

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee January 31, 2023

**MURMAN:** [RECORDER MALFUNCTION] southern border in the middle part of the state. I serve as Chair of this committee. The committee will take up the bills in the order posted outside of the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. 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. We do ask you limit handouts. This is important to note. If you are unable to attend a public hearing and would like your position stated for the record, you must submit your position and any comments using the Legislature's online database by 12 p.m. the day prior to the hearing. Letters emailed to a senator or staff member will not be part of the permanent record. You must use the online database in order to become part of the permanent record. To better facilitate today's hearing, I ask that you abide by the following practices. Please turn off cell phones and other electronic devices. The order of testimony is introducer, proponents, opponents, neutral and closing remarks. If you will be testifying, please complete the green form 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, to distribute. We need 11 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that you limit your testimony to four minutes. If necessary, we will use the light system. Green is three minutes. Yellow: one minute. Red: please wrap, wrap up your comments. If there are a lot of people wishing to testify, we will use a three-minute testimony limit. If your remarks were reflected in previous testimony or if you would like your position to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. I'd like to introduce the committee staff. To my immediate right is research analyst, Jack Spray. To my right at the end of the table is committee clerk, Kennedy. The committee members will use today-- with us today will introduce themselves beginning at my far right.

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

**LINEHAN:** Good morning. Lou Ann Linehan, representing District 39, Elkhorn and Waterloo in Douglas County.

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**ALBRECHT:** Good morning. Joni Albrecht, District 17: Wayne, Thurston, Dakota, and a portion of Dixon County in northeast Nebraska.

**WALZ:** Good morning. My name is Lynne Walz. I represent Legislative District 15, which is all of Dodge County and now Valley.

**BRIESE:** Good morning. Tom Briese, I represent District 41.

**WAYNE:** Justin Wayne, represent District 13, north Omaha and northeast Douglas County.

**MURMAN:** And we'll welcome our pagers to stand up and-- pages to stand up and tell us what they're studying and where.

**RYAN SKINNER:** All right. I'm Ryan. I'm a freshman at UNL. I'm studying business administration.

**MORGAN BAIRD:** I'm Morgan. I'm a senior at UNL. I'm studying political science.

**MURMAN:** Thank you. Please remember that senators may come and go during our hearing, as they may have bills to introduce in other committees. Refrain from applause or other indications of support or opposition. For our audience, the microphones in the room are not for amplification, but for recording purposes only. Lastly, we use electronic devices distribute-- to distribute information. Therefore, you may see committee members references-- reference-- referencing information on their electronic devices. Be assured that your presence here today and your testimony are important to us and are critical to our state government. And now, we will open the hearing with LB762, Senator, Senator DeBoer. Good morning.

**DeBOER:** Good, good morning, Chair Murman and members of the Education Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I appear today to introduce LB762, which instructs the State Department of Education to create a teacher apprenticeship program in Nebraska. Members of this committee have heard and will continue to hear plenty about how we are facing a teacher shortage in this state. And I believe we're all in agreement that we need to do everything we can to be sure that we continue to have outstanding teachers in Nebraska continue providing high-quality education to our students. But we know that we need strategic interventions to meet the need for future teachers. We need to get creative without sacrificing quality. In December of last year, the Council of State Governments hosted their annual conference. I was fortunate to attend this year, partially because it was in Hawaii in

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December, but also because when I was there, I attended a panel on alleviating teacher shortage, shortages. In that session, there was a presenter from Tennessee who described an innovative teacher apprenticeship program called Grow Your Own, which has since been deployed in other states in various capacities. In these-- these states include Arkansas, Colorado, California, Delaware, Florida, Louisiana, Michigan, Missouri, North Dakota, South Carolina, Texas, Washington, West Virginia and Wyoming. Following the creation of the initial program in Tennessee, Tennessee officials sought to have this model officially recognized by the U.S. Department of Labor as a recognized apprenticeship program. This federal recognition is crucial, as it allows states to leverage federal apprenticeship dollars to augment apprenticeship programs in each state. So following the CSG conference, I began looking into bringing this program to Nebraska. And my office discovered that the Nebraska Department of Education had already identified teacher apprenticeships as a priority in their policy priorities publication titled, "Nebraska Ready PK-12 Policy Priorities." It was identified as priority 6: eliminate the special education staffing vacancy and cut the educator shortage by half by 2030. So additionally, two exciting things have happened federally in this last year regarding teacher apprentice-- apprenticeship programs. First, the U.S. Secretary of Education called upon the states to create their own programs, followed-- following the Tennessee model. And second, the U.S. Department of Labor announced \$100 million worth of grants available for states to take advantage of for registered teacher apprenticeship programs, which increases the importance of getting a program off the ground in Nebraska. Essentially, what happens is we have to create a program, get it recognized and get it up and running, and then we'll be available-- or we'll be able to take advantage of some of that grant money. There's no one-size-fits-all model for apprenticeship programs. Each state's needs and abilities are different, which is why LB6-- LB762 gives a great amount of latitude to the Department of Education to create the most appropriate model for Nebraska. But typically, a teacher apprenticeship replaces traditional student teaching with a year-long paid apprenticeship. So a prospective teacher apprentice is a student who's pursuing an education certification either through an undergraduate or a graduate program. The student then either contracts with the school district directly or receives money through a state program, which is in partnership with school districts and is then placed in a school. This, for the student, helps mitigate the high cost of beginning-- of becoming a teacher. It provides a salary for them sooner and it helps them overall to afford their educational costs. So the question then is, do we need to chip in state funds? And

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the answer is probably because we've seen that at least to get these up and running, we're going to have to do that. And in other states, the most successful models cover the cost of tuition for the apprentice. And so long as they continue to meet the qualifications of the program as the department, then they're able to get those funds. So, in other words, a little money from us can get this program off the ground, start training teachers more effectively with a year-long apprenticeship rather than just one semester for student teaching. And ultimately, it's a lower cost to the students. You'll notice on page 2, line 22 through 24, which is subsection (6) of LB762, I left the dollar amount to be filled in by the committee. The Department of Education-- the Nebraska Department of Education gave me a preliminary estimate that if we were to cover the cost of tuition, the apprentice salary, the observing teacher, etcetera, we would need \$30,000 per apprentice. Which when we include costs for NDE staffs, program development to cover the 30 apprentices, the department estimated a cost of approximately \$1.1 million, but of course we can scale the program up or down. And once established, we can apply for the federal funding for that program. The State Department of Education submitted a letter in support for LB762. They won't be here today, but they've indicated that they'd be willing to answer questions about how they envision the program working in Nebraska, if you should have further questions. Of course, I'm happy to answer any questions that you would have now. So thank you for considering LB762 and I strongly urge you to support this program in Nebraska.

**MURMAN:** Do we have any questions for Senator DeBoer at this time?  
Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Murman. Thanks for bringing the bill. This is quite a concern out there. But in the fiscal note that we have in front of us, it doesn't say anything about \$1.1 million.

**DeBOER:** That's because it can go-- you guys decide what you want.

**ALBRECHT:** OK and then looking at-- under Education prepared by Lane Carr, it talks about what you have talked about: the tuition, the payroll apprentice, stipends and observing the teacher. And they were talk-- so tell me about this other program that they already had started.

**DeBOER:** No, they just had identified the development of teacher apprenticeships--

**ALBRECHT:** So there's no bill--

**DeBOER:** --as a good idea.

**ALBRECHT:** --at this point.

**DeBOER:** So there are-- there is not. There are some teacher apprenticeship programs throughout the state. I'm not-- like, little ones that are starting in little pockets, but I'm not really sure how they are or where they are.

**ALBRECHT:** Looking at the fiscal note and it-- like, Metro Community College said there would be no additional expenses to the college. So are you talking about the students that are starting their program brand new or are you talking about people who-- like, yesterday, we talked a lot about if you're 40 years old and you have been out in the work field and decided that if you have enough education, you'd like to go back and be a teacher. Would something like this--

**DeBOER:** So the department can kind of develop whichever model or both models that they would like. So if you already have a bachelor's degree, let's say, and you've been in the workforce and you would like to change careers to become a teacher, this would help you to do that. You still have to make up some of those pedagogy classes and things like that. But at least when you get to the part where you're doing the student teaching, instead of that, you can sub in this apprenticeship program. I think there are some other sort of long-term benefits of having apprentices because, you know, they have a year in the classroom. When they were talking about the program in Tennessee, one of the things they said is you see, you know, start, middle, finish, the whole year. So there's both pedagogical reasons for doing an apprenticeship and there's also the sort of financial well-being of the individuals. So we can either couple it with-- and, and these programs have to be developed, obviously, but we can either couple it with your standard, you know, somebody comes straight through, goes to college kind of programs or we can do a change-of-career model. Or we could do both, which, you know, considering our teacher shortage, we might look into eventually standing up both kinds of programs.

**ALBRECHT:** OK. Thank you for bringing the bill.

**DeBOER:** Yeah.

**MURMAN:** Any other questions for Senator DeBoer? OK. Thank you. Do we have proponents for LB762? Welcome.

**STEPHANIE HOWELL:** Thank you for having me here today. Um-- this is-- I'm new to this. Do I just start or-- OK.

**MURMAN:** Yep.

**STEPHANIE HOWELL:** Good morning, senators. My name is Stephanie Howell, S-t-e-p-h-a-n-i-e H-o-w-e-l-l, and I'm here today to speak in support of LB762. I've been a high school social studies teacher for 16 years now. My credentials include teaching at the Career Academy here in Lincoln, teaching AP courses for eight years at my previous high school, having a masters degree in historical studies from Nebraska Wesleyan, being named the 2019 Christa McAuliffe Courage in Education Award Winner and Lincoln Journal Star A-plus educator. I have trained countless student teachers over the years in addition to hosting practicum students. The road here was not an easy one. It wasn't until I was a 27-year-old single mother of a six-year-old son that I realized what my calling life really was. You see, up to that time, I had served in our nation's military and was working at the State Penitentiary as a correctional corporal. Why I-- while I enjoyed the work, it wasn't fulfilling. I decided to use my VA benefits to go back to school full time to earn my degree in education. Those five years of undergrad work were incredibly hard and frustrating. I was unable to continue working, as the classes I needed were only offered during the daytime, and I had no one to watch my son in the evening. Not to mention, I needed to find time for my studies. Luckily, I had vocational rehab benefits from VA to help offset my living expenses. During this time, I was also expected to have practicum experiences and to student teach as well, all without pay. Ultimately, I was successful and graduated from UNL. However, I can tell you I wasn't fully prepared to enter the classroom. Had I had the opportunity to work in an apprenticeship program while getting my content coursework completed, I know I would have been a much better prepared-- excuse me-- would have been much better prepared to enter the classroom as a full-time educator. No amount of traditional classroom teacher training truly prepares a new educator for what they will experience in the classroom. Student teaching is a good start, but to be candid, it is often exploitive work in which student teachers are often thrown into the fire, so to speak, and are expected to just figure it out. Our budding teachers deserve better than this. This is why I am in favor of an apprenticeship program for teachers in Nebraska. Other states pay student teachers, which is, which is a significant draw for Nebraska students to student teach elsewhere. A paid apprenticeship would help alleviate that. Many classes undergraduates are required to take do not actually help when in the classroom-- within the school classroom environment. A paid apprenticeship would mean a new educator could learn the best practices for the classroom environment from a master veteran teacher. A teacher apprenticeship program would also

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allow us as Nebraskans to build up our own. We can identify talented students early on and help them get into teacher training programs and apprenticeships that will train and teach them about the profession. Teachers make all of their careers possible. It only makes sense that we treat the education field as one that requires specialization with skills that can't be easily learned anywhere else but on the job while taking the necessary coursework to be competent in the field of education. We are in a national crisis with a growing teacher shortage. Educators are tired of not being treated as the professionals they are. Young people do not want to have to pay to work during student teaching. We need to be innovative in how we recruit and retain the best and brightest in our Nebraska classrooms to educate children, our future workforce and leaders. I believe that creating a state teacher apprenticeship program would be instrumental in accomplishing that goal. I encourage each of you to vote in favor of LB762. Thank you for your time and I'm willing to answer any questions you may have.

**MURMAN:** Thank you. Do we have any questions for Ms. Howell?

**WALZ:** Thank you--

**MURMAN:** Senator Walz.

**WALZ:** --thank you, Chairman Murman. I don't really have a question. I just want to say that you certainly are a wealth of knowledge. We really appreciate you--

**STEPHANIE HOWELL:** Thank you, Senator.

**WALZ:** --coming today to testify. Hope you get used to that chair and you come back. The last thing I want to say is thank you for everything that you do.

**STEPHANIE HOWELL:** Thank you, Senator. I appreciate that.

**MURMAN:** Any other questions? So--

**STEPHANIE HOWELL:** OK.

**MURMAN:** Thank you. Any other proponents? Good morning.

**KATHERINE REGLER:** Good morning. My name is Katherine Regler, K-a-t-h-e-r-i-n-e, last name, Regler, R-e-g-l-e-r. All right. My name is Kate Regler and I'm in my ninth year of teaching. My current position is with the Lincoln Public Schools, where I've worked since

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2020. At the time I decided I wanted to be a teacher, I had already earned a bachelor's degree. I had a family with three children and my husband was working as an EMT. We decided I would return to school to become a teacher and then he could go back to school and become a paramedic. I'm assuming the EMTs still do not make much money, but I can assure you that in 2010, they were undercompensated. The economic reality was that I needed to take out a regrettable amount of student loans to take the necessary classes to become a teacher. I also worked part time. When I started my program, I had a newborn, a toddler and a preschooler, which meant I also had to pay for childcare to attend classes. In addition, most of my classes were only offered in-person and were a part of a cohort experience, so there was no choice in scheduling. Finally, when I had worked my way through the program, it was time to student teach. We were all strongly encouraged by our program not to work during our student teaching experience. Even so, it was essential that I continued to work part time even though my wages were meager. Meanwhile, the student teacher requirement is a full-time job for which I also had to pay tuition. The only pay I ever received was when my cooperating teacher called in sick and I served as a substitute of record for the classes I was already student teaching. I worked about 50 hours a week to create lesson plans, provide instruction and assess student work. I also attended parent-teacher conferences, meetings and other duties as they were assigned. My situation might sound unique because I was the parent of small children when I decided to become a teacher. Nevertheless, given the current shortage of teachers, I can only assume the state will need to begin looking to encourage not only traditional students, but also more nontraditional students to consider joining the profession. The debt that I took on to become a teacher is staggering. In addition, the wages I could have been earning while working through that program I would also call a loss. I support teacher apprenticeship programs. I want qualified and educated individuals to become educators. The substantial economic loss individuals face in the current process is a significant deterrent to becoming an educator. I also believe that a teacher apprenticeship program would attract more young people into the profession. My oldest child is now 17 and currently in the K-12 educator program at the Career Academy, which allows her to take education classes for college credit through SCC. In addition, she's actively involved in a practicum experience at a local school through her career academy program. However, as we have discussed her future, she wavers in her commitment to becoming a teacher. One of her most significant concerns is the cost of a teacher training program and the subsequent student teaching experience. Many of her friends are attending community college programs or taking



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apprenticeships in the trades. My daughter knows how much money her friends will save on educational expenses, which appeals to her. Her friends entering the trades can earn while they learn. That is not currently the case with teaching candidates. Educators make all other professions possible. Every plumber, welder and electrician started by learning math, reading and writing in a classroom from a teacher. While our young people are considering their futures, many are encouraged to look to professions with reduced educational costs and increased opportunities to earn while learning. However, it all starts in a classroom with a teacher. In addition, during the pandemic, we were reminded of how vital it is for our schools to be open with students learning in person. It's critical to our communities thriving. Schools need teachers and our communities need schools. Therefore, it only makes sense to dedicate public dollars to the training of teachers. The bottom line is that we need to make teaching an attractive option for individuals choosing their career path. Those individuals could be brand new high school graduates like my daughter or nontraditional candidates like me. Unfortunately, if the cost of becoming a teacher is unpaid labor and an increased likelihood of paying debt, suitable candidates will make a different choice. Thank you for taking the time to hear my thoughts on the matter. I'd be pleased to answer any questions you may have.

**MURMAN:** Any questions for Ms. Regler? If not, thank you very much.

**KATHERINE REGLER:** All right. Thank you.

**MURMAN:** Any other proponents for LB762? Any opponents for LB762? Anyone wish to testify in the neutral position for LB762? If not, Senator DeBoer, you're welcome to close. And while she's coming up, we have letters; two proponents, one opponent, zero neutral. OK. Proponents are John Skretta, Jolene Combs. Opponents are Connie Karr. Go ahead.

**DeBOER:** All right. Thank you so much. I just wanted to say that you have the ability-- or the, the Department of Education has the ability to craft exactly the way an apprenticeship program will look. But there's such incredible opportunity right now that we should craft one, at least one in some direction, multiple ones, if we can. And again, the cost can scale up or down. When I was sitting in that, that panel in Hawaii, I was sitting next to-- I didn't notice it at the time because there was someone sitting between us. They left. And there was Senator Stinner. Former Senator Stinner was on my right, and he and I afterwards looked over at each other and he said, are you thinking what I'm thinking? And I said, yes. He said, we need to do

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this right away. It's a really good opportunity to take advantage of some federal apprenticeship money to try to make some kind of difference on our teacher shortage here in Nebraska. And I really think there's a lot of opportunity here. And I would encourage this committee to take a hard look at how we can make these things a reality because we've got a lot of long-term thinking to do about our teacher shortage. So thank you very much. Happy to answer any questions.

**MURMAN:** Any further questions for Senator DeBoer. Senator Conrad.

**CONRAD:** I'm happy to defer, but thank you, Senator DeBoer. Really appreciate this thoughtful hearing and this thoughtful idea. You know-- and I think Senator Albrecht mentioned before Senator Linehan has brought forward proposals, Senator Hansen, other senators. Senator Walz has brought forward proposals. I think everybody on the committee is uniquely aware that we have a crisis in terms of recruiting and retaining educational professionals to do the incredible work that they do across our state. I can tell you one thing that I'm struggling with as a new member of the committee-- and maybe committee staff can look at it or the educational community stakeholders can put their heads together-- is just what exists, what are the gaps, what are the strategies with all these different policy choices we have before us? What helped short term, midterm, long term? What leverages federal dollars? I, I feel like-- and I-- we need some sort of-- like a policy choice grid or something like that to just kind of map it out. Because they think there's a lot of really smart solutions in play right now to address the teacher shortage and I know that this committee is committed to trying to figure out how to do that most effectively. And so I'm not putting the burden on you and your office to put together that information, but I know that we have a lot of really smart stakeholders in the educational community across the state that maybe could help us, help us think through that to understand kind of how these measures work together or don't. But I just-- I wanted to just put that on the record and see if you had any thought to kind of how you see your proposal in the constellation of ideas.

**DeBOER:** Yeah. Thank you, Senator Conrad. I think there, there has to be a number of different strategies, right? As you say, there are some that will work better in the short run and some in the long run. I think we need to work on a number of different strategies to make our whole teacher education system more resilient in general and more-- I don't know, you know, inducing to children and young people as they kind of come up through the K-12 system to say this is a real option for me. We know we're going to need a lot of teachers. We know we're

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going to need a lot of teachers not just now, but 20 years from now, 30 years from now. That's just the way it's going to be. So we have to have some different programs in place and some of that requires some creative thinking. And again, we've got some federal dollars we can leverage here. So, you know, it's a kind of program. Because Nebraska is-- you know, for the record, Nebraska is not the only one who's having teacher shortage problems, right? I remember hearing at CSG a couple of years before some folks were talking-- I serve on the education committee there and some folks were talking about teacher shortages. And I was all smug thinking, well, we don't have that bad of a problem in Nebraska, but of course we do. So this is a perennial problem that we're going to have to work on as a country, but I think Nebraska ought to take advantage of some things while we can.

**CONRAD:** Yeah, absolutely. And just to continue the conversation at that point, I know it was a frequent refrain when I was out canvassing on the campaign trail and it's continued into my transition to public service. But a broader, I think, issue that we need to connect the dots on is that when there is a relentless attack on public education and public education teachers, it undermines our ability to recruit and retain top talent through any number of these thoughtful and smart proposals that different senators have been brought forward. But we can't divorce those narratives from each other. And so I want to just make sure that we have kind of a strong perspective from those different, different points of view that are out there, that when we undermine public education, it undermines our shared values and goals to ensure that we have great teachers in the classroom.

**DeBOER:** Yeah, I just think it's really great how awesome our public schools are in Nebraska and I want to continue to make them strong and to all of our schools in Nebraska. So, you know, this is a program that we teach for, you know, every kind of teacher. So I think that's important.

**CONRAD:** Awesome. Thank you.

**MURMAN:** Any other questions for Senator DeBoer? Senator Albrecht.

**ALBRECHT:** Thank you. Piggybacking off of just what Senator Conrad had talked about, you would like to just give this to the Department of Education to develop something. I would like to see it more come from us, you know, with a direction. And like you said, there's so many other-- we don't have to reinvent the wheel. We need to just find the best practices that other states have used to see what we can do for Nebraska to make our program what it needs to be. And I think we have

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a lot of different players out there that would have to weigh in on it. And so for that, I'd like to, to just kind of concentrate on what type of a program we're going to recommend that they develop.

**DeBOER:** And I think you can, you know, be more or less prescriptive. I mean, you all have the expertise, right? You're the Education Committee so you have the expertise along with the Department of Education, of course, who's had the time. I mean, we-- as senators, we have a number of different issues that we, you know, have to deal with on a given day. So, you know, the Department of Education has the expertise of being able to look into the various states and what they've done and which programs have worked and which haven't. So I think it's probably a partnership between both this committee--

**ALBRECHT:** Absolutely.

**DeBOER:** --which has the subject-matter expertise in our body and the department, which has the, you know, real lived-world experience of working with these kinds of programs.

**ALBRECHT:** Good. Thank you.

**DeBOER:** Yeah.

**MURMAN:** Any other questions?

**WALZ:** I--

**MURMAN:** Senator Walz.

**WALZ:** Thank you. I just wanted to say thank you for bringing this piece of legislation and especially for the two testifiers, both who were young moms. I was a young mom when I went back to school to get my teaching degree so I understand completely how hard that is. So something-- a program like this would be very welcome in the state to a lot of young men and women who are raising families and trying to get through school so thank you very much.

**DeBOER:** Absolutely. Thank you.

**MURMAN:** Any other questions? I have one.

**DeBOER:** Yeah.

**MURMAN:** You mentioned that it would cost approximately \$30,000 per apprenticeship. Does-- do you look at all of that cost going toward

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the apprentice or does some, some of that go to the student teacher or how, how would you foresee that?

**DeBOER:** Yeah, so that was just kind of a back-of-the-envelope estimate that the department gave me, doesn't have to be the final answer. That was just kind of a throw out a ballpark number so we get a sense of it. And I think the vast majority of that goes to the, the apprentice. Maybe there's a little bit of administrative cost as well.

**MURMAN:** OK. And then you mentioned federal dollars.

**DeBOER:** Yeah.

**MURMAN:** Could you expand a little bit more about what there is available?

**DeBOER:** Yeah. So there's that \$100 million specifically in the Department of Labor for these teacher apprenticeship programs. What happened was the Tennessee official who was there at this, at this panel was talking about how they went through the series to get their apprenticeship programs for teachers recognized by the U.S. Department of Labor as an apprenticeship program, just like a carpentry apprenticeship or some other kind of apprenticeship program. And once they went through that program-- and they-- there's a long process for getting it recognized and starting that with the U.S. Department of Labor and everything. Once that finished, then they said, OK, now we need to-- both the Department of Labor and Tennessee said we need to kind of evangelize to other states and show them this great program that we have that's worked. And I've list-- I've listed the states where they've developed a program like this. But really, if you look on growyourown.com-- org-- he'll email-- we'll email you the link. You can see the folks who started this in Tennessee and sort of they'll describe the program that they developed. But because it was recognized, Department of Labor said this is a fantastic idea and we want to partner with states in this way. So there's been a large sum of money that's been-- become available to states to use in these kinds of programs.

**MURMAN:** OK. Thank you. Yeah, if you could email everybody on the committee that link, I think that would be helpful. Any other questions? Thank you very much.

**DeBOER:** Thank you.

**MURMAN:** And that will close the hearing for LB762 and we will open the hearing on LB787, Senator Wayne. Good morning.

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**WAYNE:** Good morning. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. I want to start by saying I believe every child should have access to a high-quality education not by the chance, the chance they get into a good school and not by privilege, privilege that they have certain amount of income, but by right. Over a century ago, Frederick Douglass said education is the passport to the future, for tomorrow belongs to the people who prepare for it today. There has been-- never been more truth to that statement than there is today. In a world where knowledge determines the value in the job market, where a child in Gering, Nebraska, competes with a student from China, education is the passport for any child's future. I fundamentally believe that America promises all children when they are born that if they get a high-quality education, they will have a chance at a better life, a chance to obtain their passport to find the American dream. It is this promise and this dream that allows many children and people I represent to transcend the barriers of race, gender, class and achieve their God-given potential. It's the reason why I went to law school. It's the reason why I went to school is to pull myself up by the bootstraps and, and do something better for the kids after me. I am a proud Omaha Public Schools product, but I know that our school systems across the state need some support and new tools. And one of the new tools that I'm introducing today is LB787, the Adopt the STEEM Development Act. The STEEM Development Act will establish a grant program for the Department of Just-- the Department of Education to perform innovative curriculum and learning resources for Nebraska middle school and high school students related to science, technology, engineering, entrepreneurship and mathematics. It would appropriate \$5 million to the Department of Education to carry out this grant program. What I've learned through LB1020 studies and MIT-- I'm in a program out there-- that the key to our future really is innovation and entrepreneurship. When you talk about closing the wealth gap, the only way you can do that is through equity. You can't earn your way out as a community out of the wealth gap. The only way you can close it is through equity. And the only way you can get equity is equity in a home or equity in a business. And that's usually small businesses starting and growing. And where we have to move as a state is in innovation. If you look at the biggest technology producers and the biggest human capital producers and where they are going, they are going to states and cities that have innovation. And that's the basis of this bill is how do we capture the students when they are young to be innovative and to build entrepreneurial skill sets? So what you'll hear from people after me is computer programs, software that interact with kids and meet kids where they are.

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Yesterday you heard me kind of go on a rant about programs don't change people, people change people. And they can change people by interacting with students where they are. So one of the games, if you want to call it, teach kids how to-- it's almost like a Minecraft, where they teach kids how to defend and fight and destroy monsters and other things. But it also teaches them why they're doing this how to build armor and shields to make sure they're using the right iron and natural resources and what those burn things are. I don't even know because I'm not a chemist, right? Like-- but how to teach them about chemistry. And I sat through this demonstration and I was just blown away because there's never been that type of engagement when I was in school and had there would be, I might not be an attorney. I might be trying to figure out how to solve cancer and being a chemist, but it just wasn't that engaging to me. The other game you might hear today is about entrepreneurship. And as they go through levels and conquer quests, they're building a skill set around how to run a business, how to do a business plan, and how to sell and market that plan in an innovative way and it meets kids where they were. And what's important to me is that it doesn't hinder their teacher. It actually enhances the teacher's ability to connect with kids. And that's what we're trying to do, I think, in the education world and what we're trying to do as a society. I know we have a lot of work to do, but if education truly is the passport to the future, we have to figure out how to engage every kid. And if they are on their phones and on their computers, we have to figure out how to use it as an asset and a tool to engage them and I-- hopefully this program will do that. And with that, I will answer any questions.

**MURMAN:** Thank you. Any questions at this time for Senator Wayne? If not, thank you very much.

**WAYNE:** Thank you.

**MURMAN:** Any proponents for LB787?

**JOHN GOODMAN:** Good morning.

**MURMAN:** Good morning.

**JOHN GOODMAN:** Chairman Murman and members of Education Committee, it's a pleasure to be here today and to advocate on behalf of this important initiative. My name is John Goodman. That is J-o-h-n G-o-o-d-m-a-n. And clearly, I am not the celebrity that would make this committee hearing a lot more fun and entertaining. I am the vice president of governmental affairs and business development for Plasma

Games. Plasma Games is a educational technology company based in Raleigh, North Carolina. Thank you for the opportunity to testify in support of LB787 and the opportunities it can provide to Nebraska students, teachers and the workforce development pipeline. I want to particularly thank Senators Wayne, Slama and McDonnell for cosponsoring and authoring this important piece of legislation. Plasma Games was founded by a gentleman named Hunter Moore after he saw firsthand the challenges companies working in industries such as aerospace, nanotechnology, robotics, pharmaceuticals and others had finding qualified Americans to fill STEM-related jobs. His solution was to create a first-of-its-kind 3D digital learning platform that teaches STEM learning standards through engaging game mechanics. Our platform maximizes the fusion of learning standards with engaging gameplay to provide real-world context around what students are studying in the classroom. And this application of real-world context has significantly helped to increase students' interest in STEM education. For example, Mr. Chairman, the platform spotlights Nebraska community colleges, Nebraska universities, Nebraska corporations, Nebraska jobs so that students can see themselves studying in Nebraska, working in Nebraska to build that workforce pipeline that drives economic growth right here in Nebraska. An independent study funded by the North Carolina Department of Commerce and analyzed by independent North Carolina State University researchers found that students who use Plasma Games are five times more likely to pursue a chemistry-related career than the control group, which did not use our platform. Also of note, that same study found a 19 percent increase in end-of-the-year test scores after just one time of 30 minutes of gameplay. And lastly from the study, researchers found that 100 percent of teachers who used the Plasma Games platform wanted to continue using it in their classrooms. Members of the committee, Mr. Chairman, these are truly unprecedented learning gains and in fact, what has enabled us as a company to win first place in the world in an international competition out of Athens, Greece, for the best learning game on the planet. We also won a National Science Foundation award, beating out MIT, Caltech and everyone else in the country. And as of 2021, we were recognized as the best educational technology company in North Carolina for the outcomes we were having on student achievement and the economy. Finally, it's worth noting that the platform has an integrated textbook with text descriptions and videos that explain science concepts in a conversational dialogue. In addition to the platform itself, we provide step-by-step teaching materials, study guides, worksheets, all resources that teachers need to effectively be a chemistry or STEM teacher on day one, even though they may not have a background in those fields per se.



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**MURMAN:** The red light is on.

**JOHN GOODMAN:** Yes, sir. Thank you, Mr. Chairman.

**MURMAN:** I'll invite you to finish up your thought.

**JOHN GOODMAN:** Yes, sir. Thank you so much. Advancing LB787 is an investment in Nebraska's students, workforce, and economic development. I'm happy to answer any questions. Thank you for your time. I'm sorry to have gone to the red light.

**MURMAN:** No problem. Any questions for Mr. Goodman? Senator Sanders.

**SANDERS:** Thank you, Mr. Chair. Good afternoon. Good afternoon. It's only morning still, isn't it? Good morning. Thank you for being here.

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

**SANDERS:** I represent District 45 and in my district is the largest Air Force base in the [INAUDIBLE]. And they're seeing, right, the workforce shortage. So would this program, this type of education help, help us develop the military-- people that are going into the military to help build that workforce here in Nebraska?

**JOHN GOODMAN:** Yes, ma'am. I believe it would. And as you are probably aware, North Carolina is a heavily dependent military state itself. It is one of our largest industries outside of agriculture. And so in the national defense portion of this conversation, these future STEM graduates would take that training, education to the military when it is time to develop things like hypersonic missiles. We are in conversations with the state of Kansas at the moment and Wichita State University is in charge and they won a federal grant to come up with the materials to build hypersonic missiles. And they are using the STEM curriculum to build those-- the, the wrapping that goes around those missiles because it's a chemistry-driven process. So they quickly got what we were trying to accomplish here. So, yes, ma'am, there's a direct tie to what the curriculum provides, particularly to the military and our national defense.

**SANDERS:** Thank you and I have one more question.

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

**SANDERS:** Is this type of education available in China and are we going to be ahead then with our competitor-- or compete?

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**JOHN GOODMAN:** So the platform that we have developed is a first of its kind and only product that exists on the planet, which is why we won first place in the world in Greece. And we are a American company and we do not do business with anybody that's outside the United States.

**SANDERS:** Thank you.

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

**MURMAN:** Any other questions from Mr. Goodman? Senator Walz.

**WALZ:** Thank you, Chairman Murman. Can you just-- you talked a little bit about how you're working with schools and teachers in this program. Can you just explain it a little bit more how-- what the process looks like?

**JOHN GOODMAN:** Absolutely. Thank you for the question, Senator. So we partner with states and at the legislative level, sometimes the executive branch level, depending on the funding mechanism because of the federal dollars have flowed through the executive branch recently. But the majority of the time with legislators, legislatures and pot of money is provided. In this case, I think LB787 provides \$5 million. We would then go in and submit an RFP to compete for the award or the grant. We would get a portion of that grant and at that point, it would make the product available to all Nebraska middle school and high school students. It is an opt-in process. We strongly believe in local control. So every student, every district that wanted it in Nebraska could have it and at no cost to those districts because the state has paid the upfront cost for it.

**WALZ:** Can I ask a--

**MURMAN:** Yeah.

**WALZ:** So is it a program that would be used for a class or is it per student? Like, is it an individual student who says this is something I want to do? Or is that the teacher saying this is a program I want to use for my class?

**JOHN GOODMAN:** Yes, ma'am, and the answer is both.

**WALZ:** OK.

**JOHN GOODMAN:** Some teachers have used it in place of, like, lab time because the fact of the matter is, is that in today's age, there's not a whole lot of lab time because blowing things up isn't cool any more

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in the schoolhouse, which I get. It can be used as homework. It can be used as a group exercise. It's really a tool and a resource for teachers and how they choose to implement it in their classroom, in alignment with their curriculum and their, you know, schedule for the day, the semester, it's really up to them.

**WALZ:** OK. That helps a lot. Thank you.

**JOHN GOODMAN:** And we do hands-on training for all the teachers, so we'll go in and help them customize it to the lesson plans.

**WALZ:** OK. Thank you.

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

**MURMAN:** Any other questions? Senator Briese.

**BRIESE:** Thank you, Chairman Murman. Thank you for being here today.

**JOHN GOODMAN:** Yes, sir.

**BRIESE:** Any other companies utilize your business model here?

**JOHN GOODMAN:** I don't know that I can speak to that and give you an answer that I'm willing to be confident in.

**BRIESE:** OK and you've already developed this program and so essentially, you would be providing what you currently have if you would receive a grant from the state here and--

**JOHN GOODMAN:** Yes, sir.

**BRIESE:** --do that, correct?

**JOHN GOODMAN:** Other states are already using it. Nebraska is on our set of states to expand into this year.

**BRIESE:** How many other states?

**JOHN GOODMAN:** We are currently in or pursuing 14 states and that is in the last 18 months.

**BRIESE:** OK, in or pursuing. Which ones have you contracted with or which ones are you--

**JOHN GOODMAN:** Currently--

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**BRIESE:** --in engagement with?

**JOHN GOODMAN:** Certainly, yes, sir. Currently, North Carolina is on year four. South Carolina is on year three. Alabama is just signed on. Virginia, West Virginia are next. Missouri. Kentucky. And then for this year, we're looking at Kansas, Nebraska, Indiana, Tennessee.

**BRIESE:** If you were going to work with Nebraska, what size of grant would you target?

**JOHN GOODMAN:** So we would be applying for \$2 million out of the \$5 million and that's to cover the entire state, middle and high school students. Yes, sir.

**BRIESE:** OK and that would be annually?

**JOHN GOODMAN:** Yes, sir. That's an annual license that gives children access to the platform. It's just a log-on with the username and password that they create and they use it at their, you know, their disposal.

**BRIESE:** Would anticipate the cost for the following year to be comparable? Would it be the same?

**JOHN GOODMAN:** It would be the same. Yes, sir.

**BRIESE:** OK.

**JOHN GOODMAN:** Yes, sir. We don't-- we wouldn't-- we would only increase the price if the state wanted more. You know, some states have said, we love this. We want you to build us the next wave of whatever direction the state is going. And we're in conversations with states on that. North Carolina is doubling their investment this year from 2.5 to 5 because they're taking what we've been doing and moving it further along. They've seen the results on the--

**BRIESE:** And how do you move it further along? What, what's left here?

**JOHN GOODMAN:** So we would expand the product base and pick up more subjects that match to the curriculum as set by you guys/the department. So if-- I don't know, physics-- and I'm making this up off the top of my head-- was important, we would expand into a platform to cover physics that correlates with our current platform.

**BRIESE:** OK, OK.

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**JOHN GOODMAN:** But it's focused mainly on the STEM. Thank you, Senator.

**BRIESE:** OK. Thank you for that.

**JOHN GOODMAN:** Thank you, Senator.

**MURMAN:** Any other questions? I have one. Your estimate, estimate of approximately \$5 million for the state of Nebraska, so that would provide, like, one class for all students in the state? Is that--

**JOHN GOODMAN:** Thank you--

**MURMAN:** --is that how you get that estimate or--

**JOHN GOODMAN:** Thank you, Mr. Chairman. Our portion of the five would only be two that we would apply for. It wouldn't be the four, five. I think LB787 allocates a pot of money of five to the department. We would then go and apply for two of that five. I'm assuming there are other initiatives. I think you'll hear of one shortly that would also be interested in applying for that pot of money. However, at that point, the department would then-- we would work with the department, of course, but we would allocate this product, this platform to all the schools, every school, every district all across the state would have access to the product.

**MURMAN:** So--

**JOHN GOODMAN:** All they have to do is log on.

**MURMAN:** So it would be at every grade level or just, like, chemistry and physics in high school level?

**JOHN GOODMAN:** Every middle school and high school, every middle school, every high school student because that is the age groups when the STEM curriculum really starts to kick in. Before that, you're not really taking the STEM career pathways.

**MURMAN:** And the, the teacher's device would interplay with the students' devices to, you know, monitor how far each student has done with the game or those types of--

**JOHN GOODMAN:** Yes, sir. Absolutely. So the, the platform was designed to run on a Chromebook, which is the bare minimum. It can work on even something as simple as dial-up. I mean, that's, you know, hard to believe that still exists, but it does take some level of Internet, but it could be the lowest of the lowest. And we did that purposefully

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because, you know, North Carolina being our first state out of the gate, you know, we have very rural parts of North Carolina, particularly in the mountainous areas where, you know, Internet is, you know, in high demand and slow. There's a lot of work getting Internet to those areas. So we wanted to make it not only available on a tool, a Chromebook that, you know, was quite frankly the least expensive for school districts and the most popular, but also to make sure that they could access the program with bare Internet speed for anyone.

**MURMAN:** Thank you very much. Any other questions for Mr. Goodman? Thank you very much.

**JOHN GOODMAN:** Thank you all for your time. I really appreciate it.

**MURMAN:** Other proponents for LB787? Good morning.

**PAM PETERSEN:** Good morning. I am Pam Petersen, P-a-m P-e-t-e-r-s-e-n, and I'm a teacher in Nebraska for over 20 years, both at York Middle School and Blair Middle School. I bring a unique skill set and experience to my career. As a high school student, I was able to do research at UNMC, giving me the vision that I could be successful in science. I had the pleasure of working at NASA's Kennedy Space Center as an educational intern for two summers. I've been an NASA Nebraska space ambassador for the last ten years, as well as part of the inaugural class of the Nebraska Department of Education STEM Fellows. I was also honored to be awarded the presidential award for excellence in mathematics and science. During my tenure at York Middle School, I was tasked with creating a semester-long STEM class for high-ability eighth grade students and a quarter-long STEM class for seven--high-ability seventh grade students. I've also been a Nebraska fellowship coach, a pilot program last year we created for freshmen and sophomores in college trying to build the STEM pipeline for industry here in Nebraska. Due to all of these accomplishments, I feel qualified to address the needs for STEEM education in Nebraska. STEEM is an acronym for science, technology, engineering, entrepreneurship and mathematics. First, I believe we must address the issue with availability. In my experience, STEM or STEEM is not available to all. Typically, STEM programs are expensive, requiring resources, costly supplies and of course, qualified teachers. Another trend I see is that some programs are only for high-ability students as a way to challenge students. These students are always the ones with the best problem-solving abilities. So how can we provide these opportunities for students in real-world, meaningful ways so students can feel confident to pursue careers in these areas? LB787 solves these

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problems-- sorry-- by putting STEM into the hands of all Nebraska middle school and high school students. It provides a way not only to introduce the material but to immerse students in STEM using gamification. The game-based learning platform has many benefits, the largest being its ability to engage students more effectively than traditional classwork. The engagement leads to higher retention and learning as an instant feedback and reinforcement. Gamified learning modules promote engagement by creating challenges and tracking users' progress as they learn. The rewards and challenges of gamified learning creates an environment in which students can learn how to apply the knowledge and skills they're gaining, giving students added confidence when asked to use these skills in the real world. The online format helps to level the playing field for all students, as, as instructors need less training supplies than other resources. We need to make STEM happen for all of Nebraska's students. LB787 can make this happen and students achieve greater success. I encourage you to support LB787 and I thank you for your time and all of your work.

**MURMAN:** Thank you. Any questions for Ms. Petersen? If not, thank you very much. Any other proponents for LB787? Good morning.

**MICHELLE EBERHARD:** Good morning. It's a little cold here. My name is Michelle Eberhard. I'm CEO and one of the founders--

**MURMAN:** Could you spell your name?

**MICHELLE EBERHARD:** Absolutely.

**MURMAN:** Sorry.

**MICHELLE EBERHARD:** Michelle, M-i-c-h-e-l-l-e, Eberhard, E-b-e-r-h-a-r-d-- as the CEO and also one of the founders of the AllRealms Corporation and subsidiaries, a Nevada entity formed in 2021. On behalf of Quest Academy, I am here to present to you, the committee members and the state of Nebraska, our curriculum, the ultimate business quest. The ultimate business quest is a fully gamified business program, bringing the 21st century youth into a fantastical world as an immersive gaming experience that translates their business fantasies into their entrepreneur reality. Throughout our gaming course, students will learn to build teams, build business plans, build business startup checklists, learn personality profiling through a gamified way, gamified resume building, understand and conquer all their business fears, learn how to climb out of their own pit of excuses. Each lesson is designed as a game, as they are familiar with and can associate with to enhance their learning

experience. Throughout their fantastical quests, they will learn all business do's and don'ts, prepare them for the corporate and entrepreneurial world. Ultimate Business Quest has a fully customizable leaderboard and reporting for schools, districts and classes based off of your specific needs. Our curriculum we have developed incorporates Nebraska business and entrepreneurial standards. We have developed the curriculum into two semesters with three T-- CTE credits each. Our platforms allows us to scale quickly and efficiently for the entire state. How we launch our program is through a gamified assembly that will excite the youth to, to invite them to take the course. Our company will also work with each school, making the experience a fun and seamless launch. We also provide support to all the teachers if the curriculum is incorporated in the schools or we guide the students through the curriculum with our accredited teachers, whichever the state chooses. Our curriculum, technology and gaming app work in conjunction with each other to provide students with a fantasy gaming experience along with a traditional gamified curriculum. We are registered as a Google and Apple developer owning our own code, servers and IP. Our team has over 120 collective years' experience in business, entrepreneurship, technology and education. We work together with schools to enhance education for business and entrepreneurship. Thank you so much for your time and consideration.

**MURMAN:** Thank you. Any questions for Ms. Eberhard? Yes.

**WALZ:** Thank you, Chairman Murman. You mentioned something that I didn't think about through the testimony and that was teambuilding and how you work with other people and personality profiling. Can you talk a little bit about how that could be used-- in what ways that could be used, I guess?

**MICHELLE EBERHARD:** Thank you. That's actually the funnest answer. So through, through the archetypes, are you a warrior, a wizard, a bard, and jester, something that kids can relate to when they go into that more fantastical world. And how they develop and build teams is we will have them understand who they are, who they're showing up as, and then build a team around each archetype because every single person has a completely different personality. And how you work together in a team, especially in business, is a diversified team. Not all warriors should be in one business and all jesters should be in one business. Otherwise, it would be a little lopsided. So we teach them the balance of business and they get to choose who's on their team to build an actual business throughout the, the course.



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**WALZ:** OK, great. Thank you.

**MICHELLE EBERHARD:** Yeah.

**WALZ:** Appreciate that.

**MURMAN:** Any other questions? Senator Briese.

**BRIESE:** Thank you, Chairman Murman. Thanks for your testimony here today. So yours is business focused then, correct?

**MICHELLE EBERHARD:** Yes, um-hum.

**BRIESE:** And what grades-- if you were going to present this to the state, what grades would you suggest that we target with your program?

**MICHELLE EBERHARD:** Thank you, 9-12.

**BRIESE:** Nine to 12 and for how many months out of the year?

**MICHELLE EBERHARD:** A full school year, two semesters.

**BRIESE:** OK. So if I did the math on that, our \$5 million here wouldn't go very far with your program probably.

**MICHELLE EBERHARD:** That would be pretty accurate.

**BRIESE:** Because you're, you're suggesting \$5 per student--

**MICHELLE EBERHARD:** Five dollars per--

**BRIESE:** --per month--

**MICHELLE EBERHARD:** Um-hm.

**BRIESE:** --\$60 a, \$60 a year. We probably have 27,000, 28,000 kids per grade roughly and you're talking four grades.

**MICHELLE EBERHARD:** It would be good, especially with the current budget in place, to just start with 11 and 12 because they are coming into that workforce soon. And regardless if they are an entrepreneur and going down that path or corporate, it's actually designed for both because of the resume building and how to work together in teams.

**BRIESE:** So if we're going to prioritize our dollars, you would suggest grades 11 and 12.

**MICHELLE EBERHARD:** Absolutely--

**BRIESE:** So it would be a 12-month program.

**MICHELLE EBERHARD:** --and then we can expand,

**BRIESE:** --though, a 12-month commitment.

**MICHELLE EBERHARD:** Correct.

**BRIESE:** OK.

**MICHELLE EBERHARD:** Yes.

**BRIESE:** Thank you.

**MICHELLE EBERHARD:** You're very welcome.

**MURMAN:** Any other questions for Ms. Eberhard? I have one. Many parents and teachers feel like their-- the kids are on their devices too much. And I know we're, we're-- these programs are designed to meet the kids where they are. But at the same time, I think they're also-- you know, of course, kids are doing their work, but going to be on their devices more with the programs. How would you address that?

**MICHELLE EBERHARD:** I would love that. Thank you, Senator. There is a beautiful balance and is also with work as well. And we call it the BPR, balancing your BPR is your business, your personal and relationship. And one of the fundamental problems of business owners-- and we now see it in our children now starting to come up-- is that we're so consumed when we go home. We're so consumed on our devices. We're so consumed in work. We can't shut it off. So one of our biggest-- actually, one of my, my biggest passions in the entire gaming app is that BPR. And so we teach the kids how to balance their day without being on the device all the time, is that they're actually setting the checklists and they actually can determine how much they're spending in each portion of their life. And, and with this program, it also brings it into reality. So they learn it inside the game, but then they also have to apply it outside without a device.

**MURMAN:** Thank you very much.

**MICHELLE EBERHARD:** You're very welcome.

**MURMAN:** Any other questions for Ms. Eberhard? Thank you very much.

**MICHELLE EBERHARD:** Thank you for your time.

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**MURMAN:** Other proponents for LB787? Good morning.

**KATHY COPE:** Good morning, Chairman, senators. It's a pleasure to be with you today. My name is Kathy Cope, K-a-t-h-y C-o-p-e. I have been overseeing the Quest Academy's curriculum, the Ultimate Business Quest. With a master's degree in education and one in special education and 20 years' experience creating, editing, approving textbooks, curriculum and teaching, my expertise focuses in the development and adaptation of curriculum for students who perform below grade level or the unmotivated student who struggles with behaviors that interfere with their learning. The Ultimate Business Quest curriculum provides a following for business and entrepreneurial Nebraska standards. It guides you how to start, operate a mock enterprise with teams or individually in a fun story-form gamification. While playing the games, they learn how to apply academic knowledge such as accounting, recordkeeping, and economics. It guides them through the development of career-readiness skills. Playing the game provides management and critical thinking skills that can be applied throughout the lot-- in your life and in employment, including entrepreneurialism. Some of the topics that are covered are marketing, sales, financing, recordkeeping, budgeting, communication, customer service and decision making. They experience that successful entrepreneurs take calculated risks best on-- based on demographic research and relevant information throughout the course, gamification for youth to develop a business plan and a portfolio to be used when they leave the classroom. This enhances creativity, innovation and problem solving. This business quest is fully gamified and a business program with learning through story form that captivates the students while having fun and learning business skills at the same time. Are there any questions?

**MURMAN:** Thank you, Ms. Cope. Any questions for Ms. Cope? Senator Briese.

**BRIESE:** Thank you, Chairman Murman, and thank you for your testimony here today. Who did you say you were with again?

**KATHY COPE:** With the CEL [PHONETIC], Ultimate Business Quest.

**BRIESE:** OK. OK. Very good. OK, thank you.

**MURMAN:** Any other questions for Ms. Cope? If not, thank you very much.

**KATHY COPE:** Thank you.

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**MURMAN:** Any other opponent-- or proponents for LB787? Any opponents for LB787? Anyone wish to testify in a neutral position? If not, Senator Wayne, you're welcome to close. While he's coming up, we've got three proponents, no opponents and no neutral. Proponents are Deborah Frison, Jeanne McClure and Anica Brown.

**WAYNE:** Thank you and I'll be quick. When I, when I think about the grant, Senator Briese, as far as the numbers question, I picked \$5 million because it seemed safe that we could find somewhere to start a pilot program. As you heard, there's different ways. I think all of these companies being in tech at least the two here, different ways you can do the building. You can do per student. And if you did per student, obviously that would be significantly less because maybe there's only 500 students who start off using it versus the entire state of 100-- no, 100,000. So there's different ways and I think that'll be up to the grant guidelines to make sure they write it differently and all these proposals come out. There might be some concerns about, you know, displacing teachers. I think that's kind of where I heard some questionings going. I can sit down with the NSEA and anybody and make sure we strengthen the language because that's not the intent. This is supposed to be a tool. We are not looking to replace anybody. We are trying to make particularly rural Nebraska and even in some of the OPS schools where teachers are trying to engage in these chemistries and type engineering and STEM research and-- I mean areas that they find ways to engage in. So we're just trying to use this as a tool. The grant, I think, will allow for a lot of flexibility that-- maybe there's a company out there that I don't know about. I actually just happened to stumble across these two companies, but there could be other companies who are doing STEM that would obviously apply. So that's why the \$5 million came from was based off of just a-- I think it's an easy number that, that this committee can do to start innovation and start engineering and start this entrepreneurship aspect of it. But if you look at our clusters as a state, we talk about biotech with the university and the amazing research they do there. We are actually importing a lot of people because we as a state aren't growing enough in, in this field. You look at Offutt Air Force Base Senator Sanders was talking about. Again, we are bringing people here, but we're not building enough around that cluster to keep people here. So after they get done with the military, they leave. You look at agribusiness. We got Valmont, we got Lindsay. These are some of the biggest irrigation companies in the world who they have huge innovation around rusty-- when we talk about third world, the water and how it rusts the pipes and trying to do innovation around that kind of stuff. That's all chemical, that's all

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engineering. And again, many of their research and development are not here in the state even though they are-- have a big present-- or headquartered in the state. We have to start developing more workforce around the STEM and around innovation and that's why this bill is so important. So again, this is just a pilot program. I think we can put a sunset vision on it till we come back in five years, which I won't be here, to see if it's still working or not. But it's a way to just engage kids at their level and see if we can move the needle on the number of engineers and scientists and people who are in this innovation-type field and see if we can increase that, that conver-- I mean, that population dramatically. So that's the purpose of this bill. And I look forward to working with anybody on any amendments that need to get this done.

**MURMAN:** Thank you, Senator Wayne. Any questions for Senator Wayne?

**ALBRECHT:** Hey, Senator, I have a question.

**MURMAN:** Senator Albrecht.

**ALBRECHT:** Thank you, Senator-- or Chairman Murman. Thanks for bringing this. I'm very intrigued by it. Do you see the ESUs taking this and taking it across Nebraska or would the Department of Education be overseeing?

**WAYNE:** Right now, it's going to the state board as a grant. One, I want to make sure we have public oversight of it just to make sure that we have somebody accountable, somebody who's elected to make sure this grant is going the right way.

**ALBRECHT:** And when you say public oversight, meaning who?

**WAYNE:** The State Board of Education would oversee it right now. You know, initially when I wanted to bring this bill, I wanted to figure out how to give it to the school districts. But again, I'm thinking we're setting up a dynamic where some school districts may not be able to afford it for whatever reason. So I wanted the state to step in and pay it. And so I'm not-- I don't care who it goes to as far as the entity. I just want to make sure the state covers the costs that we invest in our, in our children's future.

**ALBRECHT:** Thank you.

**MURMAN:** Any other questions for Senator Wayne? If not, thank you very much, Senator Wayne. And that will close the hearing on LB787 and I

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will turn the committee over to the capable hands of our Vice Chair Albrecht.

**ALBRECHT:** Thank you. OK, we'll open for LB800 at this time. Senator Murman.

**MURMAN:** Thank you, Vice Chair Albrecht and members of the committee today. I'm on this side of the desk to introduce LB800 to amend the Superintendent Pay Transparency Act. I am a firm believer that Nebraska has great students, great boards, educators and administrators. Every school board in Nebraska has the responsibility of hiring a superintendent. School boards look for a superintendent with bold vision and the ability to lead and represent not only their school, but also their community. These are important jobs, but as you talk to citizens, it quickly becomes clear that while most school districts set their administrators' salaries at a fair and reasonable rate, some do not. A few districts seem to be paying their superintendents a rate that is out of touch with the rest of the state. For example, here in Lincoln in 2021, Superintendent Steve Joel had a base salary of \$334,515. When you add benefits, his total compensation package was \$530,529. I'll say that again: \$530,529. This salary put Dr. Joel and Lincoln with 41,747 students at the same pay level as the superintendent of Chicago's public schools, where Pedro Martinez made just \$5,500 more in base salary than Dr. Joel, while overseeing 340,658 students. Over eight times the students and roughly the same salary. Just doesn't sound right to most Nebraskans, especially when you consider the difference in cost of living. I am not saying that we shouldn't pay superintendents well. They clearly have lots of serious responsibilities and have had years of training and experience and deserve a fair wage that reflects that. What I am trying to do with LB800 is to bring the outliers back in line with the rest of the state. LB800 will cap Nebraska's superintendent salaries and benefits at five times the salary and benefits of a first-year starting teacher. I believe this will help with some administrative bloat and more importantly, provide an incentive for administrators to prioritize teacher salary increases. Thank you for your consideration and I'm open to any questions.

**ALBRECHT:** Thank you, Senator Murman. Any questions from the committee? Senator Conrad.

**CONRAD:** Thank you, Senator Murman. Quick question that popped into my mind during your opening. Would you be in support of a measure that would apply kind of the same line of thinking in the private sector,

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that you would tie, for example, CEO compensation to that of the lowest-paid employee?

**MURMAN:** No, I don't think I would. The private sector, you know, is the private sector. This is the public sector so these salaries are paid with the tax money. So I think it's a different situation.

**CONRAD:** OK. And then just a follow-up on that then, would you apply this type of policy to all aspects of government, say, for example, cabinet leadership at the state level down to the lowest-level employee in that agency?

**MURMAN:** Well, I think typically the lowest-level employee is probably not overcompensated, but at the top--

**CONRAD:** Agreed.

**MURMAN:** --levels, I would certainly consider that, yes.

**CONRAD:** OK. Thank you.

**ALBRECHT:** Any other questions? Thank you, Senator Conrad. Seeing none, we'll wait for--

**MURMAN:** Thank you.

**ALBRECHT:** --you to come back up. Looking for proponents of LB800. Proponents. Good morning.

**SARA FREEOUF:** Good morning. It's good to be here.

**ALBRECHT:** Thank you.

**SARA FREEOUF:** My name is Sara Freeouf, S-a-r-a F-r-e-e-o-u-f. I live in Crete, Nebraska. I've been married to a math and physics teacher for 56 years. He taught for 50 of that. I have been a music teacher my whole career. Back in the '70s, I ran for State Board of Education. I also was a lobbyist to help save the small Class II and III schools after I finished my seven years of 400 kids a day teaching. Long story short, I served on the ESU school board for three terms, 12 years. I drove from Crete to Milford faithfully. At that time, teacher training, special ed and technology were the ways that the ESUs helped the schools. There was the beginning of distance learning and some co-op purchasing too that I didn't remember till I typed this. As other conservatives got elected to the ESU board, we became more aware of the bloated spending in the huge ESU cash reserve. We voted to pay

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off the loan on the ESU building and thus, we lowered the mill levy. We tried to hold the line on our administrators' salaries, but the ESU 5 board seemed to always bump up their administrator salary to make other ESUs very aware of the upward trend. The salaries of all 19 ESU administrators must be made transparent. That's why I'm in favor of this bill. Yes, I'm totally in favor of capping these ESU administrator salaries. I also think that a complete and thorough audit of each of our Nebraska's 19 ESUs should be mandatory in the process of capping and making these salaries transparent. My reasoning for this is based on the opening meeting violations that we witnessed. The ESU 1 to 19 administrators were meeting all over the state for their dinner-planning sessions that included moving money around. Only board members have the legal status to move tax funds around. The proof of all this corruption went to the Nebraska Ombudsman, the Nebraska Governor and the Nebraska Auditor at the time. But sadly, a state senator got a bill passed which basically legalized everything these ESU administrators did. Administrators even got a new name. Instead of being called the ESUAA, they became the ESUCC, which is the ESU Coordinating Council. So in December of 2008, most of the ESU board members, including me, walked out and resigned. Do you have any questions?

**ALBRECHT:** Thank you for your testimony. Do we have any questions?  
Senator Linehan.

**LINEHAN:** Thank you very much, Ms. Freeouf, for being here and thank you for your years of teaching and your husband's years of teaching. So you bring an interesting subject here because I know that there are a lot of meetings which seem-- by administrators, not just the ESUs-- state administrators that don't seem to be open to the public. There's no press. There's no elected officials there. Is, is that your experience that there's several of those meetings going on? So you're saying there was a law passed that allowed them to do it?

**SARA FREEOUF:** Basically, they got their tickets out of jail because of what a senator decided to do. And if you have any further questions, I talked to my cohort last night because we, we were raising kids at the time. We were busy and I said, just jog my mind. And she said, I'll email you. And so I didn't make copies of this, but I have her information-- I guess it's back with my other things-- of what she experienced. She wrote her own thoughts down about that and she was more into the legal aspects of it. We wanted to deal with it at the time, but they smoothed it all over. And our administrator, actually, we fired him because he was moving funds and we rehired-- we hired a



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different administrator. That probably would have been about, oh, maybe 2004, 2005.

**LINEHAN:** Okay.

**SARA FREEOUF:** Yeah.

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

**ALBRECHT:** Thank you, Senator Linehan. Any other questions? Thank you for being here. Any other proponents wishing to speak? Seeing none, do we have any opponents that would like to speak?

**COLBY COASH:** Thank you, Senator Albrecht, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Nebraska Association of School Boards and I'd like to focus my comments today on three topics here. The first is local control, the second is free market, and the third is, is transparency. As you know, the School Boards Association is very concerned about local control. And this bill really does erode the control that boards have over the compensation-- setting the compensation that meets the needs of their district. Here's why that's important. The free market is really alive here in Nebraska. Boards have to face the same market pressures the businesses face and they have to offer compensation accordingly. There are factors across the state that go into decisions about compensation that range from the distance, from metro areas, from the size of the district to housing and daycare. Those are all factors that have to be considered. Salary and benefits is just one, but it's the one that boards have the control over. The supply and demand of superintendents in Nebraska has really changed, particularly over the last decade. So let me give you an example. In 2018, the Gothenburg School District had 22 candidates to consider for their superintendent vacancy. So they had 22 interested candidates for-- from which to choose their district leadership. Five years later, when that superintendent-- when, when there was turnover in that position, there were only nine candidates. So the supply of superintendents went down. The demand remained the same, could even say increased, and that does put pressure on the cost of that position. Salaries for superintendents, unlike any other school staff, are discussed in open session. They are offered in full view of the public. And once these superintendent contracts are finalized, they are posted and put out there, both in the NDE's website and on the school's website. So the compensation package for that one position alone is posted and available for the public to, to see. I'd encourage the committee to really consider the, the parallels, right, of, of a superintendent to the private sector

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since, since that was, was brought up. Superintendents really serve a role that is more akin to a CEO role, right? They are the top leader in a large district with a lot of employees and a lot of customers. And I think if you make that comparison, you'll see why compensation is, is what it is. I'll close by saying that, you know, hiring and the evaluation of a district's top leader is one of the most important roles that a board of education does. And they have to be free to consider all these factors when they discuss and offer compensation to their leaders. And so arbitrary limits will further limit that duty and for that reason, we would oppose this bill.

**ALBRECHT:** Thank you, Mr. Coash. Any questions from the committee? Senator Linehan.

**LINEHAN:** Thank you, Vice Chair Albrecht. So the free market, you're, you're not in a free-market world. I mean, you're-- I just-- that's not a question. I just-- I don't, I don't see free market. As far as being arbitrary, it's not arbitrary. It's five times what a beginning teacher makes. So it's connected to where we have a shortage, a real shortage. So I have watched over the last several weeks as superintendents have been hired and I don't recall-- do you recall any of the schools that were hiring superintendents having less than three finalists for the job?

**COLBY COASH:** There have been several districts where there have been less than three finalists for a job.

**LINEHAN:** Several.

**COLBY COASH:** Across the state, yes.

**LINEHAN:** OK. Well, I would like a list of those that had several-- less than three because the ones I've seen lately all had three finalists, meaning those were after they went through all their papers. So, for instance, how many applied to Lincoln Public Schools? They just hired, what, a year ago? Do you know much the Governor's salary is?

**COLBY COASH:** I believe it's \$85,000.

**LINEHAN:** Actually, it's \$105,000.

**COLBY COASH:** 105, I'm thinking of the State Treasurer's.

**LINEHAN:** And the Chief Justice who is a lawyer, an attorney?

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**COLBY COASH:** About \$180,000, somewhere around there.

**LINEHAN:** \$192,000. So you see a conflict at all between the fact that the Governor and the Chief Justice-- the Chief Justice is paid half what the superintendent of schools is making.

**COLBY COASH:** I think they are two different roles, two different jobs. The pool of applicants for those are, are varied. The Legislature here makes the decision on the compensation for those offices and boards of education make those decisions on the compensation for their leaders.

**LINEHAN:** That's all. Thank you very much.

**ALBRECHT:** Thank you, Senator Linehan. Any other questions? Senator Briese.

**BRIESE:** Thank you, Vice Chairman Albrecht. Thanks for your testimony here today. Have you tried to calculate-- I should-- perhaps should have asked Senator Murman this. But have you tried to calculate-- if this bill would pass, what kind of dollars are we talking about here? What would the savings be to the local property taxpayers?

**COLBY COASH:** Well, I think that the, the savings would be dependent on the district, right, so.

**BRIESE:** Sure.

**COLBY COASH:** So we, we do track superintendent compensation across the state. So I can tell you what-- because it's out there publicly, I can tell you what every superintendent out is making. How this bill affects each of those districts, I haven't made that calculation.

**BRIESE:** Haven't tried to estimate what the overall--

**COLBY COASH:** No.

**BRIESE:** --cumulative effect would be. OK. Thank you.

**ALBRECHT:** Thank you. Senator Briese, Anyone else? Senator Walz.

**WALZ:** Thank you. Thanks for coming today. I think that-- I may be wrong about this, but I think that one of the most important things about being a Nebraskan is having local control. You mentioned that there are a few ways that the superintendents' salary is on a website, the department website, the local school website, is that correct?

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**COLBY COASH:** Yes. The Superintendent Transparency Act was passed when I was here in 2010 and it mandates that contracts for superintendents be sent to NDE's website, which is, I believe, publicly available and then also posted on the district's website to be in compliance with the Superintendent Transparency Act.

**WALZ:** OK. So if somebody doesn't agree-- let's just say somebody doesn't agree with the superintendent salary, can you go through the process for me? Has it ever happened? What does the process look like?

**COLBY COASH:** Well, I can tell you that when a district is going through the process of hiring a superintendent, all of the deliberations, the discussion about candidates-- now, there are some protections to protect the, you know, reputation of names. But all of the, the, the salary discussions, the deliberations are all held in open session. And so the, the contracts discussions are held in open session. Those are often also subject to public comment, not just that meeting but subsequent meetings. So school districts with their superintendents, unlike any other position within the school, have to be exactly transparent. I mean, they have to put the contract out there and contracts vary. They don't just include compensation. They can include stipends for health insurance, housing, those kinds of things, which are very important in a lot of districts because of the competitive nature. I mean, it's very difficult to find superintendents in certain parts of the state. It's very-- it's difficult to find a person who might want to go-- who's, who's from an urban area and want to go to a-- particularly a rural area with their families. And so compensation has to reflect that need to go-- to attract that qualified candidate to take that position in that kind of a district. And that's-- I would say that's something that we've been monitoring and it's been more and more, more challenging. In the example I gave of Gothenburg, I wouldn't consider that to be a rural district, but that's, that's often the, the-- a driver in the increased cost is, is a compensation package-- a package which will entice that person to, to live in a community in which maybe they're not from, not used to but want to take on that responsibility.

**WALZ:** Can I--

**ALBRECHT:** Sure.

**WALZ:** And I just want to clarify, you, you said something about open session. So when they are considering a few people to be their superintendent of the school, anybody can come to that hearing or that

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session and they will hear exactly what the salaries would be, the benefits. Is that what you're saying?

**COLBY COASH:** Well, the discussion in open session will be around the contract. And, and I know in some districts, you'll hear particular numbers and others, you know, there will be-- the process is just like what happens in the private sector. You, you choose the best candidate. You-- the board discusses who that candidate should be. They will typically then authorize the, the board president to call and offer the contract to that candidate. Then that comes back. Those discussions are held-- there's typically a welcome for a new superintendent. But all of those things are held in open session and certainly that contract is available to the public. And whether it's during a meeting like that or in future meetings during public comment, you'll frequently hear public feedback on, on that compensation. And that was the reason that bill was passed in 2010. That was so that the public would know.

**WALZ:** OK. All right, that's it. Thank you.

**ALBRECHT:** Thank you, Senator Walz. Any other questions? One more-- oh--

**LINEHAN:** I just want to make sure I understood you right.

**ALBRECHT:** --Senator Linehan.

**LINEHAN:** Thank you, Vice Chair Albrecht. Gothenburg did have nine candidates.

**COLBY COASH:** The second time, yeah. In 2023, they had nine candidates. In 2018, which was the previous time they had chosen, they had 22.

**LINEHAN:** But it wasn't like they didn't have any candidates.

**COLBY COASH:** That's correct.

**LINEHAN:** Like, we don't have any-- we're missing teachers.

**COLBY COASH:** Yeah, my, my, my point in that illustration was the fact that the, the supply-- and, and I think this is not any different than what's happened in the private sector. We've got a generation that is going on the workforce. We have less people going into teaching, which means less people going into administration, so.

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**LINEHAN:** So what is the-- do you remember what the Gothenburg School District paid their superintendent?

**COLBY COASH:** I think so. G-- I can tell you-- I don't remember what it was. I can tell you what it is--

**LINEHAN:** OK.

**COLBY COASH:** --if that's helpful. I mean, because I don't know what it was in 2018.

**LINEHAN:** That's fine. What is it?

**COLBY COASH:** Gothenburg is \$173,000.

**LINEHAN:** So beginning teacher is probably \$35,000.

**COLBY COASH:** I, I would say it's-- a beginning teacher would be around that, yes.

**LINEHAN:** Well, if you include their package, it would be far more than that.

**COLBY COASH:** Yes.

**LINEHAN:** OK.

**COLBY COASH:** Yeah.

**LINEHAN:** So that wouldn't be that far off, would it?

**COLBY COASH:** It's in the range, sure.

**LINEHAN:** OK, thank you.

**ALBRECHT:** Thank you, Senator Linehan. Any other questions? Seeing none, thanks for being here.

**COLBY COASH:** Thank you.

**ALBRECHT:** Any other opponents for LB800? Good morning.

**KYLE MCGOWAN:** Good morning, Vice Chair Albrecht, members of the Education Committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n, and today I'm representing the Nebraska Council of School Administrators, the Nebraska State Education Association and the Greater Nebraska Schools Association. And I did appreciate Senator

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Murman's introduction. I think he does realize the challenges of the job. I, I would like to just respond to a couple of comments of comparing the LPS superintendent to the Chicago superintendent. I would argue maybe they didn't pay enough to the Chicago superintendent because the LPS superintendent certainly had a very good record of kids learning. And in terms of maybe capping the salary of superintendents in an effort to raise the salary of teachers, I would reverse the bill and say no teacher gets paid. What, less than one-fifth of the superintendent. Every superintendent wants to have the highest-paid staff to recruit. Teachers are, you know, as we all know, the fundamental reason why kids succeed. But as I'm also representing here the NSEA, I think they would say no teacher wants to work for a bad leader. You know, recently there was a tragic incident-- I don't know what state-- of a six-year-old shooting of first grade teacher. You remember seeing that? Now, I'm only getting the news reports. I don't know anything more than you do. On day two, they fired the superintendent, maybe well-deserved. I don't know. But the superintendent, no truer words than Harry Truman, of the buck stops with that person. The Nebraska Superintendent Transparency Act that you've been talking about, this is off of their NDE website. I think would be good for you to take a look at that. So as it's passed around here, it is just bullet points that are required. So at least three days before the board meeting, you must publish or post amendments to the contract of the meeting coming up. Within two days of the contract, you have to post and publish what that contract is. Consequences for not doing that are withholding state and local funds. It's a very, very transparent process. Now, one can argue about who is overpaid and not overpaid. I would say, you know, it is surprising to me that the Governor is paid \$180,000, but yet we spend millions on campaigns. I look to you people as being the most underpaid public service people in the, in the state. I can tell you the pressure of being a school superintendent of every time you hear a siren go off of whether that's going to impact one of your students, of the expectation to handle any tragedy that's happening in your community. And still with the goal of trying to have kids learn. COVID was a perfect example of how important it was for leadership. Superintendents were trying to get kids back in the classroom because that's where they're safe and that's where they need to be. Every decision they made was questioned. It was wrong to somebody and it was right to someone else. It's a important job. It's a job that I feel proud that I have had. I was superintendent at Crete ten years, but the stress is part of why the salary is so high. I'd be happy to answer any questions.

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**ALBRECHT:** Thank you for being here and your testimony. Any questions?  
Senator Linehan.

**LINEHAN:** Thank you, Vice Chair Albrecht. So back to our first  
testifier-- was proponent, Ms. Freeouf, does-- you belong-- you  
represent the Nebraska School Administrators

**KYLE McGOWAN:** Correct.

**LINEHAN:** --Association? [SIC] Do you have meetings where there's no  
public or press present?

**KYLE McGOWAN:** Absolutely. We're a private organization.

**LINEHAN:** And how often do you have those meetings?

**KYLE McGOWAN:** I-- are, are you talk-- I was at the office today.  
Meetings with whom?

**LINEHAN:** Other superintendents.

**KYLE McGOWAN:** Yes.

**LINEHAN:** I mean, I think her point was that there's meetings of  
which-- when we meet, we can't-- we have to have-- public has to be  
aware that we're meeting. We can't meet behind closed doors. We can't  
have-- so do you face any of those same kind of-- when a group of 20  
superintendents gather to talk about how they're going to-- how  
they're-- what are they going to just say at the hearing, education  
hearing--

**KYLE McGOWAN:** Right.

**LINEHAN:** --when you have those meetings, is there any press present or  
can the public be there?

**KYLE McGOWAN:** No, our membership is not bound by any open meeting  
laws. We can meet with our membership just like any other organization  
can meet with their membership.

**LINEHAN:** OK. Thank you very much. Appreciate it.

**ALBRECHT:** Thank you, Senator Linehan. Any other questions? Senator  
Walz.

**WALZ:** Are you sure? OK. Thank you. You know what? One thing that you  
brought up, and I'm so glad that you did, was just the responsibility



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of the superintendent when it comes to community. It reminded me of our superintendent in Fremont and how, you know, during the flood and then COVID, really was the leader in the community that brought people together. So it's not just being a superintendent. It certainly is being the leader-- a community leader. With that said, I also-- I just want to talk a little bit-- I want to go back to the transparency and what I talked with Colby a little bit about and how, you know, the public is aware when these meetings are happening regarding the salary of the superintendent. When I think about everything that our superintendent does for our school as well as our community, it almost-- I kind of feel like the public is invited to say, yes, we're going to hire this guy or we're going to retain this guy at this salary or not. Does that make sense? I mean, when, when you have open sessions--

**KYLE MCGOWAN:** Right.

**WALZ:** --regarding-- it's almost like the public is also saying-- has a, has a say in who they're going to hire.

**KYLE MCGOWAN:** Yeah. I have been involved in a, in a few superintendent searches and there's always interviews with the public in terms of, of when you're trying to narrow down for your four or five finalists or, or how many that you have. I would say-- and I appreciated, you know, the comments from the original proponent. Not everybody agrees, OK? And that's, that's part of the nature of a public school superintendent, too, is you have a wide continuum of opinions, very strong on each end. But you folks would be the perfect example as well as you don't always get what you want. You vote and the majority wins. Now, that leaves some people unhappy. But the best way to handle an unhappy salary dispute with a superintendent would be to join that school board. And guess what? You still might not get what you want.

**WALZ:** Thank you.

**ALBRECHT:** Thank you, Senator Walz. Senator Briese.

**BRIESE:** Thank you, Vice Chairman Albrecht. Thanks for your testimony here today. But you said earlier the NSEA opposes this bill, correct?

**KYLE MCGOWAN:** Correct.

**BRIESE:** If this bill was put in place, wouldn't that tend to put upward pressure on teacher salaries?

**KYLE MCGOWAN:** You were on the school board, weren't you, Senator?

**BRIESE:** Sure.

**KYLE MCGOWAN:** The teacher salaries are set as a negotiated agreement that are-- is overseen by the Commission of Industrial Relations so the two are not connected. However, as I said before, if you wanted to connect the two, why wouldn't you say no teacher gets paid less than one-fifth of the superintendent?

**BRIESE:** Yeah, I heard you say that earlier, but it seems to me that if schools are alarmed by their inability to pay superintendents what they otherwise would have paid, they're going to have to raise teacher salaries to get it there. But anyway, I just thought it was interesting that the, that the NSEA would oppose this.

**KYLE MCGOWAN:** You all know the labor shortage, whether it's nurses or teachers, and superintendents are not immune to that labor shortage as well. We're going to have to be paying more money to teachers in this state.

**BRIESE:** Sounds like.

**KYLE MCGOWAN:** And we're going to go through this stage of reducing the certification, but eventually teachers are going to have to get paid more money if we want a quality experience for our kids.

**BRIESE:** Did you ever look at U.S. Census Bureau data relative to education spending?

**KYLE MCGOWAN:** To overall spending?

**BRIESE:** Yes, but in particular, per-pupil spending on general administration costs.

**KYLE MCGOWAN:** I haven't. I'm sorry.

**BRIESE:** OK. Would you disagree with me if I suggested that our general administration costs are roughly 24 percent higher than the national average, according to the 2020 U.S. Census?

**KYLE MCGOWAN:** If you say it, I believe you.

**BRIESE:** Well, thank you. But anyway, thanks for your testimony.

**KYLE MCGOWAN:** You bet.

**ALBRECHT:** Thank you, Senator Briese. Any other comments, concerns, questions? Seeing none, thank you for being here today.

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**KYLE MCGOWAN:** Thank you.

**ALBRECHT:** Do we have any other opponents that wish to speak?

**TED STILWILL:** I have a new knee that takes some getting used to. Good morning--

**ALBRECHT:** Good morning.

**TED STILWILL:** --Vice Chair Albrecht, committee members, including Senator Linehan, my own senator. I appreciate the chance to be here and to speak to you and your spending time to hear all of us. My name is Ted Stilwill, T-e-d S-t-i-l-w-i-l-l. I am an elected board member for Education Service Unit 3, which is located in LaVista, Nebraska. I'm representing District 2 in that ESU election and that includes Elkhorn and some of Millard. ESU 3 is the largest ESU in the state of Nebraska, with 5,400 staff serving over 86,500 students in 18 school districts. Our ESU board has fiscal responsibility for \$26.5 million annually. My own experience includes being a teacher. Incidentally, I got to be a teacher through what you discussed earlier. It was an apprenticeship program, although a long time ago. I've also been a school district and a state education administrator. I was the director of the Iowa Department of Education, which is comparable to the Commissioner of Education in Nebraska. I've had about 32 years of education administrative experience and when I put all that together, it leads me to come here today and submit my testimony in opposition to LB800. Elected board members are tasked with recruiting and hiring highly skilled school administrators and ESU administrators, as you've been discussing. And I'll skip a few pieces because you've already been discussing how that work-- how that process works and how serious that responsibility is. Just to zero in and match some of what you've been talking about earlier, ESU 3 board has recently completed the evaluation of our administrator and I'm on the compensation committee that will recommend to the full board the compensation of our administrator next month so this is all pretty timely. We will consider his performance. We will consider the success of the ESU 3's services to students, teachers and districts and we'll also look at the status of our strategic plan, which is pretty important to us. We will also carefully consider data on compensation for other education leaders in our immediate area. I was happy to read yesterday and hear this morning about your concern for the critical shortage of teachers and the role of-- the role that adequate compensation plays in the retaining of good teachers. The shortage of teachers is not limited to teachers. It's also a shortage of administrators and you've already discussed some of that. I really want to say that as a member of a

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local board, I don't think we need the restrictions you're suggesting in LB800. I think we have the fiscal responsibility to do what we need to do and to act wisely on behalf of the general public. Thank you for allowing me to testify today. I'd be happy to answer any of your questions.

**ALBRECHT:** Thank you, Mr. Stilwill. Any questions from the committee? Seeing none, thanks for being here.

**TED STILWILL:** Thanks.

**ALBRECHT:** Any other opponents?

**DON MAYHEW:** Good morning, committee members. Thank you for this time to address the body. My name is Don Mayhew, D-o-n M-a-y-h-e-w, and I'm the president of the board of the Lincoln Public Schools Board of Education. I appreciate Senator Murman looking at a wide range of education issues, but I do not believe that a one-size-fits-all approach to superintendent contracts is the best approach. LB800 includes a provision that sets the maximum superintendent's 260-day salary and benefits at five times that of a first-year teacher on a 180-day calendar. In setting a static rate such as this, the bill does not recognize the scope and scale of superintendents' work in different districts. Other mathematical formulas could also have been used. For example, one measure could have been a certain amount per student, right? The range of superintendent salaries divided by student enrollment in Nebraska could be as large as over \$2,000 per student to under \$10 per student. Other measures could have been a certain amount per school building or a certain ratio of the budget or square miles of the district. But all of those methods miss the necessity of each community, through their school board, determining what is right for their superintendent. The most important role of a school board is recruiting, hiring and evaluating its superintendent. In the current economic environment, with the nationwide shortage of superintendents and with the average tenure for superintendents continuing to shrink, adding an additional arbitrary measure disconnected from the professional demands of the superintendent only exacerbates the existing problem of hiring and retaining superior school leaders. Just like when seeking to determine teacher salary ranges, LPS is not measured against an artificial standard, but is in part compared to other similar communities. For example, places like Madison, Wisconsin, Des Moines, Iowa, Shawnee Mission, Kansas, Sioux Falls, South Dakota. Anoka-Hennepin, Minnesota, among others to find a salary range that matches similar work in similar geographic regions, i.e. market driven. Superintendents wishing to come to Nebraska are

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expecting a similar thoughtfulness in our approach to them. So school boards have been asked by their communities to find the right superintendent and to pay them in a manner that is appropriate for the demands of the work in that community. Over my 20 years on the board, I've been part of the process of hiring three superintendents. Each experience included collaborative work with the community and the board to identify the important traits and experience of a potential superintendent. Those experiences and traits were based on the work that was going to be demanded of the superintendent and our contractual agreement with the new superintendent reflected those demands. I would note that there are smarter people in the district than me who are much better at math than I am, but when this first was introduced, I sharpened my crayons and did a little napkin math. A year ago, Lincoln was in the middle of a process to hire our new superintendent. And by my napkin math, if this law had been in place, it would have potentially priced out three of our four finalists, including the person that we ended up hiring, Dr. Gausman, who was the overwhelming choice not only of our board, but of our community at the end of a very extensive process looking for a large amount of community input. Therefore, we cannot support a bill that, through an artificial measure disconnected from the work of superintendents, takes away the ability of local citizens and their school boards to select and contract with superintendents of their choice. For this reason, we oppose LB800 and I would be happy at this time to try to answer any questions you may have.

**ALBRECHT:** Thank you for being here. Appreciate it.

**DON MAYHEW:** Thank you.

**ALBRECHT:** Any questions from the committee? Seeing none, thank you for being here.

**DON MAYHEW:** Thanks for your time.

**ALBRECHT:** Any other opponents? Go right ahead.

**SPENCER HEAD:** All right. Good morning, Vice Chair Albrecht, members of the education community. My name is Spencer Head, S-p-e-n-c-e-r H-e-a-d, the president of the Omaha Public Schools Board of Education, representing the Omaha Public Schools today in opposition to LB 800, which would cap superintendent pay at eight times-- or sorry, five times the pay and benefits of a first-year teacher. So the Omaha Public Schools is the largest school district in the state, serving over 52,000 students. And with 8,500 combined full- and part-time

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staff, we are also the third largest employer in the state of Nebraska. We are one of the largest school districts in the country and nearly 80 percent of our students that we serve are living in high poverty. We also serve a large number of students who are English language learners and over 20 percent of our students are enrolled in special education. The combination of all these factors makes the Omaha Public Schools relatively unique in the state of Nebraska. As a result, the Omaha Public Schools has a history of recruiting and selecting superintendents who have experience educating students that are similar to ours. To do that, we generally need to conduct a national search for our superintendent. And as you are aware, we are currently undertaking one of those searches right now. While we appreciate Senator Murman's efforts to promote transparency and accountability in our public school districts, this artificial cap on superintendent pay would limit our ability to recruit quality candidates in the future. We're aware of other states such as New Jersey that have adopted and subsequently repealed similar measures. Will these feel-good measures at the-- while these are feel-good measures at the time of adoption, they have almost no savings for taxpayers and make it difficult to attract, attract top-quality superintendents to the state. As we enter the search for our next superintendent, we request that the committee not advance LB800. And just listening to some of the questions that have been asked, asked earlier, I did a little bit of math in my notebook here. Our superintendent package right now is seven-one hundredths of a percent of our total budget. So if we were going to, you know, equate that and figure out, if this bill was enacted, what the savings would be per taxpayer, it's roughly \$0.30 per taxpayer per year within the Omaha Public Schools. You know, right now, we-- we're in the middle of contract negotiations with our teachers union. And so while I can't speak to what the-- you know, what the number is going to be, I can say that it's a very substantial and lucrative package that we're offering our teachers. I think the goal of everyone here is to get teachers paid more. I think that's what we all want. But at the end of the day, if we-- you know, if we look at this with, say, a 3 percent growth cap or something like that, the package that we're offering to our teachers, we wouldn't be able to offer that in one year. It would take multiple years to put that into effect. And so, you know, things like this, yeah, we want to pay our teachers more. We want the-- we want that more in line, but this, at least in our opinion, isn't necessarily the right way to go about it. So with that, thank you for your time and I'd be happy to answer any questions.

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**ALBRECHT:** Thank you, Mr. Head. Do we have any questions? Senator Linehan.

**LINEHAN:** Thank you, Vice Chairman Albrecht. So if you, if you had a 3 percent cap, you couldn't afford to increase teachers' pay?

**SPENCER HEAD:** We could not at the-- assuming that everything else stays stable and teacher pay is the only thing that grows within that, we could, we could obviously increase it, just not at the rate that where-- the rate that we would like to--

**LINEHAN:** Well, the rate wouldn't need to to have teachers, right?

**SPENCER HEAD:** --would be, would be over that 3 percent greater, yeah.

**LINEHAN:** OK. So is there-- and I know you've been a school board for a while now. Is there, is there a possibility that maybe-- back to Senator Briese and how much we're a little out of whack with the rest of the nation on administrative cost. Is there a possibility that we could do with fewer, fewer administrators?

**SPENCER HEAD:** I would say that we have a pretty slim administrative staff as is and we, we can always take a look at, at where we're, where we're paying people--

**LINEHAN:** How many slots-- how many employees, percentage of the employees in OPS are administrators?

**SPENCER HEAD:** I don't know off the top of my head. I'll get that to you.

**LINEHAN:** OK--

**SPENCER HEAD:** Yeah.

**LINEHAN:** --thank you.

**ALBRECHT:** OK. Thank you, Senator Linehan. Any other questions? Senator Briese.

**BRIESE:** Thank you, Vice Chairman Albrecht. Thank you for being here today.

**SPENCER HEAD:** Thank you.

**BRIESE:** You've obviously done the math relative to your district, but just a ballpark-- maybe I should have asked Mr. McGowan this, but just

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ballpark, what would be the impact on superintendent salaries if this was in place, a percentage, percentage wise?

**SPENCER HEAD:** Yeah, so it would--

**BRIESE:** Do you have any guess or thoughts?

**SPENCER HEAD:** Ballpark percentage, I don't have. It would be-- her total package right now is \$516,000. A total package for a first-year teacher right now is roughly \$78,000, \$79,000. So we're about 6.5 times the first-year teacher so it would be a reduction of \$126,000, ballpark.

**BRIESE:** One hundred twenty-six versus five-- but, but that's just relative to OPS. We don't know--

**SPENCER HEAD:** That's just us, correct.

**BRIESE:** You don't have any guess otherwise across the state?

**SPENCER HEAD:** Correct. Yep, that's just our district.

**BRIESE:** --testifying. Thank you.

**ALBRECHT:** Thank you, Senator Briese. Any other questions? Seeing none, thanks for being here.

**SPENCER HEAD:** All right. Thank you.

**ALBRECHT:** Are there any other opponents?

**JACK MOLES:** Good morning, Senator Albrecht and members of the Education Committee. My name is Jack Moles. That's J-a-c-k M-o-l-e-s. I'm the executive director of the Nebraska Rural Community Schools Association, also known as NRCSA. On behalf of NRCSA, I wish to speak in opposition of LB800. The biggest concern that we have is that the intent, or maybe a better term might be outcome, of the bill is to take away local control from a locally elected board of education. As I read the bill-- or the existing law and then the bill, a few quotes I'd, I'd like to highlight here. In reference to a Class IV district, it says-- and we're talking about setting compensation for administrators-- at such compensation as the board of education may determine, except. Then a reference to a Class V district that such compensation as the board may deem just, except. In reference to a Class III or IV district with such compensation as the board deems best, except. And then a reference to an educational service unit



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shall fix the compensation of the administrator, except. What I believe-- if, if this bill were to go forward and pass, what I believe the Legislature would be telling the local school boards is we trust you, but or we trust you, except. One of the jobs of the locally elected board of education is to select the district's or the ESU's chief administrator. That board of education knows what is needed in determining the compensation package that the administrator is to receive. That determination should probably-- properly be kept in the hands of the locally elected board of education. Another issue this bill seems to ignore is the fact that we are experiencing shortages in all levels of education. Districts are not only competing for dwindling numbers of teachers, but also for non-certificated staff, specialized staff and administrators. NRCSA does provide a superintendent search service. The number of applicants, as Colby Coash pointed out earlier from, from NASB, is that the numbers of the applicants for most superintendent positions are getting smaller, not larger. Boards must have the latitude to provide a competitive compensation package for the chief administrator in order to compete with other districts. So in closing, we do not support LB800, as we believe this usurps the authority of the locally elected board of education. Thank you.

**ALBRECHT:** Thank you, Mr. Moles. Any questions? Senator Linehan.

**LINEHAN:** Thank you, Vice Chair Albrecht. Do you have a lot of NRCSA schools that are paying their superintendents over \$200,000 a year?

**JACK MOLES:** No.

**LINEHAN:** I didn't think so. Any?

**JACK MOLES:** I'd have to go and check. There may be a couple, but I don't believe so.

**LINEHAN:** I didn't think so. OK.

**JACK MOLES:** Now, you're talking about just salary, right--

**LINEHAN:** Well, the salary and--

**JACK MOLES:** --or total compensation?

**LINEHAN:** It'd be good if you could just provide what NRCSA is paying their superintendents.

**JACK MOLES:** Yeah, I'd say likely not.

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**LINEHAN:** That's what I thought. Thank you very much.

**ALBRECHT:** Thank you, Senator Linehan. Any other, committee members? Nope. OK, there's none.

**JACK MOLES:** Thank you.

**ALBRECHT:** Thank you. Any other opponents? Welcome.

**JUSTIN KNIGHT:** Good morning, committee. My name is Justin Knight, J-u-s-t-i-n K-n-i-g-h-t. I know we're butting up against the lunch hour, so I'll, I'll try and be brief here. I'm a private-practice attorney in Lincoln, Nebraska. I work with a fair number of school districts across the state. One of my responsibilities is to work on contracts when a, when a new superintendent is hired or when a board wants to adjust its current contract to make sure it conforms with the law. I wanted to point out a couple of concerns that I have for your consideration about LB800. The first is that the bill purports to modify the Superintendent Pay Transparency Act, but the superintendent contract provisions are actually under the, the tenure act in Chapter 79. It gets confusing because under 79-824, paragraph (3), there's a specification that a superintendent is covered under the tenure act, but is always considered a probationary employee, which gets complicated because as a, as a-- someone protected under the tenure act, they have a rollover contract or a contract that automatically rolls over. Which is further convoluted because under the tenure act, a superintendent can have a contract for up to three years. So that can get confusing pretty quickly, which is why I think if you look across the state at roughly 245 districts, you'll probably see somewhere between 245 or 230 whatever, different superintendent contracts because boards and contracts have negotiated those, those contracts. So many superintendents and boards have agreed to a rollover provision. And so one of the concerns that I wanted to raise today is the Nebraska Constitution's contract clause prohibits the impairment of any existing contract. When I look at this bill, there's a prohibition that the board may not enter into any contract with the superintendent on or after the effective date of this act. And I'm concerned that that may be impairing some of those contracts that automatically roll over or potentially would be amended. In 2017, the Seventh Circuit Court of Appeals reviewed changes that the Indiana Legislature made to Indiana's tenure act and found that those changes, which aren't the same but are somewhat similar to these, violated Indiana's contract clause, so-- and I'm happy to provide copies of those cases if, if the committee is interested. So that, that would be a concern. In addition to that, the concern that I wanted to raise as

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well is that on page 5 lines 26 through 31 are the bill's penalty provision, which would require the superintendent to forfeit or pay back any compensation received in excess of the bill. And I, I, I'm worried that that may violate the due process provision of the constitution. In addition to that, one of the provisions of total compensation is defined as maximum cash payment for unused leave that's accumulated. Under the Wage Payment and Collection Act, it is required. The Nebraska Supreme Court has said twice that accrued but unused leave must be paid out upon the ending of employment. In addition, there are laws that require certain retirement contributions, so I'm not sure how it's going to work practically where the board has to get money back that the board is legally obligated to pay. As noted earlier, the CIR has the order to modify teacher compensation and so I, I don't know how that will work with the, with the superintendent contract if the CIR changes teacher compensation in the middle of the contract. And so those are some of the high-point cases that I wanted to mention. And again, I'm happy to provide those cases to the committee if, if you'd like. But I didn't want to unsolicited give you a bunch of court cases that I know your-- I know-- because I know you're all busy, so thank you.

**ALBRECHT:** Thank you for your time. Any questions? I guess I just have a couple.

**JUSTIN KNIGHT:** OK.

**ALBRECHT:** A few of those cases might be in order to give to the Education Chair and his staff.

**JUSTIN KNIGHT:** Yep.

**ALBRECHT:** Is it customary to-- if you say you work with these school boards, correct, to help them with all of the information that they have to take into consideration before they hire, when they talked about the gentleman from Lincoln with his high salary. And the scores in that particular area while he was actually overseeing. Is that something that goes into that consideration when they're out looking to actually increase math, science, reading scores throughout the-- his tenure? If you say they only get, like, a three-year contract usually. And do they open that contract-- so I'm asking a few things-- and do they open that contract within that three-year period if there happens to be a rise in, in scores for that particular district?

**JUSTIN KNIGHT:** I'm not sure the, the-- that I can really answer the background of it. My role is typically limited to this is what we have

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in mind, is it legal? If so, prepare language that we can put in the contract. So I'm, I'm rarely privy to any of the negotiations back and forth other than this is what we want.

**ALBRECHT:** OK. Thank you. Senator Briese.

**BRIESE:** Thank you, Vice Chairman. Thank you for your testimony here today. These rollover contracts, are they signed then annually? Is there a written document annually that's resigned every year or is it oral situation I made-- a contract to begin with with the assumption that it continues on?

**JUSTIN KNIGHT:** It depends on the contract. There are some contracts where the superintendent has to give notice by a certain date that they would like to go another year and then the board will vote whether to extend that. They may do a contract addendum to an existing contract. So I don't, I don't know that I can answer for everybody. I think you'd have to look at the specific contract and what that contract requires.

**BRIESE:** Not a very good analogy, but it sounds like an oral year-to-year lease to me that I can change or modify any time I want, but anyway. And to be clear here, relative to the CIR, it was mentioned earlier also, well, the teachers' negotiations are controlled by the CIR. Well, they are-- to be clear, they aren't controlled by the CIR as long as we are meeting the-- any requirements set forth by the CIR. The school can do what they want. They can, they can increase teacher salary and benefits as much as they want, regardless of the CIR saying, correct?

**JUSTIN KNIGHT:** Yes. So under 48-818.01, if, if the school and the teacher's union can't agree on pay for the following year-- or the compensation, I should say, compensation package, either can petition the CIR to review. And the CIR has the authority to enter an order either to get the teacher compensation within the 98-102. If neither side petitions to the CIR, the CIR doesn't get involved. So if both sides are happy to be above 102, then that, that's not a problem.

**BRIESE:** Thank you. Thank you for your testimony.

**ALBRECHT:** Thank you, Senator Briese. Any other questions? Senator Conrad.

**CONRAD:** Thank you so much. I appreciated your testimony. And I think to Senator Albrecht's point, I was surprised that those issues weren't addressed in our legal memo on the, on the measure. So I'm really glad

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that you brought those up and I think the committee would be interested in learning more about those issues. But just to kind of maybe not push back or play devil's advocate, but just kind of think through the contract issue and the constitutional prohibition a little bit more, essentially, as I'm reading this bill, which I'm skeptical of, but in essence, the Legislature does have the ability and the right to say that from a contract perspective like this is void as against public policy, right? And so that's kind of, I think, what proponents are trying to do without interference in, like, a perhaps specific contract provision. But we do that all the time, right? There's, of course, protections for the right to contract in individual contracts, but we do set standards all throughout our statute books. Like, even if I wanted to contract with an employer, say, for example, and I, I said, it's OK with me if you pay me less than minimum wage, I can't do that because it's void. It is against public policy, as evidenced by other aspects of our law. Can you just tease that out a little bit?

**JUSTIN KNIGHT:** Yeah. And I-- thank you, thank you for that because that is, that is--

**CONRAD:** It's been a long time since--

**JUSTIN KNIGHT:** Yeah.

**COLBY COASH:** --I sat in a contracts class, but yeah.

**JUSTIN KNIGHT:** That's a, that's a good point that I want to clarify is, is I don't, I don't want anyone just to take away that this, this entire bill is unconstitutional. I think the concerns that I foresee would be with existing contracts that superintendents and boards have already entered into, how the interplay will that work? And then in addition to that, if a board is legally required to make certain payments under other laws, but this law would say you cannot pay anything more than that, that'll, that'll put boards in a tough spot. So I just wanted to raise those. I think it will ultimately depend on each contract. There may be no legal issues with some contracts. There may be a lot with others.

**CONRAD:** Yeah, that makes sense.

**JUSTIN KNIGHT:** So it'll probably be all dependent.

**CONRAD:** Thank you so much.

**JUSTIN KNIGHT:** Yeah.

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**ALBRECHT:** Thank you, Senator Conrad. Any other questions? Seeing none, thank you--

**JUSTIN KNIGHT:** Thank you.

**ALBRECHT:** --for being here. Any other opponents? Seeing none, any-- anyone in the neutral position? Seeing none, Senator Murman. OK, we did have, on LB800, two proponents, one opponent and Connie Karr would be the opponent. Pat Hamburger, a proponent, and Jennifer Creager, an opponent.

**MURMAN:** OK. Thank, thank you, everyone, for your attention today to this bill. I just want to say that it doesn't take a lot of authority away from school boards because-- as far as administrators' pay because it's a cap only. So there's not many school districts in the state or administrators in the state that it would really affect, only a few. And it was mentioned that it was only, I think, 30 cents, if I remember right, for a taxpayer in the district if we would lower an administrators' pay. Typically in a school district, when the, the top superintendent, the top administrator gets a higher pay, the rest of the administration also gets a higher pay. So it's not just one person, it's the whole administration typically. And let's see, Senator Briese brought up the question-- I forget what that question was.

**BRIESE:** I forget too.

**MURMAN:** But I was going to answer that one. But-- and I'd just also like to mention the President of the United States, if I'm correct, makes \$400,000 a year. So, of course, that doesn't include the compensation package, total benefits, but that is not a lot higher than the, the superintendent of the Lincoln High-- or Lincoln Public schools. And I'm not sure the compensation package wouldn't-- would, would be higher than his package. So with that, I guess I'll take any questions you might have.

**ALBRECHT:** Thank you, Senator Murman. Any questions? Senator Linehan.

**LINEHAN:** It's not really a question, just a suggestion. I think-- could you get from the Nebraska-- or ask the Nebraska Administrators Association to provide a list of where this would be a problem? I mean, I don't think NRCSA schools is-- NRCSA testified they probably have any superintendents and I doubt there's many STANCE schools. So if they could see where this-- they're going to run into a problem.

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And is the bill written-- it's the total package-- teacher package or just the base pay versus the--

**MURMAN:** It's the total beginning teacher package, five times that package would not be higher than the total package of the superintendent.

**LINEHAN:** So the average package is about \$25,000 a year so it would be their base pay plus \$25,000. OK.

**MURMAN:** Yes.

**LINEHAN:** That's very helpful to know. Thank you.

**CONRAD:** Can I just ask--

**ALBRECHT:** Thank you. Senator--

**CONRAD:** --ask a follow-up there?

**MURMAN:** And could I just-- for the NRCSA, I'm not sure if you-- I think your question was are they over \$200,000? And I think-- you know--

**LINEHAN:** It would be well--

**MURMAN:** I guess I'd have to be corrected if I'm wrong, but their total package, I think there are some with-- if you include the total package are over \$200,000.

**LINEHAN:** OK.

**MURMAN:** But, but I could be corrected on that yes.

**ALBRECHT:** Thank you, Senator Linehan. Senator Conrad.

**CONRAD:** Thank you, Vice Chair Albrecht. Thank you, Senator Murman. Your exchange with Senator Linehan kind of had me think about something. I mean, is your intent with this measure to target administrative compensation in Lincoln and Omaha or is it broader?

**MURMAN:** No, my intent is to-- I think administration in the state-- and now I remember the question--.

**CONRAD:** OK.

**MURMAN:** --Senator Briese had.

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**CONRAD:** See, that was helpful.

**MURMAN:** I think we overcompensate administration in this state in education relative to the number of students we have or the number of districts or however you look at it. I think we pay relatively too much for administration compared to what we pay teachers. So my purpose of this bill is to-- is a combination of the two; to raise teacher pay that is-- our teachers are undercompensated and make it more, I guess you could say, equitable or equivalent to what we pay administrators. I think admin-- our total pay that we pay administration is, is too high and what we pay teachers is too low.

**CONRAD:** OK. I think there's probably a lot of agreement on some of those big-picture values there. And Senator Murman, I apologize, but did you serve on a school board back home before you came to the Legislature? I know a lot of, a lot of legislators did.

**MURMAN:** Yes, I did and actually--

**CONRAD:** I just didn't know your bio.

**MURMAN:** --a superintendent while I was on the school board.

**CONRAD:** OK. All right. So then you have some firsthand experience with it. And so you know, from your time and service to our school board, then that pays even less than being a state legislator. I, I remember when my mom was on the school board, how many hours that was for no compensation. But let me just ask you this: typically, in most agencies, in most businesses, kind of the biggest costs, the biggest drivers in those budgets are compensation, are wages and benefits for the employees. And I'm guessing that was probably the case in, in your school district as well when you were serving on, on school board. Is that, generally speaking, kind of, kind of your, your recollection as well?

**MURMAN:** Yes, that's typical. I--

**CONRAD:** Yeah.

**MURMAN:** --I know in rural Nebraska and probably in urban Nebraska also, the total compensation package, the benefits are, are probably as important as the pay.

**CONRAD:** Yeah and getting more and more expensive with health insurance increases kind of across the board. But I'm also wondering, you know, how a proposal like this works with your support and other members'



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supports for, say, for example, foisting arbitrary spending caps on local school districts. So it kind of seems like a very heavy-handed approach with kind of limiting the amount that local schools can decide to move forward with in their, in their purview and jurisdiction. And then also putting this additional kind of heavy-handed approach on their ability to recruit or retain top talent to, to lead their district.

**MURMAN:** Well, I suspect with this-- I wouldn't call it a heavy-handed approach by the way.

**CONRAD:** OK. All right.

**MURMAN:** It doesn't affect a lot of districts, but with having some kind of a cap on pay, I don't think it will affect the number of applicants because it's still very generous pay.

**CONRAD:** OK.

**MURMAN:** And I'm not belittling what they do. They definitely deserve higher pay-- a high pay. But I don't think it will go far to eliminate the number of candidates or even who the candidates are and who we hire as superintendents.

**CONRAD:** Very good. Thank you, Senator.

**ALBRECHT:** Thank you, Senator Conrad. Any other questions? Senator Linehan.

**LINEHAN:** I'm doing this more-- I think somebody in the opponent said the NSEA was against this bill. But the NSEA didn't send a letter. They didn't show up.

**ALBRECHT:** I did not see a letter, no.

**LINEHAN:** OK. All right. Thank you.

**ALBRECHT:** Thank you, Senator Linehan.

**MURMAN:** And I could just add, it's not only Chicago that I could have paid-- compared Lincoln-- LPS superintendent to. There's other large districts all around the country that have very similar pay to Chicago and Lincoln.

**ALBRECHT:** Thank you. That concludes LB800 and the committee is done.

**MURMAN:** Thank you.

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[BREAK]

**MURMAN:** Welcome to the Education Committee. My name is Dave Murman. I'm from Glenvil. I represent the 38th District. It's eight counties in the southern part of the state right in the middle. I serve as Chair of the committee. The committee will take up the bills in the order posted outside of the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. 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. We do ask that you limit handouts. This is important to note: if you are unable to attend a public hearing and like your position stated for the record, you must submit your position and any comments using the Legislature's online database by 12 p.m. the day prior to the hearing. Letters emailed to a senator or staff member will not be part of the permanent record. You must use the online database in order to become part of the permanent record. To better facilitate, facilitate today's hearing, I ask that you abide by the following procedures: please turn off cell phones and other electronic devices. If you will be testifying, please complete the green form and hand it to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need 11 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. Is my request that you limit your testimony to 4 minutes-- or excuse me, 3 minutes. If necessary, we will use the light system-- green at 2 minutes; yellow, you have one minute left; red, please wrap up your comments. If there are a lot of people wishing to testify, we will use-- we're going to use a three-minute testimony limit. If your remarks were reflected in previous testimony or if you would like your position to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. I'd like to introduce the committee staff: to my immediate right is research analyst, John Duggar; to my right at the end of the table is committee clerk, Kennedy. The committee members with us today will introduce themselves beginning at my far right.

**SANDERS:** Good afternoon, I'm Rita Sanders. I represent District 45, which is the Bellevue/Offutt community.

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

**ALBRECHT:** Hi, I'm Joni Albrecht, District 17, Wayne, Thurston, Dakota and a portion of Dixon County in northeast Nebraska. Welcome.

**WALZ:** Lynne Walz, Legislative District 15, which is Dodge County and Valley.

**BRIESE:** Good afternoon, Tom Briese, I represent District 41.

**MURMAN:** And I'll ask our two pages to stand up and introduce-- oh, excuse me, sorry. I couldn't see that far.

**CONRAD:** That's OK. It's a full house. That's OK. Hi. I'm Danielle Conrad. I represent north Lincoln's fightin' 46th Legislative District.

**MURMAN:** And I'll ask our two pages to stand up and introduce themselves and tell us who they are and what they're studying.

**PAYTON COULTER:** My name is Payton and I'm studying business and law [INAUDIBLE].

**TRENT KADAVY:** I'm Trent. I'm studying political science over at the University of Lincoln [SIC].

**MURMAN:** Please remember that senators may come and go during our hearing, as they may have bills to introduce in other committees. Refrain from applause or other other indications of support or opposition. For our audience, the microphones in the room are not for amplification, but for recording purposes only. Lastly, we use electronic devices to distribute information. Therefore, you may see committee members reference-- referencing information on their electronic devices. Be assured that your presence here today and your testimony are important to us and are critical to our state government. And with that, we'll open the hearing on LB673, Senator Ben Hansen. Welcome.

**HANSEN:** Thank you. I'm glad to see so many people interested in school safety. Glad my bill's up first. I'm assuming they're not all here to testify. All right. Sorry. Good afternoon, Chairman Murman and members of the Education Committee. My name is Ben Hansen, that's B-e-n H-a-n-s-e-n, and I'm eager to share with you about LB673 today, as it is, as it is an opportunity to provide crucial updates to Nebraska's emergency response policies in our schools. Before I get into the

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details of this bill, let me preface it with the support we have received from across the state. As the largest school district in Nebraska, Omaha Public Schools' Board of Education states that LB673 would save valuable time in the event of emergency. According to the Nebraska State Fraternal Order of Police, this bill would provide critical information and improve emergency response, while representatives from Catholic private schools serving 27,000 students, say this is a creative and collaborative school safety approach. I also recently just spoke with Douglas County Sheriff Aaron Hanson this week, who is responsible for 10--10 high schools and middle schools. He says that this is a step towards making our schools, students and staff safer. These statements are just a glimpse of the resounding support I have received from every member of law enforcement, school administrator, EMT or firefighter I've spoken with about LB673. As you'll see in the handout, NSEA also supports this. Most importantly, though, there are the parents who believe this will provide better protection of their children and help in the unforeseen crises that are beyond our control. Consistency. That is a word I like to dwell on in this conversation around LB673. Our state requires that every Nebraska school has a safety policy in place. These policies are well-designed, thoroughly planned and constantly looked at for ways to improve. We can thank our school administrators, teachers, law enforcement, security staff, resource officers, first responders and many more. They have poured into the topic of safety of our students through ongoing training, drills and conversation. You'll find consistency in these policies as they report back to the Nebraska Department of Education. In the case of an emergency, consistency is key to preparedness, response time and the ability for policies to be operative. Another essential aspect to an effective emergency response is the information provided to first responders. Along with details of the nature of the emergency, they need locations of classroom, offices, hallways and exits. They need to know where students are, where stairways and elevators are located and this is where LB973 [SIC-LB673] becomes necessary. What we find throughout the state is a lack of consistency in regard to school mapping. I am happy to hear that this has been on the radar of some of our schools in Nebraska as they look to update their mapping systems, but due to lack of resources, others haven't been able to join in. Either way, updated or not, there is inconsistency. Even in the case of schools working to update their maps, each are using different programs. With the same maps, the same layouts, the same designs, as soon as an emergency happens, law enforcement and first responders have detailed maps in both electronic and printable formats immediately available to them. These maps are verified for accuracy during the annual walk-through

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that has already taken place and they are oriented true north, overlaid on current aerial imagery and with X-Y coordinates. There are specific labeling or details in school buildings and on school grounds. Any help they call in from other districts have access and are familiar with the maps, because their districts use the same maps with identical markings. They have already been trained on it-- to identify the features of each location on the map and precious time is saved. There is consistency. This is my vision with LB673. We will hear more about how the maps actually work from testimony following me, but LB673 is legislation that offers a solution to the inconsistencies we are seeing with our school mapping systems. The emergency response mapping data it creates would be compatible with software platforms already in use by local safety agencies and schools. Currently, the bill is written to be funded by ESSER funds and I'm, and I'm working out the details on that and I'm hearing there are-- there may be other options. But regardless, schools can apply for a grant to pay for the cost of these maps. Five other states have passed similar legislation and they are finding the estimate to be around \$3,500 per school. I have been grateful for the discussions with the Department of Education on funding and appreciate their letter of support for LB673. They consider the mapping information in this bill as a channel law enforcement agencies and fire departments can quickly respond to an emergency event in a school, whether public or nonpublic. Safety and quick response times are something we desire for all the schools-- for all, for all our students, too. In order to include nonpublic schools, I am bringing the following amendment, which you should have in front of you. Any school may apply to its appropriate ESU who would pay and facilitate the implementation of emergency response mapping data, so long as the specific qualifications are met. ESUs would then be reimbursed by grant from the State Department of Education. And from my understanding, ESUs work with emergency operation procedures and incorporating them fits directly in with the purpose of LB673. Also included in this amendment is the inclusion of emergency medical service providers or EMS providers. In short and in closing, I'd like to refer, I'd like to refer back to what Sheriff Hanson stated, that this is wise. Our schools need consistency not only in safety policies but in the data provided to first responders and law enforcement. Please support LB673 and help Nebraska schools in their desire to update their mapping systems. And we all know, in the event of an emergency, seconds matter. Thank you for your time this afternoon and I would be happy to answer any questions you may have to the best of my ability.

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**MURMAN:** Does anyone have any questions at this time for Senator Hansen? If not, thank you very much.

**HANSEN:** Thank you.

**MURMAN:** Do we have proponents for LB673? Good afternoon.

**JOE HANSON:** Good afternoon. Chairman Murman and members of the Education Committee, my name is Joe Hanson, that's J-o-e H-a-n-s-o-n. Got three Hansons but no relations. Thank you for your willingness to hold a hearing on LB673 relating to grants to schools to provide critical incident mapping. For background, in 2019, I left active duty as an active Marine Raider and Special Operations Officer in Marine Special Operations Command. I served as a ground force commander for hundreds of combat operations in Afghanistan and elsewhere. After leaving active duty, I joined Critical Response Group in order to pursue a new mission. That mission was to bring hard-fought lessons learned home to increase public safety and to save lives. To be clear, this is not a military tool; this is a communications tool. But in special operations, communication is the most difficult thing that we do; it's also the most important. Critical Response Group was started with the goal of improving the national state of emergency prepared--preparation and response. Our leadership team, made up of Special Operations veterans, saw during their time in the global war on terrorism that collaboration, interoperability and information-sharing between all branches of military, intelligence agencies and coalition partners was vital to the success of the mission. These efforts led to the development, validation and adoption of a communications technique called the Grid Reference Graphic, or GRG. The GRG is a visual communications tool that combines a grid overlay with high-resolution overhead imagery, enabling all mission participants to communicate off the same sheet of music, if you will, about unfamiliar locations. Coming home, we realized that this concept would increase the safety of our children's schools by enabling collaboration between first responders during emergencies at unfamiliar locations like schools. That is why CRG has mapped over 6,000 schools, government buildings and businesses throughout the country. Since then, legislation and funding has passed in Wisconsin, Michigan, New Jersey, Delaware and Virginia. There is also pending legislative efforts in Florida, Texas, New York, Ohio, Pennsylvania and here in Nebraska. In the handouts provided, you will find an example of our mapping for schools. The maps are universal for locations and are predicated on an accurate overhead image with a grid overlay, creating what amounts to a simple game of "Battleship." In Special Operations, we always joke, "we're just dumb knuckle-draggers." We got to "keep it simple stupid", or the

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KISS method. What I want you to think about, is during a critical incident at a school or critical infrastructure, it's a chaotic situation. First reports are wrong and communication is the hardest thing that has to happen. Being able to put everyone on the same sheet of music allows them to communicate more effectively. If you look at the map in front of you, essentially, it's oriented true north with letters across the top and numbers down the left-hand side. We then label everything that means anything on the ground. For a simple talk-on, if you will, of the side that shows you the first floor of the demo high school, I can tell you to find door three on the east side of the building in Grid Square G-4; that's G on the top, four on the side. Once you find door three, I want you to enter the building and take your first right down the red hallway and then your first right into classroom 209. Even though we've never worked together before, I was able to give you very specific instructions at a location we've never been to before to enter a specific classroom. The current situation across the country and here in Nebraska is that if schools have any maps or blueprints at all, there are four problems with them. And, and quite frankly, we run to that from time to time, but we have blueprints.

**MURMAN:** Thank you, Joe.

**JOE HANSON:** Oh, I'm sorry.

**MURMAN:** You have the red light. I'll let you continue a little more if you can just wrap it up quickly.

**JOE HANSON:** I'll wrap it up. The blueprints are created in what's called Project North. Oftentimes, we'll get 10 floor plans for a one-story school. If I told you to go to the art room or classroom 22, that information doesn't exist in an architectural design. And more importantly, of the 20 agencies that could show up to a school here in town, most of them have never been there before and most of them will not have access to those blueprints. So that's the problem that exists. The way to solve that is through this bill and providing standardized mapping for first responders, as well as the school districts.

**MURMAN:** Thank you very much. Any questions for, for--

**JOE HANSON:** Joe.

**MURMAN:** Joe. Thank you.

**ALBRECHT:** Senator Murman, if I could just ask one quick question.

**MURMAN:** Senator Albrecht.

**ALBRECHT:** Thank you, Senator Murman. And thanks for being here with this information. It's really good information. How would it be implemented if you send-- so many people are all coming to the area, what--how-- who has the map? Who would actually be able to give it to the other people there on the scene?

**JOE HANSON:** That should all be done ahead of time through the implementation process, but every agency that's part of that mutual aid package. So this isn't something that we're reacting--

**ALBRECHT:** So you say the sheriff's department or the Omaha Police--

**JOE HANSON:** Correct.

**ALBRECHT:** --or the Lincoln Police--

**JOE HANSON:** Correct.

**ALBRECHT:** So, for their schools, they'll have their copies?

**JOE HANSON:** That's correct. Yeah. From the 911 call center on down to the mobile data terminal in the police cruiser, every system will have this. The maps themselves are digitally agnostic. They fit into preexisting software or hardware solutions. This isn't buying new software with new login credentials. The preexisting systems across the state, these maps fit into it both digitally, with the ability to print and have them pre-staged ahead of time.

**ALBRECHT:** Thank you.

**JOE HANSON:** Yes, ma'am.

**MURMAN:** Any other questions for Mr. Hanson? If not, thank you very much. Other proponents for LB673? Good afternoon.

**RYAN McINTOSH:** Good afternoon, Chairperson Murman and members of the committee. My name is Ryan McIntosh, M-c-I-n-t-o-s-h. I'm here today as a registered lobbyist on behalf of the Nebraska State Volunteer Firefighters Association and the Nebraska Fire Chiefs Association. I appear in support of LB673, which you've already heard much about from Senator Hansen and Mr. Hanson, the previous testifier. Importantly, I'll note that this is completely voluntary by our school districts. LB673, among other things, would include identification of key hazards, points of ingress and egress and other important factors that



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may be the difference between life and death in an emergency situation. LB673 encourages partnerships between schools and first responders to ensure safety of our students, teachers and staff. For those districts that opt into the mapping program envisioned by LB673, a walk-through and all that pre-coord-- pre-coordination would happen ahead of any emergencies. This would necessarily call for discussions to improve safety throughout schools. We thank Senator Hansen for bringing the bill and encourage the committee to advance LB673 to General File. With that, I'd be happy to answer any questions.

**MURMAN:** Any questions for Mr. McIntosh?

**RYAN McINTOSH:** Thank you.

**MURMAN:** OK. Thank you very much. Other proponents for LB673? We're going to ask that everybody that's going to testify move up toward the front of the room as soon as possible after the previous testifier. Thank you. Good afternoon.

**MICHEAL DWYER:** Good afternoon. Chairman Murman and members of the Education Committee, my name is Micheal Dwyer, M-i-c-h-e-a-l D-w-y-e-r and I'm here to testify in support of LB673. I'm a 38-year member of the Arlington Volunteer Fire and Rescue Department and a veteran, veteran of nearly 2,400 calls. I was a 12-year member of the Arlington School Board, serving two terms as president. I hope to bring a ground level perspective of what LB673 might offer. The timing of this is interesting as our county, Washington County, is preparing for a drill around a, God forbid, school shooting involving law enforcement, fire and EMS, school admin teachers, students and parents. Wednesday night, we were discussing the drill, the, the drill and one of the topics that came up regularly is how do we know where we're going in the building? Many of us that were at the meeting are either graduates or we have kids in the building. So we're in the building, but if the pager goes off at 7:00 in the morning or, God forbid, 2:00 in the morning, we don't necessarily know how to get, and particularly, how to get responders to the art building. Actual call about six weeks ago-- I'll try to talk you through this. Our pager goes off, Arlington rescue call, at the high school, at the Arlington High School-- student injured in the gym and that's not uncommon about what we get when the pagers go off. Immediately, I'm thinking, which gym, because we have three; which door do we enter, because we have seven; will that door be unlocked? Where is the patient in the gym? And this is a single patient event and that's before I ever get to the patient's injury and condition. If I need to ask for mutual aid partners, they know even less than we do about the location and the layout and the

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campus and the gyms and the doors and everything else that goes into just getting there. Emergency response is never a perfect clinical world. In the case of a big ugly, by its very nature, it's chaos. Our job is to structure that chaos through standard operating guidelines, drills, great communication and technology into quick, safe and effective response. Speaking as a rural EMS provider, while we plan for this, this is never something that we expect. Imagine me sitting around on a Tuesday morning watching the Legislature on NETV. And my pager goes off for a big ugly and 4 minutes later, I'm in the middle of hell. The only way that we can structure that is by having a tool that condenses that into a manageable piece. I've reviewed the samples. Joe mentioned that several times. And I think the data and the mapping and the information is excellent, proven and very practical. They would give a responder like me an invaluable tool in case of a big ugly. I also-- as a perfective school member, once this is implemented, I believe that the process would be easy to update for the building and grounds manager of the board and the superintendent. I did speak to our superintendent, Dr. Dawn Lewis, this morning in-- for Arlington Public Schools and she mentioned that she fully supports this and thinks it would be an invaluable tool. Thank you and I'd be happy to take any questions.

**MURMAN:** Thank you. Mr.-- any questions for Mr. Dwyer? If not, thank you very much.

**MICHEAL DWYER:** Thank you.

**MURMAN:** Good afternoon.

**KATHY WILMOT:** Good afternoon. Got to get the necessary props here. Committee members and, and Senator Murman, I want to thank you for this opportunity and I want to support LB673. I spent over 20 years working in a correctional facility and we've been faced with all kinds of things-- uprisings, you name it. And we often needed assistance from outside agencies and facilities. And so the necessity of knowing buildings and exactly where entry levels are, where the utility controls are, all those things are extremely important. And I've been concerned for a long time about our schools because so many of them have become consolidated. They're sitting out where a cornfield used to be and it, it requires multiple communities to come in and help. Thank goodness we've never had any real tragedies out in our area, but I wouldn't want any either. And so it's, it's very important that we have consistency throughout the different agencies-- the ability to read these maps, know how to respond, know what kind of codes and things we're calling out to one another. And so I just would encourage

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you to think of that. The safety of so many people rest on this. And a lot of times we're, we're quite a ways out there in consolidated schools from even getting assistance. And they need to know what to do the minute they arrive, not a half hour later after a briefing. So I encourage you to please support this bill.

**MURMAN:** Thank you, Ms. Wilmot. Any questions for Ms. Wilmot? Thank you very much. Hello.

**MICHELLE WEBER:** Good afternoon. My name is Michelle Weber, M-i-c-h-e-l-l-e W-e-b-e-r, and I'm here to testify in support of LB673 and-- on behalf of the Nebraska Emergency Medical Services Association, or NEMSA. This is the statewide association representing professional emergency medical services providers, both paid and volunteer. We see this as a useful tool that will improve both our emergency preparedness and our emergency response. We appreciate Senator Hansen bringing an amendment that would ensure that EMS providers and departments are provided with this data. And with that, we respectfully ask you to advance this bill with the inclusion of that amendment. Thank you.

**MURMAN:** Thank you. Any questions for Ms. Weber? If not, thank you very much. Good afternoon.

**COLBY COASH:** Good afternoon, Senator Murman, members of the Education Committee, I am Colby Coash, C-o-l-b-y C-o-a-s-h, here to testify in support of LB673. As you might imagine, school safety has been on a higher priority and on the minds of, of school boards across the state. I took quite a few calls in the past year from school board members who are interested in, in what more can be done around the realm of school safety and how-- and what role the state could play. And so I'm happy to here to testify on behalf of the School Board Association. Also, the school administrators and NRCSA asked me to put their names on record, as well-- keep the hearing moving. But we, we appreciate what Senator Hansen has done with this. He's provided some resources for schools that find-- would find this helpful. There are schools that have done this and there's a lot of collaboration between districts and their first responders. This can help strengthen that collaboration and we appreciate Senator Hansen bringing this bill.

**MURMAN:** Thank you, Mr. Coash. Any questions for him? Thank you very much.

**COLBY COASH:** Thank you.

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**MURMAN:** Any other proponents for LB673?

**ELIZABETH DAVIDS:** Good afternoon. My name is Elizabeth Davids, E-l-i-z-a-b-e-t-h D-a-v-i-d-s. I am a parent with a student in LPS schools. And I guess-- I have been talking to other parents and I guess we just thought there was a magical database somewhere where all of this information already was. And it's a little stunning to learn that each service doesn't have the most up-to-date maps, the most up-to-date information and that you may have even conflicting information, that they may have an old art-- architect's structural review. So, I'm so glad this bill is being brought forward. I have a sister who is a 911 dispatcher and she tells me stories that just curl your toes about how every second counts. So, I'm so glad this bill is being brought forward, as a parent with a student in school. Thank you.

**MURMAN:** Thank you. Ms. Davis [SIC]. Any questions for Ms. Davis [SIC]? Thank you very much. Any other proponents for LB673? If not, are there opponents for LB673? Anyone testifying in the neutral position? Good afternoon.

**AMBER PARKER:** Good afternoon. Amber, A-m-b-e-r, Parker, P-a-r-k-e-r. I'm testifying in the neutral side of LB673. First of all, I want to address how I have been one to advocate to say we need to make-- one to advocate amongst many, I'm sure, in this room, to advocate and say we need to make our schools safer. We need to make sure that we're utilizing those who are trained already in these areas, like the gentleman, I believe, who was one of the first speakers, to allow access to our schools before a situation arises, so we take proactive approaches. On the mapping, I have questions because we want to have regard-- safety across the board in every single area and circumstance. For instance, our elections aren't even safe here in the state of Nebraska. We know that there has been proof that there is an ability to hack into the systems. I believe our own Department of Defense realizes that with the big tech company, with ES&S, in certain areas and software, which I can't talk about, someone else can talk about, but why do I bring this forward? Because who has access to these maps? We need to be aware in Nebraska and take our cap in a big view and understand that there are people that want to hurt people in the United States of America and gain access to our schools and have access to those types of maps, which-- why I bring the focus that we can't even secure elections here in this state. That software, when Colonel Shawn Smith had addressed what he addressed last year in coming forward in the testimony, so one of the questions I want to present is who has access to these maps? Furthermore, is it any type

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of-- with the big tech company or like CrowdStrike that has-- with ES&S? I don't understand software. I don't understand things, but I believe these are really urgent questions to have answered. And therefore, that's why I'm testifying on the neutral side of this. I'm not against the basic maps, but we have to understand we live in a day and age of terrorism. There are people that get paid to hack into the United States of America systems. We already know that the United States government system has been hacked into, in payroll. I believe that was, what, a couple of years ago. So these threats in those areas, we need to remind ourselves when we're building in a platform for safety for all students in Nebraska schools. I am for the maps, but I would say, why can't we have a local communication versus a widespread communication? We already know that the FBI has been turned against some people in areas in this United States government. For instance, Sherronna Bishop, when she-- I believe it was FBI-- and, and I don't know if they drew their guns, but her daughter being held down. These are things we need to take to heart that not everybody is good just because they work within law enforcement or with the federal government. We need to have accountability and I like the local structure and making sure that we have a plan of action that brings these proactive measures to protect all the students in the state of Nebraska.

**MURMAN:** Thank you, Ms. Parker, Any questions for Ms. Parker? Thank you very much. Well could, could you-- we, we can't applause here. So sorry. Any other testifiers in the neutral position? If not, Senator Hansen, you're welcome to close. And while he's coming up, we do have seven proponents for the bill, zero opponents and zero neutral. Go ahead.

**HANSEN:** Thank you. My closing was about 15 minutes long, but I'm going to cut it short, in the essence of time. I'm-- to address some of Miss Parker's concerns, according to the bill, there are specific people who have access to these maps. And maps are, you know, I think, already, kind of, public information, to some extent if they, if they want to. But these are only accessible to certain people at certain times. And I-- I'm trying to think what are the other concerns she had. So, I just at least wanted to address that part. But right now, I'll just-- we want to answer any questions if anybody has any for me, so.

**MURMAN:** Any questions for Senator Hansen?

**HANSEN:** Yes.

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**LINEHAN:** Is there-- I looked at the fiscal note. I don't understand the fiscal note. If you're using ESSER dollars that are already there or what?

**HANSEN:** Yes, that's what I'm working with the Department of Education right now on. There are ESSER funds available. Some have been spent not as much, but some are obligated. And so we're just trying to figure out, you know, how we can get that obligation towards this. And so it's just, kind of, moving around some of the numbers and, kind of, some of the words to, kind of, make sure that we get this funded through ESSER. But their funds are there.

**LINEHAN:** So how much funding are you talking about?

**HANSEN:** Depends on, well, how much each school costs. Typically, when other states have done this, it's around \$3,500 a school.

**LINEHAN:** OK.

**HANSEN:** And that's what the fiscal note reflects. So it could be between \$3.5 (million) and \$4 million, maybe \$4.5 (million) total. And I believe there are more than adequate ESSER funds to cover all this.

**LINEHAN:** OK. Thank you, Senator Hansen.

**MURMAN:** Senator Sanders.

**SANDERS:** Thank you, Chairman Murman. Just a quick question. Could you, for me and for the audience, for the public-- ESSER Funds. Is that acronym for--

**HANSEN:** Of course you would ask me that. And I have that here, thanks to Ellie, my awesome LA, who just does everything for me. Well, except-- I thought they were right there. Let me make sure-- I had it. I thought I had it.

**SANDERS:** I'm so sorry.

**HANSEN:** I don't have it in front of me.

**MURMAN:** Any other questions for Senator Hansen?

**SANDERS:** You get back with me. It'll be fine.

**WALZ:** Oh, shoot. I just lost it.

**MURMAN:** Senator Walz.

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**WALZ:** OK. Thanks. Thank you, Senator Hansen, for bringing this bill. It says, just to kind of piggyback on Senator Linehan's question-- and let me put on my glasses. Gosh darn it. Expenditures would be four-- 49945 [SIC - \$4,994,500], so about-- almost \$5 million. And it says that you would be using the unused federal ESSER funds and then turn to general funds, but you don't know how much ESSER funds or how much general funds we'd be asking for yet.

**HANSEN:** Specifically, yeah. So we're, you know, putting some aside, but then each school might be different. Like some schools have two schools but are located in one location so that might count as one building so it might not be as much. So it just kind of depends, but we're just trying to figure out how we can, kind of, set that aside with the ESSER Funds because I don't use general funds if I can--

**WALZ:** Sure.

**HANSEN:** --because there's already fed-- federal funds. That's what part of ESSER is-- federal. So these are basically federal funds that they have given to the state during COVID to help-- to use for certain things and one of them is infrastructure, database, electronic updating like maps, so they, they do have money obligated for just this specific purpose, it's just seeing how we can tap into that.

**WALZ:** OK. Thank you for bringing this bill.

**HANSEN:** Yep.

**WALZ:** It's important.

**HANSEN:** Thank you.

**MURMAN:** Any other questions for Senator Hansen? If not, thank you very much. And that will close the hearing on LB673. I am going to make an announcement. If there's anyone that claps, yells or makes their opinions known during the hearing, they will be removed from the room. So just keep that in mind. And at this time, I am going to turn the hearing over to our very capable Vice Chair, Senator Albrecht.

**ALBRECHT:** OK. Are we going to change the number on the-- LB374, yes. OK. Senator Murman.

**MURMAN:** Good afternoon. Thank you, Vice Chairwoman Albrecht and members of the Education Committee. LB374 would adopt the Parents' Bill of Rights and Academic Transparency Act. Above all else, this bill aims to make clear that every parent is the foremost

decision-maker in every child's life. Today, we will hear from several Nebraskans who have raised children through our public school system. We'll hear from a lot of folks today that this bill is about control. And to an extent, that is true. It's about a parent being able to control the direction of their child's educational well-being, not about government or educational bureaucrats. It's about parents working together with teachers and educators to do what's best for their own children. Recently, there was-- there has been a great deal of conversation about library materials, primarily books that may include pornography inside of Nebraska schools. LB374 does not ban any book, but establishes a parental review process that could lead to a removal of a book. Our schools exist for many reasons, but above all, they exist to further the educational well-being of every child. Every parent has the right to hear how a book may advance their child's education. Further, parents should have the right to review materials associated with their classroom or homework assignments through an easily accessible, transparent process. If there was any silver lining to the COVID pandemic, this process can be done through the use of the Internet. LB374 requires that an Internet-based academic transparency portal be established through the school's website. The material that would need to be publicly available would include, but not be limited to, links to professional development, homework, curriculum, syllabi, or any other material which students may be required to complete for academic credit. There are materials that most educators have-- these are materials that most educators have prepared prior to the beginning of the year and LB374 would ensure that it is not an overbearing process for educators. Further materials that would not need to be uptake-- uploaded would include any content specific to a student, any content like an individual lesson plan or information regarding a student or teacher's health and well-being. Some have claimed that this bill would ban critical race theory, yet these folks have failed to provide a definition for critical race theory. The fact is LB374 does not include the words critical race theory a single time. LB374 does include language that no school or school employee will compel an educator or student to adopt, affirm, adhere to or profess ideas in violation of the Civil Rights Act of 1964. It disallows a government employee from pushing racial prejudice on children, specifically that individuals of any race, color, ethnicity or national origin are superior or inferior, or that any child should bear some collective guilt because of the color of their skin. I can think of no greater hatred than to telling a classroom of 11-year-old students that white children are responsible for America's history of slavers and colonizers. By the same token, the idea that any teacher would potentially tell a Native American student that they are the



descendant of uncultured barbarians is completely unacceptable. We can absolutely teach history in Nebraska without being racist. LB374 aims to accomplish just that. Let me be very clear. Children should have a bias towards one thing and one thing only, that's innocence. Children should not be trained to view everyone through a racial lens as groups like the Southern Poverty Law Center, Center might prefer. Children should be taught to treat everyone based on the content of their character, as Reverend Martin Luther King Jr. once said. And a majority of teachers and educators agree. This bill also takes a step in preventing the data mining of students. Students and parents should have the right to refuse a survey that is pushed on them. My office has obtained examples from parents where students are asked questions regarding this-- their sexuality, their sexual partners, and even their families' dating habits and sexual activity. This is completely unacceptable. Schools serve a purpose far larger than research surveys and data collection. Parents should have the ability to know how these surveys benefit their child's education, period. This section would apply to any examination administered by the school, except for students that may be at risk of suicide or students who have encountered potential child abuse. Schools would be required to notify the parents unless the parent is suspected as being the perpetrator of such child abuse or neglect. Finally, this bill makes significant steps to protect the conscience and moral convictions of teachers and educators. Any educator who may potentially face pushback for a violation of their civil rights is protected from repercussion or punishment and may seek damages. Finally, I ask my fellow committee members to listen to all testifiers today. Listen to their voices. It will become clear that the state must do more to protect the right of parents to direct their child's education. LB374 is a bill that does exactly that. Let's help Nebraska parents, help Nebraska teachers, and most importantly, help Nebraska students. I'd welcome any questions, but there are a lot of testifiers behind me and I will be here to close.

**ALBRECHT:** Thank you, Senator Murman. Do we have any questions of the committee? Senator Conrad.

**CONRAD:** Hi, Senator Murman. Thank you. I was wondering, just before we jump into the public testimony, if you could provide a little bit more context for everybody here today. What is the origin of this bill? Did you have any assistance with drafting it? Is it based on, like, a model bill or efforts that have been successful in our sister states? Could you just help us understand that a little bit?

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**MURMAN:** Yes, I felt compelled to bring this bill because of the concern that parents have shown in the last year or two at the State Board of Education. You know, exactly what is being taught in our schools and what is potentially to be taught in our schools? And this bill has passed in Florida, in Kansas and in Missouri and they haven't had any significant issues in any of those states. I believe there's a couple other states it's passed--

**CONRAD:** OK.

**MURMAN:** --on-- in also, but I could maybe get that to you by the close.

**CONRAD:** That's perfect. That's really, really helpful. And, Senator, you know, in preparing for this hearing today, it reminded me of a lot of conversations I've had with my neighbors in north Lincoln over the last year. And I won't say that these issues came up frequently when I was on the campaign trail. But when they did, I think that we were able to recognize that I think at the heart of a lot of these and similar measures is a deep concern for children and a deep concern that, that parents have an ability to engage in a constructive way as partners with what's happening in our schools. And, you know, I really take that feedback with a lot of sincerity and, and to heart. And so it would be a good place to open a dialogue. I'm a parent of young children in public schools so I don't know exactly what's happening all across every school in the country. But I know what's happening at our elementary school in, in Lincoln, Nebraska, because I can access the curriculum. The teachers flag for me whenever-- whatever the lessons are for that week. We're actively involved in our school. We have public records laws. So one thing that was not clear to me is what was deficient necessarily in existing laws and why this measure was necessary. So if you want to talk just a little bit about that, that, that would be helpful context for me.

**MURMAN:** Sure. Most, most all parents and most all educators are very interested and are-- care much for the students and the children--

**CONRAD:** Yeah.

**MURMAN:** --that they're teaching. The purpose of this bill is to just make it more transparent. I'm not sure, you know, if all schools have the same transparency as apparently the elementary school you're referring to--

**CONRAD:** OK.

**MURMAN:** --has. But at least make it as transparent as possible, what's taught in the schools and as easily accessible for parents to, to see what's being taught in their school.

**CONRAD:** OK. That's helpful. And, and you're going to find probably always a champion, from my perspective, when it comes to government transparency, so I hope we get to talk about that a lot today and across the course of the legislative session. But I then wanted to move to some other aspects of the legislation because, again, it would be a part of the conversations that we would have where a neighbor would bring up some of these concerns. I'd talk about our experience as parents and in elementary school. And then I'd also acknowledge that existing law already has a framework for parental involvement and also has, I think, some pretty clear mechanisms for parents to opt out of lessons or curriculums that they find objectionable for, for different reasons. And a lot of time, my constituents would say, wow, I didn't know that. Well, what, what are we fighting about here? And I guess I'd pose the same question to you. It seems to me that the existing law strikes the right balance between respecting parents' rights, but then allowing other students and other families to pursue the curriculum that is provided at their school. So can you help me understand a little bit about what's absent in existing law that doesn't honor parental rights?

**MURMAN:** Well, again, this-- the purpose of this bill, again, is to just make it more clear to the parents that they do have the option to opt out their students--

**CONRAD:** OK.

**MURMAN:** --if the parent feels that that material is objectionable. Because, of course, the whole purpose of the bill is that parents have control over--

**CONRAD:** Right.

**MURMAN:** --what their children are being taught.

**CONRAD:** I think that's right. And the part that concerns me, though, is when that balance starts to tip in the legislation as proposed, where it, it starts to become almost a veto power for other parents to take away the ability for my children and my family to, to make decisions about what's best for us. So can you talk a little bit about that in terms of how it kind of leapfrogs some parents' considerations

or concerns over other parents instead of just striking the right balance for them and their family?

**MURMAN:** Well, of course, the opt out part of the bill is only for that parent's children.

**CONRAD:** That's right.

**MURMAN:** So there is a process in the bill also for a parental review label on, on certain material, so. And there is a process that if there is enough concern in the district, certain material could be removed. But it just makes it more clear that that can happen and just the process in which that could happen.

**CONRAD:** OK. Because you would agree that, of course, that-- I just want to be, be clear about what your intent is with this bill. Your intent is to not give other parents to make-- decision-making power over what my kids can learn, right?

**MURMAN:** Correct.

**CONRAD:** Each individual parent should have that ability to, to make those decisions. But we shouldn't kind of exchange-- our, our perspectives or point of views have veto powers over each other's parent decision making.

**MURMAN:** That's correct.

**CONRAD:** Is that fair?

**MURMAN:** A parent has control over just their own children--

**CONRAD:** Yes.

**MURMAN:** --not other people's children.

**CONRAD:** Right. Because that, that's one thing that, that does strike me. The current law provides, I think, again, the right balance to say this isn't right for me and my family for whatever reasons, but it does still allow other families the ability to, to learn if that's the right decision for them and their family. And I'm worried that LB374 kind of tips that balance back in the wrong direction, so.

**MURMAN:** Well, some of the concern in the last year has been inappropriate material being presented too, too early for-- you know, inappropriate for certain age students. So we have to have a mechanism

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that will prevent that from happening because, you know, at least so far, the concerns have been addressed. But--

**CONRAD:** OK.

**MURMAN:** --you know, there's always a possibility that something like that could happen again.

**CONRAD:** OK. OK. The, the other thing that I wanted to, to learn a little bit more about here was-- so I think there was a provision about how it would be impermissible to indicate that maybe when race, when ethnicity or what national origin was maybe inferior or-- to another. Do, do you remember-- oh, I'm seeing it here on page 4, "that individuals of any race, ethnicity, color or national origin are inherently superior, inferior." So just kind of working through that section in terms of the curriculum parameters laid out in the bill. And I took to heart your opening statement about how we should focus on a content of each other's characters rather than other aspects of perhaps our identity or being. But then when I think about some dark chapters in our, in our country's history, like Japanese internment, for example, can you divorce that experience from race or ethnicity?

**MURMAN:** Well, yes, it should be divorced from race or ethnicity, but true history is encouraged to be taught in our schools, of course. And, you know, there's been bad things happen in the world, not just in the United States--

**CONRAD:** Sure.

**MURMAN:** --but all over the world. And we definitely want to be teaching about those, the good and the bad.

**CONRAD:** Yes.

**MURMAN:** But to blame a person for something that's happened in the past or to put guilt on a certain person-- or not a person, but a color of skin or nationality, that is what we don't want to do.

**CONRAD:** OK, then--

**ALBRECHT:** Senator Conrad, we have a lot of folks here.

**CONRAD:** No, I, I understand.

**ALBRECHT:** But we can also discuss this at another time in Exec Session. We have a lot of people here to speak today.

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**CONRAD:** No, I, I understand that. But I am, I'm just--

**ALBRECHT:** That's a lot of questions.

**CONRAD:** --trying to get an understanding of the bill that Senator Murman brought forward here. And I, I think it may help to illuminate other people's testimony if we can understand that--

**ALBRECHT:** I don't think you're going to illuminate anybody's testimony just asking these questions, but we're trying--

**CONRAD:** Well, I--

**ALBRECHT:** --to get along with it. Usually we don't have this many questions for every--

**MURMAN:** And I will be here to close so if all of your questions aren't answered during the testimony, I'll sure answer them at the end also.

**CONRAD:** OK. I'm not aware of any committee rule that limits senators' ability to ask questions.

**ALBRECHT:** Well, we have a lot of folks here today.

**CONRAD:** I understand.

**ALBRECHT:** And I'd like to continue to-- you'll probably hear from a lot of folks that will help you understand why they're all here. And I think that's what Senator Murman's bill is all about.

**CONRAD:** Sure. I under-- I understand that fact, but that-- there wasn't any notice provided to senators in preparation for the hearing that our comments or questions would be limited in any way.

**ALBRECHT:** Well, you can have one more question, but we need to get on with the--

**CONRAD:** For the whole day or--

**ALBRECHT:** No. Well, I certainly hope you wouldn't do this with every single person that comes up. We do want to be cognizant of the fact that folks are here to talk, so--

**CONRAD:** No, I, I understand.

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**ALBRECHT:** We have a lot of time to talk as a committee after the fact on some of this too. So go ahead and ask one more question. We need to move on.

**CONRAD:** I'll save it for the closing.

**ALBRECHT:** Thank you.

**CONRAD:** Thanks, Senator.

**ALBRECHT:** Thank you, Senator Conrad. Any other questions? Senator Walz.

**WALZ:** Thank you. Thank you. Senator Murman, I just, I remember last summer-- I just lost my earring. Last summer, you-- it was a pretty important issue for you and you called for an investigation on the matter. Can you just follow up on-- was the investigation completed and what were your findings regarding the investigation?

**MURMAN:** Yes, last summer I did call for an investigation into the-- to the Nebraska Department of Education on what they have on their website in-- concerning critical race theory and comprehensive sex education. And as-- of course, at that time I was not Chair of the committee, so we didn't do anything about it at that time. But we are keeping open the possibility of that kind of an investigation, even though we-- I actually have done it a, a little bit on my own, but not as a committee.

**WALZ:** OK. So no findings?

**MURMAN:** Yes, we have found objectionable material on the Department of Education website.

**WALZ:** Just no investigation was done.

**MURMAN:** Not other than on my own, no.

**WALZ:** All right. Thank you, Senator Murman.

**ALBRECHT:** Thank you, Senator Walz. Anyone else from the committee? Thank you.

**MURMAN:** Thank you.

**ALBRECHT:** OK. We're going to take proponents first-- 3 minutes. And we have one hour from this moment. Have proponents.

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**ROBBIE ADAMS:** First of all--

**ALBRECHT:** OK, we're going to get started. Please keep your voices down. Thank you. Go ahead.

**ROBBIE ADAMS:** First of all, I'd like to thank the committee for this opportunity to testify. My name is Robbie, R-o-b-b-i-e, Adams, A-d-a-m-s. I support LB374 and urge you senators to pass it out of committee as written because parents and legal guardians have the ultimate authority and final say when it comes to the education of their children. This bill ensures that a transparency portal is created that would give parents and guardians complete access to their child's educational information. And this bill also creates a process for parents to appeal the access of potentially inappropriate books for minors. LB374 will prevent data mining and protect student and family privacy from schools surveying students and collecting their personal data or that of their family. Importantly, this bill will allow parents the option for their children to opt out of content and activities they deem inappropriate. I am a parent and now a grandparent. I have been appalled by video of parents having to shame school boards by reading out loud, in a public forum, sexually explicit books found in school libraries by parents that should be labeled X-rated. I am appalled by the sexualization of children by curriculum wholly inappropriate for any school setting. I'm also appalled by the ratios of students who graduate being able to read at grade level and enter college with the math and writing skills that align with academic success. Educators must be reined in from wasting precious school time indoctrinating students with CRT, CSE or SEL when core competencies have not been met. Schools must be free of political and social agendas and dedicate the school day to the primary goal of dissemination of basic knowledge and skills. Transparency makes schools accountable. I, as a parent and grandparent, have the responsibility to pass on our families values, moral training and religious beliefs. And for my young grandchildren, I have responsibility along with their parents, to protect their innocence and help them have a childhood. I urge you to support LB374 and don't make my job as a grandmother any harder. Thank you.

**ALBRECHT:** Thank you. Do you have any questions for Ms. Adams? Seeing none, thank you for coming. Next.

**ALLIE FRENCH:** Good afternoon. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I'm representing Nebraskans Against Government Overreach, in support of LB374. I'm going to talk really fast here, guys. This bill is a perfect example of legislation that is guided by we the



people, every step of developing the process of accountability and transparency includes the participation of the citizens that choose to be involved. This bill does not outright eliminate any curriculum learning material nor prevent open discussion. This bill does provide clear guidelines for what is considered inappropriate content for public school, all very common sense requirements, content deemed offensive, sexual, profane and excessive and violence. It clearly prohibits the violation of Title IV or Title VI of the Federal Civil Rights Act of 1964, very simple and generally agreed upon concepts. Either schools are trying to teach the content that violates these things or schools aren't teaching it, and we aren't getting rid of anything, just outlining what we should all agree to and giving a process for parents to rest assured that is the case, but we can't have it both ways. I do want to highlight in that Section 4 is the key focus to decentralization and local control that each public school district in the state shall develop and adopt a policy to guarantee that parents are able to be informed, inspect and review any educational or health records, have an opportunity to object to any learning material or activity, have an opportunity to request any material be reviewed and have an opportunity to challenge the educational benefit of any item of library content. There's oversight and checks and balances formed in Section 5, where the policy required by Section 4 of this Act shall be developed with parental input and shall be the subject of a public hearing before the school board before adoption. Any changes will then have to be reaffirmed it following a public hearing. Page 3 of Section 3: every parent of a child in the state shall have a fundamental right to direct the upbringing, education, care and mental health of the parent's child. Page 12, Section 6(b) requires schools to notify parents of any risk or suicide assessment, a common issue that's been reported to us that hasn't been happening. Page 14, Section 10 and page 15, Section 11 provides protections for teachers. Page 15 and 16, Section 12 creates the checks and balances. When a parent feels strongly that an item is not being looked at with the appropriate scrutiny, there will be a process for both the parent and the school to explain their position and a decision to be enforced. Though many of these issues have been around over the last couple of years especially, it has become apparent the students, teachers and parents have been placed in a secondary capacity. Teachers and parents are tired and frustrated. They want and need to be on the same page. To the benefit, the benefit of the students, LB374 is a must. On a final note, I want to address the concern of costs incurred by the passage of this bill. Note that even the NDE estimates minimal costs of following, following the set up of the process outlined. As far as individual district costs, it's

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likely to be a similar situation as the NDE describes. Fortunately, Nebraska parents want this and it would be a worthy venture for our tax dollars to be utilized in this manner.

**ALBRECHT:** Thank you.

**ALLIE FRENCH:** Thank you.

**ALBRECHT:** Any questions from the committee? Seeing none, thank you for being here.

**ALLIE FRENCH:** Thank you.

**ALBRECHT:** Next.

**TIFFANY CARTER:** Hello, Senator Murman and Education Committee. My name is Tiffany Carter, T-i-f-f-a-n-y C-a-r-t-e-r. Have you ever heard of the illusion of truth effects? The illusion of truth effect is very simple. People are more likely to believe something the more often it is repeated to them. Repetition is used everywhere to persuade people in advertising, politics and the media and it certainly works. It seems too simplistic that just repeating a persuasive message could increase its effect, but that's exactly what psychological research finds again and again. As we are exposed to a message again and again, it becomes more familiar because the way of our--the way our, our minds work, what is similar is also true. Hence, the illusion of truth. We can effectively persuade ourselves through repetition, which takes the illusion of truth to new heights. A study has shown that when an idea is retrieved from memory, this is just, this is just as powerful as persuasive effect on us, as it had been repeated twice. A mother's testimony at her local school board went viral about a month ago. She mentioned that her daughter went into her-- into ninth grade. She held up a photo of her beautiful girl with long curly hair. Over the course of the year, three teachers were repeating things to her. She began cutting herself and became depressed. By the end of the school year she was also calling herself by a different name. This mother was not informed of anything that was going on at her school. She came into the school for an open house for art and found that her name, her daughter's name, was something different. In 10th grade, under the guise of a fundraiser, the teacher shaved students' heads who wanted to better look like how they identified with themselves. So oddly enough, this daughter has since removed her breast, is on testosterone and is having physical complications because of this. I have two sisters, both my sister and I-- sisters and I were sexually abused by the same man. My sisters and I are 12 and 16 years apart. My

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youngest sister and I have struggled with same sex attraction at one point in our lives. My sister told me one time that she had feelings for her friend who was a girl, so she must be a lesbian. I struggled with temptation but never came to that conclusion. I graduated in 2005 and my sister graduated in 2021. Anyone can say that these ideologies are not being pushed in schools. It isn't in the curriculum, one may say. But I've been researching books in the school libraries for over a year now. This binder is full of books. That barely scratches the surface of what has been found in Nebraska schools. Such themes as gender identity, critical race theory, sexually explicit and pornographic content are prevalent. I never heard any of these ideologies being taught, supported or pushed when I was in school. I can only imagine where I would be if I was constantly receiving these messages. Remember, the more that we are told something, the more likely we are to believe it. Parents need to know that this is going on in-- what is going on in schools and I fully support LB374. It is time to restore trust in the public education system and this is a great first step. Thank you.

**ALBRECHT:** Thank you, Ms. Carter. Any questions? Seeing none, thank you for being here.

**BILL FORBES:** I appreciate being able to sit in front of you today. My name is Bill Forbes, B-i-l-l F-o-r-b-e-s. I know everyone here would agree with the fact that a social conscience is extremely important to a constitutional republic. As a child, I grew up, so to speak, in a-- in an old folks home. How did that happen? Well, my mother, in the '50s, started a nursing home in our community. Our house was right next door and after school I went home and-- I didn't go home, I would go into the nursing home where my mother was. I recall playing games like checkers, dominoes and cards with what was then called the "old people." All of that great interaction gave me a sensitivity to conscience-- of conscience to-- for the elderly. Later on, I became a chaplain to Grand Island Veterans Home in Grand Island, Nebraska, where I was able to put that childhood training into action. While there, I recall one of the mantras that I consistently made throughout my time there. Quote, as we care for those who raised us, protected us and defended us, we helped to establish and continue to affirm our social conscience in taking care of our own. Now, I am old. I'm one of those old folks. In our culture today, I have a great advantage over a number of people. Being old, I get a very good personal look at a very short 75 years in the past of our long history of Nebraska. As a child in the '50s, I was completely unaware of the capabilities of the sadistic human heart. In 1955, I had no idea of the torture and lynching of young, innocent 14-year old Emmett Till. I know nothing of

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the cruel, violent stalking of his band of people by criminal perpetrators who acted without remorse or conscience. At eight-years old, I feared nothing. The streets were safe. In the summer, I could leave home in the morning, come home at lunch, leave again and as long as I was home for dinner, no one cared. It was a safe world. In grade school and I'm sure many of you have heard this, every of us-- every one of us boys carried a pocket knife to school. And if it was pulled out during recess, the only thing the teacher would say to us is, well make sure that knife doesn't cut one of you boys. At 16, I carried a .22 to school in my car and a shotgun, a 16-gauge shotgun. Today, most are shocked by the nation's seared conscience and the violence it produces. It's not just the Emmett Tills that are on high alert for the next crisis, but the whole culture itself. According to the National Center for Education Statistics, there were 678 school shootings since the year 2000.

**ALBRECHT:** You do have a red light so you'll have to wrap it up. Sorry.

**BILL FORBES:** OK. The point is, today we are asking our legislators to protect our children and my grandchildren and not succumb to the pressures of the educational bureaucracy of teachers unions and vast government educational entities.

**ALBRECHT:** Thank you, Mr. Forbes.

**BILL FORBES:** We desperately need to reestablish a social conscience with our people. Please support this bill. And I hope you get to read the rest of what I've written here. I will leave copies for you.

**ALBRECHT:** We got it right in front of us. Thank you very much.

**BILL FORBES:** Thank you.

**ALBRECHT:** Wait one second. Anybody have any questions?

**BILL FORBES:** Any questions?

**ALBRECHT:** Thank you very much for coming. OK. Come on, let's keep, keep it going. Please.

**MARNIE HODGEN:** Hello. Good afternoon. Thank you, committee and Senator Murman for the opportunity to speak today. My name is Marnie Hodgen. I am a mother of three. Oh, I'm sorry. I forgot to spell my name. Marnie, M-a-r-n-i-e, Hodgen, H-o-d-g-e-n. I'm a mother of three, speaking as a parent and sharing feedback from my experiences when I ran for State Board of Education, I guess I just want to start off by

saying it is rather incredulous. A bill supporting parental rights, rights that are inherently granted in sovereign, even has to be written. However, over decades we have seen the authoritative power shift from parents to governmental and medical institutions with the most brazen and heavy-handed encroachment occurring the past three years. We have seen schools overstep with mask mandates. We've seen teachers overstep asking students preferred pronouns and schools have overstepped with transition clauses. Parents are being mocked and belittled by school board members at meetings. I met a superintendent during my campaign who scoffed when I mentioned my plan to advocate for parental involvement. He said parents are too involved and that's the problem. A former OPS teacher confided she and others were bullied by the OPS superintendent. If this teacher challenged the super, the super would berate her. This teacher left OPS because she had to read books to children that went against her morals during SEL time. For these reasons, support for LB374 is absolutely necessary. Thank you, Senator Murman and the co-sponsoring senators for seeing the truth of the times. This bill is gold, not only for parents but for students and teachers as well. Section 10 protects students from data mining. Under the proposed parental review recommended, students would also be protected from sexually explicit and graphic books like Gender Queer and Me and Earl and the Dying Girl, books that have been found in our public school libraries and easily accessible to minors. The proposed parental review recommended would not ban books or stop the teaching of history, as opponents will argue, but rather, put the power back in the hands of the parents to read and decide if it is appropriate for their child. As a candidate, I personally knocked on close to 9,000 doors from mid-March to early November. Thousands of parents feel powerless. Additionally, parents want easy access to curriculum. LB374 can remedy this with the Parent Transparency portal in Section 6. Another argument for this bill is teachers would be protected from having to affirm anything that violates the Civil Rights Act of 1964. It also protects them from being professionally penalized for refusing to teach matters prohibited by Section ten. Bennington Public Schools has stated that even if second step lessons conflict with teachers personal, moral, religious values, they are still required to teach their curriculum. Most teachers I spoke to aren't willing to teach CSE or ideologies that perpetuate beliefs of inferior and superior races that teach collective guilt and inherit responsibilities for actions of others of the same race or ethnicity. Many have said they would leave teaching altogether if these things continue. Many have already left. This bill represents autonomy, transparency, respect and career protection. Please support LB374. Thank you.

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**ALBRECHT:** Thank you very much. Anybody have any questions on the committee? Seeing none, thank you very much. Next.

**PENG XIAO:** Dear Senators, I'm Peng Xiao, P-e-n-g X-i-a-o. I'm from Omaha and a university faculty member with three kids studying in public schools. And I'd like to express my appreciation to Senator Murman, who introduced this great bill and all the committee members on the hearing. And I truly support LB374. Parents are the first natural and legal educators for their children and the schools should cooperate with parents for educating their children. However, recently I found that there's a nationwide trend of pushing CRT, critical race theory and advanced sex education curriculum to indoctrinate children in public schools, which has concerned me a lot. I am an American citizen now, but I was born in mainland China and I lived there for 24 years before I came to Omaha. In the Communist govern-- ten-year cultural revolution, the public schools in China just taught class warfare theory and asked the students to fight against the parents who are so-called different classes than their children. This resulted in not only tremendous disasters for ten years, but also traumas in all the years and generations afterwards in China. So currently, the CRT course is very similar to the first step of Marxism, in--indoctrinated the children to divide people into different racial classes, which brings hatred instead of love, division instead of unity. This will cause class warfare, which greatly damage and destroy the two most basic foundations of a stable and healthy society: unified and loving individual families and basic mutual trust between people. I love my kids and my kids also love me, love me as well. And I also love the public schools and teachers and staff. I should have rise to know all aspects of my kids and experience in schools and the schools should also be fully transparent to parents. This bill will unify the parents and public schools so that they can work together in a healthy way to avoid any unhealthy curriculum and policies. We need parent--parental involvement and oversight to truly educate and establish our next generation who will be the future of America. Therefore, I strongly support this bill and hope you will say aye to this bill. Thank you.

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

**BRITTANY HOLTMEYER:** Hi, I'm Brittany Holtmeyer, B-r-i-t-t-a-n-y H-o-l-t-m-e-y-e-r. I'm a proponent for the LB374. Adopt the Parents Bill of Rights and Academic Transparency Act. I was recently elected and sworn in as a, as a Papillion-La Vista School Board member. I am testifying on my own behalf as a mom, a concerned parent and a taxpaying citizen. I had received 9,745 votes in the general election.

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Primary and general, I was a mom who said she was on a mission and this bill is my mission. This bill was my platform running. I didn't do fliers. I didn't knock one door. I spoke. I spoke at every single meeting for the past two years. And these talking points were everything that I had ever brought up. I had parents, grandparents, taxpaying citizens reaching out to me. My whole campaign was to empower parents to use their rights. This is the Bill of Rights for the parents. Just some topics that I had got addressed to while running. A few examples. An eighth grader coming home to tell their parents that they learned of oral sex without parental permission. The parent then went to the school district and asked, why was this being taught? This was not sent home for their, for their permission. And the school comes back and says that they want them to feel like this is a safe place and that they'll read about it on social media. Another one, a student having private conversations with the counselor about transitioning without parent permission for years. A ninth grader using the male restroom and in comes a girl who identifies as the opposite sex. That boy was sat down in a counselor's office without parental permission and told to accept it. There's SEL lessons that are being taught. In this week's lesson, your child learned how to recognize gender-based harassment. This is when people are bothered, teased or bullied. There's books in the libraries, elementary and junior high, to be specific, that talk about how to eat pussy. That word's alarming and it's in elementary and junior highs. When I read that to the school board, I was mocked the next meeting for grooming. While attending a conference a few months ago, I was sat down in a class and hearing that if, if a student comes into your, into your counselor's office and they want to be of the opposite sex, do you have to tell a parent? Well, I had people in there from my district, one shaking their head no. This school is not the parents of these kids. The parent are the parent and they are the one that gets the right to determine what their child hears, sees and listens to. If your child goes to a neighbor's house and gets a book off their shelf about how to eat a p\*\*\*\* or if they're talking to them about oral sex, you're going to call the police on them. What difference does it make if this is happening at a school? Thank you.

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

**SARA FOCHS:** Hi. My name is Sara Fochs, that's S-a-r-a F-o-c-h-s, and I'm the chapter chair for Moms for Liberty, Douglas County, Nebraska. Moms for Liberty is a national organization with over 110,000 members in 43 states. Our mission is dedicated to fighting for the survival of America by unifying, educating and empowering parents to defend their

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parental rights at all levels of government and that's why I am here today. I am for LB374 because it does defend our parental rights. I want you guys to think back a few years ago, when we had to take our children out of school and do homeschooling during the pandemic. I don't know if any of you guys went through that, but I had four children at home and it was a hot mess. It made me and so many other parents so grateful for the teachers that teach our children and we realized how wonderful they are. However, it was also during this time that the parents discovered that we could see harmful effects school closures had on our children's academic performance and mental health. Parents begged for students to go back to school. Why? Because parents recognized the harm being out of school was doing to our children. Thankfully, my school district allowed our children to go back in-person learning for the 2020-2021 school year, but not all students were lucky and our test results reflect that. According to the New York Times, nine-year olds lost 20 years of math and reading progress, meaning test scores of nine-year olds nationwide no longer reflected testing scores of 2019. Instead, the test scores reflected those of the early nineties. Teachers, educators and counselors are vital to children's education. However, they do not play the primary role. The primary role for a child's education are parents and the family unit. It is not the job of the public schools to advocate how students should view sex, gender, morality and social issues. The role of public schools is to educate academically. Teachers should teach students how to think, not what to think. We want our children to learn what they need to know to be productive humans. We want our children to acquire facts. Then they can make those individual choices on how they view those facts. We want it to be clear that the boundaries between home and school should be respected and that families should be part of all discussions regarding the mental and physical health of their child. We want teachers to be awarded for their excellence. We want you to believe, as we do, that it is a parent's right to shape and instill values on children. It is not the government's right. We all want to believe in Dr. Martin Luther King's dream of American exceptionalism, not the definition of equity, where our children are divided into categories of the oppressed and the oppressor. We want to follow the Supreme Court ruling of Meyer v. The State of Nebraska that it is the natural duty of the parent to give their children education suitable to their station in life. Abraham Lincoln said in his Gettysburg Address, it is for us, the living, rather, to be dedicated here to the unfinished work that this nation, under God--

**WALZ:** Excuse me, I'm sorry--



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**SARA FOCHS:** --shall have a new birth of freedom.

**WALZ:** --you have a red light. Thank you.

**SARA FOCHS:** Oh, I'm sorry.

**WALZ:** Can you wrap?

**SARA FOCHS:** Yes. This is our unfinished business: to restore balance to power, restore parental rights where they should have been and not questions. We're here because we love our children and want what's best for them.

**WALZ:** Thank you. Any questions from the committee? I see none. Next proponent.

**KATHY WILMOT:** Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t and I'm here speaking on my own behalf. I'm going to veer away from my testimony I had. As a former teacher, a former state Board of Education member, I've been interested in education for a long time and I want to, if I can get through it without shedding tears, I guess I'm going to give you one of the examples of what got us started many years ago. So this isn't a new problem. We've had a problem for a long time, but our son was going to serve in a foreign country and our daughter at the time was merely a fourth grader. She goes to school, she comes home, we sit down to supper, she bursts out in tears. We're like, good grief, Crystal [PHONETIC], what's wrong? I don't understand why you're sending Rick over to kill people. And we're like, where did you come up with that? That's what my teacher told me and I don't know why you would send Rick over to kill people. Wait a minute. What has this got to do with school? Didn't I send her there for math, reading, those basic academic things? Why is someone-- I mean, I can see why a kid on the playground might, but why would a teacher bring that kind of thing into the school? I recently campaigned over a 45-county area, a huge part of Nebraska. What did I hear everywhere I went? What on earth is wrong with our schools? Why do we send our kids there? Why are these things being taught? Why is my child subjected? And, and it just goes over and over. I think we just simply need to get back to why in the world do parents and property owners spend all this money? And I mean, I was a teacher. I wanted parents to put trust in me. But I can guarantee you those were none of the topics that I ever taught to students. We talked about the-- oh, we might have done something really out of the scope, like when a kid brought a tadpole to school and I got a swimming pool that night in town and we fixed up the environment for those tadpoles and we watched them change. Those are

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the kinds of things: preparing students to be successful, not to hate one another, not to claim one race is more than another. Yes, our country may have had some things we wish we could have gone back and fixed. It's good to teach about those things so that they are not repeated, but let's do it truthfully. Let's give the honest story. And I just implore you, please help us. As the man said, let's not do things like China did and end up where they're at. Let's not do things that, that are dividing us on social types of issues. Focus where the focus should be. And I, I just trust you to support this bill and I thank Senator Murman for all that he's done. Thank you.

**ALBRECHT:** Thank you, Ms. Wilmot. Any questions from the committee? Seeing none, do we have the next presenter?

**DENISE BRADSHAW:** Good afternoon, Senators. My name is Denise Bradshaw, that's D-e-n-i--s-e B-r-a-d-s-h-a-w. I am the chapter secretary for Moms for Liberty, Douglas County, but I'm representing just myself today. Senators, I come to you not as a mom with kids in school today, I come to you as a property taxpayer where 60 percent of my taxes support today's schools. Senators, our schools need the help that this bill provides. My local school alone has a less than 50 percent proficiency in reading and math, which I have come to learn is not uncommon across the city of Omaha. As a property taxpayer, this bill appeals to me because it brings back education's primacy to where it should never have left and that's the parent and the child. It also stands for teachers whose religious beliefs do not fit the latest nonfunctional programs supported by the NSEA. Senators, I would like to share one personal story with you. A few months ago, I'm in a store, a mom and pop pet store just buying some things, and a young girl, a teenager, came in to apply for a job. She could not finish the application. She had no idea how to do it and this is a teenage girl. She came over to me to ask me to help her and I said, I can't do that. That would be the wrong thing to do. She left embarrassed and upset. Senators, our students cannot read, write or do math. LB374 will help remove the noise that's in school today. There's so much noise-- and get them back to what they need to learn so that they can be productive citizens in Nebraska. I want to thank you very much for your time.

**ALBRECHT:** Thank you for your time, Ms. Bradshaw. Any questions for Ms. Bradshaw? Seeing none, thank you very much for coming. Next.

**TRACEE BAKER:** Good afternoon, Senators. My name is Tracee Baker, T-r-a-c-e-e B-a-k-e-r. I'm a parent of a sixth grader in the Bennington Public Schools-- School District. Last June, I had an

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opportunity to meet with a group of parents who were concerned with the addition of the controversial second step social and emotional learning curriculum being added to our district with no notice to parents, outside of the overview of the curriculum presented to the School Board in May of 2022. I contacted the district to request a review of the online curriculum and I stress online, because that means the curriculum can be updated at any time, unlike a hard-covered book. I went to the middle school on June 20th to review the sixth grade SEL curriculum and mind you, I work a full-time job with only ten days PTO a year. And review of curriculum, curriculum must be done at the district office. I spent over 4 hours reviewing this curriculum, which included links to videos, worksheets and lesson plans. The content included a video of a Black Lives Matter protest and then the lesson plan pertaining to goal setting, a goal of working for a social justice organization, was presented as a discussion point. While on the Second Step website only four days later, on June 24th, I noticed that Second Step had pushed an update to their curriculum. When I contacted the district office, I was told by the curriculum director they were unaware of the update. So 4 days prior, I spent 4 hours reviewing a curriculum that was now outdated. When trying to question the district regarding the changes to the curriculum and timing of notification to the district, I was able to get more thorough and timely information by contacting the vendor themselves, by the district-- then by district officials. In addition to spending 4 hours reviewing SEL material in June, I also spent 3 hours reviewing hardcover books to be used for all other sixth grade curriculum. My daughter just started health after the holiday break. I received an email from her health teacher that provided a syllabus which, which referenced use of quote, topic related videos in addition to online resources and activities. It never occurred to me to ask for these other materials. What are these videos? What are these online resources going to include? Could this be content I would not approve for my 11-year old? I also worried during the section of the book that discusses male and female genitalia, is my daughter going to be told boys can have uterus-- uteruses and girls can have a penis? Because let's be honest, through news outlets and social media, we have seen these types of discussions being held in classrooms today. There was a quote by Bridget Donovan, a former educator and the former president of the Omaha Education Association, in a recent WODWT [SIC] article in regards to this bill. Quote, there seems to be an attempt to erode the trust that people feel in their public schools. My answer to Ms. Donovan would be, I think our public school system has done that to themselves. And this bill is the ant-- answer to parents' prayer that we have additional mean-- means to know what our children are being

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taught and have additional input on what our inherent parental rights are. Please, for the future of our children, pass this bill. Thank you for your time and the opportunity to speak today.

**ALBRECHT:** Thank you for being here. Do you have a question?

**WALZ:** Just a quick question. Sorry.

**ALBRECHT:** Senator Walz [INAUDIBLE].

**WALZ:** Sorry. I missed it. Did you, did you give the age of your daughter?

**TRACEE BAKER:** She is in sixth grade, so she is 11. She'll be 12 this, this spring.

**WALZ:** OK. Thank you so much.

**TRACEE BAKER:** Thank you.

**ALBRECHT:** Next proponent. Hi.

**CHELSEA DOLTON:** Good afternoon. My name is Chelsea, C-h-e-l-s-e-a, Dolton, D-o-l-t-o-n. I am the treasurer for Moms for Liberty, Douglas County, but I'm here today as myself. I am the mother of five, so I'm getting a lot of experience with our school system, mostly our elementary school system so far. But we've started with the, the middle school system and I second what the previous lady said. A lot of times they give you the material, but it's so vague you have no idea what your kids are actually seeing, you know? So, I want every single picture for my own perusal. I support this bill. Nebraska Parents, students and teachers need this bill to protect our rights as the director of our children's education. Going through the pandemic together revealed many things to citizens, but most importantly, it afforded parents a unique opportunity to peek into their children's classrooms and see what is really being taught. We're shocked at what we see. We had thus far been operating under each other's trust, goodwill and shared values. I'm not confident that's in place anymore. It's also coming to light these past few years that controversial and inappropriate topics are being taught to students. This is, in fact, why you see so many of us here today. We're paying attention now and we find the direction of our schools and universities to be unacceptable. It is our right and our duty as parents to raise our children with our own values, be they religious values, secular or otherwise. That is our right. It is the role of our teachers to teach the classic subjects in school that we want our students to be taught

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and we want them to be taught how to think and not what to think. It's wildly inappropriate for anyone else to be teaching their own ideas and values to our children without the parent's prior approval. I declare this because many parents' rights are being infringed upon at this time in America, whether they realize it yet or not. This bill would also protect teachers rights. Right now, teachers are being bullied into flying various flags, supporting or even teaching ideological material they may not agree with. There is a story like this, even very recently, out of Millard, so it's happening. The staff should not feel pressure to participate and they should not face repercussions for participating or for not participating and they shouldn't have to explain themselves either. This bill would protect our educators and our staffers rights, also. The section regarding the surveys and questionnaires is so hugely important. I didn't even realize this was happening in schools, but it is. And I do not want my children filling out anything of the sort ever-- completely unnecessary for the teaching of math, science and even sex ed. We need this bill now to fortify our rights as parents and teachers before a future government or bureau that could impose its will on us with no recourse. Our children are not a property of the state. This bill will inform overarched-- overreaching politicians, bureaucrats and ideological opportunists of that. Thank you so much for this bill and thank you so much for being here.

**ALBRECHT:** Thank you for your testimony. Anyone ask-- any questions? Sorry about that. Go right ahead.

**CHELSEA DOLTON:** Thanks.

**ALBRECHT:** Thank you. Next proponent.

**DEREK ALTMAN:** I appreciate the opportunity to speak to you today. My name is Derek Altman. That's spelled D-e-r-e-k A-l-t-m-a-n, and I'm from Union, Nebraska. In my freshman year, I attended a Class C school. An experience during that time, I will be sharing today. My first class of the day was English on Wednesdays. I went to class after finishing our assignment on Romeo and Juliet to find out what the next book assignment was. We were reading a book by the name of Just Mercy, a book about a falsely-accused black man and his lawyer fighting to keep him off death row. The teacher had the class participate in an exercise. She asked everyone if they believed that institutional or systemic racism existed in America today and to what extent she put up paper in all four corners of the room and a category for each corner, ranging from no racism, slight racism, significant racism and extreme racism. The majority of the classmates stood on the

significant racism category with some standing in the extreme racism category. I stood alone in the slight racism category. She spoke with the classmates she clearly agreed with first, asking why they made this decision. The students' response was they feel privileged because of their race. When she got done with the classmates, she came over to me-- my side of the room and condescend-- condescendingly said, why are you standing on this corner of the room, young, white male? I don't remember my exact words, but I defended my position by saying that we had already enacted affirmative action in colleges and places of employment and I told her that-- she asked if racism was, was an issue for a black person, but dismissed my opinion because I am white. Of course, this was in the wake of the George Floyd riots, which was probably the reason we had this exercise. Now, if I were to teach this class trying to avoid bias, I wouldn't have the kids stand in all four corners of the room. I would only explain to them the facts of racism in this country. Do we have racists in this country? Yes. Is America racist? No, it is not. And this is very easy to find out with some thought. Would a racist country fight a war to abolish it? Would a racist country elect a black president? Would a racist country have a month dedicated to black history and a day for Martin Luther King? We should ask ourselves about our education system, ask ourselves about how our educations-- education system can properly represent American citizens and how a person's opinion should never be disregarded or belittled on any topic because of their race. I believe that LB34 [SIC-LB374] is a long-- goes a long way to ensure that. Thank you.

**ALBRECHT:** Thank you for your time. Anybody have any questions? Seeing none, thank you very much for your testimony. Next proponent. Just give it to me. Welcome.

**TIFFANI FROST:** Thank you. Good afternoon. My name is Tiffani Frost, T-i-f-f-a-n-i F-r-o-s-t, and I'm from Bennington, Nebraska. Good afternoon, senators and members of the Education Committee. My name is-- sorry. I did that part. I support LB374. As a mother of four children ranging in age from 5 to 19, I have entrusted our school district with 3 of our 4 children over the last 12 years. My husband and I have always valued our teachers, our coaches, our administrators, as they are the key people that help our kids learn. Our children have excelled academically and each one has enjoyed a variety of extracurricular activities and sports. Unfortunately, during the 2021-2022 school year, the trust that I had in my child's school was broken. My child decided to change his name at school to a female, female name. Several teachers followed my child's lead with his name change throughout the year, while I did not know it was happening. We were aware that he identified as transgender at the

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beginning of that school year. We sought mental healthcare services and we tried to process this as a family. However, we did not know that our child was using a different name at school and it was done behind our backs. In late February, we found out when we received a program for an activity that he participates in. His alternate name was used in the program instead of his legal name. I have to provide medical documentation when my children miss multiple days of school due to an illness. I had to provide medical, medical documentation when my child had to miss PE because, because of a sports injury. I sign permission slips for school clubs and field trips. I'm confused why I have to provide documentation for every purpose regarding my children at school except when they decide to change his name. I gave no medical or legal consent or documentation for my child to be renamed. Changing a student's name and pronouns as a psychosocial medical intervention called social transitioning. Schools are not qualified to perform this intervention, especially without the knowledge, consent and involvement of the parents. Unfortunately, excluding parents from this process presumes that we are the enemy of the student. I can assure you that in our household, we are not the enemies of our children. I love my kids and I will protect them at all costs, even if it means removing them from the public school system. As a parent, I have the fundamental right to direct the upbringing, education, care and mental health of my children. LB374 would ensure that right is fulfilled and I urge you to support this bill. Thank you for hearing us today.

**ALBRECHT:** Thank you, Ms. Frost. Any questions? Thank you. Next proponent.

**CARLA SCEARCY:** Good afternoon. My name is Carla Scearcy, C-a-r-l-a S-c-e-a-r-c-y. Thank you for having us here today and allowing us to speak. I want to start by quoting the former Omaha Education president, president in an interview she did with WOWT recently. And I quote, this doesn't seem to be about children at all, referring to this bill. Sorry, one sec here. It seems to be about arousing passions along political lines, possibly, possibly in adults, but very little to do with actually educating students. By requiring teachers to post all their lessons, activities and assessments for the public scrutiny, it's egregious. The amount of time that educators currently spend creating lessons and learning opportunities for their student is already extensive. By passing this legislation, it would compound the workload of already overworked teachers who are currently under a great deal of expectation and added stress due to the current teacher shortage crisis, crisis across the state. This bill should not advance out of the committee. It does not promote transparency at all. If

anything, it promotes that teachers are a danger to students and not to be trusted. End quote. To that, I would say that administrators, the State Board of Education and teachers unions have brought this on themselves by being nontransparent and pushing for inappropriate things to be taught in our public schools, whether it be via SEL curriculum, the absurd proposed sex ed curriculum that was being pushed or bringing in companies like Equity Nerd to push nonsense on our kids. Sorry, but not sorry that parents are now a thorn in their side and this may create more work for our teachers and staff. We love our teachers, but our our kids will always, always, always come first. But, if you would have just stuck to the basic core subjects: math, reading, history, science and the trades, this would never have been an issue. I live in Bennington. I'm a mom of three and I would say that most parents in our district would say they moved to Bennington because it was a rural, small-town feel, still, and because of the, and because of the great schools. Unfortunately, many, including myself, have removed their children out of our district over the last couple of years because we can't trust what is being taught to them. I have a few examples that have personally happened in my family. My son, in his English-- sophomore year of English, the teacher had them do an assignment-- write an essay over a video by the rapper, Childish Gambino, called This Is America. The assignment was to watch the video and write an essay on the position that the rapper was coming from and how-- why he would feel that way about America. In the first 10 seconds, the rapper shoots someone with a white hood on in the back of the head. About 1:45 in, he uses a machine gun to shoot and kill an entire church choir. It also contains inappropriate language and drug use. Parents were only alerted to the assignment when the students came across the teacher's social media post and started passing it around. The social media post said, I can't wait to see how my rich, white, privileged west Omaha kids answer this essay. By that time, it was too late to intervene or opt students out of that assignment. That was just one assignment out of four that I had to contact our administrator about in one year.

**ALBRECHT:** You're out of time. Wrap it up, please.

**CARLA SCEARCY:** As all of you have heard, I'm sure-- I'll wrap it up. You've heard of the books that are completely inappropriate. We found some in Bennington. There is no good way for us, as his parents, to check what books are in our library. When we asked our librarian, she didn't even know these books were there or what the content was and there's no database that we can go on and check those things at all. That is needed. So I thank you. I would love it to see you guys push this through. It's absolutely 100 percent needed. Thank you.



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**ALBRECHT:** Thank you. Appreciate you being here. Any questions from the committee? Seeing none, thank you very much. Next proponent.

**AMY MARTINEZ:** Good afternoon, senators. Thank you for allowing us the time to come and visit to you about this very important bill. My name is Amy Martinez. That's A-m-y, Martinez is M-a-r-t-i-n-e-z. I come before you today as a proponent of LB374. This subject is of particular interest to me given the recent events at our public school. I have a vested interest as a mother, a healthcare provider, and a taxpayer. Public school has been a place where, traditionally, I had felt was a good and safe place for our children to receive an education to continue to prepare them for the next stage of their lives. However, I have sensed a shift in the culture of public schools in the last few years. It seems as though community standards has slipped as a priority. The Motion Picture Association of America established a system of movie ratings. The music industry also has self-regulation using explicit content warnings. Broadcast television and radio stations are subject to FCC regulations with high consequences, high consequences at stake if non-compliant. It makes good sense. Makes common sense. It makes sense not to expose youth to things that aren't in their best interest. Young minds are impressionable. Currently, there are no consequences for distributing similar expressive materials in schools and libraries. With this being said, I was sorely disappointed to find literature with such obscene, graphic, lewd, prurient content that it met the definition of pornography in our school library. Providing this material to minors in a school is at best, negligent. Parents, unfortunately, assume that schools wouldn't provide books to minors that include, but not limited to, heterosexual sex, homosexual sex, including vaginal sex, oral sex, anal sex, fingering, as well as rape, molestation, incest, pedophilia, child trafficking and sexual violence, including excessive profanity and polysubstance abuse. I read these things and they kept me up for nights. A young mind can't and shouldn't be able to digest the things that I read. These things wouldn't be allowed on a billboard, on a T-shirt if you wanted to wear it to school, on radio. I was concerned about what I was finding when researching the books available to my children's school library. I took it upon myself to proceed with the challenging these-- with a challenge of these books through what was, at the time, a policy to do so with our school district. I'll let you read more detail about that to shorten this up. And I'll refrain from reading excerpts given the offensive nature, but I can get you plenty of examples. The process in and of itself is a biased and unfair process from the initiation. I challenged the books. They went to book committee. The books came out of book committee to stay on the shelf.

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I appealed that result to proceed on to the school board, which was my right per policy. The school board then reviewed the recommendations of the committee. No one from the school board ever reached out to me to discuss my concerns or to have a conversation with me about why I was so distraught about this being available. The school board then proceeded--

**ALBRECHT:** I'm sorry [INAUDIBLE].

**AMY MARTINEZ:** --by majority to keep the challenged books, even though there were members on the school board that said themselves they would not want their child to read, child to read one particular book.

**ALBRECHT:** Ms. Martinez, you have a red light.

**AMY MARTINEZ:** Oh. Sorry.

**ALBRECHT:** Just wrap it up real quick.

**AMY MARTINEZ:** In closing, parents need to be able to have an opportunity to challenge materials they find inappropriate. This bill is needed for our children and for our parents. Please support LB374.

**ALBRECHT:** Thank you very much. Any questions? Seeing none, thank you very much. Next proponent. Hi.

**JASON MARTINEZ:** Hello. My name is Jason Martinez, J-a-s-o-n M-a-r-t-i-n-e-z. Thank you, Senator Murman, for bringing this bill forward. I just would like to, to say that I, I wrote it out here. I'm just going to kind of go off cuff a little bit. So a couple of, a couple of points that I would like to make would be that there's parts of this bill that I really enjoy being in place. And specifically, it has to deal with the transparency portal. And I think for me, that is, that is one piece that is really important, that the bill is calling for transparency in all school districts to basically put information that people, parents, all parents. It doesn't necessarily say that if you're on side A or B, it just allows the, the parents to be able to bring a book forward or bring material forward that they might find to be offensive and it allows for a process to take place. And it also has-- when that happens, it also will show the, the reason why that that book might be considered to have a parental advisory. Some people mentioned the movie ratings. You know, what you can find on air, public, public viewing places or audiences. You know, certain materials should not be available or-- and are not available and there's laws on the books establishing that. Again, our schools are void of having that transparency and those kinds of things at the

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moment. I just wanted to point out that at our local school board area, there was a process in place where subject materials were able to be brought forward and brought to a committee. And at the most recent school board meeting, the school board had, at the directory of the superintendent, had decided to omit that ability for materials to be brought forward. And now the-- that-- there's no recourse for parents. It's just there's no more rules, it's this we can't, we can't take the time to do this. We have other things to focus on. One of our board members-- and I have that-- there's a piece in there for you guys to look at, an email communication that I had from a school board member. In pink, there is a, there is a, there's a joke on there. I want every one of you guys to read that joke I, I brought to the, the school board meeting in 2021. And when you read that joke, I want you to be able to ask yourself if that is something that you would find to be inappropriate material, no matter what your political affiliation is. And I also want you to be able to ask yourself, if you were an administrator and you wanted to discipline a child because they told that joke aloud, how would you defend your position?

**ALBRECHT:** Thank you for your testimony.

**JASON MARTINEZ:** Not enough time.

**ALBRECHT:** No. There never is. Thank you for your comments. Anybody have any questions?

**BRIESE:** Thank, thank you, Senator Albrecht.

**ALBRECHT:** Sir? Mr., Mr. Martinez? Do you mind just answering a question?

**BRIESE:** That joke you highlighted there, that was in a book in Kearney Public, Kearney Public Schools library?

**JASON MARTINEZ:** Yes, that was a book that was in Kearney Public School library.

**BRIESE:** And you tried to get that book removed?

**JASON MARTINEZ:** That book-- this is, this is some history. That book was actually removed at one point. That was in 2021. This battle has not been going on just yesterday. There's multiple titles that have-- that make that look pretty weak.

**BRIESE:** OK. Thank you for that.

**JASON MARTINEZ:** You're welcome.

**ALBRECHT:** OK. We have 4 minutes left, so we'll probably have this last testifier, maybe another one and we're, we're at our hour.

**SHERRY JONES:** Thank you. I'm Sherry Jones, S-h-e-r-r-y J-o-n-e-s. I come before you as a retired educator, having taught in the--in public schools for 35 years and I will limit my focus to several. I appreciate this-- that this bill gives attention to school library content. I recently spoke with an. LPS teacher who has two young children in her home. She believes school libraries must have a very high standard as to what is on their shelves, due to the fact that parents are not present to help their children select reading materials and I so agree with her. The resources in our school library should be of wholesome quality, protecting our children from lewd images and excessive profanity and violence. Images in words have great and lasting impact on a child's developing mind. I appreciate that this bill protects teachers, educators and students from having their rights violated. This bill promotes unity and validates the worth of all people regardless-- or rather than promoting discrimination. I appreciate that this bill develops safeguards pertaining to the administration of surveys to our children. The more I read about surveys, the more concerned I become. Some of my concerns include the intrusive nature of some of the questions, the use of leading questions, the limited answer options from which children have to choose and the interpretation of the results, which may lead to subsequent school initiatives. Thank you, Senator Murman and others for recognizing the rights of parents and for safeguarding our children.

**ALBRECHT:** You have 2 minutes. Any questions right here? OK. We'll take the next proponent and this'll be the last one. And we'll, we'll ask you all to go to the other room if you'd like and, and-- if you want to stay for an hour and watch and then you can come back in if there's still proponents left. We'll pick it up in an hour, so go right ahead. Thank you.

**JESSIE BREMER:** My name is Jessie Bremer, J-e-s-s-i-e B-r-e-m-e-r, and I'm here to talk about LB374, but I'm just here as a mom to talk to you about why this bill is a very real need and the very real people who are hurt because it doesn't yet exist. I have four school age kids in all three of our local public schools, so to say I'm involved is an understatement. In an effort to make a difference in my kids' education, I took my involvement one step further and ran for school board last year. It is one of my biggest regrets. While I have no

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regrets about advocating for my kids or being a voice for parents, what my children and husband endured because of me, because I stood up and spoke out against these type of books and curriculum, is beyond wrong. It's sick. When I shared a library research resource with parents, I was labeled a mom who hates books and my nine-year old was asked in class by a student to not tell his mom what is in the books because she hates the library. When I posted that a sixth grade math app used in our public schools purposefully included gender ideology, I was called a hateful bigot and many other things and worse, they attacked my children and husband as well. When I attended a movie showing depicting trends emerging in some schools and spoke about how I was thankful they weren't in our schools and thanked the teachers who endured my constant questions and emails, a former teacher then felt it appropriate to write a news article about how I was supporting a dangerous attack on public schools. And that article made its way from Omaha to Alliance. When I called out a book my son said he felt uncomfortable reading and I learned was a breach of our school's own policy, I got a two-sentence email in response telling me that my seventh grader could read another book. He was allowed to do that alone in the hallway as though he had done something wrong. When my 13-year old signed up for seventh grade football, his favorite sport, he didn't realize he was signing up to be tormented by a teacher. For weeks on end, he was discriminated against, picked on, bullied and talked down about in front of his teammates. And while I tried to promise him it wasn't about him, my fear was it was, indeed, about me. Weeks later, a school board member approached me to talk about football and asked how my son was doing. I shared my concerns and said It's hard to think it's not personal. They then stated that multiple students and parents had also approached them with the same stories and all said, coach has it out for him and we don't know why. I asked if it was because of me and the board member nodded. I went to my son and promised to put a stop to it. My 13-year old looked at me with more character than most adults and said, wait until the election, Mom. I will be OK. The school board needs you more than I need football. So I waited. And when that day came, my husband asked that board member to stand with us and they refused because they wanted to keep their name out of it. Sadly, my kids didn't get that option. When board members look the other way while kids are getting picked on by teachers because their mom advocates for them, something has to stop. The same NASAB who was against this bill because it impedes on local school boards, was witnessed celebrating my loss as a school board member by a contact of mine in their office. This isn't about transparency alone. It's about protecting the parents and the students who fight for it. This isn't all we endured and I'm sure I'm not the

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only one who went through this. Parents are afraid to stand up because of issues like this and we shouldn't have to choose between standing up for our kids or protecting them. We stand up for them to protect them. My kids were hurt because this bill doesn't exist. I wept over their treatment because this bill doesn't exist. Please do something so other parents and children never experience the same.

**ALBRECHT:** Thank you very much for sharing your testimony. Any questions? OK. We're going to have to ask that this room move to the other room and we'll take opponents for one hour. And if you're still there and would like to come back in and continue, we will certainly be here for that. So we'll take a recess right now. Five minutes.

[BREAK]

**ALBRECHT:** OK, we're off. We're ready to start. Is this on? Yes. OK, we have our-- you have three-- OK, we're getting started. We have exactly one hour with opponents. We just had one hour with proponents. I'd like for everyone to either get in line or get in the front row ready to, to drop your green sheets off with the clerk. We're going to have three minutes so if we can get the doors shut. OK, we'll go ahead and get started with our first opponent for LB374. Thank you.

**JOSEPHINE LITWINOWICZ:** Good evening, committee. I won't take much time, but I would like to have the light off because I found-- I have cognitive issues, and if I go a minute or so over, I would like to be able to do that because otherwise I find I get annoyed even if it's at my own delay and--

**ALBRECHT:** Are you asking for the lights overhead or those lights?

**JOSEPHINE LITWINOWICZ:** Oh, this one.

**ALBRECHT:** That one?

**JOSEPHINE LITWINOWICZ:** Yeah.

**ALBRECHT:** So I'll just tell you when your time is up.

**JOSEPHINE LITWINOWICZ:** Well, yeah, I'd like to have a little bit more--

**ALBRECHT:** OK.

**JOSEPHINE LITWINOWICZ:** --if I need it, please.

**ALBRECHT:** Very good.

**JOSEPHINE LITWINOWICZ:** All right. Good evening, committee, Assistant Chairman Albrecht, and members of the committee. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And I want to, first of all, state that I think there's a lot of this bill that I support. I mean, total parental involvement. Yeah, you bet. And with respect to things regarding to pleasure, I don't, I don't think-- I wouldn't necessarily agree with any of that either. So I'll, I'll concentrate on myself and the benefits that would have been available to me had I known about my identity. Well, first of all, I wanted to say that it's a, it's, it's bad enough that I have to face the gestural violence on a daily basis in a way that I never imagined possible. Either way, that's not a biblical Jesus way to, you know, to handle things. And it takes a toll on a person and, in fact, I didn't realize how much until I came out when I was 50 a couple of years ago. And in fact, one of the biggest-- as far as the, the most like my-- the senator, state Senator Flood fit the complete profile after it took a couple of years for me to develop. I got the most gestural violence from him than anybody else. And I can go into that later if somebody wants to know. And I just wish when I was growing up, it probably wouldn't happen because I went to a Catholic high school in New Orleans. But-- and, and, you know, I was bullied a lot. I-- you know, I didn't, I didn't really understand, you know, who I was especially, and I'm only saying this, I said I'd never would, but to understand my position, I'm not attracted to men, I'm attracted to women. And so it was very confusing, just to say the least. And, and so I don't know my disposition, but I was bullied a lot in high school, and it would have, probably would have helped. OK. Let me keep going. And I got bad enough issues-- oh, I'm here. As far as school content, I want to address-- I mean, do you-- would you teach Hamlet in high school? Because if you do, what do you do when you have more [INAUDIBLE], right, the nurse, the, the nurse. I mean, there's all kinds of stuff embedded in, in writing that-- we're not talking about The Canterbury Tales, we're talking about Hamlet. And, and as far as I just wanted to-- as far as systemic racism goes and critical race theory, you know, I don't know how that got started, but why don't we cover it factually from all points? Why do we have to even hint at feeling-- that's up to the teachers the-- you know, run them off if they make you feel guilty for something you didn't do. That's an oil field term for fired. I don't want anybody to run off. But, yeah, I mean, I-- when I was, when I was in New Orleans and I had a good friend and, and he knew somebody, he was a ADA New Orleans, and then a friend of his was an NOPD officer who let-- I hate-- OK-- I was

debating on whether to say the word because it's ugly. He let his, he let his dog-- he was in the K-9 unit-- he let his dog chew longer on the ends. I want to say it just to see how ugly it is. And, and so these cops-- officers, I'm sorry-- well, first of all, I want to thank the state trooper for letting-- finding a way to get in and listen. And, and so, and, and, and so the DAs and the police officers would hang out together. And so-- and I know his wife was a DA and I know that systemic racism-- I, I know people might, even adults might think that's not true, but, but it's there. And I don't want to over make any of that, but I just want to say I think you should be judged by the content of your character. I'm totally on board with that because I would love to be judged by that and not alone because I would soar so high right along with anyone here on this committee without a doubt and I'm not saying I'm better, but as much, you know. And so, you know, this critical-- why don't we teach the fact that, you know, I don't say African American because I say white and black because the chin drops once. Right? And so why don't we teach that the blacks and the whites had equal influence on slavery? Right? We can, we can go factual. I, I think we ought to. And the fact we can talk about all kinds of-- all right-- and shared values. I had the shared values. I think-- and not that it matters, but I've had-- OK, I think-- and I don't think any teachers should teach their own ideas and, and the things-- if our, our, our curriculum-- people-- kids are having trouble learning to read and write, that's a separate issue. And all these anecdotes, I'm sure all or most are true.

**ALBRECHT:** OK, I'm going to have to stop you, it's been--

**JOSEPHINE LITWINOWICZ:** OK.

**ALBRECHT:** --quite a long time.

**JOSEPHINE LITWINOWICZ:** OK.

**ALBRECHT:** We got, we got a lot of folks behind you.

**JOSEPHINE LITWINOWICZ:** And these-- all right.

**ALBRECHT:** Thank you.

**JOSEPHINE LITWINOWICZ:** Thanks for letting me speak.

**ALBRECHT:** Does anybody have any questions?

**JOSEPHINE LITWINOWICZ:** If somebody wants to let me continue, they could ask me to. Because I think I represent-- I don't know anybody



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else, I don't know if anybody else represents me, you know, specifically because I don't want these things not to be taught like who I am, like before puberty for me is because I don't want these people taking care of me if I'm in a nursing home when I get older. OK.

**ALBRECHT:** Understood. Thank you for your time.

**JOSEPHINE LITWINOWICZ:** Yeah.

**ALBRECHT:** Appreciate it. The next--

**JOSEPHINE LITWINOWICZ:** Anybody have any questions? OK.

**ALBRECHT:** No, we're good.

**JOSEPHINE LITWINOWICZ:** All right.

**ALBRECHT:** Next opponent can come up and we can just push the chair over if one of the pages would do so. Thank you. OK, who's up next? There we go.

**SHAVONNA HOLMAN:** Good afternoon, everyone. Chairman Murman and members of the Education Committee, good afternoon, my name is Dr. Shavonna Holman, S-h-a-v-o-n-n-a H-o-l-m-a-n, and I am here on behalf of the Omaha Public Schools and, most importantly, also as a parent of a child who attends Omaha Public Schools in opposition to LB374. As a district, we appreciate promotion of parental involvement in children's education. The involvement of parents and guardians in the education of their children has long been an indicator of academic success. Because of that, and in keeping with the provisions of the Every Student Succeeds Act of 2015, the Omaha Public Schools Board of Education has adopted policy 6410 on parental and family engagement. Our policy, which was initially adopted in 2018 and updated last year, was developed in consultation with parents and family members. Our policy encourages parents and family members to become involved with their child's school and their education regardless of English proficiency, literacy, disability, or racial or ethnic minority background. We strive to provide information related to school and parent programs, meetings, school reports, and other activities to parents and families in a language so that they can understand. We hold an annual parent meeting and evaluate the content and effectiveness of the parent and family engagement policy. We also provide assistance, materials, and trainings to help parents work with their children to improve their child's academic achievement. We have significant concerns about the impact of LB374. The Omaha Public

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Schools has more than 52,000 students. First and foremost, the passage of this bill could arguably provide each and every parent with a veto authority over virtually any educational program. I cannot imagine the challenge that any teacher, no matter how many or few children they have in their classroom, will face trying to navigate the list of objections from parents. Second, in this area of political and social polarization, it is unlikely that parents from all sides of the spectrum can argue that every book in a school library should be parental review recommended. Is it really good public policy to permit parents to sue the schools because they don't like one book or another in the school library? Should we really be giving a single parent the right to dictate the education of all of our children? Third, LB374 will require the investment of significant time and financial resources for all school districts when we are facing staff shortages and significant efforts to cut school budgets. Locating and digitizing not just the learning materials used by each teacher in the classroom but also materials used for professional development and training is a monumental task that may not even be possible given the time that may have passed since the training of the format of the many materials. Is it really a good use of our educators' time? Does any of this improve educational outcomes for our students? The Omaha Public Schools has incredible qualified teachers and staff who ensure that each student has access to only-- to appropriate course materials. The curriculum review and textbook approval processes, which includes parents and stakeholders, already require approval by our Board of Education at meetings which include public comment. We take our responsibility for children's educations and futures very seriously. Because of that, we are also committed to encouraging parent and family participation in their children's education.

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

**SHAVONNA HOLMAN:** Yes.

**ALBRECHT:** Any questions from the committee? Seeing none, thank you.

**SHAVONNA HOLMAN:** OK. Thank you very much for your time.

**ALBRECHT:** Thank you. Next opponent. Kind of heavy, aren't they? Welcome.

**QUINCEY WALKING BULL:** Hi, my name is Quincey, and thank you to you guys.

**ALBRECHT:** Can you state your name and spell it, please.

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**QUINCEY WALKING BULL:** My name is Quincey, Q-u-i-n-c-e-y, Walking Bull, W-a-l-k-i-n-g B-u-l-l.

**ALBRECHT:** OK. Thank you.

**QUINCEY WALKING BULL:** I, I came here to talk about the law, and a lot of my friends have asked about my culture and religion. And if this law continues, then I will not be able to continue learning about myself and other cultures. And my friends also want to learn. I am also a part of the LGBTQ community and I have gone against a lot of people that are against it and that-- and a lot of other people ask questions that sometimes I can't even answer.

**ALBRECHT:** Are you finished? Thank you for being here. Appreciate it. Anybody have any questions? Seeing none, thank you for being here today. Any other opponents?

**TAYLOR STERBA:** Hello.

**ALBRECHT:** Hi.

**TAYLOR STERBA:** My name is Taylor Sterba, that's T-a-y-l-o-r S-t-e-r-b-a. And as a public policy student at Creighton and a former public school student, I had a lot of difficulty reading this bill. This bill seems to be motivated not only for political gain in terms of constituents' expectations, but out of fear. To include a provision, as in Sections 8 through 14, that details every grievance white people have had against race or gender prescriptions is to guarantee that history repeats itself, that we as a society separate cause and effect for the benefit of a privileged man's comfortability. What you fear most is relinquishing space for others to exist, for others to freely express societal standards' effects on them. These uncomfortable situations you aim to prevent in this bill are the lived experience of others who have not felt comfortable or safe sharing their stories before. To give them space now is a learning experience for us as people of privilege to simply listen, reflect, and grow as human beings. This is a direct quote that I pulled from my testimony against LB1077 last year, which was indefinitely postponed after public hearings. The only thing I changed was which section of the bill I was referring to because it uses the exact same language. Though the title is prettier to the public and the content includes rights already available and guaranteed, I'm able to use the same testimony because no one could come up with original and a logical bill. The public has already told you last year that they didn't want it, and the only ones that think it's a good idea are the ones that

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already have the most voice and influence over their child's education. If you as a parent would like to have a greater influence on your child's life and their values, simply be their parent. They learn about themselves from you and about others from school. If you want to protect students' rights to an equal and quality education, work on increasing funding, teacher retention, student and teacher mental health services and access to free meals, a bill of which has been introduced, and a bill in which none of the introducers of this bill have added their name to. This bill serves to protect the fragility of privileged people's worldview and does not reflect the desires of the greater public. For these reasons, I oppose it going beyond this hearing.

**ALBRECHT:** Thank you.

**TAYLOR STERBA:** Any questions?

**ALBRECHT:** Does anyone have any questions from the committee? Seeing none, thank you for being here.

**TAYLOR STERBA:** Thank you.

**ALBRECHT:** Next opponent. Hi.

**WENDY RAU:** Hi. Good afternoon. My name is Wendy Rau, W-e-n-d-y R-a-u. Chairman Murman and Education Committee, I am the director of health services for Lincoln Public Schools. I am not here today representing Lincoln Public Schools. I am also the past president for the Nebraska School Nurses Association and represent the school nurses in Nebraska. The Nebraska School Nurses Association is to commit-- is committed to maintaining and promoting and advancing the quality health services and health education throughout the state. LB374 does not promote the health and well-being of Nebraska students due to eliminating the state vaccination regulation. This is noted in section (7), line 18 of the bill. We are opposed to this proposed bill, LB374. There are many aspects of the bill that concern us, but as school nurses we are particularly concerned about removing the state vaccination regulation. School nurses play a vital role in the immunization compliance, education, and tracking of Nebraska immunizations. Immunizations are the best way to prevent and eradicate childhood vaccine preventable diseases. Childhood immunizations reduce the incidence of vaccine preventable diseases by more than 90 percent, and in some cases as high as 99 percent. In addition to reducing disease, disability, and death, vaccinations are credited with saving almost \$69 billion in our healthcare cost in the United States alone.

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Vaccines not only provide protection to those that are vaccinated, but they also provide community protection, or it's called herd immunity, where vaccination rates are above 95 percent. Herd immunity reduces the spread to the community for those who cannot be vaccinated and from the youngest infants and also in those that are immune compromised. In the past ten years, the number of patients refusing vaccinations or choosing alternate vaccine schedules has increased. Decreasing vaccination rates coupled with the ease of international travel and waning vaccine titers has resulted in an increase in vaccine preventable disease in the United States. Pertussis is one of those. It had declined from over 1,000 cases per year to fewer than 10,000 cases between the years of 1940 and 1965. That's after the vaccine's introduction. It is on the rise again and in over-- in 2017, we had a pertussis outbreak in which there were over 18,000 cases. Measles is also on the resurgence with more, with more cases confirmed in 2019 since the disease was declared eliminated in 2000, or 2000, sorry about that. Removing the immunization regulation in Nebraska creates concern for disease outbreaks and the reoccurrence of vaccine preventable diseases. In my school district, our immunization rate increases throughout the school year. This is because school nurses work with--

**ALBRECHT:** You have a red light.

**WENDY RAU:** Oh.

**ALBRECHT:** Thank you.

**WENDY RAU:** Thank you.

**ALBRECHT:** Any other concerns from the committee? Seeing none, thank you. Next opponent.

**KHENDA MUSTAFA:** Good afternoon, Chairperson Murman and committee members. My name is Khenda Mustafa, K-h-e-n-d-a M-u-s-t-a-f-a. I work as a welcoming coordinator at Nebraska Appleseed in our immigrants and communities program. We're here to testify in opposition to LB374. My work takes me across the state supporting community members cocreating a Nebraska where everyone knows they belong, are valued, and respected. I have had the opportunity to see firsthand the energy and interest that Nebraska community members have in learning together, looking at history together, and knowing those histories of working together to create strong, vibrant communities. We oppose LB374 because, among other reasons, the bill's confusing and vague language related to race and ethnicity will create a chilling effect on open

learning and discussion of history in our education system. We must know our history. While race is a legal and social construct not rooted in biological fact, it has very real social, civic, and economic outcomes. We must seek to know the history, the laws, practices, institutions, structures, and barriers based on race and sex that come out of that history and continue to impact us today in order to learn from our mistakes as a country and as individuals in order to do better in the future. History also shows that when we work together across our differences, we accomplish great things for ourselves, our loved ones, our neighbors, and our community. Addressing the harmful impacts of systemic racism benefits us all. Systemic racism describes the barriers we have together inherited from a combination of history and imperfect institutions that are a work in progress. And systemic racism is real. We see it in Nebraska and local schools, workplaces, and the disparate effects of the COVID-19 pandemic and recovery. Systemic racism explains the differences in opportunities and outcomes across race. Systemic racism primarily hurts black people, indigenous people, and people of color from various backgrounds. And it also has limited many opportunities for the vast majority of white people. Past history is not our fault, but it is our opportunity and our responsibility to understand and fix it together to prevent future disparities and harm. When we're willing to learn, we can work together in advancing racial equity benefiting us all, strengthening our local communities across the state. We all deserve an honest education and a conversation about race in this country. We cannot be a welcoming and inclusive community without it. I am happy to answer any questions. Thank you.

**ALBRECHT:** Thank you for your-- anyone have any questions? Seeing none, thanks for being here. Next.

**JAMES MCKENZIE:** My name is James McKenzie, that's J-a-m-e-s M-c-K-e-n-z-i-e. I think because of the potential of noncompliance, this bill might accomplish the opposite of what's intended. Let me explain. This is about enforcement of the-- especially about the local parent involved policy hearing that's required annually. Years ago, more than I care to say, at my request Senator Mike-- then Senator Mike Foley gave a detailed survey to 118 school districts about their current role in policy hearings. The results clearly showed a poor level of compliance. I can supply details, you know, later if you want. I have been preparing to find a senator to do a similar survey in the next few months, but I've just learned of LB71 and LB374 in the works right now so here I am. Some examples of what that survey showed of, of noncompliance were of the legal ones: nonpublication of the minutes, continuing the, the-- combining the hearing within the

regular board meeting, taking action during the hearing instead of at the board meeting, and not having a hearing at all. These are legal issues. There are many other issues. There isn't time to go into that are also displayed. When I was a board member, longer ago than I care to relate, at a conference I asked board members from other districts why so few actually held the hearings? The answer was simple, no penalty provided by law, just not there. What good is the law if it's not enforceable? What good are the hearings if not held or if not done in compliance to the law? I suggest that the law should provide for enforcement by stipulating Class IV misdemeanor-- Class IV is the least, isn't it, yeah-- and to be enforced by the local county attorney. And I say local county attorney because I'm from a small town and I just know it's so much easier, if I want to go to him with an issue of the type that he's concerned with, then if I have to contact someone, you know, 100 miles away who I haven't met. And-- I have-- do I have one more minute?

**ALBRECHT:** I think you do.

**JAMES MCKENZIE:** OK. These hearings or-- I certainly support them, you know, this aspect of this bill, the, the, the hearings, because other things that were revealed by the survey was that the hearings-- sometimes there would be a hearing only held for one minute or for two minutes or for seven minutes, you know. What can you accomplish in that period of time? I can relate a personal experience. You know, so I am-- you know, in a way, I'm in support of the bill, but, you know, you, you may accomplish the opposite of what you intend because as a school board member, I can see where I'd be tempted. Oh, my goodness, this bill now is going to open a hornet's nest. I don't want people to be informed, you know, so I'm going to drag my feet about having this hearing and there's no penalty so I'm just going to drag my feet.

**ALBRECHT:** OK, now you have a red light.

**JAMES MCKENZIE:** Now I'm hard of hearing, I can't hear what you're saying.

**ALBRECHT:** You have a red light, we're going to have to stop.

**JAMES MCKENZIE:** Oh, I'm done.

**ALBRECHT:** Sorry.

**JAMES MCKENZIE:** Thank you.

**ALBRECHT:** Thank you. All right. Next opponent. Thanks for coming.

**ANAHI SALAZAR:** Good afternoon. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r, and I represent Voices for Children in Nebraska. Education content standards should be accurate, fact and evidence based, and allow for children to safely explore ideas and concepts that may be challenging in age-appropriate ways. Parents have a fundamental right in the home to instill their family values, beliefs, and traditions. In public education, particularly in the fields of science and social studies, there may be-- there may sometimes be a push and pull between teaching to academic rigor and accommodating parents varied belief systems. Voices for Children opposes LB374 because it swings too far, too far in one direction of this push and pull and would have a chilling effect on our classrooms as a marketplace of ideas to the detriment of our state's children. There is one section in LB374 addressing suicide risk assessments. And without a doubt, we are experiencing a mental health crisis among our youth. Voices for Children would support a stand-alone bill to build and fund additional suicide prevention efforts in schools, including risk assessments administered by trained professionals and a comprehensive safety plan for how to respond when students are experiencing suicidal ideation or making attempts. To be clear, LB374 does not do that, and in many ways, the bill's other provisions could negatively, negatively impact student mental health. Specifically, LB374 places presumptions in favor of flagging and even removing learning materials for all students when individual parents object. By instituting burdensome documentation and reporting requirements for any items flagged as parent review recommended, LB374's provision could result in schools simply taking an easier course and removing any such materials off the shelves. This is a slippery slope because, because what one parent identifies as worth removing based on their personal privately held beliefs may be material that opens windows of understanding or saves lives, saves another child's life. LB374 also essentially prohibits so-called attitude or belief examinations, but defines them so broadly that they could include anything from simple get-to-know-you activities to explorations or discussions of ancestry, heritage, and traditions aimed at building inclusivity and understanding in the classroom. Students may thrive when they are able to share who they are and where they come from and learn from others who may be different. LB374 purports to uphold Title V [SIC] and VI of the federal Civil Rights Act of 1964, but is framed in such a way it could in fact chill age-appropriate yet challenging conversations about the history of systemic racism in our country and ways to address it. LB374 places a teacher's individual sincerely held religious beliefs above the purview of the school district or Department of Education to develop appropriate content standards. A



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biology teacher should not be able to refuse to teach evolution because they believe in a different creation story. A teacher, a speech teacher should not be able to refuse to teach female students because they believe women should not be leaders outside of the home again.

**ALBRECHT:** You have a red light.

**ANAHI SALAZAR:** Yes. So for all these reasons, Voices for Children opposes LB374.

**ALBRECHT:** Thank you for your comments and being here. Any questions from the committee? Seeing none, thank you very much. Welcome.

**KYLE MCGOWAN:** Good afternoon, Vice Chair Albrecht, and members of the Education Committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n, and today I'm representing the Nebraska Council of School Administrators, the Nebraska Rural Community Schools Association, Schools Taking Action for Nebraska Children's Education, and the, and the Greater Nebraska Schools Association. So we would be, many of us in these groups would be charged with implementing LB374 and we would serve all the children of parents in this room, and we serve all the children and parents of the other room. So just looking at the bill, and I'm just going to read over some excerpts of it that would be confusing or difficult to implement. On pages 4 and 5, it's confusing: individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin. Page 5, in sections (9), (10), (11), or actually like (12) refer to: any school employee not force a teacher and educators to support actions and ideologies that violate individual professional integrity. And of course, there's 25,000 teachers with professional integrity. Section (12) actually talks about: endeavors for educators to present facts without distortion, bias, or personal prejudice. And this world is getting much harder to have that discussion. It would be interesting to ask how many people in these two rooms think that President Biden won fair and square? How many Jews died in the Holocaust? Are the polar caps melting? Page 6 and 7 describe a mandate for each school to develop Internet-based transparency tool known as the parent transparency portal, which will be a, a challenge, certainly a mandate. On this portal you would list organized by school, grade level-- I, I won't even be able to get through all of this in, in the next minute. Again, you need to include a copy of the examinations, the name of the company, the entity that produces or provides the examination, an explanation of the purposes

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of the data collection, and how the data is tended to be used, an explanation of how such examination benefits student learning and academic achievement, materials not listed by June 30 shall cause the district to provide information on ongoing weekly, monthly basis as curriculum provided. I will just say that we believe in transparency. We will support a bill that's coming up here. This current bill is from 1994, have-- very appropriate to update. But this is certainly a confusing bill and would be difficult to have schools implement. Thank you.

**ALBRECHT:** Thank you for your time. Any questions? Senator Linehan.

**LINEHAN:** Just quick. Can you repeat who you're testifying for?

**KYLE MCGOWAN:** You bet. The Nebraska Council of School Administrators, NRCSA, STANCE, and GNSA.

**ALBRECHT:** Any other questions? Seeing none, thank you for being here.

**KYLE MCGOWAN:** Thanks.

**ALBRECHT:** The next opponent.

**TIM ROYERS:** Good afternoon, members of the Education Committee. My name is Tim, T-i-m, Royers, R-o-y-e-r-s. I'm the president of the Millard Education Association and I'm speaking on behalf of the Nebraska State Education Association in opposition to LB374. This bill contains action that is either redundant or egregiously unnecessary, placing excessive burdens on already overworked educators. Let me address the first issue, redundant and unnecessary regulation. This bill outlined several things which are either already protected or completely unnecessary. For example, LB374 would: establish the right of the parent to direct the religious training of their child. Why? We can't do that in public schools. It would be an egregious violation of the First Amendment for us to do so. On that note, it's also quite telling that only public schools would have to comply with the provisions of this bill. LB374 also spells out that parents have the right to attend public meetings. Yet, that right is already established by the Open Meetings Act. In fact, the bill is forced to acknowledge that it is referencing rights that already exist when it cites Section 79-221, in regards to the state vaccination policy. These and other components are either already covered by existing statute or are written in response to nonexistent concerns that schools quite literally cannot do. The bill also attempts to restrict what historical content can be taught by utilizing the Civil Rights

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Act in a way that is candidly an affront to the people who marched, fought, and died for that landmark legislation to become law. In my second year of teaching, I had a student who denied the existence of the Holocaust. The student and their parent informed me that the Holocaust was fabricated and shared a number of anti-Semitic things I won't repeat here, but according to this bill, I would have to accommodate their Holocaust denial because to not do so would impair their firmly held beliefs. Furthermore, the bill's provisions on libraries rob school districts of local control and the already well-established book challenge process that districts across the state have already developed. It completely flips the burden, allowing people to flood schools with book challenges and force schools to defend their selections. And let me tell you, our teacher librarians are some of the most overworked people in our buildings right now. And you're about to add even more to their plates. Also, the sponsors of the bill clearly don't no middle school or high school kids, because if you start slapping warning labels on books for their content, do you know what those kids are going to do, read the heck out of those books. Additionally, the parent transparency portal requirement would not only be incredibly time consuming, it would be illegal. There is no way a district could put up the proprietary content of the Gallup StrengthsFinder or the ACT career Interest Inventory for public access. But here's the bottom line. We just came out of a pandemic where educators moved heaven and earth to keep our kids safe and learning in our buildings. And yet, rather than receiving any kind of thanks, the Chair of the Education Committee has chosen to introduce a bill that implies that at our core, teachers are not to be trusted. This bill and its rhetoric absolutely contribute to both the increased exit of educators from the profession and the decreasing enrollment in teacher preparation programs. We are not opposed to transparency. In fact, I'll be testifying in support of LB71 later this afternoon. But this bill does not promote transparency, it promotes an image that teachers are a danger to kids not to be trusted. This bill is bad policy. Do not let it advance. Thank you.

**ALBRECHT:** Thank you. Any questions from the committee? Seeing none, thank you--

**TIM ROYERS:** Thank you.

**ALBRECHT:** --for coming. Next opponent.

**NORA LENZ:** All right. Good afternoon. My name is Nora Lenz, N-o-r-a L-e-n-z, and I am a middle school teacher here in Lincoln. I've been teaching for 36 years. Thank you for allowing me this time and the

space to testify for NSEA on LB374. The bill called the Parents' Bill of Rights and Academic Transparency Act is not necessary, nor will it positively impact student learning. Expanding parents' rights was a campaign slogan used by Glenn Youngkin as he campaigned for governor of Virginia. I don't know Governor Youngkin, but he was smart to plead the rights of parents. However, I believe bringing lesson plans into the firing range was accidentally stumbled across, and that is what has brought us here today, an off-a-top-of-the-head comment in a fight for governorship. So now we want to require teachers to post their lesson plans. Do you know that teachers already provide students with syllabus and sometimes teachers require parents signatures depending on the student's age so we know that it made at home? We want to make sure parents see what we are teaching. We have a web page where parents can find a course description and other documents. Parents can check their students' grades. They can see if the student is missing assignments. They can even download assignments. Providing our lesson plans is not a new requirement for teachers. Most classroom curriculum are already public. As a matter of fact, a parent can buy the same textbook with all the answers of the test if they so desired. Buying the curriculum is not a new thing for parents, but it is important for you to know that lesson plans are and must be fluid. I don't use the same lesson plans every year. My friend Elsa once told me, you just have to take your lesson plans out from last year and use them again. She was referring to the overhead projector and the transparency film we used to write on. I explained to her that each year the students I teach are different. They have different needs. They have different learning styles, and they require different methods of teaching. Lesson plans are fluid not from year to year, but also from class period to class period and sometimes in the moment. It doesn't matter how good those lesson plans were last year for the, the next period or the next year. Those lesson plans are fluid. You have to be able to teach to your students' strengths and their skills. You have to know your students, some are gifted, some have IEPs, some have 504s, some have-- are ELLs, some are special education, some need testing accommodations, and some have sensitivity issues. It is impossible to post a year's worth of lesson plans without disregarding student needs. Also, imagine being a teacher hired in July or August. With such little time, these teachers have to compile a yearlong lesson plan. They may have to decide, they may decide not to stay or even take the job. As, as for our veteran teachers, this is one more thing that takes us away from meeting our students needs in the quest for academic excellence.

**ALBRECHT:** You got a red light.

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**NORA LENZ:** I am a parent-- OK, I can stop. Thank you very much. I just want to say, in today's climate, requiring posting a lesson plan is unnecessary and unhelpful, and it will likely lead to a few unhappy people with their own agenda, undue power to effect everyone's children-- everyone else's children. Thank you.

**ALBRECHT:** Any questions from the committee?

**NORA LENZ:** I'm sorry, questions from the committee?

**ALBRECHT:** You're OK, you're OK, they didn't have any. Thank you. Next opponent.

**JACOB CARMICHAEL:** Good afternoon, Senator Albrecht and members of the Education Committee. My name is Jacob Carmichael. I currently live in Bennington and I am a proud alumnus of, of Elkhorn High. I come today in strong opposition to LB374. This bill is misguided at best and has dangerous, dangerous implications for the children of Nebraska and for our future. This so-called Parents' Bill of Right and-- the Parents' Bill of Rights and Academic Transparency Act does nothing but allow private citizens to censor education as they see fit. Controlling every route of information for a child does nothing but imprint a strong, inflexible worldview without any regard to other points of view, and many times other people in general. As some of you may have seen, reports emerged recently about a homeschooling group of over 2,500 members in Ohio dedicated to raising wonderful Nazis. According to the Home School Legal Defense Association, Ohio has modest regulation. Nebraska has low. Well, I'm not implying that such a group exists here or that any of the previous proponents are members of such. It would be a folly to assume that many people do not hold those views in a state with the highest number of hate groups per capita from the Southern Poverty Law Center in 2021. The idea that we should uncritically allow all of these people to challenge and remove resources from publicly funded schools is terrifying. For personal example, I went from a Catholic middle school to a public high school. The carefully crafted conservative curriculum I endured before high school resulted in two years of me being suicidal and wondering when God would simply smite me for my existence. Public high school and the diversities I encountered saved my life. The purpose of a public school should be a true, unbiased education from numerous worldviews and perspectives, and we often fail at that as such. This bill threatens that purpose, it threatens our teachers, and it threatens our future. Thank you.

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**ALBRECHT:** Thank you for your comments. Any questions? Seeing none, thanks for being here. Next opponent.

**FRAN KAYE:** Thank you, members of the Education Committee. My name is Fran Kaye, F-r-a-n K-a-y-e, and I am testifying for my family and myself in opposition to LB374. Although the title of the bill advertises protecting parental rights, the text and the history of similar bills in other states show that the effect of the bill will be to attack the honest discussion of race in school classrooms and the availability of library books challenging anodyne, boring, blah, painless versions of American society. As a parent of a native child-- that wonderful young woman who just testified before you currently enrolled in Lincoln Public School, she's in sixth grade-- I have had many opportunities to review and to question the materials my child is required to read and often to respond to. I have frequently objected to material that disappears my child, such as having fourth graders dress up in pioneer dress and go to a pioneer school-- my kid would have been in a boarding school taken away from her family-- or eliding the genocide that immediately followed upon Columbus's discovery of a well populated and humanly satisfying place in society. When I have suggested an alternative assignment for my child, I have been courteously accommodated. But that has not always been the case for my peers who do not have the advantage of being university professors. I would support a bill providing that kind of access, but LB374 does quite the opposite. I taught at UNL for more than 40 years, mostly in classes about American literature, Native American studies, and Great Plains studies. Virtually all of those classes looked critically at matters of race. How could they not? When we read the Declaration of Independence, I asked my students to look at the section regarding the "merciless Savage Indians." I'm not sure how many people know that line. It's a strange line. Does it indicate one race was thought better than another? Does it cement a derogatory description of race into one of our most foundational documents? Could this discussion make some people feel uncomfortable or make others want to work on reparations? We must talk honestly about race. Yeah, sometimes my students were offended. More often, they said my eyes were opened. I'm well acquainted with textbooks and lectures that simply do not mention clearly racist, embarrassing messages from our past. Hiding and omitting history is as political as acknowledging what really happened. And it is far more insidious, for it presses students like my child to believe that today's social and economic inequality is the result of individual failings of communities of color and not of structural racism. LB374 seems willfully oblivious to the needs of students of parent-- and parents of color and those who support them.

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I find it hard to see this bill as other than a continuation of entrenched white supremacy that "whites out" inconvenient examples from the American past. Thank you.

**ALBRECHT:** Thank you. Any questions? Seeing none, we'll take the next opponent. We have about ten minutes left. And so what we'll do is we'll ask you to go to the overflow room and we'll bring the proponents back in and then we'll do the same for you as we get through everything.

**REBECCA BRITT:** Hello, my name is Rebecca Britt, R-e-b-e-c-c-a B-r-i-t-t, and I'm here in opposition to LB374. I am a primary school teacher of early childhood at the Montessori Co-op School in Omaha. I agree that parents have the right to have a say in their children's education. As a teacher, I know that the child absolutely benefits when home and school work together. This bill speaks of the right to direct education and care of the child, but by tailoring and legislating educational material to satisfy only some parents, you automatically deny the right of other parents to direct their child's education. I can't help but think that this whole bill is based in fear. Fear of the other. Fear of experiences different than your own. It rings with the willful misinterpretation of a law written long ago to support those previously unseen in the eyes of the law. But I assure you, their experiences are based in fact without distortion. Your charge as public officials is, of course, to represent your constituents. In representing the majority of your constituents, this charge is fulfilled according to the letter of the law. But the spirit of the law is so much greater than this. So I humbly ask you to consider whether this bill will help you enhance and support the education of the rest of your constituency, the least of your people, if you will. And I urge you not to be afraid of information that's perhaps new to you, but not new to so many people who have lived and are living it every day. And I invite you to visit us at the Montessori Co-op School in Omaha, where we are striving to provide education and community to every child and family in our care every day. Thank you.

**ALBRECHT:** Thank you. Any questions? Seeing none, thank you very much for being here. Next opponent.

**RACHEL WEST:** Good afternoon, Chairperson Murman and members of the Education Committee. My name is Rachel West, R-a-c-h-e-l W-e-s-t. I'm the director of prevention and community development at the Nebraska Coalition to End Sexual and Domestic Violence. I'm here to testify in opposition to LB374 on behalf of the Coalition and its network of

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sexual and domestic violence programs across the state. These programs offer a range of services to sexual and domestic violence survivors and the communities in which they live. Many of them work collaboratively with schools to incorporate inclusive, age-appropriate, evidence-based prevention programming. The Centers for Disease Control and Prevention offer a number of evidence-based strategies to prevent sexual and dating violence among young people. These strategies include creating protective environments for young people, promoting social norms that protect against violence, and teaching young people safe and healthy relationships skills. Schools play a critical role in implementing these strategies and can do so through a variety of approaches, including by offering relevant classroom instruction, ensuring students have access to age-appropriate and inclusive learning materials, and training staff to become safe and trusted adults. This is especially crucial for students who would otherwise have access to this type of information or support outside of school. The Nebraska Coalition commissioned research released in the fall of 2022 that showed in Nebraska an estimated 81.5 percent of women and 66.7 percent of men experienced some form of intimate partner or sexual violence in their lifetime. Women are most likely to first experience intimate partner and sexual violence between the ages of 11 and 19 years. At the same age, Nebraska men report first experiencing psychological aggression by an intimate partner and unwanted sexual contact. This is why having access to inclusive, age-appropriate, evidence-based sexual and dating violence prevention programming at an early age is critical for all Nebraska students. To be clear, we support sharing educational materials with parents so they are informed and can be involved in what their children are learning. We also know that many parents are not talking to young people about these issues and in some cases the parents are the ones that might be harming them at home or other family members. So under LB374, those young people, arguably the ones that might be most at risk, may not get that information otherwise, if not for the only safe place which might be a school. Preserving this opportunity for all students to benefit from this programming is critical. And we can't prevent sexual and dating violence in Nebraska without it. So for that reason, I urge you to advance-- or to not advance LB374 out of committee. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions? Seeing none, thank you for being here.

**RACHEL WEST:** Thank you.

**ALBRECHT:** Next opponent. Hi.



**ANGIE LAURITSEN:** Good afternoon, Vice Chair Albrecht and committee members. I thank you for this opportunity to speak in opposition of LB374. My name is Angie Lauritsen, A-n-g-i-e L-a-u-r-i-t-s-e-n. I am a survivor of childhood sexual assault, domestic violence, physical, mental, and financial abuse. My role here is to make sure that the survivor voice is front and center on policy. Ninety-three percent of child sexual assault victims know their abuser, and 30 percent of child sexual abuse happens within the victim's home. A child is sexually assaulted every nine minutes in the United States. On average, out of every 1,000 sexual assaults, only 310 are reported to police. School personnel identify 52 percent of all identified child abuse cases classified as causing harm to the child more than any other profession or organizational type, including child protective services agencies and law enforcement. If we truly protect children in Nebraska, then we need prevention. And you cannot have prevention without education. This legislation provides more protections to pedophiles, predators and abusers and leaves victims of childhood sexual assault vulnerable. Nothing triggers me more than to think of my father, who was my abuser, being my teacher, educating me about my sexual health and healthy relationships. I was first raped by my uncle when I was four years old and that crime was not reported mainly because I was told we were playing a game. I had no education to understand what was happening to me. Later in my young life, I had the education to name each body part when describing what my father did when he visited my room in the middle of the night when I reported to a law enforcement officer. This was a very specific process that allowed me to name what was happening to me in a way that the adults in the room could understand that I was being abused and my father was arrested the following day. Today if a child is not able to name specific body parts, we are unable to fully prosecute these crimes. Without this education, more children will be at a higher risk of sexual assault. The process of teaching young kids their body parts is protective, not sexualizing. Sex education will help young people by providing them with age-appropriate health information, lessons on consent and safe touch to minimize sexual abuse, and create a safe school environment for all students. This education also creates open conversations with trusted adults so that young people have someone to turn to if they need to report abuse. As a survivor, I want all young people in Nebraska to have access to the health education information they need to live full and healthy lives. Implying that parents should be the only ones teaching sex education lets me know that we do not care about the children growing up in abusive homes. We should be supporting efforts like effective health education that are proven to reduce rates of sexual violence. If you care about victims of

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childhood sexual assault, I urge you to oppose LB374. I can answer any questions that you may have.

**ALBRECHT:** Thank you for being here, Ms. Lauritsen. Any questions? Seeing none, thank you for coming and sharing your story. Next opponent. After this, we'll take neutral testimony and then we'll ask you to go to the other room until the others come back in and they're finished. And then we'll bring you back in for the rest of the testimony. So go ahead and start.

**DEBRA McKNIGHT:** Thank you. My name is Debra McKnight. I'm a United Methodist clergy person in Omaha, Nebraska. My name is M-c-K-n-i-g-h-t. I have served in Omaha since 2007. I wholeheartedly object to this bill. I believe it is rooted in fear and anxiety and the urge to control others rather than to support well-being. Censorship will not make our history of racism easier to understand. Censorship will not support our young LGBTQIA folks in being healthy and whole. Censorship will not support the end of sexual violence, harassment, and harm. As a United Methodist pastor, I serve many young people who do not fit into the well-prescribed boxes around gender and who are actively working to make our world a better place. They need full libraries. As a parent and as a former social studies teacher, I am so grateful for the librarians and the teachers at my daughter's school, Liberty Elementary in Omaha. They are able to find her great books on whatever she's interested in at an age-appropriate level from presidents to physics. I have spent hours and hours in her classroom. I have not seen anything that would ever make anyone do anything but smile and delight in these kids. It is unnecessary burden to add this and it is redundant policy. I am able to sign off on and participate in the education of my daughter. The only event that I have been concerned about as a Christian was taking my daughter to the SAC Air Museum to learn about science, but also to do that under bombers. I was able to go with her on the field trip to hear what she was hearing. To be able to have conversations about the ways our country makes war and the ways we could also make peace. I would never dream of eliminating that opportunity from her classmates who deserve to go and to experience the museum and to be a part of that. I went to help as a chaperone. I have seen many posts from teachers in our southern states in places where bills like this have already been deployed. They are posts of empty bookshelves in classrooms and libraries, and it is heartbreaking. It is not something that is good for us. It is not the way for us to welcome and include and make safe space for our community. Thank you for your time.

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**ALBRECHT:** Thank you. Appreciate it. Any questions from the committee? Seeing none, I'd like to take neutral testimony at this time. We have just a few minutes left. If you'll start exiting to the other room and we'll bring the proponents back in. Quietly.

**CONRAD:** Yeah, I think Senator Albrecht wants to take neutral.

**SERGEANT AT ARMS:** Neutral right now?

**ALBRECHT:** We're doing neutral right now and then we'll take the proponents back in. We'll get started whenever you're ready.

**HEATHER SCHMIDT:** What do I do first, my name?

**ALBRECHT:** I'm sorry?

**HEATHER SCHMIDT:** Name, right?

**ALBRECHT:** Yes. Name and spell it, please.

**WALZ:** Can't hear.

**HEATHER SCHMIDT:** My name is Heather Schmidt, S-c-h-m-i-d-t. I am testifying in support of neutral on this bill, LB374. I want to bring to this committee's attention that when schools went digital, parents lost the ability to review material that our children are using for their lessons. President Biden and Secretary Cardona have made it clear that parents are to have access to the tools needed to help children recover from pandemic learning loss. The portal in Section 6 of LB374 would give parents back the tool we need to access materials in a reasonable and timely fashion. The transparency portal should be more of a transition for district offices and building administration. Getting parents access to learning materials should not add extra work to teachers already overflowing plates. In fact, it might help provide accommodations for special education plans. I've provided and highlighted our child's special education plan for dyslexia and early access to all of her reading materials is really important for her success. Section 9 of LB374 lines up with the policy statement from the Federal Trade Commission on student online privacy. My child was asked personal and private questions during an online health class over the summer facilitated by her school district. I've included three examples of the questions in the back of that statement. The questions were asked in a way that I have been told by health teachers, including the curriculum specialist at our school district, that they're out of bounds to ask questions that way of students, so we need reassurance that every effort will be made so that our

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children are never asked personal and private questions without consent again. Just please consider these two sections and the consequences students could face in the future as you address parents rights and transparency bills. And please think about including these sections in whatever parents' rights bill you decide to move forward. Thank you for your time and all of your patience today.

**ALBRECHT:** Thank you for the material. Thank you for your comments.

**WALZ:** Can I--

**ALBRECHT:** Questions? Can we just ask you a quick question?

**HEATHER SCHMIDT:** Oh, I'm sorry.

**WALZ:** It is a very quick question.

**HEATHER SCHMIDT:** Sure.

**WALZ:** Thank you.

**ALBRECHT:** Senator Walz.

**WALZ:** It's the questions-- thank you, sorry-- on the back, what class was that?

**HEATHER SCHMIDT:** Health.

**WALZ:** Health. OK. Thank you.

**LINEHAN:** Your daugh--

**ALBRECHT:** Would you like to talk, Senator Linehan? Yes?

**LINEHAN:** Your daughter, 15, 14, 16?

**HEATHER SCHMIDT:** 15.

**LINEHAN:** 15. We kicked that bill out this morning.

**HEATHER SCHMIDT:** Thank you. She'll be really excited. Yay, that's really great news. Thank you.

**ALBRECHT:** Great. OK. Any other questions?

**HEATHER SCHMIDT:** No?

**ALBRECHT:** Thank you for being here.

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**HEATHER SCHMIDT:** OK. Thank you.

**ALBRECHT:** Anyone else in neutral? Any other neutral comments? Seeing none, we'll be taking proponents starting now for the hour. OK. We'll go ahead and get started. If everybody could take their seats or get in the line on the side so you can just come right up. Go ahead and introduce yourself, three minutes.

**Laurie Kohmetscher:** Thank you, Vice Chairwoman Albrecht and members of the Education Committee for this hearing on LB374. My name is Laurie Kohmetscher. It's L-a-u-r-i-e, and Kohmetscher is K-o-h-m-e-t-s-c-h-e-r. I live by Fairfield, Nebraska. I am speaking in support of this legislation. I am also speaking as a former school board member for eight years. I support this bill because parents and guardians need a path to follow to ensure their child's education reflects their hopes for their child's future. As a school board member, I have seen the materials available for schools. I also have experienced a lack of transparency at schools on the books and materials used. Numerous times I asked to see the list of books in our school and was never given the list. I was just told they were never-- they would never have anything in the school that was not appropriate but not giving any backup. This bill gives parents and guardians the backing they need when looking at their education the child is receiving. LB374 will also give teachers the ability to have a say if something the district once taught does not reflect that teacher's values. They would be allowed without repercussions to adjust the materials taught. When the Nebraska Department of Education was going to put in the health standards, I talked to numerous teachers that said they would be leaving teaching if they were forced to teach those standards. Too many times I hear about teaching different perspectives. I researched some ELA materials that were going to be put in use at our school. It was filled with biased materials, so-called nonfiction. The materials didn't seem to match the growth level of a child and at times were too advanced for a young child to understand. Also, it diminished the importance of the parents role promoting compromise even with the parents' wishes. And that was found in the materials. I hear about perspectives. However, some very important public figures were ignored in some of the history teaching while promoting those that wanted division instead of working together. Perspective is OK to some extent. However, schools sometimes don't seem to want to hear the perspective of the parent or guardian and that needs to stop. This legislation would help with that by allowing a process for parents and guardians to follow. I believe this bill would encourage dialogue with all involved in a child's education and a transparency that we all desire. And I thank you for your time.

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And if you have any questions, I'd be willing to answer. Thank you very much.

**ALBRECHT:** Thank you, Ms. Kohmetscher. Any questions from the committee? Seeing none, thank you for being here. Next proponent.

**NATALIE GUNTHER:** Hello, my name is Natalie Gunther, N-a-t-a-l-i-e, Gunther, G-u-n-t-h-e-r. I am here as a proponent of this bill. Unfortunately, to answer the question from Senator Conrad this morning, I think we're here today because of reasons that our school, schools have given us to, to be here. So, for example, LPS administration sent an email earlier this year to their staff stating very directly: School staff members must recognize the primacy of the parent child relationship and the right of the parent to make decisions for their minor child. If, however, the student doesn't-- does not want a parent to know we should not communicate the student's transgender status with the parent but work to support, to support the student. That is, to me, why we're here today. I've experienced-- I was involved with the, the whole reason that kind of came about and was very concerned and chosen to get involved. After hearing lots of testimony today, however, I've kind of rewritten my script and want to address what I feel like is at the heart of this, which is loss of trust. And unfortunately, as much as I do, I think I absolutely agree this bill needs to be in place because unfortunately, I think we've lost too much. And parents need protection because there have been too many incidences, as you heard earlier, where children have been harmed and they're-- and even to the point of harming themselves due to, to actions taken by the school. So I guess my request is that we put a bill like this in place to give children and parents protection, but that we also look at the heart of the loss of trust. And I think what's happening today is our loss of discussion and open discussion and our teachers teaching children what to think instead of how to think. And I would just really like to go back to what's being in our universities and talk to our teachers as well and see what's going on to create this problem. I'm a strong Christian conservative who grew up in rural Nebraska. One of my best bosses and mentors is an atheist and a very liberal, and we are of the best of friends. And I actually sought him out to be able to work with him again because he's-- we're that good together and we can work together and we have these differences and we have strong debate, but we're able to hear each other out. And so why-- my deepest question is why can't we have this in the schools? Why are teacher, why are teachers, you know, changing languages and changing Spanish to different pronouns? Why are they teaching and, and changing our history in that way? Why can't we just ask thoughtful questions and ask children to, to challenge each other

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and to challenge their mind-- each other's mindsets? One perfect example I wanted to bring up-- and I, I really think we've lost kind of the foresight of what education should be. And in particular, like my child is in kindergarten and she was taught how to learn, which was from a fun cartoon video, that she sits hands still, ears open, eyes wide, listening, just still as can be. And I'm like, if you've ever seen a kindergartner learn that way, I would love to see them. And so I'm just-- I'm very disheartened by, by what's kind of gone. And I hope we can bring back the curiosity and the natural, innate ability children have to learn. And go more into, into dreams and desires and not so much politics, so.

**ALBRECHT:** Thank you.

**NATALIE GUNTHER:** Thank you.

**ALBRECHT:** I appreciate your comments. Any questions from the committee? Thank you for being here. Next proponent. Hi.

**BOB SULLIVAN:** Hello there. Thank you, Senator Albrecht. And my name is Bob Sullivan. I'm an attorney in Wahoo. I'm also a member of the Wahoo Public School Board. And I'm a former member of the Hastings Public School Board, although I am speaking on my own behalf, not on behalf of any school board today. So what I've handed you or what I'm having handed out is a stack of not only much longer information on the basis why LB374 is such an important bill to pass, but also kind of a history of what kind of gave rise to this bill, specifically what went on with the Nebraska Department of Education, of Education as well as with the State Board of Education. And it shows how something that is not transparent can lead to serious problems for everybody involved, including the elected officials, the taxpayers, and certainly the students and the parents. So what LB374 would do is it would promote extensive opportunities for everybody to see exactly what's going on with the school system. It would also allow the-- it, it would give direction to the Nebraska Department of, Department of Education, which unfortunately, they seem to have had a lot of time on their hands the last few years in passing, trying to pass anyway, you know, proposed health standards that were not within their purview in the first place. So they spent, you know, taxpayer money, I believe, and certainly a lot of time and effort on something that is not required of them. So what this does is it gives the Department of Education some, some insight on what they're supposed to be doing with regards to our, our education here in the state. I think that's very important because, again, the emails that you see and some of the text messages in the exhibit I provided show that when we can't understand and see

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what's going on, when we can't ask questions, when people are shut down from getting questions answered in public meetings and such, there can be a lot of behind-the-scenes tactics. There can be some allies behind the scenes that people don't know about. And what we saw with the, specifically, with the State Board of Education is that a lot of those board members, I believe, were duped into thinking that everything was on the up and up with the proposed health standards and they were made to look foolish. Three of them, I think, lost their elections because of their support of a bill that they didn't know was manufactured behind the scenes by activists and one member of the board. So LB374 would give the department direction. It would allow parents to get their questions answered when in many cases there was efforts not, not only with the Nebraska Department of Education or State Board of Education, but also with local school boards to cut down on questions, people attending meetings, answers being given to parents. And so this bill is essential to make sure that that doesn't happen in the future.

**ALBRECHT:** Thank you, Mr. Sullivan.

**BOB SULLIVAN:** Thank you very much.

**ALBRECHT:** Appreciate you being here. Any questions? Seeing none, thank you for being here. Next proponent.

**RUSS BARGER:** Thank you for having the hearing today. And thanks to Senator Murman for bringing LB374. My name is Russ Barger. I'm an attorney here in Lincoln.

**ALBRECHT:** Spell your name, please.

**RUSS BARGER:** R-u-s-s B-a-r-g-e-r. I'm just appearing on my own behalf. So LB374 codifies rights the parents thought that they had. I'm probably going to talk about some things that most of the proponents have not. Parents believe that they have the final say as to the upbringing and education of their children. There is no constitutional amendment or statute that actually says that. This belief is based upon Supreme Court precedent from the 1920s. Meyer v. Nebraska and Pierce v. Society of Sisters sort of enunciated those underlying principles. Section 3 of LB374 actually attempts to codify those vague rights by stating, one, that parents have the right to direct the education and care of their children. It also says that they have the right to direct the upbringing and moral or religious training of their children. That's sort of what those old Supreme Court cases say, but it helps to codify it. Those sections don't actually go far



enough. There's question in the case law whether those rights are fundamental or not. LB374 does not say those are fundamental rights. Now we know the Supreme Court wouldn't change its mind on rights that might exist for citizens or parents. We've never seen anything like that happen the last few decades, I'm sure. So some parties will point to a '72 Supreme Court decision called *Wisconsin v. Yoder*, showing that this parent right is fundamental. Subsequent cases, however, have called that dicta from *Yoder* into question and a 2000 case called *Troxel v. Granville*, Justice Scalia stated that parents have no fundamental constitutional rights actually in the constitution whatsoever. This plurality opinion was confusing at best, and there were no five vote, there was no five vote majority on what parental rights actually existed at the end. It was a plurality of a bunch of cobbled up opinions. More troubling still are things coming from the West Coast. The Ninth Circuit has rejected the balancing approach has been used by courts for decades. This really gets to the heart, I think, of what you have to wrestle with as senators on whether you can let this go forward or slice out parts, make parts stronger on LB374. Parents should have no veto authority over entire curriculums-- that's one side-- versus parents' rights to decide what moral beliefs their children should be inculcated with in schools is the other side. In 2003, the Ninth Circuit determined that the right to decide the form of the education is where the parental rights stops in *Fields v. Palmdale School District*. The parents' rights to control the education within that forum does not extend beyond the schoolroom door. That's the quote from Judge Rinehardt in that decision on an unanimous Ninth Circuit panel. This sounds disturbingly similar to the eastern belief that parents' rights--

**ALBRECHT:** I'm going to have to ask you--

**RUSS BARGER:** --are essentially subordinate to the government's--

**ALBRECHT:** Excuse me, Mr. Barger, you're going to have to wrap it up.

**RUSS BARGER:** Oh, I'm sorry, you're right.

**ALBRECHT:** Sorry.

**RUSS BARGER:** Thank you for your time.

**ALBRECHT:** Any questions? Seeing none, thank you for being here. Next proponent. Hello.

**WILLIAM (PAT) MOORE:** Thank you for having me. I'm William "Pat" Moore, W-i-l-l-i-a-m, I go by Pat, Moore, M-o-o-r-e. I've got three items I'd

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like to share. First of all, there was an impassioned speech about the teachers' individual lesson plans, and that is covered in here just so that you know on page 2, line 27. So that, that's not what this is asking for. Another one, as far as the health records and the, the right to make healthcare and medical decisions, boy, my grandkids can't get an aspirin at school without some sort of signature. It seems like there's some huge things that are happening without the parents knowing about gender and about abortion and some other things that just doesn't even make sense. So I think we need to-- we need the bill to help some of that to be understood. As I was on the campaign trail for State Board of Education, I also talked to-- any time I got a teacher that I talked to, I knocked on a couple thousand doors, I'd ask them, OK, tell me about it. And one had just gotten home from school and she shared. She was ready to let it go. And I said, what's the main deal? And she said, it's the stuff coming down from above. It's all these regulations and rules and everything. And that's part of why we have the teacher shortage that we have, is that the teachers are getting things that they, they can't in good conscience teach because there's things that-- and, and this bill addresses that, that they don't have to teach what they can't teach with their hearts. And that's part of why I talked to several that had quit because I just can't teach that anymore, the stuff that they're asking me to teach. And so I am definitely a proponent of this bill and would appreciate it if you would be too.

**ALBRECHT:** Thank you very much for your comments.

**WILLIAM (PAT) MOORE:** Thank you.

**ALBRECHT:** Any questions from the committee? Seeing none, thank you very much, sir. Next proponent.

**JENNA DERR:** Hello, my name is Jenna Derr, J-e-n-n-a D-e-r-r. And today I'm speaking on behalf of Protect Nebraska Children Coalition. I represent nearly 23,000 parents, grandparents, concerned citizens, and state taxpayers. For the past several years, we've been working to protect the health and innocence of our children, and we consistently have support from teachers and educators. However, their support is rarely public. When concerns or stories are shared, it's routinely only shared on a condition of anonymity. And why is this? Simply put, teachers are scared to lose their jobs and are fearful of retaliation. Today, I will share a couple of their stories and also how LB374 would help protect our teachers. One suburban teacher relayed to us that her fears of being fired stemmed from her teaching children to memorize their multiplication tables. She says that administrators have

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specifically told her it isn't equitable because some children have trouble with memorization. Another urban teacher is fed up with constant equity training over the last two and a half years. She tells that she's finally raising some concerns because she knows if something doesn't change, there's no way she can bring her own kids to their school district. She knows many other teachers feel the same, but they, and I quote, just know not to speak up. When asked if the equity training is making her want to quit teaching at the public school she said, I'm 70 percent there. One suburban mother asked pointed questions about their local social emotional learning curriculum, and the administrative response to her questions includes the following: The teachers are required to teach district curriculum. They may share concerns about curriculum that makes them feel uncomfortable. That's assigned the district-- to the district that additional training is needed. So that's kind of interesting, you speak up, you need more education. Section 11 of LB374 would help provide career protection to our teachers. Additionally, we know that teacher shortages are a concern for many and we must support and encourage teachers to remain in the classroom. We need them. If there are concerns about curriculum content, then teachers must be able to express these concerns without fear of reprisal. I also wanted to clarify. I heard another testimony and I think someone else already clarified a bit, but I want to go further. It sounded like a teacher spoke and was very fearful and she came from a place of fear about having to have her lesson plans, you know, online with this patient portal, or not patient, sorry, parent portal. And specifically, this bill addresses that. It says, "Learning materials does not include academic assessments or tests, a teacher's individual lesson plans, or plans or materials that are specific to an individual student, such as an individualized education plan, an individual plan of study, or a plan adopted pursuant to the requirements of section 504 of the federal Rehabilitation Act of 1973." So I just wanted to make sure that it's on record that that truly is not part of this bill. Thank you so much.

**ALBRECHT:** Thank you for being here. Any questions? Seeing none, thank you for being here.

**JENNA DERR:** Yeah.

**ALBRECHT:** Next proponent.

**ANGIE EBERSPACHER:** Good afternoon, members of the Education Committee. My name is Angie Eberspacher, A-n-g-i-e E-b-e-r-s-p-a-c-h-e-r, and I'm from Seward County and I'm here today in support of LB374. As a mother

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and lifelong educator, I'm aware of the controversy over school library books is not new and many people don't think it is a Nebraska issue. I've heard this over and over. It's not at my school. However, they're wrong. Nebraskans have become complacent and have become too trusting of our education system. This has allowed the infiltration of sexual filth and critical race theory ideals to creep into our school libraries. For example, "Looking for Alaska," written by John Green, is found in at least 88 school libraries in Nebraska. It contains sexually explicit content. Additionally, at least 65 Nebraska school libraries, including elementary schools, have the book "Stamped: Racism, Antiracism, and You" written by critical race theory activist Ibram X. Kendi. While doing my own research, I found an extremely informative website, [booklooks.org](http://booklooks.org). It was created by parents who read and research books and write reports that include excerpts from their books, including a rating system so parents can quickly know the content. The rating system ranks the book content from one to five and five being the worst. For example: a rating of three is labeled-- labeled minor restricted, under 18 requires guidance of parent or guardian-- "Looking for Alaska" is a rating of three; a rating of four is labeled no minors, adult content, no child under 18; and a rating of five is labeled aberrant content, adult only. Nebraska public school libraries have books with all five ratings. I know because I found them all. The sexual content in some of the books found in Nebraska schools is so explicit and vile that if I read excerpts to you today, I could be fined due to obscenity rules. If printed out the excerpts-- the excerpts that I gave you to read, I could potentially be charged with distributing pornography. For example, some books contain explicit and graphic content, such as excessive profanity, oral and anal sex with minors, the normalization of underage sex, and excessive violence such as rape. Yet, children who are minors are allowed access to these books. This is wrong. The Nebraska Legislature must act on behalf of the parents. We cannot rely on the Nebraska Department of Education to create policy on this issue. At a forum in Millard on September 27, 2022, State Board of Education member Deb Neary stated, and I quote, I'm more worried about what your kids are seeing on the Internet than I am what they're getting out of their library. It is irrelevant whether these pornographic and anti-American books have been in our schools for months or years. What is important is that this content should not be in our schools. The focus of educating children should be on reading, math, science, history, and learning technical skills. Social issues are merely indoctrination of a political agenda and should not be consuming our school hours. With this testimony as supporting documentation, I'm also submitting copies of the book titles found in Nebraska schools. I encourage you to look

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through it and use the links to further your own research. To protect the innocence of Nebraska students, I support LB374. Thank you for your time.

**ALBRECHT:** Thank you for bringing the material. Thank you for being here. Any questions? Seeing none, thank you very much. Next proponent.

**KATHY FAUCHER:** Good afternoon, committee. My name is Kathy, K-a-t-h-y, last name Faucher, F-a-u-c-h-e-r. I am a Bennington parent in Nebraska. Senator Carol Blood has been quoted as saying about LB374: It is a solution in search of a problem. Critics of the bill state that schools already have policies in place to address many items in this bill. Those critics obviously aren't talking to parents who are stonewalled by their own schools and not getting access to what is being taught in the classrooms. Schools are not transparent and district officials hide certain content. Why? Because they know the, the vast majority of parents would take issue with it. Here's an example from my own district. In March of 2022, the district sent an email to parents stating that during an in-service day, the staff had the opportunity to gain knowledge about diversity, inclusion, and allyship. No details were provided. What the email failed to disclose was that the con-- was the content planned for the students and educators. The school paid an outside diversity and inclusion consultant to come in and provide training to both students and teachers. After one training session with the teachers, the consultants were dismissed by the administration due to negative feedback from the teachers themselves. The content focused on inclusive language, unconscious bias, and personal pronoun usage. After catching wind of this, an alarmed parent requested the training material from the school who could not provide it, stating that they did not retain a copy of the material which belongs to the consultant. The parent then requested the training from the consultant directly and was referred back to the school. The frustrated parent conducted Internet searches of the consultants to try and learn about their educational philosophies. The parent shared with me concerning social media posts in which the consultants explicitly advocated for comprehensive sexuality education, critical race theory, and boycotting the Fourth of July. Given that our school district has policies mandating teaching American exceptionalism and applying a balanced approach to controversial material and the school board and the parents had no knowledge of the school hiring said consultants to impart their ideologies. Do you think that schools should be allowed to continue to hide curriculum from the parents? I have confronted my school board on this issue and have been met with silence. In my view, the parental involvement policy and other policies were violated by

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the administration. The Nebraska Attorney General's Office looked into our concerns and stated that ultimately copy law-- copyright laws prevail, allowing the material to be kept from parents. I have included a copy of the letter from the Attorney General herein. Thank you. Do you have any questions?

**ALBRECHT:** Any questions from the committee? Thank you for being here.

**KATHY FAUCHER:** Thank you.

**ALBRECHT:** Next proponent.

**JUDY DERR:** Good afternoon. My name is Judy Derr, J-u-d-y D-e-r-r. Today, I am representing a grassroots organization, Protect Nebraska Children Coalition, with nearly 23,000 members of concerned parents, grandparents, and taxpayers. We want to share one story from our Coalition, one who cannot speak today for fear of reprisal. One Nebraska teacher shared she had been required as a school employee to attend a professional learning speaker presentation. The participants were first asked their preferred pronouns and told they should ask each student theirs. Throughout the training, they were told it isn't possible to be colorblind, and if they are white, then they are privileged, even if they don't think so. They also received detailed information on intersectionality with the notion the more areas a person identifies as the more marginalized they may be. These students must then receive special privileges and exemptions from classroom expectations to compensate for the marginalization in their lives. This training was required by the Nebraska Department of Education in an effort to address the disproportionate number of suspensions of minority students without an investigation into the number of infractions committed by minority students versus white students. Adoption of this bill would create more transparency as to what training Nebraska teachers are required to attend and what materials are being used in their education. We know there have been multiple attempts throughout the state of parents and concerned citizens asking for this transparency and have resorted to FOIA requests, which often are unsuccessful-- unsuccessful and/or cost prohibitive. We support transparency for all involved, and we support LB374. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions? Seeing none, thanks for being here. Next proponent.

**KIRBY WILSON:** Thank you for being here late. My name is Kirby Wilson, K-i-r-b-y W-i-l-s-o-n. Our nation's motto is "In God We Trust." I pray that His presence will be in the heart of this committee. Promoting

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sexual activity among children by anyone anywhere is absolutely disgusting. But to have it done by the institution tasked with their education is especially egregious. Some of this that has been allowed in our schools should be halted by the passing of LB374. Treating individuals as superior or inferior based on race, ethnicity, skin color, or other God-given traits was deemed illegal way back in 1964. Unfortunately, progressive ideology that has infiltrated all levels of our educational system today has resulted in a total disregard for that federal Civil Rights Act. Passing LB374 will help serve as a reminder that all men are created equal, and to teach otherwise is against the core values as stated in the Constitution of the United States. Ephesians 6:4 calls a parent to bring up children in the training and instruction of the Lord. When the curriculum and instruction of the educational system purposefully undermines those efforts, there needs to be accountability and a redirection of the educational institutions' priorities. Passing LB374 can be a good start in allowing this to happen. There are other good things in LB374 and I hope you will see the need for this and help in its passage. Thank you.

**ALBRECHT:** Thank you, Mr. Wilson. Any questions? Thank you for being here. Next proponent. Hi.

**AMY WILSON:** Hi. Good afternoon. My name is Amy Wilson, A-m-y W-i-l-s-o-n. Oh, my gosh, I just-- my name. Sorry. I am here to support LB374. And the definition in the Webster's Dictionary of 1828, the definition for parent: A father or mother; he or she that produces young. The duties of the parents to their children are to maintain, protect and educate them. As a parent, it saddens me to realize there is now a need for this bill. After reading that definition in, in the 1828 Webster Dictionary, parent-- a parent is not only a noun, but it is also a verb. We are called to maintain, protect and educate our children. We did it-- I'm sorry. When did it become that we just handed over our parental authority to a public educational institution? I take my job as a parent very seriously and I will never be my child's friend, but I will always be a parent. That is what God has called me to be. In the last ten years, public education has gone downhill, and in the last five years it has gone on a derailed express train headed down over a cliff into a cesspool of toxic waste. The public schools have decided to sexualize our children and has gone as far to bring porn into the classrooms. So here we are in 2023 and we, the parents, are asking you to pass the Parents' Bill of Rights and Academic Transparency Act and return the authority and the education of our children back into the hands of the parents and not the public school system. We ask that the school system stick to the basics of

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teaching, reading, writing, arithmetic, real history, true science. Let's get the inappropriate sexual books out of the libraries and the curriculum. Stop the data mining of minors. These children are our future, not something to do social experiments on. And I want to give one example. My son is-- he's now 17. When he was 16, he actually used to follow us and go to the-- some of the Legislature stuff and the school board stuff. He actually finally quit going because it bothered him. A 17-year-old hearing how grotesque some of this stuff has become. She-- he has actually gotten up and walked out. That's from a 17-year-old. So people that say that kids want this and want to hear this and want to learn it, that's not true. And a lot of kids, that's not where they want to go with their lives. Thank you so much today and all that you do.

**ALBRECHT:** Thank you for being here. Any questions of the committee? Seeing none, thanks for being here again. Next proponent.

**ALEX STEPHENS:** I thank the council [SIC] for hearing me today and I'm going to go over two things. First, a couple of examples.

**ALBRECHT:** Can you state your name and spell it?

**ALEX STEPHENS:** Oh, I apologize.

**ALBRECHT:** That's OK.

**ALEX STEPHENS:** Alex Stephens, A-l-e-x S-t-e-p-h-e-n-s. I'm going to go over two, two things. One, examples from the LPS school system of why I believe LB374 is necessary; and, two, a rebuttal to a specific horrific argument against LB374. Imagine needing a FOIA request to get info on why you were allowed to be sexually harassed. Imagine being asked to fork over \$3,000 knowing that you were poor in order so that you could not obtain that information. You learned, though, eventually that this person was not harmed because they were of a sexual minority that was more oppressed than you and thus more worthy of being helped. LB374 gives parents the means to sue schools for violations of the rights in a manner that goes around the school system that's trying to roadblock them by explicitly stating that they have a right to do so. Imagine wondering why a child who might be paralyzed if they get hit in the back keeps getting bullied, and how your kid is the one who is consistently being punished. Imagine having to move between two, two to three schools within the same system and it just keeps happening. The bullies are not punished because your bullies are of a different race, and if they were all to be suspended, that would skew the statistics too much because kids are numbers to these people, not



individuals. All of that occurred in Senator Conrad's district. Imagine being told-- having your child come home and asking if their skin color was a problem because they were told that they were at fault for something that happened in the past. I have seen and heard what happens at LPS and they don't listen. They roadblock. They prevent you from knowing anything and they ensure that you are the one who looks like the villain by the time they're done through a nice smile. The other thing to mention is the difference between white guilt and history. The teaching of history and the oppression of the past is not something that this bill prevents. It's something that, combined with bills of the past, it actually ensures by separating the idea that you must repeat the past on children in the schools from the history that's being taught. You don't say that-- you don't teach about Japanese internment by interning the Japanese in your class. History, not religious racial guilt, is what needs to be taught. And you can tell that it's not just look at the test scores. Thank you.

**ALBRECHT:** Thank you for being here. Any questions? Seeing none, appreciate your time. Next proponent.

**HANNAH YOHRMAN:** My name is Hannah Yohman, spelled H-a-n-n-a-h, and then Yohman is spelled Y-o-h-m-a-n, and thank you for your time today. Today, I'm speaking about my own experience in the LPS school system. I am a proponent of LB374. I also speak as the oldest of seven and as someone who advocates for protecting the innocence of children. Love bombing, social isolation from parents, openness on sexual things are all part of the process that are used to groom children and are a cornerstone of cult recruitment. They're also part of the culture spread at LPS where parents are repeatedly trashed by the state, especially by the teacher, and especially the teacher are deified. At arts and humanities, I was-- I and another former student experienced the following: deconstruction of the concept of race with only one goal, self-hatred. Only if you're hating the self can a white person be saved. This amounted to hours upon hours of groupthink discussion not dissimilar to the Cultural Revolution. Bullying against wrong thinkers was encouraged, and wrong thinkers would be defined as someone who asked questions. We also had a couple come to us and for about an hour in front of 60 students, including myself, we were told that heterosexual relationships were the equivalent to rape in every context. Pedophilic films were also shown without parental consent, films lionizing pederasty, lesbian relationships in the name of discovering and celebrating sexuality. This was experienced by a student who graduated a few years before I did. Children were encouraged to engage in critical deconstruction of their sexual identities per my own testimonial and the testimonial of the former

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student. Within weeks of these films being shown, children who didn't identify as queer or transgender were often bullied, which was often overlooked by the staff members. Identity being integral to revolution, identification with queerness is necessary for revolutionary change, no oversight. Open use and theft of X-Acto knives and self-harm was a common problem. No warning was given to parents. The goal of public education is not sexual revolution. It is to teach even the least among us to enable the whole of society to function. Parents and families are atoms upon which society is built, group connections between families and family connections to the community. We can't be a successful society when our foundational units have no rights, and that is why I support LB374. Thank you.

**ALBRECHT:** Thank you for being here. Any questions? Thank you. Next proponent. We have about 20 more minutes.

**ELIZABETH DAVIDS:** My name is Elizabeth Davids, E-l-i-z-a-b-e-t-h D-a-v-i-d-s. I really wish my sen-- oh, there she is. My senator is back. Fantastic. Opposition to this bill, LB374, is very well funded. They have teams of lawyers and full-time staff people to represent their impressive not-for-profit organizations who take in millions each year. But we proponents are average parents whose kids were in school all day long who had to take off work and maybe have a babysitter at home to watch our young children while we were here or we brought them with us. We're parents who want to know what our children are learning in school. If they're having troubles in class because of how the content is discussed or presented? If our children are part of the cultural trend of identity confusion that is sweeping our nation? As you'll see in my written materials, I'm going to talk about Section 3. I have had various interactions with my public school district staff that were not transparent or straightforward. I have a student in my public school district that makes me not only a stakeholder and a taxpaying community member, but a parent. When conversing with a board member about their proposed reduction of individual public comment time by 40 percent, even though the average number of public commenters was eight per meeting, this board member made the statement many children are unsafe in their homes because of their LGBTQ identity. I followed this conversation up with a lengthy email that you can read at your leisure with the primary intent of understanding how my school district would handle a child wanting to identify at school by a different name, pronoun, gender or species then their parents had enrolled them as. One board member spoke for them all when she informed me that the educational professionals will honor the confidentiality of young people and that the school district considers this important mental health information keeping it from the

parents the right thing to do in this situation. But we parents wholeheartedly disagree, and the superintendent of my school district even commanded me that I, as a private citizen, do not under any circumstance contact any LPS staff member or students with your questions via phone, email, or in person. My senator, at least being a lawyer herself, will acknowledge that this is not the legal jurisdiction of a school superintendent. And so Dr. Joel had no right to make the statement, and yet he did, and he continued to prohibit his staff from answering the questions I asked following the Uvalde school shooting last year. To quote the ACLU of Nebraska's website: Without transparency in government activities, the American people are vulnerable to deception and abuse by our leaders. We Nebraska parents and teachers don't want our children vulnerable to deception and abuse by leaders in their schools. No institution is above the need for transparency, and no institution should be more willing to submit itself to transparency than the one charged with providing excellent care and education to our children. What are they afraid of? If we can't get the information we need about our own children and what they're doing, what they're being taught through a simple request of school or district staff, a parent must submit a FOIA request that the school district gets to choose the amount they charge for it, often costing hundreds or thousands of dollars, this is truly a David versus Goliath situation, and I believe that this committee will side with us little guys--

**ALBRECHT:** You have a red light. Thank you.

**ELIZABETH DAVIDS:** --who will just want the best for our kids.

**ALBRECHT:** Thank you very much. Any questions from the committee? Seeing none, thank you for being here. Next proponent.

**SUE GREENWALD:** Hello, my name is Sue Greenwald, S-u-e G-r-e-e-n-w-a-l-d. I represent Protect Nebraska Children. The mining and selling of personal data is one of the most lucrative businesses in this century. Mark Zuckerberg and Bill Gates know this very well. That explains why their foundations are among the largest financial supporters of in-school surveys. There are privacy laws protecting the personal data of children that affect school districts. One of them, called the PPRA, lists eight areas that are off limits to ask students about regarding themselves or their families. These areas include politics, religion, mental health, sexual behavior or attitudes, legal issues and family dynamics. The schools are surveying kids on their most intimate thoughts and feelings as they come of age, including all of those forbidden topics. The surveys come from companies such as

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Panorama or Second Step. How can they legally do that you might ask? The privacy law only applies to the school district. It does not apply to any third-party vendor that the school hires. Grand Island Schools pay Panorama \$52,000 a year to conduct online surveys. What ultimately happens to that data? Obviously, it's stored by Panorama. Do they sell it? Do they share it with backers such as Gates and Zuckerberg? Nobody knows. Nobody can answer that question. There is no law protecting that data. Schools currently use an opt-out policy for these surveys. Positive consent is implied unless the parent completes an opt-out form. Most of the parents don't know that. An opt-in policy would be much more powerful, especially if parents could understand what they are consenting to. Section 9 of LB374 provides the solution. Schools, quote, shall not administer an attitude or belief examination to any student unless, unquote-- I'm paraphrasing these: The survey is on the transparency portal. The parents are notified in writing and must opt in by either electronic or, or real signature. The schools must disclose who the data will be shared with and who will store it. And the schools must disclose the purpose of the exam and how it benefits the student. This bill will put protections in place that currently do not exist in any federal or Nebraska law. I want to also thank Senator Sanders for bringing LB71, which we also support at Protect Nebraska Children. However, we do fear that without an enforcement component that nothing will change. Some schools are already transparent, but many of them pretend to be transparent. And we believe the schools need a little more incentive than what is in that bill. I also would like to address Senator Conrad's concern that this is unnecessary because parents can opt their children out. In fact, the reason the transparency portal is needed is so parents will know when to opt their children out. Thank you.

**ALBRECHT:** Thank you for your time. Thank you for your testimony. Any questions? Seeing none, we'll take the next testifier. Thank you for being here. The next proponent.

**MARY STRAYER:** Senator Murman, Senator Albrecht and rest of the committee, I'm Mary Strayer, M-a-r-y S-t-r-a-y-e-r. I am a proponent of LB374. Teachers' rights are equally important and LB374 is good for teachers as well as parents. Teachers generally have a great heart for their students and are not driven by profit. In this respect, teachers and parents are, are natural allies. With this in mind, what is the bill-- the Parents' Bill of Rights for teachers? First of all, transparency. Teachers and parents alike have struggled to obtain curriculum in a sharable manner. The online courses are proprietary they are told. They are password protected. Gone are the days when you could hand over a textbook for educators and parents to review before

they were purchased. There is often no disclosure as why that particular curriculum was chosen over another, such as potential conflicts of interest. The Parents' Bill of Rights puts the onus on administration to create an online portal for parents. Much of this portal will likely consist of access to websites from which teaching materials are obtained. This can only be helpful for teachers when everyone knows what to expect. There will be fewer bewildered parents taking the teachers' time with concerns. And once again, just to reiterate the teachers' individual lesson plans, plans and thus their privacy is preserved. The second one is autonomy. Teachers are saying that some of the expensive curriculum being purchased for classroom use is inappropriate for their students. They have had to spend their time picking through lessons to find the least bad parts that they are willing to use. This is an unacceptable waste of their time. If the portal is developed according to proposed statute, teachers will have the ability to make changes on a weekly or monthly basis after the broad outline is entered by administration at the beginning of the year. Significantly, teachers will be forced to teach ideologies that are antithetical to their sincerely held beliefs, but they will not be limited in instruction, these, these exceptions are enumerated. Number three is career protection. Teachers are fearful of retaliation. The fear is not only for themselves and their career-- [RECORDER MALFUNCTION] for their children who have been bullied by other teachers and administrators when a teacher takes a stand. It is horrendous to think about, but it is happening here in Nebraska. The parents bill, the parents' rights bill has not forgotten about these teachers. And I just want to go on, number four is respect. Although LB375 [SIC- LB374] is entitled The Parents' Bill of Rights and Academic Transparency Act, the rights of teachers at the-- are-- is at the forefront. Anything that is good for the teachers will also be good for parents and students.

**ALBRECHT:** Thank you, Ms. Strayer.

**MARY STRAYER:** Improving communication between the schoolroom and the parents--

**ALBRECHT:** I'm going to have to cut you off. We've got others, too.

**MARY STRAYER:** --is a win-win. Sorry.

**ALBRECHT:** OK. Any-- no questions from the-- next proponent, please. Hi.

**JANET STEFFEN:** My name is Janet Steffen, J-a-n-e-t S-t-e-f-f-e-n. I am from Kearney and I thank you, Senator Murman, for bringing this bill. If mine seems a little chaotic, I've changed it two or three times so that I don't totally repeat what other people have said. I'm just a little confused as to why this bill is being questioned. We should all want transparency, especially when it comes to our own children. Almost all of the things are already online. I have two daughters that have kids in school and the biggest complaint that I hear from them is excessive emails during the day coming from their teachers in the school about everything going on. And so I think that this bill goes beyond posting spelling words and lesson plans. I think a lot of teachers already do this. What we're looking at is-- and here comes my [INAUDIBLE] here, sorry-- the schools have been captured by corporate money in the same way that Big Pharma has captured medicine and defense contractors have captured the Pentagon. The billions of dollars of COVID relief funds were design-- designated to have 10-20 percent spent on CRT and socially emotional curriculum, which is also CRT. The U.S. Department of Education has been public about their CRT goals. Millions of dollars have flowed to left-leaning companies whose curriculum is online and proprietary. This is the curriculum that parents can't get. This is what we're after. It isn't about books and lessons plan. It's the web link that holds the secrets. And the next best option is to the-- to pierce the veal-- sorry, the veil of secrecy that this web-based curriculum has. I think that's what most of us are after versus the teacher-- I mean, the plans and stuff because we already know that those are being put on there. Just a little story here in a city in central Nebraska-- which I can tell you I think this is talking about Kearney because I was part of that group. The school board abolishes the parental review process for libraries. We-- as the lady spoke ahead of me, I spoke out of Looking for Alaska, which was absolutely disgusting. I can't believe anybody would even have that. It talks about a couple of 16-year-olds trying to figure out how to have oral sex. It talks about-- I mean, everything. It's just awful. It's in Kearney Public Schools and we can no longer protest any books. We were told that by Drew Blessing, who's the president of Kearney Public School Board, that parents no longer have that right. And I just want you to consider this bill so that we can have better students. I mean, that's what it's about. As a grandparent, I'm very concerned about that.

**ALBRECHT:** Appreciate your comments. Any questions or-- from the committee? Seeing none, thank you for being here. Next proponent.

**KIRK PENNER:** Thank you, Senators. Appreciate the opportunity. My name is Kirk Penner, K-i-r-k P-e-n-n-e-r. I am the District 5 State Board

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of Education representative, and I need to make clear that I am not speaking on behalf of the State Board of Education. I am speaking today as a proponent of LB374. Education has changed. Education is not the same when we were in school. This change came to light when the recent pandemic, our children were forced to learn from home. Parents began to realize that their children were being exposed to theories and ideology that did not always align with what they thought was being taught. Concepts that if the parents were asked, they would say, keep this out of our schools. Yes, math, science and English are being taught, but now it is sprinkled with gender ideology, critical race theory, and pornography is legally allowed in our school libraries. These radical ideas are not being taught in every school district, but it is spreading and I applaud the school districts that are 100 percent transparent with their curriculum. However, curriculum is not the only way controversial theories are introduced and looking only at curriculum in our children's textbooks or laptops will not solve the problem. The reason is-- that is being taught is not always captured in the curriculum that a parent would examine. Here are just three examples. I have not included the school districts. If you want to know, you can ask me afterwards. Preferred pronouns: large school district asked teachers to put their preferred pronouns on their doors. Preferred pronouns are the gateway to gender ideology. Drag queens: in 2022, the highest award a teacher can garner in this state was given to a teacher who attended professional development. And after attending the drag show story hour put on by this education conference, she said on social media, thank you for sharing your joy and encouraging educators to share their authentic selves with our students. You better believe I'll be buying a few new inclusive children's books, including The Hips on the Drag Queen Go Swish, Swish, Swish. Health surveys we've been talking about. The Nebraska Youth Risk Behavior Survey, which is endorsed by the Nebraska Department of Education and Nebraska Department of Health and Human Services, question number eight on that survey to kids, some people describe themselves as transgender when their sex at birth does not match the way they think or feel about gender. Are you transgender? Then the survey heads into nine questions about sexual behavior that if-- that if any of us would ask, we would be put in jail. Being transparent with the curriculum is important, but the radical ideas and theories are scattered throughout assignments and lectures. LB374 covers all the bases when it comes to education transparency and is the appropriate response to guarantee every Nebraska parent will have the same rights at every public school, regardless of zip code. It's uniform and a baseline for how every parent will be treated if they

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choose to be engaged and active in their child's education. I thank you for your time.

**ALBRECHT:** Appreciate you staying on track there.

**KIRK PENNER:** Thank you.

**ALBRECHT:** Thank you for your comments. Any, anyone have any questions? We have five minutes left between the two of you if you can get it to work.

**KAMI RILEY:** My name is Kami Riley, K-a-m-i R-i-l-e-y. And before I start, I want to share something that broke my heart last year when I attended the State School Board meetings to discuss the health standards. As people were making public comment, there was a large group of young children in their mid to late teens and they all talked about being a member of the LGBTQ community and they would stand up and state why they believe that Nebraska needed these health standards. What struck me and many others that were there was the amount of these children that talked about being suicidal and the pain and the sadness that they had. And it seemed as-- that they were still experiencing this. These kids were angry. They didn't like us. They believed that everyone that didn't agree with them hated them. Every other person I knew that was there speaking on behalf of stopping the health standards loved those kids just like we love our own kids. We don't care if you're LGBTQ. So why is this happening? Who's teaching them we hate them? Let's talk about pronouns, as Kirk just mentioned. I'm going to ask you to remember a few years back. Let's go to when you were six. Pretend you're a six-year-old little girl. Here's the scenario. You're a six-year-old girl. In the first week of class, your teacher explains why his name tag has pronouns on it. And it tells you that even though it-- he tells you that even though you might think he's a boy, that really he's a girl and goes by she/her. The teacher then explains that gender is something you can choose and just because everyone thinks you're a girl doesn't mean you're a girl. So you're a girl who doesn't like wearing dresses or playing with dolls and you'd rather wear your old jeans and play football with the neighbor boy. At the end of the class, the teacher says he'll explain more tomorrow and help you decide what pronouns you'd like to use. So now you think since you really like playing football with the boys, maybe you are a boy. Major confusion for a six-year-old. Do you ask your parents? Maybe they aren't as smart as your teacher and they don't really know if you can choose to be a boy or a girl. Are you scared to tell them? Maybe your mom was yelling at you this morning because you did something wrong. So you decide not to tell your parents. You wait,



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talk to the teacher tomorrow because he's really nice. The next morning before school, Mom tells you to change out of your old jeans and wear the new dress she got you. You have a big fight. Mom wins. Your day is not a-- starting off good. You get to school. You're the only one wearing a dress. You start to cry and ask the teacher what-- the teacher asks, what's wrong? You tell him about the fight with mom and the stupid dress and he says, maybe the reason you don't want to wear a dress is because you really feel more like a boy on the inside. He says, if you want to be a boy while you're at school, then you can pick a boy name and that's what we'll call you at school. Your day is looking up. But what do you do about the next time Mom wants you to wear a dress? You ask the teacher because he's nice. Hurray. He says if Mom makes you wear a dress to school, he'll keep jeans and a t-shirt for you to change into when you get to school.

**ALBRECHT:** That's time. Sorry. We do have your testimony here, though--

**KAMI RILEY:** Yes.

**ALBRECHT:** --to look at it. So I do-- how much time? Are we done? That was time and I know now that we have a few others in line, so I'm going to have to-- do we have anybody--

**RICH RILEY:** The rest of the story is in here.

**ALBRECHT:** OK, but do we have anyone in the other room that needs to come in? Because what we'll do is we'll flip back over to opponents, hear from them, and then you'll have to wait and we'll, we'll swap again. So opponents have to come in. So proponents can, can either go toward the back of the room and you can certainly listen. There-- hopefully, there's not that many left over. We're going to go another hour and hopefully we'll get through everyone at this time. If you want to line up on the side instead of sitting up front, that's the way it's been. So we'll take another three minutes and you can go ahead and get started.

**STEPHANIE SUMMERS:** All right. Thank you.

**ALBRECHT:** LB374 opponents.

**STEPHANIE SUMMERS:** All right, thank you. Thank you, senators of the Education Committee for your patience and for spending this long evening. My name is Stephanie Summers, S-t-e-p-h-a-n-i-e S-u-m-m-e-r-s. I am a member of the David City Public Schools Board of Education and I'm here on behalf of the Nebraska Association of School Boards and I'm testifying in opposition to LB374. Many of the concepts

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within LB374 are championed by school board members and school districts, districts across the state. In fact, for the past 25 years, NASB has maintained a standing position regarding parent involvement, urging boards of education to support partnerships between parents and schools and I passed that up to you today. And in August of 2022, NASB reinforced their support for parent engagement by approving a resolution affirming the multiple ways parents can and should be involved in their child's education. Current state statute, as you know, requires school boards to develop a parental involvement policy and review or revise it annually through a public hearing process. These policies already allow parents to inspect curriculum, attend and monitor courses and assemblies, and provide other pathways for parents to excuse students from testing, classroom instruction or other school experiences. Engaging parents and community members is a priority across the state. At David City Public Schools, we welcome parental involvement through all the previously mentioned methods plus public comment during all of our regular meetings of the board, participation in many community meetings and we encourage parent attendance at assemblies and special school events. As a school board member of 12 years, I've engaged with parents and community members in a variety of contexts. Over the past decade, I have listened to concerns from parents while at the grocery store, at the gas station, school activities, church. I'm sure you understand where I'm coming from. And they have the right to be involved in their parents' edu-- in their child's education. It's important and electing and engaging me as a representative is one way they invoke that right. David City Public Schools has placed a focus on being overcommunicative, from our updated and more user-friendly website to our Facebook pages that post updates on what students are learning and how they're engaging with their teacher and each other. We're proud of our effort engaging parents, involving them in the education process, but we struggle with the percentage of parents who aren't engaged. Also, there's far too great a percentage of parents who disengage from their student's education once they reach middle school. The Nebraska Association of School Boards and school districts across the state want to engage more parents in the educational process. There's a consistent evidence that parental involvement in a child's education has a positive effect on their achievement and social emotional well-being. The 16 pages of new requirements and processes in LB374 will compel classroom teachers to spend hundreds of hours of extra time and school districts to spend thousands of dollars without addressing the more important parental involvement issue: how to help unengaged parents get engaged.

**ALBRECHT:** Red light, sorry.

**STEPHANIE SUMMERS:** Thank you. That was a great starting point, so I appreciate that.

**ALBRECHT:** Very good, very good.

**STEPHANIE SUMMERS:** Do you have any questions?

**ALBRECHT:** Any questions? Seeing none, thank you for being here.

**STEPHANIE SUMMERS:** Thank you very much. Thank you for your time.

**ALBRECHT:** Thanks for your patience and waiting. Next opponent.

**RACHEL BENZONI:** Good evening--

**ALBRECHT:** Yes.

**RACHEL BENZONI:** --afternoon. Members of the committee, my name is Rachel Benzoni, R-a-c-h-e-l B-e-n-z-o-n-i. Let me know if that's too hard to spell. My students weren't able to spell it either. I'm speaking today in opposition to LB374, which has significant government overreach by the state into local control of schools and mandates further costs to unnecessarily regulate publicly available materials and curriculum. The extra pay for even one additional hour brings the minimum per week for a teacher, brings the minimum yearly cost of this mandate to over \$25 million. That is quite the price tag for a bill about transparency. Factual information with which someone is uncomfortable is not a belief. Proponents of this bill presume to know how teachers talk about slavery. So let's talk about slavery. Yes, children will be taught that there were white people who enslaved black people and that there were black people who were enslaved. But if we don't talk about that, we won't be able to talk about who fought against slavery. Why not allow our white children to learn about the thousands of white abolitionists who have campaigned against slavery since its inception and helped the enslaved attain freedom at great personal cost? What about the hundreds of thousands who died to end the institution of chattel slavery or why white legislators introduced and supported Reconstruction amendments or the Civil Rights Act? Why should any parent think that our young white students would not identify with these heroes? Senators, I have known for most of my life what this bill claims to be protecting children from. My parents have had this book in our house since I was ten years old. I understand that learning factual information is protective. As physicians who have taken care of sexual assault and domestic violence victims, my parents understood that ignorance is worse than imagined discomfort or innocence. It is quite clear what this bill is intended to do. It

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pretends to be simply about parents knowing whether-- what their children are learning about, but it will give a small number of parents control over what all children are learning. The sponsor admitted as much in his introduction. Several proponents have admitted they're all, there all-- are already clearly established guidelines to review content they don't understand or find offensive. The language in this bill will have a chilling effect on what was previously open dialogue between parents and teachers, two entities who simply want to have the best education possible for all Nebraskans. Please vote to oppose this bill. Thank you for your time and I'm happy to answer any questions you may have.

**ALBRECHT:** Thank you for being here. Any questions from the committee? Seeing none, thank you for your time. Next opponent.

**ROSE GODINEZ:** Good afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify in opposition to LB374 on behalf of the ACLU of Nebraska. LB374 is an attempt at government censorship. It denies our Nebraska students and public schools of a comprehensive and accurate education. Let's be clear. Having the opportunity to learn, talk and read about the history and cultures of indigenous communities, people of color, the LGBTQ community benefits all students and prepares them for the future. The truth is Nebraska has a history of slavery, displacement of Native Americans, colonization, boarding schools, genocide, bullying/targeting LGBTQ students and censoring them just to name a few. Yes, that's uncomfortable. That's the truth. And telling this nation our state's history accurately does not take away the bright future and inclusive future Nebraska can have. Advancing this bill is not reflective, though, of a Nebraska that wants to retain and attract a diverse student body. Advancing this bill would be political erasure. It is inconsistent with our state and federal legal protections and may constitute unlawful discrimination and also runs against the freedom of speech and right to receive information under the First Amendment. The topics are bills this-- bill would chill our-- often those that reflect experiences of students of color and LGBTQ community. Taking away these discussion topics or books documenting their experiences to students who are already disproportionately ostracized and bullied deprives them of the right to an equal educational experience. It removes the support. It tells students that they and their community are not welcome in school. Additionally, this bill contains many undefined, vague and confusing terms and is contradictory in some sections. Additionally, measures like this that have passed in other states such as Florida, Oklahoma and New Hampshire are currently being litigated by the ACLU in the courts on-- based on First and 14th

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Amendment grounds. We cannot hide from the atrocities of the past for the comfort of some. Systemic racism and attacks on gender identity are not meant to be comfortable conversations, but ones that do advance civil rights and civil liberties. The people of color, the women in this body are the literal living proof of the power of those uncomfortable conversations. Lastly, as the Supreme Court emphasized in the 2022 case of Kennedy v. Bremerton School District, in our schools, learning how to tolerate speech of all kinds is part of learning how to live in a pluralistic society, a trait of character essential to a tolerant citizenry. For those reasons, we urge the committee to indefinitely postpone this bill.

**ALBRECHT:** Thank you for your time. Anybody have any questions from the committee? Senator Briese.

**BRIESE:** Thank you, Vice Chairman Albrecht. Thanks for your testimony here today. You speak of censorship. Does this-- relative to learning materials, does this bill provide parents with anything more than an opportunity to object?

**ROSE GODINEZ:** It provides them with an opportunity to object, correct, but it also gives power to a certain group to then determine what would be allowed in school and not-- or not in school. And that could potentially violate the First Amendment.

**BRIESE:** And when you say that, are you referring perhaps to the library materials?

**ROSE GODINEZ:** Yes.

**BRIESE:** Yes.

**ROSE GODINEZ:** And then there's also concerns on First Amendment grounds based on the conversations that would be chilled based on systemic racism or discussing white privilege, for example.

**BRIESE:** But relative to the library materials, they are to be judged in the context of community standards, correct?

**ROSE GODINEZ:** And we would argue that that's a vague term.

**BRIESE:** OK. Thank you for your testimony.

**ALBRECHT:** Senator Conrad.

**CONRAD:** Thank you. Hi, Rose. Good to see--

**ROSE GODINEZ:** Hi.

**CONRAD:** --you again. Quick question in regards to that very point. And maybe there's some other folks that are going to testify after you, but my understanding is that the materials that find their way into the school library, for example, or into school curriculum are brought through-- brought there through a very deliberate process with educational professionals, with, like, folks that are professional librarians, etcetera. And that there is usually a parent engagement or other stakeholder engagement, each of those, those steps along the way. So I guess one thing that was really confusing to me in the bill actually is the fact that those materials are in the library. Isn't that reflective of existing community standards, that they have educational value? And if a parent thinks that's not the best message or the best material for, for their family, they, they can still have an ability to, to make sure that their child doesn't see that measure. Is that your understanding of things?

**ROSE GODINEZ:** We would agree, Senator Conrad. And additionally, we've even supported some testimony before the Department of Education, for example, on social studies standards.

**CONRAD:** Right.

**ROSE GODINEZ:** And of course, the materials and curriculum themselves would have to match up with social studies standards in, in that regard and it would be similar with other subjects.

**CONRAD:** Great.

**ROSE GODINEZ:** So we would agree parents would have an opportunity before the Department of Education to express their concerns.

**ALBRECHT:** Thank you, Senator Conrad. Thank you for being here. We'll take the next opponent.

**ROSE GODINEZ:** Thank you.

**MARK METCALF:** Good afternoon. My name is Mark Metcalf, M-a-r-k M-e-t-c-a-l-f. I'm a retired teacher living near Sutton, Nebraska. I'm here to address two things: giving parents more influence in our schools and prohibiting the teaching of critical race theory, or CRT. As for CRT, although few, if any, of us in this room have studied CRT, we understand it involves black lives and black history. So here's an observation that was made decades ago, an observation which we should all-- to which we should all give serious thought. Quote, the story of

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the Negro in America is the story of America, unquote. That's James Baldwin. Yes, the history of black people in America has its ugly, brutal aspects, but it also involves people of whom we can be very proud and by whom our children can be inspired. I'm talking about black heroes, of course, but there are some white heroes, too. Who could possibly feel threatened by a serious study of the black experience in America? Only white nationalists. As a member of Nebraska's revered second house, I say to you that this Education Committee must not pursue a white nationalist agenda by prohibiting CRT or attacking any efforts to teach any aspect of black history during any month of the year, not just February. Blocking important knowledge from our children in the name of keeping their world perpetually warm and fuzzy is irresponsible and will add to the unhealthy division in our society. That a form of mandated ignorance is being proposed in an Education Committee is not just ironic, it's absurd. As for parental rights and academic transparency, you have to appreciate the artful use of the word "transparency" as a shroud. This bill is not about transparency. It's about control. Parents who desire maximum control should homeschool their children. If that's not possible, then professional educators should do the teaching. That does not prohibit parents from having meaningful interactions with their children. As you are well aware, we have a teacher shortage in Nebraska. Now along comes LB374 promising more and more micro and macro management of teachers that will repel prospective teachers and drive some of the teachers we do have out of the profession, regardless of the money we wave at them. As someone who taught in Nebraska high schools for over 30 years, I'm used to issuing grades. I'm giving LB374 an F-minus and I recommend that it be held back indefinitely. Thanks for your time and attention and I'll address any questions.

**ALBRECHT:** Any questions from the committee? Seeing none, thanks for being here. Next opponent.

**RACHEL GIBSON:** Good evening, everybody. My name is Rachel Gibson, R-a-c-h-e-l G-i-b-s-o-n, and I am the vice president of action for the League of Women Voters of Nebraska. We are 400 members strong all across the state, volunteer organization getting involved in policy. I would also like to say that some of our members were able to be here earlier but could not testify. And there are also some who couldn't be here that submitted online so I really encourage you to read their, their thoughts in the online comments. Dear Senator Murman and members of the Education Committee, the League of Women Voters of Nebraska strongly opposes the passage of LB374, which provides an explicit outline for parental oversight of their children's education. Since

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the 1960s, the league has championed the cause of equal access to quality education and in 1985, the League of Women Voters of Nebraska enumerated the attributes of an effective school. These include public school curriculum standards that will be-- prepare students for citizenship and incorporation of critical thinking skills into all teaching to develop patterns of active analysis of information rather than passive acceptance of information. The league agrees that parents play an important role in guiding their child's intellectual and moral development and supporting their education. However, the personal preference of a single parent should not jeopardize the ability of a school to fulfill its mission. The bill grants individuals the authority-- individual parents the authority to override the choices of professional teachers, which prevents Nebraska schools from offering an equal education to all students. Empowering parents to review and remove library materials that are meant for all students deprives those in the community who have no objections to the books they may find valuable or instructive. Furthermore, allowing parents to opt their children out of curricular activities and assessments compromises the child's ability to master the content and skills that are outlined in the Nebraska Board of Education state standards, and ultimately their potential for future economic success. For example, Nebraska social studies teachers are responsible for ensuring that students understand past events from multiple perspectives and also gain the skills necessary for civic participation. It is difficult for students to achieve those learning goals if they are denied exposure to ideas that are different than those they encounter at home. Finally, not holding all students to the same standards and requirements to participate fully in a course creates additional challenges for teachers to manage classrooms and an unequal learning environment that disadvantages all members of the class. We oppose this bill because it would undermine the efforts of Nebraska's public schools to offer a high-quality and equal education to all of our students. Thank you. Happy to answer any questions.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here.

**RACHEL GIBSON:** Thank you, Chair.

**ALBRECHT:** Next opponent.

**ABBI SWATSWORTH:** Thank you, Vice Chair Albrecht, Senator Murman and members of the Education Committee. My name is Abbi Swatsworth, A-b-b-i- S-w-a-t-s-w-o-r-t-h. I'm the executive director of OutNebraska, a statewide nonprofit working to celebrate and empower



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LGBTQIA-plus Nebraskans. Most of us believe that all children should have the freedom to pursue their dreams so we must equip every school with the resources to provide an honest and accurate education that prepares every child for the future, no matter their color, identity or background. LB374 creates a censorship state whereby curriculum is shaped not by those who are trained to enhance critical thinking, but by those who wish to erase history and deny the existence of LGBTQ-plus people. You cannot erase whole groups of people and their experiences simply by censoring those topics. Nebraska's educators have the tough job of preparing children for the future and helping them build critical thinking skills they need to succeed. Curriculum should be set by educators. Schools should be a place where young people from different places, races and identities learn to understand the present and prepare for the future. But some politicians now want to censor the lessons young people receive through the guise of parental rights. I would ask about the rights of those parents who do not wish to censor curriculum, who do not wish to censor library books, who do not wish to censor teacher training. Parents who want their children to experience a wide range of views. Parents who trust public schools and well-trained teachers to help their children develop into broad-minded citizens ready to tackle the issues we are facing today. What about their rights? Who decides who is an average parent in these censorship discussions? Nebraska has a very difficult teacher shortage. The number of reported unfilled teaching jobs across the state is up nearly 60 percent over last year. This bill does nothing to address this shortage. Instead, it creates an environment where teachers, librarians and administrators will be placed under undue pressure. This bill does not advance public education. There are many existing ways for parents to get involved with the education of their youth. For parents who want curriculum to exactly match their religious or secular values at home, there are other options like enrolling your students in a religious school or homeschooling them. Because this bill would allow any parent to censor any LGBTQ topic, thereby seeking to erase the existence of LGBTQ students and families, we respectfully ask you not to advance this bill from committee. I'm happy to answer any questions.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none--

**ABBI SWATSWORTH:** Thank you

**ALBRECHT:** --thank you for being here. The next opponent.

**ERIN FEICHTINGER:** Vice Chair Albrecht, members of the Education Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r. I'm the policy director for the Women's Fund of Omaha and we offer our opposition to LB374 because three decades of research demonstrates that comprehensive sex education leads to increased student efficacy and empathy, respect for others and bystander interventions, communication, positive self-image, as well as increased recognition of gender equity and an increased sense of self-control and safety. This research also demonstrated decreased intimate partner violence perpetration and victimization. No matter where we live or what we look like, what parents want most is for our kids to be safe and to get the support they need. When young people get limited information, they have a limited understanding of the world around them, of healthy relationships, of people who have different identities. Parents absolutely have a right to be involved in their child's education, just like any other aspect of their upbringing. However, some groups are trying to use this narrative to force a minority of parents' opinions on everyone else. LB374 assumes that any material containing normal sexual health information should be treated with suspicion when in fact, this material and the context in which it is provided is critical to sexual violence prevention. Not every home is a safe space for young people, but every school environment should be. Sexual violence prevention should begin as early as possible so children learn body boundaries and healthy relationships. Age-appropriate sexual, sexual health programs for second to fourth graders demonstrated significant increases in knowledge of what is an appropriate and inappropriate touch, what to do in an inappropriate situation, and increased knowledge and skill to identify those unsafe situations. If we do not want children to develop this knowledge, we will have to live with the fact that of the 1,592 sexual assault medical exams in Nebraska in 2020, 43 percent were from children under 12 and that we have limited systems in place to prevent child sexual assault. We will have to sit with the knowledge that 25.7 percent of female and 5.9 percent of male Nebraska high school students have experienced sexual dating violence. And we are not only not providing these young people with the information they need to be safe, but we are working to put more barriers in place to them getting this lifesaving education. Limiting access to comprehensive health education will not remediate these problems. The opposite is true. Behavioral outcomes of comprehensive sex education include increased parent-child communication about child sex abuse and when implemented with the group of children known to have been abused, resulted in increased disclosure to a trusted adult. Parents are already afforded the right to exempt their children from classes and programming that

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do not align with their values or what they want their children to learn. Just when young people need quality sex and relationships education more than ever, this bill would limit their ability to get it and we would respectfully urge this committee to oppose this bill. Thank you for your patience and time and I'm happy to answer any questions to the best of my ability.

**ALBRECHT:** --very much. Appreciate it. Any questions from the committee? Seeing none, thank you for being here. The next opponent.

**ANDI CURRY GRUBB:** Good afternoon, members of the committee, Thank you so much for your patience here today to hear us all. My name is Andi Curry Grubb. That's A-n-d-i C-u-r-r-y G-r-u-b-b. I am the state executive director for Planned Parenthood North Central States here in Nebraska. I am also a former health educator in Iowa and Nebraska who taught sex education to adolescents, adults and families using the best practices that supported the engagement of parents and caregivers. Central to our mission at Planned Parenthood is the conviction that all people deserve to live in communities where sexual and reproductive rights are recognized for what they are: basic human rights. Inherent in these basic human rights is the premise that all people, including young people, should have access to medically accurate, nonjudgmental, developmentally appropriate body and relationship-positive, inclusive sexual health education and information. There are several sections of LB374 that, as written, may restrict or chill the delivery of this type of information in public schools. At Planned Parenthood, we know it is important to equip young people with the knowledge and skills they need to make healthy decisions, particularly since 53 percent of the 24 million new cases of sexually transmitted infections in 2020 were diagnosed in young people ages 15 to 24. Currently in Nebraska, each school district determines what types of health education their students receive. Many school districts are silent on the topic of sexual and reproductive healthcare, while others offer curricula that is not inclusive, leans into problematic gender stereotypes, is stigmatizing and incomplete. The Legislature should be working to expand the offerings of the types of scientific, medical, health-based information students need to be successful, safe, responsible adults and partners, not working to further remove or keep mysterious appropriate sexual and reproductive healthcare. On page 5 of the bill, Sections 12 and 13 raise concerns about potential classroom censorship. Section 12 states that parents have the right to expect that teachers will present facts without bias or personal prejudice. Similarly, Section 13 states that parents can expect teachers to resist actions and ideologies that violate individual professional integrity. While on their face, these ideas

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are positive and we would support them, we are concerned that these terms are undefined in the bill and could be used to eliminate or chill any classroom discussion related to age-appropriate sexual health information, as well as inclusive information about sexual orientation and gender identity. The bill also creates a process by which school library materials can be designated as parental review recommended, including materials that are designed to appeal or pander to the parent interest, depict sexual conduct or genitalia, and lack serious literary, scientific, artistic or political values for minors. Again, these definitions are subjective and may result in removing library materials regarding sexuality education and topics related to sexual orientation and gender identity. If we are truly concerned about keeping young people--

**ALBRECHT:** You have a red light.

**ANDI CURRY GRUBB:** Great. Thank you so much. You can read the rest.

**ALBRECHT:** Any questions from the committee? Seeing none, thank you for being here. Next opponent.

**DUNIXI GUERECA:** Good evening, Vice Chair Albrecht, members of the Education Committee. My name is Dunixi Guereca. That's D-u-n-i-x-i, last name, Guereca, G-u-e-r-e-c-a. I am the executive director of Stand for Schools, a nonprofit organization that advances public education here in Nebraska. As we've had a very spirited debate and for, for brevity, I will not be reading my testimony word for word, but I did want to highlight one point. We, we touch on four points, but this, this bill narrows the scope of these parent rights to public schools. As a matter of policy, agree or disagree with this bill, it makes little sense that only public school parents should be provided with these rights and only public school employees should have to shoulder the burden of LB374. You can refer to my testimony if you have any more questions.

**ALBRECHT:** Thank you very much, appreciate that. Any questions from the committee? Seeing none, appreciate you being here.

**DUNIXI GUERECA:** Thank you.

**ALBRECHT:** Thank you. Next opponent.

**MATTHEW GIBSON:** Good evening. My name is Matthew Gibson. Well, I-- I guess I-- in this context. Dr. Matthew Gibson, M-a-t-t-h-e-w G-i-b-s-o-n. I'm the secretary treasurer of the Nebraska Chapter of the American Academy of Pediatrics. So thank you to all members of the

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committee. The Nebraska Chapter of the American Academy of Pediatrics represents pediatric medical providers across the state and is unique among professional medical organizations in that our goal is not to advocate just for pediatricians and our members, but instead to advocate for the health and well-being of Nebraska children. I write today in opposition of LB374. We have specific concerns regarding Section 3, line 7 of the bill, which includes a parent's right to make medical decisions in relation to school education. Specifically, the-- how-- the decision regarding vaccinations and immunizations as provided in Section 79-221. Section 79-221 of the Nebraska Revised Statute addresses a parent's right to refuse vaccinations required for school attendance. Currently, the only-- it's only medical or religious exemptions that are allowed and those require rigorous kind of implementation standards if you look at the law. The Nebraska AAP stands opposed to any legislative change that would loosen the current requirements for vaccine refusal or allow for non-medical exemptions. Childhood immunization is one of the greatest accomplishments of modern medicine and an integral part of our public health infrastructure. School vaccine policies provide direct protection to immunized children and indirect protection to all through the effects of community immunity. It's important to remember that vaccine-preventable illnesses are serious and potentially fatal diseases. It's estimated that for kind of the current cohort of children, routine childhood immunization will prevent approximately 42,000 early deaths. It will stop more than 20 million cases of disease. And that's all while saving over \$13 billion in direct costs and \$68 billion in societal costs. And so school vaccinations serve as a strong incentive for families to immunize their children and receive routine medical care. Public health data show that school vaccine requirements result in a decrease of vaccine-preventable diseases. In states with less rigorous requirements for vaccination, more children are under-immunized and outbreaks of vaccine-preventable diseases are more likely to occur where immunization rates are lower. This compromises the health of both the individual children, as well as the entire community. As pediatricians, we know the parents work in the best interest of their child's medical, emotional and social needs. But in addition to the work of parents, public policy must strive to protect the health of both the individual and the society as a whole. Nebraska's current vaccine policies for schools already serve the best interests of our communities, our schools and our individual children. No change to this law is required or indicated, which is why we stand opposed.

**ALBRECHT:** Thank you. Do we have any questions? Senator Linehan.

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**LINEHAN:** I'm trying to find the right, right way to phrase this. Thank you very much for being here.

**MATTHEW GIBSON:** Yeah.

**LINEHAN:** Appreciate it, especially as late as we're going here. Does the American Academy of Pediatrics have guidelines for what's appropriate for sex education at what ages?

**MATTHEW GIBSON:** I don't know if they have specific-- I, I can't speak to any particular single detailed guideline. They absolutely have a broad, comprehensive policy about the importance of comprehensive sexual education.

**LINEHAN:** But does it come with age appropriate?

**MATTHEW GIBSON:** Well, yes.

**LINEHAN:** OK.

**MATTHEW GIBSON:** From a K-12 standpoint, they have guidelines of how at each individual age group, what needs to be included and overseen.

**LINEHAN:** So if I Google that, I can find it online?

**MATTHEW GIBSON:** You should be able to.

**LINEHAN:** OK. Thank you very much.

**ALBRECHT:** Thank you, Senator Linehan. Any other questions? Seeing none, thank you for being here. Next opponent.

**GINA FRANK:** My name is Gina Frank. I'm here representing myself and not anybody else. I am a regular person. I'm a parent. I'm a former teacher. I'm not funded by a whole bunch of lawyers. I'm not sure where that came from. I'm also a product of homeschooling, of public school, of private school and of a parent who spent a lot of time restricting what I could read. And I am here to ask that you do not forward this bill out of committee. It is a terrible bill. It opens the door to unqualified people badgering teachers and taking away from education time in order to restrict stuff that goes against their personal beliefs from the entire school, from the entire classroom, from the entire district. It-- sorry, my watch is like, are you OK? Yes, I'm fine. I'm testifying. It, it is-- as a former teacher, I, I spent a lot of time in lots of different classrooms. I did a lot of substitute teaching. And the number of times children said my mom is

going to sue you for this, this gives that teeth. Well, I didn't like what you said. And now we're going to sue teachers? I'm sorry, but that's ridiculous. If there is a problem where a law was broken, then absolutely. And public schools already, already handle inappropriate behavior by teachers in inappropriate ways. They already handle that. The idea that parents should have to opt in to education for their children is ridiculous. Surveys are an important learning tool and they are very useful in gauging where your classroom is, where your students are, what they have learned, what they have absorbed, if they need more time to learn something. Do they feel competent in subtracting two-digit numbers from three-digit numbers? If they answer no to that, then we're going to go back and we're going to do it again. We're going to practice it some more. Whether or not they have all the answers right, we're going to make sure that they are confident in that skill and this bill would take away the ability for teachers to ask questions like that. And those are important learning tools and parents should not have to opt in to education. That's why we send our kids to public schools. If I wanted my kid to have a very narrow education, I would homeschool or send them to a private school that, you know, conformed to my narrow ideals. That's why I was homeschooled, because I wasn't allowed to learn about lots of things. And I will tell you that when we went to the library, I picked out all the books and I was like, oh, no, this is historical fiction so it falls within the categories. And I did-- I read all kinds of stuff that my mom would have been horrified about.

**ALBRECHT:** Red light. Thank you. Appreciate your time.

**BRIESE:** She didn't spell her name.

**ALBRECHT:** Oh, I'm sorry. Did you spell your name for us?

**GINA FRANK:** Oh, sorry. Gina, G-i-n-a, Frank, F-r-a-n-k.

**ALBRECHT:** Thank you very much. Thanks for your testimony. Is this our last opponent? Do you see anybody else wanting to speak?

**SPIKE EICKHOLT:** Good evening, Vice Chair Albrecht, members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Education Rights Counsel as a registered lobbyist. You're receiving a copy of my testimony so I'll try to summarize it here. Education Rights Counsel provides education, research and legal representation to family, children and others in the educational system. Our vision is educational equity for every child and our mission is to amplify the voices of the most vulnerable

children by removing legal barriers so that all children can remain in school and succeed. We have-- we are opposed to LB374. Admittedly, our opposition is a bit more nuanced, but at the same time, we do see some real danger in this bill. I talked to Senator Murman briefly last week. I gave him a copy of my testimony earlier this morning so I could elevate some of these issues and I'll mention some of these right now to the committee. We do support the right of parents to be fully involved in the education of their children, but we see some problems with the bill. First, the definition of parent is too narrow. Parent is generally defined as stepparent, bio parent, natural parent. There is no accommodation for those children who are often involved in IEP plans and often often involved in the juvenile court system for educational surrogates such as Heath and Human Services or guardian ad litem or some similar other adult has been designated by the juvenile court or sometimes even in a custody determination. Secondly, the bill-- Section, I think, 1 of the bill provides for some sort of legal conclusion about what is or what is not a violation of Title IV and Title VI of the federal Civil Rights Act. Ostensibly, that's to provide some sort of guidance to schools and teachers, but we would respectfully suggest that that reference is really misplaced in state statute. In other words, if the Legislature wants to say what is permissible or not, they should simply say it, rather than requiring school administrators and school teachers to look these up. Title IV and Title VI of the Civil Rights Act is heavily litigated. It's been nuanced over the years with amendments by Congress and state and federal court interpretation and we would submit it doesn't provide any real guidance. Section 9 of the bill is probably the most problematic. Section 9 of the bill provides for a general prohibition from schools to administer attitude or belief examinations. The definition of learning materials does provide an exception for IEP plans and Section 504 plans for-- and those are particular revised education plans for disabled and special needs students. But there is no similar exception for attitudinal assessments. That is standard when you are working with children who have or could have behavioral type disorders such as depression or anxiety or some other trauma-induced type learning obstacle. We need to know what their obstacles are and what their assessments and their attitudes are with respect to education. The bill further prohibits the keeping and collection of data. And you know from Senator Wishart's bill that we heard the other day, when you're talking about special education services, tracking the data is key. Sharing the data with a private contracting school, for instance, or a private school [INAUDIBLE] is also critical. The bill provides for a four-month notification to parents prior to any sort of assessment being administered. That



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conflicts with federal law, which requires an assessment to be issued within 60 days or when a parent consents to an IEP or an evaluation, if you will, of their child.

**ALBRECHT:** OK, that's a red light.

**SPIKE EICKHOLT:** Thank you.

**ALBRECHT:** But we have all your testimony, so--

**SPIKE EICKHOLT:** Thank you.

**ALBRECHT:** --very good. Thank you. Any questions from the committee? Seeing none, thank you for being here. So we have no other opponents, correct? Do we have any proponents left to speak? Would you please come up front? It looks like you have three left.

**RICH RILEY:** Hi. I'm Rich Riley. Norfolk, Nebraska. I'm a parent. I'm a grandparent. I'm a follower of Jesus Christ and I grew up at a simple time. I thought it was pretty simple. You know, I'm not that old, but I am a grandparent. Seen a lot of things throughout the years and one of the things that I remember the most is, is we taught in school, we, we were-- we were taught in school the simple things; the math, the English, the science, the history. And it was-- you learned both sides of, of everything. I think this bill gets us a little bit back to, to that-- where it should be. You know, I've heard a lot of both sides and I think it's great that everybody has the opportunity to tell their side. I'm a grandparent with mixed race kids and not once did I ever teach them one side or the other. To love everybody is all they're ever taught. And I don't think it's the school's place to tell a child whether they should love or hate one another for whatever reason. It's-- to me, it's just, it's just wrong. We need to go back to, to teaching theories and facts and, and, you know, teach them the good, the bad, and the ugly. I don't think anybody here is about banning books or censorship. I just think they want to do what's, what's right and what's legal. I mean, we all know you can't go to an R-rated movie, but yet we want to teach it in our schools. And I'm talking about kids going to an R-rated movie. If, if our-- if, if, if, as a parent, we want a child to know something that is out of the norm, then we can teach them that at home. You know, if we want to teach them that they can be-- a girl be a boy and a boy be a girl, then, then so be it, but that should be done at home. It shouldn't be the school system that does that stuff. You know, I don't believe in any of that stuff myself because I know it's pretty obvious that a woman--

**ALBRECHT:** Red light.

**RICH RILEY:** --or a man cannot have babies, so.

**ALBRECHT:** Thank you very much for your testimony.

**RICH RILEY:** Thank you for your time. You guys got a hard job.

**ALBRECHT:** Any questions? No? OK, next proponent. Do we have another proponent? Have you, have you already testified?

\_\_\_\_\_ : That was a earlier bill.

**ALBRECHT:** That was the earlier-- you haven't testified on this bill.

**AMBER PARKER:** That was LB673, I think. Did I say the right number?

**ALBRECHT:** You're right, you're right. We just thought we saw you up here before. That's all right.

**AMBER PARKER:** No, that's--

**ALBRECHT:** Go right ahead.

**AMBER PARKER:** OK so I'm here-- A-m-b-e-r P-a-r-k-e-r. I'm here to testify as a proponent to Senator Murman's bill. As Planned Parenthood was here or a representation of them, on their website, it says lots of people masturbate. Even if they don't talk about it, it's common for people of any gender or age to do it. Even before puberty, children sometimes discover that touching their genitals feels good. If you have kids and notice them touching their genitals, let them know that masturbating is completely normal, but something they should do in private. And I would like to note that's who was trying to head and what caused great issues with concerned parents who want to protect their children's innocence in the state of Nebraska. There's a lot of lies. You know, I remember talking with a mother who informed me that Gender Queer was in schools. And I really didn't know what the book was about, but my question is when people say scientific and safe and, and protecting women from sexual assault situations, everybody that has testified as an opponent on this, well, please explain to me then why is there a picture of a child giving an oral sex to a person in that book and that it's been reported that book is, is still in Omaha Public Schools? But then we have Senator McCollister calling people conspiracy, nutty theorists or nutty conspiracy theorists. And that's why LB374 needs to be passed. It brings a transparency. There's no reason that a teacher should know things that a good parent in a

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classroom shouldn't, especially with what their children are being educated upon. It's greatly alarming to me and I want to let people know that there are--- there is an alternative to the NSEA and that's Association for American Educators. To hear a teacher union come up and have a problem that a teacher with any materials that they would have-- would choose to use in their classroom being transparent-- excuse me-- for any person to look at. But then again, there are those that call us conspiracy theorists and want to hide that there are pictures of another child giving another child oral sex that is already in schools. And for the record, Kirk Penner, in a State Board of Education meeting in 2022, had shared that they're-- and read on the record. This is the truth. This is what's going on. We need to know that parents have a right in their children's education. They should not just be an interest to the state nor a nanny state mentality. Thank you.

**ALBRECHT:** Thank you very much for your testimony. Any questions? Thank you for being here.

**AMBER PARKER:** Thank you.

**ALBRECHT:** Any other proponents. Nearing the end.

**BROOKE RITTER:** Hi.

**ALBRECHT:** Hi.

**BROOKE RITTER:** Thank you guys for sticking in there and making sure they got heard. I appreciate that. I'll make this short. My name is Brooke Ritter. I am from Kearney.

**ALBRECHT:** Can you spell your name, please?

**BROOKE RITTER:** B-r-o-o-k-e R-i-t-t-e-r. So recently, I read a couple of books that my superintendent had given me an email about. And the first one I didn't really like, the second one had porn in it. So I asked my superintendent, what do we do about porn? He told me, well, you know, you can have-- you can challenge the book, you can-- excuse me-- you can go through this process. We have a committee. We'll put it together, We'll assess whether or not it's appropriate and we'll get back to you. OK. So then I kept asking more questions like, what's porn? Well, he can't tell me. OK. So you can't tell me what porn is, you can't tell me what inappropriate is. You can tell me that you won't give my child 50 Shades of Grey and Playboy, but you can't tell me why. You can't write it down. You can't tell me anything that will give me the ability to assess whether or not you are doing a good job.

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I don't think that that's acceptable. When I ask a question, I expect to be answered. I am a primary stakeholder. Not only am I a parent, I own a business, I'm a taxpayer, I'm a resident, I am a voter. OK. So they're supposed to be doing what everybody in the community wants them to do, but they're outsourcing how they put books to a third-party vendor, an unaccountable third party, somebody who is as accountable to you as a Amazon review. These are experts. They call this experts. Um-hum, they say that trust the experts, but they're third party, non accountable, not-paid-for reviewers. It's ridiculous. But yet every time that I ask if I can get involved and if parents can be involved, I'm told no. So I don't know how NASB thinks that's patting itself on the back because clearly it's not to a very good job. I was told by my superintendent that the only way to get these definitions was if they change the law. So please, I'd like to know what the word, words that they're using mean. I would like to understand what is being done and I would like you guys to make it happen. Because if you don't, who's going to? Like, I have no other recourse. So thank you.

**ALBRECHT:** Thank you for your testimony. Any questions? None. Do we have any other proponents? Anyone in neutral? Senator Murman, you're here to close. Do we have any letters for the record?

**JACK SPRAY:** Yes, ma'am.

**ALBRECHT:** You have proponents, 194 letters, opponents, 212, and zero neutral online comments.

**MURMAN:** Thank you very much and thank everybody for staying so long. We've got one more bill to, to hear, so I'll be very brief. I thought we had great testimony today on both sides. The intention of the bill, of course, is-- as I said earlier, is not to berate public schools at all. I think most all teachers in our schools have the best interests of, of the students at heart. And, of course, most all parents-- you know, there are exceptions on both sides, but most all parents also have the best intentions of their children at heart. But I think the-- it ultimately comes down to do we trust parents more to teach certain subjects about, about to their children or do we totally trust the schools and don't, you know, demand some transparency and openness about what's being taught? And that's what this bill is all about. And just one question we had earlier. There are 15 states that have a parent's bill of rights law that's very similar to this one. And individual lesson plans are not included in, in being-- in-- mandated to be posted. So with that, I'll take any questions that anybody might have.

**ALBRECHT:** Any other questions? Senator Conrad.

**CONRAD:** Thank you, Senator Murman. Appreciate the opportunity to continue the dialogue. I'll first preface my question, my compound question, my remaining question with just a brief statement. I've served in this Legislature for eight years and 19 days. Today's the 19th day of my third term of service. And I find it ironic that I was subjected to government censorship on a government censorship bill. And I think that's quite unfortunate because it's actually not about me, right? It's about the people that we represent that elected us and have a right to choose their representatives to come and be a part of the process and to have a meaningful opportunity to be a part of that process. You know, at first blush, I would look at this and think like, OK, are we trying to make a point here? Is this a serious measure that's being moved forward? And I see, as I'm doing my homework and my due diligence, as I always try to do-- I fall short sometimes, but I try my best to, to be up to speed on the issues-- that we have 13 out of 49 members of the Legislature signed on to this bill. That's just shy of 30 percent of the Legislature, representing almost 520,000 Nebraskans across the state. So that's a flag to me that I need to take this measure very, very seriously. And I did. Doing my homework, recognizing that similar measures have been-- have subjected states to costly, lengthy civil rights litigation. And you know well from your service that if any measure is unclear, vague or ambiguous, we look to the legislative record and the legislative record is transcribed. And that's critical to letting the public know that the Legislature doesn't speak with one voice on an issue. It's also critical if litigation comes forward for a court to do their job in evaluating whether or not a legis-- a piece of legislation is lawful or permissible. So I know it may seem like an annoyance to members to have to be subjected to about 20 minutes of questions on a 16-page bill that throws away a 30-year framework of parental involvement and public transparency under state law. And that encompasses very important and very complex issues in this measure that you've brought forward, from the First Amendment to transparency to religious freedom to academic freedom that subjects various entities to civil penalties, that raises critical issues about our history and racial justice and sexual health and health curriculum. There's additional components related to public health. There's additional components related to open records of open meetings, censorship, and employment law. I didn't ask dilatory, dilatory questions before I asked serious questions on behalf of my constituents that are important to this hearing and important to the job that we do together. And I-- one of the reasons I ran for the

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Legislature, because I was so saddened by the tone and the divisiveness in our politics about how much time and emphasis was placed on divisive social issues that seek to, I think, tear us apart in society and in these august institutions. I know we have different priorities, perspectives, different solutions to the challenges before us, but that doesn't mean that we hate each other. That doesn't mean that we tear each other down. That doesn't mean that we tear down our institutions along the way to advance our personal ideologies. I think that we can and we should do better together. And I'm here to be a constructive part in that dialogue. Senator, my questions to you before I was cut off-- and you're welcome to answer it or defer to another time, but how do you anticipate that schools will be able to teach about the Civil War, the Holocaust, slavery, Jim Crow, redlining, Japanese internment, the Oklahoma City bombing, the January 6th Insurrection, the Indian Removal Act and the Trail of Tears as a few examples without regard to race, national origin or ethnicity? You're free to answer.

**MURMAN:** Yes, all of those subjects will continue to be taught in our schools, as they have been in the past, will be in the future. But the difference is that those problems will not be portrayed as a result of or because of a person's skin color at this time. So white people won't have the collective guilt for something that's happened in the past and black people won't feel a certain way because of things that happened in the past because of the-- it's all because of the color of their skin. So the race, you know, is definitely involved in all of the things you talked about.

**CONRAD:** Right.

**MURMAN:** But the race won't be the-- because of the person's skin color now, won't be-- person won't be blamed for something that's happened in the past because of their skin color. Nothing will be portrayed to a person solely because of their skin color.

**CONRAD:** OK, I'm not quite sure. I'm following the response, but I appreciate the response.

**MURMAN:** So racism is-- in other words racism is illegal.

**CONRAD:** OK. And many testifiers talked about this and then you had an opportunity to address it in your closing again. I was confused about the intent for the legislation was to bring transparencies to all aspects of teaching, right, and the materials used to support

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teaching. But can you tell me then why you did exempt individual lesson plans?

**MURMAN:** I'm not 100 percent sure why that's exempt, but I suspect it-- we didn't want the bill to be too difficult to manage by schools--

**CONRAD:** OK. Thank you very much, Senator.

**MURMAN:** --and teachers.

**CONRAD:** Appreciate it.

**ALBRECHT:** Thank you, Senator Conrad. Any other questions for Senator Murman? Seeing none, that will conclude LB374.

**MURMAN:** Thank you. And we will now open the hearing on LB71. And we'll ask that if you're exiting, exit very quietly. And we will welcome Senator Sanders to introduce.

**SANDERS:** Good evening, Chairman Murman and 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 am introducing LB71 to update our parental involvement academic transparency statute. I'd like to thank Senator Albrecht, Senator Briese, Linehan, and Murman for cosponsoring this bill. For context, last year, I introduced LB1158. From October 2021 and throughout the committee process, our office developed this concept and input from the Nebraska Association of School Boards, the Nebraska Council of School Administrators, the Nebraska Student Educators Association, the Nebraska Rural Community Schools Association, the Nebraska Department of Education and the Education Committee. We made several compromises before bringing it to the hearing. We worked with the committee to make further changes and the bill passed the committee with no votes against. Despite its statutes as a personal priority bill, the Legislature ran out of time to discuss the proposal on General File for LB71 for-- General File on LB1158. LB71 is an exact replica of the bill that passed the Education Committee last year, as amended by the committee. LB71 is a reasonable, common-sense update to a 30-year-old statute that aims to clarify and strengthen the essential bond between parent, child and school. As currently in statute, school districts are required to create a parental involvement policy detailing the parent's right to access and the district's effort to involve parents in school. There is an annual hearing over this policy for every school district. While the bill is short, there are several parts so I will list them out.

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The bill provides clarity in places of ambiguity. LB71 also modernizes this statute to account for technology advances. We update some terminology, such as adding the word "guardians" where appropriate. There is a disclaimer to account for the federal Family Educational Rights and Privacy Act of 1974. LB71 guarantees that the annual hearing for the policy includes public comment. On page 4 of the bill, we ensure that this policy is prominently displayed on each school district's website. We codify in state law the federal Title 20 provision that allows parents and guardians access to learning materials and other materials. Finally, we add enforcement mechanism. I want to clarify that this mechanism, mechanism does not take money from schools. That was true for the earlier draft, but LB71 instead uses accreditation as the mechanism. This bill is designed to empower local control. Each school district decides how to address these issues. LB71 simply requires them to set a policy stating their process. This bill is designed to let parents know that they can work with their local school board to create an academic community that is transparent and effective for parents. Last year, I introduced LB1158, just six or so months after the State Board of Education developed health standards that generated an intense debate. This bill was never meant to respond to those drafts, nor does it mention or target critical race theory, gender or other hot-button issues. Former Commissioner Bloomstedt identified, and I quote, a crisis of confidence is in our system in light of the standard debate. But it is my hope that LB71 can play a part in restoring that trust. I am proud to work-- I am proud of the work our office has done on this bill. I am thankful for the time that the stakeholders and this committee has committed to improve this bill. It has come a long way from the first draft and for the better. I want to thank hundreds of Nebraskans that have supported this proposal since the introduction last year. Thank you for your time and I welcome any questions you may have.

**MURMAN:** Any questions for Senator Sanders at this time? Senator Walz.

**WALZ:** Thank you, Chairman Murman. Thank you for bringing this bill. And I do remember trying to get this through last year. Can you just remind us of maybe a few of the people who helped you with this bill and who vetted this bill, if you remember--

**SANDERS:** Last year.

**WALZ:** Yeah.

**SANDERS:** Well, we go back in this-- in my statement earlier, they were part of that from October '21. So the Association of School Boards and



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the Nebraska Council of School Administrators, the Nebraska Student Educators Association, the Nebraska Rural Community Schools Association, the State Department of Education and the Education Committee.

**WALZ:** OK. All right, thanks a lot.

**SANDERS:** Thank you.

**MURMAN:** Any other questions? Senator Conrad.

**CONRAD:** Thank you, Senator Murman. Appreciate it. Thank you, Senator Sanders, for reintroducing this measure. I've had a chance to review it and remember following it in the past and appreciate all the stakeholders that have been working with it, with you and in good faith to try and update these policies. I, I think that it's undeniable that there is frustration across the state and across the political spectrum for different reasons with entities of government being unaccountable to their citizenry for the decisions that they make utilizing our resources as taxpayers and in our name. I have been a constant, consistent defender of our open meetings, our open record laws, worked with Senator Albrecht on some of those measures, have more measures pending this year in our Government Committee that will take up. I see this really is part and parcel with a lot of the issues that I'm hearing about and seeing in, in my district and my work as well. So I am open minded about this proposal and want to learn more about it. I do think it's more narrowly tailored to try and provide a logistical opportunity to update our laws and encourage more transparency without perhaps engaging in the turmoil related to some of the hot topics that are out there. It's more viewpoint neutral, which I think is an important facet. So I'm looking forward to the, to the hearing and thank you for bringing it.

**SANDERS:** Thank you.

**MURMAN:** Any other questions for Senator Sanders? If not, thank you very much. We'll ask for proponents to LB71 to come forward. Hello.

**ROBBIE ADAMS:** Hi. Thank you for this opportunity to testify. My name is Robbie, R-o-b-b-i-e, Adams, A-d-a-m-s. And I forgot to mention before, I'm from Papillion. I support LB-- oh, I want to say I have crossed out a bunch of this to make it very succinct because it's only tonight. So I support LB71. With this bill, each public school would be required to adopt a policy that furthers the rights of parents and guardians to access their child's testing information and curriculum.

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I want to share an anecdote because it is true. This bill would help solve a problem that I found several years ago that involved a graduating senior at a Papillion high school. A close friend who worked at a Nebraska state agency called me in tears about her son who would graduate that spring. She had just found out that her son's reading ability was at a low second-grade level and could I help her? I gave her resources that she could use with her son to remedy the educational malpractice of passing a child repeatedly who could not read. And yes, her son was a star athlete. This bill would have given my friend the ability to get transparency about her son's tests and may have helped her find out, find out way before her son's graduating year that there was a big problem. So I, I just urge you to support LB71. Thank you.

**MURMAN:** Any questions for Ms. Adams? Thank you very much. Good evening.

**STEPHANIE SUMMERS:** Good evening again. Thank you to Senator Murman and all the senators of the Education Committee. Again, my name is Stephanie Summers, S-t-e-p-h-a-n-i-e S-u-m-m-e-r-s. I am still a member of the David City Public Schools Board of Education and I am testifying on behalf of the Nebraska Association of School Boards and David City Public Schools. I'm also a mother to three daughters who attend David City Elementary and High School. Many, if not most, of Nebraska's 1,700 locally elected school board members are also parents and I can personally speak to my board in David City, where all six of our members are parents. Curriculum standards and parent involvement within the district are extremely important to all of us. I would like to thank Senator Sanders for her willingness to work with the educational community last year on making LB71 workable for districts in the state. We are happy to support her in a shared priority of involving parents and guardians in the educational process. As you are aware and I testified earlier, current state statute requires Nebraska school districts to have a policy related to parental involvement and to review annual, annually through a public hearing. That said, engaging parents is something we strive for year round. Through these parental involvement policies, school board members, administrators and teachers show the district's commitment to fostering and facilitating parent engagement in the education of their children. LB71 makes reasonable, effective changes to the parental involvement policy requirements. It allows districts to review and revise their current policy to meet the new standards. The Nebraska Association of School Boards and schools across the state encourage parents to engage with their public school by volunteering in the classroom and doing many other things related to their child's education. They have a

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newly adopted resolution from last summer and I handed that earlier, my, my testimony. So we support LB71 and we thank Senator Sanders for working with us over this last year.

**MURMAN:** Do we have many questions for Ms. Summers? Thank you very much.

**STEPHANIE SUMMERS:** Thank you so much.

**KYLE MCGOWAN:** Good evening, Chairperson Murman and members of the Education Committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n, and today I'm representing the Nebraska Council of School Administrators, NRCSA, STANCE, and GNSA. And I promise to try to leave you alone for as long as I can in the next few days anyway. We appreciate Senator Sanders. I think she was particularly modest and one of the groups that she didn't mention that she had spoken to were parents. When we first met with her, she shared her very legitimate concerns of which we heard in earlier testimony-- which, by the way, I was glad I listened to all of that. I appreciated the previous testimony and certainly learned a couple of things. Senator Sanders' bill strengthens the current parental involvement law by assuring parents have access to all curriculum activities as well as training materials for staff. It also requires policies that must address parents' request for their children to be excused from specific activities. The policies describe opportunities for-- must have opportunities for public hearings and public comments. Public schools shall make efforts to make learning materials available for inspection by parents. Policies must be kept current and prominently displayed upon the district's website. We would suggest, as we looked at this with some of our school attorneys, to make mention of not violating-- or legal protections for schools for not violating intellectual property and FERPA rights. So we, we thank Senator Sanders. We particularly appreciate the work, which was many hours of putting together something from Nebraska, as opposed to maybe taking something from another state. So thank you very much and I'd be happy to answer any questions.

**MURMAN:** Any questions for Mr. McGowan? Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. You said you'd make mention attorneys not violating property rights.

**KYLE MCGOWAN:** Not, not property rights-- intellectual right, intellectual property rights, so--

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**LINEHAN:** Isn't that the concern with the surveys that we've heard so much about today, that they couldn't get a hold of them because they were intellectual property?

**KYLE McGOWAN:** I'm not sure what you're referring to. My suggestion, which is-- that's all it is--

**LINEHAN:** OK.

**KYLE McGOWAN:** --is that if Scott Foresman has some sort of test that they give or something that they have developed and we're sharing that with parents, somehow we don't get sued by that company for sharing their copyrighted materials.

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

**MURMAN:** Any other questions for Mr. McGowan? Thank you very much. Other proponents for LB71? Proponents.

**TIM ROYERS:** Good evening, members. I was very naive when I wrote my written remarks, as I started with good afternoon. I should have known better and put good evening at the start of my testimony for LB71. But good evening, members of the Ed Committee. Again, for the record, my name is Tim, T-i-m, Royers, R-o-y-e-r-s. I'm the president of the Millard Education Association and I am speaking on behalf of the Nebraska State Education Association in support of LB71. NSEA recognizes that in many ways, LB71 is about modernizing several state statutes that already exist to better align that language with the realities of what education looks like in the 21st century. For example, the bill's modification of 79-532 to also include digital materials, websites or applications is right in line with an NSEA resolution that we have had since 2015 that calls for greater cooperation between educators and parents and guardians in monitoring how our students use digital resources. This is a very reasonable update to existing statute to help give parents and guardians the assurance that their child's school will continue to be open and transparent when it comes to instruction and activities taking place in the building. And I'm saying that not just as a career educator, not just speaking for the NSEA, but also as a parent of a seventh grader and a third grader myself. In addition to the reassurance of transparency and accountability, this bill helps promote the best practices of open communication with home about what is happening at school. Throughout my career, I made it a point to provide as many opportunities as possible to inform and include parents in what is happening in my classes. I hosted additional parent information nights

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beyond the required open house. I always made sure to send out weekly emails. I found that especially for my advanced placement history classes, these were critical culture-building pieces for an effective classroom. Parents are able to better reinforce strong study habits, encourage attendance, help students manage those stressful periods around big, you know, big grades and assessments if they're continuously informed about what's happening in their child's classroom. So not only do we feel this bill aligns with a number of NSEA resolutions that reinforce the importance of parental involvement, I have seen firsthand throughout my career how open transparency and communication with home helps improve student learning. Although the NSEA has taken a position of support, we do ask that this committee consider striking the language covering training materials for staff. We believe this goes beyond the intended scope of the existing statute. Professional development should not be held to the same level of scrutiny as the classroom activities and content. That level of scrutiny goes beyond building partnerships. And while I have certainly gotten a lot of requests for information over the course of my teaching career, I can confidently tell this committee that I have never once in 16 years received a single email asking for information on the training materials that I've received as a teacher. With the elimination of that component, we feel LB71 really gets back to the core of what I believe it intends to be; a reasonable update of existing statute that encourages best practices and transparency. Thank you for your consideration.

**MURMAN:** Any questions for Mr. Royers? If not, thank you very much.

**TIM ROYERS:** Thank you. Have a good night.

**MURMAN:** Any other proponents to LB71?

**NATALIE GUNTHER:** [INAUDIBLE]

**CONRAD:** Ms. Gunther, I think there's--

**NATALIE GUNTHER:** Oh, yeah. I guess I would just like to address one of the things that hap-- the conversation that-- I'm Natalie Gunther, sorry. N-a-t-a-l-i-e, Gunther, G-u-n-t-h-e-r. In being involved last year and the particular-- one of the sessions that-- one of the professional development sessions that LPS held was by a transgender inspirational speaker who was not a clinician. I, I looked them up and they did not have any official licenses or certifications, yet they were teaching clinicians, school counselors, nurses, staff about how transitioning works and how to be transgender and things of that

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nature. There were some concerning comments that were made that I heard out and about. And I had a nanny at the time who was in that session and I said, hey, what was going on? How was it? She said, I was very confused about some things and not very-- like, it was just kind of a strange session. And I said, what about this comment that they said, well, it's sad that our kids aren't having more sex-- how was it-- more sex? And because they're not getting their psychosexual needs met. It was a big to do. We-- that's partly what Liz Davids was talking about in asking LPS for information and we just got stonewalled and they wouldn't-- they could not produce any materials. They could not produce any evidence to or from about this particular incident, which would have been a criminal activity had they been suggesting kids have more sex. And so to me, that's one of the pure examples of wanting to have a little bit more content and transparency that they couldn't even produce this information about a session that was had.

**MURMAN:** Thank you. Do we have any questions? If not, thank you very much. Any other proponents for LB71?

**JAMES MCKENZIE:** Still four minutes?

**MURMAN:** Yes.

\_\_\_\_\_ : Three minutes.

**JAMES MCKENZIE:** OK.

**MURMAN:** Three minutes, actually.

**JAMES MCKENZIE:** Huh?

**MURMAN:** Three, three minutes. Two and then you'll get the yellow light.

**JAMES MCKENZIE:** My name is James McKenzie, J-a-m-e-s M-c-K-e-n-z-i-e. I generally support LB71. I have a concern. LB71 repeats a longstanding requirement for the parent involvement policy hearing annually. I believe that the enforcement of the required parent involvement policy annual hearings should be left up to the local county attorney with the penalty of a misdemeanor for noncompliance rather than by the community-- Commissioner of Education as stipulated in LB71. I think especially in small-town Nebraska, people who are concerned about noncompliance would more easily approach their local county attorney than-- rather than someone 100 miles away. In regards to the required annual hearings, years ago, longer than I care to say,

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as a school board member, I attended a conference where I asked a group of board members from other districts why they did not hold the hearings. And I was told simply because there's no penalty. Again, years ago. At my request, the then Senator Mike Foley surveyed 118 schools regarding compliance with the hearing requirement. The results showed very poor compliance and I can supply detailed and complete numbers and documents. They're available-- anyway, Senator Sanders' office. There were legal issues that the survey revealed that there were problems with-- I'm not going to list them, time limit. I've watched the local public notices and don't see evidence that things are much different. The parent involvement policy hearings are a great way for parents to become informed and involved. What good is the law if not well enforced? I think the local county attorney should be the one involved in enforcement rather than the Commissioner of Education, who is often a long distance away, who would have to keep track of 250-plus school districts and who wouldn't likely be personally known with anyone concerned with this issue and would be more likely to be influenced by political pressure. OK. Some legal issues that the survey bill brought to light that, that was done. I wanted to do a one-- I was going to approach a senator and do all this next year, but here we are with LB71. So I wanted to have another survey done. It's too late to ask for that now. But the other survey, the older one, revealed some legal issues like minutes of the hearing not being published, combining the hearing within regular meeting-- board meeting, taking action during the hearing rather than a board-- the regular board meeting. And, of course, many, many not having had the hearing at all. So a generous estimate of the 25 percent who did respond to the survey--

**MURMAN:** Could you wrap it up, please?

**JAMES MCKENZIE:** OK.

**MURMAN:** Any questions for Mr. McKenzie? Thank you. Any other proponents for LB71? Any opponents for LB71? Good evening.

**JOE KOHOUT:** Good evening, Chairman Mmrman, Members of the Education Committee. For the record, my name is Joe Kohout, J-o-e K-o-h-o-u-t, appearing tonight on behalf of our client, the Omaha Public Schools. Dr. Shavonna Holman, a member of our board of education, had intended to be here to testify tonight, but unfortunately, two things happened: your hearing spanned a little long this afternoon, and then simultaneously, the board is in, is in an emergency meeting tonight. So I have passed out a copy of her testimony that she intended to give to the committee. I would note her con-- the, the legislative

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committee identified three concerns that are in the second paragraph. I don't think these are, are over-- are fatal, but the-- they're-- three things are the use of the word prominent on our website-- on the website. We already have a lot of material with a district the size of 52,000 individuals, 8,500 staff. Our website is-- has a lot of material already on it. We're concerned about the sort of the, the, the term "prominent" being used and what does that mean. The second is the, the requirement of training materials to teachers, administrators and staff procedures for the review and approval. That, that raises a concern among our legislative committee. And then finally, the potential cost. Those are the three things that Dr. Holman was going to raise with, with you tonight. So I apologize that I'm not Dr. Holman, but I will try to answer any questions that you might have.

**MURMAN:** Any questions for Mr. Kohout? Senator Linehan.

**LINEHAN:** Thank you very much for being here and staying late. So in this second paragraph, down just-- one, two, three, four, five, six lines from the--

**JOE KOHOUT:** Two, three, four.

**LINEHAN:** For the review and approval of training materials, learning materials and activities may have unintended consequences of discouraging districts from providing any training to teachers that could be perceived by parents and families as objectionable.

**JOE KOHOUT:** I-- and, and Senator, again, that-- what I would say is the concern that was raised was do districts retreat from those trainings that might be necessary because they're concerned about a perception that they would be objectionable in the greater-- in the-- upon review by, by folks. So that, that was the concern that was raised.

**LINEHAN:** OK. Thank you.

**MURMAN:** Any other questions? I have one. An earlier testifier said that training material, that had never been asked for before. Had-- a parent had never asked for training material for teachers before.

**JOE KOHOUT:** Correct.

**MURMAN:** I think that's what you're referring to.



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**JOE KOHOUT:** Yeah and it's because it's included in, in the, in the bill. So that, that was the concern that was raised upon our "leg" committee looking at it.

**MURMAN:** OK. Thank you.

**JOE KOHOUT:** Um-hum.

**MURMAN:** Any other questions?

**JOE KOHOUT:** Thank you.

**MURMAN:** Any other opponents to LB71?

**RACHEL GIBSON:** Good evening again. My name is Rachael Gibson, R-a-c-h-e-l G-i-b-s-o-n, and I am the vice president of action for the League of Women Voters. I am handing out our, our letter written on this. I won't go through the whole thing. I-- the one piece I want to highlight about our opposition to this is the section that talks about accommodating parental requests. The change of the language from handle to accommodate is slightly concerning to us and we'll share why. By accommodating that, it's allowing outside adults to potentially join in an instructional setting. It could jeopardize freedom of speech, but also it's just bringing another person potentially into a room with other people's children. So that is our biggest concern is just this shift of the handle or review or that type of thing to, to the requirement to accommodate. So that's our one, our one big concern with it. So I would be happy to answer any questions.

**MURMAN:** Thank you. Any questions? Thank you very much.

**RACHEL GIBSON:** Thank you.

**MURMAN:** Other opponents? Good evening.

**KAMI RILEY:** Good evening again. Kami Riley, K-a-m-i R-i-l-e-y. I want to thank Senator Sanders for bringing the bill last year and again this year, but I want to tell you why I oppose LB71. It doesn't go far enough. I've heard today how there's already a framework in place for transparency. I believe Senator Conrad had mentioned that. And schools already have, have to have a transparency policy in place, which I know the school that I am familiar with does have that policy. The, the problem is the policies are vague and the schools are not being held accountable to provide that information. They, they make it very difficult. At Norfolk Public Schools, it's not easy for a parent to

see a curriculum. As one person stated earlier tonight-- today, they had to go to school and it took hours of their time where they had to take time off work. And it took three hours or so for them to take that time and looked that up. How many parents can do this? I mean, logically, parents are working and look at the parents that have-- or kids that come from single, single working moms. If the curriculum was online for viewing, it would make it so much easier. So what's the reason for making it so difficult for us parents or grandparents to view what our children are learning? It doesn't make sense. It doesn't make common sense to me. Seems like secrets are being kept from parents. We've heard that a lot today, that schools are keeping secrets from parents. This is what your people have told you. Something has to be done about that and I don't think that LB71 will do what it needs to do. It will not hold the schools accountable. They're already not doing what they're supposed to be doing per their policies. What will change? I don't see that there will be a change. So given the choice between the two bills, both being good bills and having good intent, I think we need to decide which is the best way to go. And I hope that you choose LB374 as the one that will make the biggest difference and help with this huge problem of transparency with parents. Thank you

**MURMAN:** Any questions for Ms. Riley? Thank you very much. Any other opponents to LB71? Anyone wish to testify in a neutral position for LB71? Good evening.

**JACOB CARMICHAEL:** Good evening. Sorry, this one's on my computer because I edited my testimony a little bit. Good evening, Senator Albrecht and members of the Education Committee. My name is Jacob Carmichael and I am neutral on LB1-- LB71, sorry. Academic transparency is important, but as we are-- but as we see through current legislation and prior testimony--

**MURMAN:** Excuse me, could you spell your name?

**JACOB CARMICHAEL:** Yes, sorry. J-a-c-o-b C-a-r-m-i-c-h-a-e-l.

**MURMAN:** Thank you.

**JACOB CARMICHAEL:** Academic transparency is important, but as we see through current legislation and prior testimony, this transparency largely exists. Scanning, uploading and receiving feedback from dozens, if not hundreds, of parents for every single worksheet, activity and piece of material is too much to ask of teachers on top of their already strenuous job and this bill assumes the worst of

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them. This committee should not be focused on culture wars around education and defunding our public schools. It should be making sure that students across rural Nebraska have access to close schools with a great education full of diverse ideas. It should be funding schools in north and south Omaha to have up-to-date textbooks and equal opportunities to their peers a mere 15 minutes away. I urge the senators to reprioritize and focus on the actual issues our education system is facing. Additionally, because it came up again, the issue of transgenderism, radical gender ideology and how preferred pronouns is a scapegoat for all of that. I have a degree in linguistics and I would like to additionally testify that pronouns are a natural part of the English language. They're a natural part of every language. The singular "they" has been around since Shakespeare. It's used in Shakespeare. It's used in everyday speech. If you don't know the gender of a person, you go, oh, I don't know them. Or oh, I saw them walking into the store and I didn't know what they were wearing. It's easy. We all do it. It's a simple cover. You-- and I'm not going to say the idiom, but we all have heard it about why it is better to ask rather than assume. That is all that preferred pronouns state. I have submitted to-- Senator Conrad, I sent you a more detailed table from a linguistics perspective. But if the senators and proponents of this bill are simply opposed to the existence of LGBTQ+ people, I urge them to be transparent and not use such an easily explainable elementary English level cover. Thank you.

**MURMAN:** Any questions for Mr. Carmichael? If not, thank you very much. Any other neutral testifiers for LB71? If not, Senator Sanders, you're welcome to close.

**SANDERS:** To close, I stress that this bill has no curriculum requirements. It does not tell schools what to teach. It does not tell districts how they should be transparent. This bill only requires that school districts have a policy outlining how they will provide transparency, the public input can be given and that the policy be made public. And I want to thank all the teachers, educators and parents who helped put this together. Are there any questions?

**MURMAN:** Any questions?

**CONRAD:** Just one, just one and not compound, simple.

**MURMAN:** Senator Conrad.

**CONRAD:** Thank you, Chair Murman. Thank you, Senator Sanders. Just wanted to touch base about-- on page 2, the policy., I think, that you

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envision in the legislation also has a request for when the child needs to be excused from specific instruction or activities. I-- happy to work with you and have a longer conversation. Maybe not at 7:30 at night or maybe tonight if you're so inclined. But I just wanted to understand is that related to the opt in/opt out for controversial curriculum measures or is that part of kind of a broader issue related to maybe absenteeism or truancy and kind of how maybe the opt out relates to the truancy issue?

**SANDERS:** Correct.

**CONRAD:** Which I'm very deeply concerned about and how that's being weaponized against parents and families as well, but I just-- that caught my eye and I just wanted to, to talk a little bit about that.

**SANDERS:** Happy to work with you--

**CONRAD:** OK

**SANDERS:** --some time in the morning. But we try to keep that very narrow and keep the parents that might--

**CONRAD:** OK.

**SANDERS:** --have concerns so we can wordsmith that, keep--

**CONRAD:** OK.

**SANDERS:** --keep that.

**CONRAD:** Great.

**SANDERS:** I'm happy to work with you.

**CONRAD:** Thank you so much.

**MURMAN:** Any other questions for Senator Sanders? And I should add, we had 45 proponents online and 37 opponents. Any other questions for Senator Sanders? If not, I think everyone's ready to go. Thank you very much.

**SANDERS:** Thank you very much.

**MURMAN:** That will close the hearing for LB71. Good evening every--