

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 24, 2022

WALZ: [RECORDER MALFUNCTION] the Education Committee public hearing. My name is Lynne Walz from Legislative District 15. I serve as Chair of the committee. The committee will take up the bills in the order on 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 rules. Please turn off or silent cell phones or other electronic devices. The order of testimony is introducer, proponents, opponents, neutral, and then closing remarks. If you will be testifying, please complete the green testifier sheet and hand to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need ten copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, state and spell your name for the record, please speak directly into the microphone so our transcribers are able to hear your testimony clearly. If you are not testifying in person and would like to submit a written comment to be included in the official hearing record as an exhibit, you will find the required link on the bill page of the Nebraska Legislature's website. Comments are allowed once a bill has been scheduled for public hearing and must be submitted and verified prior to 12:00 p.m. on the last work day prior to the public hearing. The comments submitted online and verified prior to the deadline and identified as comments for a public hearing record will be the only method for submission of official hearing record comments other than testifying in person. Letters and comments submitted via email or hand delivered will no longer be included as part of the hearing record, although they are a viable option for communicating your views with an individual senator. Finally, please be concise. Testimony will be limited to five minutes and we will be using the light system. Green means your time has started and you may begin speaking. Yellow means that you have one minute remaining and you'll wrap up your comments when you see the red light. The committee members with us today will introduce themselves beginning at my far right.

McKINNEY: Good afternoon. Senator Terrell McKinney, District 11, north Omaha.

MURMAN: Hello, I'm Senator Dave Murman from District 38 and it's eight counties to-- along the Kansas border in the middle part of the state.

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LINEHAN: Good afternoon. Lou Ann Linehan, District 39, which is Elkhorn and Waterloo.

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

WALZ: Thank you. To my immediate right is research analyst, Nicole Barrett; and to the right end of the table is committee clerk, Noah Boger. And our pages today are Bhagya Pushkaran and Savana Brakeman. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. I'd also like to remind our committee members to speak directly into the microphones and limit side conversations and making noise on personal devices. We are an electronics-equipped committee and information is provided electronically as well as in paper form, therefore, you may see committee members referencing information on their electronic devices. Be assured that your presence here today and your testimony are important to us and crucial to our state government. And with that, we will open with LB872. Senator Brewer.

TONY BAKER: Good afternoon, Chairman Walz, members of the Education Committee. My name is Tony Baker. That's spelled T-o-n-y B-a-k-e-r. I'm Senator Brewer's legislative aide and I'm here introducing the bill today because Senator Brewer is at home on doctor's orders. Senator, thank you for the opportunity to open on LB872. This bill will provide Natives-- provide that Native students can wear or display tribal regalia while at school or at school functions. This would include garments, jewelry, and other objects of cultural significance worn by members of indigenous tribes of the United States and other countries. Schools would be authorized to adopt a policy. To accommodate the provisions of this bill, they will be able to specify that any regalia does not endanger the safety of students or others or interfere with school purposes or the educational process. LB872 would become operative on July 1, 2023. Senator Brewer introduced this bill this year because of some recent events in Nebraska. Testifiers who will follow me will explain these stories behind what, what drove the introduction of this bill. Our office has been working with the private schools and the public school boards to improve this bill. Our office has provided the committee staff with information about possible improvements to the bill as well. Senator Brewer and the other supporters of this bill would be pleased to work with the committee on a committee amendment to make sure this bill, number one, protects the students we need to protect and, number two, is workable for the schools. Subject to the Chair's discretion, I'm ready for

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questions, but there's a number of folks here that I think could do a better job answering them than I could.

WALZ: All right, thank you. Any questions from the committee? Senator Pansing Brooks.

PANSING BROOKS: Thank you for coming, Mr. Baker. Is, is-- I'm not sure if we can ask-- are we supposed to ask questions? I'm not sure we can. OK, I'm so sorry. I'll ask other people and talk to Senator Brewer. I don't think we can ask questions of staff, even though you have full knowledge.

WALZ: Yes.

PANSING BROOKS: All right, thank you.

WALZ: Thank you.

TONY BAKER: I'll be followed by somebody you can.

WALZ: Thank you. Proponents. Are there any proponents?

REBECCA SULLIVAN: Good afternoon,--

WALZ: Good afternoon.

REBECCA SULLIVAN: --my name is Rebecca Sullivan, R-e-b-e-c-c-a, last name Sullivan, S-u-l-l-i-v-a-n. I represent the Ponca Tribe of Nebraska. I'm the elected vice chair of the tribe and very much in favor of this bill. We stress so much on individuality and taking pride in our culture. And this is one thing that we foresee as it being a pro go, as our students are one of the lowest for education, for graduation rates, and having them have the additional pride, taking pride in what they can wear and what they can do, and being able to represent their tradition and their heritage by what they can wear in their schools would be a, a bonus for our Native American children. I came today in a ribbon skirt to kind of show that it doesn't add anything that would be-- anything that would interfere with their education as a whole. Moccasins, I mean, anything that is an-- as a-- of tradition to us would only add pride to what these kids do in the school setting. So I hope you guys see that as only a win-win for what our, our children are doing and being able to take on that added benefit of being able to wear what they feel comfortable in and what they feel prideful in. This is something that has gone on for generations and being able to just wear what they felt comfortable in and, you know, just having an eagle feather in their hair for what

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that represents to our culture and moving forward in education. And, you know, even when it comes to graduation, you know, I've had that question asked before of, you know, can I wear traditional regalia because we're supposed to be able to wear that in, in, in days of celebration. And many of the schools right now are opposed to that. So just being able to do that on days of celebration would be a win-win for our students. So I appreciate your time and I appreciate you looking at this bill.

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

PANSING BROOKS: Thank you. Thank you so much for being here, Ms. Sullivan, it's fun to have you here on behalf of Ponca. I, I guess, and I'll, I'll ask others, too. I, I wish Senator Brewer were here that I could ask that. But I'm, I'm wondering-- you've talked about the regalia and what's going on. I'm very supportive of this bill. I've had it posed to me whether or not this bill would, would prohibit universities and colleges from requiring students to wear caps and gowns at commencement ceremonies. Do you know? Maybe I'll ask--

REBECCA SULLIVAN: I do not know that--

PANSING BROOKS: --Director gaiashkibos at the back so when she comes up, but you're, you're not sure?

REBECCA SULLIVAN: I'm not familiar with that part.

PANSING BROOKS: OK. It's-- it was my understanding that it did not, but I think there are some rules that, that, that they're supposed to wear, caps and gowns, so I, I was believing that in that case it was for a feather or something like that or something on the cap and gown of respect.

REBECCA SULLIVAN: My interpretation was that they would be able to add beads to their cap--

PANSING BROOKS: Yes, that was--

REBECCA SULLIVAN: --and wear a, a feather in their hair or attached to their--

PANSING BROOKS: --that was my interpretation as far as--

REBECCA SULLIVAN: --to their hat--

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PANSING BROOKS: --just trying to get that--

REBECCA SULLIVAN: --their cap.

PANSING BROOKS: --on the record. Thank you very much, Ms. Sullivan.

REBECCA SULLIVAN: Thank you.

WALZ: Any other questions? Thank you so much for coming today. Next proponent.

SUSAN BAKER: My mouth is a little dry. My name is Susan Baker, S-u-s-a-n B-a-k-e-r. I represent the Ponca Tribe Nebraska and I'm here to support this-- I'm sorry, I get emotional. I grew up out of this area and we weren't allowed to wear this stuff. Sorry.

WALZ: It's OK.

SUSAN BAKER: But my children, what I teach them, it's important to recognize who we are. We were suppressed. And I think if we continue on that road and not allow our children to come forward and be who they are, it's going to be harmful to us. My grandchildren, they wear the beads now. They're in California and they're, they're mixed. So they-- I say honor everybody, learn your culture here, learn your culture here. That's what I teach them. We-- when I grew up, a little girl, I couldn't say who I was, moccasins, nothing. I had to do in the house because my grandfather told me they're going to take me away on a train to white man's school. And my grandfather grew up in that in the horribleness. It's important for our children to be able to be acknowledged who they are. It's part of our religion. It's part of our culture. And if we stop that based on some law, it's-- it-- it'll be horrible because we need to identify who we are and we've had a hard time. We've come a long way, a long way. And now we're here, I think we need to be acknowledged of who we are, not just because, you know, not because of money, because we're Native and were originally here. So we've had to adapt to all the other cultures in California and other places. In California, they're very diverse. So people are allowed to wear different garments, stuff like that. And I come out here in Indian country, we're not. And I won this council this last year and I come out here and I embrace everything I see around me, but I embrace other cultures and respect other cultures. So we need to be wholly a part of that. And that's what I feel from my heart. When your grandparents go to a white man's school and they're beaten and raped and killed and they're shamed and their hair is cut like my grandfather and then you go, wow. And then he says, you can't go

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outside and play. You can't tell anybody who you are. But inside our home was all Native, and that's what I grew up in. So as I grew up and I can say, this is who I am, I can finally tell somebody, I'm not Italian, I'm not Hispanic, I'm Native, and I think that's what's important. And I apologize for being emotional because that's who I am. For something this important, it really is who I am. I appreciate your time.

WALZ: Thank you so much for coming today. Do we have questions from the committee? Senator McKinney.

McKINNEY: Thank you. Could you speak to the importance of having the ability to, you know, express--

SUSAN BAKER: Sorry, I can't hear you very well.

McKINNEY: Sorry. Can you speak to the, the, the, the ability to be able to, you know, live within your culture, express your culture identity--

SUSAN BAKER: Yeah, I can. It's important.

McKINNEY: --and what that has all the educational outcomes for students to be able to?

SUSAN BAKER: Yeah, because we're-- we-- it's important we have our culture and we're struggling to put our language together. We're struggling to put all that back together again. And we were raised with it, but you can tell nobody what you are. You know, I, I can go out there in, in the world and people say I'm Italian, this, this, this right? But when I wear something, it represents me. And anybody in California, you say your Native, they go what? I'm an Indian. They go what? I worked in a large law firm and had many partners come and ask me if I was Greek. And when I said I was Indian, they go from India? I said no, Native. So I started wearing a lot of Native jewelry to work, and I got embraced in different ways. And part of the reason I got embraced was they asked me if I had a casino, which we do now and my firm actually represented it. But it-- it's-- I see all these cultures around me that express who they are by what they wear and how they represent themselves. But our children, this is their next generation. And we've grown up in white man's world. We've gone-- grown up in all this stuff and we've been suppressed. So it's time to say I can wear a feather, this represents my culture, who I am as a human being. Just let me just represent who I am. It doesn't have to be fancy stuff and it doesn't have to be anything that is dangerous.

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But if our children in this diverse world we're in now, we need to embrace all these cultures, whatever culture is going to come up to you and say, hey, this is just part of what we do, at least a little something, a token, to show who we are as human beings because we're not going to lose our culture. They've tried to take it away, they ripped-- they stole it. They even steal our children. So where do we put that back, especially the educational system, to allow to see what every, every person represents? Whatever nationality your are. Let's start here. That's what I'm saying, you know, and it's important and I think it's really important, we're coming up with all these diversities and different languages. In California, they were teaching the kids Spanish before English. So the English-speaking kids got lost. They started finally doing it a different way, you know, and finally embracing all the different cultures. And we have to do that no matter where we live. I think in America, I think it's important.

McKINNEY: Thank you.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you, Ms. Baker, for coming and giving such heartfelt testimony today.

SUSAN BAKER: I'm sorry, I just get emotional.

PANSING BROOKS: No, it was beautiful, it was beautiful.

SUSAN BAKER: I mean, what my grandfather went through and my grandparents, they, they were born in South Dakota and in Niobrara. My dad was not-- he was born-- and in California, my grandfather-- wore my moccasins and wore my beads, but I couldn't walk outside and I could never tell anybody who I was because of a fear that I would be killed, murdered, raped, or taken away to other [INAUDIBLE] or Mexico. My grandfather went to that school in Pennsylvania, and he also went to [INAUDIBLE], and they wouldn't, wouldn't even talk about it. But they were in fear for us. And I mean, I-- it's got to stop somewhere. That's something educational-- we need educate people who are we and all races need to educate. We need to embrace everybody. No one race sticks out better than the other one, right? Yeah, we're human. We are.

PANSING BROOKS: We do have to celebrate everybody, and it's important to understand everybody's culture and background. And I really thank you for coming today and giving your heartfelt story.

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SUSAN BAKER: Thank you. It just-- every generation that we've gone through. We're all affected. That's part of the trauma. We have to stop the trauma.

PANSING BROOKS: It is trauma. Thank you.

WALZ: Other questions? I don't see any. Thank you so much for coming today.

SUSAN BAKER: Thank you. Thank you for listening. Appreciate it.

WALZ: Absolutely.

SUSAN BAKER: Sorry, I was emotional.

WALZ: Nope.

DON WESELY: Madam Chairwoman of the Education Committee, members of the Education Committee, for the record, I'm Don Wesely, D-o-n W-e-s-e-l-y, representing the Winnebago Tribe. I'm passing out for you a letter from Victoria Kitcheyan, who is the chairwoman of the Winnebago Tribal Council. I will-- this is a very brief letter, and I'll just quickly read it into the record. On behalf of the Winnebago Tribe of Nebraska, I submit this letter in support of LB872, which would allow for Native students to wear or display tribal regalia while at school or school functions. Our children are our most valuable resource as they represent the future of our people. As Native people, we often honor our youth for important achievements in their lives and encourage them to embrace their heritage. This includes wearing and display-- displaying regalia such as eagle feathers and beadwork at graduations. But it also means allowing our Native youth to be proud of who they are and where they come from year-round. I note that even federal laws and policy have long recognized the religious and ceremonial significance of eagle feathers to Native people in the Bald and Golden Eagle Protection Act, allowing for special exemptions for Natives. Our ancestors, including our grandparents and great-grandparents were oftentimes forcibly removed from their homes and sent to boarding schools and forced to assimilate. Embracing one's Native culture or speaking one's language was punished, often severely. We are fortunate that today's youth are actively seeking to overcome that past and be proud of who they are and where they come from. Thank you for your time and consideration in this very important bill.

WALZ: Thank you. Questions? Senator Pansing Brooks.

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PANSING BROOKS: Sorry, I just-- thank you for coming, Senator Wesely, but I just was-- you heard my previous question and I could ask-- I don't know if you know the answer to that, but I, I had just tried to-- and maybe Director gaiashkibos can, can answer this later or not? Yes, she will, so--

DON WESELY: Oh, she can.

PANSING BROOKS: The discussion in the letter is, is beadwork and eagle feathers and there are some requirements at some schools that the cap and gown be used, and that's what I was called about that some people were saying, well, is the cap and gown then not going to be used? Is that something that-- or is it an addition to the cap and gown?

DON WESELY: My impression is it could be an addition. I mean, they wouldn't--

PANSING BROOKS: That's what I was thinking when I first discussed it, but I just wanted to make sure that that was the intention of this bill, so.

DON WESELY: That's our interpretation. But you know, that's up to-- Judi would have a better--

PANSING BROOKS: OK.

DON WESELY: --understanding.

PANSING BROOKS: All right. And Senator Brewer. Yeah.

DON WESELY: Of course.

PANSING BROOKS: Yeah. OK, thank you very much.

DON WESELY: Uh-huh.

WALZ: Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. OK, so I missed whatever happened. Why we have-- there was a suggestion in the opening, we couldn't ask questions so could you fill me in, what, what, what happened?

DON WESELY: I, I think-- again, Judi would be able to answer that question. I have heard something about it, but I, I don't think I'm the one to share it.

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LINEHAN: OK, because I did read reports that a student somewhere, I don't remember, in Nebraska, the school cut her hair. But is this something different than that?

DON WESELY: I've heard that as well, but I'd, I'd rather defer to Judi.

LINEHAN: OK. Thank you.

WALZ: Any other questions? Thank you.

DON WESELY: Thank you.

WALZ: Next proponent.

NICOLE BENEGAS: [INAUDIBLE], Nicole Benegas [INAUDIBLE]. Hello, relatives, my name is Nicole, N-i-c-o-l-e, Benegas, B-e-n-e-g-a-s. I have wrote something up because being Native working for the community with our community, I can go on for days about why I'm here and wanting-- are wanting this bill to pass. So if it's OK, I'd just read what I wrote up. Historically, schools were used as a way to exterminate Native indigenous young people of their culture, language, and identity, with 78 percent of the Native population residing off of what is now the United States government's definition of tribal land. We, as members and those serving the indigenous communities, continue diligently to work towards revitalizing the students and their families' understanding and self-acceptance of who they are, revitalizing their cultural traditions and practices, and educating others on the importance of them. For decades, nationally, we, as indigenous people, have had some of the lowest graduation rates. When working with the community's young people and having firsthand experience of being at Nebraska schools, this story has remained consistent. Overwhelmingly, we have felt and continue to still feel at some point that we are foreign in the institutes that are set up to educate us, that we continue to walk in two different worlds, and we are not accepted or understood for the people that we are. I have been advocating for our students' rights to engage in their cultural practices since 2015 in the Nebraska OPS School System to wear tribal regalia for, for graduation ceremonies and other public areas. My younger sister had the opportunity to come from a school environment from kindergarten to eleventh grade, where was she was not only encouraged, but it was incorporated into her academics to learn cultural practices in ways that were once forbidden for our people to learn by education systems that were designed for us to lose our culture identities and values. In 2015, she moved to Omaha from the

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Rosebud Reservation. This was the summer before her senior year. She completed all her credits, credits to graduate. She began to get her beadwork and her eagle plume ready for her ceremony-- graduation ceremony just as those of her graduating class back home in Rosebud were doing and all of her peers that she, she had seen go before her. She was then informed that after waiting 13 years to walk across that stage with her cap adorned with her eagle plume and beadwork with her tribal designs signifying her accomplishment of academic achievement that she was given two choices: to either leave her cultural practices to the wayside and be allowed to walk with her graduating class or she-- if she adorned her cap that she would not be able to walk. She was in tears. She in that moment regretted coming to Nebraska to finish her high school education and that she-- if she was back in South Dakota on the reservation, then and only then would it be OK to be her-- herself fully. Every day, we, as indigenous people, find ourselves having to educate the community, educators, and professionals that we still exist in our cultural ways. Instead of preparing for the celebration of the most anticipated time of her 13 years of academics, she spent that week struggling, having to choose between standing up for the importance of her cultural teachings and acknowledging her educational achievements. It took myself and many community members to stand up in front of the School Board of OPS, and that morning, hours before her graduation ceremony, she was told that she could walk with her plume and her beadwork. This is just one story of our young people fighting for their right in our educational system to be accepted, to know that they do not have to choose between being indigenous or being educated, that they can simultaneously be proud of their cultural heritage and participate in their practices, as well as being educated, seen, and succeed in a world that many of our people are still trying to find a place in. Every year since 2015, I have had numerous students and families reach out to me to ask for assistance and to advocate for them at their schools for the right to wear their cultural regalia and eagle feathers. Since then, we were able to get a policy put in place for the students to be able to wear those plumes at their graduation for OPS. There are 19 educational service units across Nebraska. Luckily, for those that are in Lincoln and Omaha, they have somebody advocating and speaking on their behalf in making sure that they're allowed to do these things. But I can't tell you what that story looks like for those that are across the state. This is an opportunity for our students to know that it's their right and that they're able to be who they are fully. Many of our families who are members of the three reservations that are set aside in Nebraska or from-- or are from surrounding states, they migrate back and forth between them over the K-12 school years, and they should not have to

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choose having a good education over being able to be indigenous. Thank you.

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

NICOLE BENEGAS: Thank you.

WALZ: --for coming today. Good afternoon.

LORY DANCE: Hey. [INAUDIBLE] Lory Dance. [INAUDIBLE]. I just said, my name is Lory Dance. I do research here and in the U.S. I have had Swedish Americans here in Nebraska connect with me--

WALZ: Can you, can you just spell your name for the record, please?

LORY DANCE: Yes.

WALZ: I'm sorry.

LORY DANCE: Lory, L-o-r-y, Dance, like, so you think you can. I'm an associate professor at the University of Nebraska, associate professor of sociology and ethnic studies. And I've had several-- since I got to Nebraska because I was at the University of Maryland, Swedish Americans approaching me, asking me questions about Sweden, asking me to interpret prayers that they heard from their grandparents. And I think that's wonderful. I think that's wonderful because they're in search of more cultural viability. See, I'm also a sociologist of education, so I study Swedish culture, Swedish axiology, also known as values, and also Swedish ways of knowing, also known as epistemology. I do the same thing in regard to Native Americans. I study Native culture, Native values, and Native ways of knowing. And so I'm just saying that I think it makes a lot of sense. I haven't seen this in Nebraska, but I've seen this at other graduations. I've been to graduations where Irish-American students have green. They make-- drape green scarves around their necks. I've seen Swedish-American students who on the East Coast where I come from may be confused with being from Switzerland. That's never happened in Nebraska. I thought that was amazing that when I would come back from Sweden, nobody in Nebraska said, oh, how was Switzerland? Because there is at least that level of understanding. But on the East Coast, I've seen Swedish-American students wearing things to indicate, usually yellow and gold, to indicate pride in where they come from. So I don't think it's too much to ask as Black-American students sometimes where Kente cloth draped over their regalia. And I think what we allow for those of us who are immigrants to this country, it's even more important for

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those who are members of original nations who have histories of erasure. So I just wanted to speak. I apologize for going before my Native sisters and brothers, but I got another thing to go to because I wanted to wait and speak toward the end. But let me know if anyone on the committee needs any kind of sociologist education support about this. I'm happy to provide it. Thank you, committee members, and thank you for considering this.

WALZ: Thank you so much. Wait, do we have any questions? All right. Thank you so much.

LORY DANCE: Adjo. That's goodbye in Swedish.

WALZ: Next proponent.

ROSE GODINEZ: Good afternoon.

WALZ: Good afternoon.

ROSE GODINEZ: My name is Rose Godinez spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska. First, we'd like to thank Senator Brewer and co-sponsor Senator Pansing Brooks for introducing this legislation. The ACLU is committed to defending the rights of Native Americans and tribes to be free from discrimination, and we believe Native history and Native futures matter. Simply put, LB872 is a critical bill for free expression, religious freedom, racial justice, and students' rights. LB872 is a critical measure to ensure Native American students can proudly wear their tribal regalia in Nebraska schools. It will ensure students are not prohibited from exercising their First Amendment right to free expression and free-- freely exercise their religion under the Nebraska and U.S. Constitutions. Native American tribes and indigenous people have suffered discrimination and injustice at the hands of the government since the country's founding. Yet, historical and contemporary civil rights discussions all too often ignore the rights of Native Americans. The stigma of past abuses and discrimination suffered by Native Americans regularly rears its head in the sphere of education. Just as an example, our affiliate, as Senator Linehan pointed out, is currently suing a school district for cutting two Native American children's hair on school grounds in violation of their religious beliefs. Unfortunately, discriminatory actions like these are not rare, and Native American families have reported it to the media, to the ACLU that they often must take it upon themselves to educate, as you've heard from previous testifiers, to educate the school board about their culture and heritage and tribal regalia. Each

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individual experiences their culture and heritage differently, and it is impermissible and improper for anyone to tell you what is appropriate or inappropriate. We urge you to build on the Legislature's past efforts supporting indigenous people and allow Native students to honor their traditional culture and traditions in the education system that unfortunately too often erases their history. The ACLU welcomes the opportunity to work with the committee and the schools to develop and implement policies and recognize and preserve Native American culture and heritage. In closing, thank you for your time. I'd be happy to answer any questions and can actually respond to Senator Pansing Brooks's question if that's OK?

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Thank you very much. Thank you, Ms. Godinez. Yes, I'd love to have your response just because some people had approached me about that and I love this bill, so please respond if you could.

ROSE GODINEZ: Yeah, certainly. So from our reading of the bill, there's nothing that prohibits a school district from adopt-- from having their traditional ceremony at graduation. This merely authorizes students to wear tribal regalia. Additionally, they can also create their own policies in determining what can be worn. However, we would caution school districts in making those policies to make sure it honors Native American culture and heritage and have stakeholders at the table when making those policies.

PANSING BROOKS: Yes, I think I see in section (2) that "A school may adopt a policy to accommodate this section." But that it wasn't also to interfere with it as well, so.

ROSE GODINEZ: Yeah.

PANSING BROOKS: Yeah. OK, wonderful. Thank you, Ms. Godinez. Appreciate it.

WALZ: Any other questions? I do have a question. We had-- actually, we had a question that was asked of us and--

ROSE GODINEZ: Yes.

WALZ: --wondering if this bill would allow Native Hawaiians to wear regalia like a ceremony--

ROSE GODINEZ: Yes.

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WALZ: --like the lei-- like a lei, for example?

ROSE GODINEZ: Yes, tribal regalia is defined in the bill, but does not specify what objects so long as it's of, of an indigenous membership or tribe or somehow has indigenous identity, I believe it's defined.

WALZ: OK. Senator Pansing Brooks.

PANSING BROOKS: Thank you. Also, it's my understanding that LPS has allowed a feather since 2017, so there are schools allowing this, too. Thank you.

ROSE GODINEZ: That is true. And then I also circulated a OPS story which Nicole already covered. But that way you have it for the record.

WALZ: Yeah.

PANSING BROOKS: Did-- I guess, Director gaiashkibos can speak to the issue that Senator Linehan talked about, but I'm sure you know the story, too, about what happened with the, with the child in Nebraska.

ROSE GODINEZ: Oh, yeah, that's our case. We're currently suing the school district.

PANSING BROOKS: Thank you.

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

ROSE GODINEZ: Thank you.

WALZ: Next opponent-- oh, proponent, I'm sorry.

JUDI GAIASHKIBOS: I think I'm the last proponent. I was hoping that I was so that I could try to answer some of those questions. My name is Judi gaiashkibos, J-u-d-i g-a-i-a-s-h-k-i-b-o-s. I'm the executive director of the Nebraska Commission on Indian Affairs and I'm a member-- a citizen of the Ponca Tribe of Nebraska. And I'm also Santee Sioux, and I am a survivor descendant of the Genoa Indian School that my mother attended where the motto was "Kill the Indian, save the man." So today, I think it's really very meaningful and special that we have Senator Brewer willing to introduce this bill that I think will help undo some of the harm that was done to our people historically when we were forced to be invisible. And to answer the questions as far as I have a statement, a written statement here that I'm going to enter into the record, but-- so I'll just leave that and go forward with thanking the ACLU for bringing this to me, the Indian

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Commission, and we are very fortunate to advocate on behalf of the four federally recognized tribes, as well as all Indian people in this state. So with good faith consultation with all of them and as I understand it, it was the Santee and Ponca that brought this to the ACLU, who then went to Senator Brewer. So before us, we have this bill that I think is a good bill and we are fully in support of this bill for many, many reasons. And what I'd like to say, going back to the question about the Cody-Kilgore Unified School District, where they cut the hair of two children, for our people, our hair is very sacred to us. As it grows, so does our spirit grow. And when you cut that, you cut our spirit. I think anybody in the school that has a child at school of any ethnicity would be appalled if their child came home and said that the teacher or someone at school cut their hair. That just is absolutely unbelievable. But it's even more so detrimental to an Indian person because the, the hair is-- and it goes back to our traditions, as well as to what was done at those boarding schools when we were first brought there in Nebraska for 50 years, from 1884 to 1934. We had the Genoa Indian School in Genoa, Nebraska, where the first thing they did was cut the boys hair off and make them look like Caucasian boys. And they used kerosene to kill the, the lice and did some pretty horrible things to our children. So imagine these little children, elementary-age children, I think you can relate to how awful that would be. So that's some of what, I think, brought us to, to this bill today. But I think going forward, we know in our state that our children are performing at a-- they're not doing so well, and it's because the system doesn't reflect who we are. We don't see ourselves in the curriculum and we don't have enough stories being told about us, we're marginalized. So you make it all the way through high school and it's time for your ceremony and you want to wear in your hair that eagle plume that a young girl would wear. And you're denied that after making it all the way through being somewhat invisible as an Indian person. That seems like a real blow at the end of a hard journey. Likewise, going to college, you go to college. Both of my daughters graduated from the University of Nebraska, and they were able to wear an eagle plume in their hair. And so I do believe this bill would extend to colleges and would allow for graduates to wear an eagle feather, in addition, I think, to wearing the outfit, the whole thing that normally other kids, students, graduates would wear. Because you, you are proud to wear the graduating outfit, but you also are not going to give up being who you are as a Native person. I am not going to melt down. I am not going to be a cookie-cutter American and say that I'm not a Ponca person. We had to do that. We were terminated and restored without a reservation, and we're here to say no more. So I don't think this takes away from anyone. It just respects the first

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peoples. I think it's the right time in this nation's history to do the right thing. So with that, I would be happy to try to answer any questions, and I, I would say that I don't have all the answers. Please don't expect that as the director of the Indian Commission for 26 years that I have all the answers because I don't. And I respect our tribal nations. And as you've heard, the chairwoman of the Winnebago gave their testimony and the Ponca chairwoman is here today, Becky Sullivan, who I admire greatly and other people that are advocating on behalf of this. So that is my concluding testimony in honor of all of my ancestors and our children are our greatest resource. As a grandmother, I have five grandchildren and I'm so proud of my daughters and my grandchildren, and I'm glad my mother survived the school that I could be here to testify today. And going forward for the rest of my life, it is my goal to advocate on behalf of all those children and find the cemetery at Genoa and find those 100-plus children that died there that we haven't found. So I dedicate my testimony today in honor of their memory--

WALZ: Thank you.

JUDI GAIASHKIBOS: --[INAUDIBLE].

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you so much for being here, Ms. gaiashkibos. You have done such and are doing such amazing work for the Nebraska Indian Commission. I just want to thank you for that. I don't know how you have the energy to do what you're doing. Everything from, you know, Dr. Susan La Flesche Picotte on Centennial Mall, Standing Bear in Niobrara Centennial Mall and on-- in our fabulous Statuary Hall in Congress. The work that you've done to help on Indigenous Peoples' Day so that we all celebrate that-- our first people here in, in this-- on this land. I appreciate hearing about Cody-Kilgore because I think it's important to retell that story-- tell the story about how important the growth of the hair-- hair growing is, is similar to the spirit growth. And I think that's very helpful to understand and important to tell that story. I also was wondering, could-- I know there's importance to the eagle feather. Could you please-- and I know that the Native-- the first people are, are the ones that can, can possess or keep with them an eagle feather. Could you explain that importance?

JUDI GAIASHKIBOS: Oh, yes, we believe that the eagle is-- carries our prayers to the creator and nationally, and even with non-Indian people, the eagle is very sacred to our United States of America. So

if we want to have an eagle feather, we have to apply for that and get a permit to actually have rights to eagle feathers. And it's a rigorous process that you have to do. You can be gifted eagle feathers that are passed on from family in a traditional way, in our Indian American, Indian women and men that are veterans. Those feathers are very sacred to them. There are traditions. If you drop your feather on the ground during a traditional powwow, what must be done to handle that feather. And other people are not to be in possession of eagle feathers, only Native Americans. So it's very unique and sacred to us and legally bound for the feather to be in our possession.

PANSING BROOKS: I think that information helps us to understand and make it even more important that this bill pass. So I thank you for that and I also thank you for mentioning that this wasn't necessarily instead of cap and gown, it is a supplement to so that it's a celebration of the, the graduation, but also celebration of the first people and the pride that each graduate might have in their family and their culture and their heritage. Is that correct?

JUDI GAIASHKIBOS: Thank you, Senator, for all your kind remarks. And today I'm wearing a very special necklace, traditional piece that was given to me by my family and it's given to elders and I'm proud to be an elder and a grandmother. And it would be something that I wouldn't want to wear on the playground because it could hurt me or someone else. So I think our people use good judgment. Today, you saw the chairwoman of the Ponca, Becky, wearing a ribbon skirt. Students might wear those to school. And you know, other things, a ribbon shirt, different types of styles of clothing that are perhaps more unique to us. Other people can wear those, and in certain situations, that's fine. We do try to be mindful of all that. But in the case of the graduation, wearing the cap and gown that I couldn't think of the cap and gown to have so much taken from you, and we're just asking for so little to be given back. I think that the committee can find it in their hearts to move this out and onto the floor to do something good for this state. It is-- we're at a day of reckoning in our world and country, and so I hope some of you who will be leaving us will go saying, you know what, we made a difference in Nebraska for our first people, and it's been an honor to bring those stories to them all. The Dr. Susan La Flesche Picotte story. And we have many more stories to tell in the future of our other tribal leaders as well. And for these little children to go to school and feel that sense of pride that we did-- we, we are here and we're not going away. This is our homeland. We go to war to fight to protect America and Nebraska, and we're proud to be Cornhusker football fans. We-- and all of us here together today, we want what's best for our children. We have that common goal

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and this is just a small thing to ask of you. But it isn't window dressing. It isn't insignificant. Sometimes small things really are big things and really matter. Words matter, and actions even speak louder than words I learned when I went to school. So I hope your actions speak loudly.

PANSING BROOKS: And as you say, some items are sacred, and it means a lot to people to be able to wear them. So I appreciate your support and your efforts here.

WALZ: Other questions? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Obviously, this is a fantastic idea, but I'm trying to be just so we don't, you know, every good deed. Sometimes you don't see all of the consequences. Is this just for Native American children? So that's what-- like--

JUDI GAIASHKIBOS: Are you referring to the question about Hawaiians?

LINEHAN: No, it says in the Section 1, I'm in Section 1: A person who is a student attending a school meets requirements for legal operation may wear tribal regalia in public and private location. So I'm just saying, does that mean every child-- getting back to your point, this is special to the Native American culture, are we-- just don't know how wide open this is or not wide open? What's your intention?

JUDI GAIASHKIBOS: That would go to intent, I believe. And I did not draft the bill.

LINEHAN: Well, that's why I'm asking your intention.

JUDI GAIASHKIBOS: OK.

LINEHAN: What's your intention?

JUDI GAIASHKIBOS: I think that it's intended to impact Native children--

LINEHAN: OK.

JUDI GAIASHKIBOS: --and Alaska Natives and Hawaiian would be included in there because we consider them to be indigenous that have been denied their rights as well. So I think, too, there's a kind of a little bit of an opening there for the schools and the districts to determine who those people are.

LINEHAN: OK.

JUDI GAIASHKIBOS: And I would rather not try to be the one that defines that, and I would leave that up to Senator Brewer and all of you to find the best language that respects the intent of the bill.

LINEHAN: That's what I was wondering, your intent. Thank you very much for being here. Appreciate it.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: OK, having worked with Senator Brewer on this some, I do believe that this is about indigenous people and indigenous tribes, and that was the extent of what this bill represented, and specifically because there had been instances of a, of a young indigenous person having had their hair cut and other types of discrimination. No one else approached us about other groups that might be interested in this. But I also-- I mean, since Lincoln Public Schools, since 2017, has been allowing some indigenous students to wear a feather, I, I feel that this is important for the indigenous students and feel that it's, it's really necessary, so-- since they are part of our American heritage. Thank you.

WALZ: Any other questions? I see none. Thank you so much for coming today. It's good to see you.

JUDI GAIASHKIBOS: Thank you.

WALZ: Any other proponents?

AMELIA-MARIE ALTSTADT: Hello, my name is Amelia-Marie Altstadt, A-m-e-l-i-a hyphen M-a-r-i-e, Altstadt, A-l-t-s-t-a-d-t. I'm an employee of the University of Nebraska-Lincoln. I have a master's in educational administration with a specialization in student affairs administration, which means that I studied student development in particular, and I got that degree from the University of Nebraska-Lincoln. And I, in particular, studied my own culture as part of that program. One of my cultures being disabled culture. So I know that's probably not the thing that you were expecting to hear, but this is really important to know that holding your own culture near and dear and knowing what it means and being able to share it with others impacts you the most, but also impacts those around you. I am multiracial. I am German, Swedish, French, Italian, Armenian, Choctaw, and Mexican. And I really have no connection to many of my heritages because of assimilation, because I didn't see my cultures in school. I was raised in San Diego, California, and I'm proud to be here in

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Nebraska where many of my family members are from. But maybe I would have investigated sooner my Armenian heritage, which is also an indigenous population but indigenous to the "caucas" region, the original Caucasians. Maybe I would have investigated sooner my Choctaw heritage and known more about it. Maybe I would have even known where to start looking for my Mexican indigenous heritage if I had seen other children in my school, if I had seen other people around me love and own their heritage. And that is something that I have started to do since I came here to Nebraska, and I've met so many more indigenous individuals who are so proud. Dr. Yellow Robe at the University of Nebraska-Lincoln made a really big impact on me when I first originally came here and talked to me about what it meant to be indigenous and what relationship you have to that. So that changed a lot for me. But if I had gotten that back in elementary school, I'd have a much different relationship with my "multiraciality" today. And this is important to note because the last speaker talked about the invisibility that Native students feel, and I am currently working on an article with a couple other people in the profession of student affairs and talking about student development theory on multiracial Native Americans. There is a selective invisibility that our Native students feel because they are assumed into whiteness most often, and that is ultimately not OK because that's not their truth, and they should be able to come into school and be exactly who they are and not be punished for being who they are. And this is important for the students around them. So if I had known one of those students that was proud of their heritage, maybe I would have gone, oh, you know what? I am Choctaw, but what does that mean? I am Armenian, but what does that mean? I am German, but what does that mean? I am Swedish as someone-- but what does that mean? I don't have any connection to my heritage except for Swedish pancakes. So this is important for everybody and it harms no one, but it increases the sense of belonging that our students feel in school, and it helps everyone understand more about the pride that we have in our respective cultures. Thank you.

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

AMELIA-MARIE ALTSTADT: Thank you.

WALZ: Next proponent.

CHRISTINA ELLISON: Christina Ellison, C-h-r-i-s-t-i-n-a E-l-l-i-s-o-n. Good afternoon, Senator Walz and Education Committee. Thank you for allowing me time to speak. My name is Christina Ellison. I live in Omaha, Nebraska, and I'm a teacher in Millard Public Schools. I am

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also the American Indian/ Alaskan Native representative for Ethnic Minority Affairs Committee for NSEA. I am here to support the bill, authorize the wearing of tribal regalia for certain students. Regalia. That's a word which is not fully understood and, actually, it's misunderstood. Some correlate this word with costume, but we don't dress up to pretend to be somebody else. We are Native Americans. Regalia represents a tribe, a nation. Here are some forms of regalia: a dress adorned with colorful ribbons, buckskin moccasins, fine beaded necklace and earrings, and the sleek eagle feather, the only regalia piece that can be given in honor of achievement with the force to a paramount direction. This is our culture. This is our self-identity. For the past two centuries, there have been over 350 U.S. Indian boarding schools across the nation with an assimilation policy of "Kill the Indian, save the man." This systematic destruction was banning boys and girls from speaking their Native language, expressing themselves in their regalia, which at the time was just their clothes and their hair. How silly that sounds because it actually was. Dirt, mud, cement, buildings have been built over these dark periods in our history. But the stories and memories happen. As recent as the 1970s, clothes or their personal identities were being stripped away. A new prototype of what Native Americans should be were replaced. This is our grandmothers, grandfathers, mothers, fathers, generations that attended these boarding schools. In a Native household, you take your elders in, so the narrative is still alive for our children. I was born and raised in Grand Island, Nebraska, to a white mother and a Native father. My father's family is from Pine Ridge Reservation in South Dakota, so I've seen two completely different worlds. I know my Oglala Lakota Sioux roots. However, I was raised in a white society. I remember being cared for and felt loved by my originality of many educators growing up, but also being mocked, too. One made fun of my maiden last name Running Hawk. I would have loved to have had the opportunity to wear the feather I received at my high school graduation on my cap. Maybe that visual would have brought internal awareness and set forth questions to those teachers. However, when I graduated from UNL, my cultural identity was attached to my cap, a second feather. This graduation experience was completely different. I felt empowered by wearing this piece of regalia. The thoughtful compliments, kind smiles, and all embracing eyes by my colleagues learned one more lesson that day, and it wasn't by a professor. Our Native students need to find a balance between two worlds. They shouldn't have to acculturate. Our students should have the ability to preserve their self-identity, feel worthy, not erased. A feather, a sash, a beaded cap that was designed out of dignity. As they aim to earn honor cords and a graduation medallion, they should be allowed to

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wear the one that presents the victory over the attempt of cultural genocide. Passing of LB872 not only preserves their culture but reiterates who they are in Nebraska, and that is a Native American. As an educator myself, this is a learning opportunity for our youth to see the pride, the valor, and the beauty in our heritage. Chief Sitting Bull once said: Let's put our minds together to see what we can build for our children. We are all here together now. Let's make Nebraska unify with the eight other states, show our children that we are not a story in a book, or a costume in a store, that we are still here. [INAUDIBLE]. Thank you for your time.

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

MURMAN: Thank you for testifying. I don't know for sure who else will testify, and I'm not sure if you can answer this question, so I'm going to ask you. Do you know where the cap and gown tradition originated?

CHRISTINA ELLISON: I do not. But hopefully you'll tell me because I'm curious now.

MURMAN: No, I'm, I'm on the Education Committee, but-- and I don't know the answer. But you're an educator, so I thought maybe you knew the answer to that.

CHRISTINA ELLISON: I'm ancient civilization. So-- and right now we're on ancient China, but it's not there.

MURMAN: Thank you.

CHRISTINA ELLISON: Yes.

WALZ: Any other questions? So what grade do you teach?

CHRISTINA ELLISON: Sixth grade.

WALZ: Sixth grade. Well, I--

CHRISTINA ELLISON: It's middle school.

WALZ: At the middle school?

CHRISTINA ELLISON: Yeah.

WALZ: I would love to be in your class because you're just a very soothing--

CHRISTINA ELLISON: Oh.

WALZ: --you're a good storyteller.

CHRISTINA ELLISON: Thank, thank you. Yeah, depends on the day.

WALZ: Yeah. Well, thank you for coming today.

CHRISTINA ELLISON: Thank you.

WALZ: We appreciate it.

CHRISTINA ELLISON: Thank you.

WALZ: Any other proponents?

TRACY HARTMAN-BRADLEY: Good afternoon. Thank you for allowing me to address you. I'm Tracy Hartman-Bradley, T-r-a-c-y H-a-r-t-m-a-n, Bradley, B-r-a-d-l-e-y. I am Supiaq from the Koniag people, Old Harbor Village Corporation, the daughter of Ron and Eugenia Hartman. I reside on the traditional tribal lands of the Omaha People, and I honor America's first people, all elders, past, present, and emerging. And I'm a call-- and called upon to share what I have learned about tribal histories, cultures, and the contributions that have been suppressed in telling the story of America. I am speaking here today for NSEA. I'm also an NEA board of directors for the state of Nebraska, and I'm a Native educator in the metro area. Honoring America's indigenous people is what we are here for today, allowing our students to wear regalia or Native ceremonial clothing, a graduation cap with an eagle feather and beads, or honor cord is what we're talking about. If you look around this room, there are very many people that are unique and different, each having its own cultures, ceremonies, and cultural traditions. And why can't these, why can't these cultures be celebrated and honored and treasured the way that traditional education culture always, always, always has been as a norm. For far too long, indigenous people have been colonized, assimilated, forced to attend boarding schools, demeaned, and have had to follow institutionally racist policies. Native-- sorry, Native people have been assimilated to the norms of the white American culture. This culture is inclusive of the education. Many people have not been allowed to-- many of our Native people have not been allowed to celebrate their rites of passage in their traditional ways or to incorporate the traditions into education. There are some districts, though, that have taken it upon themselves to make a few changes by wearing feathers. Today, we have the opportunity to change policy. You have the opportunity to say that Native students matter and that

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traditional ways of honoring and the rites of passage, passage matter. Allowing for regalia to be worn always and allowing us to celebrate ceremony, spirituality, culture, and achievement, it would allow my students the opportunity to see themselves as part of the norm. Being given a feather in many Native cultures is the greatest honor. Feathers are prayed upon and blessed. They are tied to the hair of the one who is being honored. Graduation caps are beaded in traditional tribal colors, and the feathers are tied to, to them for their accomplishments. It also identifies that the person-- that per-- that the person-- and it also identifies the person and encourages them to go farther in education. It encourages others to strive for the recognition and honor. Let's give indigenous students the opportunity to have pride in who they are, the cultures that they're from, and what they have achieved. This bill is extremely important to many, including myself, and the Native community, the Title VI programs, and NSEA who supports this bill because it's just good for kids. It gives back recognition to Native cultures that have been lost through misunderstandings, policies, and laws that are not equitable to all. Please allow this bill to move forward for the good of every student. This bill can do so much more than just allowing that recognition of one accomplishment. It informs. It shares. It teaches. It allows others to seek understanding and acceptance of Native culture. Like I said before, it's good for all kids. Quyanaa.

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

KEVIN ABOUREZK: [INAUDIBLE]. In my traditional Lakota language, I just greeted you all as relatives. In my people's belief system, we are all related. I told you that my Indian name is Red Road-- or sorry, Holy Road. I told you that I am Lakota. My non-indigenous name is Kevin Abourezk and I'm a long-time journalist living in Lincoln. I serve on the Lincoln Indian Center Board of Directors and also serve on the Lincoln Public Schools' Native American Advisory Committee.

WALZ: Can you spell your name? I am so sorry to interrupt.

KEVIN ABOUREZK: Sure. Kevin, common spelling, Abourezk, A-b-o-u-r-e-z-k.

WALZ: Thank you.

KEVIN ABOUREZK: I was raised by a Lebanese man, by the way, adopted me. Thank you for allowing me to speak today, and I want to thank the Education Committee for hearing this bill, LB872, which would allow

Native students in public and private schools to wear their traditional regalia. And I especially want to express my heartfelt thanks to Senators Brewer and Pansing Brooks for bringing this bill before all of you. With that, I'd like to talk to you about the importance of cultural resilience. In Nebraska, the 4,182 Native American students attending schools made up just over 1 percent of the total student population in our state during the 2020-2021 school year, making them among the smallest minority of students attending schools in Nebraska. While I wasn't able to gather performance data related to Native student performance statewide, I know that within my school district, Lincoln Public Schools, Native students have a four-year graduation rate of 54 percent, compared to 83 percent for all students. By far the lowest graduation rate among any student ethnic group. These figures are reflected nationally as well, as only 67 percent of Native students typically graduate from high school, and Native students are expelled and suspended at higher rates than their non-Native counterparts according to the National Indian Education Association. Combine all of these factors with the negative stereotypes attributed to Native people, and you begin to get a picture of the many struggles our indigenous students face as they set out to create lives and careers for themselves. So why does being able to wear regalia during school activities matter? Much scholarly work has been written about the importance of cultural resilience as it relates to academic achievement among Native American students. But I want to mention one study in particular that was conducted in 2003 by Bergstrom, Cleary, and Peacock that involved interviews with 120 Native students from across the country. The study found that Native students reported positive connections with their indigenous cultures, and communities were found to have far higher rates of academic attendance and achievement. I can tell you that within my own household, which includes five Native children, that empowering them culturally has been a vital factor in ensuring their success. The fact that my son is now attending UNL on a full-ride scholarship is just proof that in viewing Native children with the love of their culture and people is of absolute importance when it comes to ensuring their success. Being able to wear regalia to school activities is a part of that. My son was able to wear an eagle feather to his high school graduation last year, and I can tell you that it meant the world to him. The feather is one of his prized possessions and it will be an heirloom that he will someday pass on to his children. The way I've passed on such heirlooms to mine. Now, you might be asking yourself, why should we treat Native children different than other children? I would respond by saying that you wouldn't be treating Native children any different than any other children by allowing them to wear regalia

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to school activities. You would simply be recognizing that Native students attending school today already wear regalia every time they don clothing that allows them to fit in with the mainstream culture, including the cap and gown they must currently wear to graduation ceremonies. Let's be honest here, cap and gown is cultural regalia. My people didn't wear caps and gowns. Neither do people from non-Western cultures. By wearing these things, we show our acceptance of mainstream values. I get that. But shouldn't we also accept that some of us come from different backgrounds, have different histories? And shouldn't we be willing to show our respect for those histories? I think it's time Nebraska begins to honor the legacy of the histories of its first peoples. And I know that many of you will agree. Our state is a wonderful state, one that I have adopted after 22 years spent living here. I can tell you that my interactions with lifelong Nebraskans has been to a person fruitful and respectful, and I have every confidence that this Legislature will see its way clear to ensuring our Native students feel loved and respected as they attend our private and public schools. [INAUDIBLE]. Thank you.

WALZ: Thank you very much. Questions from the committee? I don't see any.

KEVIN ABOUREZK: Thank you.

WALZ: Thank you so much for coming today. Next proponent.

STEPHANIE BONDI: Hello, my name is Stephanie Bondi. I teach at UNL, and my subject matter is higher education. We have two main focuses that I study and teach about.

WALZ: Can you please-- can you spell your name? I'm sorry.

STEPHANIE BONDI: Yes. Thank you. Stephanie, S-t-e-p-h-a-n-i-e, and Bondi, B-o-n-d-i.

WALZ: Thank you.

STEPHANIE BONDI: Two main areas that I focus on. First of all, on higher education institutions, how they operate and what kind of environments foster learning. And secondly, college students and how their development and learning occurs in college. And so this resonates a lot with me and what we're talking to students about, about creating environments where students can show up and not have to change who they are to be in their educational environment. Because when students' cultures are supported by the school, they feel a sense of belonging, which is important in learning. We're not just brains

that open books and read and then learn. We're social beings, so we interact with each other, and when we feel encouraged, then we're much able, able to learn a lot better. And what I'm talking with students about in terms of higher education environments is finding ways to affirm students' cultural identities, which include their languages, includes the foods that they eat, it includes the clothes that they wear, and the ways that people interact with each other. And so the idea of the graduation ceremony and the regalia is about the celebration, right? And that's a cultural piece. And so I think it makes a lot of sense that if we want our institutions to be supporting our students and encouraging them that we would pass this bill and there's a visual piece to culture, right? We have artifacts, we have symbols about what's important to us. And so as the speakers before me have talked about, it fits in a lot with what we talk about in the classroom and with the literature about creating that visual affirmation for not only the students graduating, but their families and other folks who had happened to see the graduation ceremonies. Thank you.

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

MURMAN: Thank you for testifying. You made me think a little more when you said, you know, assimilating in the culture makes you or keeping your own identity while, while assimilating into culture is helpful for being encouraged in those kinds of things. So I do agree with what we're trying to do here, but I'm kind of wondering where, where do you draw the line? I mean, say, Native American would want to wear, not wear the cap and gown and just wear, not-- I shouldn't say just, but where the whole outfit. I mean, where, where would you say the line should be drawn? Do wear the cap and gown and then include the symbols of your culture or go, go all in and, and wear the complete clothing?

STEPHANIE BONDI: From my standpoint, as someone who studies institutions, typically the institutions have their own policies about what's expected. And what I've heard here today is that, that schools would be able to set some guidelines about wearing regalia and that the cultural artifacts would be in addition to that, so students would still be required to follow school guidelines and typically schools have procedures then if students break the rules.

MURMAN: So, so wear a little bit of both. In other words, wear the cap and gown and then-- and be allowed to include symbols of the indigenous culture.

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STEPHANIE BONDI: I think that's what's being proposed and, and I think that would work.

MURMAN: Thank you very much.

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

TANYA ENCALADA CRUZ: My name is Tanya Encalada Cruz, T-a-n-y-a E-n-c-a-l-a-d-a C-r-u-z, and I don't have a whole lot to say, just I hope that you pass this, and I just think it's kind of ridiculous that people have to-- like, descendants of genocide have to come here and beg-- like, to ask permission for what they can wear.

WALZ: All right. Thank you.

TANYA ENCALADA CRUZ: That's all. Any questions?

WALZ: I see none. Thanks for coming today. Appreciate it. Any other proponents?

COLETTE YELLOW ROBE: Good afternoon.

WALZ: Good afternoon.

COLETTE YELLOW ROBE: Once again, Senators, I've hit that age. [INAUDIBLE]. Greetings, everybody. My name is Dr. Colette Yellow Robe. I am an enrolled citizen of the northern Cheyenne tribe, and I was fortunate and blessed to grow up on the Winnebago Indian Reservation in Nebraska, of which I'm very proud. I want to start with a couple of stories, you probably have figured out by now, my people are storytellers.

WALZ: Oh, excuse me, can you spell your name? I'm so sorry.

COLETTE YELLOW ROBE: Oh, yes, absolutely. I'm very proud to, C-o-l-e-t-t-e, and last name is Y-e-l-l-o-w R-o-b-e. Thank you. OK. So there's been a lot of talk about, you know, we have to give a lot of room for different perspectives, and my family has a very unique history. My grandfather, his Caucasian name was Charles Davis [PHONETIC] Yellow Robe. Later, had to change it to Bailey [PHONETIC] by force from a mandate. And he got to go to Carlisle Indian boarding school, so he was shipped from southeastern Montana out to Pennsylvania. That's quite a trip for a young indigenous person in his adolescence. I share that with you because he really stayed firm in keeping who he was as a Northern Cheyenne man. His Cheyenne name was

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[INAUDIBLE] or Red-headed Woodpecker. It's a very nice name. Appreciate that name. And so he kept passing down in my family that you don't forget who you are. My mother even had to attend boarding schools. She had OK situations. But to be frank with each of you, it's a subject that I don't broach often because she will cry. She will weep and I afford her that space and that privacy until she is ready to come forth if she does with those things. Both my mother and my grandfather were language art. My mother is a language keeper, and that is something that stopped with my generation because of assimilation and forced boarding school situations. So I'm the child in the family who's very-- well, I'm working on it, was very upset about that because I didn't get to learn our language and learning a different language as an adult is very hard. My dear colleague, Dr. Dance, just demonstrated for you that it takes a lot of work. So I share that with you because one simple thing to remember about my family and many indigenous families, we stayed who we are and we're going to stay who we are. We're very proud of who we are. And as a result, I grew up on a-- in a school a little different. My culture was affirmed. I grew up in a 98 percent Native American school district, so I felt validated every day. And I often have thought about what that would have been like had I been raised off reservation and as a mother to two multiracial sons, I have slight guilt, am I doing them a slight disservice by raising them in an urban school district? But I keep reinforcing to them, our culture is not bad. It's living and it's alive. So I want to really thank, of course, Senator Brewer and I hope he feels better. And of course, all of you here today who are even hearing from us, that's great because it, it validates us in today's times, and that means a lot. I was the first Northern Cheyenne. Hear what I'm saying to you right now because I'm about to ask you for help. I was the first Northern Cheyenne to ever graduate from my college with a PhD at the University of Nebraska-Lincoln in the mid-2000s. I want you to hear that, the first. That was a road for me to walk, but it's not about me. I'm not trying to talk about that, I'm trying to talk about we need more, more Native students who are feeling validated and affirm to graduate from the flagship. Very proud of my flagship, my institution. So why do I share that with you? Because I need your help. I need you to pass this bill and rally your colleagues and friends so that we can make a difference and a big impact on the lives of our Native American children and ultimately all children, especially if we are moving towards multiracial families, which I think are beautiful and we should be open to that. Thank you. [INAUDIBLE], where I grew up. Appreciate your time. Thank you.

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

PANSING BROOKS: Thank you so much for being here, Dr. Yellow Robe. I, I just want to-- if, if you could explain just to make sure people understand it's not just-- I mean, it's not just a little symbolic thing. The wearing of a feather or something like that is, is more than some people might think in their mind. Oh, well, it's just a feather. How's that going to help them do better through school and everything like that? Could you explain that a little bit?

COLETTE YELLOW ROBE: Yeah, it's definitely-- it's sacred. First of all, it's a sacred and it's a huge honor, so you have to accomplish a very, very tremendous deed. I was able to wear a plume at the university for my master's degree, so it was, it was an addition to my Mortar Board at the time. And with my PhD, I was in full regalia and I was fully supported in that. So it's a very-- for me, it's an and both. So that's what's positive about this. And I think what's positive about this bill moving forward because it's acknowledging that and not trivializing our culture or anyone's culture.

PANSING BROOKS: So I think that part of it, too, becomes being able to-- as more students see this happening, more people being able to discuss and talk about the value. Don't you think?

COLETTE YELLOW ROBE: Yes. And I believe we will share different parts of our cultures. Like, I have an amazing family history on my father's side, amazing, which I hope to go to, you know, go visit those places one day after the pandemic. So I think it would facilitate a lot of dialogue interculturally. Does that make sense?

PANSING BROOKS: Yes.

COLETTE YELLOW ROBE: Yeah.

PANSING BROOKS: Thank you very much.

COLETTE YELLOW ROBE: Well, thank you.

WALZ: Any other questions from the committee? Thank you so much for coming.

COLETTE YELLOW ROBE: OK, super. Thank you.

WALZ: Any other proponents?

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JEFF MOHR: Thank you to all of you, all the senators here on the committee for giving me a chance to speak on this issue very briefly and any apologies to any non-- to any Native people who I might be going before, I was attempting to be last. So I hope that's what's happening. My name is Jeff Mohr, J-e-f-f, last name spelled M-o-h-r, and I'm here representing myself as a private citizen. But to give you some context, I do serve on the board of directors of the Indian Center here in Lincoln. Also of the Omaha Tribal Historical Research Project upon the Omaha Reservation. I've been a teammate's mentor to a Native middle schooler in the past, and I'm currently a professor of social work at Nebraska Wesleyan University. Again, not representing anyone but me today. I consider myself a settler on Native land. It has been my great honor and privilege to get to know many indigenous peoples, and I cherish those friendships and I sit here today, hopefully representing myself as a friend through the associations I've mentioned above. One thing I'm not is a Native wannabe. Quite frankly, I don't have what it takes. Every Native person I've ever met to a person has been patient, spiritual, humble, respectful and, yes, even the funniest and most humorous people I've ever met. Despite the fact of the history that they've had to endure, which many other people have already spoke up about today, including forced relocations, genocidal acts, colonization and the resulting historical trauma, attempts to strip language, land, culture, and traditions. This bill and people have referenced it as small and maybe that's not the right word. It may be small, but I think it's important for recognition for youth to be able to maintain connection with their culture and traditions. And it's one small way for those of us who are non-Native to say, we respect your culture, we respect your traditions, and we respect the sacrifices that your ancestors have made. It also offers an opportunity to educate for students in the school system to educate each other through conversations, promotion of cultural understanding, and dissmelling-- dispelling the history of a lot of harmful stereotypes and myths. I appreciate your listening today and thank you for letting me testify.

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

JEFF MOHR: Thanks.

WALZ: Any other proponents? Any opponents? Anybody who would like to speak in the neutral? We did have four proponent position comments for the hearing record from Monica Meier, Larry Bolinger, Krysty Becker, and Aubrey Mancuso. And I'm going to-- you're going to waive the closing or-- oh--

TONY BAKER: I would--

_____ : Am I allowed to say anything else?

WALZ: Is she allowed to say something else? I don't think so. Sorry.

TONY BAKER: I would add, Senator Walz, that it's Senator Brewer's sincere hope that--

NICOLE BARRETT: He should go up to the mike so transcribed for the record.

TONY BAKER: Yeah, I'm sorry. I will not close, but I will add that Senator Brewer sincerely hopes this could be a consent calendar bill hearing no opposition testimony.

WALZ: Thank you.

TONY BAKER: Thank you.

WALZ: Thank you. All right, that concludes our hearing on LB872, and we will open up on LB868 with Senator Morfeld.

MORFELD: Good afternoon, Chairwoman Walz, members of the Education Committee. For the record, my name is Adam Morfeld. That's A-d-a-m M-o-r-f as in Frank -e-l-d, representing the Fighting 46th Legislative District, here today to introduce LB868. LB868 was brought to me by First Five Nebraska in response to the School Readiness Tax Credit Act that passed in 2016 and provides a refundable tax credit for eligible childcare providers. We have found that many providers didn't qualify for the tax credit because of the burdensome rules surrounding their eligibility. LB868 attempts to remedy that by providing more flexibility in basic education requirements. First Five has worked with the Department of Education on the language, and I have a letter of support from them today as well that a page can hand out here. LB868 would allow NDE to consider college course-- thank you-- coursework in addition to completed degrees and credentials when determining eligibility for the refundable tax credit. I'll just note that basically this is to make it so that if you don't finish your degree but you have an eligible amount of coursework done, it can be considered as eligible to be able to claim this tax credit. So because as we know, there are some folks life happens or they're slowly getting their degree or education, and they might have a lot of early childhood development education courses that they've taken, but they may have not actually completed their degree yet. So we're trying to make that eligible and open up the eligibility for this as well. There

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are some people here today that I will testify and can answer any in-depth questions that you may have. I urge your favorable consideration of LB868, and I'm happy to answer any questions that you may have.

WALZ: Thank you, Senator Morfeld. Any questions from the committee? I, I just have a quick question. Does-- so the tax credit is a way to reimburse for expenses, tuition expenses?

MORFELD: Yeah, so-- and actually in the letter, it explains it really well, the second paragraph from the NDE, "The School Readiness Tax Credit was designed to provide a monetary incentive to early childhood educators in programs participating in Step Up to Quality to continue their education, participate in training, and continue in the field."

WALZ: All right, thanks. Thank you.

MORFELD: So it can, it can be used to cover that.

WALZ: Sure. All right. Any other questions? Thank you.

MORFELD: Thank you.

WALZ: First proponent.

EMILY KOOPMANN: Hi. I'm going to move quick because I got to go get my child from school. OK. Hi, my name is Emily Koopmann. Name is E-m-i-l-y K-o-o-p-m-a-n-n, and I'm the executive director at the Belmont Community Center. The Belmont Community Center is here in northwest Lincoln and it has three focus areas and we do facility use for our community. We have year-round, school-age programming, and we have year-round, full-day and half-day preschool classroom. I have been with the Community Center since August of 2020 and have been working in the space of out-of-school learning for ten years. Coming on board at the Community Center, I had not worked directly within the field of early childhood. But since August of 2020, the Community Center has expanded its preschool program, enrolled in Step Up to Quality, and continue to provide professional development opportunities to all staff in the areas of early learning. My educational background includes holding a bachelor's in business administration and a master's in intercultural and urban studies, along with ten years experience working with youth since joining the Center in 2020. Since joining the Center in 2020, I have taken over 38 hours of NDE-approved training, 34 of which were specifically focused in the area of early childhood, including hours required in the process of Step Up to Quality. Under the current legislation, I will

never qualify for the early childhood tax credit because my original bachelor's and master's are not counted as acceptable substitutes. I do not qualify despite meeting the professional learning requirements in Step Up to Quality and despite earning the minimum 12 hours of NDE-approved training per year under the requirements of being a licensed childcare facility in the state of Nebraska. I will close by saying that when I entered UNL in 2008 to start my college journey, I never imagined my current career trajectory. To be honest, my goal was to get my degree in business, make as much money as possible, and to get as far away from my rural hometown and state of Nebraska as soon as possible. But I pivoted. I dialed into my values and my strengths, and I'm now using my degrees in business and urban studies to support my northwest Lincoln community, both of which are helping me to do the job I've been asked to do at the Belmont Community Center. As I've told my story today, I ask that you work towards this bill and change the legislation, change the legislation for this early childhood tax credit to be more inclusive to those of us who have redirected the use of our degrees and continue to grow and learn in the space of early childhood and on behalf of the communities and our state. Thank you.

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

LINEHAN: Thank you, Chairwoman Walz. Did I understand you correctly, you have a bachelor's degree?

EMILY KOOPMANN: Yeah, I have a bachelor's in business. And so when I read the current qualifications, business is not included in that, either is my master's in intercultural and urban studies.

LINEHAN: So you have to have specifically an early childhood?

EMILY KOOPMANN: Well, there's some other ones. Nursing counts.

LINEHAN: OK.

EMILY KOOPMANN: Nursing and psychology counts, but not business and not--

LINEHAN: And I think I know how this works, but just-- well, maybe there's somebody else who will. But the tax credit goes to the employee, right?

EMILY KOOPMANN: Yes.

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LINEHAN: So it's a-- and it's refundable. So if you don't-- let's say the credit is \$1,500, but you don't owe \$1,500, you still get \$1,500. Right?

EMILY KOOPMANN: Yeah, I'm going to defer to First Five for that.

LINEHAN: OK.

EMILY KOOPMANN: Thanks.

LINEHAN: OK, thank you.

WALZ: Any other questions? Seeing none, you can go pick up.

EMILY KOOPMANN: OK, thank you. Thank you.

WALZ: Thanks.

KATIE BASS: Good afternoon, Chairperson Walz and members of the Education Committee. My name is Dr. Katie Bass, K-a-t-i-e B-a-s-s, and I am the data and policy research advisor for First Five Nebraska. First Five Nebraska is a statewide public policy organization focused on supporting policies that provide quality early care and learning experiences for young children in Nebraska. I am here today to testify in support of LB868, and I want to thank Senator Morfeld for introducing this legislation. Since 2017, Nebraska childcare employees and providers have been eligible for the School Readiness Tax Credit program. This program provides a nonrefundable tax credit for eligible childcare providers and a refundable tax credit for eligible childcare employees. This program expires this year, and as part of our efforts to reauthorize the legislation, we conducted a series of focus groups to learn how to improve and how to increase the access to the tax credit. The biggest problem we found was that a majority of childcare employees were not eligible for the refundable tax credit because they did not meet the minimum education requirements. Statute currently states that they must have a Child Development Associate, or CDA, certificate or a one-year certificate or diploma in early childhood or child development. LB868 broadens the language to include a CDA or an equivalent in educational attainment so more childcare employees can be eligible for the program. Although this is a small change, we know it will significantly benefit Nebraska's childcare industry. Thank you again for allowing me to testify in support of this legislation, and I am happy to answer any questions that you may have at this time.

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

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LINEHAN: Thank you, Chairman Walz. Can you explain to the committee how the one for the providers-- let me see how you have it here, eligible childcare providers is nonrefundable. How does that work?

KATIE BASS: Yes, so there are two different versions of the tax credit. One of them is for providers or programs, and it is a nonrefundable tax credit, and it's based off of a calculation that is dependent on a couple of things. The first is your rating system within the quality rating and improvement system of Step Up to Quality. So you would have to be at a step three, a step four, or a step five, and then you receive a nonrefundable tax credit that's equivalent to a dollar amount per child on the childcare subsidy that you serve on average over the year. So I think for, if you're at a step three, it's \$250 per child on the subsidy for the average of the year at each month that you would serve. So if you served four children, it would be \$1,000. Does that make sense?

LINEHAN: So could-- not that I think this would happen, it would depend on how much. But could they erase 100 percent of their income tax owed with this? Is there any limit?

KATIE BASS: I don't believe there's a limit.

LINEHAN: And then for the employee,--

KATIE BASS: Um-hum.

LINEHAN: --how does that work?

KATIE BASS: Sure. So for the employee, it is a, a refundable tax credit and it is based on their education requirements, their experience, so how long they've worked in the field, and then their training. So it's a point system that's set up that's managed through the Nebraska Department of Education, and you get a certain number of points for where you fall on each of those three requirements. Those are then added together. And if you're at the first level, right, and then the amount increases per level. So I believe last year's tax credit, the maximum was just under \$1,600 if you had the top, but it could range anywhere from just over \$500 to around \$1,600.

LINEHAN: And that would be even if you owed no income taxes, it would-- you would get \$1,600?

KATIE BASS: Yes, that's a refundable. Yes.

LINEHAN: OK. Thank you very much. That's helpful.

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WALZ: Any other questions? I don't see any. Thank you.

KATIE BASS: Thank you.

WALZ: Next proponent. Any opponents?

GWEN EASTER: My name is Gwen Easter, G-w-e-n E-a-s-t-e-r. I'm the founder of Safe Haven Community Center and Safe Haven Early Childhood Preschool Education Academy. I've been in business for 23 years. I'm appointed to Governor Ricketts' Early Childhood Interagency Coordinating Council and to the African American Commission. And I'm not here on behalf of them. I'm asking, along with other providers, for the Legislature to reexamine how the situation has been handled. When the first policies and bills were passed in 2014 with the Nebraska Department of Education, the Step Up to Quality act, which allowed the school system basically to be the hub of early childhood education and over our, our daycare businesses. They should have never been allowed to have a say over our private in-home family center businesses because they are our competitors. This is an unfair system discriminating against private, independent licensed childcare providers' workforce, and it creates a monopoly in north Omaha and across Nebraska. The Workforce Commission has designed-- the Workforce Commission Nebraska of First Five, Nebraska Department of Education has designed a rating-- Step Up to Quality has designed a ratings process that benefits their programs only. But the legislation needs to understand that there are two separate childcare workforces, those under their collaboratives and their early learning centers and Head Start and all other independent licensed private childcare businesses. None of these collaboratives nor their coaches or-- are in a position to act as experts of quality in communities they do not serve. Allowing the Department of Education to con-- Education control over independent childcare businesses, business owners' training portfolio is a conflict of interest and, and hurting Nebraska business-- our businesses. They have systematically shut out private trainers, including monopolizing the, the trainings, reducing opportunities to obtain quality training in direct conflict with 79-1101 through 79-1104.05. This program should take into account independent childcare professionals and childcare business owners' experience, who have been in the business for years and have acquired more skills than are being required by a professional Child Development Associate, CDA, of 120 hours. The School Readiness Tax Credit should also allow independent licensed childcare professionals who have been in the business for longer than the 120 hours required for a CDA to qualify for the tax credit in Nebraska. The way the childcare block grant funds was designed was to support the childcare workforce already

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established instead of monopolizing the professional development available for our private childcare businesses. They are attempting to change the DHS [SIC] regulations and, and are using the Step Up to Quality to require a CD Level 1. I personally have, have been in the childcare industry since I was 16 years old. We all have followed the 12:00 hours that has been required by DHS [SIC] and we have gone above and beyond taking other trainings and courses to, to better serve our children and our families in our communities. The state of Nebraska should consider the years of service, service by each licensed private childcare provider or director or staff, as the state stated in the childcare regulations for director and teacher qualifications. Furthermore, daycares in north Omaha have, have been telling me that they are being told that their teachers have to have two years experience versus what DHS [SIC] regulation says nine months. Childcare business owners are tired of the Department of Education and these public and private partnerships First Five dictating what is relevant, quality, or good for our businesses. Family and children, all licensed private childcare businesses are unique, educate children, and follow the rules of DHS [SIC]. We should be allowed to decide what educational professional development is best for our businesses and children we serve. Private childcare businesses do not want to be used by the Department of Education to obtain funding or for their businesses while pretending, pretending it is all about helping the private licensed childcare businesses when it is all about helping their workforce and their early learning centers and Head Start and over, like I said, over 200 predominantly black childcare businesses in north Omaha has been pushed out of business. We do not want to be under the, the Department of Education for educational trainings for any reasons. They are our competitors. What other private businesses do you know are regulated by, by, by their competitors? And we are tired, we're tired of the monopoly.

WALZ: Can I see if we have any questions?

GWEN EASTER: Yes.

WALZ: Thank you very much. Any questions from the committee? I do have a question. This list of training requirements, is that the list that I asked you for?

GWEN EASTER: No, no, no. I'm, I'm putting together a list. You asked me about my trainings and what I have done. These are some of my trainings, but because I left off some other ones that I want to give to you, I'm going to give them to you. But what that is, is that these trainings are trainings that, that once they had got the, got the

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rules changed, these were trainings that they asked us to take. The business management, childcare management, they didn't come into our daycares and ask us, have you ever taken business courses? Like, I took business courses back in 2000 when I started my business.

WALZ: OK. I just had another question. I can, I, I can, I can get through this.

GWEN EASTER: OK.

WALZ: I just had another question then. So this is the Department of Health and Human Services training requirements to be--

GWEN EASTER: They put under--

WALZ: --to be licensed?

GWEN EASTER: Yeah, they put under, they, they put this under the Nebraska Department of Education Early Childhood Training Center. But we've been taking these kind of-- the, the, the early learning guidelines books, we've been getting those since 2004. Childcare businesses have used those books for years.

WALZ: OK. I just wanted to clarify.

GWEN EASTER: So they're not doing nothing different. They just use that to, to make it look to appear like they're doing something to help us. We've been getting trainings. We've been doing trainings. You know?

WALZ: And you're going to give me that list of trainings?

GWEN EASTER: And I'm going to give you a list of my trainings that I took and above and beyond.

WALZ: OK, that's all I needed to know.

GWEN EASTER: Oh, yes.

WALZ: Any other questions? Terrell-- Senator McKinney, sorry.

McKINNEY: Thank you, Miss Easter. I had a question. What do you, what do you think is wrong with the rating system with Step Up to Quality? What are-- what's wrong with the rating system?

GWEN EASTER: For one, they, they have long-standing childcare businesses like myself and others rated as one and two. When a parent

goes to look at that and they're talking about quality, what do you think they're going to rate our business as? Like, we're not quality. You know, we've been getting downplayed. I have worked long and hard for my business. I've gone above and beyond to provide services to our parents and to my kids. You know, I mean, it's, it's the same, same thing. If you're a senator and I came and said to you, you know, you're not, you're not experienced, you don't have quality and you've been serving in this Legislature for how long? Eight years. Well, what-- how would you feel about that? This is an unfair system and it needs to change. It's not right what is going on in our community. They're monopolizing our businesses where they're driving kids to their centers. My, my, my organization again been providing trainings and conferences before this ever came about. Senator Sue Crawford, who used to come to my center. For years, came to my center. She wrote a letter to, to the Nebraska Department of Education, and she told them how long I've been serving my community. They still will not put me on the automatic approval list. And then there's other people that, that daycare providers who, who are trainers, too. They keep downplaying them. They want to have control over our business. And this is not right. You-- this needs to change. The laws need to go back and change, we're under DHS [SIC], that's where we belong. They are our competitors. And at what point do we, we keep on putting up with this? I'm having to come up here. I'm, I'm trying to already figure out how to get children in my daycare because they keep, you know, monopolizing the area. They're using organizations telling them, you know, don't, don't choose-- tell your parents not the choose daycares if they're not under Step Up to Quality. They're monopolizing, they're monopolizing the websites because they're over these websites. This is not right. I mean, what point do we have to do-- do we need to file some kind of lawsuit? Do we need to do something because this is not fair to a private childcare business? No other business is having to, to compete with their competitors and have them have say. I'm tired of First Five Nebraska. I'm tired of the Buffett Early Childhood Institute. These people care nothing about our children and they care nothing about our businesses.

WALZ: Let me see if we have any other questions. Any other questions?

GWEN EASTER: And I really want something done about it, and I'm tired. Like, I said, I work hard to put-- and I use professionals just like they do when it comes to their conferences, just like the Buffett Institute, and any other one. And I've been a long-standing organization, and I want some respect just like everybody else. There are organizations who, who just started in this, in, in this, in, in this field. I've been here 23 years. Where were they when I was

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working my butt off trying to help my, my families and my community? Nowhere to be found because the school system continue to fail our children when it comes to reading, all, all areas: math, science. They need to focus on, on that. Focus on helping those children that's already there, and stay out of the childcare industry business.

WALZ: Thank you. Thank you.

GWEN EASTER: I'll keep coming back until-- I'll keep coming back.

WALZ: Any other, any other opponents?

GWEN EASTER: Thank you.

WALZ: Anybody in the neutral? Let's see if I can find my-- we had three position comments for the hearing record: two proponents, Theresa Dodd and Colby Coash; and one opponent, Kimberly Ricker.

MORFELD: Thank you, members of the committee. Happy to answer any questions that you may have. One of the things that this legislation does is make it more accessible from folks with different training, different educational backgrounds. And that's the intent of the bill. I'd be happy to answer any questions.

WALZ: Questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairman Walz. Chairwoman, I'm sorry. So we're going to pass this and we're going to say the Department of Ed makes up the rules because we're not skewing rules, right, we're just saying they can broaden it?

MORFELD: Yes, because they, they determine which areas and fields apply to this, and, and this would make it so that it would be broader.

LINEHAN: So in empathy with the opponent's testimony, could we just somehow ask the department to maybe take under consideration 20 years of experience?

MORFELD: Certainly, we could. I don't know if this legislation would remedy that.

LINEHAN: OK. Well, I guess that's my question. Are we going to, are we going to do this and try and, like, broaden it ourselves? Your point, your-- it's your legislation. Are we just going to say, well, we need

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to broaden it and send it over to the Department of Ed and let them do it?

MORFELD: Yeah, I mean, we could provide more, more detail and more guidance, and I can talk to Department of Education. We can make it broad in the sense that as, as an equivalent in educational attainment. Now, somebody at the Department of Ed could look at that and go, well, they don't have a two-year degree, but like Miss Koopmann, they have basically two years of education. It just doesn't qualify as a degree. And maybe that qualifies. Or they could go, hey, listen, there's some independent training options that people took. They could look at those training options and say that qualifies even though it wasn't at a accredited institution.

LINEHAN: We can--

WALZ: Sure.

LINEHAN: --we'll talk about this when we--

MORFELD: Yeah, I'm happy to look--

LINEHAN: Thank you.

MORFELD: The long story short, I'm happy to look at a, a broader or more narrow interpretation of this and work with the Department of Ed and address some of the concerns. Really, to be honest with you, the reason why I brought this legislation was to really address some of the concerns that the opponent just brought up in that this is too narrow, currently, and it's not broad enough to encompass all kinds of experience that a lot of people have that might not be the traditional two- or four-year degree.

LINEHAN: Thank you very much.

MORFELD: Yep.

WALZ: Any other questions? Thank you, Senator Morfeld.

MORFELD: Thank you.

WALZ: That ends our hearing on LB868, and our hearings for the day.