a race and ethnicity standpoint in our option population relative to our resident population.

**LINEHAN:** Are you-- you are equalized, aren't you?

**JOHN SCHWARTZ:** Yes, ma'am.

**LINEHAN:** Not very much though.

**JOHN SCHWARTZ:** Correct, we receive about just under \$3 million in equalization aid.

**LINEHAN:** How much--

**JOHN SCHWARTZ:** Overall, total, about \$5.1 million this current school year.

**LINEHAN:** So almost \$2 million in option funding then?

**JOHN SCHWARTZ:** Correct, but the, the way the option formula works for an equalized school district is it also counts as a resource. So it reduces your equalization aid and then it gets added back in, so it's-- it, it-- we're really funded no differently than we are for any other student, the way the formula is structured.

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**LINEHAN:** All right. OK, thank you very much for being here, appreciate it.

**JOHN SCHWARTZ:** Yep. Thanks, Senator Linehan.

**WALZ:** Other questions? I see none. Thanks for coming today.

**JOHN SCHWARTZ:** Yep, good to see you. Thank you.

**WALZ:** Other opponents.

**DOUG KRENZER:** Good afternoon, Madam Chair Walz and members of the Education Committee. My name is Doug Krenzer, D-o-u-g K-r-e-n-z-e-r. I'm a member of the Westside Community Schools Board of Education in Omaha. Thank you for your leadership on this committee and, and serving our state. I'm appearing here today in opposition to LB651 on behalf of Westside and also on behalf of the Nebraska Association of School Boards. As we understand it, LB651 sets a termination date for the option-enrollment program in 2021-22. Westside in particular would see an extremely negative impact if the option-enrollment program is terminated, as would some other districts. Westside Community Schools, also known as District 66, is an award-winning school district located in the heart of Omaha. We're proud to serve students from prekindergarten through 12th grade. Currently, we have an enrollment of 6,091 with the following demographic breakdown-- and this information is contained in my handout-- 68 percent white, 10 percent black, 9 percent Hispanic, 4 percent Asian, 9 percent multirace or other. Additionally, 36 percent of our students qualify for free or reduced school meals and 35 percent of our students option in from other school districts. The demographics of our option-in students closely mirror those of our resident students. They are each within about 3 or 4 percent of the categories that are listed there and that's been true for a number of years. Our district consists of 13 schools: one high school, which is nine through twelve; a middle school, grades seven and eight; an alternative education school; and ten neighborhood elementary schools. Westside is the largest nonequalized school district in the state, meaning we don't have-- we don't receive equalization aid from the state at all. Many are surprised to learn that we receive 60 percent of our general fund revenue from local property taxes, twice the national average and also even above the Nebraska state average. Since 1997, Westside has conducted a vote of our district for a levy override to exceed the

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levy limits under state law. This has occurred five consecutive times. The most recent one was in 2017 and we have another, another vote scheduled this upcoming October. From a policy perspective, it impacts students, their families, communities, and school districts across Nebraska. We believe net-option funding in its current form allows an equitable formula consideration for those students who want to attend schools outside of their respective school district. Clearly, thousands of families take advantage of the school-choice option all across the state and obviously, there's colleagues here today in person and virtually that have also submitted oppositional testimony. LB651 would, I think, take away real choice for-- choice options for students. Thousands of students use it for a wide variety of reasons. Sometimes students need a fresh start in a new school environment. Sometimes they choose an option school district because of various academic or extra-- extracurricular offerings, proximity to extended family. They seek more diversity or a whole list of reasons that, that we see at Westside that are too numerous to list. But from a fiscal perspective, LB651 would decimate Westside's budget and the staffing and robust academic offerings we are able to make available to our students. It makes up about 24 percent of our projected revenue this fiscal year, so eliminating that, of course, would wreak havoc on ours and numerous budgets across the state that already, as you know, are overreliant on property taxes as a funding source. So we, we think that LB651 is a move in the wrong direction. We urge the committee to oppose it and keep the legislation here in committee and thank you. Happy to answer any questions.

**WALZ:** Thank you. Questions? Senator Linehan.

**LINEHAN:** Thank you, Chair Walz. So I know Westside is very unique. My children went to Westside and when my grandchildren moved, they went to Westside, so I appreciate--

**DOUG KRENZER:** Yes.

**LINEHAN:** --everything Westside does.

**DOUG KRENZER:** Thank you.

**LINEHAN:** But I was in meetings with Westside last year. I don't remember ever meeting you. I don't think we met-- maybe we did. I'm sorry if I don't recall.

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**DOUG KRENZER:** We've met before, but it's, it's been a while.

**LINEHAN:** But it wasn't in that meeting when I went and talked to them about property taxes and more school funds?

**DOUG KRENZER:** Not at the school, no.

**LINEHAN:** Right, so I don't, I don't understand why Westside wouldn't have-- you know, I understand you're in a unique situation, but they weren't willing-- they didn't seem supportive last year when they were trying to come up with more state aid, which would have helped Westside. I mean I understood why Omaha-- but Westside would have gotten significantly more aid last year. Do you know why they didn't want to do that?

**DOUG KRENZER:** Well, as I recall from the debates last year, when we looked at the numbers carefully, I think there was some increase in the near term in terms of revenue, but the longer-term projection was, was very iffy to the extent that it-- we sort of felt it was an undue risk as far as--

**LINEHAN:** Because it wasn't as stable as property taxes, right?

**DOUG KRENZER:** Yeah and stability is a--

**LINEHAN:** Right, nothing is more stable than property taxes.

**DOUG KRENZER:** Yeah. So I mean, that, that was, that--

**LINEHAN:** OK, that's fine.

**DOUG KRENZER:** --was one of our big concerns--

**LINEHAN:** Thank you.

**DOUG KRENZER:** --at that time.

**WALZ:** Senator McKinney.

**McKINNEY:** Thank you. Thank you for your testimony. I have a few questions. The first, has-- have you weighed the negative impacts that option enrollment has had on schools in my district and Senator Wayne's district?

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**DOUG KRENZER:** With respect to option students coming to Westside or just--

**McKINNEY:** The overall impact.

**DOUG KRENZER:** Well, I can't say that I am an authority on data or statistics from Omaha Public Schools. I would, I would have to defer to others on that. I, I would say from my own perspective, offering option enrollment is a-- benefits not just Westside, but all, all districts, all students, including those that avail themselves of that, of that option, so I think it's been successful. I think it has for our district. I think it certainly has for the nondistrict students that have optioned in and, and taken advantage of, of, of what we have to offer, so--

**McKINNEY:** Next question. So when you described the net option, you mentioned school choice. Do you support school choice or not?

**DOUG KRENZER:** I support public school choice that is afforded by option enrollment. I think it gives families and students some choices, as I, as I mentioned in my testimony, to look at other school districts, consider other districts, and attend those based on individual and family circumstances, where, where their home district or school might not meet their needs as well as an out-of-district school.

**McKINNEY:** So do you think all kids should be valued the same no matter if they go to Westside or are they going to--

**DOUG KRENZER:** Oh, absolutely. I mean, I would never disagree. All kid-- I mean, yeah. No kid-- no child, no student is worth more or less than any other student in any other place, whether it's Hershey or Omaha Public Schools or Norris or Westside, absolutely.

**McKINNEY:** Because a lot of times, parents decide to move their kids out of OPS schools that are in my district is because there's historically been a lack of funding, low test scores, low graduation rates, and they decide to go to, to those other schools because your districts do better as far as, you know, getting kids graduated, some say better education. But I, I guess my, my thing is how do we ensure that those schools are truly equitable and making sure that no matter if a kid goes to North High or Westside, they're receiving a great



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education and they set up-- they are set up for success throughout their lives? So what do you suggest we do to, you know, make a more equitable system? Because right now, honestly, it's not working for kids in my district.

**DOUG KRENZER:** Well, that's a tough question. It's a big question. You know, if you were designing a system from scratch, it probably would not look like the one we have with a complicated formula and overreliance on property taxes and such that-- you know, the things that you all know are perpetual issues. I would say it's the responsibility of the state. It's in our state constitution. It's, it's, it's-- I think it's in the, the purview of the state and the Legislature to try to make sure that state funding for public education is adequate and equitable all across the state. I think option funding-- I think it's a bit misleading to suggest that that one component piece means that children are valued differently because we receive no-- Westside, for example, we receive no equalization aid. The option aid goes into our general fund. So it's one component piece of the revenue that Westside receives because of-- you know, because of its unique situation as being equalized and having a lot of option students, but so when you look at what resources go to children on a, on a per-pupil basis, then I don't think the numbers are, are nearly as different when you look at option. Option-enrollment aid is one component of the overall revenue for a school district if, if, if they receive option revenue.

**McKINNEY:** OK. I-- last question. What do you think is the value of a state championship on Westside High School when looking to, you know, bringing more resources, seek out more grants? Do you think it's-- it's a great value to say in 2020, Westside High School won a state championship in football, basketball-- how, how, how great of a value is that?

**DOUG KRENZER:** Well, there's certainly a value of pride in that. We're proud of our-- all of our student athletes, whether they're in-district residents or option students, wherever they come from, however they contribute to our teams. We honor that and value that and we're proud of that and, and we all have pride in that. Could I attach a dollar figure to that or estimate? I mean, I, I think that would take an economist. As far as what-- what's that worth in terms of dollars? I, I couldn't even speculate a guess. Does it have value? I'm

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sure it does. It certainly has, it certain-- certainly has psychological value.

**McKINNEY:** All right, thank you.

**WALZ:** Senator Murman.

**MURMAN:** Thank, thank you, Senator Walz. Thank you for testifying. I generally support option. I've-- I lived in a district and attended that school, but-- actually, I think I lived closer to at least five schools than the one I went to. My question is-- and I think you answered it-- somewhat similar to Senator McKinney's. I've always questioned the-- somewhat the funding of option students and you're a nonequalized district, so out in my area, most districts are nonequalized. Do you think the funding is fair both to your district and to the district that the student optioned out of and why or why not?

**DOUG KRENZER:** What was the last part? I didn't get--

**MURMAN:** Why or why not?

**DOUG KRENZER:** Oh, well, I think looking at how option enrollment fits in the overall TEEOSA formula, I mean, I think all of us could probably come up with areas for improvement. What I think-- the problem with LB651 is just to eliminate that piece entirely, which is not a standalone program, but it's a component of the overall funding formula that school districts get. I think that would be a public policy mistake just to eliminate that one, that one funding source or that, or that one piece. I don't think the overall system would function as well as it does. I think it's a fair idea and concept and I think it's fair in practice the way that Westside handles it. I mean, it's based on space allocation that we have, resources and availability. If a family or a student is interested in optioning in, we'll tell them about Westside, have them learn more about it. We're not interested in taking students from any, any other district, but we think, we think as it works for Westside and particularly as it works for our students, it's a great benefit. I mean, Westside offers a lot of things that other districts don't and that's really because our community expects it and insists on it. It's not because I want it or my superintendent wants it, but, but our community wants it and so the option funding piece helps us achieve that.

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**MURMAN:** OK, thank you.

**WALZ:** Thank you, Senator Murman. Senator Linehan.

**LINEHAN:** Thank you, Chairwoman Walz. Do you turn any children down?

**DOUG KRENZER:** Option applicants? I believe we have and we do, depending on space considerations, resources. I don't have that figure, like, each year or each semester, but I could certainly get you that information.

**LINEHAN:** Who makes that decision? Who decides?

**DOUG KRENZER:** Our student services handles and processes the requests for trans-- or option enrollment and so that-- the office within the administration handles those and reviews those applications.

**LINEHAN:** So-- and I promise this will be the last one-- is there, is there anywhere the parent can go to object to being turned down? What, what's the word I'm looking for?

**DOUG KRENZER:** You mean out of dis-- like, through the state or out of the district?

**LINEHAN:** Right. I mean, who's policing-- so usually if you-- I don't know-- property taxes, you don't agree with your assessments, you want the county board. Usually there's a, there's a process if you get turned down from a public institution for some kind of overview of what's going on.

**DOUG KRENZER:** Sure, an appeal process of some kind--

**LINEHAN:** Appeal, that's the word.

**DOUG KRENZER:** --and I'm not-- I can't say exactly what that is because I don't know that we've had an applicant or applicants that have pursued it further if they've been rejected, but I can also find that information and--

**LINEHAN:** OK, thank you very much. I appreciate it.

**DOUG KRENZER:** --get back to you on that. Yes, Senator.

**WALZ:** Any other questions? I see none. Thank you for coming in today.

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**DOUG KRENZER:** Thank you all.

**WALZ:** Next opponent.

**RON CLARK:** Thank you, Chairman Walz and the committee for allowing me to speak today. My name is Ron Clark. I have served on the McCool Junction School Board for the past 18 years. I'm a farmer/landowner in the McCool Junction school district. I'm blessed to have all my children graduate from McCool Junction and currently have five grandchildren attending school there. I'm here to testify on behalf of McCool Junction Public School and the Nebraska Rural Community School Association. I come today to oppose LB651, which eliminate option-enrollment program. In the 18 years I've served on the board of education, the student population at McCool Junction has grown from 145 students to over 260. Our growth is attributed to option enrollment. We currently have students who attend our school district from six different communities outside McCool Junction. During my time on the board, we have built McCool Junction Learning Center, which houses six classrooms and a library, as well as a new elementary addition to accommodate our growth. The growth also has required us to add personnel to meet students' needs. We are excited to have a strong and viable school in our community. The support by our community is demonstrated by two building projects I mentioned being done above through private donations and in-kind labor. I've heard people state the only reason school districts want option student is because of funding that comes with it. The funding is important, but that is not the driving force behind the option program. It has given families a choice. Over the past seven years, McCool Junction has received approximately \$1 million in state aid. All but a minor portion of that option funding-- the other portion of our funding comes from the income tax rebate, which is approximately \$20,000 a year. Over the past five years, our general fund expenditures average approximately \$4 million a year. It's easy to see from the math that option funding covers approximately 25, 25 percent of our general fund expenditures. Our option students represent, on average, 50 percent of our student population. As a board member, I understand that our local resources must help support all students, option and local. The funding that allows-- that follows option student does not support us in, in the mission of educating students. However, it does not cover the proportionate share of the cost, so no school district in the state of Nebraska is making money off the option-enrollment program. In closing, my major concern is eliminating the option program would mean

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that we have taken school choice away from families. Nebraska's had the foresight to allow parents the opportunity to place their child in the public school that they feel fits their needs the best. Option enrollment has follow-- has allowed families to come to McCool Junction and take advantage of what our small school district has to offer. It has also allowed some families in McCool Junction to attend larger schools to take advantage of what their district has to offer. The option program helps families in the metro areas as well as rural Nebraska. Please do not eliminate option program and take away parents' choice, what is best for their children. Thank you.

**WALZ:** Thank you, Mr. Clark. Questions from the committee? Senator McKinney.

**McKINNEY:** Thank you. Thank you for your testimony. Can you define what, what you believe school choice is?

**RON CLARK:** Pardon?

**McKINNEY:** Can you define what you believe school choice is?

**RON CLARK:** To me, it's allowing the parents to make the choice where they'd like to send their children.

**McKINNEY:** OK, I asked this question because I struggle with this when I, when I-- you know, I listen to everything all the time that for so long I've heard, you know, we love public schools and public schools are great and we're against school choice, but I'm sitting here today and everybody loves school choice as long as individuals are able to opt out. There are parents in my community that reach out to me often that want school choice that don't feel like they have it currently. So should we just only have school choice in public schools?

**RON CLARK:** No, no.

**McKINNEY:** OK. All right, thank you.

**WALZ:** Other questions? I do have a couple quick questions. Where, where is McCool located? Where--

**RON CLARK:** South of York--

**WALZ:** OK.

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**RON CLARK:** --about eight-- yeah, about eight miles. We're on Highway 81, just off of Interstate 80.

**WALZ:** And then the other question I had is are there any special education services offered in the school?

**RON CLARK:** Pardon?

**WALZ:** Any special education services off--

**RON CLARK:** Yes, yes. Yes, we offer.

**WALZ:** All right, that's all. Any other questions? Thank you for coming today.

**RON CLARK:** Thank you.

**JANE DAVIS:** Hi. Hello, Madam Chair Walz and members of the Education Committee. My name is Jane Davis, J-a-n-e D-a-v-i-s, and I am the superintendent of Hershey Public Schools. Hershey is a rural district located 12 miles west of North Platte. I'm speaking today in opposition to LB651. We currently have 490 students in grades kindergarten through 12th grade. Our enrollment consists of 311 residents and 179 option. Option students represent 30 per-- 36 percent of our current student enrollment. Demographics about our district include 92 percent white, 6 percent Hispanic, 2 percent black, and 2 percent multirace. Those same statistics are mirrored whether those are my residents or those are options. Other demographics include 31.3 percent of our 490 students qualify for free and reduced lunch, 33 percent of option students qualify for free or reduced lunch, and 30 percent of resident students qualify for free and reduced lunch. A 30 percent free and reduced lunch threshold is needed for our, for our teachers to qualify for federal student loan reimbursement, which is important to rural educators and we, we, we appreciate that diversity. Federal title monies are also tied to free and reduced lunch numbers. Thirty-six percent of our student enrollment may seem like a large amount, however, I want to give you some information about the village of Hershey. Hershey was incorporated in 1906 and is a proud community which has a rich hometown tradition. As with most rural towns in the state of Nebraska, we struggle with housing. Housing in the school district in the village is very difficult to find. Of the 175 current option students,

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65 of them, or 36 percent, are the children of Hershey alumni or teachers who work in our district. These parents have chosen for their children to attend Hershey because of the rich tradition that the school has inspired upon them. Many of them would choose to live in our district and be residents if there was more available housing. As of today, we currently only have two homes for sale in Hershey and only one located rurally in our district. Another reason 30 percent-- 36 percent of our option-enrollment students choose Hershey is because of the lack of childcare in rural Nebraska. Many of these students are being taken to school by parents and their grandparents, aunts, uncles, or cousins pick them up after school, as a parent is still at work. In Hershey, we currently only have private, in-home childcare providers and it is difficult to get spots in them. This also works the other way. We currently have students whose parents live in our district and work in North Platte and who option out of the district so that they have after-school childcare options for their young children. In the past three years, we have averaged 24 students a year who option out of our district. According to the last three years of adjusted general fund operating expenditures per formula student, Hershey has averaged below the mean of our array school cost per formula student in two of the three years. Our three-year average was \$12,296.44. Option enrollment is capped in our district at 38 students in grades K-6 and 46 in grades seven through 12. Hershey has a two-section elementary school and overwhelmingly, the majority of students who option in each year are in kindergarten. These students then stay and graduate as seniors. Hershey is a nonequalized school district. This school year, we have received \$1,623,208 from option. This is 21 percent of our budgeted revenue. Losing this amount of money for our district would be disastrous. The loss of this money would mean that our property taxes would skyrocket. Our current general fund levy is 88 cents. Option enrollment is a blessing for our alumni who live in surrounding school districts, yet they still want their children to be Hershey Panthers. It is also a wonderful choice for people who want a smaller hometown feel for their children and that want the opportunity for their children to attend a K-12 building, participate in extracurricular activities if they so choose, and to be close to grandparents, cousins, aunts, and uncles. I'll take any questions if you have them.

**WALZ:** Thank you. Questions? Senator Linehan.

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**LINEHAN:** Thank you, Chairwoman Walz. What did you say your levy was? Did you say what your levy was?

**JANE DAVIS:** My general fund levy is 88 cents.

**LINEHAN:** OK, thank you very much. I just want to make sure I heard you right.

**WALZ:** Any other questions? I see none. Thanks for coming down today.

**JANE DAVIS:** All right, thanks.

**WALZ:** Next opponent.

**JASON BUCKINGHAM:** Good afternoon, good afternoon, Chairperson Walz and members of the Education Committee. My name is Jason Buckingham, J-a-s-o-n B-u-c-k-i-n-g-h-a-m. I'm business manager for the Ralston Public Schools. I appreciate the opportunity to appear before you today to speak on behalf of our students, staff, and the Ralston community. I appear before you today in opposition to LB651. First, we oppose the idea of eliminating option enrollment, as this program provides an opportunity for parents and their students to pursue educational alternatives to their own home districts. In our district, 25 percent or 783 of our students come from outside of our boundaries. In other words, they've made Ralston their school of choice. I can tell you with great confidence that our district takes pride in providing educational options to students and their parents. One of the underlying themes that we hear from our option-enrollment families is the desire to find a smaller school district, which provides a more individualized educational setting. As we are one of the smallest districts in the metro, we provide a great alternative to some of our larger neighboring districts. Providing these opportunities does, however, come at a cost, which is offset by option funding. The ability to accept and be fairly compensated for students who attend our schools, but do not live in our district allows our facilities to be fully utilized and allows our district to be-- maintain its current level of staffing. As you can see from the handout I provided-- and we'll go into that here a little bit in detail-- students from diverse backgrounds regularly choose the Ralston Public Schools due to the comprehensive opportunities we provide in a smaller, more individualized setting. The elimination of option-enrollment funding may prevent some districts like ours from readily accepting more



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students, thus negatively affecting school choice. Second, LB651 has the unintended effect of, of causing financial hardship to some districts that accept option students. Currently, all districts who receive option-enrollment students are compensated 100 percent of the statewide average basic funding per student, which for the '20-'21 school year is about \$99-- \$9,900. Compensation for non-option students is calculated through the basic funding component of TEEOSA. Each district has a different amount of funding paid per student based on their size, their spending, and the spending of the ten districts that are larger and the ten districts that are smaller. The spreadsheet, which you have, which is the back page of the testimony I've included, shows you how our individual basic funding is calculated. In our instance, due to our size, our array group is composed mostly of districts that historically spend much less than other districts in the state. Because our comparison group is relatively low in expenses, this drives down our overall calculated needs, which in turn drives down the total amount of funding we currently receive. Another area to consider is the current statute for transporting option-enrollment students. Under statute 79-241, option students that qualify for free lunch are able to access free transportation provided by the option district. The language of LB651 does not address this issue and brings into question whether or not reimbursement for option transportation will still be a part of statute. Removal of this transportation piece will undoubtedly preclude some of our most at-risk families from being able to exercise school choice. I ask the committee to consider the impact this will have on our most vulnerable families. In summary, the concept of eliminating option enrollment and net-option funding will negatively impact our parents, students, and staff by reducing school choice, altering TEEOSA, and eliminating the provision of transportation to our highest-poverty families. Thank you for your time and your continued commitment to the people of the state of Nebraska. I'll try to answer any questions you have for me at this time. Before we jump into that, though, if I may, the other handout we have-- and, and I can tell you, as a business manager, I cringed a little bit when I saw it printed in color, so please bear with me. If-- those of you who have done budgets before, you know how much color copies cost. Anyway, so on the, on the front here, you have just some of our, our data points, attendance rates, those things. For our purposes today as we look at specifically net-option funding, if you look at the back, the back gives you some data specifically into a breakdown in some of the

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questions I think Senator Linehan had a little bit earlier. What are your percentages look like as far as option students? What types of students are, are coming into your district? If I may, to preemptively answer a couple questions, we do ask questions about special education. We do ask, just like most other districts. Those questions aren't asked so that we can exclude people. They're asked so that we can make sure that we're not overpopulating some of our special programs. So for example, if we have-- which we do-- we have a highly specialized autism program inside of our district and that program is only going to be able to fit so many students in there. If we have students that are selecting our district because we do a pretty good job with our, our students that are autistic, we don't want to overpopulate those programs so that we become less effective in, in our programming. So anyway, by the rest, you can see the breakdown that, that we have here as far as the amount of option-enrollment students we have. You can see that we actually take in more free and reduced lunch students than what our district average is. You can see there we're right on with our special education and you can see that we, we take in students of, of all, all backgrounds. So at that point, I see the red light is on. I'd be happy to answer any questions you may have at this time.

**WALZ:** Thank you. Questions? Senator Linehan.

**LINEHAN:** Thank you for this. This is very helpful. You're very prepared. But you do have to turn down some kids?

**JASON BUCKINGHAM:** We do. If our programmings are full, it-- for example, because we're not a really large district, let's say that we have an overabundance of second-grade students, for example, that want to option in. We try not to get to the point where we have to add additional staffing. Our goal is to try and maximize the amount of staffing we have. We want to try and be somewhere not much more than that 24 per kid class range. We do exceed that on occasion, but we try and get to a point where we can still offer pretty quality education without having to add a whole lot more staffing.

**LINEHAN:** So do you know if there's an appeal process if you--

**JASON BUCKINGHAM:** There is, Senator. I actually-- I was looking on my phone because I was curious myself and you can appeal to the Nebraska Department of Education if you're denied an option.

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**LINEHAN:** So if you turned somebody down, you would give them the appeal form so they know they've got an appeal--

**JASON BUCKINGHAM:** I don't know the answer to that one. That's outside of my purview, but I, I would assume if a, if a parent pressed us on that and asked what do we do next, we would provide them with information on how they would contact the department then.

**LINEHAN:** OK, thank you very much.

**WALZ:** Senator McKinney.

**McKINNEY:** Thank you. Why does Ralston need more money per student--

**JASON BUCKINGHAM:** OK.

**McKINNEY:** --and not just the same as the home school district?

**JASON BUCKINGHAM:** OK, so the question as I understand it, we're, we're not actually asking for more money. We're taking these students because this is based on the state formula for what an average cost to educate a student is. In our instance, if we looked at-- let's say another district. I'll, I'll pick McCool Junction. McCool Junction may have a higher expenditure per student than what we do. They may take option students in and get a lesser rate than what their average is. So we don't necessarily and aren't necessarily asking for a higher amount of money. We're, we're taking what the state is offering at this point.

**McKINNEY:** Do you think that's fair that potentially Ralston can receive more money for a student than the student's home school?

**JASON BUCKINGHAM:** Well, I'm, I'm not trying to be snarky, but we're, we're going to take what the state gives us. If the state's going to offer up \$9,900 per option student, we'll, we'll take the \$9,900. We won't shy away from that.

**McKINNEY:** Do you think we need equitable funding for all schools though?

**JASON BUCKINGHAM:** We've been a huge proponent for equitable funding many, many years.

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**McKINNEY:** All right, thank you.

**JASON BUCKINGHAM:** You bet.

**WALZ:** Any other questions? I see none.

**JASON BUCKINGHAM:** Thanks for the questions.

**WALZ:** Thank you.

**JASON BUCKINGHAM:** Thank you.

**WALZ:** Next opponent.

**SHAWN SCOTT:** Chairperson Walz and members of the Education Committee, thank you for allowing me to speak today concerning LB651. My name is Shawn Scott, S-h-a-w-n S-c-o-t-t, and I serve as superintendent of Adams Central Public Schools, a rural school district in south-central Nebraska. I'm going to take a little bit of a different approach today to our conversation and explain how our district views and utilizes our option enrollment for our school district. In order to do that, you need to understand a little bit about our school district to begin with. Adams Central Public Schools, like I said, is a rural and suburban school district in south-central Nebraska. We have approximately 305 square miles in our school district and we have land in five different counties. Saying that, you can about imagine how the school district borders in our school district are broken and jagged and we have land scattered throughout. In fact-- and how that affects fam-- families, in fact, we have many families that live in our district that have to drive through another district to get to our facilities. We also have some-- in some instances, we have families that live in our district and have to drive right by the school building of another school district to get to ours. That just demonstrates how much and, and how jagged some of the school district boundaries are in our school district and the surrounding ones. This is a very important why an option enrollment is for our district, but more importantly for all the families that we serve. Our district has taken a very unique view, an excellent approach to serving our community. Our school board has always stood behind the following priorities: (1) provide facilities that fit the patrons of our district. As I said, that-- we understand that we-- what we do is we calculate what's called a true resident student count in our district.

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For this school year, that number is 872 students that currently live in our school district. So our first commitment is to provide the facilities and personnel to that level. It's what our taxpayers pay for and that's what we do. Second priority that we have is that we do what is best for the patrons of our district. With that, we turn around and we have, we have to have an understanding of what their wishes are. And with that, we understand that parents may choose to send their child to a different district, just as we have plenty of parents outside of our district that wish to attend Adams Central. We accommodate both, so much so within the-- with-- on limitations for our school district. As has been pointed out before, some school districts set limitations on, on programming and we do also. These numbers are based on our district size, as I said before, the 872. Currently, we have 247 students that option out and we replace that by out-- right now, we have 261 students that option in. It's how we keep our programming equal to what our district has. So if you run those numbers for our district, about 29 percent of our total enrollment is enrollment option students. Last priority that we have is that we provide a quality education suitable to the size of our district. Anybody that knows Adams Central, we're a large C1, small B-size school district in the state of Nebraska and we do an excellent job of providing education to that level. So in summary, we listen and accommodate our families, we understand the needs and desires, and we utilize enrollment option to fill in enrollment to a sustainable level for our district. This is only able to happen with the enrollment option statutes that are currently in place. We oppose this legislation, as it threatens the wishes and desires of many families we serve, both those inside and outside of our school district. Again, thank you for your time. I'll answer any questions I can.

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

**LINEHAN:** Thank you, Chair Walz. So Adams-- if I remember right-- Central kind of surrounds Hastings, right?

**SHAWN SCOTT:** Yes, it does.

**LINEHAN:** It goes all the way around Hastings. What is your levy?

**SHAWN SCOTT:** Right now--

**LINEHAN:** General fund.

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**SHAWN SCOTT:** --comb-- combine-- just general fund?

**LINEHAN:** Just--

**SHAWN SCOTT:** I believe it's 64 cents.

**LINEHAN:** 64 cents? And do you know what Adams' general fund levy is-- you're Adams, I'm sorry-- Hastings?

**SHAWN SCOTT:** Hastings Public, I believe they're up to \$1.05.

**LINEHAN:** Didn't they have a levy override?

**SHAWN SCOTT:** Yes, they do.

**LINEHAN:** So it's more like \$1.

**SHAWN SCOTT:** Yeah, I know with all their funds that they have, it's about \$1.30, \$1.40, somewhere in that neighborhood.

**LINEHAN:** And what's yours all in because I--

**SHAWN SCOTT:** All in, we're I believe at 74 cents.

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

**SHAWN SCOTT:** Also Senator Linehan, I'll answer your question that was asked earlier. There is a process for the appeal and, and any time we do deny a student, the form goes home with them. And Adams Central has gone through that process a few times with Nebraska Department of Education.

**LINEHAN:** And who, who at the Nebraska Department of Education hears the appeal?

**SHAWN SCOTT:** Actually, they assign somebody to it and I don't know if it's an attorney or, or whatnot, but they assign somebody to essentially do a hearing on it.

**LINEHAN:** OK, thank you very much.

**SHAWN SCOTT:** Yep.

**LINEHAN:** That's helpful.

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Education Committee February 23, 2021  
Rough Draft

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**WALZ:** Thank you. Any other questions? Senator Murman.

**MURMAN:** Yeah, thanks a lot and thanks for coming in. I, I always thought Adams Central was a net option in. I think you said that, but I-- if I un-- if I heard it correctly, you option out about the same number as what you option in?

**SHAWN SCOTT:** Yep, you are exactly right and I have those numbers here with me. We option out 247, but we bring in 261, so we are a positive 14 only.

**MURMAN:** OK, so do you think that the compensation for option in/option out is fair both ways?

**SHAWN SCOTT:** Oh, I don't know. I think that that's a very different question for us. For us, I can tell you that it really doesn't matter because we're going to staff to the needs of what our district should have anyway. So, you know, with only 14 as a positive number, we see very little funding for it.

**MURMAN:** Thank you.

**WALZ:** Thank you. Any other questions? I see none. Thanks for coming in today.

**SHAWN SCOTT:** Thank you.

**WALZ:** Other opponents?

**DANIEL RUSSELL:** Thank you, Chairwoman Walz and members of the Education Committee. My name is Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l. I'm a deputy executive director at Stand For Schools, which is a nonprofit dedicated to advancing public education in Nebraska. First, we absolutely agree with Senator Wayne that strengthening neighborhood schools is of the utmost importance and we hope to work up to solutions on that with him in the future. However, we are here opposing LB651, which would terminate the option-enrollment program in Nebraska. As was mentioned previously, the option-enrollment program was first established in 1989, giving parents the ability to enroll their student in a nonresident school district. Under current statute, Nebraska students may enroll in a nonresident district once between kindergarten and 12th grade. Further, 79-234(1)(a) through (1)(f) outlines exceptions to when an

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option enrollment counts against the statutory limit, recognizing that there may be certain situations in which we may want to encourage students to stay in a nonresident school. For example, when the option enrollment would allow continued enrollment in a school district. Put simply, option enrollment recognizes the practical needs of parents, that whether for academic, social, or transportation reasons, sometimes the closest school isn't the best. The option-enrollment program gives Nebraska students and parents additional flexibility around enrollment decisions, while also maintaining the integrity of the public school system. Although the option-enrollment program is not perfect and we would especially support efforts to make it more accessible and transparent, eliminating the program does not serve Nebraska students. Eliminating the option-enrollment program would put Nebraska in the company of just three other states, Alabama, Maryland, and North Carolina, that do not provide some sort of open-enrollment or option-enrollment provision. For these reasons, we urge you not to advance LB651 from committee. I'd be happy to take any questions.

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

**LINEHAN:** Thank you, Chair Walz. Do Alabama, Maryland, and North Carolina have any other choice options?

**DANIEL RUSSELL:** I believe that they do, yes.

**LINEHAN:** Do you-- so they have school choice. They just-- not public school choice.

**DANIEL RUSSELL:** Specifically about the option-enrollment program, yep, they do not have this pro-- an option-enrollment program.

**LINEHAN:** They don't have an option enrollment, but they have school choice.

**DANIEL RUSSELL:** Correct.

**LINEHAN:** OK, thank you very much.

**WALZ:** Thank you. Any other questions from the committee? I see none. Thanks for coming in today.

**DANIEL RUSSELL:** Thank you.



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**WALZ:** Other opponents? Anybody that would like to speak in the neutral? Senator Wayne, you're welcome to close. While he's coming up-- I don't have-- we did have-- we had no written testimony in lieu of person testimony, but we did have one position letter. It was an opponent from Maxwell Public Schools.

**WAYNE:** Thank you, Chair Walz and members of the Education Committee. So what's interesting is the bill that I had, LB550, increased option enrollment up to five times. The second bill I had was to eliminate it completely. Opposition on both was very interesting. We, we want school choice and we value school choice, but what you heard was we don't want too much school choice, which is kind of odd for me, but I have a compromise. I'm reasonable. I'm very reasonable. And so we'll keep the option enrollment, we'll go five, we'll make the exceptions that they want for, for standalone school-- or Stand for Public Schools [SIC], but let's just eliminate the funding. Take funding out. Let's make sure that no matter what school district, they are all treated the same because that's what I said in my opening and nobody in the back really paid attention to that. I'm OK with option enrollment. I don't like the funding mechanism. So let's take whatever the state gives OPS per student and when that kid goes to Westside or Millard, they get the exact same amount. And when that bill gets to the floor from this committee-- because it, it wasn't about the money. It was about school choice and making sure parents had options. Only one school said it might break the-- make-- break their budget. Everybody else was about school choice. So let's eliminate the money, kick this out of committee, and then when it gets to the floor, all of these schools will still be opposed because it is about the money. And what I'm saying in Omaha, in the learning community area, maybe that's where we just need to eliminate the money. We aren't dealing in rural Nebraska where it may take an hour to drive to your community school. So you know what? Option enrollment makes sense in that-- that kind of makes sense. So I agree with the rural community. There needs to be something different. But tell me why in Omaha, when it's a 15-minute drive, that you get \$5,000 more per student? You can't make a justifiable argument for Douglas and Sarpy County to have an increased option of \$9,500 if that student goes there, a flat fee of \$9,500, versus if they go to North. It's unequitable, it can't continue to happen, and at some point, we got to say enough is enough. So we can leave it everywhere outside the learning community, but let's just eliminate it there and we'll still have the same argument that this is

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going to stop school parents-- parents' choice. But if that's the case, we'll leave the parent choice and they can still make the option enrollment. They can still fill out the form. They can attend whatever school district they want to go, but let's treat all the kids the same. I think that's a fair compromise. I went from eliminating it. I went from increasing it to five. I'm in the middle. That's fair. So let's get it to the floor and then see if the school districts still are opposed because if they are opposed, then it's truly about the dollars and we need to have an honest conversation about that on the floor, that a kid in Omaha is worth more depending on where he lives or she lives because that's what we're currently saying in Omaha, Nebraska. Senator Murman, it may be completely different the area you're in, but that's what we are saying in Omaha. So that's my compromise. I'll work on the amendment. Hopefully, we'll exec on it soon and get it to the floor and if the school districts still oppose it, then we know it's really about dollars, not about parent choice and educational choices and that was never the intent of LB183 in 1989. And with that, I'll answer any questions.

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

**LINEHAN:** Looked at me like-- are you surprised the State Board of Education is not here today?

**WAYNE:** I am. I mean, I did introduce 48 bills, so maybe they weren't paying attention to it.

**LINEHAN:** Do you think-- I think the-- one of the things here is I've been talking-- we've had conversations about option enrollment for four years now. Has everybody ever told you there was an appeal process?

**WAYNE:** No, I never knew that. Most of the people in my district just sit there denied. They try to go to a different district. They're never told they can appeal it to the state board or Department of Education.

**LINEHAN:** So maybe if the state department is listening, they could tell us how many appeals they've actually had in the last, I don't know, five years?

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**WAYNE:** That would be good information to know.

**LINEHAN:** Thank you very much.

**WALZ:** Other questions? I see none. Thank you, Senator Wayne.

**WAYNE:** Thank you. I look forward to working with the committee on this amendment.

**WALZ:** I think we will take a ten-minute break and then come back for Senator Brandt's bill.

[BREAK]

**WALZ:** Committee chair there, I said. Just sit down really slow. And we will open again with LB396. Senator Brandt.

**BRANDT:** Good afternoon, Chairwoman Walz and members of the Education Committee. I am Senator Tom Brandt, T-o-m B-r-a-n-d-t. I represent Legislative District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties. Today I am introducing LB396. LB396 is a bill to expand the scale and reach of Nebraska-produced food by creating a statewide farm-to-school program administered by the Nebraska Department of Education with the cooperation of the Nebraska Department of Agriculture. The Nebraska Department of Education would create one full-time equivalent to administer the program and provide networking resources for schools, vegetable and fruit growers, dry bean, grain, meat, egg, and dairy producers to increase the quantity of quality local food served in our school cafeterias. The bill, which grew out of an Agriculture Committee Interim Study Task Force Report, LR337, which was passed out to you from last session, authorizes the creation of a farm-to-school network composed of local producers, school officials, cafeteria managers, and other stakeholders that would focus on connecting farmers and market gardeners with nearby educational institutions to help supply the fresh foods and products needed to serve Nebraska's children. If you have not already, I encourage committee members to go through the final report that the task force worked so hard on. It contains a lot of information and statistics about farm to school in Nebraska as well as nationwide. There is a map on page 34 of the report. This shows the different farm-to-school programs currently in Nebraska. The white spaces on the map show the school districts in Nebraska that do not have any program

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at all. And even for the programs that we do have, we need statewide coordination, which this bill will do. Farm to school is economic development 101. The economic benefits of farm to school percolate all through our local communities. By providing a stable, reliable market for local produce, farm to school enables Nebraska communities to start recapturing a portion of the 90 percent of our school food dollars that are currently leaving the state, according to a-- Crossroads Resource Center's Nebraska Food and Farm Economy report. Nebraska has been missing out on a huge economic opportunity to grow our local economies. Here in one of the agricultural powerhouses of the world, we are hemorrhaging both our tax dollars and our food dollars from our communities and school districts by purchasing out-of-state food to feed our kids. Farm-to-school procurement is a business relationship between school nutrition administrators charged with feeding our children and the local farmers and market gardeners who supply the food. Likewise, these same growers are contributing through property taxes that build the budgets of our local school districts. Farm-to-school efforts can keep children focused on the skills they need for success, while simultaneously creating an appreciation of Nebraska's diverse agricultural economy and heritage. The National School Lunch Program is the largest restaurant chain in the country and Nebraska. Nebraska should be aiming to source the bulk of what a certain school cafeteria is directly from local producers, with children always needing to eat and schools contributing a stable institutional market. Farm to school is one of the most robust economic development tools a local community can employ. Farm-to-school programs are about more than just sourcing and serving food. Through classroom instruction, field trips, hands-on gardening, students learn more where their food comes from and how it is made. Farm to school is a training ground for the farmers and gardeners of tomorrow. Developing a resilient local network of producers and suppliers increases our food security. As the COVID-19 pandemic has graphically demonstrated, our national and global food system is subject to distribution bottlenecks and breakdowns. Having our own localized food production and distribution capability greatly increases the likelihood that both we and our children will always have plenty to eat. Nebraska farmers brag that we grow food to feed the world. Along with that, I want to grow Nebraska food to feed Nebraska kids. LB396, farm to school, has immense support across the state. Today you'll be hearing from educators, producers, and some of the farm-to-school task force members about the need for a statewide

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farm-to-school network. First up, you will hear from Sarah Smith from the Department of Education, who was instrumental to the task force and their work. She can further explain NDE's role in coordinating a statewide farm-to-school network. And with that, I would take any questions from the committee.

**WALZ:** Thank you, Senator Brandt. Questions from the committee?

**BRANDT:** OK, thank you.

**WALZ:** First proponent.

**SARAH SMITH:** Hi, good afternoon. Thank you for having us here today, Senator Walz and Education Committee. My name is Sarah Smith, S-a-r-a-h S-m-i-t-h. I serve as the local foods consultant and fresh fruit and vegetable program coordinator at the Nebraska Department of Education. Thank you to Senator Brandt for pulling together this task force and introducing LB396 to adopt the Nebraska Farm-to-School Program. The Nebraska Department of Education does support LB396 because farm to school is a triple win. It's a win for our farmers, it's a win for our communities, and it's a win for our students at our schools. So basically, farm to school does consist of three different components to break it down a little bit. One is looking at local food procurement, procurements and bringing food into the school, experiential education opportunities that do center around agriculture and nutrition, and then also looking at how school gardens are developing and expanding. These components do enrich that connection that our communities have with fresh, healthy food and local food producers, changing the food purchasing and education practices at schools and also at our early care and education settings. So how well are we doing this? How well are we achieving the school and agriculture connection in Nebraska? In the fall, with the resulting report from LR337 with our 23-member task force, the study examined farm-to-school activity in our state. And that study sites, from the National Farm to School Network, identification of three different strategies that really tell us how effectively is that farm-to-school needle being pushed at the state levels across the country? So one way to look at it is how developed is the state farm-to-school network in that state? Are we, second, investing in state farm-to-school positions within state agencies and university extension? Third, is there advocacy for state farm-to-school with policy? And just until recently, Nebraska had really been missing the benchmark on all three

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of these strategies. But LB396 does address each of these by establishing this Nebraska Farm-to-School Program and providing coordination on a statewide level with the commitment of a full-time position administered by the Nebraska Department of Education. Since 2017, NDE has provided the primary leadership in our state for farm to school, really leveraging federal dollars, though, to fund a part-time, half-FTE position coordinating activities. This position has really focused on fostering outside partnerships and securing external funding and allowed NDE to develop programs like Nebraska Thursdays in partnership with the Center for Rural Affairs, Nebraska Harvest of the Month in partnership with Buy Fresh Buy Local Nebraska, and the Nebraska Farm to School Institute coming this summer in partnership with Nebraska Extension. There is limited capacity, however, to grow these programs or to even sustain these partnerships outside of grant funding. Several limitations were identified by the task force and I'll just mention a couple, just regarding farm to school as education in the classroom. We have data from surveys and a lot of anecdotal evidence that tells us there is significant lack of ready-- readily accessible curricula and lesson plans for our educators, which severely impedes efforts to grow farm to school in the classroom. Lots of limitations exist for local food producers making the connections to the schools and vice versa. The study shared several perspectives from farmers and school food service directors that indicate a clear desire to expand local farm-to-school connections, but identifies those gaps that challenge the building of relationships for both the buyer and the seller. State support increases flexibility to leverage our federal funds and outside resources and supports additional efforts that expands farm-to-school implementation like trainings for school food service, producers, educators, providing program and resource development, working on data collection evaluation, and offering networking opportunities. Possibly most important, the passage of LB396 supports development of a statewide farm-to-school network, reducing siloed work among our stakeholders and avoiding duplication of effort with practitioners doing farm-to-school work. A network provides the structure to strategically navigate our complex educational and our complex food procurement system. It collectively assesses needs, can prioritize actions, and secure partnerships to further farm to school. A Nebraska farm-to-school network would tackle disparities of access to the vast benefits of farm to school for all sectors and that includes our students, our communities, and our growers. LB396 increases capacity

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within our state to collectively support farm to school in classrooms, cafeterias, and communities. Dedicated coordination allows for the strategic action addressing education, training, local food access, development of school garden programs, and building of a network. Nebraska can lead the nation in community health and well-being, celebrating our agricultural heritage and cultural diversity with farm to school as the vehicle.

**WALZ:** Thank you. Questions from the committee? Senator Murman.

**MURMAN:** Thank you, Senator Walz and thank you for testifying. I, I think it's very important, you know, that we support our local food producers and also provide healthy food for our schools with this program. In Nebraska, we have challenges that, that fruits and vegetables are quite often grown when schools aren't in session. Is there a plan for maybe enhanced storage for fruits and vegetables that can be fed, you know, during the-- or eaten, I guess I should say, I'm used to talking about cattle-- can be eaten during the school year? I, I know there are greenhouses that are used in a lot of school districts that wouldn't-- so foods can be grown during the, the winter, but any, any ideas on storage or, or ability to, to use that food year round?

**SARAH SMITH:** Um-hum, great question, yeah. There's-- all the different components of the plate, we're looking at local. Some of it is the beef and the meat and that, which is available more year round, dried beans, for instance. But those fruits and vegetables, there are barriers to sourcing those year round. We can extend that season with storage. How we do that, I don't think all the answers are there, but some of it is bringing the players together that have some of those solutions and starting to troubleshoot how we do that in the different regions of our state. There is an opportunity working across agencies with the Department of Ag to have some of these conversations, I think, as well. But really looking at how do we support the specialty crop growers in our state to expand their season and then work through the barriers of how do we store and, and how long can we extend the season here in our state? That also means that I do know one of the stories that are in the interim study was supplied by Ryan Pekarek and he's a significant grower of fruits and vegetables, selling to institutions and something that he said is the expansion for his business when selling to the school market is perfect timing because that's when the farmers' markets are closing up. So there, there is

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some, some carryover from the growing season into the school season. It's just how do we expand it beyond the length of that fall growing season?

**MURMAN:** Thank you.

**SARAH SMITH:** Thank you.

**WALZ:** Other questions? I have a quick question. I was just curious about the learning opport-- opportunities there might be for students or mentorship programs for students, you know, through the growing of vegetables and fruits and are there any programs for students?

**SARAH SMITH:** Yeah, so there are great opportunities for students through-- Ag in the Classroom that's hosted by Farm Bureau is a, is a good way to get agriculture into the classroom. There's also several nonprofit organizations. I would say we see a lot of them in Omaha that are working on school garden development in elementary schools as well. And the challenge that I think exists right now is that those programs are really siloed and so we're not really learning from each other and the opportunity to bring players together, to learn from each other, and begin to work together and pool resources would, would be ideal.

**WALZ:** And then the position, the, the position that you're looking for is from the-- for the Nebraska Department of Education and that position would be connecting growers and, and schools?

**SARAH SMITH:** It could be, yeah, absolutely. There's-- one really good strategy with farm-to-school work and growing the sales between or the connections between that is doing conferences or gathering where the questions can be asked of each other and putting these different stakeholder groups in the same place and giving them a chance to meet each other and find out what works and what isn't working and, and having that conversation together.

**WALZ:** Great. Any other questions? Senator Linehan.

**LINEHAN:** Thank you, Chair Walz. So does the program, the funding for school lunch and breakfast programs, does that all come from the-- through the Department of Ed to the schools? Does the Department of Ed get the money from the federal government, then it goes out to the schools?



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**SARAH SMITH:** Yes, correct. Yeah, the-- it's federal dollars that do the free and reduced and manages the school meal programs.

**LINEHAN:** OK--

**SARAH SMITH:** All right.

**LINEHAN:** --thank you very much.

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

**SARAH SMITH:** Thank you.

**WALZ:** Next proponent.

**MARCUS URBAN:** Good afternoon. My name is Marcus Urban, M-a-r-c-u-s U-r-b-a-n, from Lee. I am a former agriculture education instructor at Lindsay Holy Family and currently serve as the vice chair of education for the Nebraska Cattlemen, but I'm here today to testify on behalf of seven agriculture organizations: Nebraska Cattlemen, Nebraska Farm Bureau, Nebraska Corn Growers, Nebraska State Dairy Association, Nebraska Pork Producers, Nebraska Soybean, and Nebraska Wheat in support of LB396. Thank you to Senator Brandt for supporting and encouraging the growth of farm-to-school programs through his work on this bill. Members of our respective organizations have invested significant volunteer hours and financial resources and various public outreach in farm-to-school types of programs like Beef In Schools, though the Nebraska Cattlemen, Nebraska-- through the Nebraska Cattlemen and Nebraska Cattlewomen, Ag in the Classroom through the Nebraska Farm Bureau, and CommonGround through the corn and soybean organizations. The core goal of these efforts is meant to enhance the relationship between local farmers and ranchers and their communities through students in their community schools and beyond. This is also an opportunity for producers and local business-- businesses to give back to the community by promoting locally raised and processed foods into school lunch programs to connecting with members of the community through targeted, targeted agricultural programming. Every school classification has participated in the Beef In Schools program in some capacity, with Class C and D schools making up the large majority of participating schools. One of the limiting factors for larger schools to participate in these programs are the lack of direct and consistent access to farmers in their immediate community, coupled with training,

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streamlined processes, and worker turnover in larger metro school districts. LB396 would alleviate this issue by having a coordinator within the Department of Education to help facilitate farm-to-school programming uniformly across the state. Farm-to-school programs enrich the connection communities have with fresh, healthy food and local food producers by changing food purchasing and education practices at schools and early care and other educational settings. We especially appreciate that this bill promotes a farm-to-school model in both an economic and educational package that can be maximized in school districts and communities all across Nebraska. When looking at the economic benefits of farm-to-school specifically, the impact percolates through our local communities. By providing a stable and reliable market, our local produce, edible dry beans, grains, eggs, dairy, and meat, farm-to-school enables Nebraska communities to start recapturing a portion of the 90 percent of our food dollar that is currently leaving the state. Getting local food back into our schools, not only in our school cafeterias and early childhood kitchen facilities, but into our classroom curriculums will enable us to start training a whole new generation of farmers and market gardeners. By expanding the program's reach today, we can begin grooming the food growers and food workers of tomorrow, who will ensure that Nebraska remains an agricultural powerhouse for decades to come. As a former agricultural educator, the curriculum opportunities are endless when serving locally produced school lunches. Showing students their food is safely produced within their community is one of the best ways our industry, industry can advocate for itself. Students who participate in FFA and have a supervised agricultural experience could expand their market and display their talents to their fellow students and teachers by being able to sell their product they raise local to their school or local schools. This opportunity may even spark interest in students who are not directly involved in production agriculture and may direct them to choose their career in agriculture. Acceptance and appreciation of farm-to-fork models have never been so widely discussed and I can't think of a better way to bridge that gap. In closing, I want to reemphasize our gratitude to Senator Brandt for introducing this bill and encourage the Education Committee to advance LB396. I'll happily take any questions.

**WALZ:** Thank you. Questions from the committee? I see none, thanks for coming today. Next proponent.

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**AL DAVIS:** Good afternoon, Senator Walz, members of the Education Committee. My name is Al Davis, A-l D-a-v-i-s. I'm here today testifying as the registered lobbyist for the Nebraska Chapter of the Sierra Club in support of LB9-- LB396. I am also testifying as a board member of both the Independent Cattlemen of Nebraska and the Nebraska Farmers Union. All three organizations are enthusiastically supporting LB396 and we want to thank Senator Brandt for introducing LR337 last year, which compiled the research necessary to produce this bill and for bringing this bill. And I would-- I know you are all, all very busy people, but I do think that reading LR337 is very informative if you have an opportunity to do that. Nebraska is an agricultural powerhouse and ranks near the top in multiple categories when comparing agricultural statistics. Over 92 percent of Nebraska's land is devoted to agriculture and feeding the world. We do it very well. However, the state lags other states in the attention it devotes to the local food industry, which is significant and growing across the nation. In particular, there are tremendous opportunities for farmers and ranchers to partner with their local school districts in Nebraska. Locally produced food reduces the carbon footprint of that food by avoiding transport. It will often be fresher and can provide more of the needed vitamins and minerals a growing body needs. School cooks are often beset with lack of time and unfamiliarity with the regulations associated with serving the millions of meals they prepare annually. They often rely on distributors to do much of that work for them. Distributors are driven largely by a desire to make profits and buy food in bulk, so working with local producers is really not an option for them either. Accordingly, it has been hard for the local food networks to gain a significant share of the school market. This bill calls for the placement of one full-time employee at the Department of Education to develop and organize the program. By filling that position, NDE will relieve head cooks and administrators at many schools from some of the headaches associated with buying locally produced foods. Community gardens, school gardens, and other associated projects will give the students a stake in the game also, teaching them about Nebraska agriculture and eating a healthy diet. Entry into local schools will also jumpstart the local food industry around Nebraska and will be a catalyst to additional local food growth in hospitals, nursing homes, and the like. LB396 opens the door to tremendous opportunities for producers to diversify their operations and students will be eating locally produced, high-quality foods from near-- nearby communities. It seems to me to be a win-win situation

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for all and we urge the committee to move the ball forward as quickly as possible. Thank you. I'll take any questions.

**WALZ:** Thank you. Questions from the committee? I see none--

**AL DAVIS:** Thank you.

**WALZ:** --thank you. Next proponent.

**GINA HUDSON:** Good afternoon. My name is Gina Hudson, G-i-n-a H-u-d-s-o-n. I'm a cow-calf producer in Belvidere, Nebraska. I want to thank Senator Brandt for highlighting the importance of farm-to-school programs and for his work on this bill. As the president of the Nebraska Cattlewomen and a member of the Nebraska Cattlemen, I am here today to testify in support of LB396. I've been involved with farm-to-school programs for 20 years, specifically with the Beef In Schools program for the past six years. This program is a joint collaboration between the Nebraska Cattlewomen, Nebraska Cattlemen, and the Nebraska Beef Council. The mission of the Nebraska Beef in the Schools program is to promote and incorporate Nebraska-raised beef into school lunch programs and beef-focused education into Nebraska classrooms. This program is also meant to enhance the relationship between local farmers and ranchers and their communities through their schools. The Beef In Schools program is also an opportunity for producers and local businesses to give back to the community by offering beef or monetary donations for the schools to serve the local students. I have seen firsthand the impact of serving Nebraska beef in my own school district, where we started the program in January 2016. Since then, our beef booster committee, through monetary donations, has served 13,638 pounds of Nebraska-raised beef. It has truly expanded our lunch menu. The number of students participating in our lunch program increased the awareness of where our food comes from and solidifies the connection to Nebraska agriculture. The Beef In Schools program has doubled in school participation since broad program support and promotion began in 2016. The program is present in over one-third of school districts across the state of Nebraska. During a recent board meeting, a member from the Nebraska Community Foundation stated that anything over 20 to 24 percent participation in any type of community program shows there is a sustainable foundation and as a result, inherent room and desire for growth. Creating a central hub by hiring a coordinator at the State Department of Education to administer farm-to-school programs, Beef In Schools, expand while

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bringing other commodities into farm-to-school programs. Thank you again to Senator Brandt for LB396 and his support of farm-to-school programs. We look forward to expand these invaluable programs. I would happily take any questions at this time.

**WALZ:** Thank you. Questions from the committee?

**GINA HUDSON:** Thank you.

**JOAN RUSKAMP:** Good afternoon. My name is Joan Ruskamp, J-o-a-n R-u-s-k-a-m-p. My husband and I farm and feed cattle near Dodge, Nebraska. Thank you to Senator Brandt for the opportunity to talk about a topic that is near and dear to my heart. I am here to testify in support of LB396. For the past 15 years, I have been actively involved in sharing the story of beef production through the Farm Bureau Ag Pen Pal program, CommonGround, Beef Checkoff-funded programs, and multiple organizations, including Nebraska Cattlemen. Part of our involvement with the program includes opening our farm for tours. When we host pen pal students for a tour, we always serve hamburgers and the kids always say it's the best hamburger they've ever had. We are only grilling hamburgers--they're 100 percent beef--and one student from Omaha was so impressed that he told my husband he could work for Burger King. Our school kids deserve the nutrition and taste 100 percent beef can give them. This bill can provide more children with that opportunity. The state of Nebraska is a state of agriculture. You've heard the numbers before, 92 percent of our land goes to the production of food. That is a huge number to keep in mind. We produce high-quality beef, pork, poultry, milk, and much more to nourish families far beyond our state borders. Don't our very own schoolchildren deserve the best Nebraska has in their own school lunch program? In addition to providing a healthy diet, we can benefit our school kids and families by introducing them to agriculture through more direct interaction with farmers and ranchers. The work of this bill will help students understand the people behind the product, the work behind the story, and the overall importance of food production in this beef state. In addition to learning how their food is raised, we can also nurture those students to see the variety of career opportunities in agriculture. I support this bill as a win for our students, our families, our farms and ranchers in the state of Nebraska. Thank you again to Senator Brandt for this opportunity and I encourage this committee and the rest, rest of the Legislature to pass

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this bill. Thank you all for your service to our state and I'm happy to take any questions.

**WALZ:** Thank you. Any questions from the committee? I'll say that I love the fact that you opened your farm for tours. That's really cool. How many--

**JOAN RUSKAMP:** We would love to have this committee come and tour as well if you'd ever like to.

**WALZ:** Are you serving hamburgers?

**JOAN RUSKAMP:** Yeah, we might even serve you steak.

**WALZ:** I was just curious, how many, how many tours do you give for-- approximately?

**JOAN RUSKAMP:** Well, we give a lot of adult tours too. We've had people from Argentina, Israel--

**WALZ:** Um-hum.

**JOAN RUSKAMP:** --Africa, but the Ag Pen Pal, they're-- they've been out of Lincoln and Omaha. We have a-- Jackson Elementary in Omaha has been our most commonly-- she gets funding to bring this group of kids every year. This year, she's not in the program, but one year the bus driver said, what you're doing here is a really cool thing. He remembered when he was a kid and went to a farm for a tour to learn about how food was raised and just to be on a farm. And the teacher said it was the best tour they went on the whole year. Of all the places they go, museums, zoos, everything, the farm always came back is number one and so I think this is an opportunity to expand that and, and help our kids see our farms and ranches.

**WALZ:** All right. Thank you so much. Thank, thanks for doing that too.

**JOAN RUSKAMP:** You're welcome.

**WALZ:** Oh, Senator Murman.

**JOAN RUSKAMP:** Yes, sir.

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**MURMAN:** Thank you. I, I wasn't going to bring this up, but we, we did a lot of tours on my farm too. And actually, we-- I kept a guest book through the years and we had as many as 37 foreign-- 37 states and about 27 foreign countries tour the farm and, and we did all the way from preschool to K-State veterinary students to even, like, leadership-- Hastings Leadership Nebraska and so forth. But I think it's very beneficial to promote agriculture and so I just thank you for what you do.

**JOAN RUSKAMP:** Thank you. Thank you very much.

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

**JOAN RUSKAMP:** Thank you.

**ILKA OBERST:** Good afternoon, Chairwoman Walz and members of the Education Committee. My name is Ilka Oberst, I-l-k-a O-b-e-r-s-t. I am the principal of Liberty Elementary in Omaha and I am testifying on behalf of Omaha Public Schools in support of LB396. Omaha Public Schools appreciates Senator Brandt's dedication and passion to expanding the farm-to-school program at the Nebraska Department of Education through LB396. The bill will provide more opportunities for schools across our state to work with local farms and producers to access fresh, healthy foods for our students. Liberty and Omaha Public Schools' nutrition services team offers our students samples of fresh fruit and vegetables twice a week. We know that our children have a big influence over their parents and what they buy to eat. Schools play such an important role in introducing our students to food produced here in Nebraska. Educationally, we've built on those opportunities to connect students with farmers and producers, enriching learning about our community and state. When it is possible to do so, our students are very excited about a field trip to the farm. As a district, Omaha Public School serves approximately 52,000 students, 75 percent of whom qualify for free or reduced-price school meals. We serve 23,000 breakfasts and 40,000 lunches every day. Our nutrition services department has purchased local food for almost 20 years. In the '18-19 school year, that amounted to more than \$15 million dollars on raw chicken, cucumbers, peppers, potatoes, squash, melons, corns, broccoli, and milk. Since the fall of 2016, Omaha Public Schools has participated in Nebraska Thursdays. The first Thursday of every month, our, our lunch menus feature items, which are grown, produced, and packaged in Nebraska. In the '20-21 school year,

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the district is partnering with ten local producers. LB396 would assist more school districts in connecting with local producers and expand educational opportunities. The farm-to-school program is a great way to invest simultaneously in our students' health, while economically strengthening our state's local farmers and producers. Omaha Public School supports LB396 and asks that you please advance the bill to the full Legislature. Thank you for your time and I'll try to answer any questions you may have.

**WALZ:** Thank you. Questions from the committee? Thank you so much--

**ILKA OBERST:** All right, thank you.

**WALZ:** --for coming today.

**JUSTIN CARTER:** Thank you, Chairwoman Walz and senators. My name is Justin Carter, J-u-s-t-i-n C-a-r-t-e-r. I'm the coordinator of the Nebraska Food Council, a statewide coalition of producers, educators, healthcare workers, extension agents, and other food system stakeholders. Our mission is to strengthen Nebraska's economy and environment while fostering food security for all Nebraskans through broad collaboration. We'd like to thank Senator Tom Brandt for introducing LB396. The Nebraska Food Council supports the legislation and believes it will benefit the health and education of our children, markets for our farmers, as well as the economic strength of our communities. Farm to school has been a top priority of the council. Members of our council had the opportunity to sit on Senator Brandt's task force for LR337. We have also had the opportunity to engage with agriculture educators, producers, and school nutrition directors throughout the state. These individuals are putting in the work to support farm to school and I'd like to highlight a few of them and their achievements today. In the Panhandle, Mary Carman, who manages food service at Gering Public Schools, has established partnerships with the local farm, Meadowlark Hearth, as well as with local ranchers to consistently purchase and provide both fresh produce and beef to student meals. She has also worked with the Nebraska Dry Bean Coalition to serve students local beans that were often grown by their parents. In Hebron, Nebraska, their central public schools has worked with beef producer, Rob Marsh, to incorporate a program known as Titan Beef Days, in which nearly 40 cattlemen have donated beef to the school cafeteria. The program has made school meals more attractive to students and led to an increase in consumption. The cafeteria is



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servicing 1,500 more meals annually than it did prior to Titan Beef Days. On the Omaha Native American reservation in Macy, Nebraska, Brenda Murphy and Delberta Frazier at Omaha Nation Public Schools have, in just a couple of years, established an outdoor education program that has built raised garden beds, a school greenhouse to grow vegetables. They have also received a land donation for the school to grow traditional corn and other food significant to their culture. This program, like others, is bringing students back to their roots while educating them on agriculture techniques. Each of these individuals has been successful due to their strong values and motivations to provide their students with a better product, education, and to support their local communities. They have gone above and beyond with this work, often in addition to their regular duties such as menu planning, budgeting, curriculum development, and in the case of produce-- producers, even raising cattle. A Nebraska farm-to-school program administered by the Department of Education would decrease the workload placed on these individuals, while increasing similar programs across the state. Activities and network provided through the program would allow other nutrition directors to learn from Mary and Rob. It would allow ag and outdoor educators to collaborate with Brenda and Delberta and it would prevent a duplication of efforts by programs around the state. The leadership provided by a coordinator position in the Department of Agriculture [SIC] would address key farm-to-school challenges. It would assist to foster relationships between communities, schools, and resource providers. Establishing partnerships between farmers and schools for procurement would be vital. Schools often have needs related to food safety regulations, consistent supply, and even packaging. Producers are not always able to provide for these needs or they could be unaware of them. A state employee can play a key role in administering trainings around these subjects and developing the producer-school relationship. They could also bring other players into the fold, such as processors and distributors. Nebraska has seen much progress in farm to school in recent years, but challenges do remain. We have notable success stories, but farm to school is still not yet an established norm in the state. The Nebraska Food Council believes this legislation is a step forward from us being a state with a few great programs to a nationwide farm-to-school leader. We thank Senator Brandt once again and I thank you and welcome any questions.

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**WALZ:** Thank you. Questions from the committee? I see none, thanks for coming in today.

**JUSTIN CARTER:** All right, thank you.

**NATHAN BEACOM:** Good afternoon, Chairperson Walz, members of the committee. My name is Nathan Beacom, N-a-t-h-a-n B-e-a-c-o-m, and I'm here representing the Center for Rural Affairs in support of this bill. In the interest of not being redundant and propounding to the great claims that farm to school has, we've heard from cattle producers, we've heard from wheat, we've heard from dairy, we've heard from educators and I think that's enough to convince you that this is an effective economic development strategy if each of these stakeholders, each of these farmers, each of these people is so invested in it and so interested in it. It has almost this universal support and then support from the education angle as well. You know, and I could, I could quote you some further statistics, but after a while, I think those might start to blur together. I do want to make one point here in-- towards what I think might make this bill a bit more effective and what that is is right now, according to the last farm-to-school census, 30 percent of or around 30 percent of our schools are participating in these programs. And that's a good number and this position would help to increase that number, but of those 30 percent, only 17 percent of their food procurement budget is being spent on local products. And so I think it's not only an expansion of the number of schools, but the expansion of the quantity of the schools' budget that's being spent in this way. And one sort of upward limit on how much a school can procure is the relationships that we've spoken about. How does the school know which farmer to go to? How does the farmer know how to get in touch with the school? And that's part of the reason that this coordinator position is so important, building those relationships and getting those contacts together. But another upward limit or a set of upward limits is the seasonality question that was discussed earlier and that fruits and vegetables, especially, may not be grown-- ready when a school needs them and also the distribution pipeline and processing facilities. It's going to be more expensive for a school to be buying directly from each of these farmers than from their one big supplier, their commercial supplier. And so one recommendation that we have for the bill is adding a provision to include, among the duties of the coordinator, studying and coordinating means of addressing distribution, supply, and processing obstacles to increasing the proportion of locally procured

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foods in schools. With more streamlined distribution, consistent supply, and processing that could extend the life of foods, the price point for local foods could be lowered, thereby making it easier for schools to purchase greater quantities of produce and meat locally. So that could look like food hubs. It could look like cooperatives. It could look like different things, but I think it's important that that be kind of explicitly laid out because there's a limit at how much these individual relationships can do if there's not processes for streamlining the go-betweens between the school and the farmer. In conclusion, this program has proven to be a success and is in a period of growing momentum so far. And now is the time to establish a dedicated coordinator with the state to give that program the consistent stability it needs in the future to connect these farmers with schools. So in the interests of the farmers, the economies, and schools, we urge you to vote this bill out of committee and I'm happy to take any questions.

**WALZ:** Thank you. Any questions from the committee? I see none, thank you for coming today. Next proponent.

**JOHN SKRETTA:** Hi, good afternoon, Chairperson Walz and members of the Education Committee. My name is John Skretta, J-o-h-n S-k-r-e-t-t-a. I'm the administrator at ESU 6, headquartered in Milford. We serve 16 public school districts over a five-county area. I'm here today on behalf of ESU 6 and also NRCSA, the Nebraska Rural Community Schools Association, which is one of the largest district member education associations in Nebraska, and NCSA, the Nebraska Council of School Administrators, an umbrella organization with more than 1,300 leaders serving Nebraska schools. We are proponents for Senator Brandt's LB396. A letter circulating that describes more formally the rationale, which we believe is very worthy of endorsement and being lifted up in terms of why this bill should be carried forward. And from my remarks, I just want to share with you some anecdotal illustrations of what farm-to-school initiatives look like in some Nebraska schools right now and how exciting this would be if LB396 is advanced. First off, I'll say I've been a school administrator for two decades and I'm convinced the main aspects of farm-to-school programs connect powerfully with understanding whole child education and coordinated school health. Educators know their synergy between cognitive and physical development and that learning is enhanced when school nutrition is better. Farm to school connects these things in exciting ways. Some of the exciting farm-to-school programming I've

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been able to be around or be a part of or directly facilitate over the years have included a long-standing partnership with the local dairy to provide school milk and include educational components that incorporated field trips and other STEM-based learning experiences, including composting. I've been able to see how an FFA greenhouse can be used to grow herbs like basil and rosemary that are subsequently used within the school food service program, connecting classroom and the lunchroom in exciting ways. Over several different years, I have been part of an initiative to serve students locally grown apples from Nebraska City and it was just so much fun to see the different varieties of apples provided to students and expand their range and understanding of what sort of fruits are grown right here in Nebraska. We serve fresh green beans purchased from local producers that some students in the FCS program helped prepare. And then, last but not least, I'll refer to it as the "arugula incident," purchasing local greens, really beautiful-looking arugula. I'm going to say that you may all consume arugula abundantly, but it was a first taste test experience for many of our students and so that said, it was a well-intentioned experience for the students. So making this happen, farm to school requires administrators to be champions for it and not simply say, look, it's just too difficult, just order up from Pegler-Sysco or some other major provider of school food service product that's kind of the more heat-and-eat variety, OK? Right now, initiatives for farm to school in Nebraska schools are happenstance, they're sporadic, and what LB396 would allow us to do is be more systematic, more coordinated, more comprehensive, as Sarah and others have said. There are big challenges in sustaining successful farm-to-school initiatives in schools. This position would help us address those. Some of those challenges have been mentioned. They relate to quantity, quality, seasonal availability, as in what's ripe? How much of it is ripe? When is the next batch going to be ripe? If we need 40 pounds of carrots, can you produce them, etcetera? We need help with-- in schools with coordinating those relationships and helping us develop the technical expertise around things like GAP certification for Good Agricultural Practices. In conclusion, many of us who have experience in connecting with Nebraska's family farmers through our schools know this is a great opportunity. We're very excited about LB396 and we certainly hope you promote it. Thank you.

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

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**LINEHAN:** Thank you, Chairwoman Walz, and thank you, Dr. Skretta, for being here. How much-- what's the amount of budget are we talking about, like, global number for the amount of money that schools have to spend for food?

**JOHN SKRETTA:** Yeah, so one of the, one of the things that schools are tasked with trying to do, given federal reimbursement rates for the school lunch program, is basically to try to provide highly efficient, very inexpensive meals. You're talking about trying to produce a meal for about \$1 so that the federal reimbursements equate to a sustainable food service program because if you don't have that, you are going to have to transfer from the general fund into your food service program to keep things going. And obviously then what we're talking about is compromising your instructional program potentially to manage and run your food service program. So one of the major inhibitors to farm-to-school initiatives has been that costs can go up substantially unless it's a carefully coordinated and comprehensively planned effort. And by cost, I mean things like-- to break it down on a very rudimentary level, in terms of, say, preparation of fresh vegetables, if your human resources cost, in terms of hourly personnel, goes way up, it may make that cost prohibitive for you to incorporate that. So just getting grant funding and helping have coordination of those initiatives to partner up with local producers, I think, is a really important thing that LB396 would deliver.

**LINEHAN:** Thank you, but do you have any, like, the amount-- it's millions of dollars, right? I mean, the school lunch programs and [INAUDIBLE]--

**JOHN SKRETTA:** Oh yes.

**LINEHAN:** --programs.

**JOHN SKRETTA:** Yeah.

**LINEHAN:** That's what I'm-- is there-- like, do you have a global number for the state, how much schools have to spend?

**JOHN SKRETTA:** No, no, I don't know that.

**LINEHAN:** OK. All right, thank you.

**JOHN SKRETTA:** Yeah.

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**WALZ:** Any other questions? I see none, thank you.

**JOHN SKRETTA:** OK, thank you.

**WALZ:** Next proponent.

**ALEX MCKIERNAN:** Hello, Senator Walz, Education Committee. My name is Alex McKiernan, A-l-e-x M-c-K-i-e-r-n-a-n. I'm testifying in support of the Nebraska Farm-to-School Program Act on behalf of Robinette Farms, which I own along with my wife, Chloe Diegel. Robinette is located here in Lancaster County and we grow produce for retail and wholesale markets, primarily Lincoln and Omaha. Neither Chloe nor I grew up farming and what we learned about agriculture was not in Nebraska schools. We hope this change as-- we hope this will change as we foster more communication between our state's number one industry and what is arguably our number one priority, educating tomorrow's leaders. Agriculture touches on every aspect of education: science, business, history, math, economics, literature, and the arts, as well as important life lessons about nutrition, physical activity, and ethics. Farm-to-school efforts can keep children focused on the skills they need for success in any field, while also creating appreciation for our farm fields. I was a member of the Nebraska LEAD program a few years ago and we traveled to Chicago Public Schools, where they have an entire school in the city of Chicago on 80 acres dedicated to agriculture. And in Nebraska, we have none of that. I'm sure you're all aware that agriculture represents roughly half of the state GDP, but did you know that we also import over 90 percent of the food we eat in this state? Bringing Nebraska foods into Nebraska schools will open our children's minds to the possibilities and opportunities right in their very own communities. These opportunities run the gamut from high-value, direct-to-market specialty crops like we produce at Robinette and also to the commodity production, which dominates our state's economy. When schools become farm customers, local dollars stay local while we build strong relationships around food. A 2010 report from Iowa State University's Department of Economics showed that fruit and vegetable production could have a massive economic impact in terms of GDP and employment, but this is a long game. It's a generational project that can't happen immediately and we have to cultivate interest in agricultural production over many years and then help those creative young minds market their ideas and their products. American farmers are some of the most efficient in the world, resulting in some of the lowest-cost food available, but of course, we

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also enjoy the highest cost of healthcare probably in the world. Now I don't claim a one-to-one correlation here, but there's no doubt that what we eat impacts our health and there's growing recognition that improved nutrition, especially early in life, has profound and long-lasting impacts on health and success and can help address inequities that we see across our education system. Finally, you, you likely noticed that I walked with crutches. That came from a, a spinal cord injury that I suffered seven years ago. It limits the things I can do and in many cases, it limits the things that I think I can do. Last week, working outside in the brutal cold-- and I will say, if you have to consider things involving farmers, if you can schedule these hearings for Tuesdays where it's the negative 20 instead of Tuesdays where it's 60, that would be appreciated. Last week when I was working out in that brutal cold, I was-- I actually jumped for the first time in seven years. I was holding onto a four-wheeler and sort of doing mini squats to try to warm up because I was pretty chilly building fence and I thought to myself, it's too bad I can't jump. That would really get me going. And then I realized, like, I don't, I don't know that I can't jump. I've just told myself that. And sure enough, I have a four to six-inch vertical, which was pretty impressive. It, it is a bit pathetic, I suppose, but I can in fact jump. I recovered that ability somewhere along the way since my injury, but I had learned that I can't jump and so I never really tried. I believe much is the same is true with our state's agricultural production. We produce corn, soy, and beef in Nebraska. California grows fruits and vegetables because we can't. Perfect spinach is beyond our soils and our climate and our ingenuity. Growing delicious and nutritionally dense carrots, apples, lettuce, whatever, it's just not possible for us because we've got winter. Well, last week when it was negative 28 or something on our farm, this morning I came out to check on some of the high tunnels and our completely unheated high tunnel greenhouses. Some of the crops were perfectly fine. They survived. My wife and I didn't think that was possible, but it is and it really makes me wonder what else isn't possible, quote unquote, that our children will show us is if we can provide that opportunity and that, that incentive. So thank you for your time.

**WALZ:** Thanks, thanks for coming. Questions from the committee? I do have one question. You and your wife were never-- you weren't raised on a farm. How, how did you get interested in this?

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**ALEX MCKIERNAN:** I think we wear a lot of hats as farmers and my wife and I both enjoy doing a lot of different things and being outside, being physical, being involved, and building community. And I don't know how we got here, but we find ourselves here and we do our best in that position.

**WALZ:** Well, we're glad to hear. Thank you.

**ALEX MCKIERNAN:** Yeah.

**WALZ:** Thanks for coming today. Oh, Senator Linehan has a question.

**LINEHAN:** I don't know what a-- high tunnels--

**ALEX MCKIERNAN:** A high tunnel?

**LINEHAN:** --heated-- yeah.

**ALEX MCKIERNAN:** Sure. So you're familiar with greenhouses. A greenhouse is generally understood to be a heated structure where you grow on tables.

**LINEHAN:** Um-hum.

**ALEX MCKIERNAN:** A high tunnel is a unheated structure generally where you grow in the ground and so it's just a greenhouse over bare soil and allows you to start earlier and extend your season later. So, you know, directly to, to Senator Murman's questions about availability, we grow greens all year long, some in heated greenhouses, some in unheated greenhouses. And there's a lot of interesting technology that could create more opportunity to produce more and more in those off seasons when schools are in session and farmers markets aren't.

**LINEHAN:** Thank you very much for being here.

**ALEX MCKIERNAN:** Um-hum.

**WALZ:** Any other questions? I see none--

**ALEX MCKIERNAN:** Thank you.

**WALZ:** --thanks for coming today. Next proponent.



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**BILL HAWKINS:** Chairman Walsh [SIC], member of Education Committee, my name is Bill Hawkins, B-i-l-l H-a-w-k-i-n-s. I'm a lifelong Nebraska resident and I've had a piece of property where I've been an organic farmer for over 40 years north of Lincoln. Most of my life I've spent working with kids and so this program that Senator Brandt has brought to you, probably-- that I'm here in support of, I will say, since I'm a proponent-- is probably one of the best pieces of legislation that I've seen come out of this Legislature at all. For \$100,000, you can stimulate the economy of Nebraska, educate kids on where their food comes from, and provide nutrition to them locally and sustainably for \$100,000. I have started growing trees and I went to organic produce when the organic produce craze started. I, I was at the Haymarket Farmers' Market when it started. I helped start the Centerville Farmers Market downtown, year-round farmers market in downtown Lincoln for a while. I've taken my cousin's cows and marketed them and so I've been involved with this. The Sustainable Ag Society maybe isn't going right now, but it was a conference and a society of local producers like the previous testifier that were young families that were producing food and trying to develop this. We have a decaying rural Nebraska. Our communities are sitting there. They need jobs. This is a perfect opportunity. To Senator Murman's question about availability, we need processing facilities. That is-- the biggest bottleneck is processing. You need to be able to take the berries, apples and turn value added to them to turn them into jams and jellies. We need to bring our butcher, baker, and candle maker back to our rural communities by providing them a certified kitchen co-op where we can process this food so that it is available to our schools. The most important section of this bill is Section 3, paragraph 3, providing learning opportunities for schoolchildren. I've had kids out to my farm for decades. I spent most of my life-- I've worn out four teepees doing living history to schools. I was privileged to have the junior high in Lincoln, Charles Culler, send two busloads of kids out to my farm to run around. That was a little anxious because you've got groups of kids everywhere doing things and you can't be everywhere to watch them, but it educates kids on agriculture. Kids need to get out of the classroom and experience that. In working with the Sustainable Ag Society, we worked with Metro Community College in Omaha. When I started, their culinary department had 60 students in it. It expanded to 700 very quickly and I don't know where they are right now, but they were working with local foods. So this bill is a real benefit for Nebraska. The processing issue is the bottleneck that I see. I called

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the State Ag Department this morning to find-- it took two hours, three more phone calls back because they didn't call me back, but I learned that there is no place I can take 100 chickens a month to have them processed so I can supply Malcolm School, which is four miles from me, with this program. I've since learned that maybe Wahoo Locker can take chickens, but if we're going to do this program, we have to expand the processing and so I think that would be the biggest deal and this coordinator could work with that. So I encourage you to-- I'm sure this bill is important enough to you and I'm thankful that it's through the Education Committee, so I thank you and I will gladly take any questions.

**WALZ:** Thank you. Questions from the committee? I see none, thanks for coming by.

**BILL HAWKINS:** Thank you and I appreciate your time.

**WALZ:** Next proponent. Are there any opponents that would like to speak? Anybody in the neutral position that would like to speak? We did have two written testimony in lieu of person-- oh, I'm sorry. Come on up, sorry.

**TARA DUNKER:** Am I interrupting you?

**WALZ:** No, I'm interrupting you.

**TARA DUNKER:** I am speaking in neutral.

**WALZ:** Neutral? OK.

**TARA DUNKER:** Good afternoon, Chairwoman Walz and members of the Education Committee. My name is Tara Dunker, spelled T-a-r-a D-u-n-k-e-r. I work for the University of Nebraska Extension as a food nutrition health educator with almost ten years of professional experience as a registered dietitian. I am testifying today in a neutral capacity on my own accord and I'm not representing the university. In my role as a food nutrition health educator, I have spent the past two years working on the Nebraska Extension Regional Food Systems Initiative, or NERFSI team, gaining expertise that aligns with the Nebraska Farm-to-School Program Act outlined in LB396. I, like countless other Nebraskans, have spent my life surrounded by farmland. I have a number of extended family members who are proud stewards of that land, but even these ancillary connections to

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agriculture couldn't keep a 16-year-old me from making an embarrassing revelation. While driving down a country road in southeast Nebraska, I once asked if the beans growing in what I now know to be a soybean field outside my window were in fact green beans. You may be thinking that this younger version of me simply lacked curiosity, but that isn't true. Instead, I have come to understand that opportunities were missed during my time in the K-12 school system to better connect me to the farmland that surrounded my high school on three sides. Currently, our state does not provide comprehensive ag education to all Nebraska students, meaning many of those who do not grow up on a farm are potentially left feeling there is no place for them in their own state's largest industry. LB396 aims to address this for future generations of young Nebraskans in all of the ways that my counterparts have already covered today, so I'm going to skip through my bullet points because they would be very redundant. In closing, we have all heard it takes a village to raise a child. Enacting LB396 would enable local growers and producers to become an integral part of that village. Thank you for your time.

**WALZ:** Thank you. Questions from the committee? Senator Murman.

**MURMAN:** Thank you, Senator Walz. I realize you're speaking in neutral capacity, but it seems like to me you're supportive. Why are you neutral instead of supportive?

**TARA DUNKER:** I'm speaking in a neutral capacity because the university has not taken an official position on this. I, as a dietician, am very supportive of this and I'm very passionate about local food systems, which is why, over the past two years, I've been really trying to learn a lot more about that area of nutrition in particular because as a dietitian, you're not necessarily trained on the inner workings of the food system. But I don't see a way to increase or improve the health of our young people without bringing the whole community together and really uplifting local growers and producers.

**MURMAN:** Thank you.

**TARA DUNKER:** Yeah.

**WALZ:** Thank you. Any other questions? Thank you for coming today. We appreciate it. Anybody else that would like to speak in the neutral? All right, while Senator Brandt is coming up, we did have two

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proponents, written testimony in lieu of personal testimony, from Nebraska Catholic Conference and John Neal, no opponents and no neutral. Position letters, we had three proponents, School Social Work Association of Nebraska, Nebraska Interfaith Power and Light, and the Nebraska-- National Association of Social Workers, no opponents and nobody in the neutral. Senator Brandt.

**BRANDT:** Don't you just hate it when there's no opponents? So just a, just a couple of things here, real quick. Senator Linehan, on page 8 of that big report, and I think it was 2019, Nebraska served 41,500,000 meals for-- \$70 million was the food procurement cost for the entire state.

**LINEHAN:** Thank you.

**BRANDT:** So hopefully that answers your question. Also, as part of the National School Lunch Program, when you read that report, sort of in that same neighborhood, there are some extra provisions that the Feds provide to procure things locally and it, it goes to contracting and you can read that for yourself. And I think what Alex McKiernan said, Nebraska has the ability to grow anything. We do, we just don't because it's easier for people like myself to grow corn because that's where my market is at. But if, if you can show me a profitable market for something, the market will create the opportunity and I think most of us that have any ag background are aware of that. Things are constantly evolving in agriculture and this is just another component of that, so-- does anybody have any questions?

**WALZ:** Any questions? Senator Linehan.

**LINEHAN:** Have you talked to anybody with Blueprint, the Blueprint--

**BRANDT:** Not specifically on this.

**LINEHAN:** Because well, I think maybe you want to-- would want to reach out to them because one of their-- if I remember, they had, like, 12 things they wanted to do and definitely one of them was to do more value-added agriculture.

**BRANDT:** Um-hum.

**LINEHAN:** That we, just like your reports and the testifiers', we ship too much out--

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**BRANDT:** Um-hum.

**LINEHAN:** --that we don't do enough processing here.

**BRANDT:** Sure, we can reach out, yep, definitely.

**WALZ:** Anybody else? I do have something from Senator Pansing Brooks. She's not here today. She's quarantining, so she says, please add my comment. I am sorry to have to be quarantining, but I'm listening carefully on NET. Thank you for bringing this bill, Senator Brandt. Our three children were involved in a farm-to-garden-to-school pro--to-school program at Beattie Elementary School in Lincoln approximately 15 years ago. It was a widely successful program where the children planted, grew, harvested, and distributed the food to other elementary students to supplement their school lunch program. What a fabulous plan to have our farmers feed our children. Maybe there can be an ongoing connections with students to help them understand the life cycle of our Nebraska food from farm-to-table program. Thank you, Senator Brandt.

**BRANDT:** You bet. Thank you, Senator Pansing Brooks. OK.

**WALZ:** All right, that ends our hearing on LB396. Thank you, everybody, for coming today.