

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 1, 2021
Rough Draft

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MORFELD: Welcome to the Education Committee public hearing. My name is Adam Morfeld, from Legislative District 46. I serve as the Vice 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 or silence cell phones and other electronic devices. The order of the testimony is introducers, proponents, opponents, neutral, and closing remarks. If you'll be testifying, please complete the green transfer sheet and hand it to committee clerk when you come up to testify. If you have written materials that you'd like to be distributed to the committee, please hand them to the page to distribute. We'll need 12 copies for all committee members and staff. If you will need additional copies, please ask the page to make copies for you now. When you begin to testify, state and spell your name for the records. If you would like to have your position known but do not wish to testify, please sign the white form at the back of the room and it'll 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 distributed to the office of the committee Chair or emailed to edupl@leg.ne.gov by 12:00 p.m. on the last work day prior to the public hearing. Additionally, the letter must include your name and address, state a position of for or against or neutral in the bill or LR in question, and include a request for the letter to be included as a part of the public hearing record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. Finally, please be concise. Testimony will be limited to five minutes. We'll be using the light system. Green means five minutes remaining; yellow means one minute remaining; and wrap up your comments at red, please. The committee members with us today will introduce themselves beginning at my far right.

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

MORFELD: To my immediate right is research analyst Nicole Barrett. To my right at the end of the table is committee clerk Katie Bohlmeier. Our pages are Brittany and Ryan, I believe, today. Oh, sorry.

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LINEHAN: That's OK.

MORFELD: I'm going through it patiently. Senator Linehan-- Linehan, do you want to introduce yourself?

LINEHAN: Hi, I'm Senator Lin-- Linehan, Legislative District 39, Elkhorn, Waterloo, and Valley.

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

MORFELD: Perfect. Sorry about that-- little rusty. Please remember that senators may come and go during our hearing as they may have bills to introduce in the committee. I'd like to also remind our committee members to speak directly into the microphones and limit side conversations and making noise on personal devices. We are an electronics-equipped committee and information is provided electronically, as well, in paper form; therefore, you may see committee members referencing information on their electronic devices. Be assured that your presence here today and your testimony are important to us and crucial to state government. Lastly, as a reminder, please allow the pages to sanitize between testifiers. And our first bill today is LR21CA. Senator Briese, welcome.

BRIESE: Good morning and-- thank you and good morning, I should say, Vice Chairman Morfeld and members of the Education Committee. I'm Tom Briese, T-o-m B-r-i-e-s-e. I represent Legislative District 41. I'm here-- here today to present to you for your consideration LR21CA. LR21CA would place before the voters a proposed constitutional amendment to require the state to pick up all classroom expenses of public K-12 education in Nebraska. It would inject additional state dollars into every school district in the state. You know, we talk all the time about growing our state, but yet we saddle young farmers and ranchers with the third highest property taxes in the country. We-- we saddle young homeowners, young couples with property taxes that are 60 percent higher than what they would be in adjoining states. We try to attract residents to Nebraska, but yet then we have to admit to them that you're going to have the fourth highest residential property taxes in the country when you move here. Makes it look kind of difficult to attract people. These things are not conducive to growing our state. We currently, according to '18-19 Department of Revenue data, we collect almost twice as much in property taxes in Nebraska as

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we do state, local, and motor vehicle sales taxes. We collect roughly 44 percent more in property taxes in Nebraska than we do corporate and individual income taxes combined. I submit to you that we have a property tax crisis in Nebraska and that crisis is born of our unreasonable, unsustainable overreliance on property taxes to fund local government, in particular, to fund K-12 education. Census Bureau data tells us that we are roughly last in the country in the percentage of K-12 education funded by the state, nearly first in our reliance on property taxes. I submit to you that that is unconscionable. LR21CA is a vehicle that can correct this and-- and we can allow the voters to decide if this is how they want to fix it. LR21CA allows us to define classroom expenses as we see fit. Our definition, you know, clearly would be subject to judicial review at some point, but it includes the-- I have my own opinion what it would include. I do note that the U.S. Census Bureau, when they speak of instructional items, they include salaries, employee benefits, supplies, materials, contractual services, covering both regular, special ed, and vocational programs, and I submit to you that our definition ultimately should reflect those same characteristics. And you ask, well, how are you going to fund this thing? As per Census Bureau data, roughly 65.6 percent of our General Fund expenditures are directed towards the classroom. Currently we inject \$1.1 billion, and so the total amount that that would be approximates \$2.7 billion; 65.6 percent would be roughly \$2.7 billion, give or take. Currently we already inject \$1.1 billion into TEEOSA. We have about seven-- before long, we're going to be dealing with about \$750 million as per the terms of LB1107. We have about \$100 million dedi-- over \$100 million dedicated toward the homestead exemption. And then we have some federal programs that should be off-- would offset these dollars also: special ed funding, ESA, ESEA, and ESSA. According to my calculations, we'd have to find probably a minimum of an extra \$160 million if we would util-- repurpose some of those funds and offset some of that with federal dollars. And if you don't like the Property Tax Credit Fund, this is your chance to get rid of it. We could repurpose it, dedicate it towards this. And so you-- other questions will arise, and this-- this doesn't impact local taxation, collective bargaining, or TEEOSA. Perceived shortcomings in school funding could be backfilled-- still be backfilled with local property taxes. Collective bargaining statutes would still be in place. TEEOSA formula would still be in place. Presumably, these dollars would be a revenue source in the TEEOSA formula. And so I ran some numbers and I-- I took Lincoln as

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the example. Lincoln in the '20-21 school year is scheduled to receive about \$113 million in state aid, has a general fund budget of roughly \$460 million. If they are in line with the state average and their spending reflects that roughly 65.6 percent of their general fund budget is directed to the classroom, that would suggest that this provision would inject about \$302 million into LPS, and that's \$200 million more roughly than what they're getting in state aid right now. Now you'd probably have to offset \$33 million in SPED funding, maybe a few other items, but the increase in funding for LPS would be very substantial. OPS would be substantial also. And so as I look at this, it's-- it's a win. If you're in the education community and you were involved in the education community, you need to be taking a hard look at this. It's-- I think education should be very supportive of this. And-- and I guess to summarize, we're allowing the voters to decide, we're going to inject additional dollars into every school district, and if you're trying to solve the property tax crisis in Nebraska, I submit to you that this is a vehicle that can do it. Thank you. I'd be happy to try to answer any questions.

MORFELD: Thank you, Senator Briese. Any questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you, Vice Chair Morfeld. Welcome, Senator Briese. Thank you for bringing this bill. I-- I'm just wondering, because everything I'm reading says that, you know, people that are opposed are opposed because of the fact that it doesn't define expenses and it could become as cumbersome to define those expenses every year, depending on rural, urban. I mean, the ex-- the expenses necessary for a classroom could range from transportation in some of the rural districts to food in various districts. So why didn't you-- you know, don't we just have another issue that's going to be as cumbersome as TEEOSA and all of a sudden we're going to be dealing with-- do two methods of determining how to fund the schools?

BRIESE: Yeah, that-- that's a good question, and we could further define what we intend to mean by this. As a constitutional provision, I was a little bit reluctant to get into a whole lot of detail, but clearly how we choose to define classroom expenses is going to be subject to judicial review. We try to define it to try to constrict it too much, we're heading to court-- somebody's going to head to court with it. We define it too expansively and somebody else's probably going to take us to court on the thing. And so ultimately it may be up

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to the judges to decide, you know, what is intended here. And it would-- it would get resolved, in my opinion, but if you want to try to further define it, I-- I'd be open to try to do that.

PANSING BROOKS: Thank you very much.

MORFELD: Thank you, Senator Briese. Any other questions for Senator Briese? Senator Linehan.

LINEHAN: Thank you, Vice Chairman. So you-- is it 60 percent or 66 percent? I'm sorry.

BRIESE: It's about 65.6 percent. National average, I think, is like 54; state average here is about 65.6. OPS, I think, is about 61.1. Lincoln, I'm assuming, is roughly at the state average, do not know for sure.

LINEHAN: So could-- couldn't it-- wouldn't it just be 60 percent of their general fund expense--

BRIESE: Essentially.

LINEHAN: --which we show every year--

BRIESE: Yes.

LINEHAN: --because they have to report that every year.

BRIESE: Yes.

LINEHAN: So we would know it, right, because they have to have that before they can start figuring out what-- what the TEEOSA aid is?

BRIESE: Yes.

LINEHAN: So it wouldn't be-- it's not like a-- it's not like a puzzle like--

BRIESE: It-- it could be defined that way, yes.

LINEHAN: OK, thank you very much.

MORFELD: Thank you. Any other questions for Senator Briese? OK, thank you, Senator Briese. Are you going to stick around for closing?

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BRIESE: Yes, I will.

MORFELD: OK.

BRIESE: Thank you.

MORFELD: Thank you. OK, we'll start with proponents. Welcome.

MERLYN NIELSEN: Thank you. Good morning, and happy birthday to Nebraska.

MORFELD: Yes.

MERLYN NIELSEN: My name is Merlyn Nielsen, M-e-r-l-y-n N-i-e-l-s-e-n. My residence is Seward. Thank you to Senator Morfeld and members of the Education Committee for providing this hearing today. Besides being an ag landowner, I'm also a board member of Fair Nebraska and I'm representing Fair Nebraska today. We appreciate Senator Briese for bringing this legislative resolution and his continued leadership on forcing the narrative on how we tax to support education. I am a strong supporter of education, having spent 41 years as a professor at UNL, and I'm always looking for ways to stimulate learning in others. So while not wishing to harm delivery of education, I do wish to effect change in how we tax for it. Fair Nebraska has been known to senators with longer tenures, so last week I hand-carried this study to our new senators, Senator Day, not present, Senator McKinney, and, Senator Sanders, to your office. And it's from a study done by Dr. Ernie Goss at Creighton entitled Reducing the Property Tax Burden on Nebraska Farmland, which illustrates the dire impact on property taxing for education on agricultural land in Nebraska. With our heavy reliance on local property tax to support our schools, we in agriculture realize part of the solution to reduce this onerous burden-- burden is to provide a greater state aid and in a fashion that all schools receive state support for school spending. I must admit that when I am always talking to my friends at dinner to-- in a-- in a plush restaurant and the food and wine bill is on me every time. Life is easy when you're spending someone else's money. As a state, we have struggled with interpreting Section 1 of Article VII of our constitution, which in short says the Legislature shall provide for free instruction in the common schools. For a common person, that word "provide" would mean pay for. But when we've had challenges in the courts over what provide means, we've always come up short on the

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"pay for" side of that. Thus, this resolution that Senator Briese is bringing, if resulting in a successful amendment and becomes the new Section 18 of Article VII, it would provide for the state to pay for classroom instruction. On February 8, I provided supporting testimony to this committee for Senator Brewer's LR13CA, which is very similar in effect on taxation and state budgeting. Both LR13CA and the-- today's LR21CA are aimed at providing state support to all school districts and, thus, greatly lessening local property tax for schools. Realizing that we would probably not take two very similar constitutional amendments to our voters, how would we decide which is better? As I noted in the beginning, we appreciate Senator Briese for bringing this resolution forward and I hope the committee will advance this to the full Legislature. Thank you for letting me appear before you and to share my support for LR21CA.

MORFELD: Thank you. Any questions? OK, Senator Murman.

MURMAN: Thank you, Senator Morfeld. Thanks for testifying, Mr. Nielsen. This begs the question, what do you think is better, LR13CA or LR21CA, and why?

MERLYN NIELSEN: I've spent some sleepless nights trying to think that through, and I'm not sure I have a good answer yet. When I look at LR13CA, Senator Brewer's resolution, the definitive one-- no more than one third seems to clarify what that budgeting dollars would need to be. So I like that clarity of knowing where-- where to budget our dollars and how much we need to get from the state, to shore up that local school budget would mean. To me, the negative, though, of that is that then the local school knows the state's always going to pay for two thirds. So anytime you want to expand your offerings and-- and be a little bit liberal how you go about doing that, you can always argue, well, the state's going to pay for two thirds of it, you only got to cover a third here at the local level with-- with property taxing. So I see those are the two pro/con, both-- one of each, that I've been able to come up with as I've tried to think this through. Now Senator Briese's, to me, the possible con is-- he-- he elaborated on it very clearly, and I think Senator Pansing Brooks asked the question to get that out on the table, and that is, how do you define classroom instruction and what we would expect the state to pay for? And it cannot be a single dollar for every school district because we have greatly differing costs of education in Nebraska because of economies of size. That's the biggest reason, economies of size. I

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have land in-- in Blaine County up in the eastern part of the Sandhills. Sandhills Public Schools, the name of the district there, covers I don't know how many square miles, has parts of six different counties, most of it being Blaine County, where-- where I have property, about 94 or 95 kids in K-12. Think of the size of those classes, every one of those classes, and then trying to put together specialized high school offerings like foreign language and advanced math and so on. We can only do it with probably long-distance education. I hope that would still be classroom instruction there, but as compared to our larger districts that we can have multiple offerings of-- of drama classes, of many different foreign languages and so on, just because of size, so it-- it could-- it wouldn't-- a-- how you define classroom instruction could not be just a single dollar amount. It would have to have some way that we account for the different costs across our different districts. So to me, that's a possible con because it's-- it's going to require a lot of thought and it-- we may not get it right the first year, we may not get it right the second year, but we would have to work toward getting it right. To me, the positive, though, and I'll end on that, and the reason I lean more toward the resolution today, Article VII, Section 1 says the Legislature shall provide for free instruction. If we take that as the first premise here, the overriding starting point, then we pay for classroom instruction, and Section 18 would do that if we add that to our Constitution. So that's why I lean greater toward, in spite of those cons I listed, for Senator Briese's because I think keeping with Section 1 of Article VII that we've battled and tried to make sense out of for so many years. Thank you for the question, Senator Murman.

MORFELD: Any other questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for being here, Mr. Nielsen. So were you emphasizing that-- by free instruction, were you saying that we should pay for the teachers rather than the needs in the classroom? Because instruction, to me, sort of means more like the teachers, free instruction.

MERLYN NIELSEN: Defining instruction, again, I think it's-- it's going to be challenging, certainly would include all the salaries and benefits to our instructional personnel. It would certainly include having a classroom environment. If you need to class-- to teach some of your classes in the smaller districts by long distance, it would include the equipment and the wherewithal to do that. Whether it

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includes getting the students to the campus or not is up in the air, I think, and that's certainly a larger cost in a rural district than what it might be in our more urban districts. Am I coming close to, I mean, getting to your-- answer your question, or have I not heard you correctly? I do have hearing aids, but it doesn't mean I always hear [INAUDIBLE]

PANSING BROOKS: Yeah. No, it's-- that's a very broad in-- definition of instruction. And so I guess that's the whole rub is, what does that mean? So thank you for coming today, appreciate it.

MERLYN NIELSEN: OK. Thank you for the question.

MORFELD: Any other questions? OK, thank you for your testimony. Other proponent testimony? Welcome.

BRUCE RIEKER: Thank you. Good morning, Vice Chair Morfeld, members of the Education Committee. My name is Bruce Rieker; that's B-r-u-c-e R-i-e-k-e-r. I'm the vice president of governmental relations for Farm Bureau. And in addition to being here on behalf of Farm Bureau, I'm here representing six other ag organizations: the Nebraska Corn Growers, Soybean Growers, Wheat Growers-- excuse me-- the Nebraska Cattlemen, the Nebraska Dairy Association, and the Nebraska Pork Producers. It-- it's nice to follow Senator Briese and Professor Nielsen because it would be easy to say we agree with what they said. But I want to start by expressing our appreciation to all of you that were in the Legislature last year that helped pass LB1107. That's a relief and that's significant relief and we appreciate that. I think what we're talking about here today is more in the-- the realm of reform. And what-- what my-- my assignment from all of these groups is to remind you about we need to reduce the state's overreliance on property taxes. Our initial analysis of LR21CA is that it would be a significant catalyst that would force the Legislature to address how we pay for K-12 education. And I appreciate what Mr. Nielsen said. We need to adequately fund education. We don't see LR21CA cutting education, but we want to make sure that we balance how we pay for it. Agriculture plays a significant role in the state's economy, but we also realize we're part of a much bigger picture. It takes business, industry, healthcare, education, workforce, and housing to have a much more thriving economy, and the success of all of those depend on our tax policy. And that tax policy largely affects how we pay for our state's priorities, such as education and healthcare and several other

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things. We see the constitution-- constitutional amendments that have been presented to this committee or to the Revenue Committee as an attempt or attempts to encompass more of the-- the proposals that are before each of the committees that could result in a comprehensive solution. We like and we've shared this with the other committee-- Revenue Committee, but we want to make sure that we let you know that we like Senator Briese's LB2 that reduces ag land valuations for school bond issues. We also believe that LB132, Senator DeBoer's study that she's requesting. is necessary. If we're really going to tackle comprehensive tax reform and how we fund education. we need to do that. LB408, similar to the Governor's LR22CA, which Senator Linehan introduced on his behalf, we're supportive of that. And we also like LB454 because it creates a stabilization program that lowers the valuation for ag land for school districts. There are some other constitutional amendments. You've already asked Senator-- or, excuse me, Professor Nielsen about that. One of those, I'll answer the question that we see that LR21CA addresses more specifically the target of the constitutional mandate that the state provide for the-- for the instruction. And then I will close with we prefer a legislative solution, but we will continue to push for a constitutional amendment if we're not able to get the Legislature to grapple with the-- the much larger comprehensive issue. With that, wanted to say that we appreciate your attention and your willingness to hear our comments, and I will try to answer any questions.

MORFELD: Thank you very much. Any questions? Oh, you're-- OK. It's just been a reflection. OK, no-- no questions, Mr. Rieker.

BRUCE RIEKER: OK, thank you.

MORFELD: Thank you. Other proponent testimony? OK, testimony in opposition? Welcome.

KYLE FAIRBAIRN: Thank you. Vice Chairman Morfeld, members of the Education Committee, my name is Kyle Fairbairn, K-y-l-e F-a-i-r-b-a-i-r-n. I represent the Greater Nebraska Schools Association, which is an organization that represents 24 of the largest school districts in the state of Nebraska. For the purpose of this testimony. I'm also representing Nebraska Council of School Administrators, Nebraska State Education Association, and the Nebraska Rural Community Schools Association, NRCSA. The groups, as mentioned above, stand opposed to LRC-- LR21CA, but in-- in that comment, I

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would like to thank Senator Briese for his continued efforts to try to-- try to help fund education in a different manner and very much his willingness to-- to talk with us and discuss the issues, which we were able to do with Senator Briese a few weeks ago. The group's opposed to the bill due to differences within the education costs within the state. We have some major questions about how we would fund it-- how we would look at the cost of education, how you would-- how you would determine a cost structure for teachers and support staff and-- and would this lead us to a statewide one-- one teacher salary schedule through the state to make sure that all of us were spending the same amounts of money on education? We've also got some large questions about how special ed funding would happen within the federal government if we were covering 100 percent of the cost in all classrooms. I think that's a major thing we need to talk about. Would the property tax still be available in the future if we did something like this, or-- or would the Legislature come back and look at property taxes again within what-- what school districts could do? So with those, they're just some-- a lot of additional questions and a lot of things that-- that-- that make us unable to support this bill, just because there's so many outside questions. The other issue that-- that we're concerned about is just the overall cost. If you take all the TEEOSA funding, the special education funding, we eliminate the Property Tax Relief Fund, we eliminate LB1107 funding, we take all the gambling money, you're still short quite a bit of money, which would change the state's way it physically operates right now dramatically. Because of these unknowns and the cost of the program, the groups that I mentioned above are opposed to this legislation. But again, we want to thank Senator Briese again for bringing new ideas to the table. And if you have any questions, I'll sure try to answer them.

MORFELD: Thank you, Mr. Fairbairn. Any questions? OK-- oh, Senator Murman.

MURMAN: Yeah. Thank you, Senator Morfeld, and thank you, Mr. Fairbairn, bringing this forward-- or for your testimony. How would this change the way we fund special ed? I mean, with TEEOSA now, that's-- some of that's funded from the state. Does this-- how does this change, if it would make it more difficult?

KYLE FAIRBAIRN: It-- it is, Senator Murman. I'm not sure how the federal government would look at it right now. If you covered all the costs of special education, would they contribute their 13 percent

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that they're currently? There's just a lot of questions, Senator Murman, about how that would work. And-- and I don't have the answers for you, but I think it's one of the-- the big questions that-- that was on the education groups that I talked to was, how would that work? If the state covered all the expenses, why would the federal government have to step in? So there's-- there's some differences there. And if-- if we changed, if we reduced what a classroom cost in the future because we didn't have the money and we reduced that, would we fall out of maintenance of effort requirements within the federal government special education programs? I just-- I can't tell you exactly, Senator Murman, because I've just never seen how this would affect. But-- but there is-- but that would be one of the issues we have to think about before moving forward with this to make sure that we weren't affecting ourselves on the federal side.

MURMAN: OK. Could I ask a little further?

KYLE FAIRBAIRN: Sure.

MURMAN: Now I lost-- I forgot what I was going to ask, actually. We-- well, just go ahead.

KYLE FAIRBAIRN: OK.

MURMAN: I-- I-- it slipped my mind.

MORFELD: We can come back to you, Senator Murman.

KYLE FAIRBAIRN: Yeah.

MORFELD: Any other questions? Senator Linehan.

LINEHAN: Thank you, Vice Chairman Morfeld. And thank you, Mr. Fairbairn, for being here-- Dr. Fairbairn, I'm sorry. You said we'd be short quite a bit of money. Do you have-- I think Senator Briese had a number. Do you have a number?

KYLE FAIRBAIRN: We had a \$500 million number. Senator Briese's got a \$170 million number.

LINEHAN: Yeah, where would you-- where did you come up with \$500 million?

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KYLE FAIRBAIRN: Well, you'd have to take all the property tax. He was counting another \$100 million on some other programs, so I just don't think it's established yet, Senator Linehan.

LINEHAN: Well, we get \$100-- \$275 million in the Property Tax Credit Fund. Now, according to what I read this weekend in our new fiscal numbers, we have \$311-- or \$318 million in LB1107 and we have \$108 million in the Homestead Exemption Act. So if you add all that up, I think Senator Briese is pretty close.

KYLE FAIRBAIRN: I-- he's probably better than I am, yes--

LINEHAN: OK.

KYLE FAIRBAIRN: --Senator. I was using the 125 from LB1107 last year.

LINEHAN: So-- but that's going to go up every year--

KYLE FAIRBAIRN: It-- yes, ma'am.

LINEHAN: --by law. When you said you would be worried about teacher salaries, what is the variance in teacher salaries across the state?

KYLE FAIRBAIRN: Pretty dramatic. I mean, you've got starting teachers in-- in some parts of the state, you know, because they don't pay health insurance, they add it to the teacher salaries, where the teacher salaries are greater because the health insurance is less.

LINEHAN: We have schools that don't pay health insurance?

KYLE FAIRBAIRN: Absolutely.

LINEHAN: OK, well, that's interesting. What-- do you know what the variance is from beginning-- what the variance is?

KYLE FAIRBAIRN: Well, you'd have-- again, in some of those schools, you're going to start at 46, and I know there's some schools out-- out-- outstate that are prob--

LINEHAN: Forty-six plus benefits, right?

KYLE FAIRBAIRN: Well, yeah, if they have-- if they provide health insurance. Some of them do not.

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LINEHAN: So you think it would be problematic if all teachers were basically in the same pay scale?

KYLE FAIRBAIRN: I'm-- I'm not saying that at all. I'm saying we'd have to figure that out to-- to-- to know what this is actually going to cost.

LINEHAN: Because right now we've got schools that compete against other schools for salaries, don't we?

KYLE FAIRBAIRN: I think that happens around the state, yes, ma'am.

LINEHAN: OK, and you're GNSA, right?

KYLE FAIRBAIRN: Yes.

LINEHAN: So special ed costs get put into your needs, don't they, for the TEEOSA formula?

KYLE FAIRBAIRN: Yep, and then come right back out.

LINEHAN: OK, well, we have a couple of fiscal notes from the Department of Ed on-- I think it's Senator DeBoer's bill and Senator--

KYLE FAIRBAIRN: Wishart's bill?

LINEHAN: --Wishart's bill, where it said it would-- it wouldn't cost that much to go to 80 percent because through TEEOSA, the large equalized schools already get about 80 percent of their funding back.

KYLE FAIRBAIRN: No, we get whatever the funding is, so if the funding went up in special education, we would lose it in special edu-- we would lose it in the TEEOSA formula. So if it went up to 80 percent, we would get more money.

LINEHAN: It-- I think the confusion is, and we need to figure this out because there-- I think there is a lot of confusion. But I understand from the fiscal note that the special ed cost in equalized schools are part of your needs.

KYLE FAIRBAIRN: That's correct.

LINEHAN: OK, and that if we went ahead and we did 80 percent for every school, the fiscal note, the only schools that would actually be

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getting more money in the long term-- there would be a short-term influx of money to the GNSA schools up-front because it steps it forward a couple years.

KYLE FAIRBAIRN: Two years back, yes, ma'am.

LINEHAN: Yeah, but then the long term, it would only be \$25 million because in the long term, GNSA already gets about 80 percent of their funding.

KYLE FAIRBAIRN: No, we get the money-- we get the same amount of money that everybody else gets, but it went up to 80 percent, we wouldn't get any more because it would come off of TEEOSA.

LINEHAN: Right, you wouldn't get any more. That's right.

KYLE FAIRBAIRN: Right.

LINEHAN: You would only get 80 percent. OK.

KYLE FAIRBAIRN: Just like every other school. We don't get 80 percent now; we get 47 percent, just like every other school district does.

LINEHAN: OK. I think we just need to get that figured out with Department of Ed. Thank you very much, Senator Morfeld.

MORFELD: OK. Any other questions? Senator McKinney.

McKINNEY: Welcome. Quick question: Do you think this bill would create more inequity?

KYLE FAIRBAIRN: I think depending on how it's set up within the Department of Ed defining-- defining cost, I think it certainly could, Senator, yes.

McKINNEY: All right.

KYLE FAIRBAIRN: But-- but again, without knowing how that's set up, I-- I-- I can't answer that straight out because I just don't know what that would entail, but-- but potentially it could, I think.

McKINNEY: OK. Thank you.

MORFELD: Any other questions? OK, thank you--

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KYLE FAIRBAIRN: Thank you.

MORFELD: --very much for your testimony. Any other testimony in the opposition? Any other testimony in a neutral capacity? OK, seeing none, Senator Briese, would you like to close? And while he's coming up, I'll read letters for the record here. Written testimony in lieu of in-person testimony: Nicole Fox, a proponent with the Platte Institute; Megan Neiles-Brasch with Omaha Public Schools, an opponent. And then position letters that were submitted for LR21CA: Tammy Day, opposed, on behalf of Norfolk Public Schools. Senator Briese.

BRIESE: Thank you again, Vice Chair Morfeld. And, you know, a recurring question in what constitutes classroom instruction, and on the floor we could establish a legislative intent. Would that be determinative or compelling as a-- as we-- as a judge assesses this down the road or as we go forward putting this together? And, Senator Murman, why this proposal? Is this better than the other one? Well, in this body, you-- you don't win-- in my view, you don't win unless you bring Lincoln and Omaha along, and this brings them along. LPS could conceivably get another \$200 million over and above what they're getting now. OPS could get another up to \$120 million more than they are now. I think that's-- that 120 might be a little optimistic, but it could be close to 100, according my calculations. Employee salaries, collective bargaining will still dictate on that. And if I'm setting it up, I'm saying if we come back after this would pass, I would suggest the state pick up employee salaries where they were, where they dropped off, then we as a state would probably want to escalate them with the rate of inflation. And then locals, they would engage in their collective bargaining and this-- and the locals would have to backfill the difference if-- if the state was coming up short. There'd be a lawsuit over that eventually, probably, if we held them back too much. But-- but that's why, you know, it is important that the state-- or that the locals have the ability to backfill on some of those issues. I don't think that's a big issue. But overall, you know, I-- I hear education's concerns and I sit over there thinking to myself, didn't education watch the debate and the discussion and the outcome on LB974, LB289, and LB1106? Education does not get rolled in this Legislature, nor should they, nor should they. Education is way too important to our state and the future of our state to cause them issues. This proposal, in my view, takes off the table any concern education has ever had about revenue. This-- this generates revenue for education, and the current local taxing authority still in place

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and it's not going to get removed. This body wouldn't allow it to happen. I-- I think it's a win for education; it's a win for the taxpayers. And, you know, again, we have a property tax crisis in Nebraska, and to me it is simply a result of our overreliance on property taxes to fund K-12 education or lack of state support of K-12 education. And this goes straight to the problem and it lets Nebraskans decide if this is the answer they want. Anyway, thank you for your time and consideration, be happy to try to answer any other questions.

MORFELD: Thank you, Senator Briese. Any questions? Senator Murman.

MURMAN: Thank you, Senator Morfeld. Continuing with that special ed discussion, do you think that part of it could be overcome?

BRIESE: Well, I do, but-- yes, I do. You know, we're talking about the dollars here. I'm kind of getting away from your question here a little bit. You know, we're-- we're getting some federal dollars for special ed, and obviously the state dollars would go towards classroom expenses. But-- but when we're trying to come up with a price tag on this, the federal dollars we get for ed-- special ed should be an offset to the tune of 60 or 70; maybe it's a little more by now. But I-- I don't think that's an insurmountable problem. I think, again, it goes back to we can define this as we see fit. And in this body, classroom expenses, in my view, would be what-- what the feds don't take care of, and we can define it that way. We can still take federal support in any area, including special ed, and we would find ourselves obligated to make up the difference. That that's how I would look at that, and I think that would be a reasonable approach. I don't think special ed is an insurmountable problem.

MURMAN: Thank you. You-- you answered my question that slipped my mind earlier, and that was that the Legislature could define this--

BRIESE: Yes.

MURMAN: --classroom instruction, so.

BRIESE: Yes, and it goes back to Senator Brooks-- Pansing Brooks's question. You know, it's-- you know, that'd be a gray area there, but we'll have the ability to find as we see fit and legal-- or the judicial system probably will keep us on track.

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MURMAN: Thank you.

MORFELD: Senator Pansing Brooks.

PANSING BROOKS: Thank you, Vice Chair Morfeld. I guess, you know, last year we had that big compromise, the grand compromise bill, and people were saying, oh, that's really going to help on the property taxes and-- and now we're hearing again that there's an overreliance. What is the level that we are not-- become-- what's the goal? What is-- where will there not be an overreliance on property taxes?

BRIESE: Well--

PANSING BROOKS: Where is the perfect balance of reliance?

BRIESE: So people speak to the three-legged stool. Me-- you want to equalize the tax collection or the collections of the various revenue sources in our state, property, sales and income, I don't know. But would that be-- would that be the goal? I would think that would be a somewhat reasonable goal. This would put you on the path. This would get you close to that. It would get you very close in the-- in the area of income taxes. Again, sales tax, we don't-- you know, we're quite a ways behind on the collections of that relative to property tax, again, twice-- according to Department of Revenue data, we collect twice as much property taxes, twice as much in property taxes as sales taxes, nearly \$2 billion more.

PANSING BROOKS: So--

BRIESE: We utilize these dollars to offset property taxes, that brings-- that brings that down quite a ways. You're getting closer all the time, but--

PANSING BROOKS: The-- the issue, of course, with-- with prop-- was sales tax is that it's regressive and people that are poor are paying-- have to pay a greater amount--

BRIESE: Sure.

PANSING BROOKS: --than those who own land and have their own businesses, and so it's a-- it's a very difficult balance. I just was interested if you-- you know, there are some of us that raising those

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sales taxes, that will not be the solution to-- that you're looking for, so.

BRIESE: Right. Yeah, and I-- I understand that. But equalizing property and income taxes, I think, is a reasonable goal. There are many folks that will suggest that property taxes are the most regressive form of taxation. I don't know if I buy that statement, necessarily, but there are many folks that will maintain that. But this would get us a long ways towards equalizing the burden on income and property taxes.

PANSING BROOKS: Thank you for the discussion.

BRIESE: Sure.

PANSING BROOKS: Thank you for bringing this bill.

BRIESE: Thank you.

MORFELD: Any other questions? Senator Line-- Linehan.

LINEHAN: Thank you, Vice Chairman Morfeld. So I'm looking-- I don't know if this was written testimony or a letter for the record, but it's from Megan Neiles-Brasch, who's the general counsel for the Omaha Public Schools. And it's in the fourth paragraph down. I just want to read the first line: For better or worse, property tax is the most stable and predictable tax source. Consistency in budgeting and security in our funding sources are critical to smooth operations for school districts. So after working on this for-- I think you're in your fifth year here. Isn't-- isn't part of the problem, whether it's any taxing entity, giving up property taxes is giving up a-- the most secure form of taxation?

BRIESE: Yes, and-- and I-- and I don't disagree with that. If I'm in the education-- you know, I-- I served on a school board once upon a time. Once you're on a school board, you realize your job number one is keeping that school open and doing a good job in keeping it open. You have kids to educate, so I understand where the education community is coming from and I appreciate their desire to have a stable, reliable funding source. But this doesn't take away that funding source. They still have the ability to backfill. Until we change that, the ability to levy and collect local property taxes is still going to remain in place and we'd have to change that. And like

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I said earlier, the education community is not going to let anybody do that, nor should they. They should have the ability.

LINEHAN: So it doesn't-- and that's what I'm-- I'm a little bit confused here because your constitutional amendment doesn't change the levy or the valuations--

BRIESE: No.

LINEHAN: --or their ability to tax.

BRIESE: Yeah.

LINEHAN: It just says we're going to pick up our fair share--

BRIESE: Yes.

LINEHAN: --of what you perceive-- what most states do.

BRIESE: Yes. Yes.

LINEHAN: And don't you hear frequently from the education community that the reason our property taxes are so high is that we're not picking up our fair share?

BRIESE: Yes, so I am somewhat bewildered by the lack of interest on the part of the education community in this proposal. I'm in education. I'm thinking I'm all in, but-- and from a-- you know, we're all fiscal conservatives here and obviously to varying degrees and, you know, some fiscal conservatives will suggest, well, this doesn't do anything about school spending and it doesn't. Their school spending will still be constrained by the current budget and budget authority limitations, but we're not doing anything to that with this.

LINEHAN: Thank you, Senator Briese.

MORFELD: Senator McKinney.

McKINNEY: Thank you. Does this am-- amendment protect against-- what if we end up in another pandemic or a natural disaster or some economic downturn? How would this affect funding? Say we go through a disaster or a pandemic and our state doesn't bring in--

BRIESE: Sure.

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McKINNEY: --what we think we would-- are going to bring in. How would this affect that?

BRIESE: Yeah, we would be obligated to find a way. We have some wiggle room in that we can define, you know, so there could be efforts to contract our obligations here by defining classroom expenses ever so narrowly to try to sneak by. But-- but again, that-- that would end up in the court system, I would assume. But, yeah, we would-- we'd be obligated to find a way, you bet.

McKINNEY: All right, thank you.

MORFELD: Any other questions? I just want to say I am interested, and particularly in Senator Pansing Brooks's question about what does success look like in terms of having fair property taxes, because I-- I'm an amateur history buff and, you know, I got my hands on a-- a study of the Nebraska Unicameral that was published, I think, in the late '50s or early '60s. And they were talking about some of the issues that were at the forefront of the Legislature in the late '50s and early '60s. And the number-one issue was property taxes, really, then. And just a few years later, they passed, I think, a constitutional amendment to make it so that the state couldn't levy property taxes, and that was being touted in this book-- I think it was after that, actually, that it was published-- as being, you know, kind of the solution. There was going to be more local control in that, you know, farmers and urban folks alike would be able to have more say in their property tax levies. So to me this just seems like a perennial issue, problem, and-- and I would like to know-- and I've only got a year-and-a-half left, but I'll be around the state for a lot longer. I'd like to know what success looks like and-- and I haven't heard that really from anyone, because otherwise what happens is-- and I see it down at the Capitol and I'm a part of it sometimes, too, it just becomes a perennial issue because it's something people are passionate about.

BRIESE: Sure.

MORFELD: So that's more of a statement. But I don't know. What does success--

BRIESE: Yeah.

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MORFELD: Maybe you've had time to think about it since Senator Pansing Brooks--

BRIESE: No, that-- that-- that's a great comment and-- but when we are-- you know, people always say we're 49th in the country in the percentage derived of K-12 education funded by the state. It might be 46, 47, but was right down there, you know, and-- and that is an indication of something that is far from successful, in my view. You know, to get that towards the middle somewhere, is that success? Maybe.

MORFELD: But is that going to be-- so I-- I agree with you that's-- that's one indicator. But it seems like, to me, the testimony that I've seen in the Revenue Committee, the testimony that I've seen here, which is more limited than what I've seen in the Revenue Committee, it's less that people are concerned about being 49th in the nation for state aid to schools and it's more about the concern on their operations, their businesses, their ability to pay their-- their-- their mortgage in re-- or lack thereof in retirement. That seems to be the core issue. So for me, success looks like when a Nebraska property taxpayer can say, I'm getting a fair shake here.

BRIESE: Yeah, and that's-- and when you're an urban Nebraska homeowner, if my property taxes are comparable to my friends' and neighbors' in Council Bluffs or Des Moines or Kansas City, you know, if they compare that closely, that might be the time they say, well, this is about right, this is about fair. Instead of, you know, we-- in-- in Nebraska, a typical homeowner pays an extra hundred dollars a month on their house payment due to property taxes than the average of the surrounding states, and to the extent they realize that, they're-- they're not going to think that's fair.

MORFELD: OK.

BRIESE: You know, and again, if their property taxes are comparable to adjoining states, that's maybe where it needs to be, same with ag producers. You know, Revenue Committee, we hear all the time about the difference in the property tax burden across the border and how much more favorable it is than-- than what it is here.

MORFELD: OK, thanks for the discussion, Senator. Oh, Senator Linehan. I-- I sparked some--

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LINEHAN: I'm sorry. I just-- one thought. Thank you, Vice Chairman. I'm sorry. Did you have a chance to look at the Omaha World-Herald this morning? If you didn't, that's fine.

BRIESE: I-- I saw parts of it. What part?

LINEHAN: There was a story about Wichita or Topeka--

BRIESE: Didn't see it.

LINEHAN: --and Iowa about recruiting young people between 18 and 40 years old to live there. And it was very much about how much it costs, the cost of housing, and they were recruiting them from-- because now they can live wherever and work, and they were recruiting-- I'm just-- you need to see--

BRIESE: Yeah, I-- I should have looked--

LINEHAN: You need to see it, yes.

BRIESE: I should have looked at that before this hearing.

LINEHAN: We should have hand-- you can hand it out to us. [LAUGH] It's a good-- if--

BRIESE: But-- yeah, but--

LINEHAN: It's good for your argument.

BRIESE: Yeah.

LINEHAN: Thank you. Thank you--

BRIESE: Yeah, thanks.

LINEHAN: --Vice Chair.

MORFELD: Yes. Thank you, Senator Briese.

BRIESE: OK, thank you, everyone, appreciate it.

MORFELD: That concludes our hearing on LR21CA and brings us to Senator DeBoer's bill, which is LB378. Welcome, Senator DeBoer.

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DeBOER: Good morning. Good morning, Vice Chair Morfeld and members of the Education Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent Legislative District 10, which includes Bennington and parts of northwest Omaha. Today I'm introducing LB378, which would require the Department of Education to submit an annual report to the Legislature, Legislative Fiscal Office, the Revenue Committee, the Education Committee-- and the Education Committee of the Legislature. The report will be a summary of public school data, specifically data related to school finance. This is one of three bills I have brought this year that address collection, consistency, and transparency of data. The other two bills were heard by the Judiciary Committee. Throughout my time at the Legislature, I've seen time and time again the importance of having accurate and easily accessible data when drafting and considering policies, ensuring that lawmakers, policy advocates, and citizens have access to information on important issues vital to the legislative process. In 2019, I introduced LR157, which conducted an in-depth review of the finance-- financing of public, elementary, and secondary schools, but it was not prioritized so we did that through my office. Throughout the process of collecting and analyzing data for the study, my office found, as I'm sure many of you know, that the annual financial reports filed on the Department of Education's website can be difficult and tedious to navigate. I found these difficulties caused inconsistencies and confusion on the impact of certain policies. None of this, of course, is to blame the Department of Education for this issue, as they have always been a great help to me and to other senators. I believe this report would provide senators with clear information that is consistent among offices and easy to digest and understand. I know you've all been in the situation that I've been in where there were groups coming to you with competing numbers and it was hard to know how outside groups arrived at their spreadsheets, so I seek to help us all at least have the facts in common. Information included in this report would include each district's general fund operating expenditures, total equalization aid, total funds collected through property taxes, total revenue collected by the district, and total special education expenditures broken down by whether they were paid for through state, federal, and local resources, the percent change from the prior year of the GFOE total revenue collected, and special education expenditures would also be included in the report to allow us to see changes in spending over time. I did have an amendment passed out to you at the time of drafting this bill. Unfortunately, I

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did not include the federal IDEA funds in the report, so AM246 would just add that particular piece to the funding-- to the list of special education funding included-- sources included in the report. School finance is a dense and top-- complicated topic that takes many hours to understand, hours that senators who are not members of this committee may not have time to commit to this topic. The legislation will offer a snapshot summary of school finance data each year, assisting senators and understanding different policy proposals related to school finance reform. I will note that one of the sort of important features of this is that the way that the data is to be reported is in a file which can be sorted like an Excel spreadsheet so that you can sort it in-- according to the way that you would like to be able to look at the data. So thank you for your time and I'm happy to answer any questions that you may have.

MORFELD: Thank you, Senator DeBoer. Any questions? OK, seeing none, are you to stay for closing?

DeBOER: Let me see how long.

MORFELD: OK. OK, those are-- those that are proponents of LB378. Proponents? OK, those that are opponents? Those that are in the neutral capacity? OK, would you-- and Senator DeBoer waives closing. That looks like consent calendar. Thank you. OK. Did we-- oh, I'm sorry. We do have one proponent position letter, NA-- by NASB. And then we'll go to LB640 with Senator Day. Have we gotten in touch with Senator Day? Saw her on the floor this morning. We'll just stand at ease for a few minutes, or sit at ease, I suppose. OK, thank you very much. Welcome, Senator Day.

DAY: Thank you. I apologize--

MORFELD: Back to back?

DAY: --for being late-- running from one hearing to the other.

MORFELD: We all know how that is. No worries. Feel free to open when you're ready.

DAY: Thank you. OK, good morning, Vice Chair Morfeld and members of the Education Committee. My name is Jen Day; that's J-e-n D-a-y, and I represent Legislative District 49, which covers northwestern Sarpy County, including the areas of Gretna, southern Millard, and western

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portions of Papillion and La Vista. I'm here today to introduce LB640, which would provider-- which would provide greater incentive for schools to offer prekindergarten programs and early childhood education by increasing the reimbursement in the TEEOSA formula from 60 to 80 percent and creating an allowance for nonequalized districts to capture a similar benefit. Senator Walz has brought this concept in the past to the committee, and I'm very pleased to be continuing this conversation in the new biennium. The time between ages of three and five is a critical window for child development. In fact, according to research done by Harvard University, 90 percent of a child's brain is formed by the age of six. The Perry Preschool Project was a study done in the 1960s that concluded that children who are given a quality early childhood education are less likely to be enrolled in special education classes, more likely to become good junior high students, and far more likely to graduate from high school. They were four times as likely to earn a living wage, three times as likely to own their own home, and twice as likely to avoid welfare-- welfare, excuse me. The Perry preschoolers, as compared to their non-preschool-educated counterparts, had less teen pregnancies and less ended up in prison. In another study on early childhood students in Illinois and North Carolina, children who had quality early childhood education even ended up physically healthier as adults, with less instances of heart disease, diabetes, and mental illness. The National Forum on Early Childhood Policy and Programs found that for every \$1-- found that every \$1 invested in early childhood yields a \$4 to \$9 return, with returns on at-risk children being as high as \$13 dollars for every \$1 invested. It is clear to see that this is an-- is an investment worth making, especially as we deal with prison overcrowding, growing poverty, and the resulting growth of-- of dependency on social safety net programs. Additionally, Nebraska is currently struggling with a-- with a shortage of childcare. This has obvious negative consequences for children, but also creates obstacles for parents and our economy as a whole because quality, predictable childcare enables parents to work. These consequences have been illustrated in Nebraska, as in August the University of Nebraska Bureau of Business Research found that a lack of affordable childcare for parents had significant effects on productivity, resulting in losses and increased costs for businesses that stem from parents having to call in, reduce hours, or quit jobs. Statewide, this reduced income by \$639 million, which resulted in a direct net decrease in state taxes of \$21.1 million. This problem could be compounded as we reopen, as, according to the

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U.S. Chamber of Commerce, 32 percent of employers have seen employees leave the workforce because of childcare and health concerns. LB640 is an attempt to provide solutions to this issue by incentivizing schools to consider offering preschool programs. Under the current TEEOSA formula, schools are reimbursed 0.6 of the normal student reimbursement, with the rationale that the school day is typically shorter than K-12 students. However, the actual cost reflected to educate preschools is closer to the full student cost. LB640 better reflects this real-world cost by increasing the reimbursement to 0.8 of the full student reimbursement. Although TOSA only covers equalized districts, we know that rural areas have been hit particularly-- particularly hard by the childcare shortage, so LB640 also contains an early childhood education allowance for nonequalized districts, calculated by equaling the qualified early childhood fall membership times the statewide average General Fund operating expenditures per formula student. This brings the-- the amount eligible per child in nonequalized districts at relative parity to the equalized schools' portion of the bill. Finally, LB640 contains a reimbursement for transportation of children in early childhood education programs. The reimbursement mirrors the current transportation reimbursement for K-12 equalized students. Especially in low-income communities, transportation concerns still present large barriers-- barriers to education for many students and, in order to be truly successful in breaking down educational disparities, districts must be able to offer transportation for these students. As a business owner, I often think about the rate of return on our investments, as well as diminishing returns on the money we spend. It's the current lack of well-developed early childhood education network in our state that makes LB640 a wise investment, especially considering the data on early childhood outcomes long term. Taking the first step to create a statewide foundation for preschool and early childhood education will allow our state to benefit many times over in increased workforce availability but, more importantly, through a generation of children who will have the full capacity to reach their potential. I encourage your support of LB640. And with that, I'm open for questions.

MORFELD: Thank you, Senator Day. Any questions for Senator Day?
Senator Linehan.

LINEHAN: Thank you, Vice Chairman Morfeld. And thank you very much, Senator Day, for bringing this. I'm trying to-- did you have-- the fiscal cliff doesn't break down the cost of each thing. They didn't

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talk to you about a cost for each. So I'm looking at this. It has early child membership and then educational allowance, transportation, and then I suppose-- I guess what I'm looking for is how much of the \$27 million is for the unequalized school districts. Do you--

DAY: I do not have that answer for you right now, but I can-- I can find out.

LINEHAN: Yeah. I would ask the department--

DAY: Yep.

LINEHAN: --to give you a breakdown.

DAY: Yep.

LINEHAN: And then does this change-- so now is it only four-year-olds? Because it's the following year they go to kindergarten and now it's one of the two following years, so this would be three- and four-year-olds

DAY: Three- and four-year-olds, yes.

LINEHAN: And right now it's just four-year-olds, isn't it?

DAY: Correct.

LINEHAN: OK, thank you very much.

MORFELD: Any other questions? OK, thank you, Senator Day. I'm assuming you're going to stick around or--

DAY: Yes, I will.

MORFELD: OK, great.

DAY: Thank you.

MORFELD: Yeah. OK, proponent testimony for LB640?

CONNIE KNOCHE: Thank you.

MORFELD: Welcome.

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CONNIE KNOCHE: Good morning, Vice Chair Morfeld and members of the Education Committee. My name is Connie Knoche, and I'm the education policy director at OpenSky Policy Institute. I'm here to testify in support of LB640 because funding early childhood education is vital to support the growth and economic well-being of Nebraska. A recent study from the Harvard Graduate School of Education found that children who attended high-quality early childhood programs were less likely to be placed in special education or retained in a grade and more likely to graduate from high school than peers that did not attend such programs. The study concluded that public funding for early childhood education has the potential to mitigate the high costs of poor educational outcomes and creates upward mobility through opportunity. High-quality early childhood education builds the cognitive and social skills needed for school readiness, a fact recognized in-- by Blueprint Nebraska 2019 report, which calls for revolutionizing all education segments from early childhood to career, making Nebraska the nation's leader in lifelong learning and preparing people for jobs in the future. LB640 would take a giant step toward meeting the lofty goal of generating additional state aid for qualified early childhood education programs. LB640 would increase funding for early childhood education by increasing the weighting factor for early childhood students and provides for early childhood education and transportation allowances. Early childhood aid equal to 50 percent of the early childhood allowance would be paid to nonequalized school districts which have qualified for early childhood education programs. And NDE estimates the fiscal impact be \$27 million in fis-- fiscal year '22-23. A large body of research shows that early childhood programs have spillover effects that benefit taxpayers by addressing children's problems early in life rather than later. Early childhood education reduces the need for re-- remedial programs and criminal justice spending. They can also strengthen parents' job stability and wages. Children who attend high-quality preschool programs are less likely to need special education, to be arrested, or to require social services. On average, they are healthier, earn higher income, and pay more taxes later in life. Bolstering early childhood education in Nebraska will help the state both immediately and long into the future. Thank you for your consideration and I'm happy to answer any questions.

MORFELD: Thank you for your testimony. Could I have you spell your last name--

CONNIE KNOCHE: Sorry.

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MORFELD: --or your first and last name for the record, please.

CONNIE KNOCHE: C-o-n-n-i-e K-n-o-c-h-e.

MORFELD: OK, Thank you. I should have asked you that. Any questions? OK, I see no questions. Thank you for coming, Ms. Knoche. Other proponent testimony? Welcome.

JACK MOLES: Morning.

PANSING BROOKS: Thank you.

JACK MOLES: Morning, Vice Chair Morfeld and members of the Education Committee. My name is Jack Moles; that's J-a-c-k M-o-l-e-s. I'm the executive director of the Nebraska Rural Community Schools Association. Today I'm also speaking on behalf of the Nebraska Council of School Administrators, Nebraska Association of School Boards, Nebraska State Education Association, Schools Taking Action for Nebraska Children's Education, and the Greater Nebraska Schools Association, so I'm speaking on behalf of virtually-- well, almost all of the administrators in the state, the majority of the teachers, and virtually all of the boards of education. On behalf of these groups, I'd like to testify in support of LB640, and we would like to extend our appreciation to Senator Day for introducing the bill. Early childhood education is one of the best long-term investments a school district can make. We believe that it is also-- it would also be a great long-term investment for the state. Innum-- innumerable studies point to the benefits of high-quality early edu-- childhood education programs. The need for future special education programs may be lessened, and future academic success is more likely. According to the Harvard Graduate School of Education, public funding for early childhood education has the potential to mitigate the high cost of poor educational outcomes and creates upward mobility through opportunity. These programs have also-- also have benefits for parents and communities. The organizations are appreciative of the way in which Saturday has crafted the funding piece of the bill. LB640 provides for an increase in the way in which early childhood enrollment is considered in the TEEOSA formula. Thus, this helps ed-- equalize districts with early childhood programs. The bill also provides for an early childhood education allowance for nonequalized districts. Since early childhood education is not required of school districts, it is important that all districts that have such programs

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are helped by state funding. Again, we appreciate Senator Day's work on LB640. We encourage you to vote it out of committee.

MORFELD: Thank you, Mr. Moles, for your testimony. Any questions?
Senator Linehan.

LINEHAN: Thank you, Vice Chairman Morfeld. And thank you, Dr. Moles, for being here today. Do you have any idea how much of the \$27 million would go to nonequalized schools?

JACK MOLES: I-- I don't have that, no.

LINEHAN: So it's-- what-- how did they do this? They've got-- they don't-- it's not part of their needs? It's just a whole nother column in TEEOSA?

JACK MOLES: As far as equalized districts--

LINEHAN: Nonequalized, and--

JACK MOLES: --or nonequalized?

LINEHAN: Well, either/or. I mean--

JACK MOLES: Yeah, nonequalized, the way I understand it, there would be a formula established that districts would get some kind of an allowance for their-- their programs.

LINEHAN: But you don't know how much allowance?

JACK MOLES: I-- I don't know that, no.

LINEHAN: OK. OK, but you feel confident that it would actually-- some of the \$27 million would go to the NRCSA schools, but you don't know how much.

JACK MOLES: Yeah, one of the discussions we had as we-- the-- I'm going to say the education coalition. It's-- it's a group of-- education groups get together. We talk about this quite a bit, different concepts, and one of them was the early childhood piece. And the original thought was to include it in TEEOSA, and I raised the issue, of course, of, well, if we do that, then the nonequalized won't see a dime of it. And so this was a-- everybody else-- you know,

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everybody saw the-- the wisdom of doing that, and Senator Day did that, too, so we're appreciative of that.

LINEHAN: I-- there's a revised fiscal note and it's only \$22.8 million.

JACK MOLES: Oh, OK.

LINEHAN: So I've been using the wrong number. OK. All right. Thank you very much.

JACK MOLES: Thank you.

MORFELD: Any other questions? OK.

JACK MOLES: Thank you.

MORFELD: Seeing none, thank you, Dr. Moles.

JACK MOLES: And it's "Mr." I'm not--

MORFELD: Is it "Mr."?

JACK MOLES: I'm not a doctor.

MORFELD: Oh, I said "Dr." I wanted to make sure I got it.

JACK MOLES: My mom probably hoped for better, but-- [LAUGHTER]

MORFELD: We-- we can give you a-- a promotion. Great. Any other proponent testimony? Any opposition testimony? Any testimony in the neutral capacity? We have written testimony in lieu of in-person testimony, proponents Jason Hayes with the NSEA, Joe Kohout, Ralston Public Schools. And we also have a position letter for LB640, another proponent, Jami Jo Thompson, Norfolk Public Schools. With that, that closes our hearing on LB640 and our hearings for the morning.

[BREAK]

WALZ: We're going to go ahead and get started. Good afternoon. Before we get started, I'd like to go over some COVID-19 hearing procedures. For the safety of our committee members, staff, pages and the public, we ask those attending our hearings to please abide by the following procedures. Due to social distancing requirements, seating in the

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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 door to the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may move their face coming during testimony to assist committee members and transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by a Sergeant at Arms who will allow people to enter the hearing room based upon the seating availability. Persons to wait-- persons waiting to enter a hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the availability due to the HVAC project of an overflow hearing room for hearings which attract, which attracts several testifiers and observers. For hearings with large attendance, we request that only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. And with that, I'd like to welcome you to the Education Committee public hearing. My name is Lynn Walz from 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 position on the proposed legislation before us today. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please turn off or silent cell phones or other electronic devices. The order of testimony is introducer, proponents, opponents, neutral and closing remarks. If you will be testifying, please complete the green testifier sheet and hand it to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, state and spell your name for the records. If you would like your position known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. If you are not testifying in

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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 to the office of the committee chair or emailed to the committee chair by 12:00 p.m. on the last day prior to the public hearing. Additionally, the letter must include your name, address, state of position of for, against or neutral on the bill or LR 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 testify-- testimony clearly. And finally, be, please be concise. Testimony will be limited to five minutes and we will be using the light system. Five minutes-- or green means that you have five minutes remaining, yellow means that you have one minute remaining and your-- you will wrap up your comments when you see the red light. I'd like to introduce, oh-- the committee members with us to the-- why is that crossed out? The committee members with us today will introduce themselves, beginning of my far right.

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

McKINNEY: Terrell McKinney, District 11, north Omaha.

PANSING BROOKS: Good afternoon. Patty Pansing Brooks, Legislative District 28, right here in the heart of Lincoln.

MORFELD: Adam Morfeld, District 46, northeast Lincoln.

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

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

WALZ: And now I'd like to introduce the committee staff. To my immediate right is research analyst Tom Arnsperger. And to the right end of the table as committee clerk Mandy Mizerski. And our pages today are Savana and Rebecca. Please remember that senators may come and go during our hearing as they may have other bills to introduce. I'd also like to remind our committee members to speak directly into the microphone and limit side conversations and making noise on

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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. Be assured that your presence here today and your testimony are important to us and crucial to our state government. Lastly, as a reminder, please allow the pages to sanitize between testifiers. And with that, we will open with LB630 and Senator-- Senator Bostar. Sorry, Senator Bostar.

BOSTAR: It's quite all right. Good afternoon, Chairwoman Walz and members of the Education Committee. I am Senator Eliot Bostar, that's E-l-i-o-t B-o-s-t-a-r, and I represent Legislative District 29. I'm here to present LB630, a bill that tasks the Nebraska Department of Education with developing and implementing a pilot program to study the efficacy of commercial air filters in classrooms and their impact on academic behavioral performance. On October 23, 2015, employees of the Southern California Gas Company discovered a sizable leak in the Aliso Canyon natural gas storage facility near Porter Ranch in the San Fernando Valley, just outside of Los Angeles, California. Out of an abundance of caution, the utility and the local school district purchased and installed high-quality commercial air filters for every classroom, office and common area in every school within five miles of the leak. Ultimately, air testing conducted around the time of the installation of the air filters showed that the schools did not have abnormally high levels of the types of pollution normally associated with a natural gas leak. While the air testing did not indicate that the school district experienced the effects of natural gas pollution, we do know that the school district did experience a significant increase in test scores, both in math and English for students with high-grade air filters operating in their classrooms. In response to the events of the Aliso Canyon gas leak, NYU professor of economics Michael Gilraine published a study in March of 2020 measuring the academic impact on the students with high-grade air filters in their schools compared to those just outside the affected radius. The Gilraine study found that in classrooms with high-grade air filters, math scores went up by 0.20 standard deviations and English scores by a similar 0.18 standard deviations. These results held up even when you control for detailed student demographics, including residential zip code effects that account for a student's exposure to pollution at home. It's worth noting as well that the academic gains were sustained in the subsequent year. For context, this is comparable in impact to

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some of the most optimistic studies on the potential benefits of smaller class sizes, with a Brookings Institution study suggesting that cutting class sizes by one third leads to a 0.22 standard deviation improvement in academic performance. This study contributes to the mounting body of research that demonstrates what we already intuitively know is true, that air pollution is detrimental, has detrimental effects on our brains and our bodies, especially developing brains. According to Dr. Maria Neira, director of the Department of Public Health, Environment and Social Determinants of Health of the World Health Organization, air pollution is stunting our children's brains and affecting their health in more ways than we suspected. The World Health Organization published a report in 2018 on air pollution and child health-- and child health that states that air pollution affects neurodevelopment, leading to lower cognitive test outcomes and negatively affects mental and motor development. It goes on to add that air pollution is damaging children's lung function, even at lower levels of exposure. A study by southern California's Children's Health looked at the long-term effects of air pollution on children and teenagers. Tracking 1,759 children who were between the ages of 10 and 18 from 1993 to 2001, researchers found that those who grew up in more polluted areas faced the increased risk of having reduced lung growth, which may never recover to their full potential. The average drop in lung function was similar to the effect of growing up in a home with parents who smoked. The impact of air filters in classrooms appear strikingly large, given what a simple change we're discussing. The school district in question didn't reengineer the school buildings or make dramatic educational reforms. They installed commercially available air filters that one could plug into any room. Following a national survey of school districts completed in October of 2019, the United States Government Accountability Office stated an estimated 41 percent of school districts needed meaningful upgrades to their air handling and air quality systems in at least half of their schools. According to the GAO, this represents 36,000 schools nationwide. It seems clear that there is room for exploration and improvement in the air quality of our educational environments. LB630 tasks the, the Nebraska Department of Education with conducting a pilot program to test the effectiveness of commercial air filters in our classrooms, especially to measure their impact on academic and behavioral performance. The legislation outlines the size of the pilot program in order to assure that the results are scientifically significant enough to leave our education system with meaningful

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results. Given the impact that the Gilraine study suggests on academic performance and what we already know about the effects of air pollution on child brain development, it would be a missed opportunity not to ask our educational system to investigate this matter fully. I encourage you to advance LB630 and I'd be happy to answer any questions you might have. And I thank you for your time. And I'd also, if a page could give me a hand. So what I'm passing out to all of you is a copy of the Gilraine study that motivated the introduction of this legislation. I'm also distributing to you a, an amendment for your consideration that would simply add "in consultation with the University of Nebraska" to the-- for the implementation of the study. And with that, please, if you have any questions, I would be absolutely happy to answer them.

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

BOSTAR: Thank you very much.

WALZ: Thank you. Proponents for LB630.

BARBARA BAIER: Hello, my name is Barbara Baier, B-a-r-b-a-r-a, Baier, B-a-i-e-r. I am a board member with the Lincoln board of educate-- in Lincoln Public Schools, and I am testifying on behalf of the Lincoln Public Schools in support of LB630, a bill authorizing the development and implementation of a pilot program to study the effec-- efficiency of-- efficacy of commercial air filters in classrooms to positively impact student performance. Conducting studies such as the one described in LB630 is essential in providing sound, research-based information to school districts to help them make decisions about their facilities. At Lincoln Public Schools we have many systems in place to provide the healthy and productive environments for our staff and students to teach and learn effectively. We have been implementing a plan since 1995 to convert all our facilities, which includes over 60 different facilities totaling 8 million square feet into safe, comfortable, clean and healthy environments. LPS has teamed up with local design professionals to research and implement better practices and standards as provided by ASHRAE, the American Society of Heating, Refrigeration and Air-Conditioning Engineers, an American professional association seeking to advance heating, ventilation, air conditioning and refrigeration systems design and construction. ASHRAE has direct impact on the development of local, national and international

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building codes. A few good practices that LPS has implemented that can and will have significant impact on indoor environments, whether it be schools or other occupied spaces, include the following. One, fresh air; two, relative humidity controls; three, filters; and four, moderate-- monitor-- moderating your program. LPS strongly believes in the investments and good management practices to maintain the school environment, not only for good policy, but for the good health of our clients, which includes students, staff and the commun-- community. This bill provides an assessment tool for school districts to evaluate their success in the area of facility environmental design standards relating to environmental quality. Having access to research that may identify ways to improve the learning environment for students in ways that impact student performance would be beneficial to school districts. We appreciate that Senator Bostar is seeking funding and is not intending this to be an unfunded mandate for schools. For these reasons, Lincoln Public Schools would like to offer our support for LB630 and we encourage you to pass it out of committee and onto General File. We hope one day to learn from the study's results. And if you have any questions, I'd be happy to answer them.

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

MURMAN: Thank you, Senator Walz. And thanks for testifying. Wouldn't the HVAC people that installed the equipment in the schools be responsible to make sure the air quality is good?

BARBARA BAIER: Well, I think that their advisory group, they're an association of manufacturers, and I think that it's helpful to go and have an independent opinion as well. Certainly they're helpful in the decisions that we may make, but we also seek independent opinions from design professionals that we find in our community and state.

MURMAN: Thank you.

WALZ: Thank you. Any other questions? I see none, thank you for coming today.

BARBARA BAIER: Thank you very much.

WALZ: Next proponent for LB630. Any opponents? Anybody who would like to speak on the neutral position? We did have, as Senator Bostar is coming up, written testimony in lieu of person testimony. One

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proponent, Jason Hayes from the NSEA. No opponents, nobody in the neutral. And we had no position letters for LB630.

BOSTAR: Thank you, Chairwoman Walz and members of the Education Committee. I think many weren't quite sure what the bill was as drafted. Hopefully now there's some more information out there. I do want to direct your attention to the fiscal note. In the fiscal note, it talks about \$3,000 for every air filter. And, well, I certainly can't say for sure what the price would be to acquire an air filter today in, in Nebraska. And you can check this in the study I gave you. But when this was done before, these air filters were around \$700, so just I would say keep that in mind as you evaluate the legislation. And all of that, like I said, is in the, in the Gilraine study. LB630 tasks the Nebraska Department of Education with conducting a pilot program to explore the implications of the Gilraine study. Given the impact that the study suggests, and given what a comparatively simple improvement we are discussing, it would be a missed opportunity not to ask our educational system to investigate this matter fully. Investing in clean air for our children is unlikely to be something we regret in the future. And with that, I would encourage you to support LB630, and I would be happy to answer any final questions.

WALZ: Thank you, Senator Bostar. Questions from the committee? I see none. Thank you for coming today.

BOSTAR: Thank you very much.

WALZ: That closes our hearing on LB630 and it will open our hearing on LB565, Senator McDonnell.

McDONNELL: Thank you, Chairperson Walz and members of the committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l, I represent Legislative District 5, south Omaha. Today I'm introducing LB565 for the committee's consideration. LB565 would call upon the Nebraska State Department of Education to develop and implement a youth initiative mentoring pilot program for the school fiscal year '21-22 in consultation with a mentoring program that is in operation on a statewide basis. The pilot program would be implemented in a high-poverty area in each of the three congressional districts. The Legislature would appropriate \$750,000 from the general fund in fiscal year '21-22 to the State Department of Education to carry out this act. Youth initiated mentoring, or YIM, is a unique model for matching

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youth with a mentor. YIM overcomes the challenge of matching some youth in a, in the traditional model. In YIM, the program taps the knowledge of the young people themselves on who in their lives could be a formal mentor. The YIM model empowers youth to identify those with whom they have a connection, current or past. The mentoring program provides assistance to engage potential mentors among the caring adults already in their lives and then makes a match and a formal model. A formal structure ensures there is proper screening and training and that the relationship is supervised, facilitated, monitored and supported by the mentoring programs utilizing best practices. In 2014, MENTOR Nebraska became the first in the country to implement this model in a community-based one-on-one program. The model has been specifically deployed to support youth who have been involved in the juvenile justice system, a population of youth who have not been well-supported by traditional mentoring model. MENTOR Nebraska supports implementation of YIM by training YIM mentoring coordinators, serves as the primary liaison for all referrals, provides financial support to mentoring programs on a pure match basis, and convenes partners regularly to track progress and troubleshoot challenges. Most recently, MENTOR Nebraska partnered with the Charles Drew Health Center to initiate the YIM program at the Charles Drew Health Center. The model has proven to be more effective, meet-- effectively meet the needs of the justice-involved youth. Referrals for YIM come from the Douglas County Juvenile Assessment Center, probation, and Douglas County Youth Center, and through other community partners. A large majority of the youth served through YIM in Omaha are black or Hispanic youth. I have been convinced of the value of this program that more adults can be involved in the lives of young people and act as a positive influence on their lives. I think this is particularly so with justice-involved youth. We know that youth who enter the justice system are more likely to be involved in the justice system as adults. This provides yet another option to invest dollars in the front end of justice-involved youth so we can hopefully not see as much recidivism later in life and force more expensive spending decisions for future legislatures. Following me in testimony is Marisa Hattab of MENTOR Nebraska, who can't speak on specifics as this program's capacity for the deployment and proposed in the three congressional districts. Also following me will be George Achola, a board member of the MENTOR Nebraska, who can talk about what he sees as the benefits of this program. And I will be here to answer any of your questions, and also I will be here for closing.

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

McDONNELL: Thank you.

WALZ: Thank you. First proponent.

MARISA HATTAB: Good afternoon and thank you, Chairwoman Walz and members of the Education Committee. My name is Marisa Hattab, M-a-r-i-s-a H-a-t-t-a-b. I am the training and partnership development manager at MENTOR Nebraska, and I've been with our team for a little over two years. Prior to my work in the mentoring field, I was an educator and I, and I taught at an alternative high school in Omaha, Nebraska, where a majority of my youth were juvenile justice system-involved. With my collective experience with the mentoring sector and as an educator, I developed a very deep passion for advocating for the services and resources that our youth deserve. A large part of my work at MENTOR Nebraska has been in the development, refinement and implementation of our youth-initiated mentoring program. Nearly seven years ago, MENTOR Nebraska brought this unique mentoring model to Omaha because our collective data showed that less than one percent of youth served in our mentoring sector, sector were justice-involved. MENTOR Nebraska is the first mentoring nonprofit in the country to pilot youth-initiated mentoring in a community-based setting. To date, MENTOR Nebraska has secured over \$755,000 to develop, design and launch youth-initiated mentoring in Douglas County. Since 2015, nearly 160 system-involved youth have been matched with mentors through this model. Of those served, we have seen traditionally underserved populations of students accessing these formal mentors. The students served have, have been most commonly between the ages of 15 and 17, 17-years-old, male and African-American and Hispanic. Although YIM models are newer to our sector, this approach was successfully implemented for over two decades through the National Guard Youth Challenge Program, which is an intensive program for adolescents who dropped out of high school. An evaluation of the use of YIM, the YIM approach in this program found that young people showed improved academics, improved career outcomes and less recidivism. A recent 2020 study found similar positive outcomes and that the YIM mentoring model showed promise as a low-cost, ecologically valid approach to serving youth. This approach has also been effective in diverting young people from going further into the juvenile justice pipeline system. After successfully implementing youth-initiated mentoring through our organization, we took the next

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step to identify a community partner to expand these services. In late 2020, MENTOR Nebraska formally partnered with Charles Drew Health Center and Omaha to create a YIM program within their organization. This embedded program in Charles Drew allows young people and their families access to mentoring as a support, but also creates connections to physical, behavioral and mental health care. Despite navigating a pandemic, we have still been able to match youth and mentors to expand mentoring opportunities. We believe that youth-initiated mentoring model can be replicated successfully across our state to ensure that more students have, who have been involved in our juvenile justice system, justice system have increased access to positive mentoring relationships. But more importantly, this approach equips them with the skills to advocate for themselves and create support net, networks that will benefit them well into adulthood. I want to close my testimony with a story about one of the students who have been served through our YIM program and how it has impacted him. I met a young man named Adam who was referred to our program through the Douglas County Juvenile Assessment Center for a truancy case. He was very guarded and struggled to think of a potential mentor. Reluctantly, he was able to identify a former teacher in which he had not seen or spoken to in five years. After finding the mentor, I was able to witness their first moment being reunited. Adam, who was once guarded and quiet, became noticeably energetic and even cracked some jokes. They instantly connected, connected and caught up. When following up months later about the success of this match, I learned that they had been to a baseball game, participated in a local trivia night and met regularly each week. We hope that by expanding YIM, we are able to open the hearts, minds and opportunities for other Adams throughout the state. Thank you.

WALZ: Thank you so much for coming today. Questions from the committee? Senator McKinney.

McKINNEY: Thank you. Thank you for your testimony. I think mentoring is very important, especially for my district. I'm just-- besides Charles Drew, are you guys working with any grassroots mentoring programs, because I've been working in the community for a while and always hear about different mentoring programs. But what I've found is it's the grassroots mentoring programs that are actually connecting with the kids that are actually on the streets. For example, I got a call yesterday because a young man in my community was killed over the weekend, and a lady in my community, she went with someone, someone--

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she went and met with some individuals that were friends of that individual, and she was doing the grassroots work. And I'm just curious if this is passed, how can we ensure that those grassroots mentoring programs are provided resources as well and not just the bigger ones?

MARISA HATTAB: Yeah, that's a great question. Thank you for asking that. To answer your question concerning specifically the youth-initiated mentoring model, I also want to expand a little bit about the work that we do collectively as far as supporting grassroots organizations. Our hopes, our hope is that we can expand our reach with youth-initiated mentoring. It is different than the traditional mentoring model because traditionally a mentor would go and they'd be matched based on compatibility and like a test, whereas this gives the youth a voice in choosing their mentor. And so our hope is by us interacting with an entity like Charles Drew, who has a presence in multiple areas in the city, that we can develop more trust in the community so that we can impact other organizations. But to your, to also answer your question, that's work that we're doing even at a national level when it comes to providing resources to grassroots and black and brown-led organizations as well, so that we can legitimize their work and that their efforts are showing up in our data as well. So it gives you somewhat of a direct answer, but hopefully it lets you know like our heart in the work that we're doing behind the scenes as well to build that capacity for that.

McKINNEY: All right. Thank you.

MARISA HATTAB: Um-hum.

WALZ: Senator Linehan.

LINEHAN: Thank you, Chairman Walz. Where does your funding come from now?

MARISA HATTAB: So our, our funding comes through foundations and also CBA funding. And so those are two primary funders, through the county and then foundations.

LINEHAN: OK, thank you very much.

MARISA HATTAB: You're welcome.

WALZ: Any other questions? I have one quick question.

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MARISA HATTAB: Oh, sure.

WALZ: Can you give me some examples or us some more examples of maybe some of the other activities through the youth mentoring program that they do?

MARISA HATTAB: Sure. So just to clarify, like activities that the matches do together?

WALZ: Yes.

MARISA HATTAB: Oh, sure. That's really vast opportunities. Sometimes they're able to go to art classes, the movie, like I shared. They went to a baseball game, a trivia night. It really is. The heart of youth-initiated mentoring is giving the youth a voice. And so we also empower our mentors to do that when they're engaging with their youth. So it really could be vast, depending on what the youth wants to do. But we're also passionate about them being exposed to different things while giving them a voice to do so.

WALZ: All right. Thank you so much.

MARISA HATTAB: You're welcome.

WALZ: Any other questions? Thank you.

MARISA HATTAB: OK, thank you.

WALZ: Next proponent.

GEORGE ACHOLA: Thank you. Tough show to follow, but I see some old friends here, so that makes me feel a little bit more comfortable. Senator Sanders, Senator Linehan, I've heard a lot about you from Mr. Clark, so I know we look forward to good things from you. So Mr. Tim Clark speaks very highly of you, and that speaks a lot because I respect him. And I want to say good afternoon and thank you, Chairman, Chairwoman. My name is George Achola, and I am the vice president counsel of Burlington Capital Real Estate. Outside of my professional activities, I have chosen to spend my time on boards that primarily focus on two critical components of our community: affordable housing and children. These include MENTOR Nebraska, which you just heard about, Habitat for Humanity, Education Rights Counsel and the Nebraska Investment Finance Authority. You know, I wouldn't be here where I am

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today without the mentors that I've had throughout my whole life. For a kid like me, coaches and teachers were my primary mentors. Going from Dennis Maled [PHONETIC] as a young kid to Tom Osborne as a young man, and teachers like Mrs. Hammerstrom [PHONETIC] at Lewis and Clark grade school, Lynn Groff at Creighton Prep and David Forsythe at UNL, and most recently Mike Fenner at Creighton University Law School. You know, growing up, mentors took the time to teach and show me my value as a person. As I got older, my mentor taught me to take paths that freed me from making mistakes, but when I stumbled, picked me up, reinforcing that I should not allow a mistake to define me. Mentors opened doors for me that otherwise would not have been open. Each mentor gave me important life lessons that have assisted me through my challenges and accomplishments throughout my life. You know, as you know, Mr. McKinney talks about here today, you know, I'm one of the lucky ones because there are thousands of young people, especially in our north Omaha community and Nebraska, who could benefit from the support of caring adults. But for whatever reason, that person is hard to find. This is a, this is a failing of society. And I'm here today on behalf of MENTOR Nebraska board direct, board of directors to advocate for your support of LB565, which, if passed, will provide mentoring services to young people who need mentoring the most. MENTOR Nebraska provides consultation and training to nearly 200 mentoring groups, youth service, youth service organizations and schools across Nebraska. The communities we work are, we work in are looking at solutions for disproportionate representation of primarily low-income children of color in our juvenile justice systems. Mentoring has been shown to be a prevention and intervention strategy for young people at times when they are most likely to need support. At its core, mentoring guarantees young people that there's someone who cares about them, assures them that they are not alone in dealing with the day-to-day challenges and makes them feel like they matter. Mentors can offer advice, share their life experiences and help a person navigate challenges. Mentoring also impacts how students show up, they show up and their success in school. Research shows what, that most students who meet regularly with mentors are, number one, 52 percent less likely than their peers to skip school, 37 percent less likely to skip a class, 81 percent more likely to participate in sports or extracurricular activities, and 55 percent more likely to enroll in colleges. Those are all factors that lead toward successful life. In addition to increased school attendance and a better chance of going into higher education, research shows mentored youth maintain better

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attitudes to school and are four to six percent less likely than their peers to start using illegal drugs and 27 percent less likely to start drinking. By preparing young people for college and careers, mentoring helps develop the future workplace talent pipeline. A study led by Dr Fernando Wilson from the University of Nebraska medicine shows that for every dollar invested in mentoring, there is an eight dollar return in investment in societal, societal benefits. So that, we've given you a copy of that study. If we want to see positive effects in our communities, we need to make sure we are intentional about serving youth who need mentoring the most. Data shows that system-involved youth are widely underrepresented, un-- widely underrepresented population through contribute-- through current mentoring programs in Nebraska. It takes an intentional, evidence-based mentoring model like youth-initiated mentoring to effectively serve system-impacted youth. By working alongside community organizations to implement the youth-initiated mentoring models across Nebraska, we can connect young people to personal growth and development to social and economic opportunity. I want to thank you for your public service and the support of youth mentoring. I hope that all of you will take action to support LB1-- LB565, and I am here to take any questions that you may have on the topic.

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

SANDERS: Thank you, Senator Walz. Good to see you again, Mr. Achola. Thank you for being here.

GEORGE ACHOLA: Thank you.

SANDERS: Would you be able to answer the difference between the mentoring programs that are already out there now, like the TeamMates or big brother, little brother system?

GEORGE ACHOLA: I'll take my shot at it, but I've got a couple of experts in back. But I think what you essentially have heard is a lot of it is where you do the matching. You know, you do it through some various types of testings. You do some matching and then they tour together. In the youth-initiated mentoring, the youth is the one that initiates and identifies that person and then we bring them in, we train them, we help them match and do and basically develop that

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relationship that way. And somebody behind me will correct me if I was wrong so.

SANDERS: Thank you.

GEORGE ACHOLA: I think I hit that one. OK.

WALZ: Other questions from the committee? Senator McKinney.

McKINNEY: Thank you. Thank you, Mr. Achola. With the youth-initiated mentoring, is there some strategic plan to make sure that the youth that I see all the time, like in the streets or getting involved in gangs or things like that, to make sure that they're included? Because what I've found through just community organizing for the years I've been doing it, and even while growing up, a lot of those kids are always left out of the conversation and they're always forgotten about.

GEORGE ACHOLA: Yeah.

McKINNEY: It's not all the time you see them involved in programs like this. So is there a plan to make sure they are included and not left out?

GEORGE ACHOLA: My understanding of this and they will give me a thumbs up or thumbs down as I sit here, is those are the youths that are being targeted by this youth-initiated mentoring, those that are disproportionately in the juvenile justice system, those that don't have those services or that, you know, use traditionally would have outside of, you know, the, the juvenile justice system. So I think the primary focus of this youth-initiated mentoring, as I've understood it over the years, as have been explained to me, is we're gonna, we want to start with those kids that are in the system, those kids that do need the help, those kids that do need those mentors. Because I think the studies have shown that if those kids that are in the system, if they're the ones that find the mentors and those mentors are identified and then cultivated, the greater degree of success for them to hopefully turn the road. OK? So we're not talking about, you know, having somebody just come in and swoop down, swooping out of somewhere and going and helping one of these youth that is within the system. So that we're looking at the youth that are themselves within the system, identifying adults within their life, and then it's up on us working

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with the youth to hopefully cultivate that relationship so that they create a mentoring relationship. So I think that is the type of youth that we're looking to primarily handle with the youth-initiated mentoring system.

McKINNEY: All right. And I asked the, and I asked the previous testifiers, I believe, is there a plan to partner with grassroots organizations that have been doing the work but lack the resources to really have-- a lot of them, I would say, have a lot of great impact, but they don't have the resources. And if this was to happen, I know for sure it will be people coming to me and say, hey, they got this whole new mentoring program and we've been doing the same thing for years. Why can't we get some of that, some of that funding?

GEORGE ACHOLA: I mean, what I can tell you as a board member of the organization is we will, we will make sure that's a priority, you know? I can't bind the rest of the board to that promise, but I think, you know, knowing the board that I, the way that I know it, I think we will make sure that those community groups that traditionally serve the, you know, the youth in the community, those grassroots groups, they become a part of this process. And as a board member, I can promise you that as a board member. I'm pretty sure if you look at the rest of our board, I think the sentiment is going to be exactly the same.

McKINNEY: Thank you.

GEORGE ACHOLA: Yep.

WALZ: Other questions? Before you go, could you spell your first and last name?

GEORGE ACHOLA: Oh, sorry. First name-- I've done this before, I should be, I should remember that. First name is George, last name is Achola, A-c-h-o-l-a.

WALZ: Thank you so much.

GEORGE ACHOLA: Thank you.

WALZ: Next proponent. Are there any opponents? Anybody who would like to speak in the neutral? While the senator is coming up, I will-- we

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had no letters, no position letters, and we also had no written testimony in lieu of in-person testimony.

McDONNELL: Thank you, Senator Walz. So to try to kind of summarize and try to clarify some of your questions, we're talking about a pilot program. We're talking about all three congressional districts in areas that poverty is below the 30 percent level. We're looking at spending \$750,000 in the next fiscal year. Now, coming from appropriations, spending \$750,000 on anything is concerning. Let's say, during this pilot program throughout the whole state of Nebraska, all 1.9 million people, we help 19. Nineteen, that in this process change the direction they're going now. To incarcerate somebody on a yearly basis is approximately \$39,000. We just broke even even if it fails, fails at 50 percent, fails at 40 percent. But if 19 youth change direction, which we know based on the testimony of the subject matter experts it's going to be, the numbers are going to be much, much higher. So at this point, we are trying something different. Now as a state, as far as we know, no other state is discussing this at this level. We know that it works because there's a little bit different-- think about this. Think about someone in your neighborhood coming and knocking on your door and asking you to be their mentor. You as an adult never thought of yourself as a mentor, never thought about being a mentor. It would be pretty difficult for someone to say no. And that's the initiative for the youth. The youth is finding someone that they're already comfortable with. That could be just a neighbor, it could be an old coach. It could be, you know, as was mentioned, a teacher. But I think also we're going to have an opportunity to increase the number of mentors, because some of us don't think about being mentors. Not that we just, we wouldn't do it, but we just have never been asked. And when you are asked by someone that is a youth that really is looking for help, it's going to be difficult to turn down. This investment of \$750,000 is going to come back, I believe, based on past practice, based on the new concept and we're going to say this really has made a difference in a year when we have the data. And we're going to say that we think we should take this even further. Again, based on that we, we want to help, we want to make a change for these young people in their lives. But also we want to save money. You're talking about reducing recidivism, you're talking about reducing the population of the correction process. This will do it. And we are going to be focusing on kids that are living in areas throughout the state, pilot program, all three congressional

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districts that are in areas that the poverty level is, is there, and also that they have had some kind of contact with the juvenile justice system. So I'm asking you for a chance on this. It's a pilot program. It is a lot of money, \$750,000, but I think the investment, the return is going to be "hundredsfold."

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

LINEHAN: Thank you, Chairwoman Walz. Thank you for bringing this, Senator McDonnell.

McDONNELL: Thank you.

LINEHAN: Can, can you give kind of an idea of what the money would be used for? I mean, I get the whole obviously good idea, but how does, where does the money flow?

McDONNELL: So the way I understand it and divided between the three congressional districts, you're looking at that individual, that, that youth picking out John Doe, their neighbor, for example, and saying, OK, would you be part of this? Well, remember, there is going to be supervision, there's going to be training, there is going to be background checks. This isn't, this isn't any different than the process that they go through now for a normal-- that Jane Doe calls up and says, I would like to be a mentor. The difference is the youth is initiating this. So all of those with the training, with the oversight, with the background, all of that is going to be still in place. And then based on the numbers, I don't have exactly how many they would project youths would participate, but of course, every number that goes up, there's going to be more work and more oversight.

LINEHAN: And the YIM, that would run the program. Am I saying that right?

McDONNELL: No. Well, it would be the Department of Education that it's going to go to and then they, it will be under the YIM project, that will be the pilot program based on them collaborating with other people. But yes, it will be through the department.

LINEHAN: Department of Ed would be.

McDONNELL: Yeah.

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LINEHAN: All right. Thank you very much.

WALZ: Thank you. Other questions? Senator McKinney.

McKINNEY: Thank you. How would a youth get connected with the YIM program?

McDONNELL: So through the Department of Education, it's their job to make sure that they educate the kids on here's an opportunity. And during the pilot program in all three congressional districts that here's an opportunity for you to pick your mentor and for us to help you with that and then help your mentor learn how to be a mentor. But at the same time, as I mentioned, making sure we, they do the background and the oversight and then the training of the mentor.

McKINNEY: And one more thing, when you, when you mentioned the background, I think it's like one in four individuals from the black community have a criminal record. And I know a lot of people that would like to be mentors and volunteer more, but a lot of times when they sign up for these different programs they're, they're screened and these are not individuals with child abuse or some type of thing relating to sexual assault or anything on their record, they just have a record. And they're, and they're pushed away and it kind of discourages them from being involved. How can we make sure individuals like that are still able to participate if a, if a youth reaches out to those individuals?

McDONNELL: I, I don't have an answer based on their parameters for mentors, based on some of the things you had just mentioned about someone's past. I'll find out and get that to the committee. Based on if someone has made a mistake in their past, on one hand, if they've overcome it, you think about them being a mentor, that gives them strength to tell this young person, don't make the same mistake I made. But the idea of what they go through to do a background check and on a mentor, I don't know what that checklist is, but I'll find out.

McKINNEY: All right. Thank you.

WALZ: Thank you, Senator McKinney. Any other questions? I have just one more question. Who would determine the three sites for the pilot projects?

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McDONNELL: Well, it will be turned over to the Department of Education, the Department of Education. So, yeah.

WALZ: All right.

McDONNELL: But they only-- we put the parameters in was that it had to be in all three congressional districts for the pilot program and the poverty level in the areas of 30 percent. That's kind of the parameters, but it's up to the, the department.

WALZ: All right. Thank you. Any other questions? Thank you, Senator McDonnell.

McDONNELL: Thank you. I appreciate the time.

WALZ: That closes our hearing on LB565. And then we'll open our hearing on LB200, Senator Vargas.

VARGAS: Hello. Good afternoon, Chair Walz and members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s, I represent District 7 in the communities of downtown and south Omaha here in the Nebraska Legislature. LB200 is a fairly straightforward bill. Essentially beginning in the 2022-23 school year all high school students would be required to complete and submit a free application for Federal Student Aid, FAFSA. This requirement could be waived by completing a very simple form, and it is either the completion of the form by a parent or legal guardian or by a designee of a school. Could be a principal or principal's designee. This bill should sound familiar to you because it was my priority bill last year. It made it through the committee process and I made it through debate and dialogue, three rounds, and then it was unfortunately vetoed by the Governor. The Governor's concerns were centered around this being an unnecessary hurdle where parents had to share private family financial information. I would once again like to remind the committee that this bill includes a very simple waiver form that would exempt the student from this requirement. Should a family feel this financial information is too sensitive to disclose in a federal financial aid form, they wouldn't be required to share it. I'd also like to mention this same financial information is the same financial information largely that we submit or that is available through taxes. It's just another step in the process for applying. If this bill passes, Nebraska would become the fourth state to implement this kind of requirement for high

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school graduation. The first state, Louisiana, was enacted, enacted this change in 2015 and implemented it beginning in the 2018, '17-18 school year. And just this last year, or sorry, the year before, Illinois and Texas passed similar bills. Since Louisiana started requiring FAFSA completion, they now have the highest FAFSA completion in the country. It jumped from around 50 percent to nearly 80 percent, as well as an increase in both high school graduation and college attendance following graduation. An annual analysis shows that the high school class of 2018, wait for this, eligible Pell Grant individuals, \$2.6 billion on federal financial aid was missed out on. 661,000 graduates across the country who are eligible for Pell Grant, that means that they're deemed as high-need, did not complete the FAFSA and it was left on the table. The same analysis shows that over a third of high school graduates did not complete the FAFSA in 2018, missing out on an average of \$4,000 in financial aid. And in many instances, this financial aid, if it's a Pell Grant, is a grant that can be utilized, Last year, Nebraska exceeded the national average for FAFSA incompleteness rates, 38 percent of students not completing and submitting their FAFSA. Last summer there was a new study published about the impact of mandatory FAFSA filing policies like this one. Now you'll see that attached to the one-pager. This copy shows that some of the main points and that this is an evidence-based proven policy, and it's why I'm bringing this back. The report shows that mandatory FAFSA filing policies close the gap in completed applications between high and low-income school districts by 87 percent in one year. Some people thought that this might hurt school districts that are higher need. The opposite is true. The individual school districts that had the higher-need individuals, actually, we close the gap and they significantly improved their FAFSA requirements. The policy also increased FAFSA completion just overall. Before it was enacted, just one in three public high schools had completion rates of at least 65 percent, which is the national average. And after the policy was enacted, the completion rates increased to four in five schools had completion rates of at least 65 percent. As you all know, students pursuing postsecondary education currently have the option to complete and file a FAFSA in order to be considered for federal Pell Grant, subsidized Stafford loan, federal Perkins loan, Federal Work-Study program, or state-sponsored Nebraska Opportunity Grant and college-sponsored financial aid. By making FAFSA completion a requirement with a waiver opt-out, schools would be able to provide more assistance and resources to students who may not otherwise have

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the assistance to complete a FAFSA application on their own or who do not know about the financial resources that could become available to them if they did complete one. When students do not apply for the FAFSA, many revert to private student loans, which often have higher interest rates and lack the consumer protections that federal student loans include. Research shows that 47 percent of private loan borrowers could have used more affordable federal loans, saving thousands and even tens of thousands of dollars in post-collegiate graduate student loan payments. Private loans are commonly recognized as the riskiest way to finance college, and many students go this route simply because they don't believe they'll qualify for federal financial aid. It is a misconception. The reality is the vast majority of students qualify for some level of federal aid. It's available for anyone with a household income below \$250,000, which is 95 percent of all households in the country. Requiring students to complete the FAFSA with an opt-out provision like LB200 will lead to an increase and more affordable student grants and loans and hopefully college enrollment when it becomes more affordable to low-income students and their families. Higher education, which includes college apprenticeships and other job and skills training programs, is the best tool we have to spur economic growth in our state. And getting students the help they need to complete the FAFSA is critical to their ability to pursue higher education and ready themselves for successful careers in Nebraska. I also want to note that LB200 has no fiscal impact. Two-hundred-- LB200 is a no-cost common sense way to help more students find success after high school. Finally, I'd like to add that this is a personal note for me, and I've mentioned this to you. I had not applied for the FAFSA. I have-- had I not applied for the FAFSA and received a federal Pell Grant, I truly believe I would not have gotten my college degree or my master's degree. My postsecondary education opened so many doors in my life and I'd like to see those same opportunities become readily available to future generations. Those that come from different backgrounds, underresourced backgrounds, understand that \$5,000, \$6,000, \$4,000 is a make or break for you to be able to pursue higher education. And for individuals sitting like ourselves in these seats, we also understand that we can't just increase revenue when we want to in any way, shape or form. It's not as easy. It requires a lot of debate and it requires a bill passing. In the meantime, we have programs that do work and do exist. Those programs that work and exist are currently our federal financial aid. And leaving \$2.6 billion on the table every single year seems

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like an opportunity. And we're again, we're not the only state that's seeing this as an opportunity. Texas, in a broad bipartisan effort, passed this at both their houses because they knew that if the largest state had the operational capability of putting this into place and passing it, that they were going to see increased financial aid go out to their students, their high school graduates, and that was going to mean closing the gap for skills, for high-wage jobs, for job readiness, and for making sure that employers actually have an opportunity to get the skilled labor they need. And they don't have to pay a cent for it, at least with state general funds. Now, I'd be happy to answer any questions. This is a very straightforward bill, and I, and I will like to thank the committee because when we worked on the opt-out provisions, it was with the committee in mind. The opt-out provisions are very strong and clear and straightforward. Parent or guardian can opt out or designee of the school. It was done so that we have some level of local control and circumstances can be taken to account. And it still makes it a very strong bill, even with those opt-out provisions. And with that, I'm happy to answer any questions.

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

LINEHAN: Thank you, Chairwoman Walz. Did you just say a school, a designee of the school can opt out?

VARGAS: Some of the pieces of feedback we had in the last, in the last sort of go around of this was that there was a need to have some localized situation or circumstance. You know, at the school district level is too large, but at the school level, principals or guidance counselors really know their students really well. And in instances where we might not be able to get in contact with a parent or a family or guardian, that there should still be a mechanism where somebody might be able to opt out on behalf of a student. We didn't want to put a barrier in place. We know that the barriers in place are concerns, but they're not warranted. In Louisiana, we didn't see anybody get left behind for graduation because of this. But this is a somewhat of a similar provision we've seen in other states, and so we thought it was a good public policy practice.

LINEHAN: OK. All right, thank you very much for bringing it. I appreciate it.

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VARGAS: Thank you.

WALZ: Thank you. Other questions? Senator McKinney.

McKINNEY: Thank you. What's the penalty, say a student doesn't opt out but doesn't fill out the FAFSA? What's the penalty?

VARGAS: So I imagine that there's going to be at least one entity in writing or behind me that might say this is the reason why they're opposition to it. The penalty-- or the consequence, I would like to say there's no penalty. The consequence is that you wouldn't graduate. This is a graduation requirement. In it being a graduation requirement, if you were not to have completed the FAFSA, you would not graduate. Louisiana, when they implemented that as a graduation requirement, there were some initially that were really concerned that black and brown kids or low-income families or low-income students would be put at a disadvantage because now we're putting another additional barrier in front of them to graduate. Really fortunate we have data, the opposite is true. Overwhelmingly, people of color, first-generation students and low-income students completed FAFSA and high school graduation rate at a higher rate after they put this in because it was right in front of them, in front of their family and in front of them that this is a decision that is important for them to take. And putting as a requirement meant that it was important enough that you need to take into consideration for you to graduate. And I will tell you, if it wasn't for, if it wasn't for a guidance counselor for me, I probably wouldn't have applied for FAFSA. I didn't-- I filled it out myself. My mom really didn't know much about it. And if I had this requirement, it would have been, it would have been something that would have been brought forward, probably would have done it a lot quicker and sooner. I might have been available for more financial aid and gotten to school quicker.

McKINNEY: Thank you.

WALZ: Other questions? Senator Vargas, I have a quick question. I'm just curious, have you talked to schools regarding like would they be prepared to roll this out in 2022, 2023? Or Senator McKinney asked the question about, you know, what would happen if you didn't. And that would be an unintended consequence if somebody is missed and didn't graduate. So just wanting to make sure that everybody is prepared

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before you would-- and if you've had conversations with school districts on that.

VARGAS: We've had some conversations with school districts that have contacted us directly. And we've had over the last couple of years feedback from school districts. I would say probably most of the concerns, some of them still exists, which is, you know, we're going to have to make sure that individual's sign-up, opt-out provision, you know, and that's a concern. But if you account for the fact that it's about 30 percent of graduates, and then you consider the number of graduates every single year, it's a very finite number of kids. The practicality of it became a little less onerous when we talked about how many kids at each school it would really be targeted. And so my hope is that we will be able to provide and work with some public and private partnerships to then help get the resources needed. EducationQuest has been leading efforts on this. The State Board of Education has been trying to get more education out on this for the last several years through a commission, sort of a, a sort of a special commission they brought together. At the end of the day, I would never want to do something that makes it harder for somebody that looks like me or came from the background that I came from to be able to go to college. I really don't. But at the same time, I want to provide every opportunity for a student of color or from a lower or disadvantaged background to not leave money on the table that can mean a make or break it for them to be able to afford any type of postsecondary education. So, we'll, we'll keep working to address some of those concerns. But we haven't seen those concerns actually pan out to concerns. Louisiana is the perfect example. Texas, another. Nobody got left behind. College graduation-- high school graduation rates and FAFSA completion increased for all of the high-needs subgroups that we care about.

WALZ: And if I'm just making-- if it would happen that a student was not able to opt out for some reason, couldn't get a hold of the parents or whatever, the communication, is there a, is there a grace period for them to go back, you know, and once they get that signature, get their diploma?

VARGAS: So for those of you that have some experience with maybe a higher education institution, we're not sort of putting this in, in the statute. But principals know their students, guidance counselors know their students. They're going to work case by case and then try

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to make sure that they, they reach those students. I just having worked with South High, which is the largest high school in the state, I know they have really tried to make efforts and have even communicated that to me in the past. They would, they would work to make sure that that doesn't happen. They do that anyway so. But the opt-out provision by the school district designee that we had put in and the language is a little more specific, that provides a school-level opt-out provision that we think will address the need in case a family member or parent weren't able to opt out or parent or guardian weren't able to opt out a student.

WALZ: All right. All right, thank you, Senator Vargas. Any other questions? Seeing none.

VARGAS: Thank you.

WALZ: Thank you. First proponent for L200. Any opponents that would like to speak on LB200?

COLBY COASH: Chairwoman Walz, members the Education Committee, my name is Colby Coash. I represent the Nebraska Association of School Boards here today in opposition to LB200. My testimony also reflects the opposition of the Nebraska Council of School Administrators and STANCE as well. Collectively, we believe graduation requirements should be tied to academic performance only. The responsibility for the achievement necessary to graduate falls on the student. LB200 places an additional requirement that is no longer the student's responsibility but that of his or her family. While this may not be a barrier for some students, for others it may be an insurmountable burden that this-- the exception of this bill may not be enough to overcome. In addition, the FAFSA as a requirement for graduation, while a worthy goal, it represents an unfunded mandate on districts. This additional resource needed to fulfill the requirement will certainly vary from district to district, and it may not be necessary for all districts or all students. But in closing, we believe that the requirement in this bill is unnecessary. Districts across the state already work diligently to assist students pursuing their postgraduation aspirations, which, when appropriate, include the completion of the FAFSA. It makes sense for a lot of students, but not for all of them, and mandating the process is just unnecessary. We respectfully request that you would hold this bill in committee, and I'll answer any questions.

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

LINEHAN: Thank you, Chairwoman Walz. Thank you, Mr. Coash, for being here. Appreciate it. Unsurmountable burden? I mean, there's an opt out that the school can do. How can that be unsurmountable?

COLBY COASH: I think it can't-- I think it can be done. But there may be students who, if the school has to do it-- it's unsurmountable for the student, not for the school.

LINEHAN: So who decides which student should fill out a FAFSA and who shouldn't?

COLBY COASH: Ultimately, it should be that student's and their family's responsibility.

LINEHAN: So you don't think the school has any obligation to tell a child that these are available?

COLBY COASH: Absolutely they do. And they, and that happens in districts.

LINEHAN: [INAUDIBLE] but who decides which students they-- this is why I think, this is where Senator Vargas is going, so I'm going to have great empathy for him. I don't, I don't like it when there's somebody in between a child, and not because they mean to be, not at all, but in between a child and maybe what they could accomplish. So, like, who gets to decide which kid they think is worthwhile help to fill out a FAFSA and which kids aren't?

COLBY COASH: We would agree with you. The school should, has a role to provide guidance and a resource. But the ultimate decision of whether or not that student, it makes sense for them to fill it out, really should rest with them and not on a-- and not be done simply because it's now a graduation requirement.

LINEHAN: But do you think there's some schools where they actually, I mean, they clearly help some kids fill them out, right?

COLBY COASH: Oh, I agree.

LINEHAN: So go back, who decides?

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COLBY COASH: And I'll go back and say that who decides whether or not the FAFSA should be filled out should rest with the student and their family.

LINEHAN: Thank you.

WALZ: Other questions? Senator McKinney.

McKINNEY: Thank you. What percentage of students that graduate each year fill out the FAFSA?

COLBY COASH: I think in Nebraska, as Senator Vargas mentioned, it's a higher percentage than the national average. So in Nebraska, it's pretty high.

McKINNEY: So say like maybe, do you think it would be better to mandate or require each school district to have a certain percentage of graduating students fill out the FAFSA rather than making it a graduation requirement? Say, OPS, you need 80 percent of graduating seniors to fill out the FAFSA. Do you think that's a better option?

COLBY COASH: Well, I think that's a worthy goal. But I can tell you, 244 districts already have a goal of, of graduating a certain amount of students, regardless of whether they fill out the FAFSA. If I'm tracking your question correctly. If the question is, should districts have a goal of how many students within them should, should fill that out? I can tell you that the metro area boards of education, which include all of the districts in the Douglas/Sarpy County and Council Bluffs, have already worked on this goal, and they have a goal set for a percentage that will fill that out. And they're working on that. And so to me, that illustrates the, the effort that's already being put in to make sure that these students are filling that out.

McKINNEY: Do you know what the percentage goal is?

COLBY COASH: No. But I can find that out, I'm sure somebody's listening--

McKINNEY: Thank you.

COLBY COASH: You're welcome.

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WALZ: Thank you. Any other questions? I see none. Thanks for coming today. Any other opponents that would like to speak? Anybody who would like to speak in the neutral? Senator Vargas, would you like to close? While he's coming up, we did have one written testimony in lieu of person testimony. Proponent, Spike Eickholt from ACLU. No opponents and no neutral. We also had one position letter as a proponent from the National Association of Social Workers.

VARGAS: Thank you, Chair Walz and members of the Education Committee. A couple of points I want to come back to, and I appreciate the questions and try to answer what Senator Linehan-- sometimes we come up with legislative solutions to address the current state of things. This is a newer concept, but not a new concept. Other states are trying to be pragmatic and creative. The pragmatic and creative way of going around, going about ensuring the highest-need students get the resources they need is this bill. Senator McKinney asked the question about, and I'll clarify that we exceed the national average for FAFSA incompleteness rates is what I said, not completion rates, 38 percent of students not completing and submitting their FAFSA in Nebraska. So now if you take that \$2.6 billion across the country is forgone for Pell Grant-eligible individuals and you take that 38 percent of students not completing and submitting their FAFSA, the most logical conclusion is that the 38 percent represent some of the highest-need people that we want to complete the FAFSA. If these individuals are not completing the FAFSA, these are individuals that have less funds, grant funds at the federal level, that is a taxpayer funds to go to community college, apprenticeships, to go to postsecondary institutions in our state, and instead are either choosing not to go to higher education or to postsecondary training, taking out a costly private loan, or unfortunately, working to try to make that tradeoff and making it more difficult on themselves. And keep in mind, these are Pell Grant-eligible. I was a Pell Grant-eligible, I grew up in a lower-income background. These trade-offs are very difficult. So these are the individuals not taking the FAFSA right now-- or not completing it. And there's many reasons why people don't complete the FAFSA. One of the main reasons is they don't know it exists. The FAFSA has become an easier and easier process than it has during our time or the time where some of your children applied for the FAFSA. You can now do the FAFSA on an app. They've made the steps a lot easier and quicker. It's the reason why this bill is being introduced in many states, Kentucky being a recent one and many-- several others, about eight other ones

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that have introduced this bill now, and not 10 years ago. Because now there are a lot fewer barriers for individuals to complete the FAFSA. The issue is-- my kids have two parents that were teachers, former teachers. You better believe I have had a level of privilege that I did not-- my parents didn't have. I recognize that. I was able to go to postsecondary education, I got my bachelor's and my master's, and I know what the FAFSA is and I can navigate it. And I also have the time to navigate it. My mom didn't have the time. But had my mom known it was something that was important, I think she would have contacted the school and asked for more resources. I think she would have got on me, just like she got on me about homework, because I needed to do homework, can't graduate without homework. I can't graduate without passing certain classes. She kept on me on those things. But the FAFSA wasn't something that was deemed as as important. It wasn't a requirement. I'm really thankful that I listened to the kids around me saying that they're going to complete the FAFSA, and I took care of it. Otherwise, I guarantee you I would not have gone to postsecondary education. This is a solution for a population that we want to help the most. And it doesn't cost us any money in terms of grant funds. We-- could you imagine right now if we were going to create a multi-million dollar grant program on top of-- we don't have the funds. This is a, this is a very creative way of utilizing our taxpayer funds so that they just come back to us. And if any of our parents in our community decide that they don't want their child to complete it, they simply have to just sign a very simple form that says, I don't want to complete the FAFSA, or the designee of a principal will have to do that as well. Or. It's or. Opt outs can be very strong things. We currently have an opt out with our NEST system, the 529 college savings plan. We do that because we think it's a priority for individuals to invest and we wanted to provide some funds to that. And so we made it an opt out for every single new Nebraska family. Opt-out provisions can be very helpful. And in this circumstance is one of those places where it can be. I don't think that this is an onerous or impossible or insurmountable as was shared. And I think afterwards even that, and I really appreciate Colby, even afterwards he said it is possible. The question is whether or not we think it's the best investment so we can make sure we tap into that \$2.6 billion and get more kids into postsecondary education without increasing any of our other tax structures right now that we are constantly debating, and do it in a creative way that doesn't get in the way of still people having this choice. Because they still have

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the choice to opt out. I appreciate your time. Hopefully I answered some of your questions. Happy to answer any more.

WALZ: Thank you. Other questions from the committee? Senator Vargas, how long does it take to fill up the FAFSA now? I mean--

VARGAS: It depends.

WALZ: For a person for the first time.

VARGAS: Yeah, I mean, it depends. I would say it's much quicker than it was in the past. And I think part of the reason is because they've reduced the number of questions that they've asked to not be redundant. They've made it online, you can upload it. And for many of our tech-savvier youth, they're, they're utilizing these apps. And it's more of a question of just getting the financial data that they need. But it is far easier than it has been in the past. And I'll make sure to get you just the synopsis of what the Department of Education in the last 10 years under both administrations, keep in mind, under the Obama administration, the Trump administration, both have provided efficiencies in FAFSA. It's a nonpartisan issue. I'm really thankful because it's only gotten better.

WALZ: And then just can you remind me of the procedure on how schools know if the FAFSA was filled out? What, how do you know that?

VARGAS: We don't put into the process in statute. What I imagine what will happen is, and I've talked to some principals that basically told me we would identify the individuals that haven't completed the FAFSA and then we would just follow up with them and ask them if they want to opt out, make sure that the communication is sent to the parent. Then the parent decides to opt out or not. If they don't hear back from the parent or guardian and it got to a point where it might be that they don't graduate, you better believe that that school would make a decision in the best interests of that child on whether or not that's something to hold them back for. And I believe that they're going to do what they need to do for that child. They probably will say, hey, did you know you have to complete the FAFSA or you should, and then educate them on it? And then now we have more individuals learning about the FAFSA and we'll, we'll take care of it.

WALZ: OK. All right, thanks. Senator McKinney.

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McKINNEY: Senator Vargas, on the conversation on the unfunded mandate. I'm just curious, on average, is it usually school officials helping students fill out the FAFSA or is it usually families?

VARGAS: I think you're going to get a lot of questions. One, school officials are doing their part. I applaud our guidance counselors. They're doing, they're doing a lot. I don't have to tell you, you've, you've heard the data on our sort of student-to-teacher ratios for guidance counselors or social workers. It's not that I want to put that aside, but I just want to recognize that they are doing work. The issue that we're finding is there are a lot of reasons why people might not know about it or be as educated about it, and so we want to get in front of them. So if you can imagine, if you're a freshman, OK, a freshman in high school, and you're getting your list of graduation requirements, and I got to take three courses of math, I got to take some and a computer science class, maybe. I got to take general, you know, gym, I don't like gym. I got to take gym every year. And oh, I got, I got to complete the FAFSA. Well, I have three years to get educated, and I know it's a standard that's expected of me. I got to complete the FAFSA. And if they didn't complete the FAFSA, it's senior year, they're in trouble already simply because of the fact that if they didn't complete the FAFSA, they're likely not thinking about some of the postsecondary options that are available. The hope is that they're getting this as early as possible. If we learn-- if we can get it in their heads and in front of them through this, through this requirement with an opt out, they will know about it in freshman year and more and more kids will be able to sort of triage and help them. And it's, it is going to be a sort of a family affair, guidance counselors, teachers, people in the community, nonprofits. And I guarantee you, the Department of Ed is not here, but they care about this very deeply. They're going to work on getting more resources and information out as well. Setting the standard means just like we're setting the standard with, with the requirements to graduate, we're saying this matters. That it does.

McKINNEY: I asked that question because from my experience, I know I believe I filled out the FAFSA kind of by myself. Most of my friends filled it out mostly by themselves or with their parents. So I'm not understanding why they would say it would be an unfunded mandate when most people that I'm aware of do it by themselves most of the time.

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VARGAS: I imagine they're saying it because they feel like there's more of an obligation to then help out, since it's a requirement. I think kind of to Senator Linehan's point, we should be helping out. It's in the best interests of-- to help out every single individual child that needs, or youth that needs, that's in high need to do this because they're going to be more successful after they graduate. I mean, you make a good point. I don't think it's an insurmountable thing. And if it were insurmountable, we are Nebraska, I can guarantee you Texas wouldn't have passed this in a bipartisan effort. Let's just be very frank, they would not. Signed by the governor as well.

McKINNEY: Thank you.

VARGAS: Thank you.

WALZ: Any other questions? Seeing none, thank you, Senator Vargas.

VARGAS: Thank you very much.

WALZ: That closes our hearing on LB200 and then we'll open our hearing on LB639, Senator Day.

DAY: Good afternoon, Chairwoman Walz and members of the Education Committee. My name is Jen Day, that's J-e-n D-a-y, and I represent Legislative District 49, which covers northwestern Sarpy County, including the areas of Gretna, southern Millard and western Papillion and La Vista. I'm here today to introduce LB639, which would create a training plan for educators and school nurses to understand the signs of seizures as well as how to handle them when students have them in the classroom. According to the Epilepsy Foundation, approximately one in ten people will have a seizure at some point in their life. Children, particularly under the age of 10, are in a window of prime vulnerability, and many first-time seizures happen within the walls of the school. The range of symptoms of seizures varies wild, widely, and many who don't understand the signs and symptoms can and do mistake them for other behaviors, overlook them entirely, or not know how to best handle them when they happen to children in a classroom. I recently heard testimony from one former educator who said after finding out about a student's seizure disorder diagnosis and her subsequent research, she realized that she had on multiple occasions mistaken the student's seizures for misbehavior and was heartbroken that she didn't know better at what was happening at the time. With

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the prevalence of seizures happening inside schools and with common misconceptions about the signs and symptoms, it's imperative for us to better equip our school personnel and provide more safety, more safety for our students in the classroom. We have several testifiers here today that can better answer the technical questions about seizure disorders and all who have personal experience with children being in the classroom experiencing seizures, but I'm happy to answer any questions I can at this time.

WALZ: Questions from the committee? I see none. Thank you, Senator Day.

DAY: Thank you. And I will stay for close.

WALZ: OK, great. First proponent.

NICOLE HOCHSTEIN: Good afternoon, Education Committee members and Chairman Walz. My name is Nicole Hochstein, N-i-c-o-l-e, Hochstein, H-o-c-h-s-t-e-i-n. It is my honor and privilege to be here to share with you about my son. I'm sure each of you could describe a seizure if asked, but I would assume most of you would describe one that looks like a grand mal or tonic-clonic. Most people I asked describe somebody on the ground shaking profusely. Well, they wouldn't be wrong, but they wouldn't be completely right either. My son Jayen has had epilepsy for the past 11 years. While he has had a tonic-clonic seizures, atonic seizures are the ones ruining his life right now. I used to describe my son's atonic seizures or drop seizures as an old man church nod. My dad is famous for falling asleep during church, but quickly recovering, bobbing his head back up and quickly before my mom would notice. Jayen's seizures started out like these, but have easily changed into a full-blown fall to the floor, floor, as if someone pushed him from behind. The subtle seizures were easily missed, and the violent ones are often mistaken for clumsiness. Would you know what to do for either one of these? What if you were responsible for the life of a child and saw these events occur? Would you know what to do? Every day I put my trust into the staff of my child's school. Every day I hand over my son's life and pray that someone, anyone at school will be able to protect him. I was so hopeful when I met with the school nurse and she was very knowledgeable about my son's seizures. Then I noticed she was also the nurse for multiple elementary schools, as well as the entire junior high school. So she is minimally at the location of my seizing child. When she is gone,

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there is a nurse aide who is there who has some training on general first aid, but not seizure training. She is usually inundated with Band-Aid, icepack, "I don't feel good" and call-my-mom requests. When a seizure emergency happens for my child, his rescue medication is to be given immediately because his response to medication is delayed. My son is at risk of status epilepticus or permanent brain damage with every seizure. The response time is what determines if my son lives or at what capacity his life returns to. What if I told you there was a free training that could save a life? That only thing it requires is one hour of the staff's time. One hour could save the life of a child or an adult. Did you know 1 in 26 people will develop epilepsy or 1 in 10 will have a seizure in their lifetime? A free training could save the life of at least two people in this room today. I'm a teacher and I have asked roughly 20 others their thoughts on this bill. Specifically, I asked as a teacher, do you think it would be overwhelming to add one more training of seizures to your year? Would seizure training give you the confidence in your class or school if you knew what to look for? Do you think this could help you outside of school? And finally, would you give an hour of your time to potentially save a child's life? The responses I received were overwhelming in support of training. One friend said to ask it to the day they do EpiPen training. What an amazing idea, because EpiPens could save lives just like Diastat or Midazolam would. A special education teacher who used to teach my child stating the only training she ever received was from the parents of kids with seizures. The principal at my son's school said there's training for bullying or suicide prevention. She feels those are absolutely necessary. Wouldn't seizure training be absolutely necessary as well?

WALZ: Thank you so much. Questions from the committee? I see none. Thanks for coming in today. Next proponent.

CRISTA EGGERS: Good afternoon, senators of the Education Committee, Chairwoman Walz. My name is Crista Eggers, C-r-i-s-t-a, Eggers, E-g-g-e-r-s. It is my honor to be here today. I'm here today as someone who personally lives with epilepsy and also as a parent of a child with epilepsy. According to the World Health Organization, epilepsy is the most common serious brain disorder worldwide. It affects nearly 3.4 million people in the United States, including 470,000 children, 2,800 of those children are here in Nebraska. To state it simply, 1 in 26 people are diagnosed with epilepsy in their lifetime, and 1 in 10 people will have a seizure sometime in their

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life. These spontaneous seizures that occur in 1 in 10 people can be related to fevers, injuries, illnesses or for no known reason at all. My son Colton is six years old and he is diagnosed with intractable epilepsy. These are seizures that are not controlled or continue to despite-- despite treatment. It is imperative that any and all staff who come into contact or may come into contact with Colton throughout his day have seizure training. Colton started kindergarten this last fall. And those of you who are parents will relate that sending your child off to kindergarten can be as frightening as it is exciting. Let me tell you that having a child who suffers from a seizure, from seizures makes this milestone even more difficult. This brings me to my next point. After our neighborhood was rezoned to a new elementary school just this past year, I had to send Colton off to a place I had never set foot in. That was thanks to the pandemic, but-- nor personally had met any of the teachers or staff. Although I had spent a great deal of time training and equipping staff at the previous school, this all had to be recreated weeks before school started, when we found ourselves somewhere new. I was absolutely blown away to find out that there wasn't any standard training that staff members receive, even though we were in the same district. The way Colton's new school was going to handle things was much different than the way the previous school had intended to. I realized that if I wanted to make sure those who would be interacting with Colton, and very likely to be around him when one of these seizures occurred, that this was up to me as his parent. Even so, there seemed to be a lot of gray area within this, as one school agreed that all staff members should be trained in some capacity while the only-- while the other was only going to have a few key individuals trained. Although I'm confident that we all had Colton's best interests at heart, it was a bit of a fight to get everyone on the same page so that not only did they feel comfortable with things, but so did I. As a parent, I will always be my child's biggest advocate and supporter. However, as a parent of a special needs child, I find myself emotionally exhausted from the ongoing fight to do this. When reaching out to numerous teachers, support and support staff, I was overwhelmed by the support that they had for this bill, which would provide them with the necessary training should they ever be in a situation where one of their students had a seizure. One commented, if 1 in 10 people will have a seizure in their lifetime, I don't see why we are not receiving this education already. We receive training for so many other situations that could affect our students. And I think I can speak for most that

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we take our this-- we take our students' health and well-being very seriously. If there is free training material available, it seems almost irresponsible for our districts not to offer this to us. Each day we entrust our amazing teachers and school staff with our children's education and well-being while in their care. Our children should not have to worry about having access to needed health care in their schools. And it only makes sense to empower educators with the tools to quickly respond if one of their students or even another staff member would have a seizure. Whether it be my child or the 1 in 10 of us in this room who either has or will at some point have a seizure themselves, this is an issue that must be addressed. Can you imagine if by providing more education in our schools, we in turn inspire individuals to go out into our communities and bring about awareness to such important issues? I urge you to be part of this and support this bill which holds the power to better and potentially even save the lives of so many children in this state. Thank you.

WALZ: Thank you.

CRISTA EGGERS: Anyone has any questions, I--

WALZ: Questions for the committee. I see none. Thanks for coming in today. Next proponent.

JENNIFER CORDES: Good afternoon. My name is Jennifer Cordes, J-e-n-n-i-f-e-r C-o-r-d-e-s, and I live in Elkhorn, Nebraska. Thank you for hearing my testimony today in support of LB639. I'm here with my daughter, Ruby, and I will share my side as a parent of a child living with epilepsy. Epilepsy does not discriminate. Anyone at any age and any time might have a seizure. As you've already heard, 1 in 10 people in their lifetime will have a seizure and 1 in 26 will be diagnosed with epilepsy. These numbers are staggering, but we hear very little about epilepsy. Just looking around this room, approximately two people will likely have a seizure in their lifetime. If Ruby were to fall to the ground seizing and I was not here, would any of you know what to do? You have about one to two seconds to react and it's imperative that she receives care immediately. Would you know to lower her to the ground, lay her on her left side, protect her head, begin timing the seizure, find her magnet and swipe the left side of her chest, call 911 at the designated time, and find and administer her emergency medicine as instructed? If one of you were to fall to the ground seizing, I'm sure you would appreciate the

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immediate and appropriate medical attention as well. This is why seizure first aid training and ongoing awareness in the schools is necessary to keep our children safe. The Epilepsy Foundation has numerous resources already available for training families, school personnel and medical providers. This training has endless benefits, and all of my years of advocacy and educating others, I've never had someone tell me that they already knew at all. In fact, Ruby's school recently asked for more training as they see the impact the training has on awareness and safety for all students. Our schools have many safeguards in place, such as masks to prevent COVID, CPR training, AEDs readily available, crosswalks, and the list goes on. These are all things put into place to keep our children safe. Children with seizure disorders deserve the same. Ruby's schools have embraced her and her epilepsy. They participated in training, they have at least one person to administer her emergency medicine. They allow Ruby to have her medication with her at all times, and they know her specific triggers: stress, ceiling fans, mirrors, fatigue, to name a few. They now understand the importance of sharing her specific seizure plan with each staff member who will have contact with Ruby. We had to initiate and coordinate all of this. Not all parents are as proactive as we are. LB639 would streamline this process and make sure each child in Nebraska with a seizure disorder is identified with a specific seizure plan, has knowledgeable staff ready to jump to action, and has a safe environment in which to learn. A seizure action plan gives parents a peace of mind. I have witnessed Ruby have hundreds and thousands of seizures in her lifetime and it never gets any easier to watch. Each time my heart races. But knowing what to do and having the supplies ready and nearby can save her life and prevent her from further harm to herself. The Seizure Safe Schools Act would ensure each child immediate and specific care needed for their type of seizure. Without LB639, our children are not assured safe learning environment. They are at risk for inadequate and delayed medical attention, which may lead to permanent damage and even death. Our children deserve to be safe while at school. Epilepsy is a brain disorder, but to me, LB639 is a no-brainer. I beg you to support LB639 for the safety of our children. Thank you for your time.

WALZ: Thank you for testifying today. Questions from the committee? Who's the, the seizure action plan is based, is shared with the teacher and-- who is it--

JENNIFER CORDES: For Ruby, who is it shared for?

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WALZ: Yeah.

JENNIFER CORDES: So at her school, so it's, it's made in conjunction with her epileptologist and then they share it with the school and anybody that comes into contact with Ruby. So they, they're very open and they're actually constantly reaching out for more information. They found that the more training they have, you know, the more secure they feel. They've even hung signs around the school about seizure first aid. They each have an action plan on their desk. So when she comes into the room, she even sees her teachers like checking it, you know, when she comes in the room, to make sure that they know what to do in case of an emergency.

WALZ: That's great. That's really good planning. Thank you so much for coming today.

JENNIFER CORDES: Thank you.

WALZ: Any other proponents that would like to speak?

ROBYN GRIFFIN-MIXAN: Lots of us mamas in here today. My name is Robyn, Robyn, Griffin-Mixan, it's hyphenated, G-r-i-f-f-i-n-Mixan, M like Matthew-i-x-a-n like Nancy. So whenever I talk about my daughter, I cry. I apologize. But thank you so much for your time. My daughter's name is Lillie. Her seizures began just a few years ago when she was 15. It's been a few years, very rough. She was always one of those sweet little girls that smiled at everyone. Never had to be disciplined, if you can believe that, excelled in school and brought nothing but joy to our family. She was also incredibly ambitious, involved in sports, academics, clubs, fundraising for kids with cancer, volunteering, working part-time and aspiring to become a doctor. When she was 15, she injured her ankle during a volleyball game. She never told anyone, choosing to endure the pain for the rest of the season. Can you imagine the grit that required? When the season ended, her ankle required outpatient surgery. That is when Lillie's life changed, and all of our lives changed. The day after surgery, her arms flailed and shook like this, causing her to fall. We assumed it was an odd residual effect of the surgical medications. One night her legs shot outward and her arms tremored, causing her and her crutches to crash to the floor. Lillie's brother picked her up and carried her to bed. But moments later, I heard a loud noise from her bedroom. I ran in there to find her on the floor, a dazed expression on her face.

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She stared at me, wide-eyed and eerily silent. Things like this went on for two months until one frigid winter day when Lillie was showering. I stepped into the bathroom, calling out to her that I was in there, only to be met with silence. Suddenly, my daughter was launched out of the shower as if shot out of a cannon. She was convulsing and foaming at the mouth. My screams, my son says he can still vividly hear those terrified screams when he thinks back to that day. I had never seen anyone have a grand mal/tonic-clonic seizure, much less one of my children. I stood there utterly helpless and frozen in fear. I recalled an old myth about people swallowing their tongues during a seizure, so I tried to pry Lillie's mouth open. Thankfully, you're not, you're not supposed to do that to her. Her jaw was clenched so tightly that it was an impossible feat. I did not know what else to do, so I did nothing but talk in a soothing voice to my unconscious, convulsing daughter with tears streaming down my face. Once the diagnosis was given, I did everything within my power to keep Lillie safe. Thank you. I assure you I would have had her in a bubble if she would have allowed it. Lillie's seizures evolved from two types, myoclonics, which for her were these with her arms, and tonic-clonics, to five types over these past few years. She was resistant to the medications, so the seizures kept coming. I began sleeping on the couch, not with one eye open, but rather with one ear open, listening for any bump in the night, which usually indicated a seizure. One day that same school year, Lillie had a tonic-clonic at school. An angel disguised as a young football player immediately recognized what was happening and he caught her just before she fell face-first onto the hard tile floor. Throngs of students and staff surrounded her, but nobody knew what to do until some students ran to get her brother. Thus began my round of emailing teachers and administrators. Each new semester brought a new set of teachers, so I always made sure they had instructions on what to do. I felt terribly guilty taking up their time. I really did. You see, I was the PTSA president at the school, with 13 years of PTSA experience at that point. So I had established friendships and professional relationships with most of the faculty members. I know firsthand and respect how hard our teachers work, the demands put on them, the limited time that they have in a single day to get everything done that they need to get done. But I also know how much teachers care about their students. I know they would want to know what to do in such a situation. And honestly, seizure, seizure response is quite simple. There's nothing to do to prevent the seizure from occurring, but responding and

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recognizing can make all the difference. Had that young football player not recognized what was happening, my daughter would have busted out all of her teeth upon impact and probably cracked her head open. Every four minutes, someone is diagnosed with epilepsy in the United States. That's a lot of Americans who suffer from seizures, including students. For the sake of scale, did you know that epilepsy kills slightly more people each year than breast cancer? Not all of these deaths are caused by the seizure itself, but from the falls and injuries as a result of the seizure. Imagine for a moment the number of lives that could be saved by simply being prepared. My mother in law is a recently retired teacher. She said seizure response training would have given her confidence in an emergency. She would have needed to respond to an emergency anyway, so why not have the knowledge to know exactly how to respond? The CDC website offers free training for both teachers and students. There are also any number of us that are qualified and definitely willing to train at no cost as well. After all, our Nebraska schools are filled with future doctors and nurses, just like my Lillie, future political leaders like you fine folks, and even future teachers. Statistically speaking, some of those students are going to experience seizures. Let's equip those with whom the students spend each day with the tools that could potentially save them from serious injury or death.

WALZ: Thank you so much for coming in.

ROBYN GRIFFIN-MIXAN: Thank you.

WALZ: And for your testimony.

ROBYN GRIFFIN-MIXAN: Sorry for my blubbering.

WALZ: Oh, no. Questions from the committee?

ROBYN GRIFFIN-MIXAN: Do you have any questions? I'm sorry.

WALZ: I do.

ROBYN GRIFFIN-MIXAN: All right.

WALZ: So was there any actual training at the school that your daughter attended or how did--

ROBYN GRIFFIN-MIXAN: Some of the--

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WALZ: How did teachers and staff, how did you make them aware?

ROBYN GRIFFIN-MIXAN: I emailed them. I emailed them like crazy. I was in constant contact with the school nurse. Some of the teachers had the training, some did not. The principal and assistant principal, they knew. But I, thankfully she had her big brother. I mean, he was the go-to guy, but the nurse was uninformed.

WALZ: What's the age difference between her and her brother?

ROBYN GRIFFIN-MIXAN: Two years.

WALZ: Two years.

ROBYN GRIFFIN-MIXAN: Yep, and he, he actually just taught seizure training to his security team last year that he worked for. He's a Marine now, so he's become a pro with this.

WALZ: Good.

ROBYN GRIFFIN-MIXAN: Yeah.

WALZ: Well, thank you again for coming.

ROBYN GRIFFIN-MIXAN: Thank you.

WALZ: We appreciate it.

ROBYN GRIFFIN-MIXAN: Nice seeing you, Senator Sanders. My former mayor.

WALZ: Next proponent.

LILLIE MIXAN: My name is Lillie Mixan, L-i-l-l-i-e M-i-x-a-n, and my mom just spoke. And like she said, I developed epilepsy because of playing high school sports. So I got injured and had to have surgery and started having what we didn't know at the time were myoclonic seizures. And you heard this term earlier, my epilepsy is also intractable, which means it cannot be treated or even cured. And so I have my myoclonic seizures every single day, which puts me at risk for death, injuries, brain, permanent brain damage and just anything that comes along with that every single day. And so when I was in high school, like my mom said, my school was not informed. And so

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unfortunately, after I started having seizures, my mom went to my school nurse because they were happening every day. They were happening on the way to school, they were happening at school. I was injuring myself and we didn't know what to do. And my school nurse accused me of abusing pain medication that I had received for my surgery. That was the farthest thing from the truth. And it hurt me personally because I was a very good student, I was an athlete, very involved in my community. And to be so discriminated against and accused of abusing drugs from my own school nurse was just really hurtful. And then not only that, but she didn't contribute to my safety at all and she actually just worsened it. And so I dealt with her for a long time after that. And then she even prevented me from playing my favorite sport in the world, even though I was cleared from all my doctors to play my favorite sport. Just kind of she told my varsity coach that she felt that I was unfit to play and therefore he listened to her and I was not able to play anymore. And so after, shortly after that, one of my friends who had no history of epilepsy also started having seizures, but she had her first seizure, tonic-clonic in school. We were at lunch and she fell to the floor, was unconscious and started convulsing. Thankfully, I knew what to do, but since she had no history of epilepsy, she should have been taken to the ER immediately. She could have had brain damage, any sort of physical injury, or she could have something going on that would have provoked the seizure. And the school nurse who I had had problems with in the past told her that she did not need to go to the hospital because your body takes care of itself during a seizure, a seizure, which is also one of the farthest things from the truth. You are put in so much danger during a seizure, not only permanent damage to your brain, but also physical injuries that can result from the fall, from convulsing and anything like that. And so her mom finally got to the school and took her to the ER like she should have been. But my friend could have died at our school because of our school nurse not knowing what to do and reacting inappropriately. And people with epilepsy are three to times-- three to five times more likely to die a premature death than most of you sitting in front of me. And I could have been one of those people at my school. My friend could have been one of those people. And thankfully, I do have my little aide with me now, and I didn't have her in high school. But if something were to happen to me at that school, they could have been responsible for it. And there could have been a lot of prevention for just pain and also physical damage that a lot of people received at that school. So

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that's just my own personal testimony as to why this bill is so important.

WALZ: Thank you, Lillie, for coming today. We appreciate it. Any questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming today and telling your story. You're really brave and we appreciate your mother being here, too. So did they ever change the-- allow you to play tennis or--

LILLIE MIXAN: So they let me play JV that season, but they won't let me play varsity. And then from then on out, my varsity coach did discriminate me greatly. He was kind and I did like him as a person, but he definitely was someone who didn't understand what it was like to deal with a chronic illness. And so from then on out, he wouldn't let me play varsity matches like I should have been. Or if he did, he just didn't treat me the same as everyone else. He thought of me as incapable, and I was never allowed to play number one on varsity again, which I was supposed to that day. And therefore that also prevented me from lettering in varsity like I should have until my senior year. And I didn't get the same opportunities that my teammates did.

PANSING BROOKS: I'm sorry that happened.

WALZ: Any other questions from the committee? Senator Murman.

MURMAN: Thank you, Senator Walz. And thank you and your mother for testifying. I got to ask, what does your little friend do? What's the responsibility?

LILLIE MIXAN: So I just got here a year ago today, actually, but she's still in part of her training. But right now, the thing she's best at, she knows when to get help, like when I'm having my seizures. So this past summer and the first time that she ever demonstrated that, I have seizures in my sleep, which are also very dangerous because then usually no one's around me. And seizures in your sleep puts you at greater risk for SUDEP, which is sudden unexplained death in epilepsy. And this past summer, I was with my mom and my brother and my dog, and I started convulsing in my sleep. And she went and woke up both my mom and my brother, and then tried to wake me up, but obviously she couldn't. So my mom knew that something was wrong.

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MURMAN: Thank you very much.

WALZ: Any other questions? I do have just another question. What, what are your future plans?

LILLIE MIXAN: So like my mom said, I used to want to be a doctor, but I changed my major last year. I'm currently a student at University of Nebraska-Lincoln for nursing.

WALZ: Great. Congratulations. Thank you. Thanks for coming today.

LILLIE MIXAN: Yeah, thank you.

WALZ: Next proponent. Hello.

RUBY CORDES: Good afternoon. My name is Ruby Cordes, R-u-b-y C-o-r-d-e-s, and I am a 16-year-old sophomore in high school. I was diagnosed with epilepsy when I was ten years old and have been in a constant battle with seizures ever since. At my worst, I was having between 30 and 100 seizures a day ranging from a few seconds to eight minutes. I was taking 28 pills a day and nothing was working. We got to the point where I eventually had to get an implant called the vagus nerve stimulator to hopefully help with seizure control. I was missing hours of school a day, crucial instruction, and when I was there, my mind was not completely present. Since that time, I've had many ups and downs, but going to school and having support there was always important to me. My seizures don't stop when I go to school. Epilepsy is very unpredictable and a seizure can strike at any time. As a person living with epilepsy, I want the people around me to know what to do if I have a seizure. My safety depends on the actions others, others take and I want and need to feel safe at all times, especially at school. I suffer both tonic-clonic and absence seizures. Tonic-clonic seizures are like the stereotypical seizures you see on TV and absence seizures appear as if the person having a seizure is daydreaming. These seizures affect me in different ways, but it's important for my teachers and others around me to know what to do in both instances. Knowing that my teachers are trained and are aware of my seizure action plan gives me a sense of comfort. In addition to my teachers knowing what to do, it is important that they are capable of carrying out all the steps of the plan. For example, if I have a seizure that lasts more than five minutes, I have an emergency med that needs to be administered to me. In order for me to receive this

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med, there has to be someone in the school who meets the requirements to administer it. One thing that the Seizure Safe Schools Act will ensure is that there is at least one person in the building who is trained to do this. In addition to having someone to give the medication to me, I need to be able to have the medication nearby me at all times. My school building is very large and if the medication is kept in the nurse's office, for example, and I'm in the gym, by the time I get the medication, it could be too late. I personally have a lanyard that stores all the necessary items needed to keep me safe when I have a seizure, along with my seizure action plan. Having these things with me at all times gives me and my teachers a sense of security that in an emergency situation I will be OK and they will be able to keep me safe. In conclusion, the Seizure Safe Schools Act is important so that all students can have an action plan, teachers and students feel prepared in case of an emergency, the student's emergency plan can be carried out, and ultimately any person who were to have a seizure would be safe. Battling epilepsy is hard enough on its own, but knowing that other people know how to properly care for me makes it just a little bit easier to go to school and do other typical high school activities.

WALZ: Thank you, Ruby. Thanks for coming. Any questions from our committee? I would imagine that if I were you, I would feel a lot more comfortable if I knew that people knew what they were doing or-- I love the, the seizure action plan. Every student has one on their desk or--

RUBY CORDES: Yeah, all the teachers have the action plan. There's, they have like a little card and then that they, that is just taped to their desk. And then a lot of the teachers have posters on the wall that has just like a general seizure action plan, so that all students and anyone can see what to do in case of an emergency.

WALZ: That's great. I'm sure it makes your peers and your friends feel more comfortable, too, knowing what to do for you.

RUBY CORDES: Yes. And last year, actually, all the students were also trained. So they all had the training and know what to do. So they probably feel more comfortable.

WALZ: That's great. That's awesome. Thanks for coming today. Thanks for your testimony.

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RUBY CORDES: Thank you.

WALZ: Next proponent.

KRISTI BERST: And I think I might be it. Nearing the end. All right, thank you, Chairperson Walz and the members of the committee for hearing us today. My name is Kristi Berst, and I'm the executive director of the Epilepsy Foundation here in Nebraska. I want to thank you for your time. I'm also a member and a friend of many-- or family member and a friend of many people living with and those who have unexpectedly lost their lives from epilepsy. Today, I'm here testifying on behalf of the Epilepsy Foundation Nebraska and requesting favorable advancement for LB639. I'm not going to belabor a lot of the facts about epilepsy, as you've heard the stories here today. But I want to point out the differences between the ways in which the schools had provided services from with the Cordes family and it's very comprehensive, no-cost-involved training that's been provided, seizure plans that are provided on every teacher's desk, so it's possible, and the difference between some of the other schools that some of the ladies here today testified. So I wanted to speak to our work with training and cost. Through our work with the training-- through our work with the CDC, we have designed two seizure first aid and awareness trainings for schools. It's provided for all staff to-- excuse me. One of the trainings is geared toward school personnel and includes information on seizure recognition and first aid. It's 60 minutes in length. The other training is for school nurses. It's expanded further to include information about anticonvulsant medications and seizure rescue medications. It's lengthier and not what this bill would require, but an additional educational resource that I think is worth pointing out here today. Both services, whether the 60-minute or the expanded version, are available free online and on demand, as well as an in-person, virtual or in-person training upon request when we're able to get back to in-person training. These trainings, which are certified for continuing education credits, those CEUs that are often already required by many professionals to maintain their license anyway, are available free upon completion. Important to note, still similar legislation has already passed in six states to date, and five states have already implemented the legislation at no cost to the state, no cost to the school district, and no cost to the teachers. This has been proven effective in other states, is free of cost and provides tangible incentive of the CEUs. We can also provide at Epilepsy Foundation report, reports to help confirm that the school

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personnel have received the training, so there's no need to establish or recreate a tracking platform. The reports are simply available upon request. It's important I also speak on behalf of our rural students with epilepsy, students like our friend Cooper from western Nebraska, students who do not have a school nurse in the school building at all times or nearby ambulance or medical centers. Responding to seizures, timely and effectively can make the difference between life and death. In Nebraska, there's approximately one school nurse for every 1,400 students. Many schools are left without a full-time nurse to care for the health care needs of the students. We want to help the entire school staff by providing the tools to effectively and safely respond, even when the nurse is out of the building, much like CPR and first aid training. As you've heard, approximately 1 in 26 people will develop epilepsy at some point in their lifetime, 1 in 10 will have a seizure. So 1 in 10 people in their lifetime will have a seizure. Anyone can have a seizure at any time, at any place. LB639, the Seizure Safe Schools Act, helps to make certain school personnel, including nurses, teachers and others, are not only prepared, but can recognize and respond appropriately and efficiently to the student experiencing a seizure. To also-- to conclude, I also want to just quickly share that we do have empirical data to support that, after participation in this program, nurses have showed improve-- shown improvement in their confidence to handle seizures and epilepsy in children in schools. The same can reasonably attributed to school personnel as well. Today we ask for your support of LB639 to, at no cost, help our teachers by equipping them with the knowledge and training to care for our students with seizures. Thank you and I'd welcome any questions.

WALZ: Thank you. Before we get to any questions, could you spell your name?

KRISTI BERST: Oh, did I skip that?

WALZ: That's OK.

KRISTI BERST: I jumped right in. It's Kristi Berst, K-r-i-s-t-i, Berst, B-e-r-s-t.

WALZ: Thank you, Kristi. Any questions from the committee? Senator Murman.

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MURMAN: Thank you, Senator Walz. Thanks for testifying. Did I understand you correctly that there's a number of states have made the, the videos available for--

KRISTI BERST: The videos are available nationally. Anybody can access them through our epilepsy learning management portal, or the services that we provide. So there's a 60-minute training for school personnel, for all school personnel. And then there's an expanded version specifically to provide additional resources to school nurses. And they're free for anybody to access, any state.

MURMAN: And a certain number of states have mandated those, that their teachers and nurses view those?

KRISTI BERST: They have. I was trying to recall all of them, but it's states like Kentucky, Indiana, Pennsylvania, Texas. I'm missing one, but it's been effectively legislated in other states and with no fiscal responsibility to the departments.

MURMAN: Thank you.

KRISTI BERST: You're welcome.

WALZ: Thank you. Any other questions? Not seeing any, thanks for coming in today.

KRISTI BERST: Thank you.

WALZ: Any other proponents? Any opponents?

COLBY COASH: Good afternoon, Chairwoman Walz, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h, I represent the Nebraska Association of School Boards. And I want to start my testimony by acknowledging all the stories that you've heard. Those are important stories, and they're the most important piece of this discussion. Behind every one of those stories, especially as you think about the stories that have an educational context, there's an educator behind that, that student who cares deeply and wants the best for that student as well, as well. My job here today is just give you another-- a couple of things to consider as you, as you look at this, this legislation and share some additional information. LB639, as we looked at it, looked very similar to another provision in federal law called the 504 process. And I encourage you to just Google 504

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process. I brought it to Senator Day's office as well. This is a process which fell out of the Congress's Rehabilitation Act and is enforced through the Americans with Disabilities Act. And it already mandates a process that's very similar to the process that's identified here in LB639. It includes parental involvement, it requires awareness, it requires protocols that are put in place to support that student. And I think the most important thing to keep in mind about the 504 processes is that it is student-specific, right? It's not a blanket process that all school officials or all educators follow for all students. It's a process that follows the student. And it's not part of the IEP, it's not part of special education. It is specifically for students with medical needs and to make sure that those needs for students don't impede their ability to learn. It also includes a provision of appeal. So if families feel like the process needs to change, they have input into that first part of the process, but there's an appeal through the ADA which can be followed. If, if, if you feel like something is not going well, you have a mechanism to do that. And we feel that this is, this is best practice. And so I wanted to bring that to the committee's attention that there is something in place that looks very similar to what you're looking at in this bill today. Finally, I do want to address the issue of cost, and I really appreciate following the director from the Epilepsy Foundation, because she's right, the training that you can read-- that is helpful, you can find at no cost. And I think districts across the state are already accessing some of those resources in order to make sure that the appropriate people are trained in how to respond to students with seizure disorders. So, yes, the training is, is provided at no cost. And I was happy to hear even the tracking could be provided at no cost. But what is not of no cost is paying the individual who has to sit through that training. And I would ask the committee to just keep, that to keep that in mind. While no doubt one of the, the first testifiers talked about the, the willingness of the educator to go through this training in order to be a better service to their students, I have no doubt that educators across the state would, would be more than willing to go through that. But what I will tell you is that if it's mandated in statute, they will expect to be paid, and rightfully so. And if you request and require an educator to sit through an hour of training, they deserve to be paid for that hour, even if it's a self study modulus, as I know LB639-- I appreciate how the flexibility that that provides. But if, if a provision of law is put out that says every educator, every certified

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staff, even if it's, it's more narrowly tailored, must, must go through an hour of training, the teacher who is required to see through that training is going to rightfully request to be paid for that training. And that does have a cost to districts. And we want the committee to keep that in mind as it, as it considers LB639. That's all I have. Thank you.

WALZ: Thank you. Any questions from the committee? Senator McKinney.

McKINNEY: Thank you. What would be the cost if a teacher sits for an hour, like, how much would that actually cost?

COLBY COASH: Well, I think that's going to vary from district to district. But as I understand it, the, you know, the process is when a district negotiates with their, their teachers, part of the negotiation is how many hours of professional development will have to be provided over the course of that teacher's contract. And if you add an hour to that professional development list, and there are a lot of things that are now mandated either through statute or elsewhere, or otherwise, of what that teacher, every educator has to go through, those-- that whole list is part of the negotiation process. And so it adds, if you add an hour, you add an hour. And rightfully so, the-- through the bargaining process, the teachers will asked to be compensated for an extra hour. Whether it's for this or something else, it's all about the total amount of time.

McKINNEY: Well, OK, I, I was just curious of what an hour, how much is an hour?

COLBY COASH: Well, I think and it depends, right? So a teacher who's making \$80,000 a year, because they've been teaching for a long time and have a master's degree, their hour is more valuable, costs more than a teacher who just starts teaching, who's--

McKINNEY: Right.

COLBY COASH: --making less because of their experience.

McKINNEY: All right. Thank you.

WALZ: Senator Pansing Brooks.

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PANSING BROOKS: Thank you. Thank you for coming today, Mr. Coash. I think you drew the short straw on this one. But anyway, I'm wondering, I don't know. When I think about what happened when our kids were in school and somebody got a peanut allergy, and so then the community of the school came around that child basically. And, you know, the school does meet on certain days, Tuesdays or something at, at 2:00. Those are the the special learning days or something where they get extra hours to-- and it seems like this isn't a very difficult thing to add to a requirement for a school to be able to say, OK, we want you to understand what's going to happen, what you have to do, what are the, what's the protocol when-- especially if you have a child, but even if you don't to, I mean, people know the basics of CPR. They know to make sure that, again, the person hasn't swallowed their tongue, not in the epilepsy case. But I mean, people do know the basics. It doesn't seem like it's that difficult to, to know the basics of what to do about a child who is having an epileptic seizure.

COLBY COASH: I would agree with you, Senator. And in and of itself, does this provision cost great costs to districts across state? It doesn't. But you mentioned the EpiPen requirement. There, there are--

PANSING BROOKS: I didn't mention that.

COLBY COASH: So a testifier did, I'm sorry. As, as part of, as part of that ongoing, ongoing training, there is a continuing adding on to those things. And in and of themselves, they don't all produce a challenge that can't be met. What I wanted the committee to be aware of is that the 504 process, which is out there, is student-specific. And I think, as you heard today, that every person with a seizure disorder is different from the next person, right? And so the 504 process provides for that training that's needed on that student's needs, which is just as important as getting some, you know, kind of global awareness on the particular issue.

WALZ: Any other questions? Can you give me a little bit more specific information on the 504? Because I'm not--

COLBY COASH: I sure can.

WALZ: You're just going to [INAUDIBLE]?

COLBY COASH: Oh, I'm sorry, like I didn't know, like right now?

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WALZ: Well, the thing I'm most curious about is, is that for the individual teacher who is actually in the classroom with that student or is it a group of teachers--

COLBY COASH: So--

WALZ: --or how does that work?

COLBY COASH: --I, I would think about it in a similar way as an IEP.

WALZ: OK.

COLBY COASH: Right? So an IEP is a plan for one student who has special education needs and who is part of that plan, who gets trained on that plan, well, it's all the educators that are around that student.

WALZ: OK.

COLBY COASH: The 504 process is very similar. So it's done in conjunction with the district, the parents, and it's a mandated process that you have to go through. And under the 504 process, it's not, you know, a student, for example, is receiving cancer treatment, right? That would be another example of an illness that requires a 504 plan or that student to go through the 504 process. So who gets it is going to vary from student to student. But if you think about it in terms of very similar to an IEP, that's kind of how districts tend to approach the, the need to put a plan in place, who's at the table and who needs to know what the plan is.

WALZ: OK. All right, thank you. All right, I think that's all the questions we have. Thanks.

COLBY COASH: Thank you.

WALZ: Thanks for coming. Any other opponents? Anybody who would like to speak in the neutral? Letters. While Senator Day is coming up, we did have one written testimony in lieu of in-person testimony. It was an opponent, Jeremy Ekeler, from the Nebraska Catholic Conference. No proponents, no neutral. And we also had two position letters, both proponents. Allison Hurt from Elkhorn and Mary Bahney from Social-- School Social Work Association.

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DAY: OK, so I always feel for Mr. Coash having to come in and testify in opposition after all of the proponents that we heard from. But honestly, I feel for the parents and the students more. He mentioned the 504 process, and I do think that's important to discuss. But the 504 process only applies to students who already have a current diagnosis, right? And so, as we mentioned earlier, you know, the statistics in terms of 1 in 26 people being diagnosed with epilepsy and 1 in 10 people having a seizure in their lifetime, and how often that happens for the first time within the walls of a school, that 504 process and everything that it brings with it would be of no help for someone having a seizure for the first time in a classroom. It would be no help for the teacher trying to help the student who is having a seizure for the first time in the classroom. So and additionally, if the 504 process did what this bill does or was sufficient, then it would be working and we wouldn't have Lillie and her mom, Robyn, and we wouldn't have Ruby and her mom, Jen, and we wouldn't have Jayen's mom and we wouldn't have Colton's mom here testifying as proponents for this bill, because this is, it's a really important conversation that we need to be having. And again, you know, the dirty words of unfunded mandate, it's the worst possible thing that this committee can hear. But my question is that, you know, when you have parents and students coming to you as a senator saying, we need help with this, we're very concerned. I think it's our, it's-- I take it as my job that I should be helping these people. And I feel like this is one way that we can do that individually as senators, but also as a legislative body, is making sure that we're providing a safe environment for all children in schools, including those that have seizures and including those that may potentially have a seizure for the first time in school. So I'm happy to answer any questions that you guys have right now.

WALZ: Questions from the committee? Senator Day, when, is this supposed to start next year?

DAY: I believe--

WALZ: I was looking for it.

DAY: --so. 20--

WALZ: '22--

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DAY: --22. Yes.

WALZ: --23. OK. And I think that was all the questions I have. Any other questions? I see none. Thank you so much.

DAY: Thank you.

WALZ: That concludes our hearing on LB639. Before I end the afternoon hearings, I need to issue a correction on the record. On LB595 [SIC], the youth-initiated mentor act, there were actually two position letters of support. One from Betty Vidale [SIC] from Scottsbluff, the other from Salvado [SIC] Hernandez from Omaha. And that ends our hearing for today.