

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 8, 2022

WALZ: We'll go ahead and get started. It's 1:30. Welcome to the Education Committee public hearing. My name is Lynne Walz, and I represent Legislative District 15. I also 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 proceedings, I ask that you abide by the following procedures. Please turn off or silence your cell phones or other electronic devices. The order of the testimony is introducer, proponents, opponents, neutral, and closing remarks. If you are testifying, please complete the green testifier sheet and hand it to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute before you begin testifying. We need ten copies for all committee members and staff. If you need additional copies, please ask a page to make those copies for you now. When you begin to testify, state and spell your first and last name for the record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. If you would like your position known but do not wish to testify, please sign the yellow form at the back of the room and it will be included in the official record. If you are not testifying in person and would like to submit written comments 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 a public hearing and must be submitted and verified prior to 12 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 public hearing record will be the only method for submission of official hearing record comments other than testifying in person. Letters and comments submitted, 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 your individual senator. Finally, please be concise. Testimony will be limited to three minutes because I think we're going to have a pretty big day today due to the amount of bills that we're hearing. 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 when you see the red light, that means that it's time for you to stop and we can ask questions. The committee members with us today will introduce themselves beginning at my far right.

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

MORFELD: Adam Morfeld, District 46, central-- north central Lincoln and northeast Lincoln.

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

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

MURMAN: Hello. Senator Dave Murman, District 38, southern part of Nebraska.

WALZ: 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 Aleks Glowik. Please remember that senators may come and go during our hearings as they 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. Please be assured that your presence here today and your testimony are important to us and crucial to our state government. And with that, we'll open on LB1001. Senator Erdman. Welcome.

ERDMAN: Thank you. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent nine counties in the Panhandle of Nebraska. I was amused by Senator Murman saying south-- southern Nebraska. Today, I bring you LB1001. I wanted to be 1000, and I waited to drop it in and I thought I was 1,000 and Patrick said there was a bill laying here we didn't see so LB1001. So give you a little history on, on how I came to this conclusion that this is something important that needed to be introduced. When I was a school board member of a Class 1 school in western Nebraska, we started after Labor Day. And why did we start after Labor Day? Because I was the president and I made the decision we'd start after Labor Day and it worked quite well. When I was in school, we always started after Labor Day. We got out the first part of May and we didn't have 17 or 18 vacation days and in-service days. So one of the issues that has come up over a period of time visiting with not only my children who have kids in public school, what do I do with my children when we have a normal five-day work-- school week and

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we have two days off and then the next week we have Friday off and the next week after that we have Monday off? And so we have to make arrangements for those kids. So once they start school, it's very difficult to have those days off periodically and sporadically. So the bill, LB1001, has cosponsors of Brewer, Clements, Halloran, Lowe, McDonnell, and Senator Pahls. And Senator Pahls is a past principal. I thought that was kind of interesting to see. So I, I dropped the bill in to start school after Labor Day and be out before Memorial Day. We used to do that all the time in years past, and I would say-- I'll ask this question, it's rhetorical. Do you believe that our education system was better in the past when we went to school after Labor Day and got out before Memorial Day than it is now? Think about that. Were our scores better? Was our performance better? Did we compete better? I believe the answer is yes to all of those. So this is the first bill that I've ever had a fiscal note that's zero. So I wanted to bring that to your attention. The bill, the fiscal bill did say, I think it's an important thing to note is it said that this will begin in the school year '23-24. So it'll give us a year to work into this. So what happens in the state of Nebraska is today once school starts, families have made arrangements in the summertime for their school, school-aged children to be watched in whatever program it is that they set up, babysitter or whatever. And once school starts, those provisions go away. And so when you have sporadic days off or you have vacation days, then they have to find someplace to put their children that they hadn't made provisions for during, during the summer because that is gone. It doesn't allow families to do much of a family vacation. I don't know what your school is like, but there are several schools in my district that do not have air conditioning, and the superintendents have said, you know, it's difficult for us to have school when it's 100 degrees outside and it's 80 in the building. And so that's an issue too. But it's a, it's something that we need to deal with. And I think the best way to do that is to start after September 1 or after Labor Day when it's cooler. And there are summer camps that people have to go to. And in the west, I don't know what it's like in the east, but in the western part of the state, we have a lot of county fairs that happen and they keep moving the county fairs up. Our county fair this year, Morrill County, is going to be July 16. And so I had suggested that instead of having the fair July 16, if they weigh their animals in in May, then two days later just have the fair so they never have leave the fairgrounds. It doesn't make any sense. So I think it's an opportunity for us to allow families to have the vacation time they need and also for the teachers to have the time off. There are many public teachers, public school teachers I spoke with like this idea, but there is no way that they're going to write a

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letter or make a recommendation or say that they're in favor of this. And so we have a lot of people that are interested in this. There are superintendents that believe this is the right thing to do, but won't say it. There may be one in this room that feels that way, an ex-superintendent, but it is an issue that we think we deal with, and I think we can deal with it in a way that will be fair to everyone. And so I have looked up several schools' calendars and look to see exactly how many vacation days they have and those kind of things going forward. We have a lot of in-service days for the teachers once school starts. And since we have been doing this, I think it was about '95 when we started, 1995 when we started early, started doing earlier school, our test scores have not improved. In fact, they've, they've probably going the other way. We have 100 public schools that are in need of improvement, 100 public schools, and I contend part of that is we don't have a regiment where we start school and go to school five days a week. And so these kids have interruptions in their learning. And then we have a significant amount of time off at Christmas time. We take a week off in October-- or in November for Thanksgiving. We take a week off in March for spring break. And, and I understand all those people that come behind me will be in the position they were paid to be here. But I'm telling you what, the people that have children in school, as well as the teachers, would appreciate going to school and having school start when it should after Labor Day and getting out before Memorial Day. So as I looked through the calendar of the schools in my district and I was also amused by a school system in Wisconsin, the Alma school district starts, started last, this last year on September 1, and they seem to be able to figure it out. There are a lot of states that do it differently than we do. And, and I believe that we can do the same thing. Bayard Public Schools has numerous days off and they have a, a week off for Thanksgiving and two-- and 11 days of school off for Christmas. If you just took three days off of those, those three days just trim them back, they would-- they normally get out the 18th of May, they could get out the 6th. In my school's out in the west, we dismiss school for wind. We dismiss school when they forecast snow. We don't wait till it snows, we do it the night before when the forecast. And 95 percent of the time, the forecast is wrong and it doesn't snow. I've never heard of dismissing school for wind. When I was in college, I drove a school bus. I lived in the, in the country. Me and another couple of guys, we had no phone, before cell phones, and I asked the bus superintendent, how will I know if I should come to school, come in to drive? He said the 30-30-30 rule, 30 inches of snow, 30 below zero, and 30 miles an hour wind. Guess what? In all the years I drove a school bus, we never canceled one time. But nowadays, and we have more modern equipment to

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move snow to keep track of people in busses, we have radios, we have cell phones, but now we dismiss for wind. So all of these issues that I see with the, with the schedule and I've got Lincoln Public Schools, Grand Island Public Schools, I've got Omaha Public Schools, and I see all of those things that we're doing to give significant time off. And they may say, well, the teachers need it, the teachers need the time off. And so that's why we scheduled that, we have in-service days. And unless some superintendent can come up here and explain to me what an in-service day is, I think perhaps that is an opportunity for the superintendent to realize or prove they have-- they need them, they're needed. But it's an issue that we need to deal with. I didn't spend a lot of time getting people to write letters because I didn't think that they would do it anyway because of the repercussions of what they would write if they found out what school they were from. So I didn't do that. But what I do know is I got several letters from constituents back home, especially in Alliance, Hemingford, and those rural schools. They would, they would appreciate starting after Labor Day. Now the bill is not intended to mess with the academic-- or the extracurricular activities or summer school. That's up to the schools to make that decision. And so we put a lot of emphasis on sports, and I like sports and I drive a long way to watch my grandson play basketball and my granddaughter do gymnastics. I like sports, right? But I want to tell you what, the number of people in this state of Nebraska that went to our public schools that are in the NBA or the NFL or making a living playing sports is very limited. And so we need to put that in its proper perspective. And so I think sports are important, but I don't think we need to set a whole school system or a whole year around sports. And so I would ask that you take a good look at this and you make a commonsense decision to allow people to decide what they do with their summer rather than the school run or life. So with that, I will stop there and listen to the proponents, which I'm sure, I'm sure there will be many and they will have every excuse under the sun. So I'll stop there and try to answer any questions and then come back and try to close it off. Thank you.

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

MURMAN: Thank you, Senator Walz. And thank you for testifying, Senator Erdman-- or for your opening. Is there kind of a statewide academic calendar now that the schools should, should follow, or is it up to the individual school boards or how does that work?

ERDMAN: Yeah, Senator Murman, the, the seven or eight schools that I looked at have different starting dates and different ending dates, so

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I would, I would make an assumption there's not a state mandate on when they start. I think they, I think they require them to attend 100-- have 180 days of instruction. And after that, I think it's up to the school district.

MURMAN: Thank you.

WALZ: Other questions from the committee? I have one question, Senator Erdman. With the proposal that you have, what, what other days that are taken out of the school year in order for you to meet the number of days like you talked about reducing holiday time, and are there other days that you are seeing that would be taken out of that calendar?

ERDMAN: Well, there are-- Senator Walz, there are several vacation days, but there's also a significant number of in-service days.

WALZ: Right.

ERDMAN: And there are other things they do and if, if you want to do an in-service day for the teachers, do that before school starts, you know, I mean, I don't think that it needs to be an interruption in the education of the week to have an in-service day. Do that at the beginning. And, and consequently, maybe it's because we teach to a test and we have to update people how to teach to the test. I don't know. I, I-- we never, we never had any in-service days when I was in school. None. And I had probably been exposed to a gentleman-- I have been exposed to a gentleman that had an eighth grade education, was the best co-op manager I ever seen. And he graduated in 1958. Now I'm not so sure, but I don't think a young person today graduating from our school system in the eighth grade could do what he did, but he was able to do that and they didn't have in-service days and they didn't have time off. But it's time for us to get back to teaching the basics, and, and we're teaching these young people that if you-- when you get out of school, you don't have to work every week, not all week, you don't have to show up at 8:00. So all these people are learning what life is all about from how they're, they're brought up in the education system. Then they go to college and they have three classes on Monday, Tuesday-- Monday, Wednesday and Friday, and two on Thursday-- Tuesday and Thursday. It, it doesn't make any sense that these young people all their life have had no time in their life have ever gone five days in a row for a month, and then we expect them to show up for work. So I, I think there's an issue there that needs to be dealt with.

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WALZ: OK. Thank you, Senator Erdman. Senator McKinney.

McKINNEY: Thank you, Chair Walz. Senator, how will this work with the looming possible teacher shortage that's on the horizon?

ERDMAN: Is your question how would this work with a teacher shortage?

McKINNEY: Yeah.

ERDMAN: I don't think this has anything to do with the teacher shortage.

McKINNEY: No, I know, but I'm saying if, if, if we're not in-- if we don't have those in-service days and we're requiring students to be in school a little, in school a little longer but we have teacher shortages across the state, how would we work around that?

ERDMAN: I'm not sure I understand your question.

McKINNEY: If, if we have a teacher shortage,--

ERDMAN: Yes, and we do.

McKINNEY: --how, how would we be able to adjust as a state if this was implemented?

ERDMAN: I don't think this has anything to do with the teacher shortage. You may find that people may want to be a teacher if they've got all summer off. If they have an opportunity to get out of school on May 10 and not come back until Labor Day or whenever in-service starts a week before school, that's an opportunity for them to do another job or whatever they want to do in the summertime. But with the way our system is set up now, those teachers come back on the 11th day of August. And so when I was in school, a lot of the teachers would paint houses or they would do whatever it was in the summertime. And so if they have to get out, if they got out of school May 18 or 20 and they were back in school August 11, what kind of opportunities does that afford those teachers to do something on the side?

McKINNEY: Because another issue that has come up is that teachers don't have-- they say they don't have enough plan time and they also are covering other teachers' work over their possible plan time or lunch time because of such a shortage. So do you think this would assist with or make it harder on teachers because they'll have limited-- possibly more limited plan time and time to do their planning and be away from the students, which could cause more stress?

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ERDMAN: OK. Well, let me answer it this way. When I was in school, my children were in school. They've been out a few years. They didn't have any paras in each room. It was only the teacher. And at that time, the teacher figured out how to make their plans and how to do all those things and grade all the papers and do all those things the para helps with now. So they have paras to help them. And, and the issue, I think, is not necessarily the planning time. I think some of the issue in our education system, why teachers are quitting, is the lack of discipline in the, in the, in the classroom as well. So I think, I think pay may be one of them, but I don't think pay is at the top of the list. And if, if we want to have good teachers, we need to pay them correspondingly for good teachers. I agree with that. But what we have now is we have an opportunity to have people have the time off they need to restore their-- charge their batteries and come back. But if you get out of school, I think Omaha Public Schools is going to get out the 27th of May and they're going to be back there on the 10th or 11th of August. What kind of a break is that for the teachers or the kids? And so it's an opportunity for us to, to heal up, get a chance to refresh our batteries, and come back ready to go. But I'm, but I'm disappointed that we have teachers leaving the, the system. We need teachers because the greatest influence on your life next to your parents is a teacher. I, I, I can tell you that for sure, I've seen it.

WALZ: All right, any other questions? I see none. Thank you, Senator Erdman.

ERDMAN: Thank you.

WALZ: First proponent? Opponents?

COLBY COASH: Good afternoon, Chairman Walz, members of the Education Committee. Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Nebraska Association of School Boards. We're in opposition of LB1001. Since 1995, the School Board Association has opposed state-mandated uniform opening and closings for local districts. Prefer that decision be left to local school boards and their processes. Our members are strong advocates for that local control, and we wish-- and they wish to remain-- wish to have that ability remain as it relates to opening and closing their districts. And we ask the committee recognize that. That's all I have for you.

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

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DAY: Thank you, Chairwoman Walz. OK, so as I understand it, if districts wished to start after Labor Day and finish before Memorial Day, they could choose to do so. Correct?

COLBY COASH: That is correct, Senator. They, they could do that.

DAY: OK. So that, that schedule is set by the school board?

COLBY COASH: The schedule is always part of the, the normal school board work. So once a year they work with their administration. When are we going to start? When are we going to stop? When are the breaks going to be in those? That's a local decision and it's done out in public. Subject to the Open Meetings Act, public is able to give input in that process.

DAY: OK.

COLBY COASH: Because there is a vote that is taken by the school board on the school calendar for the upcoming year, so they are able to make that decision locally.

DAY: Thank you.

WALZ: Senator Murman.

MURMAN: Thank you for testifying. I've, I've noticed, by the way, on the national level that sometimes school boards don't pay attention to what parents maybe want. So do you know if there's ever been a survey by the school boards or anyone in education about what the parents would prefer on--

COLBY COASH: Sure.

MURMAN: --on the, the schedule?

COLBY COASH: Sure. So as a matter of course, most school districts will solicit input on their school calendar. They use committees of, of parents' groups. They put it out on their agenda. They, they open that up. School boards have been open to that feedback and then-- it's a year-by-year process, so you don't see the same schedule every year. They adjust given the feedback that they're giving the needs of the school and the community. So some districts had these surveys before, and some will use public comment to get feedback. Some will, you know, get, you know, emails and letters similar to what happens to all of you. You know, they'll get one-on-one conversations. They'll show up at school board meetings, let them know what they think, and school

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board takes all that in and then they decide what the schedule will be. And then they go through it the next year.

MURMAN: So at the local level, some school boards or many school boards maybe have done that?

COLBY COASH: Yeah, there's, there's school boards that will use technology to, you know, surveys to solicit that input. Others will do it in different ways. Everybody, every school board does it a little differently, but it's always been open to the public's review.

MURMAN: As a-- on a statewide level, you don't know that it's ever been done recently?

COLBY COASH: No, I mean, from a statewide level, you know, 244 districts are going to have 244 different ideas of when they should start and when they should end. You know, I grew up in the Sandhills, where our school calendar was dictated by calving season, which was very different than the school, than the school calendar my son has living here in Lincoln. That's not a consideration for them. So it's very district specific, and that's, that's what school boards across the state would prefer is to let those districts make those individual decisions.

MURMAN: Thank you.

WALZ: Any other questions? I see none. Thank you. Any other opponents? Anybody that would like to speak in the neutral capacity? Senator Erdman, would you like to close? Oh, I'm sorry, we have a neutral.

MARRIANNE WILLIAMS: I didn't plan on, on testifying on this. I'll get you a green sheet. My name is Marriane Williams, M-a-r-r-i-a-n-n-e W-i-l-l-i-a-m-s, and I am here in opposition to this bill. With all due respect, to how things used to be, schools now have AP courses, honors courses, all sorts of different things teachers have to deal with that did not have to deal in the '50s, '60s, '70s, or even the '80s. Also, all of the time that might be made up by shortening vacations would still be a problem for before school or before school starting after that would add, like, like, two to three weeks of daycare for some families, maybe even state, state-funded daycares. But I just think that every-- we all have our local school boards and we all get to decide for ourselves, we will have different considerations. The Career Academy, for example, that requires third-party involvement-- sorry, I'm really nervous-- that requires third-party involvement and they would have to work out schedules

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with, with the-- those third parties. And, you know, getting kids to sports before they can drive is a really difficulty-- it's a big difficulty when it's not at the end of a school day. So there are a lot of things that me as a parent would be concerned with making this change and think, you know, leave it to local school boards. Thank you.

WALZ: Great. Thank you so much. Let me see if we have any questions for you. Thank you for coming up. Questions from the committee? I don't see any. Thank you so much. Any other opposition? Neutral? Senator Erdman, you're welcome to close.

ERDMAN: Thank you, Senator Walz. No disrespect to the last person, I never heard a word she said, so I'll have to read the transcript, so.

WALZ: Sure.

ERDMAN: The comment was made about school boards, poll their people or check with them to see. I've, I've never heard of that. I don't know of any time in my district any parent was ever asked what they think about the calendar. I know this, that when I served on the school board for 12 years, I would adjust the calendar every year when the superintendent sent it out. And as far as I can tell, he never checked with anybody. He made the calendar himself. And I would try to adjust that calendar to start after Labor Day and be out before Memorial Day. And I know you'll find this hard to believe in 12 years I never got a second. I never got one second to adopt, to adopt a different calendar, so I don't know of any school that starts after Labor Day in the state of Nebraska. He may be right, there are some schools that adjust their calendar for calving or branding. Maybe Harrison is one of those and the school board makes that decision. But I can tell you right now that what will happen is if one school wants to do that and their extracurricular activities don't match up, they won't be competitive with the rest. And so they'll have to start at the same time. So don't let them come here to try to tell you that the school board has the authority and they'll make the decision. Because as far as I can tell, they've never, never, ever polled the people in my district asking them what they wanted to do. And so as we think about education and what happens in our public schools and Senator Linehan and Senator Pansing Brooks spent a lot of time trying to research and discover what third graders do as far as reading. And I think if you'll remember that they said that we have an issue with people to learn to read up to the third grade. And I do believe they said that once you get past third grade, then you read to learn. And so if you haven't learned to read by the time you get the third grade, you're

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not going to do well. And there's a direct correlation for those people in prison and those who can't read. And so this committee has probably heard some of the other comments about the tests that have to be taken by a person who wants to be a teacher. And it's difficult and a lot of people having trouble passing that. And I'm wondering why that is, and I've come to this conclusion is that if we were teaching the basic skills all the way through school when they got to that point in their life they needed to take that comprehensive test at the end, they'd be able to pass it. So instead of looking at softening up or loosening up the requirements on becoming a teacher, maybe we need to look at how they're being taught before they get that far. Because I'm telling you, I think it's important that we have the best people teaching my grandkids. I want those people who have the skills to teach my grandkids. I don't want those people who are teaching my grandkids that we eliminated some test so they can teach them. And so our whole, our whole education system needs a revamping and looked at. And what we're doing sometimes doesn't teach people to be able to compete. And not passing the test to become a teacher is one of those. Not being able to read in third grade is another. That is a problem. And if we had good public schools, we wouldn't have 100 schools that need improvement. And so it's an opportunity for us with this bill to get those people in school when they should be the five days in a row each week so there's consistency there so they learn what life's all about and they can learn what they're supposed to learn. So I would ask you to advance this to the floor and you'll know-- you know who I am and what I've done. If I don't get that this year, guess what? I'll be back. Because you've seen that picture of the stork swallowing the frog, right? And the frog has his hands around the stork's neck. And what does he say? Never, never, never give up. And so I will be back, and we will fix the education system just as we're going to fix our broken tax system. Thank you.

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

ERDMAN: OK.

WALZ: Thank you for coming in today. We had four proponent position comments for public hearing from Ann Warren, Twyla Gallino, Doug Kagan, Scott Jansen. And then one opponent from Gina Frank. And with that, we will close on LB1057-- or no, LB1001 and open on LB1057. Senator Brewer, welcome.

BREWER: Thank you, Chairman Walz and good afternoon fellow senators of the Education Committee. I'm Senator Tom Brewer. For the record, that is T-o-m B-r-e-w-e-r, and I represent 11 counties of the 43rd

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Legislative District of central and western Nebraska. I'm here to introduce LB1057. I'm introducing this bill on behalf of Loup County Schools. They brought this idea to me and I will testify-- and they will testify after me. This bill is very similar to the bills that I brought in 2020 and 2018. I got to tell you that Loup County has become my favorite school. It's my smallest school, but they're also the busiest, and they are fighting and scrapping and doing everything right. And I think if you look at the academics, you'll see why they're my favorite, but they will come after me. Let me give you the bottom line up front on this bill. Right now, the law says that a Class 3 school must have a fall enrollment of 25 students in grades 9 through 12. LB1057 changes this to 45 students in kindergarten through 12th. No senator in this body wants to see a school in their district be forced to close. With that said, we have to acknowledge that we are hemorrhaging population in western Nebraska. Since this law is based on number of students enrolled in a small school, it's no surprise the ongoing decline in population in western Nebraska causes these sorts of problems. I realize some will argue that small schools need to unify or consolidate with a nearby school. This has already happened a number of times around my district. Further consolidation of these schools result in students spending many hours a day on busses. Weather conditions in western Nebraska can often make a school ride in a bus very treacherous. In my part of the state, many days may pass before a bus can pass on some of the roads that haven't been plowed. Families with school-aged children, children have made this point to me many times. Consolidating or unifying is just not a viable option in many cases. I have to believe that we have-- that, that we are using the wrong metric and that I would argue that instead of using a standard like the number of students enrolled that we should use a performance-based standard instead. We should be at least as concerned with how well kids are doing in school, rather than counting the number that are enrolled. Some of the testifiers who will follow me will discuss how well the Class 3 school in Loup County is doing. Now I also want to point out the fact that the 2020 Teacher of the Year, Megan Helberg, is in the room and she's amazing and she'll be coming up to talk to you today, I think. She's kind of committed now. I, I think that our little schools in western Nebraska often far exceed the performance standards of larger schools, but, unfortunately, this arbitrary number may decide their future. I think that the test scores in Loup County Schools speak for themselves and it would be foolish to close a high performance school like this. Let's tweak this enrollment standard a little and save a small school. Also wanted, wanted to go on the record that I would like to look at an interim study that takes a look at the declining enrollment in our Class 3 schools and, and

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possible options that we could use to help address those issues. You know, we, we have a lot of changing paradigms and things that need to be considered when we're closing schools and I believe a comprehensive study might help us to better understand not only the problem but solutions. With that, I'll take any questions.

WALZ: Thanks, Senator Brewer. Questions from the committee?

BREWER: I will stay for close.

WALZ: Thank you. First proponent.

SARAH SORTUM: Hello, my name is Sarah Sortum, S-a-r-a-h S-o-r-t-u-m, and I'm here to testify in favor of LB1057. I am a Loup County resident. I'm a landowner. I'm a parent of two children currently attending Loup County Public Schools, and I serve on the Board of Education. So lots of different hats. The board, our board was encouraged by our Loup County residents to continue to work for positive change on behalf of our school district. I thank Senator Brewer for his constant support of our school and community, he really understands how interconnected schools in small communities are. And along with us, he has witnessed the severe cultural and economic downturn that happens when a small town loses its school. I'm actually really excited to be here today because this bill has the potential for more positive change for us. I'm extremely proud of what's happening in our school right now, and I'm excited. First time in a long time, I'm truly excited about our future. I've testified before this committee regarding changes in the statute twice before, and I'm very positive-- very thankful for those positive changes. These changes show support of our school by not only this committee, but by the legislative body. You've agreed with us that every child in Nebraska deserves an equal opportunity for a quality public education, and it doesn't matter if they're in a high populated area or a rural, not very populated area. Each child deserves that equal opportunity without unnecessary challenges. What I've experienced as a board member over the past years is seeing our district move from just surviving to thriving. We are thriving. It's very challenging to make decisions from a point of fear. Having this statute hanging over our head, it makes it hard to make proper decisions that deal with investments, hiring, planning. But when we can take those barriers off of our secure future, some of that fear goes away and we can make better decisions and we see that come out in student achievement. And at the end of the day, that's who we're here for. That's who we care about are our students. We trust Senator Brewer and his team to put this bill in and word it in a way that's not only good for us, but

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good for all small county schools that face similar problems. So with that, I thank you for listening and happy to take any questions.

WALZ: Thank you. Questions from the committee? I have, I have one. Well, it's pretty apparent that you work closely with Senator Brewer, and that's, that's really good to hear. Can you tell me a little bit about your community?

SARAH SORTUM: Sure. So we're a countywide district. Loup County is 571 square miles. We have a population in that county of right around 600 people. There's one town in the county. That town is Taylor and its population, counting all the chickens, I think, is 190. We have an enrollment at our school of, I think, 72 or 73. And we have a, a preschool in our, in our school building as well. Our town, like every town there, you know, has a lot of history to it. We-- our founders in Taylor put the town where the river was and that happens to be in the southernmost part of the county. So what that does now, it means that some of our students have to travel quite a ways from three different parts of the county to get down to the southern part where our school is located. So that is a big reason when we have talked about what would be best for our students. We really don't feel like busing them farther is a good option, especially for young children. When my kids were in kindergarten, they were getting on the bus at 6:40 in the morning. And even if, I remember even, even if they had 15 minutes more time of sleep, that made a difference for a little kid. So, you know, distance does play a big factor. But I, I will say as a board member now, even though that's still a, a huge factor, I am just-- I'm so excited about what's happening in our school. It's a great school. We have a great staff. When you walk in the door, you just feel this excitement and you can see what's happening with our students. And it's, it's a great feeling. And I-- it is frustrating when you think about losing the school based on where we're physically located, which was not-- that was not in our control, when our kids are doing so great. Our, our school is-- we're doing great things and I just don't think we should be punished for that.

WALZ: All right. Thank you so much. Any other questions? I see none. Thanks for--

SARAH SORTUM: Thank you.

WALZ: --coming today. Next proponent.

KEN SHEETS: My name is Ken Sheets. That's K-e-n S-h-e-e-t-s, and I'm testifying in favor of LB1057. I am the principal for Loup County

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Schools, so I do feel a little bit better after hearing Sarah's testimony. I have 32 years of teaching experience and have served Loup County district for 24 years. The current statute, as it stands, is detrimental to our district. LB1057 will allow the Loup County school district to operate without the constant threat of closure looming over our heads. This threat of closure to a school district that has consistently outperformed area schools larger than us is really hard to understand. I'm here to address certain aspects of my school district. We have great kids, great staff. It took some time and creativity to assemble our staff. We're very fortunate to have been able to hire the teachers that we currently have. We hired five new staff members last summer, which is almost a fourth of our staff. Looking back, I know that finding our new staff members was based a little bit more on luck than skill, nor, nor did it have to do with our students' outstanding academic performance. The 2021 NSCAS scores, and I know it's the Education Committee, but NSCAS is the Nebraska Student-Centered Assessment System, and it shows that in the Loup County students grades three through eight, which are the grades that are assessed, outperform most of the schools within a 60-mile radius of the district. This is including Class C1 schools and we are D2. In reading assessment, we are 14.5 percentage points higher than the state average. In math, we are 20 percentage points higher than state average. Those scores stand on their own to show that the district is viable in providing quality education. The voters in the district over the last five years have overwhelmingly in two separate elections chosen to keep the school open while maintaining the levy lower than the surrounding districts. The original law may have come into being for some very good reasons. I, I do not know those reasons as it happened very long ago, and certainly I'd have to say that it is not relevant today. There are several schools in the state that are similar size and face the same challenges with student enrollment. The difference is that Loup County appears to be the only district that this law affects. It only affects us because we are within 15 miles of another high school. As stated earlier, the law, as written, adversely affects Loup County district. As a principal, I can see firsthand that it makes much harder to recruit and retain qualified staff. When a potential teacher asks about student enrollment, asks me how long they're going to be open, I have to say I don't know. If it were up to our, our voters in the county, we'd be open forever, but I, I can't give them that type of answer. This affects the hiring of all staff, including bus drivers, kitchen, maintenance, and custodial. But people work at a school to become vested in the process of educating students. We task our staff with making connections to our students they see every day, and those bonds become very strong. Most don't

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want to do it if it's only going to be for three or more years. I see that my time is up. But I do want to thank you for your, for your time today and thank Senator Brewer for all his support and thank you for serving the people of Nebraska.

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

LINEHAN: Thank you, Chairwoman Walz. Thank you for being here today. So you have 20 total staff or is that certified staff or--

KEN SHEETS: Twenty certified.

LINEHAN: Certified staff.

KEN SHEETS: Yeah.

LINEHAN: So what's your total staff number?

KEN SHEETS: It's somewhere around 30. I really don't know the exact number.

LINEHAN: OK. All right. Well, thank you and thank you for being there for 24 years. That's pretty impressive.

KEN SHEETS: Thank you.

WALZ: Any other questions? I don't see any. Thanks so much for coming today.

KEN SHEETS: Thank you.

WALZ: Next proponent. Welcome.

MEGAN HELBERG: Hello. My name is Megan Helberg, M-e-g-a-n H-e-l-b-e-r-g. All right, folks, you ready? Taylor tidal wave. Taylor tidal wave. Woo, woo, woo, woo. Do you hear that? You know what that is? That's the sound of a community supporting its school. Sometimes when you're a little nervous, like maybe right now, it helps to remember that you have a whole community behind you and that supports your school. I am the 2020 Nebraska Teacher of the Year. I am also a proud graduate of Loup County Public School. And now get this, I'm a teacher at Loup County Public School. Yes, I willingly chose to return to Loup County to teach because I believe in the school and I believe in the future of this school. This bill will allow us to have a future. Today, I'd like to give you a little glimpse of what it was

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like to attend Loup County and now to teach there. Talk about a full circle moment. Growing up in Loup County was incredible because I had the support of the school and the community. The two truly worked together and needed each other. The school needed the community, the community needed the school. As you've seen from our previous election results, not much has changed. The community supports the school and fully understands the importance of its role in our town. I, along with my classmates, received a top notch education at Loup County. We were taught by dedicated teachers who knew us so well. They knew just exactly how to motivate each and every one of us, even though we were all different. Did you know that the 1995 Teacher of the Year also taught in Loup County? While in high school, I was involved in everything: sports, speech, History Day, FFA, band. You name it, I did it. And I was not unique. Everyone did everything. Was I a great trumpet player? Nope. But I am sure glad I had the opportunity to try it. And now I can have conversations as an adult with others that participated in a variety of activities. Did I medal at the state speech meet? You bet I did. And I use public speaking skills every single day. Isn't that what we want for our students in today's society? We want them to be able to try, participate, be involved. Loup County fosters that, that sort of environment. OK, you're not an all star. That's OK. We need you. This fosters an environment that tells you to go out and try it. If you're not the best, it's OK. You become a well-rounded adult, a well-rounded community member that is able to succeed in society. When I started teaching in Loup County this past fall, I will admit I wondered, is this school viable? It was only a couple of weeks before I realized, yes, this school has a future. This school I believe in. There's still all the dramas, the romances, and everything else. But you know what, it would be easy for the kids to make fun of their small town and their community. But I don't hear that. Instead, I hear a lot of students that have pride in their school and community. So please support LB1057 and allow our, allow our students to continue to have this constant that they've grown up with. Allow the school to continue and help us keep the Taylor tidal wave rolling. Thank you.

WALZ: Thank you. And that, my friends, is why she is teacher of the year. Any questions from the committee? Senator Murman.

MURMAN: Thank you for speaking about how important communities are to teachers and teachers are to-- or schools are to communities and communities are to schools. So about how many students do you have in, in-- it's Loup County, right?

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MEGAN HELBERG: Correct. It's Loup County Public School in Taylor, Nebraska. We have 73 students, I believe, is our current pre-K through 12th grade enrollment.

MURMAN: So that's about four per class, something like that.

MEGAN HELBERG: Yes, and our class sizes vary greatly. You know, just as they do.

MURMAN: So-- excuse me, so, so typically, one teacher will teach two classes, like in K through-- or pre-K through six.

MEGAN HELBERG: Yes. Correct.

MURMAN: OK. Thank you.

MEGAN HELBERG: Yes.

WALZ: Other questions? I don't see any. Thanks so much for being here today. It's good to see you.

MEGAN HELBERG: Yes. Nice to see you. Thank you.

JACK MOLES: Good afternoon, Senator Walz, members of the Education Committee. My name is Jack Moles. That's J-a-c-k M-o-l-e-s. I'm the executive director with Nebraska Rural Community Schools Association, also referred to as NRCSA. On behalf of NRCSA, I wish to testify in support of LB1057 with the idea that more work does need to be done to correct some unintended outcomes of the bill as it currently stands and NRCSA certainly appreciate Senator Brewer's willingness to help our rural schools. I did visit with Nebraska Department of Education and there needs to be some clarity in, in a few pieces in the bill, and I have visited with Senator Brewer's office. I've also visited with Senator Walz's office about that. We need to fix some things because unintended other districts, districts are negatively affected the way it's written right now. And, and we think it might be a pretty easy fix, but we'll be working on that as we move forward. One thing I will tell you is I was a part of the writing of LB1057 so if you want to blame somebody, please blame me. But as I said, I, I do offer to be part of improving the bill as we move forward. And again, I've offered to Senator Brewer's office my, my assistance or my willingness to work on that, so.

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

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PANSING BROOKS: It's a little bit of a disappointment after Miss Helberg.

JACK MOLES: Oh, yeah, absolutely. Yeah, who wants to flip on that one.

PANSING BROOKS: I had a lot of hope for what this was going to turn into, but OK, it's all down hill--

JACK MOLES: I can do a cheer for you.

PANSING BROOKS: --from here, Jack. Thank you for coming today.

JACK MOLES: Thank you.

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

JACK MOLES: Thank you.

WALZ: Other proponents? Any opponents? Anybody who would like to speak, speak in a neutral capacity? Senator Brewer, you're welcome to close.

BREWER: Well, you stole my thunder on Megan, but yes, that's why she's Teacher of the Year. If, if you couldn't get motivated having her as your teacher, then shame on you. So as you can see, what we're asking to do is take a good school and let them continue doing good things. Now, as Jack pointed out, when it was pointed out that there was some verbiage that needed corrected, I was starting to look for heads to lob off, and he actually stepped up and said, hey, it's on me. So we-- I think we can, we can make that small change. We'll have an amendment for the bill. But I would ask that you continue to let Loup County do good things.

WALZ: Thanks, Senator Brewer. Questions? Senator Murman.

MURMAN: Thank you for bringing this bill. I just wanted to kind of finish the thought I had to start with there. I grew up in a school that there was one teacher to two classes, and I think at the end there was even one teacher to three classes before the school closed. But I thought it was an excellent way to teach in K-8 because if you didn't get it the first year that you took it, you were sitting there studying, you know, hopefully studying and listening to the teacher teach the next class and maybe you got it the second time. So I guess I should ask a question. Did you grow up in a school kind of similar to that? I thought it was very beneficial to do that anyway.

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BREWER: I, I did. I, I grew up in a one-room school, so I did the sixth grade six times, but I did pass.

MURMAN: Thank you. It only took me twice.

WALZ: Any other questions from the committee? Senator Brewer, your-- you do see some increase in your numbers so with the, the little smaller ones.

BREWER: Yeah, it's, it's a good point. If you take a look at the 9, 10, 11, 12 and then and shift to the younger grades, the population is coming up. So there's kind of a wave coming that will follow through. And that's another reason why it would be a shame to close them when they're going in the right direction and they've, they've got the population thing to where it's increasing, not decreasing.

WALZ: All right. Good. Thanks so much. Appreciate it. Any other questions? I don't see any. Thanks a lot.

BREWER: Thank you.

WALZ: We did have seven proponent comments for public hearing: Sandra Mann, Greg Brown, Twyla Gallino, Belinda Zulkoski Schroder, Susan McNeil, and J. Deane Meeks. So that closes our hearing on LB1057. Oh, and we also had Sue Switzer. Sorry. And we will open on LB997. Senator Day.

DAY: Good afternoon, Chairwoman Walz and members, distinguished members of the Education Committee. My name is Jen Day. That's J-e-n D-a-y, and I represent Legislative District 49 in Sarpy County. I'm here today to introduce LB997, which would add an autism screening to Nebraska's existing physical and vision screenings that must be done before a child enrolls in kindergarten. As you all know, over the past decade, we've seen an increase in the number of children diagnosed with autism spectrum disorders. Currently, the CDC projects that about 1 in 44 children have been diagnosed with ASD. The impetus for this bill was our interim study in which we discovered that many young children are designated as developmentally delayed when they are actually on the autism spectrum. This stems from a lack of a standardized-- of a universal, standardized screening process, and when the designation of developmental delay becomes no longer valid at age nine, parents are left to scramble to seek a diagnosis. This results in confusion and frustration for parents and for the children missed autism specific services during a crucial period in their development. Identification of autism is the key. Research shows that

early intervention treatment services can significantly improve the child's development and quality of life. Services can include therapy to help the child talk, walk, and interact with others. In high-performing cases, treatment and therapies are necessary to give children a framework to better understand and build on their strengths, as well as the challenges that come with even mild autism spectrum disorders. Fortunately, Nebraska has a very capable medical community, and especially in Omaha and Lincoln, we're seeing autism screening-- screenings worked into visits in the 18- through 30-month window where autism treatments can be extremely effective. However, as I mentioned previously, we have seen that there are still kids that are not receiving the relatively simple screening that can be the first step toward identifying autism. And unfortunately, we're seeing kids being diagnosed late in grade school, high school, or even as adults. These kids have missed out on a period in their life where the services can be most effective and on top of that have also lost years of learning in an environment that may not have maximized their potential. Clearly, we can do more. LB997 uses the same process as Nebraska's existing school entry requirements which require a physical examination or vision screening before the child enrolls in kindergarten or if a child is enrolling from out of state. In this case, an ASD screening would have to be conducted by a physician, a physician assistant, an advanced practice registered nurse, school nurse, school psychiatrist, or other individual trained in the administration of screenings for autism spectrum disorder before the child enrolls in school. Additionally, LB997 provides an opt-out option in the event that a physician or other deems the screening unnecessary. I believe that a condition with a prevalence of 1 in 44 children warrants a universal screen. Additionally, the initial screening for autism is designed to be a quick checklist that can be administered, administered by nearly any adult. Most importantly, our interim study highlighted a very serious issue with how young children are diagnosed and subsequently treated. Because of the simplicity of screening, it cannot diagnose autism alone. That involves a more complex assessment. However, an initial screening is essential in identifying patterns that can suggest the need for the assessment. Screenings include the modified checklist for autism in toddlers known as an M-CHAT for those in the 18- to 30-month range or the Ages and Stages Questionnaire, known as an ASQ, for older, older children. A copy of the ASQ-3 is attached to your fact sheets. As you can see, this is a simple checklist that a parent can complete as opposed to an in-depth medical exam. So accessibility is the goal with these initial screenings. According to the National Institutes of Health, early diagnosis and interventions such as during preschool or before are

more likely to have major positive effects on symptoms and later skills. However, LB997 is meant to be the least possibly intrusive option that provides a backstop for kids who may have fallen through the cracks. Furthermore, people of all ages at all levels of ability can often improve after well-designed interventions. A diagnosis of autism is necessary for children to begin receiving the specialized care necessary to improve their quality of life. Beyond that, children with autism and their parents are entitled to a number of special education benefits in schools, including an IEP. When autism goes undiagnosed, the consequences can be severe. Without necessary treatment and support, undiagnosed children may not gain essential life skills and suffer the consequences of degraded speech, learning skills, and challenging social interactions. Adults who have not received appropriate treatment may have trouble living independently, may be unemployed, and may struggle with relationships. Our goal from the start of LB997 was to make this process as minimally invasive as possible. And as such, I know that there are concerns that LB997 could imply an annual screening. LB997 would only require a screening when children enroll. There has been confusion in the new text of the statute, specifically the 2022 to 2023 and thereafter text in the bill. This text was simply added so that we wouldn't have a school entry requirement go into effect after the year school started. As you can see in the first section of the bill, 72-914(a) [SIC], LB997 would only apply to newly enrolled students or as stated in section (b), which follows, new students coming from out of state. Additionally, the statute we are looking at today has annotations by Nebraska Supreme Court cases in this area showing the statute is about school entry. A copy of this annotation is stapled at the end of the fact sheet. While some might suggest this would be a burden to districts, I would like to remind our committee that we passed a total coverage of ASD services by insurance companies and Medicaid in 2014 under then LB254. This total coverage of autistic services passed 48-0 in 2014. While this is useful in reminding us why there's, why there's a minimal fiscal note, it's important for us to sit here and think about the courage it took to pass that law in 2014. If we change course today, I would ask, what changed? Why did we decide children in 2014 were entitled to insurance coverage, but children in 2022 were not entitled to an IEP at their school? Why are these children not entitled to life-changing services simply because they slipped through the cracks? If it was our son, daughter, niece or nephew, how would we feel about them missing out on the first step towards getting these life-changing services they're already legally entitled to? My ask today is that we view every testimony in the lens of whether this would be an inconvenience a school-- if this would inconvenience a

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school more than it would help the child involved and truly ask how we would feel if they were our children. Insurance companies in 2014 brought fierce opposition to this change then, and we will hear opposition today. But we should keep this change in perspective. It's small compared to the other items we hear each session. We're asking for a paper questionnaire to be done at some point before the child enters school. LB997 is not going to be a revolutionary change. It won't cause special education levels to spike. If we pass this bill, the biggest consequence will be that it, will be that it will alert a limited number of families that they have a child that may need additional help. As a parent, this is what is meaningful to me. As you hear testimony today, I ask you to think of the very real possibility that it would be one of our children or grandchildren. We have the opportunity to improve the quality of lives for a small number of kids per year. Most of the time, it will be done in a routine checkup. But by requiring this, we can be the backstop for some of the kids who would have otherwise fallen through the cracks. I didn't write LB997 to change how we treat autism in this state. I wrote it so that we can ensure that Nebraska is providing children with the appropriate services they need to thrive. And with that, I'm open for questions.

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

PANSING BROOKS: Thank you. Thank you for bringing this bill. And also, I think that the test-- or this little questionnaire is interesting. So how, how do they determine from the questionnaires? Are a certain percentage missed or--

DAY: I'm not sure exactly. I don't know, there might be some testifiers behind me that could answer that question. I think that there's, yes, a certain-- it's kind of like, so what they currently do within the 18- to 30-month window is parents will go in and they'll fill out a questionnaire of, you know, can your child-- is your child, you know, speaking this many words or can they stack blocks and that type of thing?

PANSING BROOKS: OK.

DAY: And then from there, it's assessed whether the child will need an actual assessment for autism.

PANSING BROOKS: And whether an alert was raised then.

DAY: Correct. Yeah.

PANSING BROOKS: OK, thank you.

WALZ: Any other questions? I have a quick question. If, if a child has been already assessed, say in preschool prior to kindergarten, would that count as the assessment?

DAY: Yes. So if a kid is-- if they've already been assessed, then that obviously counts as would be accepted for enrollment. Yes.

WALZ: OK. And there's an opt out?

DAY: Yes.

WALZ: OK.

DAY: So if a physician says, you know, clearly, this child doesn't need this assessment then they could opt out.

WALZ: OK. All right. Great. Any other questions? Senator Sanders.

SANDERS: Thank you, Chair Walz. Thank you, Senator Day, for bringing this forward. So, so this is one of the issues that are misdiagnosed, not caught, and, and is this something we should work with the medical association with?

DAY: Yeah. And so we tried to-- we looked at different options how we would implement this. And again, we wanted to make it the easiest possible option, right? And so we could have tried to change statutes in terms of what was required at certain screenings for physicians, for pediatricians. And we just decided that that was maybe not our place as, as, as senators. But we-- the problem was, I don't know if you remember, we had the interim study where, you know, many children were designated as developmentally delayed. That designation falls off at the age of nine and then parents are left to try to figure out where they can get a diagnosis or if their child needs a diagnosis. And often when children are diagnosed at that age, they have then missed several years of, of autism-specific services. And so we're just trying to prevent that from happening. We know that physicians already do some screenings again in that 18- to 30-month window, but it isn't universally done. And so we just wanted to figure out-- we're trying to figure out a way. And whether this bill is, is the answer for that, I'm not 100 percent sure. I'm willing to work on it moving forward, but I think that we have to do something, especially after we sat in that interim hearing and realized that there is a real big problem.

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SANDERS: Thank you.

DAY: Um-hum.

WALZ: Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. So I don't remember if it was the interim hearing, but help me remember, didn't we have somebody from Millard Public Schools? Doesn't Millard do this automatically?

DAY: Yes, Millard does this already, I believe. And so they're 100 percent on board with everything we're doing here. Yeah.

LINEHAN: But didn't-- I think it was a woman who testified, don't they-- they said that anybody, I mean, anybody with training could do the screening?

DAY: Yes. So the initial screening.

LINEHAN: OK, so if they do the initial screening, then they also have to have a doctor screen? I guess I'm--

DAY: So the screening just would potentially flag that the child needs a further assessment from a physician for--

LINEHAN: And then--

DAY: --autism.

LINEHAN: So it would basically say you have to go get this child tested.

DAY: Correct. Yes.

LINEHAN: OK.

DAY: Whereas, some, some-- without the screening, some children are not getting the assessment done and then missing out on, on those services.

LINEHAN: OK. All right. Thank you very much--

DAY: Yep.

LINEHAN: --for bringing the bill.

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WALZ: Any other questions? I don't see any. Thank you, Senator Day.
First proponent.

SCOTT SHAFER: Hello, my name is Scott Shafer, S-c-o-t-t S-h-a-f-e-r. I'm testifying in support of LB997. I am a parent of an adult male autistic son, Cody. A lot has happened since he was born to get us to this point. But as a new father, when I held my son, I went through all the litany of does he have his fingers? Does he have his toes? Can he see? Can he hear? Check, check, check. It's like, thank God, I have a healthy son. Autism was not on my radar screen. It was something, you know, not to be trite about it, but, you know, rain man. I was like, oh, that's what autistic is. So I have no understanding or comprehension of this could even be a factor in my son's development. So as he grew, he started having a lot of obsessions with trucks, tractors, construction machinery, anything mechanical to a bit of an extreme. But I thought, oh, that's, that's cool. He likes his toys and tractors. I take pictures for him of that, great. So he goes to school, kindergarten, he starts kindergarten, which is where we would have started off with the screening tool, still had no awareness of any problems. Then things started popping up of he had troubles with tying his shoes, fastening his coat, unbuttoning and that fine motor skills, which again, in retrospect, that's one of the signs of possible autism is fine motor skill development. So I was told about that at the school. OK, so what do we do about it? We're going to do some therapy to practice tying shoelaces. Great. Great. No problem. So then this moved on to fourth grade and I get a call or an email from the school saying your son's getting up in the middle of class, walking around, leaving the classroom, just wandering around. I go, that's a bit unusual. Is he doing academically all right? Is he a behavioral problem? No, other than that just fine. So I'm again, like, OK, well, let's roll with it, and that'll be fine. Oh, the yellow light's on already, better speed it up. So things escalate, escalate to the point where I'm getting calls at the school. Your son refuses to play the recorder, get on the phone and tell him to play the recorder, give him some punishment, give him some negative reinforcements. And, and we're going to have a bad track here as to then more and more my son is identified as having a behavioral problem that we just needed to fix it by being-- applying consequences at school and getting him to shape up and get with the program. And more and more of the school is looking at us as, like, lacking as a parent, not doing our job. So then things escalated more and more to the point of where his extreme behaviors started eliciting a designation of behavioral disorder. It's an important distinction. I'd better hurry here. So this leads us to December 2009 in an email to Epworth Village

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and Seward Public Schools. I think that there is something more going on with Cody than simply a lack of motivation or an inadequate implementation of a rewards and punishment system. In bold: There is something else blocking him from doing the work, and we need to find out what that is and fix it. That's say a parent, struggling, still not knowing, knowing something's wrong, but not knowing what. And then finally in 2010, my son was diagnosed by Dr. [INAUDIBLE] as high functioning autism, and things slowly began to change. But to emphasize that point, we spent six years from when he was in kindergarten until that diagnosis. Six wasted years that we could have been doing something. Six years of an increasingly contentious relationship between my family, my son, and the school. It became a very adversarial relationship with the school. And so once that damage was done, not just as parents but with my son, I don't know if that's ever going to be undone at this point. We're trying to catch up ever since. But I always ask myself, what if we would have caught this? What if somebody said, there's this thing that's autism, or maybe your kid has it? Let's check it out, and let's see what we can do. Let's give him the resources and the, and the supports that he needs. Anything that can help us, any parent identify a son or daughter that might possibly be autistic is greatly supported by them.

WALZ: OK. Let's see if we have any questions. Questions from the committee? Senator Pansing Brooks.

PANSING BROOKS: I appreciate your coming in and discussing what is no doubt a painful part of your life as you have battled all this, and I just-- I think it shows how important it is to get kids as much help as they can at, at every point that we can. Instead of determining that these are bad behavior kids, they're our Nebraska kids that we need to help and support however we can. So thank you for coming in today, Mr. Shafer.

SCOTT SHAFER: You're welcome.

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

SCOTT SHAFER: You're welcome.

WALZ: Next proponent.

KATY MENOUSEK: Hello. Oh, excuse me. I'm Dr. Katy Menousek, K-a-t-y M-e-n-o-u-s-e-k, and I'm a licensed psychologist, a board certified behavior analysis, and I work in Pediatric Neurology at Boys Town. I do all autism evaluations as my practice. My training is also in

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school psychology, so I'm familiar with the difference between a verification or an identification and a clinical diagnosis. Oh, I'm sorry, I wrote a bunch of stuff, too. I might kind of go off cuff because I wrote a bunch of-- oops, sorry-- I wrote a bunch of data and research, but it might be better to just kind of go off the cuff based off of the last proponent. Oh, I am in support of this bill as well. Oftentimes, I meet parents that are exhausted. Just like the last story, they have been fighting for their child, sometimes starting as early as one-year-old saying something's not going-- you know, things aren't going right. He isn't talking. He isn't playing with other kids or she. And a lot of times parents are told, oh, he's just a boy, they, they learn slower or their playing is different. Or just to wait, let's just wait and see. And when it comes to autism, the worst word you can say-- I can say to a parent is, let's just wait. Because what I know about autism is that there's a critical period for the brain, for language, for skill acquisition, but then also for disruptive or inappropriate behaviors. When kids don't have communication, they communicate by lashing out or being aggressive or throwing things and then learning takes place that it's hard to take away. And so what I think universal screening could help with is not for those parents that know what autism is. There's a lot of parents that know, they've watched all the shows. They've watched Dateline. They know what these things are. They know what to look for. They've gone the online quizzes and they say my child meets all these criteria. It's the parents that don't go to the well-child visits, the parents that don't go to preschool and don't call school until a month before kindergarten. Those are the parents that I worry for and that I lose sleep at night and where I think this bill could be greatly beneficial to our children that might have autism.

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

KATY MENOUSEK: OK. Thank you.

WALZ: --for coming today. Next proponent. Good afternoon.

WESTIN MILLER: Senator Walz, members of the committee, my name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I've clocked out for the day, so I'm here representing myself. Specifically, I'm here representing myself as an autistic adult who has recently outed himself in order to start engaging with this committee and with the Legislature on some conversations that impact autistic people, but from which our input has been notably absent so far. First, I want to absolutely thank Senator Day for this great bill and for engaging me in this

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conversation. She's identified a critical diagnosis gap. LB997 is awesome. I hope we can figure out how to make that happen. With that being said, with Senator Day's blessing, I'm going to use my few minutes to talk about why this bill still made me a little nervous when I first read it. And again, it's not the bill's fault. Please support this bill. I'm here and I'm nervous because of what very often happens next. The main reason I have kind of outed myself as autistic is so that I can, with some credibility, begin to question and hopefully complicate what I would describe as Nebraska's early diagnosis to applied behavioral analysis pipeline. Applied behavior analysis, ABA, is one of the most common prescribed interventions for autistic kids. Its definitions are pretty vague, but basically ABA uses behaviorism, behavioral science to change behavior. According to the Association of Professional Behavior Analysts, ABA uses scientific principles to improve socially significant behaviors to a meaningful degree. It's the default recommendation for many diagnosing physicians. Huge organizations like Autism Speaks, it's the go-to recommendation. Any autism related Google search is fairly well dominated by pro-ABA companies, websites, parent blogs, things like that. What I need you to know, the whole reason that I'm here today is that before we have any further conversation as a body about autism, I need you to know that there is a very strong perception among autistic adults and teenagers that ABA is actually really bad for us. I want to be super clear that this is not about the intentions of any ABA practitioner. It is about an inherently harmful framework that a lot of us have just taken as a given. It's a framework that I think could be accurately described and is described by many as autistic conversion therapy. Now let me just recognize that it's already the yellow light, that it's an enormous assertion I've just dropped in your lap and I've only got three minutes and I know there's folks in the room who are not going to love what I'm saying. What I'm asking is that you please engage with me and other autistic people about this conversation, that you don't have conversations about caring for autistic people without autistic people in the room. Again, I cannot thank Senator Day enough for being open to this conversation. I am not the most important voice or a definitive voice in this conversation. We've got to include black and brown autistic people, of whom there are many, nonspeaking autistic people, of whom there are many, autistic people with intellectual disabilities, of whom there are many. I'm here because I can be, and so I've decided to just sort of throw myself in the gate and see where it goes. So I have a ton to say. I'm out of time. If you have any questions, I would be thrilled to answer them.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for, for coming, Mr. Miller, and for your-- I think your story is obviously important and will help many young people. When successful, wonderful people can thrive. It gives hope to those who are, who are younger behind them. So you talked about the ABA, applied behavioral--

WESTIN MILLER: Analysis.

PANSING BROOKS: --analysis, yes, as, as a dangerous or inherently harmful framework. So what do you mean by that? And you also talked about it's basically conversion-- autistic conversion therapy. So could you explain that a little bit more?

WESTIN MILLER: Yeah. Thank you very much for that question. Let me pre-apologize that there is not a short or gentle answer to this question, so I promise I'm going to be as efficient as I can. But what we have to do for this to be meaningful is talk about the framework, but then talk about what is being offered as a new framework and why I don't think it's actually sufficient. So I'm going to, I'm going to be as efficient as I can. And let me first just get on the record, even if I were to just concede, like, the deficit approach that we take to autism, which I don't concede it. Even so, we start with--

PANSING BROOKS: What is the deficit approach? I'm sorry.

WESTIN MILLER: Sure. Sorry. So the entire principle, and this is an enormous argument that we couldn't possibly unpack today. So the deficit approach to autism is the one that the DSM takes and the DSM is the DSM. It literally defines autism, ADHD, most conditions as based on deficits, right? So I'm diagnosed as autistic because of deficits in social communication, because of an adherence to certain rigid or repetitive behaviors that are marked as a deficit and insistence or a, a deficit in terms of my resilience to certain sensory input. And that's how it's defined. That's contrasted with what would be called, like, the neurodiversity lens, which is to say, like, deficit compared to what. Like, it's different. Yeah, it comes with challenges, but it's not like-- it kind of challenges the idea that you must be worse in order to be, like, to meet the criteria. That's the deficit. Thanks for asking that. So even if I were to concede that, which clearly I don't, we should just point out that the DSM defines autism spectrum disorder as a neurodevelopmental disorder. But our really only approach to it is behavioral therapy. That's like a red flag just to begin with before we even address the conversation.

Regarding the therapy itself, applied behavioral analysis, and I don't think this part's controversial, maybe it is, but it is just fundamentally about compliance and assimilation. Now we live in a compliance-based society. Not all compliance is bad. Not all assimilation is bad. Compliance-- compliance and assimilation, though, are not health outcomes for autistic people or for anybody else. It's my opinion and the opinion of a lot of autistic adults that ABA inherently devalues autistic people's predispositions, it devalues our consent. I cannot overemphasize the amount of unsolicited, unwanted touching of children that happens in applied behavioral analysis. It does not assume our competence. And as you can imagine, that is not a consequence free train of thought. At best, it creates a slew of new problems as autistic kids grow up like unhealthy relationships with things that we like, an inability to have an opinion on anything trivial or fun; prompt dependency, which is one of the things ABA purports to help with. At worst, and this is what I've distributed to you, is that there's research now suggesting a strong link between long-term ABA and increased PTSD. And anything that encourages autistic masking, which is a fancy term to say trying to get me to act normal, is proven to increase suicidal ideation in autistic people. Now I am a white guy who was raised in a family who could pretty much always pay our bills. I'm more prone to shutdowns and meltdowns. I was hyperlexic as a kid. I don't have an intellectual disability, so I have, I've had like the, the most posh autistic experience possible, right? And yet my entire existence has been characterized by being in a state of pain and stress that I didn't understand. And I've spent my entire life trying to communicate my experience and understand my experience in the world as something other than me being fundamentally flawed, bad, untrustworthy. These beliefs are reinforced not by the people, but by the principles, I believe, that guide applied behavioral analysis. And I tell you that so that you understand how that informs, I think, my defensiveness against what I will call the new framework that's being asserted, which I would characterize as just sort of an out-of-hand dismissal of autistic people's criticisms of ABA. And let me just tell you how this conversation will go because I have not invented these talking points, right? This is me having my experience, but also just learning from a lot of other autistic people. So what happens is an autistic person lays out their concerns with ABA, and then professionals will follow either in your inbox, in a hearing, in a different meeting, and they will very kindly and very compassionately say, I'm so sorry, that was your experience with ABA. I am so sorry that it's your perception of ABA. Let me just assure you we don't do it that way anymore or that's not how our clinic does it. Our clinic is positive and it's evidence based, and that's red flag

number two is that phrase, which might seem weird because if there's a crew that loves evidence, it's us. But that phrase, evidence-based practice in terms of applied behavioral analysis is used to just dismiss our concerns. It implies a really scientific, health-driven model, which in the case of ABA was just deceptive. Now ABA is evidence based, but we have to ask, like, what is the evidence? What can it do? And no doubt ABA can change behavior. It can increase compliance. Those are the goals. It can absolutely do that. Let me please reemphasize those are not health outcomes. Those are not health outcomes. And we're now learning it's actually detrimental to our health. I know I'm talking so long, I'm almost done, I promise, but we have to address the conversation shift that's about to happen, which is I'm trying to start a conversation about ABA is harmful and what's going to be done after this is there's going to be a conversation to say, well, that was the old ABA. But now we do the new ABA and it's good and it's fine, so we don't need to worry about it anymore. I'm here to suggest that's not actually the case. And again, I want to just triple down on the fact that this is not about the intentions of anyone. This is not any practitioner trying to do harm. I don't believe that for a second. But even the kindest, most compassionate behavioral tech, applied behavioral analyst is still doing a couple of things if they're actually doing ABA that I just fundamentally have a problem with. First, they are primarily concerned with changing an autistic person's behavior and therefore the way that they communicate. There is no version of that that doesn't at least a little bit communicate to an autistic kid the way that you are built is wrong. Second, they're devaluing our consent by prioritizing our compliance. And in that case, I don't think it matters if they're using rewards or aversive. That's kind of the contrast, old ABA used aversives. We hit, we used isolation. The Judge Rotenberg Center in Massachusetts still uses electric shock aversives. But the new ABA, we use positive reinforcement. But I don't think that makes it better. In fact, I think that even the new ABA devalues autistic adults intrinsic motivation, which in my opinion implies kind of like a moral untrustworthiness that makes me pretty uncomfortable by just absolutely obsessing over positive rewards as a motivator. In this context, I don't believe there's really a difference between rewards and aversives. They're just looked at from two different angles. And that's what I meant earlier when I said that this therapy creates unhealthy relationships with things that we like because we know from experience, because we're not idiots, that those preferences will be used to manipulate us and manipulate our behavior. And then finally, I'm so sorry, this is no practitioner's fault. But something I failed to mention is that most applied behavioral analysts prescribe or

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suggest 25 to 40 hours a week of applied behavioral analysis. That's a part or full-time job, often for a toddler. I'm not a professional, but I can't imagine anything that a child should be required to do for 40 hours a week in addition to school. And just like figuring out how to be alive, it just feels like a lot. So thank you for the generous question. I'm sorry for all those words. There's a lot of pieces to this. I just cannot concede the, oh, we've changed, so don't worry about it. So I want to try to get all that out there. Thank you for asking.

WALZ: Thank you. Senator Murman.

MURMAN: Thank you. And have you heard of option therapy?

WESTIN MILLER: I'm sorry.

MURMAN: Have you heard of option therapy as it has to do with autism?

WESTIN MILLER: Option therapy, no, I'm not familiar with that.

MURMAN: OK, it sounds a lot like what you're talking about only more of the positive reinforcement--

WESTIN MILLER: Oh, sure.

MURMAN: --type thing, but I, I do have an autistic child. She's on the-- well, as you-- I'm sure you know, there's a broad spectrum--

WESTIN MILLER: Sure.

MURMAN: --of autism, she's on the, the lower scale, but that's the kind of therapy we did with her or, or we did do with her for two or three years when she was really young. But just wondering if you'd heard of that.

WESTIN MILLER: Yeah, I haven't. I had not heard the term option. Obviously, there's a bunch of different therapies available. I mean, lots of parents are using occupational therapy, speech therapy, floor time, that kind of stuff. So I'm still learning, I think, about all the options. I was very late diagnosed. I was, I was literally raised by a parent who studied behavioral psychology, but I did not myself had to do, like, 40 hours a week of ABA or anything. This is me sharing stories of other autistic people. But no, but I'll look that up. Thanks for mentioning that.

MURMAN: Thank you very much.

WESTIN MILLER: Sure.

WALZ: Thank you. Other questions from the committee? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. And really, really appreciate you being here today. So is part of what you're trying to say or am I just hearing this that there's an underlying assumption that there's something wrong with you and it has to be fixed, which in turn means it devalues you?

WESTIN MILLER: Yeah, yeah, thank you for that question, I-- yes, and I, and I got to say one of the most stressful parts about doing this and the reason I was really close to not doing it is, like, I, I can't say it enough times, I know nobody is doing this on purpose. Like, I know that nobody says I'm going to spend my career helping autistic kids because I want to do harm. I know that's not what's happening. And I would imagine there are a lot of behavioral techs who actually provide really good care in spite of what I consider to be a harmful framework. But yes, I mean, I watch, I watch YouTube videos. I'm literally putting myself through behavioral tech training to make sure I know what I'm talking about. And I watch these videos, just these matter-of-fact statements about the deficits of autistic kids, and we've got to make sure we care for them in spite of their autism. We've got to make sure that they figure out how to have jobs and have friends and be OK. And it's all about overcoming what for me is just like a default state of being. And don't get me wrong, it's like not a walk in the park, like my understanding of the whole word disability is it's not that I'm broken, it's that, like, the world was clearly not built with like me in mind in particular, right? Now I get other passes being, like, a white guy. But in terms of my brain, there's just a lot of basic stuff like, well, this clearly wasn't built by me or anyone who thinks like me. And so, yes, when I learned about kids at age five or ten, even some adults do rigorous ABA, and I hear that we're spending 40 hours a week with them as the only point of concern. Now I know that techs care about environmental factors and they care-- that's part of the new ABA, too, is we want to make sure to acknowledge that, like, these kids are in pain, they're not doing this just to be bad, that kind of stuff. But when the only focus of change is, like, my behavior, it kind of, I don't know, I can't find a version that doesn't make me feel just a little crummy. Because-- and this is relevant in other legislation this body hears, what I can tell you for sure is that no autistic kid acts out just to act out. That's like a vile misconception. Now, if kids are acting out, autistic kids can misbehave just like anybody else can misbehave. Don't get me wrong, we're not better or worse than any other kid. But what is not a

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sign of autism is just, like, being mean or being violent or whatever. But what is a sign of autism is like being in a constant state of pain and not really being able to communicate it. So yeah, like when I was a kid, I'd scream and not know why. I'd hit my sister and not know why, but I also grew up--

LINEHAN: Thank you.

WESTIN MILLER: --and figured it out. Thanks for your question.

LINEHAN: Thanks for being here. Appreciate it very much.

WALZ: Any other questions? I don't see any. Thank you so much for your testimony.

WESTIN MILLER: Thank you.

WALZ: I appreciate it. Next proponent. Any opponents? Anybody that would like to speak in neutral capacity?

MARRIANNE WILLIAMS: Hello again. My name is Marriane Williams, M-a-r-r-i-a-n-n-e W-i-l-l-i-a-m-s. And thank you, Senator Walz and the Education Committee. My name's-- sorry. I'm here to testify as neutral on LB997. I like this-- I actually love this bill. I just-- I would really like to see it be extended to other neurodivergent conditions as well like ADHD. My daughter's ADHD went undetected until high school and I didn't know a lot about ADHD when she started school. Sorry, I'm going to take this off. I didn't know a lot about it when she started school and everything I knew about it was wrong. And she didn't display any behaviors that led-- lead many parents to believe that they should take their child to the doctor. So she went undiagnosed and we feel terrible about that, and I really think that this bill could add ADHD and we could make that better for a lot of parents. The reason why, you know, she wasn't bouncing off the walls, and the reason why most likely is because in our family it was very important to have lots of sports. She trained and rode horses in horse shows so she was tired all the time. She was physically challenged a lot. But shortly after she started high school, I started getting text messages from class, saying, I can't, I can't sit here anymore. My skin is on fire. My skin is going to break open. I have to get out of this room. I'm going to die if I don't get out of this room. And I was just like, what in the world is this about? And the first time it happened, I just wrote it off to her being, you know, just tired, overstressed, and whatever. But then when it started happening, the second time it happened, it happened two days in a row a couple of

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weeks later and I took her to the doctor and she was diagnosed as ADHD. After several visits and discussions, we determined she had been actually experiencing symptoms probably since she was very, very young before school started, before she started school, she just by, just by dumb luck, we have her scheduled in so many things that it minimized the symptoms and they were masked for quite a while. It took basically everything falling apart, all of those built-in coping mechanisms to disappear for us to discover it. Some of the coping mechanisms I just mentioned was when she started high school, she started at Lincoln Southwest, and they have a block program. So the classes are longer and there's less of them so longer sitting times and less chances to get up between classes to blow off some steam. When you start high school, you don't have gyms often. So that was an issue. She went from playing soccer and all types of other sports to being on the training team, so that physical outlet was also gone as well. So it took a-- it took us a long time, but we through medication and increasing and changing her exercise routines she went from being an average student to an excellent student. She went from being a child that was very-- her-- very, very low self-esteem to one that has, you know, changed that self-esteem quite a bit. She-- I mean, she thought she was dumb. She just thought she wasn't as smart, so. Sorry.

WALZ: Let me see if we have any questions for you.

MARRIANNE WILLIAMS: I'm sorry.

WALZ: No, no, no. That's all right. Questions from the committee? I don't see any. Thank you--

MARRIANNE WILLIAMS: Thank you.

WALZ: --very much for coming today. Anybody else that would like to speak in the neutral capacity? Senator Day, you're welcome to close.

DAY: OK. Thank you all for your attentiveness during this hearing and I really appreciate everybody's testimony. I know we had some letters of opposition, so I think that's where the opposition was potentially from school boards. Again, the concern being that it just is another requirement for enrollment. And again, this is the least invasive way that we could try to address the issue here. Again, I don't know if this is completely the solution. If there's some things that we need to amend or fix to satisfy some of the opposition to the bill, we would be happy to do that. But again, I think it's something that we need to address. We know that there's a serious problem. And again, related to Mr. Miller's testimony, this-- just introducing this bill

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has opened up a lot of really important conversations about what autism looks like, how it presents in different people. And I think I appreciate him being here today to start some really important conversations that we've never had in the Nebraska Legislature before. So I think one thing that I did want to point out is on your fact sheets and down in the bottom right corner on the first page talking about ASD and racial bias in diagnosis: universal screen would also help mitigate the effects of bias in ASD diagnosis. Research has shown children of color are often misdiagnosed with behavioral issues, rather than ASD. Specifically, African-American children are 5.1 times more likely to be misdiagnosed with conduct disorders before being diagnosed with ASD. We talk a lot about school discipline in this committee, and we talk about it on the floor, and we often miss the opportunities to prevent some of what we call behavior issues. And I think we can start addressing some of the problems that can lead to better outcomes for kids and better outcomes for teachers in the classroom and hopefully prevent some of those issues with behavior down the road. So I just wanted to point that out. I'm happy to answer any other questions.

WALZ: Thank you, Senator Day. Senator McKinney.

McKINNEY: Thank you, Chair Walz. And thank you, Senator Day. I just wanted to say I really like this bill for the reasons you just pointed out. There-- when we talk about school discipline and a disproportionate rates of suspensions, a lot of these students aren't bad, they just have been misdiagnosed.

DAY: Right.

McKINNEY: And that creates the issue. So that's, that's why I like the bill. So thank you.

DAY: Absolutely. Thank you. And that's, you know, a lot of-- this bill and then other bills I brought in terms of mental and behavioral health access in schools and getting kids the appropriate diagnosis and treatment so that they don't have these behavioral issues that are often, again, improperly treated sometimes. So I, I appreciate that, Senator McKinney. Thank you.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: I, I can't help but bring up the fact that, of course, this also means that this is why some of the kids don't come to school and they might be truant. And so we are not helping our kids by

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charging them. So I hope the rest of you here will bring those bills back to make sure that those kids have some ability to get some help that they need, rather than just putting them straight into the criminal justice system. So--

DAY: Absolutely. Yeah.

PANSING BROOKS: --thank you so much for bringing this. It's another example of why that was important.

DAY: Thank you.

WALZ: Other questions? Senator Murman.

MURMAN: Thank you for bringing the bill. So if I read it correctly, it would mandate a autism test at six months before they enter kindergarten?

DAY: They would just have to have it completed before they enroll in school at some age. If it was--

MURMAN: So any, any age.

DAY: At any age before they-- yes.

MURMAN: OK, unless the parents opt out, of course.

DAY: Right. So again, it happens often at the, the 18- to 30-month window, but sometimes it's missed in there. And so we're looking at trying to, to fill that gap or make up for where it is missed by requiring that screening before they, they enroll in school.

MURMAN: So the intent is parents that wouldn't have gotten it done with their general practitioner, or, or with the--

DAY: Correct. Absolutely.

MURMAN: --health test would, would--

DAY: Yes, that would be one example of where it would be needed.

MURMAN: --have more motivation to do it, you know, because otherwise they'd have to opt out if they don't get it done.

DAY: Absolutely. Yep.

MURMAN: Thank you.

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DAY: Um-hum.

WALZ: Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Thank you, Senator Day, for bringing this. Actually, I'm looking at the opposition and it said representing the Nebraska Education Collaboration, and I think that's just about everybody.

DAY: Yeah, we had quite-- we knew we were going to have some opposition and they let us know ahead of time. So yeah.

LINEHAN: I'm looking at their letter. Is it because-- what did they tell you why, why they don't like it?

DAY: So again, it's, it's requiring another enrollment, right, for another-- it's another requirement for enrollment, which I, I think is the main issue. There was some issues that were brought up in terms of, you know, low-income students and it being unfair to those kids. Again, my-- I'm happy to address those issues, but my concern is more of if those low-income students aren't being screened and they're not being diagnosed and they're missing out on services they're just as entitled to an IEP as any other student. And also to all of these, these services are covered through Medicaid, so it's at no cost to, to the students and their parents if they were to be diagnosed. So I know-- again, I know there's several issues with, with this and having the entire, you know, educational lobby in opposition to my bill, you know, I, I knew that was coming and that's why I said I'm happy to work on some of those issues going forward. But again, it's an important thing that I think we have to address.

LINEHAN: Would you be willing to work with, and I don't mean to get Millard in trouble here, but Millard Public Schools on how they're doing it and seeing if the schools would voluntarily do this because it's good for everyone?

DAY: Yeah, I mean, we can certainly explore all of those options and we have been working with Millard and they've been really great working with us, but we can continue going to doing that.

LINEHAN: Thank you very much. Appreciate--

DAY: Yep.

LINEHAN: --the bill.

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

DAY: Thank you.

WALZ: There were two proponent comments for hearing record from Liz Lyons and Mary Bahney. One opponent in opposition, Nebraska Education Collaboration. And one neutral, Geetanjali Sahu. And that will close our hearing on LB997 and open on LB1219. Senator Sanders.

SANDERS: Stretch. Good afternoon, Chairman Walz, committee members. For the record, my name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s, and I represent District 45, which includes much of Bellevue-Offutt community in eastern Sarpy County. Today, I'm here to introduce LB1219, the Extended Learning Opportunities Act. I'm excited to start a conversation about how we can transform our educational system to better fit the needs of our students. Twenty-first century learning can no longer be a one-way lecture from a teacher to a student, nor should it be a one-way street designed to steer students from elementary school to college to work. The recent pandemic has highlighted the limitations of this approach, and today more than ever, parents are demanding more individualized solutions that put students, not systems, at the center. Families and their children deserve a more personal, flexible approach to learning, one that exposes students to a wide variety of educational opportunities. This is because each child is different and all children deserve a menu of options, programs, services, courses, and schools that are designed to address their unique interests and aptitudes. Our educational system shouldn't be focusing on forming children to be one standard. It should allow every student to discover, develop, and apply their talents to realize their full potential and maximize their capacity to contribute to society. One way of reaching this goal is to ensure we recognize learning wherever it occurs. Learn Everywhere policies help us do that. The Extended Learning Opportunities framework creates a pathway for students to earn course credits for out of classroom learning opportunities through partnerships with nonprofit businesses, trade associations, educators, and other community organizations. Students are able to receive district and college recognized credit for approved programs at participating providers. For instance, students could receive credit for performing in a play at a local playhouse, participating in a robotics club, completing one of the many programs offered through the Boys and Girls Club, and many other educational opportunities provided in the community. In a way, Learn Everywhere policies help us recognize what every parent already knows. Children learn through different approaches and different experiences. This can include learning in a traditional classroom, but also

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experiences far beyond the walls of traditional school. Following me are several testifiers who can explain this concept, concept in more detail and add some personal experience. With that, I am happy to answer any questions the committee may have.

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

PANSING BROOKS: I guess I have a question.

WALZ: Senator.

PANSING BROOKS: So are you including the courses and trades, Senator Sanders, that are under the Department of Ed?

SANDERS: I believe so. This is the conversation we will have.

PANSING BROOKS: OK.

SANDERS: And I think that's a great idea.

PANSING BROOKS: Thank you. Appreciate it.

SANDERS: Thank you.

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

SANDERS: Thank you.

WALZ: First proponent.

JENIFER JAVIA: [INAUDIBLE]. Good afternoon, Chairman-- Chairwoman Walz and members of the Education Committee. Thank you for this opportunity. My name is Jenifer Javia, which is J-e-n-i-f-e-r, Javia, J-a-v as in Victor -i-a, and I represent Yes. Every Kid. We work to help ensure every student has access to an individualized education. I'm here to speak in support of LB1219, Extended Learning Opportunities Act. We applaud the efforts this body has taken to propel Nebraska forward by empowering students and educators. Thank you for advancing public policy that gives educators and communities opportunities to give credit-bearing experiences outside of the classroom to Nebraska students. The Extended Learning Opportunities Act will provide the opportunity for a wide variety of experiences and educational methods that has the potential to transform a student's life allowing all students in Nebraska to realize their full potential to discover, develop, and apply their innate gifts to maximize their ability to contribute to society. Extended Learning Opportunities does

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not preclude schools from creating additional educational opportunities for students. In fact, this program takes absolutely nothing away from schools. These policies would require no additional funding or administrative support. This act merely creates an avenue for students to receive credit for learning that already happens outside of the traditional classroom. Six states have passed similar programs: Alabama, Indiana, Mississippi, New Hampshire, North Dakota, and West Virginia, and another ten working on passing this program this session. As I mentioned before, Extended Learning Opportunities expands the educational opportunity universe without taking anything away. It sees education for what it should be, an expanding universe of opportunities that can be harnessed to tailor education around the unique needs of every child. Thank you for allowing me to testify. I appreciate the opportunity to address the committee. And most of all, I want to close by again applauding you, this body, and the state for serving as a national leader in the future of education. You have put the needs of students first and reimagined what is possible. I look forward to working with you on this and future legislation that equips all students of all ages at all stages of life with the resources and guidance they need to forge their own path of discovery and development. Happy to take any questions or have follow-up conversations as needed. Sorry about that.

WALZ: You did great. Thank you. Questions from the committee? I do have a question.

JENIFER JAVIA: Yeah.

WALZ: It's an easy one.

JENIFER JAVIA: Great.

WALZ: Can you just give me or give the committee an example of, of how this works, if you can start with the student and how, how it works?

JENIFER JAVIA: Sure, I'd, I'd love to give you two different varying examples. Example number one is a child that takes-- partakes in afterschool activities such as maybe football, cheer, anything of the sort, any type of sort outside of school. They're already taking this activity and spending so much time outside of school, dedicating their life, dedicating their practice. They're learning these important skills that they need to move forward. And they're, like, enlightening their passion as well. So this would allow these students to actually receive a credit at their school for taking these opportunities outside of school. That would be example number one. Example number

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two is my favorite. So prior to this whole lobbying world, I come from Phoenix, Arizona, and I'm a learner by trade. I love to learn everything and anything. So in a previous lifetime, I decided HVAC and plumbing was an industry that I needed to learn everything about because AC without in Arizona not going to happen. So while I was working for that trade, I found out that-- this was about seven years ago, they were having the hardest time attracting new potential recruits. So I was working with them to figure out how we can recruit additional talent and provide additional opportunities for the community. So, for example, if a student that is a freshman or sophomore is now considering new career paths that are very lucrative, they can start an internship or an externship at one of these facilities that would be happy to offer them. And then they would learn a trade that's very lucrative upon graduation, and they would still earn a credit in school.

WALZ: And in, in those cases, who is-- like, who oversees the program? Who oversees the progress of of the student?

JENIFER JAVIA: Definitely, that's a fantastic question. There's a couple of ways to do this. Number one, we would need someone on the, the third parties [INAUDIBLE]. So it was a HVAC company or if it was a football coach or whatever it may be that will oversee it, making sure that they are achieving certain benchmarks. And then we would have, like, a homeroom teacher or something of the sort that would oversee and make sure that that credit was actually achieved.

WALZ: OK. Got it. Thank you.

JENIFER JAVIA: Yeah.

WALZ: Any other questions? Thank you so much.

JENIFER JAVIA: Thank you, guys.

WALZ: Next proponent.

JESSICA SHELBURN: Good afternoon, Chairman Walz and members of the Education Committee. My name is Jessica Shelburn, that's J-e-s-s-i-c-a S-h-e-l-b-u-r-n, and I'm the state director for Americans for Prosperity here in Nebraska. Our goal is to work with anyone to advance policies that respect the dignity of every student through an array of approaches and is-- and are open to free-- the free flow of ideas and innovation. We all know that learning takes place throughout the day and is not restricted to the classroom. While there are select cases of students receiving credit for things such as internships,

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this is an exception and not the rule. Not every child will excel in the classroom setting. Some will shine the brightest when they are tearing into a small engine, creating a floral arrangement, maybe working in a nursing home helping others. Why don't we allow these individuals to receive credit for these activities in school? This morning I walked upstairs and I saw a bunch of students that are involved in career and technical education. That took me back to about 25 years ago when I was a state FFA officer. I loved agricultural education. I actually taught agricultural education. Believe it or not, my forte is not in repairing small engines. When I was teaching, I actually had to teach a small engines class. I had a student who had been doing auto work for years at that point in time. I believe he was a junior at that time. This was not my strength. This student became my teaching assistant and helped me in my classroom. Now he did this as a free period, and it took away from a class that he could have been taking because this was a passion of his. This got him no additional credit in, in the classroom setting. If we would have had a Learn Everywhere or Extended Learning Opportunities bill at that time, he could have received course credit for doing this. That would have freed up an additional period in his day where he could have taken classes that he needed to graduate. There are so many opportunities that this bill creates that we need to start this discussion. We need to provide more opportunities to our students, and I think this is a great start for the conversation. And with that, I would encourage you to advance LB1219.

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

MURMAN: Thank you for testifying. So do you look at, at this as kind of a increased possibility for learning of certain subjects that the student's most interested in? In other words, they, they need to-- the student would need to complete, you know, required courses and then just have more opportunity maybe with, with what they're most interested in instead of courses that maybe aren't required in high school, I guess.

JESSICA SHELBURN: I do. And coming from your district, Senator Murman, I was one of those students who was in small-town Nebraska and I had to pick and choose. I ended up giving up chorus so that I could take core classes and still take my agricultural education classes. This is still happening for students today. If, if this would allow them the opportunity to get credit for maybe the PE course, you know, if you're talking about they're in Taekwondo, they're in competitive cheer or dance or something of the such, and they could take that PE class out of their daily curriculum and open it up to take a science or a math

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class that they need in order to graduate, we are giving them more opportunities. If it provides them with an opportunity to explore a career path, whether it be HVAC or veterinarian or floral design-- I mean, nursing, the list goes on, that's creating opportunities. It's giving them the experience to decide if that's a career path they really want to go into before they spend thousands of dollars at school only to find, like at a university, only to find out that they really don't like that career path.

MURMAN: Sure, I, I, I know other students that are, well, in my district too that, you know, are, are really interested in agriculture and spend a lot of time doing that. And it's almost like school can sometimes, sometimes almost be a barrier to what they really want to do.

JESSICA SHELURN: Um-hum.

MURMAN: And these kids can sometimes be as successful or more successful than the traditional student even.

JESSICA SHELURN: Well, and I think you've hit a real point, if I may, especially with those agricultural students in our state. Keeping them in the classroom and keeping them engaged can be very challenging. And I'm saying that as a former educator myself. And giving them the opportunity to do the thing that they love while getting school credit will keep them in school, will keep them engaged, and will make them a better citizen, individual, and more well-rounded person in the long run which benefits all of us.

MURMAN: Thank you.

JESSICA SHELURN: Um-hum.

WALZ: Other questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming. I guess I'm interested because there is a program at the Department of Ed and Career and Technical Education and I have a, a bill to bolster that through ARPA funds, but I'm just interested in is this being tied into that? Do you have a feeling for that?

JESSICA SHELURN: I don't. If you would give me your bill number, I'll take a look at that and I can get back with you.

PANSING BROOKS: OK. I don't remember any of the bill numbers.

JESSICA SHELBURN: OK. I'll connect with your office.

PANSING BROOKS: There's too many bills every year, so.

JESSICA SHELBURN: Yes, there are.

PANSING BROOKS: But I do know that it just seems like maybe that rather than reinventing the wheel, we need to be bolstering what is already created. And if we need to-- I know that it has seven trade programs. Oh, it's LB1085. My fabulous, brilliant friend to my left, Nicole Barrett. So anyway, so I just-- I didn't know about that and I-- but I'm happy to talk with Senator Sanders about that as well.

JESSICA SHELBURN: And I'll take a look at it too.

PANSING BROOKS: Yeah, I just don't know if we're, like, building two similar programs rather than just bolstering and expanding what, what we already have.

JESSICA SHELBURN: Well, and I know that the Governor has started several programs to expand learning opportunities that kind of go from that apprenticeship that can lead into careers. So there, there are some things that we are doing.

PANSING BROOKS: There are quite-- yes, there are things.

JESSICA SHELBURN: Um-hum.

PANSING BROOKS: Thank you.

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

JESSICA SHELBURN: Thank you.

WALZ: Any other proponents? Any opponents? Anybody who would like to speak in the neutral capacity? You're ready.

SANDERS: In closing, this is supposed to be about the conversation, and, you know, we learn a lot about listening to each other when we're testifying and Senator Day and I will talk, Senator Day and I will talk about her bill and how we can collaborate as well as I will with Senator Pansing Brooks. So thank you. Are there any questions?

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

SANDERS: Thank you.

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WALZ: We had one proponent comment for hearing record from Teri Hlava. So that closes on L--

PANSING BROOKS: [INAUDIBLE]

WALZ: Teri Hlava.

PANSING BROOKS: Proponent?

WALZ: Yeah-- LB1219 and we'll open with LB1170. Senator Sanders.

SANDERS: Good afternoon, again, Chairman Walz, committee members. For the record, my name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s, and I represent District 45, which includes much of the Bellevue-Offutt community in eastern Sarpy County. Today, I'm introducing LB1170 to grant school access for patriotic youth organizations. I'd like to thank the Boy Scouts of America for bringing me this issue to our attention. Here is how this bill works. Any organization listed Title 36, Subtitle II, Part B of federal statute may request to provide oral or written information to students in public school. The school shall take a good faith effort to accommodate the request. The school district may request a background check of the representative and may deny that representative's request if there is any felony on that person's record. The cost of that check is on the organization's dime. I want to emphasize that this bill is limited to those organizations listed in the federal law. These are congressionally chartered, nonpolitical organizations that have encouraged our children's character development and community service. This includes Girl Scouts of the USA, Boys and Girls Club of America, Big Brothers Big Sisters of America, and the Boy Scouts of America. LB1117 is modeled after similar legislation passed in eight other states. We chose to bring this legislation because school districts face legal challenges when outside groups wish to enter. The First Amendment and related case law prohibits viewpoint discrimination. This means that a public entity risk a lawsuit if they allow one group special permission and deny another group. In response, my school chose not to allow any outside groups in at all. This bill gives districts the flexibility to allow congressionally chartered groups in without potential legal costs. We have requested an Opinion from the Attorney General to address how this bill interacts with the First Amendment protections. We requested this opportunity-- this Opinion merely out of caution at this time-- as this bill interacts with legal concepts. Without having the Opinion in my hand yet, I will say again that this bill has passed in eight other states with the same provisions. Following me representing from several organizations that are-- that can explain this process in more

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detail. I will also note that you should have a letter of support from the Gretna Public School District, among others. I would also like to thank many parents who have contacted you about this bill. I think it speaks to how valuable these groups are to our schools and our children. I will close with this. The purpose of this bill is to connect kids with time-tested resources that make them better. Better students, better citizens, better people. For example, Eagle Scouts are shown to be 34 percent more likely to donate to charities. They are 47 percent more likely in their own words try to do what's right, and they are 40 percent more likely to treat people of other religions with respect. That's just one of the organizations under this umbrella. LB1170 is a great way to strengthen needed relationships with school communities with supportive volunteer organizations like TeamMates, which is widely allowed in schools. Thank you for your time and attentiveness, and I will welcome any opportunity to answer any questions you may have.

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

MORFELD: Thank you, Senator Sanders for bringing this. I actually was a Boy Scout and I also had a Big Brother growing up. And so I, I support both those organizations. In terms of the eligibility, and I haven't read through the bill yet. So it's only, and you have a big handout here, federally-chartered patriotic organizations. So is like TeamMates, is an organization like TeamMates, which is a local organization, would they fall under the eligibility of--

SANDERS: Of the federal? Someone following me can answer that.

MORFELD: OK. I guess you have a whole list here.

SANDERS: Yeah. Um-hum.

MORFELD: I can just look it up. OK. Yeah, I guess my only concern is, is that a lot of the organizations you listed off are really great national organizations. But some of these local organizations, like TeamMates, and maybe they're on here, not having the same access, I think that that, that's kind of problematic to me because not everybody is active on the federal level.

SANDERS: Right. I think that was a way to narrow down those that want to go into the schools.

MORFELD: Got it.

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SANDERS: But certainly can have that discussion.

MORFELD: Yeah, that would be my-- one of my big concerns is just there's a lot of really great local organizations like TeamMates that--

SANDERS: Yeah.

MORFELD: --would not have the same access. And to me, that's kind of like reverse discrimination against those organizations simply because they don't have a presence on the federal level. But OK, I'll, I'll wait--

SANDERS: I know that's one of the organizations that Bellevue Public School allow in because we've been active--

MORFELD: Yeah.

SANDERS: --with the TeamMates program.

MORFELD: I guess my other question is, is, you know, has there been a problem with schools completely denying access to any of these organizations? Because these organizations, I've seen them in all the schools that I've worked in before. And I, I understand that sometimes as an organization, because I run one that's in schools, sometimes as an organization you want more access to schools than what they give you. I've been in that situation before. But as long as there's a teacher or a sponsor or something like that, usually-- that, that's behind that organization, usually you're not denied access for, for students.

SANDERS: I think, you know, we have to greatly respect the time that it might take from the school. But, but those following me can explain that have been denied and for--

MORFELD: OK.

SANDERS: --what purpose.

MORFELD: OK, thank you. Thanks for bringing the bill.

WALZ: Any other questions from the committee?

SANDERS: Thank you.

WALZ: Thank you, Senator Sanders. First proponent.

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JOHN SUMNER: All right. It's a warm chair. I like that. Committee members, my name is John Sumner. I'm the chief executive officer of the Cornhusker Council of the Boy Scouts located here in Lincoln.

WALZ: Excuse me, I'm so sorry.

JOHN SUMNER: I'm sorry. I'm sorry.

WALZ: Can you spell your name?

JOHN SUMNER: Sumner, S-- John, J-o-h-n, Sumner, S-u-m-n-e-r.

WALZ: Thank you.

JOHN SUMNER: No problem. Thank you, Chairwoman Walz. I, I am the chief executive officer here of the local Boy Scout Council, located here in Lincoln, Nebraska. We serve 16 of the southeastern counties of the state of Nebraska. I'm here to speak to the value of the organization, that the, the value of the organization and what it brings to youth members and how becoming a character development partner with our schools will impact youth in our communities. I'll give you a few facts here. OK? Scouts are more likely to advance and improve their socioeconomic status. This is information from a Tufts's study that was done in 2009. Tufts University out of Pennsylvania did a study of scouts versus nonscouts. And this is some of the information that they received back then, and I'm going to give you some anecdotal information here. Scouts are more likely to earn almost double as an adult earn in, in salaries, compensation. Scouts are more likely to have higher credit scores, which is a great thing. I'm a product of the program and I appreciate that. Scouts are twice more likely to earn an advanced education, college education. And, and scouts are twice more likely to earn a bachelor's degree. I'm a product, product of this program. I love the program. I am, I am a second generation professional scouter. My father worked for the Boy Scouts for 37 years, and he and I developed my character and some of my values based on the scout oath and law that I live by now at 46 years old. I am at a point now where I have made it my life's mission to push this information out to every single youth that we can possibly get character education, this type of character education out to. After 22 years of doing this in several states, I'll tell you that school access has been an impediment in most of the, most of the areas here in the state. I've worked in several states in scouting. I started my career in Denver, Colorado. I've worked in Minneapolis, St. Paul. I've worked in the Philadelphia area and now here as the CEO of this council here serving Lincoln and 16 surrounding counties. I'll tell

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you that not being able to get to where kids are housed every day, even for a short period of time, has been a huge impediment in getting information to kids about joining. It's become a problem because you're not giving kids an opportunity to have the choice to be scouts. Some people tell me they don't even remember that there is an organization called the Boy Scouts or information about the Boy Scouts is not getting to them. We talk about school access. There are some schools that will let us have fliers that go home, but that's not the recent history. As recent as 2008, this council that we serve here in Lincoln, Nebraska, had membership growth. We were growing as an organization. But without school access, when school access started to change, our membership went down and we weren't able to get to where the kids are housed every day to give our message, even if it's just a two-minute speech at a lunch meeting, not necessarily interfering with class time. So it's been an impediment to us. We're trying to get character education out to every single youth that's in our schools, our, our surrounding school districts and we want to get kids involved with scouting. So--

WALZ: Let me see if we have any questions.

JOHN SUMNER: Sure.

WALZ: Thank you so much. Questions? Senator McKinney, thanks.

McKINNEY: Thank you. And thank you for your testimony. I have a couple questions. The first. How diverse is the Boy Scouts in Lincoln?

JOHN SUMNER: In Lincoln, we have 20-- approximately 2,500 youth members here in our council; 350 of those members are, are what you would consider ethnically diverse.

McKINNEY: All right. And I was kind of, before this, kind of looking up some stuff about the scouts. And I know the scouts have had issues in the past with abuse and racism. How are you working to address that to make sure that if you come into a community like north Omaha, students don't have to deal with abuse or, or situations of racism as well?

JOHN SUMNER: So a newly-- some-- somewhat new program called Scoutreach has been established by the organization. We're at a point now where in, in every single council, there are 250 councils-- 253 councils with-- within the United States. OK? Every council has what we call a Scoutreach program. It's generally an outreach program to inner city youth trying to get them involved with scouting. Right now,

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it's probably our most growing program. It's encouraging because we tend to get more access in schools that are serving underprivileged youth. So we're, we're able to get into the schools and get them involved with basically afterschool programs that give them at least some exposure to character education through scouts.

McKINNEY: How-- what-- I guess within that program, what policies do you have in place to prevent or decrease the amount of, like, adverse situations with racism and things like that?

JOHN SUMNER: So we have a zero, zero tolerance policy when it comes to any kind of language, any kind of mistreatment of, of anyone based on any type of ethnic or, or racial disparity or any kind of issue when it comes to, to, to that, it's a zero tolerance. I think that at a point now, the organization is trying to grow and we're, we're more inclusive than ever because of our, our, our mandate to grow.

McKINNEY: And do you view the scouts as a patriotic organization and what does patriotic mean to you?

JOHN SUMNER: To me personally or to the organization?

McKINNEY: To be patriotic, what does that, what does that mean to you?

JOHN SUMNER: OK, so to, to me, an organization that-- the, the scout law is based on, on character education, being a good citizen. We teach good citizenship within the organization, within our, within our methodology. OK? At some point in scouting, all youth get an opportunity to be able to understand how government works. In many instances, there are, there are merit badges that are, that are-- that includes citizenship in the nation, citizenship in the world, citizenship in government where you all would probably be subject matter for discussion about how government works. We want kids to understand that to be an informed citizen is to be a good citizen. So that-- those are some of the things that we have in our, in our program that gives kids an opportunity to be good citizens and be patriotic.

McKINNEY: But I guess the elephant in the room, I guess in the current climate we're in as a nation when you hear the word patriotic it's not as traditional defined as tradi-- it's not-- it doesn't come off as it traditionally was. So do you have any concerns about that?

JOHN SUMNER: Being in, being in the organization for as long as I've been, I've watched the ebbs and flows of how people think. This is an organization that's 114, I think 113, 114 years old. So those changes

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have occurred in the mindsets of the volunteers because we're a volunteer organization. And in many instances, I've seen the folks that are involved as volunteers change and the way that they approach scouting has changed because of environmental changes. So I guess to answer your question the world has changed with us and we recruit volunteers and their mindsets have changed.

McKINNEY: OK. Thank you.

WALZ: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Well, along, along those lines of Senator McKinney, I'm interested in what the policies of the Boy Scouts of America on LGBTQ kids that are openly out. Do you welcome them? Do you search for them?

JOHN SUMNER: We absolutely welcome them. That's another example of things that, that have changed with society. We are-- we understand that as an, as an organization we have to change in order to be able to thrive in, in today's world. So we are completely open to, to all, all LGBTQ.

PANSING BROOKS: OK. On, on the internet, I'm finding information that the policy, the BSA policy, is that while the BSA does not proactively inquire about the sexual orientation of employees, volunteers, or members, we do not grant membership to individuals who are open or about homosexuals or who engage in behavior that would become a distraction to the mission of the BSA.

JOHN SUMNER: Right. And, and, and that may neces--

PANSING BROOKS: Right? You just said that you don't discriminate.

JOHN SUMNER: And that's true.

PANSING BROOKS: You do seek openly gay kids.

JOHN SUMNER: Right. And we do, and we do as a local council and many local councils, we do have openly gay and, and, and, and bisexual kids.

PANSING BROOKS: Are they members?

JOHN SUMNER: Members, yes.

PANSING BROOKS: Well, it's against the, the Boy Scouts of America policy.

JOHN SUMNER: It may not, not necessarily be something that the national organization mandates, but we do, we do accept. We accept them. I've, I've signed paperwork many times over for kids who are gay.

PANSING BROOKS: That's interesting. I'm just reading the national, the national policy, so.

JOHN SUMNER: Right.

PANSING BROOKS: Thank you.

JOHN SUMNER: OK.

WALZ: Any other questions from the committee? I see none. Thank you so much.

JOHN SUMNER: OK. Thank you.

WALZ: Next proponent. Good afternoon.

SARAH WALDMAN: Good afternoon, Chairperson Walz and members of the committee. My name is Sarah Waldman, that's spelled S-a-r-a-h W-a-l-d-m-a-n, and I'm here to testify in support of LB1170 on behalf of Girl Scouts Spirit of Nebraska. As CEO, a former Girl Scout, and a troop leader, I've seen firsthand the benefits of Girl Scouts for our girls. The mission of Girl Scouts is to build girls of courage, confidence, and character who make the world a better place. And through the Girl Scout leadership experience, girls develop the competencies to accomplish big things. Girl Scouts builds the essential skills needed in today's classrooms and workplaces, including sense of self, positive values, challenge seeking, healthy relationships, and community problem-solving. Girl Scouts, Girl Scouts was established in Nebraska in 1926 with the formation of troops in Omaha. And from there, Girl Scout Council sprung up westward across the state, providing hundreds and thousands of Nebraska girls equal access to girl scouting. Today, the Spirit of Nebraska Council spans 92 Nebraska counties and provides the Girl Scout leadership experience to over 10,000 girls annually. Superintendents across the state tell us that one of their biggest challenges in education is teaching life skills. One of the gaps in education is teaching those life skills, such as building healthy relationships because they have to focus on, of course, their core curriculum and testing and all the other

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supports for students. And Girl Scouts can work together with schools to provide life skills education, which in turn improves girls' academic support. In addition to benefiting Girl Scouts and girls, a partnership with Girl Scouts benefit schools as we regularly provide staff support to school events, including parent-teacher conferences, book fairs. In addition, girls choose to perform community service projects right there at their school, cleanup days, planting flowers, buddy benches, and many more. They absolutely improve the school environment. And having access to communicate the benefits of girls scouting to families through schools will grow women leaders in our communities for the future. All three female secretaries of states in the United States were former Girl Scouts. Sixty percent of Congress of women in Congress were once Girl Scouts, too. And as I learned today, our own Senator Sanders was a former Girl Scout. And of course, state-- excuse me, Congresswoman Senator Deb Fischer is also a former Girl Scout. We believe in the opportunity to experience girl scouting and provide that to all girls. Our Spirit of Nebraska Council provides no cost participation to thousands of girls annually across Nebraska through financial aid and through our outreach programming, which operates in schools in low-income areas and in partnership with afterschool programs. Providing this programming has been challenging throughout the COVID-19 pandemic. And even though most schools are allowing outside visitors, there are still some schools who are not allowing Girl Scouts to operate programming at their school or participate in school events. And there are some schools who have never allowed Girl Scouts in and LB1170 would allow the opportunity for that to happen throughout the state. Thank you so much.

WALZ: Thank you. Questions for the-- from the committee? Senator Pansing Brooks.

PANSING BROOKS: Just want to add that I too was a Girl Scout, so there are--

SARAH WALDMAN: Thank you.

PANSING BROOKS: --a number of us here--

SARAH WALDMAN: Thank you.

PANSING BROOKS: --that are former Girl Scouts.

SARAH WALDMAN: Yes.

WALZ: Thank you very much.

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SARAH WALDMAN: And I see that Senator Morfeld has left. But I, I, I do have experience with TeamMates as a TeamMates mentor and as the former executive director for TeamMates. So if, so if there are additional questions about TeamMates or the impact, I'm happy to take those.

WALZ: All right. Thanks a lot.

SARAH WALDMAN: You bet.

WALZ: Next proponent. Hi, welcome.

DANESSA HEMMER: And I need to spell my name, right?

WALZ: Yes,--

DANESSA HEMMER: Sorry.

WALZ: --please. Thank you.

DANESSA HEMMER: I am Danessa Hemmer, D-a-n-e-s-s-a H-e-m-m-e-r, and I am here on behalf of Boy Scouts of America. I am a volunteer and a parent of three Cub Scouts. We are very active in-- I'm very active at both the-- all three pack district and council levels, so I do have a lot of ties with not only my own family, but other youth in the organization and adults as well. Access to schools for youth organizations such as Boy Scouts of America is helping-- is crucial for a healthy future for youth in, in their communities. We provide a place where youth become better versions of themselves. We-- I'm very fortunate to belong to a pack that has great access for our school. With the decline that we were seeing for access, we didn't have as much opportunities. But we have more and more parents and-- that are either teachers or school staff or PTA members. And so we have been able to keep that tie. Unfortunately, our friends, our units, packs, people that we know in the area that don't have those same ties, they're losing membership. And unfortunately, they are having to fold in a lot of instances, which also on a pack level, it, in fact, impacts our troops as well, our older kids as well. Our teachers know where to turn. They know who all of our scouts are. The, the-- those are the kids that are helpful in school. And so and, and it's a huge family tie and brings our family together. Sorry, I, I ran over.

WALZ: No, you're fine. You, you are still on the yellow light, so you're good.

DANESSA HEMMER: Oh, OK, perfect. So, you know, you'll see our kids being the ones that ask the kids off the buddy bench. They're always

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the ones that teachers go to, to help in the classroom. Not only am I highly involved in our pack, but my husband is as well. One of the biggest things that has impacted us is the family-- strengthening our family, which we know that on an educational standpoint, strong families or having that, that guidance with the family and partnering, partnering with teachers and, and everything reinforcing them, it does also help build a better education system for our kids.

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

MURMAN: Since we're all checking in, I was a Boy Scout too.

DANESSA HEMMER: Awesome.

MURMAN: I don't have a question. Thank you.

DANESSA HEMMER: OK.

WALZ: Any other questions from the committee? Thank you so much--

DANESSA HEMMER: Yep.

WALZ: --for coming today.

CHRIS MEHAFFEY: Good afternoon, Chairwoman Walz and committee members. For the record, my name is Chris Mehaffey, C-h-r-i-s M-e-h-a-f-f-e-y, and I am the CEO and scout executive of the Mid-America Council, which covers 22 counties in northeast Nebraska. As my fellow executive directors have pointed out, there are great many benefits to the youth who are involved in our programs. It takes a community to raise a child. And in each testimony today, we've heard how the organizations create community outside schools to help students succeed. In recent years, we've had a number of conversations with superintendents about school access. Dr. Jim Sutfin, of the Millard Schools, and I have had several conversations about school access. There's no doubt that he has done an excellent job as superintendent and is leaving a legacy when he retires this May. Dr. Sutfin has used the phrase with me: If we allow you in, we have to allow others in as well. Dr. Lucas in the Westside Schools has said the same thing to me. And while there are still the ability to use facilities after hours, access to youth is not permitted. In the Omaha metro area, Gretna and OPS both do a good job of allowing access to school-- to students during noncurriculum time. Why do some schools allow access and others struggle? In my conversations with several senators ahead of the bill being introduced, the number one question was what about TeamMates?

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TeamMates being a nonprofit organization with a vision to become a gold standard in school-based mentoring, TeamMates matches meet once a week in school and during the academic year as we know. The mentors and mentees usually play board games, shoot hoops, do crafts, or just talk. We're not trying to interrupt what TeamMates is doing in the arrangements that they have with local school districts. As an example, another example is Ebony Scholars, another not for profit, that works in OPS and Millard High Schools offering career education very similar to the bill that we heard before our's started. TeamMates and Ebony Scholars both are needed programs for our students in Nebraska, but our organizations-- but so are the organizations before you today. There's also not consistency in access. While the Boys and Girls Club of the Midlands have access to facilities and schools in the metro area that their facilities are attached to, they do not have access to other schools. Our BSA career exploration program, started in the 1960s, has access to high schools for career exploration in the metro area. However, there's no access to elementary schools or middle schools to do this program or any other programs we offer. We do not wish to be at odds with school districts in the state of Nebraska. We seek to partner with schools in providing mentor opportunity-- mentorship opportunities and educational programs in an environment after school. It is my understanding that our opponents could say that this bill is cumbersome for teachers and is not conducive to the schedule. One meeting a year during noncurriculum time is really hard to argue that that doesn't help the teachers and is not conducive to the schedule. But I'm sure [INAUDIBLE] I'm asking you to advance LB1170 for the board. Thank you so much.

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

LINEHAN: Thank you, Chairwoman Walz. So I had-- Millard doesn't let Boy Scouts?

CHRIS MEHAFFEY: So the consistency in Millard is not there. Dr. Sutfin has said that the Boy Scouts may not come in. As you heard from Miss Hemmer before, she has access to her elementary school in Millard because of her connections with the school principal and the educators there in the school. So it's not consistent. The Girl Scouts have access in Papillion, where the Boy Scouts have no access in Papillion.

LINEHAN: When did this become an issue?

CHRIS MEHAFFEY: This has, this has been an issue now for at least the last seven years.

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LINEHAN: But for seven years--

CHRIS MEHAFFEY: Correct.

LINEHAN: --so not-- 20 years ago everybody--

CHRIS MEHAFFEY: Correct. And, and, and we've tried to have conversations and build relationships with superintendents so that they understand what we're doing and how we partner with them in the afterschool programs to help with career education, to help with behavioral issues, to help with a number of things, to help reinforce the STEM education that's happening in the classrooms. And there doesn't seem to, to be an acknowledgment of that.

LINEHAN: So Avenue Scholars is both in OPS and so is Boys Town, Boys Town-- Boy Scouts?

CHRIS MEHAFFEY: So Avenue Scholars is in school. Actually, the students in Avenue Scholars' program get credit in Millard for being part of their program. We do career exploration surveys. That's all we get to do. We don't take curriculum time to do that. And then we give back to the schools the survey of the results so that they can help with career exploration.

LINEHAN: OK. Thank you very much for being here. Good job.

CHRIS MEHAFFEY: Thank you for the question.

WALZ: Other questions?

CHRIS MEHAFFEY: Can I clear up the question from Senator Pansing Brooks earlier--

WALZ: Sure.

CHRIS MEHAFFEY: --about our LBG-- LBGTQ stance? Thank you.

PANSING BROOKS: It's LBGTQ. Yeah.

CHRIS MEHAFFEY: Thank you. So I believe that was a Wikipedia article that you picked up and read the headline from. We actually changed the membership standards nationwide in 2013 for adults and 2015 for youth.

PANSING BROOKS: OK, it's, it's a 2017 article, but from-- OK.

CHRIS MEHAFFEY: Is it from the boyscoutsofamericascouting.org?

PANSING BROOKS: It's a Washington Post article.

CHRIS MEHAFFEY: That, that, that article is not correct then.

PANSING BROOKS: OK.

CHRIS MEHAFFEY: OK. Thank you.

WALZ: Thank you. Next proponent.

PANSING BROOKS: I try not to get my info from Wikipedia.

CHRIS MEHAFFEY: I appreciate that.

LINEHAN: The Post.

WALZ: Any opponents that would like to speak?

COLBY COASH: Good afternoon, Chairman Walz, members of the committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h, and I'm here today to represent the Nebraska Association of School Boards. Also, the Council of School Administrators, the Rural Schools Association, and STANCE. My testimony today is not about the Boy Scouts. They are a great organization. They have value. This-- and to their credit, they reached out early in this process. We did, we did talk with them. My testimony today is about where these decisions are made and our, our membership looked at this and felt strongly that schools must have the ability to manage who comes into their school, who has access to their kids. As you heard from the, the proponent testimony, there are schools who are doing this. They're finding ways to work with their superintendents, their school leadership. There's been great relationships. I want to acknowledge those. They acknowledge the Gretna Public Schools, Omaha Public Schools, those are good relationships. And to me, that shows me that the system in place works, that the scouts and the schools can find a way to work together as they have in those, those. And that is the system that, that we, that we advocate for, where there's a local decision made by a local board through their policy about who has access and under what conditions they have access. This bill erodes at that. And for that reason, we, we do oppose it and, and wanted to put that on record.

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

MURMAN: Thank you. Could you clarify a little more how this bill erodes the local authority? Does the local school boards have to allow--

COLBY COASH: Well, under--

MURMAN: --all these organizations, you know, kind of unfettered access under this bill?

COLBY COASH: Under, under the current law, school boards have the ability to say this group shall have access under these conditions. This group will not. I am sensitive to what the proponents have said that some school districts have said, you know, if we'd let you in, we're going to let everybody in and we, we take that blanket approach. I acknowledge that some districts may do that. But under the current law that through the policy that the board adopts and votes on, the boards currently have the ability to say yes or no to different groups. This particular bill says if you fall under this category, you have to provide access and that, that is what brought me here today.

MURMAN: Does this bill address liability at all,--

COLBY COASH: I don't believe--

MURMAN: --say if someone gets hurt during, you know, a Boy Scout function?

COLBY COASH: I don't, I don't believe this bill addresses that.

MURMAN: OK. Thank you.

WALZ: Other questions from the committee? Thank you.

SPIKE EICKHOLT: Good afternoon, members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska testifying in opposition to LB1170. I want to clarify that my testi-- my testimony is not directed at those people who spoke in support of this bill, nor the introducer. I think that the people who spoke earlier are committed to the organizations they serve and the missions of those organizations. I'm having distributed a copy of my testimony. I'll try to summarize it here in the limited time that I have. Senator Sanders said that when she introduced the bill that what she's trying to do is trying to encourage some of these organizations to be able to go to the schools. Because apparently, and I think you heard from Mr. Coash, some of the schools are reluctant to allow access to certain groups because the opinion of their organization or the schools as they let some groups in they're going to have to let all groups in. And so I think what Senator Sanders is trying to do, what she says she's trying to do is trying to somehow encourage that to avoid the risk of lawsuits. But

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respectfully, what this bill, if passed, will do will certainly encourage suits. What this bill would do would mandate that certain organizations are allowed to be in schools and that would create what's known in the First Amendment law is a limited public forum. Schools and public bodies can create limited public forums for certain organizations and people to speak at those limited public forums. But the government cannot be-- cannot discriminate based on viewpoint. So in response to-- so what Senator Sanders has is a bill that allows for the Title 36 corporations designated by Congress to have access to the public schools. If you look at the bill on page 3, that current law says: If any other organization that's not included as a Title 36 corporation tries to go on a campus somewhere or solicit students or talk about their organization or speak to their mission of their organization, they're committing a misdemeanor crime. There is no discretion, respectfully, to answer Senator Murman's question to the local school board. This will be a state law mandate. What happens if TeamMates wants to be there for the day to speak along with the Boy Scouts and Girl Scouts? They can't be there. What about Nebraskans for Founders' Values? That's an organization that is a local. I'm sure you've heard of them before. I follow them on social media. They would certainly have something to say about patriotism in schools and to students. What if Black Lives Matter wants to speak to the schools? This bill provides for a viewpoint discrimination against those organizations. Or to answer Senator Pansing Brooks's question if an organization such as Queer Nebraska Youth Network or some organization that does want to speak about the history of LGBT people and, and patriotism in that sense, not sort of the adapted version, if you will, the Boy Scouts of America, if they want to speak to that and that's their viewpoint, this bill would discriminate against that. Respectfully, it is suspect. I cite a case from Minnesota in which-- and I-- the Elkhorn-- the Elk River Area School District adopted a policy that's very similar to this statute in the sense that the school policy in Minnesota referenced the Title 36 corporations and a court in, and I cite, I cite the Opinion in the District of Minnesota, U.S. District Court did strike that down as being a viewpoint discriminatory and violation of the First Amendment. I'll answer any questions if anyone has any. Sorry it was so fast.

WALZ: No. Thank you. Senator Linehan.

LINEHAN: I'm trying to wrap my head about this. So you know the law very well. So schools are letting TeamMates come in and see students during the day one on one, Avenue Scholars comes in. So why doesn't Boy Scouts have a right to sue already?

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SPIKE EICKHOLT: Well, they might, depending on what that local school district does. And I'm not trying to give them advice, necessarily. But if a school district does have what I would consider, or some would argue, is an arbitrary policy, then maybe the groups that are not allowed in might have a cause of action.

LINEHAN: Well, doesn't that sound pretty arbitrary? You get TeamMates in every school in the state, hopefully.

SPIKE EICKHOLT: Right.

LINEHAN: I like TeamMates, I'm not against TeamMates, Avenue Scholars. So how do we-- how is that not a problem?

SPIKE EICKHOLT: It might be assuming that there is a written policy for that. Maybe-- I can see that may be a problem. This bill is going to exasperate that and make it statewide is what I'd argue.

LINEHAN: Well, according-- if I understand what you're saying, we already have a problem.

SPIKE EICKHOLT: Assuming what was said earlier that some school districts do allow some groups in and not others, assuming that's true, then in some of those districts, I would concede we do have a problem.

LINEHAN: It is, it is true.

SPIKE EICKHOLT: OK.

LINEHAN: There's no-- it's been in the papers, it's been going on for years, so it's true. So we have a problem already.

SPIKE EICKHOLT: Yeah, I'd say-- to answer your question, I would concede to that point we probably do.

LINEHAN: Thank you.

SPIKE EICKHOLT: Respectfully, I think this bill's just going to exacerbate that, and that's what I tried to say before.

LINEHAN: Understand. But just so we know we have a problem.

SPIKE EICKHOLT: OK.

LINEHAN: OK, thank you.

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WALZ: Other questions from the committee? Senator Pansing Brooks.

PANSING BROOKS: So I'm just trying to, to get your point and understand it. Is the issue that, and I understand that Senator Linehan is saying that we may have a problem because certain schools allow certain things and don't allow certain things. But by this, we would be only allowing those, those Title 36 organizations and not allowing the others. I mean, so--

SPIKE EICKHOLT: That's right.

PANSING BROOKS: --the problem is that this doesn't solve that problem at all.

SPIKE EICKHOLT: No. And like I said, try to say and make it worse and as I'm thinking, wishing I would have answered Senator Linehan's question a bit better. If this bill is passed, then those school districts might have their corporate counsel look at it and say, hey, by the way, you can't let TeamMates in anymore. They're not Title 36, you have to tell them they can't come back. And that'd be that sort of what, what could very well be a consequence of that.

PANSING BROOKS: And Avenue Scholars and those kinds of groups. So I don't know. I mean, the solution is to not specifically say in the law what groups are allowed and let the-- let local control occur and let the, let the schools make their decisions.

SPIKE EICKHOLT: Well, that is-- I mean, that is a solution.

PANSING BROOKS: Or, or just say that all groups can come.

SPIKE EICKHOLT: Or have all groups come regardless of viewpoint. That's right.

PANSING BROOKS: Yeah. Thank you very much.

WALZ: Other questions from the committee? I don't see any. Thank you for coming today. Any other proponent-- or opponents?

MARRIANNE WILLIAMS: Hi. Marrianna Williams, M-a-r-r-i-a-n-n-e W-i-l-l-i-a-m-s. And as a parent, I am extremely concerned about this bill. Besides the fact that there are gun groups and religious groups and-- on it, it seems to exclude far too many groups that I would like to see my children participate in. My second concern is that the bill doesn't really seem to have any guidelines as to what the topics can be or the subject matter that, that these groups can approach our

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children with. And excluded from the list are traditionally approved groups like-- well, I don't know if they're approved in school, but they're something no one would ever really scream about, but like the YMCA, 4-H, there's contemporary, contemporary organizations like Black Girls CODE, which encourages involvement in computer programming, which is a, you know, educational thing. And there's also, you know, the Hispanic group that I looked up on the NSEA website is not included in this. So it seems to be very, very narrow as to who's allowed and who isn't. There's an Italian-American war veteran group in there, but there are no black or indigenous veteran groups allowed. Also, the NAACP and the ACLU. I mean, what's more patriotic than fighting for civil rights? I don't quite understand why they would not be able to be on the list. As I mentioned, there's a rifle group. I don't know. I don't really want my kids being approached by people espousing the tenets of the NRA. I, I like the Second Amendment. I am not against guns, but not the way the NRA sees it. Finally, I believe this bill is absolutely rooted in nationalism. It's not the first bill that we've seen rooted in nationalism here in the Education Committee. And I hope that you will delay it or not allow it out of committee until there's definite guidelines. And then it is a more diverse group of organizations that can join or that can take part in the school. Thank you.

WALZ: Thank you. Questions from the committee? Thank you so much. Any other who would like to speak as an opponent? Anybody in the neutral capacity?

HAL DAUB: Chairman Walz, my name is Hal Daub, H-a-l D-a-u-b, and I am testifying in a neutral position to clear up several questions that have been raised, and that would be the purpose of my brief testimony. First of all, the list of the federally-chartered patriotic organizations is designed to establish a set of criterion for those groups. Should a superintendent or a school principal under the language of this bill choose not to let them have time to distribute their flier or to have a five-minute scout talk or a one-minute scout talk during a, a recess period, a lunch period, as long as a reasonable conversation has occurred where the principal has come up with several reasons why not. But it certainly doesn't let the NRA and the Klu Klux Klan and everybody else come through the door without that discussion of where that school board and that superintendent and that principal or teacher have the ability to have the reasonable conversation. That's all this bill really is. That's why it's not a mandate. It's just simply saying that the administration of the school will have a conversation about access. Could be a yard sign. It could be a bulletin board. It could be a, a flier. A variety of ways of

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communicating and, and the groups that are, are interested in this are membership based. They're not trying to espouse a particular point of view, a political point of view, a social issue point of view. And those would be reasonable reasons why if I were a principal, I wouldn't let anybody come in to advocate to sell insurance to my kids or to go get their families to pass out my insurance fliers. So I think the language of the bill, certainly been passed in eight other states and it's pending in about another, I think, eight or ten states, makes it very clear that this is an attempt to simply get a reasonable conversation established and a dialog to have a more open process for organizations that the principal would see have a constructive impact on the environment of the school and the students in that school. And that would be the extent of my, my clearing up, I think, of a very important point. If you look at the language, it asks them to have that reasonable discussion and the access could still be denied because it's not a mandate. I'd be happy to answer any questions on that subject.

WALZ: Thank you.

HAL DAUB: You're welcome.

WALZ: Questions from the committee?

HAL DAUB: Thank you.

WALZ: Don't see any. Thank you so much. Anybody else in the neutral capacity that would like to speak? Seeing none, Senator Sanders, would you like to close?

SANDERS: Thank you, Chairman Walz and committee. In closing, the scouts were there for me when I was young, young, junior high. My dad was military. There were seven kids in my family and I could have fallen through the cracks and they appeared at the school and I joined the Girl Scouts. I will forever remember my oath and it's: On my honor, I will try to do my duty to God and my country. And I think that is something that stays with every scout. It is a great membership-based organization. And I want to thank all those that testified here today, both in the proponent, opponent, and neutral. And with that, I will close asking you for your support and vote LB1170 out of committee. Thank you. Any questions?

WALZ: Thank you, Senator Sanders. Any questions? Senator Pansing Brooks.

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PANSING BROOKS: Thank you. Thank you, Senator Sanders. I'm just wondering, are you intending these federally-chartered patriotic organizations to be exclusive to any other groups that might come in?

SANDERS: That is not my intention.

PANSING BROOKS: OK, so you don't have a problem with other groups are allowed to come into the schools?

SANDERS: No. And that's a list of the federal congressional list and--

PANSING BROOKS: OK, it doesn't, but it, it doesn't necessarily say that other groups are allowed, so.

SANDERS: So we'll look at that and we'll work with that bill.

PANSING BROOKS: OK, and then my other question is people keep saying it's not a mandate, but on line 5 says, "Each school shall, upon request," so. And then on line 12, it says, "Each requesting youth organization shall be permitted," so--

SANDERS: Language we'll also look at.

PANSING BROOKS: OK, those seem like mandate language.

SANDERS: Thank you.

PANSING BROOKS: Thank you very much.

WALZ: I just had one quick question. I don't see it in the bill. And maybe it is, and I missed it. Is there anything about parental consent?

SANDERS: You know, that was not addressed and neither is liability, I don't think, so that's certainly worth looking at as well.

WALZ: OK, I was just curious, that, that was the--

SANDERS: I know I had to get my parents permission before I joined, but I don't know what that is today.

WALZ: All right. Any other questions? Senator Murman.

MURMAN: Yes. From the last testifier, it seems like what this bill's doing is, is just to, I guess you could say mandating a discussion that any organization, whether or not any organization should be allowed into the schools. So is that the intent of the bill? I mean,

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and I, I don't know, I haven't looked at the bill that close, I guess, a discussion among school board--

SANDERS: The intent is the schools to review.

MURMAN: --administration, teachers, is--

SANDERS: Yeah, so every organization can submit to the schools and, and any school can deny right now or accept their, their organization.

MURMAN: So how does that change?

SANDERS: It seems to be broad right now that they would look at the request. Right now, I don't think this-- the Boy Scouts have much access to that.

MURMAN: Well, that's-- but, but how does-- I've heard that too. But how does that change what it's doing now? It, it just kind of expands the list of what--

SANDERS: And asking--

MURMAN: --an organization should be discussed about having access?

SANDERS: Yes.

MURMAN: OK. Thank you.

WALZ: Senator Linehan.

LINEHAN: Thank you, Senator Sanders, for bringing this bill. Isn't part of the issue, what you're trying to do, and if we need to clean up language which is what we do on committee, you're trying to get the principals in the schools to actually talk so they can talk through. And it's a conscious decision versus just a moratorium on anybody coming in because that's the easiest thing to do.

SANDERS: Yes.

LINEHAN: So we want people to have thoughtful discussions. And if they've got thoughtful reasons, OK. But instead of just a moratorium, it's too hard, might cause problems, let's don't mess with it, you're trying to get around that.

SANDERS: Correct, just like the discussion we've had here today.

LINEHAN: Thank you very much.

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SANDERS: Thank you.

WALZ: I had a question and now I can't remember it.

SANDERS: I'm surprised I remembered the oath from 50-something years ago.

WALZ: That's really good. Any other questions from the committee? I don't see any. Thank you so much,--

SANDERS: Thank you for your time.

WALZ: --Senator Sanders. We did have 16 proponent comments for hearing record: John Shores, Francis Larson, Chad Diaz, Craig Mielke, Megan Wright, Kerri Rothanzl, Denise Moore, Melissa-- sorry, Woitalewicz-- I don't know, Marilyn Asher, Wade Junker, Ken-- Kevin Dunlop, Dale Bonge, Scott Sevick, Layla Dimick, Doug Kagan, Halsey Ruhl. And one opponent, Teri Hlava. That ends our hearing on LB1170, and that ends our hearing for today. Thanks, everybody.