

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee March 21, 2023  
Rough Draft

**MURMAN:** Education Committee public hearing. My name is Dave Murman. I'm from Glenvil, Nebraska, and I represented District 38. I served 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 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 e-mailed 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 proceeding, I ask that you abide by the following procedures. 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 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 3 minutes. If necessary, we will use the light system: green at 2 minutes; yellow, one minute remaining; red, please wrap up your comments. 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 you testify clearly. I'd like to introduce committee staff. To my immediate right is legal counsel, John Duggar, and also to my right at the end of the table, is Sherry [PHONETIC] and Shelley. They are tag-teaming today. We, we welcome Shelley back. She's been out for a while. The committee members will-- with us today will introduce themselves, beginning in my far right.

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

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

**ALBRECHT:** I am Joni Albrecht, District 17, Wayne, Thurston, Dakota, and a portion of Dixon County.

**WALZ:** Good after-- oh, I'm sorry.

**ALBRECHT:** Go ahead.

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

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

**WAYNE:** I'd like to thank the Chairman for starting the hearing late, so this is the first time I get to do this all year. My name is Justin Wayne. I represent Legislative District 13, which is north Omaha, in northeast Douglas County.

**CONRAD:** Good afternoon. My name is Danielle Conrad. I proudly represent north Lincoln's "fightin' 46th" Legislative District.

**MURMAN:** And I'll ask the page to stand up and introduce themselves and tell us what they're studying and where they're studying.

**TRENT KADAVY:** Trent Kadavy, studying political science down at the University of Nebraska-Lincoln.

**AUDREY FLAKUS:** I'm Audrey Flakus, studying political science and criminal justice at UNL, too.

**MURMAN:** Thank you. Please remember that senators may come and go during our hearing, as they may have bills to introduce and other committees. Refrain from applause and/or other indications of support or opposition. For our audience, the microphones in the room are not for amplification, but for recording purposes only. And with that, we will begin with an appointment. Is Dan O'Neill here? The appointment is to the Nebraska Educational Telecommunications Commission. Good afternoon.

**DAN O'NEILL:** Good afternoon, Senator Murman and members of the Education Committee. My name is Dan O'Neill, D-a-n O-'-N-e-i-l-l. I am a resident of North Platte, Nebraska, and I am honored to be nominated for the Nebraska Educational Telecommunication Commission. I am a

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business owner. My family owns and operates Kwik Stop convenience stores, a chain of 27 stores with our corporate offices based in North Platte, Nebraska. I'm involved in a lot of community activities. I'm currently a member of the Mid-Nebraska Community Foundation, member of the Great Plains Health Board of Directors, Noon Rotary. And then in statewide organizations, I am a, a member of the Museum of Nebraska Art Board of Directors, MONA, based out of Kearney, and the University of Nebraska, a trustee, very active with the University of Nebraska at Kearney Alumni Foundation and also, the University of Nebraska Medical Center Board of Counselors. That's, that's a lot of organizations and, and it's because I am blessed and fortunate to have very good employees and a very supportive family. I served on the Nebraska Public Media, NET Foundation board, for six years. It's always been dear to my heart. Again, I think that that is truly an organization that ties the whole state together and I really enjoyed my time on that. So when Mark Leonard approached me and, and asked me about-- suggesting that, that perhaps I could serve on the, on the commission, I was, I was honored, again, to be, to be nominated for that. And that's about it, I guess, as far as I'm-- I don't know if there's any questions?

**MURMAN:** Thank you. Any questions for Mr. O'Neill?

**DAN O'NEILL:** Yes.

**MURMAN:** Yes, Senator Walz.

**WALZ:** Thank you, Chairman Murman. You, you must have a very supportive family because you are a busy man. I'm just curious about your passion. Like, if there were some things that you wanted to do or some goals that you had on this committee, what would it be?

**DAN O'NEILL:** I think-- you know, one of the things and I've always used this joke when I was with the foundation. I'm kind of their token capitalist pig. You know, when I was-- first went on the foundation board, I kind of had a perception of what I thought NET was. And I just think that NET is a, is a great organization. They're great stewards of any moneys that are given to them and it really does tie the state together. I think whatever your political opinions are, left or right, I do think that they do a very good job of, of presenting an unbiased opinion. And, and I think that's obviously, very difficult in this day and age, as polarized as we are, politically. Obviously, you know, the, the volleyball, the state basketball, all that speaks for itself. You know, if you're in Scottsbluff, Nebraska, or Crawford,

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Nebraska, or someplace, it's a long way to Lincoln. So it really does, I think, tie the state together. And I do still watch Lawrence Welk at 6:00 on Saturday nights. That's, that's, that's what a nerd I am.

**WALZ:** Don't forget state swimming.

**DAN O'NEILL:** What's that?

**WALZ:** It does, it does allow a lot of grandparents to be able to enjoy their grandkids'--

**DAN O'NEILL:** Yes.

**WALZ:** --sporting events. Thank you.

**MURMAN:** Any other questions? Well, I have one if there aren't any more. And I'm going to-- asking this for someone I know, actually, my wife. You won't ever, ever take off Backyard Farmer off, will you?

\_\_\_\_\_ : Yeah.

**DAN O'NEILL:** No. No, I don't think so. I think it would-- there would probably be a revolt if we took Backyard Farmer off.

**MURMAN:** And Pure Nebraska, also. That's for myself.

**DAN O'NEILL:** Yeah.

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

**DAN O'NEILL:** Thanks very much.

**MURMAN:** So that will close the-- or is there any proponents for Dan O'Neill? Any opponents for Dan O'Neill? Any neutral testifiers? If not, that will close the hearing for the appointment of Dan O'Neill to the Nebraska Educational Telecommunications Commission. And we will open the hearing for Molly O'Holleran to the Coordinating Commission for Postsecondary Education.

**MOLLY O'HOLLERAN:** Senator Murman and Senators and staff, it's very nice to be here. About me, I'm from North Platte, Dan. You get two, two appointees just back to back. I know some of you. I used to be on a local school board in North Platte, Nebraska, for eight years and then the State Board of Education for eight years. And it was such an honor to work with K-12 school systems. As a teacher, I taught for Westside Community Schools in Omaha, and Kapaun Mt. Carmel Catholic

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High School in Wichita, and then I taught at Mid-Plains Community College in North Platte. So when I-- if-- I'd volunteer-- I don't ever get paid for anything now. But when I finished working on the State Board of Ed, I realized the dire need for workforce development in Nebraska. And it's so important that postsecondary education still is vital and vibrant and alive. And I will-- you all know this, so it's, it's talking to the choir, but we are not a, a state that is growing in population. And we are an aging population. So right now, we also, in K-12, have a larger proportion of students who are eligible for free and reduced lunch. And the, kind of, I, I filled somebody else's term and now, it's my, my own appointment, I guess. But what I love about the Coordinating Commission for Postsecondary Education, is it really talks about all levels of postsecondary education. It's the credentialing of our truck drivers and, and people that need that certification. And it's our community college system, it's the state college system and then, it's the university system. And I love it, how the college systems really work together to enhance opportunity for workforce development and employability. And I know Governor Ricketts is gone, but I was so excited about the H-3 initiative that you all passed. It is so cool that those high demand, high pay, high skilled jobs are-- and kind of capturing the interest of our younger people, even as young as middle school. So they're thinking about how they're going to pursue the career they want. And you know what? We live in America and Nebraska, I still think, is a great place to live. I think it's so cool that you can break-- if you are-- happen to be in a low-income family, you can break that with education. You can break that cycle. And so, I just wanted to thank you for a couple of things-- big things. Thank you so much for considering improving broadband. When I-- as a teacher and with five kids of my own and some of them in tech fields, if a person does not have access to high-quality broadband, it doesn't just impair the high school education. It's some of those older people that want to recredential and enter the workforce and right now, with a declining population, an aging population, I think it's so important Nebraska becomes a place of opportunity. And if our broadband is strengthened, we'll have more remote workers and students who can actually be in-person. They can do it remotely or hybrid. But we need our people, all of our people, in urban, urban and rural areas, as well as our students, maybe and lower socioeconomic status, to be able to access that broadband and have quality teachers. And thanks again for the dual credit opportunities. I love it that kids now are being-- their scholarships and subsidize-- subsidizing their potential, to actually even have two years of college when they graduate from high school. So I know you don't

always get compliments, but the Unicameral has done so much to really expand workforce opportunities through postsecondary education. And as a former K-12 kind of person, I, I really want to always make that a good transition. You do know our community colleges have those foundation classes for the, for the students that aren't ready for that freshman level. And we're getting more English language learners in. In North Platte, we have a new group called Sustainable Beef. Maybe you've heard of, of that. So with Sustainable Beef, we're going to need our Mid-Plains Community College, because these are vital people that want to be citizens and productive members of our society. That was probably more than you wanted to know. But.

**MURMAN:** Thank you, Molly. Any questions for Molly O'Holleran, O'Holleran?

**CONRAD:** Thank you.

**MOLLY O'HOLLERAN:** Yeah. Thank you for your service.

**MURMAN:** Thank you very much. Any proponents for Molly O'Holleran? Any opponents for Molly O'Holleran? Any neutral testifiers? If not, that will close the hearing for Molly O'Holleran to the Coordinating Commission for Postsecondary Education. And we will open the hearing for LB774, Senator Vargas.

**VARGAS:** Good afternoon, Chairman Murman, and members of the Education Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7, which includes the communities of downtown and south Omaha, here in the Nebraska Legislature. Today, I'm here to introduce LB774, which amends various sections of the Student Discipline Act, with changes that will ensure due process and increase fairness for students and families. Before going into the bill, I want to touch briefly on the history of the Student Discipline Act. In 1976, the Student Discipline Act was created, because what had preceded was deemed unconstitutional by Nebraska courts. Without any rules about suspension and dismissal, students were being treated differently from school to school and from district to district. The stated purpose of the Student Discipline Act was and continues to be to assure the protection of all elementary and secondary school students' constitutional right to due process and fundamental fairness within an orderly and effective educational process. Current law goes on to say that the sanctions are to be interpreted, at all times, in recognition of the right of every student to public education. Now, what we've seen is that, over the years, like many of our statutes, there are

some provisions of the law that need to be updated in order to fulfill the original intent or a mission. My office has worked with several attorneys who practice in education law for several years now. And they spoke about their experience navigating the Student Discipline Act with their clients. It's why these updates are necessary and what effects the current law has had on students and families. From the cleanup perspective, I've tried to insert reasonable additions, such as making sure that parents are told where to request a hearing and setting time frames for certain actions to happen. There are a couple of changes that go beyond general cleanup. One change would allow parents to request a new hearing officer from a list of alternatives assembled by the district if they do not agree with the choice of the superintendent. Another change would explicitly allow homework and classwork, completed during the suspension and hearing process, to count towards credits earned. Currently, some school districts accept credits earned while others do not, causing a much bigger problem for the student who, in addition to being expelled, falls a semester behind. LB774 is actually the third version of this bill for me. In a previous legislative session, I introduced LB999 and LB515. There were some concerns raised at the hearing on LB999 from various members of the Education Committee. So then I introduced an interim study, LR456, to do a deeper dive into those concerns and iron them out before introducing the bill again. I convened a group of stakeholders, including the National-- Nebraska Council of School Administrators and the school boards, the Department of Education, NSEA, Voices for Children and others, in a roundtable discussion as part of this LR, which is what produced LB515. LB515 was the consensus the group arrived at and represented the agreement we all made to move forward on the bill, which came out of this committee, nearly unanimous, from what I remember and won on the floor. As I mentioned to some of you off the mike, the bill was vetoed by Governor Ricketts. And one of the main components that he vetoed-- it-- I was removed from this bill so that the other components can move forward so that we can actually address and update the Student Discipline Act, because there are real needs and changes that need to be made. I appreciate the bipartisan support, for many of you sitting in this committee have voted this bill out several times in the past and have voted for it on the floor. This topic, I know many of us care deeply about. There will be several testifiers behind me who will speak further to the need for these updates. And I just appreciate this committee. I know there's some new members of the committee. I know Senator Wayne has dealt with these issues in the past a lot, specifically from our former time on the school board. And there is a need to update these, because we have not

updated the Student Discipline Act in a more comprehensive way. And this is a four-year-- sometimes it takes a long time to make sure we get something right. I think we probably could have passed a version of this bill a few years ago and that's what I'm asking you to do here. So thank you very much. And I'm happy to answer any questions.

**MURMAN:** Thank you. Any questions for Senator Vargas? If not, thank you very much.

**VARGAS:** Thank you.

**MURMAN:** And proponents for LB774.

**LIZ McCLELLAND:** Good afternoon. Members of the Education Committee, my name is Liz McClelland, it's M-c-C-l-e-l-l-a-n-d. I am senior staff attorney at Education Rights Counsel and I'm here on behalf of ERC in support of LB774. Education Rights Counsel creates systematic change by removing legal barriers to education equity. One such barrier is the way that the Student Discipline Act, excuse me, lacks clarity for parents. The act, as it is, simply has many gaps and omissions that need to be addressed. And I believe that LB774 empowers families so that they know what timelines there are, so that their children can complete homework, earn credits while they're being disciplined and so that discipline hearings are truly impartial and fair for parents and families. My understanding is that the prior version of LB774 had the full support of the Legislature, as Senator Vargas previously spoke to and that LB774 comes out of a collaborative process, based on an interim study of the Student Discipline Act. The Nebraska Association of School Boards, the Nebraska State Education Association, Disability Rights and the Nebraska Council of School Administrators and several others participated and came to a consensus on what clarity was needed in that earlier interim study. So I'd like to highlight what LB774 does for our families and our students. It gives students who are suspended the opportunity to complete classwork while suspended. It makes sure that parents enroll their students in an accredited program to take classes while their student is expelled. Those credits will count when the student returns to his or her regular school. It also adds timelines for when notice has to be given to families that there has been a violation of the student code of conduct, what the recommended discipline is or will be, when a hearing officer must be appointed if there is an appeal of the discipline and when families can look at records, when decisions must be made after a hearing and when an expulsion takes effect. And lastly, LB774 gives parents the opportunities, if they want it, to have an impartial, qualified



hearing officer that isn't employed by the school district hear their case and to have witnesses with relevant information testify. These changes are all just to make sure things are more clear and fair for our families and empower our parents. They should not be controversial. They are needed. And I urge you to move this bill out of committee. Thank you for your time.

**MURMAN:** Thank you. Any questions? OK. Thank you for your testimony.

**LIZ McCLELLAND:** Thank you. Appreciate it.

**MURMAN:** Other proponents for LB774?

**ANAHI SALAZAR:** Sorry. Good afternoon, Chairperson Murman and members of the Education Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r, and I'm representing Voices for Children in Nebraska. Education is a key indicator of future opportunity for children and we should make every effort to ensure that our education system is setting students up for success. When disciplinary processes are structured in clear and fair ways, students at risk of dropout are better supported and succeed in their education. Voices for Children in Nebraska supports LB774 because it provides procedural protections that will keep students on track on educational success, rather than pushing them out on the streets or the court system. We know that schools may struggle with inadequate resources, but we must find ways to address misbehavior while allowing students to pursue their, their education. Even students who misbehave deserve a meaningful opportunity to continue their education and we all benefit when they do so. Procedures and policies that rely too heavily on exclusion from school result in lower educational attainment, not only for suspended or expelled students, but for the whole student body. Studies have shown that schools with a higher reliance on exclusion as a form of discipline actually score lower in academic achievement tests among the total student body, even when controlling for socioeconomic and demographic factors. Modifying our Student Discipline Act to provide heightened procedural and substantive, substantive educational protections for students who might otherwise be at risk of dropout will benefit our student population as a whole. In the 2017-2018 school year, the most recent data available through the Department of Education Civil Rights Data Collection, there were 868 students in the Nebraska public schools expelled and 15-- around 15,000 students who had one or more out of school suspensions. Students missed around 78,000 days due to out of school suspension. Moreover, students who missed more than 20 days of school, including for out-of-school

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suspensions or expulsions, can be referred to county attorneys for prosecution. In 2020, 544 young people were in diversion programs because of excessive, excessive absences from school. At an average monthly cost of \$864-- \$100-- per youth on probation with an average length of time on probation of around 12.5 months for status offenses, the estimated average cost of those 544 to our state General Fund would be around five-- over-- almost \$6 million. Resorting to the justice system is a costly and heavy-handed approach to student discipline. Adding clarifications and procedural protections for-- to our student disciplinary process that will keep at-- at-risk students connected to their school and engaged in their education whenever possible, will have a direct impact on those numbers. I would like to thank Senator Vargas for bringing LB774 and this committee for your time, attention and commitment to improving our education system for all. Thank you.

**MURMAN:** Thank you. Any questions for Ms. Salazar?

**CONRAD:** Thank you.

**MURMAN:** If not, thank you very much.

**ANAHI SALAZAR:** Thank you.

**MURMAN:** Other proponents for LB774? Any opponents for LB774? Good afternoon.

**BRAD JACOBSEN:** Good afternoon, Senator Murman and Education Committee. I thank you for the opportunity this afternoon. My name is Brad Jacobsen. I am the high school principal at Ashland-Greenwood High School and immediate past chair of the Nebraska Council of School Administrators. I'm here on-- testifying in opposition to LB774, on behalf of NCSA, as mentioned, the Nebraska State Association of Secondary School Principals, the Nebraska Rural Community Schools Association or NRCSA, Schools Taking Action for Nebraska's Children's Education or STANCE and of course, myself and in my own job. So supplied for you is just a kind of a bulleted list. I'm not going to read that to you. I'm here more as a-- just as a practitioner. And, you know, I feel that, to start with, I think, a lot of times, you know, we look to fix things that maybe aren't broken. And so I believe there is due process. I live this. You know, I, I live in the world of having to, occasionally, come down on with a suspension or maybe even an expulsion in a very rare occurrence. And sometimes they're not options. You know, there are things in Nebraska statute that don't

allow us, as school administrators, any choice as far as what that consequence is. And so I think there are things that, that, that, that we do work really hard with due process and trying to give students the opportunity. So just a couple of things. I think, you know, as far as an alt-- things that have been mentioned, alternative education, so a school my size and many schools that are smaller, you know, may not have an all-- a separate alternative school. So when a student is suspended-- if it's short term, of course, that means five days or less; if it's long term, it's more than five days and then if it's an expulsion, obviously it can be throughout the semester. We have always taken the approach that there needs to be some level of, you know-- or effort to meet a student's educational needs. And so, you know, the, the, the fact that this bill would give families the option to not attend an alternative program, so I don't have an alternative school. Like, again, we talked about clarity or it's been mentioned, I don't know what that means. So if I say, OK, you're going to work online and you know and they say, well, we don't want to do that, I don't know that I have another option for them. So it takes away options from us that are in smaller schools. Hearing officer provision, again, you know, again, you get down in the rural communities, you know, I think I know a couple of people that are certified or trained hearing officers, but I live in-- between Omaha and Lincoln, so I probably have a little bit better opportunity to know who those might be. Certainly that list would be available to us. But sometimes you get out in rural Nebraska, you might have a hard time finding five potential options that are nearby that could help. There are some things that are unclear about timelines. You know, in, in some places, it references 24 hours and other places it referenced the number of days. And again, so in an effort to be clear, as I read through it, as somebody that practices this and uses the Student Discipline Act, there were some things that kind of were muddled for me. And then, the, the, the conversation about accepting of credits. I think the one thing that we need to look at there is if a student enrolls-- and I think, maybe, the example that I've seen, might be like University of Nebraska High School, which is an accredited institution. The issue would be students that, you know, they may enroll in UNL High School, but that's an enrollment thing. So now they're you know, they've, they've left enrollment, potentially, to take a course somewhere else or take a whole course of courses somewhere else. So that's just a few of the things that I think that, that cause us some pause and maybe haven't, maybe, brought the clarity that was hoped, hoped with this bill. So I'm happy to take any questions, as somebody that, that lives it.

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

**LINEHAN:** Thank you, Chair Murman. So, so are you saying you wouldn't accept credits from University of Nebraska High School?

**BRAD JACOBSEN:** We absolutely accept credits from University High School. So students that I have had, that have attended or taken courses from University of Nebraska High School, have been students that have literally, they've disenrolled, in a lot of cases or they've been part-time enrolled. So we-- you know, schools have to have part-time enrollment statutes. So in this case, if it is a-- you know, I'm assuming in that, in that regard, it's not talking about a short-term suspension, so we're probably talking about an expulsion. OK. So like I-- that was, that was one that I have a little bit of a question of and again, maybe lacking clarity of-- you know, I think the bill says there's kind of a regional network of accreditation bodies that we would accept credits from. UNL High School would certainly be one that we would, because NDE, Nebraska Department of Education, has said that and by the way, the nation has said, that United States or that Nebraska High School is an accredited school, so their credits count anywhere. But if I use the parallel to exempt schools, home schools, you know, Nebraska Department of Education decides which programs-- online programs or which school programs are acceptable to grant credits in the state of Nebraska. And so and you know, I don't know if there would be some conflict there or not. Again, that's just something that, to me, is very clear.

**LINEHAN:** So if the bill said, if the bill said credits that have been accepted by the Nebraska Department of Ed, then you would agree that those would be OK.

**BRAD JACOBSEN:** That part, to me, would be OK.

**LINEHAN:** OK.

**BRAD JACOBSEN:** I'm not, I'm not real clear on the-- in the bill, you know, again, if it-- because really, if you're talking about taking classes somewhere else, you're-- I'm assuming they're talking about what's probably an expulsion, which could be, you know, a semester or it could be a year long in school. Even a short term--

**LINEHAN:** Why would a child get expelled for a year?

**BRAD JACOBSEN:** --well, a dangerous weapon.

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**LINEHAN:** OK.

**BRAD JACOBSEN:** It-- that's in statute. That's United States statute. Yeah, a dangerous weapon.

**LINEHAN:** Are there other reasons?

**BRAD JACOBSEN:** You know, there are- you know, could be serious one-time behavioral incidents, but really the one that would cause an entire year, to me, the only one written in statute would be, would be a dangerous weapon. You know, bringing a gun.

**LINEHAN:** Is said the only time anybody gets suspended, suspended for a year or six months or--

**BRAD JACOBSEN:** That--

**LINEHAN:** --a semester?

**BRAD JACOBSEN:** I think--

**LINEHAN:** The only time?

**BRAD JACOBSEN:** --the statute would say it can be a full year for that.

**LINEHAN:** But is that the only time they get suspended?

**BRAD JACOBSEN:** Expelled, for a full year?

**LINEHAN:** Expelled.

**BRAD JACOBSEN:** Yeah, that would-- there's, there's nothing in my, in my world that I've come across that would cause a full year of expulsion--

**LINEHAN:** OK.

**BRAD JACOBSEN:** --other than that.

**LINEHAN:** Thank you.

**BRAD JACOBSEN:** You bet.

**MURMAN:** Senator Wayne.

**WAYNE:** If a-- so if a, if a student is suspended, suspended-- expelled for a year, how do you, how do you still educate them?

**BRAD JACOBSEN:** So in, in our situation, if it was and I've, I've not had a full year, so the longest I've had is a semester. And quite honestly, it's never even been a full semester because it happened during the semester, so I want to say the longest expulsion term that I have personally dealt with is probably 10 weeks. OK, So in that situation, the, the student happened to be on an IEP and it actually ended-- we ended up placing the student in a Level 3 school. And we could-- that's a whole different thing, but a Level 3 placement is set up for students that have an IEP when, when their, when their disability was part of why they got in trouble. OK, So then it allows us to continue to educate them. Now, I will say, in the dangerous weapon statute, even that-- even an IEP doesn't necessarily-- I mean, that could also interfere with that kid's ability. So we have done, you know, in, in another-- and again, we're talking about a-- maybe, I want to say, in my 15 years in this role, probably had 3 of them and 10 weeks being the longest one. I've, I've had one student that was not on an IEP. And in that case, we set up some online classes of a-- of an online system that we currently use, that is acceptable in the state of Nebraska. And we had meeting times set up or testing times kind of set up, so we just worked with the kid locally. And again, small enough town, a little easier for us. Like the student could walk. It was springtime. It was nicer weather. We could, we could meet them at the Community Resource Center. We had some things that we did, so, so I guess my answer-- my short answer would be it depends. But certainly, like, there is a provision-- like, we're going to help a kid move forward.

**WAYNE:** What online program do you use?

**BRAD JACOBSEN:** Ours is-- the one that we use the most is called Odysseyware.

**WAYNE:** Who is that from?

**BRAD JACOBSEN:** It's not the only one. Who's it from?

**WAYNE:** Yeah.

**BRAD JACOBSEN:** I think it's their own company. I don't really even know if there's a parent company.

**WAYNE:** Are they a for-profit company?

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**BRAD JACOBSEN:** I don't know that either.

**WAYNE:** OK. And then, how young do you suspend kids?

**BRAD JACOBSEN:** Well, I'm a high school and I've been in a 6-12, so I've not ever suspended anybody younger than sixth grade, so. And expelled, I don't believe that-- I, personally, have not dealt with an expulsion of anybody that's not at least in high school.

**WAYNE:** So what parts of the bill do you like?

**BRAD JACOBSEN:** Well, you know, I think there are some pieces that-- you know, I think that, probably the one part that I've experienced, is there, there is not currently a timeline for-- and I'm going to, I'm going to stumble here a little bit, whether it's when the rehearing is requested, when that hearing gets scheduled, in the current statute and then, even the timeline of when that response comes. I think that-- that's one area that certainly can be improved. Now, again, the times that I dealt with it, I think we had one hearing and in the, in the meantime-- and I'm not talking about six weeks, I'm talking about it was probably a five or six day period of investigation. It ended up being settled before it ever got to a hearing, so we didn't go to a hearing kind of a thing. The parents and we came to an agreement of what--

**WAYNE:** So have you ever had a hearing?

**BRAD JACOBSEN:** I have not. Yeah.

**WAYNE:** OK.

**BRAD JACOBSEN:** I had contacted a hearing officer and we were ready for it, but I didn't need to use it.

**WAYNE:** In that situation, did you provide witness statements and evidence prior to or do you or were you only going to [INAUDIBLE]?

**BRAD JACOBSEN:** So the current statute allows them to be examined. So at that point, they-- that hadn't been requested and we were still gathering information, so it really wasn't prepared for. So we did not share anything, no, at that point, because we hadn't got that far yet.

**WAYNE:** OK. Thank you.

**MURMAN:** Any other questions for Brad Jacobsen?

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**CONRAD:** I do.

**MURMAN:** Yes, Senator Conrad.

**CONRAD:** Thank you so much, Chair. Thank you so much, Principal, for being here.

**BRAD JACOBSEN:** Yeah.

**CONRAD:** I wasn't exactly sure what your, your timeline in, in this role or engagement with this particular bill might be. But I understand, in preparing for the hearing and just seeing with Senator Vargas that, at one time, the school administrators were at the table, were able to forge a considerable amount of consensus around the ideas and similar proposals. Can you just help us to maybe get a better understanding, for the new committee members, about kind of what shifted or changed in, in the last couple of years, that moved your position from either neutrality or support to opposition?

**BRAD JACOBSEN:** So I, I was not part of that discussion.

**CONRAD:** OK. All right.

**BRAD JACOBSEN:** So, I mean, it's going to be a little bit--

**CONRAD:** No problem.

**BRAD JACOBSEN:** --of you know-- and I think this particular one, you know, I know that, you know, not often a, a lot-- you know, principals, sometimes we don't get dug into this.

**CONRAD:** Sure.

**BRAD JACOBSEN:** And, you know-- and it kind of came out from one of our secondary principal members. And then as, as we all kind of-- so it was a little bit more grassroots, this particular time, on just, kind of, things, that we started to go, well, wait a minute, that, that seems different or that seems-- and so, getting-- not all bad, but I think overall, it just, it-- you know, we feel like, you know what? If it's not broke, don't fix it. And I, I certainly understand that there's probably some things that have happened that maybe aren't great. But I think, you know, I know how I approach it and how we approach it in our district and many of the folks. When these situations happen in a school, it's not, it's not uncommon for us to reach out to our colleagues and say, OK, you know, without--



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obviously, I can't share too much information, but here's my situation and anybody ever been through something like this before? And then, and then you just get three or four peoples' feedback from across the state. And, and then we kind of make-- we kind of move forward. And, you know, legal counsel is part of it and all those things.

**CONRAD:** Sure.

**BRAD JACOBSEN:** But we do lean on each other quite a bit.

**CONRAD:** Amen to that.

**BRAD JACOBSEN:** Yeah.

**CONRAD:** But quick question, then and just a-- one quick follow up in your if it's not broke, let's not fix it kind of analysis, from where we are. And I think that can be helpful in trying to sort through all the various issues before the Legislature. As I understand from Senator Vargas's opening, that similar measures have moved to a diverse committee and a diverse body, with strong support across the state and across the political spectrum from a host of different senators. So I guess that tells me that a significant amount of senators have looked deeply at this issue and feel like there is a problem that needs to be addressed. So I think that might be a counterpoint to, kind of, your assessment of things. But if you don't find this to be the right solution, then what is the right solution?

**BRAD JACOBSEN:** Well, so I, I think we go back and I think, you know, what-- to Senator Wayne's question, too, about, you know [INAUDIBLE] there's some clarity of some of the timelines, especially--

**CONRAD:** OK.

**BRAD JACOBSEN:** --after, maybe or the timeline between once you've received the notice of expulsion or suspension. You know, so there-- again, there-- there's due process in this process, in this process, from the beginning. I mean, so I can't just have a, a student come in and say so-and-so called me a inappropriate name or punched me or kicked me and then, we just go with that as the only version of the story and I just suspend somebody. There's always a chance for that student to share their side of the story, which, you ever want some entertainment, do, do that with middle school kids. Right. When you add the emotions and the lack of ability to reason, it's, it's a crazy experience. So there, there are opportunities and there's investigations and the whole-- all the way along the process. So, you

know, there's-- is there always a chance to improve and clarify? OK. So once, once the notice has been given, whether it is a suspension notice or a long-term suspension notice or an expulsion notice, then here's how much time, you you know, you have to request a hearing. I've done this before, where I, you know, the form goes, you know, when I-- the, the hearing request form is right there, when I've done it, with the expulsion notice. I won't let-- even let the parent sign it right there, whether they-- I just always say, please, you, you need to read through this information. This is a lot for a parent, too. It's emotional for a parent. Don't do something-- like, take it home and you can call me with questions. And if you-- if, if I'm your target because you're angry with me, we can-- I can find somebody that's more-- I mean, there's-- we, we try to help them through that, because that's an emot-- I know. I'm a parent. Many of you are, as well. That's an emotional thing, when you're-- when the, when the student has done something bad enough that we're at the point that we're talking about expelling them from school, that's quite a moment. And no, no parent-- that's, that's hard, even if, you know, well, maybe, maybe they know their kid is a little bit unruly or maybe they don't. That is a difficult moment. So I think it is incumbent on the school leader, at that time, to have that conversation and be willing to, to, you know, to let them know that there are resources. And here is the, you know, here's the parental rights document. It's a long document with lots of words and small, you know, small letters like, you know, take your time. You know, right? So there's a little [INAUDIBLE] part of that if, you know, is, is two days enough for somebody to really digest all that information? I don't know. Maybe it's more than that. And then, I think, I, I do think, you know, that-- I do worry, you know, that you-- when you're in a small community-- I grew up in central Nebraska, You know, I don't know. Are there five qualified, trained hearing officers? You know, certainly, a bill like this would, would make more people need to become qualified so we could help each other next door, because that's what, what you're going to have to do. You know, but if, if somebody way out west needed one and, and I was on the list, you know, like I can't just go to my boss and say, can I take two days off to drive 7 hours out there? And then, hear the hearing, then make a decision within 48-- 24 to 48 hours and drive back. I mean, that that has an impact everywhere. So.

**CONRAD:** Sure. And, and I appreciate that. And, and I think that there's probably a lot of shared thinking around when we have clear guidance, clear rules for all stakeholders, that that can help to

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bring clarity and to de-escalate challenging situations, when everybody kind of knows what the rules are and, and how to play by them and what the relevant timelines are. So that's just a little bit. I appreciate you helping me think through the measure from your perspective and sharing some of the history, as well. Thank you.

**BRAD JACOBSEN:** Thank you.

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

**BRAD JACOBSEN:** Thank you.

**MURMAN:** Any other opponents for LB774? Anyone want to testify in neutral position for LB774? Senator Vargas, you're welcome to come and close. Oh, excuse me. Are you, are you an opponent?

**EMILY SCHEIDLER:** I'm a neutral.

**MURMAN:** Neutral?

**EMILY SCHEIDLER:** Yes.

**MURMAN:** OK.

**EMILY SCHEIDLER:** Oh, it feels weird to be up here. I'm usually watching you on TV. Thank you, Senator Murman, members of the committee. My name is Emily Scheidler, that's spelled E-m-i-l-y S-c-h-e-i-d-l-e-r. I am here in the neutral testimony representing myself. I'm going to be frank with you. I was expelled as a senior in high school. I am not from Nebraska. I'm from Colorado Springs, Colorado. I went to a charter school. So, you know, school choice kind of runs rampant in the same kind of areas. And I had a really tough time. It was right before COVID. I graduated in 2020. And I did not get to complete any of my coursework, any of my tests. I was a 4.0 student. Thankfully, I still graduated with a 3.3. I did get to go back to school, but it made my life very hard and it was very miserable. With the way that my charter school was set up, it was very hard for me to protest in any kind of way. It was really hard for me to get a hearing done with somebody who was not associated with my own high school. And so, I'd like to thank Senator Vargas for introducing this. I wasn't originally going to testify. The only thing that I do worry about, though, is rural Nebraska. It would be hard to find different resources to send kids to. You know, as a city girl from Colorado Springs, that wasn't really my issue. Of course, I never got

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the chance to go find more education. I couldn't really change schools because I was just so close to the end of when I was going to graduate. But this bill is, is very, very helpful. And I feel like if I were to have this bill as a student, especially as one who got expelled and was taken back into school, thankfully it would have made my life and my parents' life so much easier. I mean, we called attorneys, we called everybody that we could and nobody could do anything. And it was just very limiting. So I just wanted to come up here and tell my stories. Thank you.

**MURMAN:** Thank you for your bravery in testifying. Any questions for Emily Scheidler, Scheidler?

**EMILY SCHEIDLER:** Sheidler.

**WALZ:** Thank you, Senator Murman. Thank you for coming up and testifying. Really appreciate hearing from a student.

**EMILY SCHEIDLER:** Yes.

**WALZ:** That helps a lot. You attended a charter school?

**EMILY SCHEIDLER:** Yes.

**WALZ:** What-- and if you don't mind me asking, was there a hearing process at all?

**EMILY SCHEIDLER:** So I was given the opportunity to have a hearing process. It mostly just went through the principal and the dean. And we had a, a meeting and they pretty much told us that I could have a hearing. But if I chose to have the hearing, it would put myself at-- like, I wouldn't get the same chances. I wouldn't get to stay in school. So they could either say, yes, you can come back to school, or they could say absolutely no, you can't even graduate, you cannot come back to school, you're out. You've got to go to a different high school. And so, I-- obviously, I chose-- my parents and I chose not to have this hearing, just because everybody who was going to be involved, including people from the district, were associated with the charter school. And it wasn't going to be unbiased. It was going to be very difficult. And even though I was, objectively, in my opinion, a pretty good student, it was not in my favor, in my opinion. So.

**WALZ:** Yeah. So you were taking a risk?

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**EMILY SCHEIDLER:** Yes. It would have been a risk. It would have been a much bigger risk than missing 10 days of school. I mean, that second semester I did not go to school at all. So-- especially with COVID. So.

**WALZ:** All right. Thank you for the clarification and thank you for testifying.

**EMILY SCHEIDLER:** Yes.

**WALZ:** Appreciate it so much.

**EMILY SCHEIDLER:** Thank you.

**MURMAN:** Any other questions? I have one. Were you ever suspended at all before being expelled?

**EMILY SCHEIDLER:** No. No. I was never suspended in high school. Charter schools, especially this specific charter school, is very strict. So nothing from middle school or beforehand ever came up in high school. I was treasurer of NHS, treasurer of Senate, I-- 4.0 student, varsity softball, all of these things. I never had any behavioral thing happen to me beforehand. And, and my opinion, the reason why I got expelled was not deserving of expulsion. It was simply just within how the administration of the charter school saw my own situation. So it's very subjective, as well. It's not really clear cut. So.

**MURMAN:** Thank you.

**EMILY SCHEIDLER:** Yes.

**MURMAN:** Well, the reason I asked the question, we've had other bills in this committee that-- with suspension, the education is mandated to continue and the student is mandated to return to class as soon as possible.

**EMILY SCHEIDLER:** Yes.

**MURMAN:** So is there anything that could have been done in advance, maybe, to-- with something like that, that you could foresee that maybe would have prevented what happened?

**EMILY SCHEIDLER:** And what do you mean? Like within academics or--

**MURMAN:** I mean, was it like a one-time--

**EMILY SCHEIDLER:** --oh, yes.

**MURMAN:** --incident or--

**EMILY SCHEIDLER:** Yes, it definitely was. And, you know, there had been other students that had had the same problems, that unfortunately, did get expelled and indefinitely expelled from the school, was not able to come back for a period of time. That had something to do that was actually illegal. What I did was not actually illegal. It was against the rules. So it was a little difficult to tell, but yeah. It's more subjective than anything, unless it involves something that is illegal.

**MURMAN:** OK.

**EMILY SCHEIDLER:** So.

**MURMAN:** Good. So it was right at the end of your school-- your high school?

**EMILY SCHEIDLER:** Yes. I went on a field trip in February. February 12, I did not go to school. I did not get to go back to school until March 3. And COVID happened March 11. So I went up to all of my teachers, all of my school officials, asking, am I going to graduate? I have a D in trigonometry. How am I going to graduate? I have to go to UNL. This is my dream. This is what my family wants. How am I going to make this? And they pretty much said, oh, COVID won't last that long. COVID is not going to be just two weeks-- or go longer than two weeks. And so, it was very stressful. Obviously, COVID probably won't happen again or an entire pandemic. But yeah, I did not-- I was not in school.

**MURMAN:** Yeah, as, as I think you probably found out, it can be very unfortunate when it's the end of your, your senior year--

**EMILY SCHEIDLER:** Yes.

**MURMAN:** --your last year in school.

**EMILY SCHEIDLER:** Yes.

**MURMAN:** Were you, were you-- did you continue your education then, like in summer school or--

**EMILY SCHEIDLER:** I didn't need to. Thankfully, I had enough credits to graduate and thankfully, I did pass all of my classes. I was taking college classes, in conjunction with our community college. That kind of put that at risk a little bit. But thankfully I was able to graduate, even speak at graduation. So yeah, it's-- it was just very scary. So having these, having these put in place and put in statute, I think, is very-- could be very, very beneficial for all Nebraska schools.

**MURMAN:** Sure. Thank you. Any other questions? If not, thank you for testifying.

**EMILY SCHEIDLER:** Thank you.

**MURMAN:** Any other neutral testifiers? If not, Senator Vargas, you're welcome to come up and close. And while he's coming up, we had-- online, we had four proponents, three opponents and one neutral testifier.

**VARGAS:** Hello. Thank you very much, Chairman Murman and members of the Education Committee. I appreciate this. I want to step back for a second and I want to ask you to think about your, your children and specific to a circumstance where they might need the Student Discipline Act and the due process that exists within this. And then, when you're looking through the contents of this bill, when you're looking through the legislative changes, I want you to think about what are the problems with these changes? I want to step back to the opposition testimony. I think it's important to clarify things on the record. This bill was passed out of this committee in 2019, 8-0, which I really appreciate, on behalf of not only the people that worked on this bill, which included Senator Brewer, Grone, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks and Walz. There was no opposition testimony to that bill when it was heard. There was one neutral testimony from Jack Moles, from the Nebraska Rural Community Schools Association. There was no testimony from the School Administrators Association. Part of the reason there was no opposition testimony from the School Administration Association is because we've had discussions in LR regarding negotiating on this bill for years, which is why we're in this third version. This version of the bill is the negotiated version of the bill. I just want to make it clear that this isn't something just popped up. Administrators have known about this for years. They had representatives from both the rural administrators and the larger community of school administrators that were present in conversations and even in post negotiations to make some more

potential changes, which represents the body of this work. It is part of the iterative legislative process, especially when we do it within committee and LRs. I want to thank you, as an Education Committee, for allowing us to do that, which led to the 8-0, coming out of committee. And this was under a different chairman. I say that because what I don't want to happen is rehashing of negotiated terms because there are new individuals on this committee because there clearly is a problem. We, we can debate all day long. And one, one specific thing that came out of this: if it ain't broke, don't fix it. That is not a reasonable solution to legislating. There are students and you heard, thousands, that somehow deal with the Student Discipline Act across the state in some way, shape or form-- short-term suspension, long-term suspension, expulsion. They deal with this and they rely on this for the timelines to be fair. It's not whether or not due process is working perfectly right now. I would confess it's not. As to say from the opposition that, that there's no due process, there is some due process. What we have seen and heard from attorneys that are usually representing students and parents and families, that there isn't enough due process that is balanced, that is somewhat equitable, not even equal. And when you're looking at many of these things on timelines, timelines that are fair for notification being in writing, documentation of notification, timelines for turnaround for when parents would be identified and acknowledged on what the decision is, regarding the reasons behind the suspension. These are very commonsense things and that's the reason why it was-- got out of this committee. That's why I'm asking you to get this bill out of committee again, so that we can follow through on the years of work that we have done on this, including this, this committee. There's a couple of things I also wanted to address, in terms of policy, that were just misinformation or misunderstanding. There was a reference to five hearing officers. For those that have never been part of a hearing officer process, this is something that we hope that none of your children or anybody that you know are going through. But it happens to individuals, where a school district is engaging in a hearing officer and it usually has to do with a, a very extreme set of circumstances for a student. And what we were trying to do in this negotiation-- the original bill had five hearing officers that were being requested as options to a parent or family, outside of the one hearing officer that was, in law, appointed by the school district. Through many negotiations, we got down to one additional hearing officer option. That additional hearing officer option had to be unbiased, not be a former employee of the district or former legal counsel or contracted legal counsel, because as you can imagine, how can you have unbiased--



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how can you be unbiased if you've had some previous relationship with the school district? It's supposed to be an unbiased hearing officer. It's just one extra one that we had negotiated and that is what, what is within the bill. So saying that there's five and this is onerous is a miscommunication of gross misunderstanding of this bill. I'm not really sure where that came from. Colleagues, I ask you to follow through on the intention of what we've been doing in this bill and for years on the work of the LR. I thank the committee members that have been part of this for years and voted this out of committee and have supported it on the floor. And for the new members, every single instance that you will see and I'm just going to call out a few of them. The superintendent shall notify the student or the student's parent or guardian of a superintendent's determination, within five school days after receipt of the hearing examiner's report. These are basic things that should not be difficult for superintendents to do, in my opinion-- my humble opinion. So with that, thank you. And I ask you to vote this bill out of committee and follow through on the work that this committee and many members have done for years, so that we can provide a better due process in the system and update the Student Discipline Act in, in the way that it was intended, with the work through this committee.

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

**CONRAD:** Yeah.

**MURMAN:** Yes, Senator Conrad.

**CONRAD:** Thank you so much, Chair. Thank you, Senator Vargas. And just maybe to put a finer point on it, I guess. I mean, when we talk about due process in this instance, we're talking about procedural due process--

**VARGAS:** Yes.

**CONRAD:** --which includes a notice and an opportunity to be heard at its heart. When we're talking about a right to education, there's an actual legal right to an education in the state of Nebraska, right?

**VARGAS:** Correct. Yes.

**CONRAD:** So when we lose the ability to secure that right for a variety of different reasons and some may be very legitimate, of course, right, for serious situations. I know that, say, for example, if I am working as an attorney and I'm contacted by a family who's concerned

about how the process played out or the resulting decision, if I don't have a good case file to work from, that has clear information about when and why these types of decisions were made, it makes my job almost impossible to firm up, to know whether there's a case there or not, actually, just at the case assessment strategy, let alone pursue it. So, you know, I, I understand why previous Legislatures in recent history have moved this forward and really to center family rights and parents rights and the right to an education in Nebraska and to afford simple procedural due process protections for all stakeholders. So if I'm missing something, let me know. But that's kind of the angle that, that I'm coming away from after the hearing today and hearing it for the first time.

**VARGAS:** Thank you.

**CONRAD:** OK. Thank you.

**MURMAN:** Any other questions? If not, thank you for test-- bringing the bill.

**VARGAS:** Thank you.

**MURMAN:** And that will close the hearing on LB774. And we will open the hearing on LB527, Senator Fredrickson.

**FREDRICKSON:** Can I go?

**MURMAN:** Go ahead.

**FREDRICKSON:** All right. Good afternoon. Thank you, Chair Murman and members of the Education Committee. For the record, I'm John Fredrickson, J-o-h-n F-r-e-d-r-i-c-k-s-o-n, and I represent District 20, which is in central west Omaha. I'm happy to be here today to introduce LB527, which will give our schools much needed additional resources to address the mental health needs of students. LB527 establishes legislative intent to appropriate \$12 million from the General Fund to school districts and educational service units for reimbursements for allowable mental health expenditures. As a mental health provider myself, I've seen firsthand how mental health issues impact our children. Because these kids are at such a critical stage in their educational development, it is imperative that we recognize when our kids need help and ensure early interventions are taking place. LB527 recognizes the reality of what our students, parents, teachers and administrators face and will help maintain the well-being and education of our children. According to the Center for Disease

Control, one in five children, either currently or at some point in their life, have had a seriously debilitating mental illness. According the American Foundation for Suicide Prevention, suicide is the second leading cause of death for 10-24 year olds. And according to the National Alliance on Mental Illness, 22,000 Nebraskans, age 12-17, have depression. According to the same source, seven in ten youth in the juvenile justice system have a mental health condition. And 60.1 percent of Nebraskans, age 12-17, who have depression, did not receive care in the last year. In addition, 50 percent of all lifetime cases of mental illness begin by age 14. The effects on education are clear. High school students with depression are more than two times more likely to drop out than their peers. Given all of this, there are-- there is enormous pressure on teachers and school administrators who experience firsthand how the lack of mental health resources manifests itself in the classroom, through a student's performance, increased absenteeism, substance abuse and behavioral issues. These issues also impact future employment, earning potential and the student's overall health, not to mention our state's workforce development challenges. In 2021, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry and the Children's Hospital Association issued a joint statement that child and adolescent mental health be declared a national emergency. In sounding the alarm on children's mental health, one of the recommendations they made was strengthening emerging efforts to reduce the risk of suicide in children and adolescents, through prevention programs in schools, primary care and community settings. Children eat, work and play at school. If we want to make a difference in the child's life, we need early interventions within that environment. To qualify for reimbursement under LB527, school districts and educational service units must designate an employee as a community-based mental health resource liaison and provide appropriate training and resources for such employees to assist students, families, teachers and schools in locating the resources necessary to address the mental health needs of the individual students in the district or educational service unit. Allowable expenditures under LB527 must be directly related to the-- meeting the mental health needs of an individual student or group of students. The State Board of Education shall adopt and promulgate, promulgate rules and regulations related to criteria to further define allowable mental health expenditures. I do regret to say that fixing this problem is not cheap. The \$12 million I am asking for in the bill shows that. However, the good news is that investment in mental health resources comes back to Nebraskans in numerous ways, by taking pressure off

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local property taxpayers and helping reduce state spending in other areas, including our criminal and juvenile justice systems. In short, it should be a top priority for our Legislature. I would also like to add that this bill takes on even more importance because of the sunset of federal funding, received as a result of the pandemic. Testifiers behind me will be able to talk more about those funding challenges and why compensating for these lost dollars is so important. With that, I ask you to advance LB527 from the Education Committee and make this important investment for our children. And I'm happy to answer any questions.

**MURMAN:** Any questions for Senator Fredrickson at this time? Senator Walz.

**WALZ:** Thank you, Chairman Murman. Thank you. I, I was just wondering if you could define a community-based mental health liaison or give me some examples of who that person is.

**FREDRICKSON:** So this would be and the folks behind me might be able to kind of elaborate on this a little bit more, but essentially, this would be an identified person within the school, who would be able to sort of act as a point person. So, to sort of help with the-- I guess one way to kind of frame it it's almost like the case management of, of, of what's coming up for our, for our student. So-- and also connect them with resources outside of the schools to kind of integrate with care, as well.

**WALZ:** OK. Do schools currently have any community-based mental health liaisons in them now? Sorry I'm asking some questions.

**FREDRICKSON:** I believe that is the case, that they're currently are. I will confirm that, but I, I believe so.

**WALZ:** OK. But schools are not currently being re-- reimbursed for any of--

**FREDRICKSON:** So we did-- with the federal funds in the pandemic, there was reimbursement available. But those, those are going to be sunsetting. And so, that's, sort of, what sort of underscores how important it is to, sort of, for the Legislature to appropriate these funds, so that these services could be reimbursed and these could continue to be that [INAUDIBLE].

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

**FREDRICKSON:** Of course.

**MURMAN:** Any other questions. Yes, Senator Conrad.

**CONRAD:** Thank you so much, Chair. Thank you, Senator, for bringing this bill forward. And I know you have a deep professional background in mental health care. And I am also just wondering if you might help the committee and perhaps the broader audience or body, perhaps connect the dots about, I think, the well-established mental health care crisis that we have in Nebraska and how the-- some of the solutions that we've typically had available to address that crisis are less available, due to political and financial constraints-- I'm thinking like, provider rates, for example, and what that means for behavioral health care across the state of Nebraska. I also know from my prior experience and with conversations on the campaign trail, that there's a significant mental health need, particularly in rural and greater Nebraska--.

**FREDRICKSON:** Yeah.

**CONRAD:** --that many times, is not at the forefront of these conversations. So can you just help us to, perhaps, connect the dots on those broader policy issues and how, perhaps, this tool may be even more important today when there seems to be less of an impetus to invest or address in other solutions?

**FREDRICKSON:** Yeah.

**CONRAD:** So, if you'd like to respond.

**FREDRICKSON:** No. Absolutely. I mean, I appreciate the question. I think that there's, there's a lot to, sort of, say there. I mean, one thing that you asked that kind of got my wheels turning a little bit, was, was particularly, the crisis in the rural parts of the state. So one thing that I personally have experienced as a mental health provider since the pandemic-- so prior to the pandemic, I, I never provided any telehealth. And when the pandemic hit and we were shifting to telehealth, I-- frankly, I was dragging my feet, because I did not think that that would be effective. I-- you know, counseling is such a relationship-based intervention and so, I, I was just very confident that you needed that face-to-face interaction. What I-- what we found, though, throughout the field, is that telehealth has actually been extraordinarily effective for behavioral health interventions. And obviously, there's exceptions to that rule. Not

everything can be treated via telemedicine, but, but something that surprised me most was I started to get outreach from folks in rural parts of the state, so in the sand-- Sandhills, for example, to set up appointments. And when I was only doing in-person visits, you know, obviously, I would not be able to see someone who lived a nine-hour drive away from me. But-- and what I learned and through taking on some patients in the rural parts of the state, is, is just how needed resources are. You know, we have 93 counties in our state and all 93 have a shortage of behavioral health providers. And so schools are a key point of intervention for so many reasons. You know, kids, like I said in my opening, they eat at school, they play at school. They're there every day. And, and teachers are oftentimes picking up on signs early on, where there might be a concern or an issue going on. And so making sure that these mental health needs are, are essential to building a foundation for, for success for someone. You know, without addressing mental health [INAUDIBLE] concerns or issues. It makes obtaining an education and, and, and flourishing very, very difficult.

**CONRAD:** Thank you so much.

**FREDRICKSON:** Yeah.

**CONRAD:** Thank you, Mr. Chair.

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

**FREDRICKSON:** Thank you.

**MURMAN:** Proponents for LB527. Good afternoon.

**DAN SCHNOES:** Good afternoon, Chairperson Herman and members of the Education Committee. My name is Dan Schnoes, D-a-n S-c-h-n-o-e-s. I am the administrator of ESU 3, in Omaha-- the Omaha metro area. A special thank you to Senator Fredrickson for submitting LB527. I am speaking today in favor of LB527 on behalf of ESU 3, ESUCC, the NCSA, GNSA, NRCSA, STANCE and Stand for Schools. In January of 2023, ESU 3 requested a report on the need and potential funding for school mental health from our partnership with Hanover Research, which is a nationally recognized research firm. This report found that millions of students experienced mental health concerns every year and the COVID-19 pandemic exasperated these issues for many, while significantly disrupting education for an extended period. Across the country, districts continue to identify ways to address students' social, emotional, mental and overall wellness needs, especially as

are related to the long-term impacts of the pandemic, pandemic and other issues that are plaguing our schools, such as school shootings and the political tones currently surrounding public education. Educational service units in Nebraska recognize the need to provide resources to its member districts that meet these student needs and want to best allocate available resources, funding and services to provide these students. You know, if you go back 10 years ago, there wasn't any of our ESUs were helping provide any mental health services in the state of Nebraska, Now, all 17 do. ESU 3 and the Kim Foundation continue to champion the cause for school mental health in Nebraska, by co-chairing the statewide school mental health conference each year. Our participant numbers are growing as the needs are expanding. We'll be out in Kearney this summer, June 7 and 8. You're all invited to attend and, and we'd love to have you. Let me be very clear, though. This is not a Nebraska issue. It's a national issue. Last fall, during a meeting at the United States Department of Education with Secretary Cardona in Washington, DC, I had the opportunity to share the challenges and successes we are having with school mental health. This topic is nationally a high priority for the U.S. Department of Ed. On February 8, 2023, just about a month ago, Secretary Cardona visited ESU 3 in Nebraska and held a roundtable discussion on mental health issues that are plaguing our schools and to learn firsthand what we're doing in Nebraska to help deal with this. LB527 provides \$12 million, as you know, to school districts and ESUs for reversing the allowable mental health expenditures. And we know that kids cannot learn effectively if the basic needs are not taken care of. The second part of the handouts I provided is a breakdown of all 50 states that provide funding for mental health. And you'll see that 38 states, right now, are appropriating state funds to help with school mental health. This legislation was developed with the mental health needs of our children in mind. As Secretary Cardona stated, if we want to lead the world, we don't need superheroes. We need systemic change. And I challenge you to start looking at some systemic change in Nebraska and help us out with some mental health. Thank you.

**MURMAN:** Thank you. Any questions for Dan Schnoes? Yes, Senator Walz.

**WALZ:** Thank you, Chairman Murman. Thanks for being here today. Good to see you.

**DAN SCHNOES:** Glad to be here.

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**WALZ:** I think it might be helpful, if you can, maybe give some examples of what ESUs are doing in schools to, to try to deal with the mental health crisis. Like, do you have any--

**DAN SCHNOES:** I have a couple of good examples. You'll probably hear a few of them testifying right behind me. For example, a couple of years ago, we applied for a federal grant, through a systems of care in the ESU 3 area. And Region 6 was part of the, the key player in that, which is a behavioral health organization. And so, we are now just in our first year of providing mental health services in Washington County and our Cass County schools, which is our eight rural districts. And we have therapists that are now going out and working with those districts every day, taking care of their needs. And every one of the ESUs are either helping hire LMHPs or school psychologists or clinical psychologists to go in and work with those buildings. And the-- what we're hearing from our superintendents and our building principals, is that it is making a difference in the environment of those kids every day, because they're getting the services they need much quicker. And as you heard from Senator Frederickson, there's a workplace shortage and so, it's hard to get in and get services. I have-- my, my wife is a clinical psychologist at Boys Town. There's a three-month waiting list to be able to get in and see a lot of the psychologists. And everybody is overloaded. So we're trying to provide, through ESU 3, through this grant, having counselors in our school so kids can get the services they need a lot quicker. ONE-- one good example. Good question.

**WALZ:** Thank you.

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

**DAN SCHNOES:** Thank you.

**MURMAN:** Other proponents?

**DREW GARRISON:** Good afternoon. My name is Drew Garrison, D-r-e-w G-a-r-r-i-s-o-n. I live in Crete, Nebraska. And I'm a college student at Doane University, majoring in education. I attended Tri County Public Schools in DeWitt, Nebraska, kindergarten through 12th grade. I'm here to support LB527 today. I remember at the start of my freshman year, Tri County administrators and teachers said we were getting a mental health therapist in our school. I remember thinking, why, why would we need that? I didn't realize at the time how important meeting Jen McNally, Educational Service Unit Director of



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Mental Health and Wellness and the other ESU 5 mental health therapists would be so impactful for me, not only for me, but for so many other students, not only at Tri-County, but at other schools where the ESU 5 mental health team provides mental health support. Growing up, I was a multiple sport athlete, had lots of friends, great family and enjoyed a day-to-day life. I was involved in a lot of activities and I had a good amount of healthy fun as a student. I can remember always seeing Jen around-- hanging around our school when she first started and she would always be smiling and helping not only students, but teachers, too. She would attend school activities, leave random notes of encouragement for students and she was just, overall, someone who we all trusted. She also made things at school more fun and added a layer of calmness, just by having her there. If she wasn't able to make it, you always knew one of her team members would be there to help you. If you needed something, you could go to her, her or the other ESU 5 mental health therapists with anything. They would listen without judgment and help you through whatever, whatever you were struggling with. Having mental health support taught us how to be aware of not only ourselves, but an awareness for our, our fellow classmates. It taught me, it taught me the importance of leaving people better off than when you found them, because you never know what people are going through. We all took this to heart. During my senior year, it was the year after we got quarantined from COVID, we approached Jen with an idea to help others and without hesitation, she agreed to help us. In turn, we surveyed our entire secondary student body, asking them what their top three things that they do to promote their well-being. We then gathered all the responses, all the responses and made a top ten list we called Tips, Tips for Teens by Teens. This resource was sent out statewide to other educational service units. We were also featured on multiple media outlets and received recognition by the Peter Marsh Foundation's silent servant leadership award. When I graduated Tri County, in 2021, I was excited and ready for my next chapter. Even after I graduated, Jen has still been a big part for me. She has always been a mentor for me in my journey of becoming a future physical education teacher and coach. She has continued to instill the importance of taking care of myself so I can be there more for others. Having mental health support in my school is more than just therapy, it's a million things that improve your life. Having mental support not only helps empower you individually, but also empowers you to help others. Everyone has mental health and there are so many students in elementary and, and high school, who are faced with things we may be aware of and many things that we are not. Having mental health support in schools gives

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an invaluable access to receive immediate help in school, without having to leave during the school day. It de-stigmatizes what mental health therapy is and what makes it truly OK to not be OK. In closing, I also want to thank Dr. Brenda McNiff, Educational Service Unit 5 administrator, for acknowledging how important mental health support is for students and educator-- educators at 10 school districts in the ESU 5. Without you taking a proactive approach hiring Jen and the other ESU 5 mental health therapists, I know that myself and countless others would not have the understanding of just how important it is to take, take care of ourselves, reach out for help and know that we are not alone. To the Senators listening, I thank you for your time and your unconditional support for the well-being of Nebraska students. Any questions?

**MURMAN:** Thank you. Very, very much appreciate your testimony, Drew. Any questions?

**WALZ:** I'm sorry. Thank you. Thanks, Chairman Murman. Thank you for coming.

**DREW GARRISON:** Of course.

**WALZ:** I love it when students come, because you really get the true story of what's going on in the schools, so I very much appreciate that. Also, really excited about your future as an educator.

**DREW GARRISON:** Yep.

**WALZ:** Thank you for choosing education.

**DREW GARRISON:** Yeah. Thank you.

**WALZ:** Exciting. Can you tell me, do you think that you would have had those opportunities to help raise awareness regarding mental health and how you can, you know, prevent mental health issues, if you didn't have Jen in your school?

**DREW GARRISON:** No, I don't-- I do not. Jen kind of opened the door for all of us. I mean, she was such a bright factor into our school. And our school-- I went to school with a class of 30-- classes of 30. And she was such a bright factor and she kind of opened everyone. And whenever we had problems, we could always rely on her and she was always amazing, on the spot, to help us.

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**WALZ:** Good. And I also just have to say that I was really impressed with just the students taking the initiative to raise mental health awareness in your school.

**DREW GARRISON:** Yep. That was when COVID hit and people got quarantined. We were worried about trying to figure out a way, if you are not in school and you're on remote learning, how you could practice mental health, take breaks from looking at a computer all day and just do other things in that.

**WALZ:** That is awesome. Thank you, again--

**DREW GARRISON:** Yep.

**WALZ:** --for coming. Really appreciate it.

**DREW GARRISON:** Of course.

**MURMAN:** Any other questions? I guess I have one. Jen-- and you may not know the answer to this, but was, was Jen like a full-time mental health person that was supplied by the ESU to the school?

**DREW GARRISON:** Yes. So she was-- she came to our school, I think, three days of the week. But when she wasn't at our school, she was at other schools. And when she was not there, we had someone else from her team at our school. There was two other ones, Cole Stark and Jamie-- I'm not sure of her last name, but they were both always around our school if Jen wasn't there. And, and we, we had a lot of-- we had a big issue at our school, happened my senior year. And their team came in, all three of them and took us all underneath their wings and helped all of us.

**MURMAN:** OK. Thank you very much. Any other questions? Thank you for your testimony.

**DREW GARRISON:** Thank you, guys.

**MURMAN:** Other proponents?

**BRAD GARRISON:** Good afternoon, Senator Murman and committee members of the Education Committee. Now you get the elder Garrison. My name is Brad Garrison, proud father of Drew Garrison. I'm here today to talk about the involvement of mental health in our schools. You know, it was really-- what, what Drew failed to mention, is Drew had a, a-- excuse me if I choke up-- an accident when he was a senior. And he

struggled after the accident with some decisions, you know, based with college decisions, moving out of mom and dad's houses, you know, just, just where to go. He wanted to be a student athlete. There were several different colleges that he was talking to and he struggled with recruitment things and, you know, things like that. And, and I think the importance of having Jen and, and Brenda's teams and the ESU teams, for him, was, was essential to his success of not only wanting to be an educator, like he stated, but also, you know, his decision making and, and, and to get his head straight. And, and I'm in our school a lot. I'm a Teammates board of directors president for our school system. I'm also a mentor to two young boys in our school system. And I've coached football and wrestling for youth in our school for over 25 years now. So I'm, I'm in our school quite often. I'm in our school one or two times a week. And, and I can tell you that we have some of the greatest teachers in the world, in my opinion, at Tri County. But there's definitely a different, a different light about the counselors, the mental health counselors. You know, they come off as more of a friend versus more of a authoritative figure, where, where these students can, can, can give them a hug, chum around with them, maybe, maybe give them a hard time. They can give the students a hard time back and maybe they don't-- aren't able to get that from a teacher, because of the authoritative figure, you know, maybe, from a teacher. Again, our teachers, teachers are super important, super great at Tri County, but I encourage you to look really hard at LB527, not only for the well-being of, of the kids now, but the kids in the future of our education and our school systems. I, you know, with all my years of involvement with children, I can definitely see a change on the horizon. I've been doing this a long, long time, helping students and volunteering my time. And there's definitely a different change with, with students, from now to 10 or 15 years ago. So again, I, I thank Jen McNally and Brenda McNiff for giving me this opportunity to come and speak. They are essential. I've known both of them personally and professionally for over 10 years. I've coached Brenda's two boys and they're great people and they mean great things and are trying to do great things for our mental health in our schools. So please, please, please consider looking into LB527 and, and considering into making an option of passing it on our floor. Thank you.

**MURMAN:** Thank you. Any questions for Brad Garrison? Yes, Senator Walz.

**WALZ:** Can you tell that this is like a-- something that I'm really passionate about?

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**BRAD GARRISON:** Senator Walz, I was expecting a question from you.

**WALZ:** Thank you. Thanks for coming today.

**BRAD GARRISON:** You're welcome. Thanks for having me.

**WALZ:** Glad to have a parent here, too. So happy that you're here. I wanted to ask you a little bit about the relationship that you had, as a parent and the involvement that you had, as a parent, when Jen or whoever was working with your son. Can you talk--

**BRAD GARRISON:** Yeah.

**WALZ:** --about that a little bit?

**BRAD GARRISON:** Yeah, of course. So I, I think, you know, when Drew struggled with his accident, he was-- it was, it was easier for him to confide more in Jen than maybe, in a parent, in a teacher, in an administrator. So I could call, I could call Jen. And Jen was always available. I could call her at school. She would, you know, she would text me, she would call me, say, hey, how's Drew doing after his accident? What's, what's his mental state? How is he doing? How is he, how is focusing? How is he doing? You know, thankfully, he wasn't seriously hurt, but it was a serious accident. But it did affect him deeply, mentally and it affected his mother and I, as well. You know, so we-- you know, to, to have Jen there, to be able to ask Drew questions, Drew trusts Jen probably more than he trusts me. And, you know, and I think Drew and I have a great respect for each other, a great trust in each other. But he really, really, really loves Jen and, and her partners in crime that come down to our schools and maybe, sweep our kids off their feet a little bit. And, and are able to take them and do an office, talk with them and get them to share something that's maybe bothering them, whether it's at home, with a teacher, with an administrator, maybe with the bill prior to this, with a, with a problem that they're having in school and a, and a behavioral issue. So I think maybe, you know, those two, maybe, would tie together with the help of a mental health coordinator.

**WALZ:** Could I just do a follow up real quick?

**MURMAN:** Sure.

**WALZ:** I did experience some mental health issues with my son. And so, how important was it for you to have Jen available in the school, as

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opposed to having to go out on your own and try to-- like, for me, it was hard to pick up the phone and even find somebody.

**BRAD GARRISON:** Extremely.

**WALZ:** So can you talk about that a little bit?

**BRAD GARRISON:** Extremely. I, I think, you know, the last gentleman that spoke before Drew, stated that his wife was a psychologist, I believe, at Boys Town. Three months out? You know, Drew needed, maybe, some-- somebody to talk to immediately. So to have that person there on, on Sunday morning, I think Jen was-- this happened on a Friday night. I think Jen was in Drew's ear Saturday morning, you know, wanting to know what's going on, what's happening. And then, she followed up until, until it was not necessary anymore. And I could call Jen and say, hey, you know, what's Drew saying? His mother was able to call Jen and say, what's Drew saying, you know. So, so for her to be able to work closely with him, closely with us, as she would do with any student, I think it's essential, because I, I can't call a, a, a professional on a Sunday morning and say, hey, Dr. Walz, what's going on with my son?

**WALZ:** Right.

**BRAD GARRISON:** You know, they're not, they're not available. And she was available and ready to-- at, at any-- we, we could have, we could have taken her anywhere to-- you know, she could-- she would have went anywhere to help us that day. So I, I thank her for that and, and her help with that. So.

**WALZ:** All right. Thank you so much for being here today.

**BRAD GARRISON:** You bet. Thank you.

**MURMAN:** Any other questions for Brad Garrison? OK. Thanks a lot for your testimony.

**BRAD GARRISON:** Thank you very much.

**MURMAN:** Other proponents?

\_\_\_\_\_ : I'm sorry. I can see you. Go ahead. Go ahead. Good ahead.

**BRANDY ROSE:** Thank you. Good afternoon, Senator Murman and the Education Committee. My name is Brandy Rose, B-r-a-n-d-y R-o-s-e. I am here representing NSEA from ESU 7, in support of LB527 and want to thank Senator Fredrickson for an end to introducing this legislation. I have worked for Educational Service Unit 7 as a school psychologist for the past 11 years and as a board-certified behavior analyst for five years. This year alone, I have received 33 behavior referrals through the ESU 7 school districts, as well as working with 21 of our students at our Tier 3 behavior program located on the ESU 7 campus. I want to note that 92 percent of my 33 behavior referrals are preschool and elementary age children. Each year, it's become more apparent that an increasing number of students are struggling with mental and behavioral health concerns. I work in several school districts and there are many common factors that I've observed. Teachers are becoming burnt out more quickly. Teachers feel as if they've lost control of their classrooms. Younger students have become more physical and more students have engaged in dis-- more disrespectful and defiant behaviors. Much of these behaviors stem back to unmet trauma or mental health needs. In order to keep up with an increasing demand for mental health resources, schools and ESUs must continue to hire therapists and provide as much training and support as possible. We are facing a significant, demanding and growing caseload. Let me just share one story with you. We've been working with a second grader who displays severe physical aggression towards adult-- adults, defiance and eloping behaviors, which is the term for running away or wandering off. As we've worked-- at first, you know, we worked in the school with him. It was very apparent that he needed more support than what could be provided within that school district. He was referred to our Tier 3 behavior program, the LMHP, as well as outside medical treatment. This student continues to challenge us daily, but his physical aggression has decreased from an average of 95 incidents per day to 22 incidents per day. He has been able to express himself more during therapy and the student's parents is continuing to seek outside medical treatment. Working together and providing the support that is needed for each individual student to meet their behavioral and mental health needs is how we're able to see success, no matter how big or small. We must be proactive in our approach to meeting the ever-growing mental health needs of our students. By reducing mental health and behavioral challenges, students will make more growth academically, peer relationships will be stronger, teacher retention will be higher and overall behavioral issues will be reduced. This benefits not only the student, but the teacher, the staff, all other students and the entire school community. Educators are already

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overworked and overwhelmed. And having resources available to them can help reduce the anxieties and stresses that they may be experiencing with their students. The funding in LB527 would help school districts and ESUs in providing those resources. I urge you to advance LB527 to the full Legislature for consideration. Thank you for your time. And I can answer any questions.

**MURMAN:** Thank you. Any questions for Brandy Rose? I have one.

**BRANDY ROSE:** Sure.

**MURMAN:** So the ESUs are providing some mental health counselors--

**BRANDY ROSE:** Yes.

**MURMAN:** --for schools. This bill calls for \$12 million more support for that. How adequate do you feel the mental health providers are to the schools right now?

**BRANDY ROSE:** They have to have them. But we have so many districts that either get an LMHP from outside, maybe Lincoln, Omaha area and they have to drive into our school districts or are-- we have five full-time LMHPs that divide up their time and try to conquer and divide. But their caseloads are just filling up every week and so, just trying to hire more and more to keep up with the demand. But it's so necessary with our kiddos.

**MURMAN:** So five mental-- full-time for--

**BRANDY ROSE:** Yes.

**MURMAN:** --how many schools?

**BRANDY ROSE:** Well, we cover 19 school districts and then, some take the services and some don't. So.

**MURMAN:** OK.

**BRANDY ROSE:** There'll be another testimony about it, too.

**MURMAN:** OK. OK. Thank you. Any other questions? Thanks for your testimony.

**BRANDY ROSE:** Thank you.

**MURMAN:** Other proponents for LB527.



**STEPHEN GRIZZLE:** Good afternoon, Senator Murman, fellow Education Chairs. It's been a couple of years since I've testified in front of the committee, so glad to be back. My name is Stephen, S-t-e-p-h-e-n, Grizzle, G-r-i-z-z-l-e, and I'm superintendent of Fairbury Public Schools. Mental health has been a concern for school officials for many years now. And mental health for my students and my staff has become more and more of a concern for me, over the last several years and my view of it has evolved, as a result. I've been in Fairbury since 2015. Fairbury is your typical Nebraska community. It's rural, has a strong downtown. It's the county seat. It has extreme poverty. It has people of affluence. As I worked, I began to see and hear the struggles that our students live with. So I watched with interest, in 2017, as our ESU 5 began a new venture by providing mental health supports with Jen McNally. Now, at the time, I was skeptical and maybe a little jaded in my view of mental health supports. I am, some might say, old school. I believe in hard work. Take care of it yourself. Suck it up, buttercup and all of that. I believe we've all had bad days and it's just something that we need to power through and deal with. However, the issues we were seeing were growing each year. We did discuss it many times as an administrative team, but we were hesitant to bring in the mental health support with-- from ESU 5 for a variety of reasons. Cost was one. But I continued to see more. And when I say more, I mean more circumstances, more effects, some tragic, more examples of it affecting the various socioeconomic backgrounds we have. Mental health issues were spilling over and negatively impacting our everyday school environment: higher and higher absences, more and more suspensions, higher and higher anxious and aggressive episodes, more and more episodes of major disruptions of the classroom. Staff are feeling helpless and unsupported, staff breaking down because of the continual disruptions that the stress that it caused everyone. And all the while, we were hearing anecdotal stories from neighboring districts of how awesome it was to have the ESU 5 mental health team working with them. They can't believe how much better things are. We did have members in our-- of our community asking for it. We did have staff inquiring about it. But for those first few years, we still met those comments with continued skepticism. But then last year hit. The stressed out teachers, the damaged classrooms, the number of times we had to evacuate a classroom due to a student having a meltdown. We serve what I call kids of trauma. They live and deal with more distress, perversion, neglect, drugs, porn, you name the derelict behavior, some of our kids are seeing it in their homes on a daily basis. They bring that trauma to school. Now, I understand kids of trauma also act out at school because it is safe. They know they won't

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be hit, slapped or otherwise abused if they act out. However, it causes everyone in the school more and more heartache and stress and it's not subsiding. So last spring, I made the decision to bring the ESU 5 mental health team to our district. I couldn't watch and let our kids and staff suffer any more. I simply could no longer justify not giving it a chance. If this could help, I needed to try. So I asked our board to support contracting with the ESU 5 mental health team for four days a week, at \$15,000 a day, or \$60,000 for the school year. I sit before you today and I can unequivocally say to you, this is one of the best administrative decisions that I've made in my 20 year career as an administrator. In our district of 900 students and 160 staff, our mental health practitioner, Mr. Sean Roberts, along with Jen McNally, from the ESU 5 mental health team, have had over 100 referrals for students to be counseled, had almost 18-- 1,800 contacts with kids and these are contacts that go beyond hi, over 1,000 contacts with staff. From the last year to this year, we have seen a decrease in absences, a decrease in suspensions, a decrease in class evacuations and a general, nonscientific view that the overall, overall educational environment has improved greatly. I cannot and will not claim that all these improved stats are the direct result of the mental health supports, but it's definitely been a positive influence that we can feel. I know funding is a concern for many districts. I know each district has its own priorities and needs, but if we can access financial support for these services, I believe more districts will try to offer them. So I sit here today to say it's a worthwhile endeavor. Thank you.

**MURMAN:** Thank you. Senator Albrecht has a question.

**ALBRECHT:** Thank you, Chairman Murman. And thank you for being here and your testimony. Have you lost many teachers not wanting to come back because of--

**STEPHEN GRIZZLE:** Yes.

**ALBRECHT:** --issues with children? How many would you say?

**STEPHEN GRIZZLE:** It-- I would say, over the last three years, especially, we probably had two or three that are-- just become too stressed to continue teaching or want to try a different location.

**ALBRECHT:** And do these teachers ask for the mental health, as well?

**STEPHEN GRIZZLE:** Yes. And that was one of the key reasons why we wanted to contract with ESU 5 health-- mental health team, because it wasn't only for the students, but it's also for the staff, as well. They put the, the episodes that happened in the classroom on a daily basis, really wears on the, on the teachers.

**ALBRECHT:** Thank you.

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

**STEPHEN GRIZZLE:** Thank you.

**MURMAN:** And if you plan on testifying, go ahead and bring up-- or come up to the front of the room, so you're ready, please.

**BRAD MEURRENS:** Good afternoon, Senator Murman and members of the committee. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s, and I am the public policy director at Disability Rights Nebraska. We are the designated protection and advocacy organization for persons with disabilities in Nebraska, and I'm here today in support of LB527. The National Center for Education Statistics reports, in 2022, that there has been a rise in students seeking mental health services and significant concerns have been expressed by staff that their students are exhibiting symptoms of depression, anxiety and trauma. They say 70 percent of public schools reported an increase in the percentage of their students seeking mental health services at school, since the start of COVID-19. And roughly, three-quarters of schools also reported an increase in staff voicing concerns about their students exhibiting symptoms such as depression, anxiety and trauma. Of the 830 public schools surveyed nationwide in the survey, almost all public schools, 96 percent, reported providing mental health services for the students during that previous school year. However, 88 percent did not strongly agree that they could effectively provide mental health services to all students in need. The three most prevalent limitations on their ability to serve their students' mental health needs were an insufficient number of mental health professionals to manage their school's caseload, inadequate access to licensed mental health professionals and, you guessed it, inadequate funding. The data also show that during the 2021-2022 school year, 84 percent of the schools surveyed provided individual-based interventions of just one-on-one counseling, 70 percent provided case management, for example, coordinating mental health support and 66 percent provided external mental health referrals. Obviously, there's a need for this assistance for these

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students and schools. And for that, we recommend that you advance this bill. I'd be happy to take any questions.

**MURMAN:** Thank you. Any questions for Brad Meurrens? If not, thank you for testifying.

**BRAD MEURRENS:** Thank you.

**MURMAN:** Other proponents for LB527?

**LUKE SCHROER:** Hello, my name is Luke Schroer, L-u-k-e, S-c-h-r-o-e-r. And I would like to preface this by telling everybody behind me, my testimony will touch on rape and the death of students. So if anybody needs to leave, I can give you a second. Otherwise, I'll go ahead. I am a graduate-- a 2011 graduate of Lawrence Nelson High School, which I think is in your neck of the woods, Senator Murman. And I went to Catholic school for grade school. And one of my classmates was raped and ended up having a child in 8th grade. We, we then-- we did not have a, a Catholic high school. So as we entered the freshman year, we went to the Lawrence Nelson public school system to continue our next level of education. That following year as freshmen, her older sister was in a car accident on the way in to play practice in the morning. And I know it was very hard on that family. And I remember I was in shop class, it was about 7th period, when we got the news that their family decided to take their daughter off of life support. So that family had two major traumas in the span of a year or two years. And we're a small school and it was kind of left up to our teachers and our guidance counselor to manage an entire school where-- I have-- I had three teachers that taught my dad and my dad was born in 1956. So we know the staff, the staff knows everybody. I could, I could tell you everybody's name in that school. And I know it was hard for our guidance counselor, who lives with us and knows us to a very personal level. Sorry. And I, I-- we didn't have that resource, that I'm aware of, of that mental healthcare providers. This is 2011 granted. So if we had access to even outside help or, or higher level professional help and leave our guidance counselors to worry about like, how to get us to colleges and stuff and just have those resources, even in those smaller schools. I think it's very important that we fund for all levels of how big or small your schools are, that we should have access to mental health, even for acute cases like that. And then, I was going to finish up. The year after I graduated, we had another car accident, where one of our students ended up becoming paralyzed. And I know the kid that was driving that car, also, for a long time, struggled with suicidal ideation. Because he, literally, was the

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driver of a car where somebody can't walk for the rest of his life. And I know that that-- he struggled with that. So I think it's paramount that we, we start seriously considering funding things like this. So thank you.

**MURMAN:** Thank you very much for that difficult testimony. Any questions?

**LUKE SCHROER:** Thank you for your time.

**MURMAN:** Appreciate it.

**DEB RASMUSSEN:** Good afternoon. Thank you, Senator Murman and members of the committee for this opportunity to speak. My name is Deb Rasmussen, D-e-b R-a-s-m-u-s-s-e-n. I'm a proud Nebraska public school teacher with a 39 long-- year long-- wow, that's really aging me-- teaching and counseling at the elementary middle school career. I'm a member of the Nebraska State Education Association. And for the last two years, I've been president of the Lincoln Education Association. Prior to that, I was a guidance counselor at Goodrich Middle School, here in town, for 28 years. That's also my neighborhood. I'm here to encourage you to support and advance LB527. And we thank Senator Fredrickson for introducing this bill. And as you can probably guess from my profession, mental health is very important to me. Surveys of Nebraska teachers and school administrators have identified mental and behavioral health challenges as the number one unmet need in schools. Increasingly, schools must join forces with community health, mental health and social service agencies to promote student well-being and to prevent and treat mental health disorders. The National Alliance on Mental Health Illness states that the start of many mental health conditions often occurs in adolescence. And as a middle school person for the last 35 years, I can tell you, you see them coming in elementary school. But once you get into that transition, you can-- it really rears its head. And I have 40 years of experience seeing this. It's gotten a lot worse. It's always been there, but it's gotten so much worse. Half the individuals living with mental illness experience the onset by 14 and the number jumps to 75 percent by the age of 24. Because by that age you're looking more at when you're bipolar and things are going to hit in the older years. One in five youth live with a mental health condition, but less than half of these individuals receive needed services. Undiagnosed, untreated, inadequately treated mental health conditions-- it says here can affect, I will say it does affect-- a student's ability to learn, grow and develop. That's all there is to it, in my experience. Schools

provide a unique opportunity to identify and treat mental health conditions by serving students where they are. And we are also like their moms and dads for 8 to 10 hours a day, depending if they come for afterschool programs. So we see them so much and we see them in certain situations, because we-- then we can see this. School personnel play an important role in identifying the early warning signs of an emerging mental health condition and in Lincoln, students with effective services and supports. In my career, I have so many. I've got to tell you, I'm a guidance counselor. So I'm like, what he said. I would be the person that's supposed to help you work through your academic problems and things like that. But I have sat on the floor with students, under tables with students that are shaking and trembling and they're scared, or I've actually had my head pounded against a concrete floor by a student that lost control. There are so many situations and in Lincoln Public schools, we have supports. But I was just at my school today. I went to Goodrich because I miss it. And there are students sitting there, they have three counselors and a social worker and they still can't meet all their needs, because you can only do so much when you have so many students. And it doesn't matter if you're a Title I or not building, what side of town or what part of the state you're in. Those students are there and we need more help being able to pay and to help coordinate. I would try to call people at all hours to try to get services for my students. But I also need services that are paid for, because I can't have a counselor come in and then try to charge my 85 percent free and reduced lunch students for therapy. So that's why my personal story, why it's so important. It defines an allowable mental health expenditure. It creates the School Mental Health Resource Fund. It provides \$12 million annually to reimburse school districts and ESUs for allowable mental health expenditures. This reimbursement will encourage schools to expand mental health services, services or actually start them and will help reduce the reliance on local property taxes, through state reimbursement for these crucial services. The fact that schools have become essentially the de facto mental health system for students is very daunting for educators, administrators and district leaders. LB527 can shoulder some of this burden by providing needed resources. We ask you to vote in favor of advancing LB527 to General File. Thank you.

**MURMAN:** Thank you. Any questions for Deb Rasmussen? Yes. I have one.

**DEB RASMUSSEN:** Yes.

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**MURMAN:** I agree with you. Mental health is a huge issue in our schools and in our society in general, actually.

**DEB RASMUSSEN:** Yes, it is.

**MURMAN:** You mentioned that teachers are often on the-- kind of on the front line of--

**DEB RASMUSSEN:** Absolutely.

**MURMAN:** --behavioral issues. Do you think more behavioral awareness training with teachers and other school personnel would be helpful?

**DEB RASMUSSEN:** I-- when I just-- because I-- in my position, I get to discuss this with the district leaders and they always talk about having trainings for the administrators. And I always say, why don't you have it for the counselors and the teachers? Because if you're going to de-escalate a student or look at behaviors, the teachers and-- are the-- I've seen kids, I mean, they bond with their teachers. Those are the people. Administrators are more scary. So I think anything but I also know that the plates of teachers are so full, they feel like they're about to die. They are taking-- we're feeding kids, we're clothing kids, we're doing mental health. And then we get, well, your state scores aren't high enough. Why don't you teach this, this, this? And then, somebody says, well, we're going to ban the books in here. And these teachers-- and where someone else said he's losing a few teachers, I can tell you that Lincoln Public Schools is losing many more teachers, because of the behavior issues and things that have happened. Because-- and in my age group, which, I'm 62, I'll just say that. I'm old enough to retire. Mine, mine are dropping like flies, because they just decided, I wanted to teach until here, but I'm not going to anymore. And now, I'm trying to talk people into the profession or staying into the profession when, when they have so many things that we're supposed to do and the mental health issues are so massive. It's so hard to teach a kid when they come to school and they're not ready to learn and they don't have any-- anyone to help them with that or to help their families, because this is a family thing. Trauma is family. I-- because I live in my neighborhood of the school, I know these families and I know the trauma they're going through. And I've tried to help them, but-- and there's not enough services and there's just not enough money. So.

**MURMAN:** Sure. Thanks. I appreciate--

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**DEB RASMUSSEN:** Yep.

**MURMAN:** --what you do and what teachers do and all school employees, for our kids. Thank you.

**DEB RASMUSSEN:** Thank you.

**MURMAN:** Any other questions?

**ALBRECHT:** I have one.

**MURMAN:** Senator Albrecht.

**ALBRECHT:** Thank you very much. I appreciate you being here and your years of service. Give me like-- give me three major mental health issues that you see, let's say, in, in like the grade school setting. Is that where you were [INAUDIBLE]?

**DEB RASMUSSEN:** Anxiety-- well, I, I cover everything. My-- actually, I've worked from pre-K up to 9th grade in my career.

**ALBRECHT:** OK.

**DEB RASMUSSEN:** Anxiety is horrific. And depression, but they usually-- and I can tell you from personal experience, because my family runs rampant with all these things, too. Anxiety and depression usually run hand in hand.

**ALBRECHT:** OK.

**DEB RASMUSSEN:** What I got to see is a lot more of attachment disorders, too, that I've dealt with. But I've also had-- I've had some kids with schizophrenia, especially manifesting in middle school. And some bipolar. I've had a student sit in my office, years ago and had four different personalities and I had to know which one was walking in the door. So-- and I'm not a therapist. This is a school counselor. And in our school, we are lucky at Goodrich, because we pay, out of our points-- you get points for teachers. We pay for a social worker at that school. But in the district, lots of times, social workers are spread and they're jumping around the buildings so they're not there. I mean, I have a history of mental health issues in my family, but I'm not trained to deal with schizophrenia. I'm not trained to deal-- and the trauma that comes with that. We've had to contact ESUs. I mean, those are pretty serious. But we've got kids like that in the schools, all grade levels.



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**ALBRECHT:** And, and when you say the parents would have to pay for the service if they were at a, at a point that-- they're probably not medicated already, correct?

**DEB RASMUSSEN:** No.

**ALBRECHT:** And so--

**DEB RASMUSSEN:** No.

**ALBRECHT:** --how do you, how do you-- walk me through how you get that handled, because--

**DEB RASMUSSEN:** Well--

**ALBRECHT:** --some things are just not going to change.

**DEB RASMUSSEN:** Right. We had a therapist that was in the school that required money. And we worked really hard to find grants and things to do that. And we finally had to tell that provider we couldn't have them in the school, because we can't provide a service that's going to give our-- I had a mother come in and say, here's a \$2,000 bill. OK. And she's on disability. What we usually do is with the social worker and the counselors, we reach out to providers to try to find somebody. We have HopeSpoke that comes in, but we can fill HopeSpoke up, their slots, in the first two weeks of school. With a highly transient population or with, you know, something that crops up-- a trauma, say. We've had suicides. We've had all kinds of things that have happened. You just don't have anybody there. And then, you're trying to piece things together because you don't have the money to get anybody else in there.

**ALBRECHT:** So-- I'm trying to follow this. So the ESUs would get these--

**DEB RASMUSSEN:** Or school districts.

**ALBRECHT:** --or school districts would--

**DEB RASMUSSEN:** Right.

**ALBRECHT:** --find these social workers, is that what you're [INAUDIBLE] mental health?

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**DEB RASMUSSEN:** The best person that I've dealt with to coordinate things is a social worker, because of their degree and because they are mental health counselors, too. But they're hard to come by anymore. I mean, I look at trying to put people in therapy, even nieces and nephews of mine that are suffering from things. And when they said a three-month, that, that is true. You can get six-month, unless you can maybe-- so, yeah.

**ALBRECHT:** So that's what I'm trying to wrap my head around here, with this bill. If they're going to ask for millions of dollars, are they going to be at your school to help you and the student and the families? Or are they coming in to look for clients and--

**DEB RASMUSSEN:** Oh, we've got the clients.

**ALBRECHT:** --well, I, I get that. But, but if we're going to use tax dollars to try to help these--.

**DEB RASMUSSEN:** Um-hum.

**ALBRECHT:** --these young families, these, these young children, but then we're going to charge their families?

**DEB RASMUSSEN:** No. That's what-- no. That's the reimbursement. We've had that happen where you've charged. What this would do, hopefully, is pay for somebody to coordinate. HopeSpoke doesn't charge us. Most of our students are on Medicaid anyway or something like that. We would work to have people that could coordinate people, come in the building, provide the services, but not charge our students. And that's so important. I especially-- if I think-- I don't know how they find anybody out in the western part of the state or even in the central part of the state.

**ALBRECHT:** But you know, just like we have a shortage of nurses, we have a shortage of teachers--

**DEB RASMUSSEN:** Oh, we have a--

**ALBRECHT:** --I can assure you, we have a shortage of social workers.

**DEB RASMUSSEN:** Oh, I know.

**ALBRECHT:** So.

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**DEB RASMUSSEN:** And we have a shortage of anything mental health. So we'd have to look at ways of getting people to do that job. The social-- and a lot of-- because of the pandemic, it cause-- I mean, so many things changed. That's how come the therapists got so-- I mean and I can even think of teachers. There's so many staff. It's just-- it's not just a child thing. It's an adult thing. And that's why there's such a backlog. But that's also something that I would hope some kind of coordinator could maybe think up. If you could-- like HopeSpoke will come into schools. If you can find a provider that will-- can, can provide resources and get people in there and then set up a schedule, that would help. But we don't always, always have anybody that can even contact these people and do that, which is where this would help.

**ALBRECHT:** Thank you for your time. I appreciate it.

**DEB RASMUSSEN:** Thank you so much.

**MURMAN:** Any other questions? Thank you. Thank you for testifying. Other proponents for LB527?

**JORDAN GRIESER:** Good afternoon. My name is Jordan Grieser, J-o-r-d-a-n G-r-i-e-s-e-r, and I am the director of Connections at Project Harmony. I'm here testifying in support of LB527 on behalf of Project Harmony and the Nebraska Alliance of Child Advocacy Centers. Connections began in 2015, with the mission of connecting children and families in need of mental health services with trained and experienced therapists. We received the majority of referrals to our program from school partners and last year, we received nearly 2,000 referrals for children in need of individual and group therapy. In the eight years that Connections has been working with school partners to address mental health needs in the-- for metro-area children, we have seen how important access to affordable, high quality service is. Senator Fredrickson and a few other testifiers have given you guys some, I think, important data and I'm about to throw some other, what I consider, important numbers at you. In an independent evaluation conducted on our program, in 2019, we found that 10 percent of the clients referred to Connections are presenting with elevated or severe conduct problems and 14 percent with elevated or severe violent scores. Perhaps most concerning is the fact that 22 percent of the students referred, referred to our program presented with what is considered an elevated problem and 15 percent with a severe problem related to suicidality. This data is not unique to our program and unfortunately, the issues have only worsened in the four years since

our evaluation. According to the 2021 Child and Adolescent Health Needs Assessment, conducted by PRC, 18.7 percent of children, ages 5-17, in the Omaha metro area needed mental health services in 2021. And a staggering 13.1 percent of metro area high schoolers had attempted suicide in the past year. In the same assessment, 31.3 percent of parents rated mental health as the number one health-related issue affecting adolescents in our community. And while the need is greater than ever, it seems to be increasingly more difficult for parents and caregivers to find mental health resources for the children that are requiring them. The 2021 Statewide Assessment of Mental Health Needs and Services Among Children in Nebraska found that one in four families indicated that accessing services was either moderately difficult or impossible to do on their own. And one in three families pay for services completely out of pocket, with nearly 50 percent of those respondents saying that these expenses caused a financial hardship for them. What I can tell you from my own experience as the director of the Connections program as well as from the data that we have collected, is that when we make high-quality, evidence-based mental health services available and easily accessible to the children who need it, they thrive. Our Connections children show improved scores in nearly all mental health indicators, but especially in the areas of hyperactivity, emotional problems, conduct problems and peer problems, all of which affect a child's behavior and performance in school. In fact, we have found that test scores go up an average of 10-15 points and office referrals decrease by more than 50 percent for children who have been in the Connections program. The impact of the successful services are far-reaching. Not only does a child's own well-being improve, but their home life and family functioning improve. Similarly, their teacher is able to focus on teaching the class as a whole, rather than behavior containment or acting as a de facto mental health provider. Giving schools the resources they need to ensure that students have access to quality mental health therapy is key to providing teacher job satisfaction and retention. This bill would give those who see children and families every day, the ones who know their struggles and know what services are needed, the ability to actually link those children with the supports that they need. While Connections-- while the Connections program is privately funded, we know that this funding isn't guaranteed forever. Moreover, like Senator Conrad had brought up and a few other testifiers, those in rural Nebraska communities don't have access to programs like Connections. Those communities are often the most in need and would be the most benefited by this bill. For that reason, I urge this committee to support our Nebraska children,

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support their caregivers and families, support schools and teachers and support LB527.

**MURMAN:** Thank you. Any questions for Jordan Grieser? Senator Walz.

**WALZ:** Thank you, Chairman Murman. Thanks for being here today. There's a stat that kind of opened my eyes. It says 31.3 percent of parents rated mental health as the number one health-related issue, over alcohol, over drugs, over cigarettes, that's the number one--

**JORDAN GRIESER:** And it's--

**WALZ:** --health-related--

**JORDAN GRIESER:** --health related issues. So that's over all physical health-related issues, as well. When you talk to parents of adolescents and in our Nebraska communities, they say the number one thing that concerns them for their children is mental health. It's not childhood cancer. It's not, it's not violence. It's, it's the mental health concerns that are happening in our communities and in our homes.

**WALZ:** Wow. All right. I just wanted to make sure I was reading that correctly.

**JORDAN GRIESER:** I know. It's surprising.

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

**MURMAN:** Any other questions?

**ALBRECHT:** I, I just have to ask one.

**MURMAN:** Senator Albrecht.

**ALBRECHT:** OK. So there's all these different percentages. You, you study these things, but what is it? I mean, what's going on that makes a child so anxious? Something at home? Something at school? Something they've read? Are we putting too much pressure on them? I mean, what-- if there are these kind of numbers, what do you see? Just, just what do you think it is?

**JORDAN GRIESER:** I think that is such a good question. I'm a parent myself, so I think about this a lot. I think about it for our children. I think about it for my nieces. I think we don't know right

now. I do think we don't know. And I, I do hesitate to say things that I don't know. But I will say that what we can tell from the data, is that this wasn't just an issue brought on by COVID. So when you look at anxiety and depression prior to, to 2020, it was going like this. Now, when we hit COVID, it went like this. It became a real emergency. But I think those are things that we were seeing. I, I will tell you, my own personal experience is I think that social media plays a lot into it. I think that it's really hard for children, when they're struggling at school and they can't turn it off when they come home. As parents, a lot of times, we try and make our home a safe place for children after they've maybe been through something difficult. But when they come home, they're still dealing with all of that, when you have social media. I also think that there's-- that there can be increasing pressure. And I think when we look at especially the suicide numbers, when we look at our adolescents, one of the things that we see is that the, the amount of time between first suicidal ideation and when a child might act on that, is going down, really, in staggering numbers. And I-- so I think what that tells us is that kids are really active-- acting impulsively. And that's why we need to have resources available readily and quickly, so that the first time we see something-- I'll be honest with you. The thing that COVID told us was that there's no replacement for teachers in school supports in the life of a child. They're the ones who see this. They need to be able to access those quickly.

**ALBRECHT:** But-- and, and then, again, I sit back and I think, you know, we hear this stuff all the time. Believe me, in my seven years down here, my head is just ready to explode, the things that are happening in our communities, in our houses, in our homes, in our schools. But, but I have to wonder if the-- if people really understand what we talk about here every day. Because this is big stuff, when you're, when you're going to lose a generation of kids to things like this that are happening. So we either have to address the social media stuff, we need to address the pressures that are put on them by, you know, whether we're giving too, too many demands and too many mandates and the schools have to do all these things. But, but the parents, we have to help them understand that this is a crisis, that we need to figure it out, because throwing money at this is not the answer, but to try to help people through it, certainly is. But to what extent and how far do you go? But I, I think it's-- I mean, I'm, I'm wrapping my head around what's happening here. But I also know that you had a great bill that you wrote for mental health to the floor and it wasn't enough. And I know that there's no way that

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there's going to be enough people out there to help with this. So how do the masses help? How do, how do we address this? So thank you for bringing your information to us. I appreciate that.

**JORDAN GRIESER:** Thank you.

**ALBRECHT:** Thanks.

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

**ANAHI SALAZAR:** Good afternoon, again, Chairperson Murman and members of the Education Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r, and I am representing Voices for Children in Nebraska in support of LB527. I'm going to go-- I'm passing out my testimony, but I'm going to go a little bit off script, kind of to talk about your question, Senator Albrecht, on what is really causing all this mental health anxiety and depression in students. We've-- have data in our Kids Count book about ACEs, and my testimony goes a little bit into ACEs, the adverse childhood experiences. And ACEs is a-- is counted on by a number of things. That could be parent deaths, economic hardships, divorce, mentally ill family members, whether that's immediate family members or outside family members, parent incarceration, domestic and neighborhood violence. I mean, it's all, I think, a huge weight on children, whether they see it right outside their home, whether they see it inside their home. It's not just anxiety from school. It could be anxiety from family members. So I think ACEs has a lot to say on what really is causing all of this turmoil for children. And we agree that schools are uniquely, uniquely positioned as an ideal environment for the provision of mental health services, where trusted school employees can coordinate with parents to ensure that children's needs are met. And that's all across the state. LB527 ensures that schools have the necessary resources to provide much needed mental health services to Nebraska students. And we thank Senator Frederickson for his leadership on this issue. We also agree that all of the data that's been shared and expressed just really highlights the dire need for, for more services like this one. Thank you.

**MURMAN:** Yes. Any questions?

**ALBRECHT:** I have just one.

**MURMAN:** Senator Albrecht.

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**ALBRECHT:** Thank you for your testimony here, but could you provide that-- you say you have like, a list of things that you feel that-- and maybe you can provide it to us, just so that we can see some of those reasons and--

**ANAHÍ SALAZAR:** Absolutely. Yeah. Our most recent data is from 2021, but I can send that to the committee later today.

**ALBRECHT:** Thank you very much.

**MURMAN:** I have a question. On the ACEs, you didn't mention social media. Is that just kind of a given? Or I don't think you did, anyway.

**ANAHÍ SALAZAR:** Yeah. I think social media has become more accessible to younger children, recently. It's not one of the listings on, like the ACEs report. So ACEs is a test that children can take and-- with a number of questions. And then, you can determine a score from one-- I think, one to four, one to three. So social media is not on any of the questions. But I do agree, based on my prior experience as an educator and being around fam-- kids in my family, that social media is definitely causing some of this anxiety in children, as well. But it's not in the ACEs test or report.

**MURMAN:** Thank you. And I think I've been around about as long as well, about everybody in the room anyway. But one thing I've noticed in my lifetime, with families especially, that kids used to spend more time at home with their families than they do now. Now they're away from home a lot more. And there were stronger, more two-parent families. And, you know, if you go back a few decades, do you think that's a contributing factor at all?

**ANAHÍ SALAZAR:** I think it's become, especially for lower-income families, become harder for them to be at home. Most-- a lot of families work two jobs or a job that requires them to be out of the household for longer periods of time. I think that, that could be a contributing factor. I know that there, there is data and research on children being able to eat dinner with their family or having breakfast with their families. So I think the economic hardships on families would be a contributing factor to, to them-- just to children not being able to be at home.

**MURMAN:** How can we address that? I mean, you know, now we have breakfast in school so you don't eat breakfast as much at home and, you know, more activities after school. You know, any ideas on that?



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**ANAHI SALAZAR:** Yeah. I think economic hardships can be I mean, all from affordable housing, having a, a safe and reliable place that you're, that you're, that you're laying your head down every night to yes, food insecurity, so SNAP benefits for those lower income households, as well as just assistance when it comes to utilities and transportation. I think the cost of living in Nebraska and in the United States is very high, to what a lot of families, lower-income, middle class families make. So it, it definitely starts with schools being able to provide breakfast and lunch and then also, mental health services. But it expands to so much more, like housing and transportation and food outside of school.

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

**ANAHI SALAZAR:** Thank you.

**LARIANNE POLK:** Good afternoon, Chairperson Murman and members of the Education Committee. Wow. You know, thank you so much for elevating mental health to an Education Committee. This is really important for students in my service unit area and across the state. My name is Larianne Polk, L-a-r-i-a-n-n-e P-o-l-k. I am the chief administrator at the ESU 7 in Columbus. I'm testifying today on behalf of my ESU 7 seven member schools and my five licensed mental health practitioners and two interns and specifically, for Ronelle Jackson, she is the LMHP that prepared a lot of this information. And she is back at the ranch serving kids. So that's why she couldn't be here today. So I am your JV sub for her for today. I'll do the best I can. Ronelle, for a point of context, Ronelle was our first LMHP four years ago, so we have seven of them now. So you think about how our services have changed and what we have done differently for our students in the last five or ten years. I want to thank Senator Fredrickson for bringing this bill to this committee, as mental health services and resources for mental health have been elevated as a priority in our schools, as well in many of the others across the state. I want to give you a bit of background on Ronelle, since she's not here, because her journey to become an educational-based LMHP is very similar to many of the others. She started in community-based practice, so she provided therapy to adolescents in inpatient crisis stabilization unit and in community-based clinics. That's important and very relevant here, because the primary students that she saw, age 12 to, to 19, were general ed students. So general education students who receive mental health are not providing, to the school districts, any reimbursement under special education. So that's important for you to understand. Eleven out of-- Nebraska is one of the 11 states without

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appropriations for mental health supports. ESU 7's Mental Health Department provides therapy to 266 students. That's just as of today. We still have a lot of time left. So she provides-- they provide services to 266 students. Sixty-nine percent of those are regular ed kids. And I know, Senator Murman, you had asked earlier, how many school districts. You asked Brandy Rose, one of my staff. We have 19 school districts and 18 of them contract for support from us, for LMHPs. We also have one Level 3 behavior program on our campus that we provide supports to. So a lot of those kids, those students in that 69 percent of those students who are general ed, are in areas where there are some gaps, some equity gaps. That might be community resources are lacking, perhaps families' financial situations provide for difficulty for transportation to and from private or community settings. It might be that they can't afford going to a private setting, whereas at school, they're getting it paid for. So you had asked that too, Senator. But if, if it's not enough or it's not available for general ed students, they are needing to go to the private sector in order to get that therapy. I'm trying to skip here because ^ know I'm out of time. So I know that, you know, school districts really work hard to meet the multiple needs of every student. Traditionally, financial resources have been available for districts to support behavioral and mental needs for students on an individualized education plan, in special education. But remember, 70 percent of those kids that we see at ESU 7 are not in special education. That's 150-- 185 students are not receiving special education. So those 185 students who need mental health support in the public schools are not getting reimbursement back to the school. So, I mean, you've heard so many great stories here, about the, the students who have needed some supports and how great it is to have them in there. I know you're not disagreeing that mental health isn't a support that's really necessary for kids. It's just because we see them for such a long part of the day. We have them at breakfast, we have them at lunch. A lot of times we feed them supper after a basketball game. So trying to figure out how we can help fill the gaps for them in the meantime, this bill would do that. So in summary, we must be careful not to marginalize even our general ed students from receiving mental health support in schools, simply because they perform well academically. They're busy, they're involved. It looks like they get along well with their peers. So I, along with Ronelle Jackson and the ESU 7 mental health team support Senator Frederickson's LB527, as it places attention on the mental well-being of educators and students across the state. So please, I urge you to push this out so that it has an opportunity to have debate on the floor. Be happy--

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**MURMAN:** Thank you.

**LARIANNE POLK:** --to answer questions.

**MURMAN:** Any questions Larianne Polk? Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. Thank you very much for being here. So you, you said Ronelle was your first. How many do you have now?

**LARIANNE POLK:** We have five LMHPs plus two interns. So they work really hard, so I'll include them in our, in our total, so we've got seven.

**LINEHAN:** And how, how are you paying for that now?

**LARIANNE POLK:** Right now, we, we bill the school districts for the time that they're out there. We do have-- Title IV is a, is a small grant that we can use, that can pay for some wholeness, well-rounded students. So we do have some of our Title IV-- will pay for some of that. But that-- that's about it. We bill the districts. And the bill-- the districts then pay for it with their general fund.

**LINEHAN:** So these are licensed mental health professionals?

**LARIANNE POLK:** Correct.

**LINEHAN:** Would they not qualify if a lot of these children were on SCHIP or your parent's health insurance? Would they not qualify?

**LARIANNE POLK:** The school districts don't run this through insurance. So it's, it's a service that's just provided to their-- to the students, as any other educational service might be. So they don't run it through insurance, whereas-- so it's not a health-provided service at school.

**LINEHAN:** Why wouldn't they?

**LARIANNE POLK:** It's as-- just as is providing OT or PT in a school district, school districts [INAUDIBLE] that option.

**LINEHAN:** But that's under special ed.

**LARIANNE POLK:** Yeah. They can either option to provide the, the opportunity to bill insurance or not. And a lot of our districts don't. They don't have the personnel to run that kind of clerical

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work. It requires a little bit extra documentation, training for the business managers, in order to get all that to, to work through insurance. And a lot of them-- none of mine run through insurance.

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

**LARIANNE POLK:** Yeah.

**MURMAN:** Thank you. Any other questions, Senator Walz.

**WALZ:** I have an answer for you on that, because I have a bill in HHS regarding school psychologists, so I can tell you about it later. I do appreciate this bill because it, it, it really does encourage economy of scale and really gives the opportunity for behavioral mental health specialists to work in several schools, public and nonpublic. And I was just wondering if you could talk a little bit about how ESUs are able to provide that economy of scale.

**LARIANNE POLK:** Sure. So Brandy Rose was up here a little bit ago and she talked about how she was provided support in several districts. So I can hire one licensed mental health practitioner and I can place that LMHP in four or five districts, depending on what the needs are for those districts, rather than a district trying to find and hire somebody for one day a week, which would be really, pretty difficult. So-- and maybe more costly than what they would do if they would contract with us. So that's the economies of scale that the senator is talking about. We do that with a variety of services. That's what we're set up to do. What we have found, when we started our LMHP programming five years ago, we did a lot of that, you know, 2 hours here, an hour there. We're going to set up a Tier 1 services, which is providing to all of the students everything they need. And then we're going to do some more specialized things. I tell you what, that one person on an economy of scale got full really fast. So then that's why we, the next year, doubled it to two and the next year, doubled it to four. And now, we're just-- we continue to add. And I think somebody, I'm not sure which senator it was, asked about, you know, our nursing. Nursing is really short. You know, there's going to be a time when we're short for LMHPs. The time is probably now. But I know that we have, we have such an impact on a larger number of students at one time in a school district then, maybe, a private practice could. You know, there's a, there's a pyramid model that we think about when we think about a multi-tiered system of supports. When we can provide-- at Tier 1, we provide enough information to 80 percent of the students so that everybody gets the same thing. We give them prevention

training. We teach them how to cope. We give them some strategies on how to deal with things. That's given to all the students. Tier 2 is-- and we get to specialize a little bit more. There was someone that was up here talking about 8th grade girls. Maybe we need an 8th grade girl group that we can have together. We can do some specialized training and we can really talk to them how to, how to have a peer group and how to work through problems. And then, if it gets really necessary, there's that top tier, where we can have some really one-on-one crisis kind of conversations. That's what's happening in our schools and that's what our school-based LMHPs can do. I did think of something that you're-- when you asked about insurance. We have something called Medicaid in Public Schools and I believe that's what you were talking about. Medicaid in Public Schools provides reimbursement through the Medicaid process for a variety of different types of services: speech language pathology, OT, PT, but it does not provide it for mental health and school psychology. So that's a bill that's out in the DHHS Committee, also.

**MURMAN:** Any other questions? If not, thank you for your testimony.

**LARIANNE POLK:** Thank you for talking about this topic.

**MURMAN:** Any other proponents for LB527?

**JOSEPHINE LITWINOWICZ:** Walmart instead of GM. 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. Well, I have a-- I'm an imperfect-- I, I didn't grow up here, but I had real mental health problems. I grew up, you know, I was bullied a lot, but there was something underlying there and teachers didn't know how to handle it, back in the 70s, late 70s or whatever. So sometimes, I'd just be crying in my seat. And that was sometimes a, a class. And, and when I went to high school, you know, it didn't change much. And if I wouldn't have had a counselor in high school instead of-- going to a Catholic high school and I had a guidance counselor and I just didn't-- that wasn't going to cut it. And I knew people who were lost in high school and, and especially through the grade school I went to, you know. And then in college, it just got worse. I-- and I found someone, a, a fiancée. Then we got married after. But, you know, she left to go work when I was a, a-- I, I was a senior there, by myself. And I really-- didn't really realize how much she helped me, because I, I started-- I was bringing beer to class. I put it in a, you know, in a coffee-- one of those coffee mugs. And it's just that my, my whole family was blessed genetically, so I was able to-- I don't know how I really did it because I, I-- you know, my identity problem was

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a, was a co-- co-morbidity to my mental illness. And I was diagnosed not until I, I was 26 or something. And I mean, that would have been-- and I'm bipolar 1. And I, I know sometimes, they say it's been overdiagnosed, then I definitely am. And so I made a serious attempt to kill myself. You know, it was a miracle-- when I was 30. And, you know, because one of the DSM-5 criteria for the disease is that you don't want to take your meds, you know. And so, there's a few other things I probably have to say, but yeah. Yeah. I mean, there was just no, you know, no-- nothing to help kids back then and teachers didn't know how to handle it. You know, that's what my mom said, that, you know, she was told they didn't know how to handle it. And my mom and dad, who were amazing, didn't know how to handle it. You know, I kept it, you know, pretty much hidden from them, too. And so, this is a multi-part story. And I ended up getting 15 ECT treatments. You know, it was, it was pretty bad for a while. And so I'm on great meds now. And I, I can't even really-- I don't really swing that-- it deadened me down, but at least I'm healthy. And so, I didn't think I was going to speak here on this. But, everything fit. We need, you know, especially in a parochial school, you just can't have a counselor or a, a priest or a brother of the Sacred Heart or-- you, you got to have a, a, a, a secular somebody there on the, on the-- at every parochial school, because things are real. And it-- I just don't know if a, a parochial school guidance counselor can handle-- I, I really don't-- and so-- some things. And that's all. I'm sorry. I went over.

**MURMAN:** Thank you. Any questions? Thank you for testifying.

**JOSEPHINE LITWINOWICZ:** Yeah.

**MURMAN:** Any other proponents for LB527? Any opponents for LB527? Any neutral testifiers? Are you a proponent?

**AMBER PARKER:** O-- o-- opponent. You said--

**MURMAN:** O-- opponent. OK. Thank you.

**AMBER PARKER:** Sorry. You went fast.

**MURMAN:** It's hard to tell the difference between pro and opponent.

**AMBER PARKER:** Sometimes it is. And if you miss it by 2 seconds, you can miss the chance. Thank you. Thank you, Senator Murman. Amber Parker, A-m-b-e-r, Parker, P-a-r-k-e-r, and I'm in opposition to LB527 because I have seen a pattern in Senator Fredrickson's legislation this year that, to me, is very problematic. Questions with parental

rights, questions of the process of who information is given to and the direction through counseling and psychologists. And it seems that it is through a very strong push with, you know, LGBTQ, trans agenda. I first want to say that I am grieved to hear of suicides that have happened here in some Nebraska schools. And I should say school. And there's pain in our kids. I, I look at what they've been through. And they were told to wear masks. Their schools, where their teachers would have been their friends and some of them still, but some of those principals, vice principals, the teachers in the class, had turned into more so of a police, enforcing mask rules. And that scares a child. Even adults were scared. And I don't know if, currently, here in the capital city, that's still going on with the masks, by the mayor-- the current mayor. The reason I bring this up is because when we're addressing mental health, when a child can't see the facial expressions, when a child is comforted by that smile, when a teacher comes in and, and, and greets the class and when it all is a hands off, don't touch, sanitize your hands, do this. And I understand COVID was something that, for some, they did die, but it was really blown out of proportion for the level and masks and even the CDC had admitted that. So when we talk about solutions, it is really important to think of the health of these children in these areas and the mental health and who we would be giving access to \$12 million. And again, that's why I'm an opponent to the LB527, because I've seen Mr.-- Senator Fredrickson's pattern through this. And those questions, where the answer is there's no accountability. Right now, at this time-- I believe our state Legislature, at another time, could get together, work together on a bill. And I think we need to go back to textbooks. Children's minds are overstimulated by the constant scrolling. We already know that there's not security pertaining to the search engines in these schools and their technology devices. And-- as well as obscene materials or they're coming across-- children's minds are being damaged, physically.

**MURMAN:** Thank you. Any questions for Amber Parker? If not, thank you for your testimony.

**AMBER PARKER:** Thank you.

**MURMAN:** Any other opponents for LB527? Any neutral testifiers for LB527? Good afternoon.

**ROBERTA KLEVER:** Good afternoon, Senator Erdman [SIC] and other senators on this committee. My name is Roberta, R-o-b-e-r-t-a, Klever, K-l-e-v-e-r. I really had not intended to testify anything about this

bill today. But sitting here listening, I just felt compelled to give the obvious solution to this dilemma. Mental health is extremely important. I'm not against mental health. That's why I'm testifying in the neutral position, because I'm not against mental health. I'm a former registered nurse. I know there are mental health issues that need addressing. However, I think the increased occurrence in the past few years, actually, the last 50 years, especially in schoolchildren, can be directly traced back to when we took the Bible out of the classroom. It-- one of our founding fathers and I wish I could remember his name, but I don't recall his name today, but he actually stated that the Bible was the most essential, important textbook that we could be use-- that could be used in the classroom. It actually gives children a moral foundation to stand on and gives them hope for the future. So, maybe all these things would be changed if we went back to what our creator gave us in his instruction book and teaching absolute truth to these children, so they don't have so many confuse-- so much confusion. Thank you.

**MURMAN:** Thank you. Any questions for Roberta Klever? If not, appreciate your testimony. Any other neutral testifiers for LB527? If not, Senator Fredrickson, you're welcome to come up and close. And while he's coming up, there are, online, nine proponents, two opponents and zero neutral.

**FREDRICKSON:** All right. Thank you. I will keep this fairly quick. I just want to [INAUDIBLE] first and foremost, thank the-- all the testifiers, who came out and spent the time to come out to both share their personal stories and their experiences, but also their expertise. I really appreciate those who, who are here today. I think, you know, through the testimony provided, I think it kind of clearly underscores and highlights the, the need here and the importance of, of this type of legislation. Senator Walz, you had asked earlier about whether or not there were, sort of, the infrastructure in place in the schools for the point person. So Senator Day's bill, LB852, which passed last year, established a point of contact person for the school. So I think that, that infrastructure or framework is, is in existence. And Senator Albrecht, I know you had sort of asked, I think, a really compelling question, sort of regarding, kind of, what's the, what's the root of this, really. And I think-- I, I appreciated that question and I appreciated those comments. And I think that, you know, it's, it's, it's complex, it's nuanced. I think that's why we're having all of these conversations, especially around mental health. I think it's a-- I think the, the fact that we see these conversations across the board speak to the complexity of it.



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And so, you know, I'm willing to work with you on figuring that out together. Maybe we'll do an interim study or something. But yeah. That's all I had to say. And I'm happy to answer any questions that folks have, as well.

**MURMAN:** Thank you. Any questions for Senator Fredrickson? If not, thank you very much.

**FREDRICKSON:** All right. Thank you so much.

**MURMAN:** And that will close the hearing for LB527. We're going to take a, I hope, less than an eight- or nine-minute break. As soon as staff gets back, we'll start again. A short break.

[BREAK]

**MURMAN:** Welcome back to the Education Committee. Welcome back to the Education Committee. We'll begin the hearing again with LB177. Senator Erdman.

**ERDMAN:** Thank you, Senator, Senator Murman. I appreciate that. Education Committee Chairman, thank you for letting me be here this afternoon and present to you what I call-- what we're calling My Student, My Choice Act. This is a bill for anyone in education, whether you're in public or private school. It's an opportunity for us to make improvements or help students be able to be educated in an amount that they need to be educated in. My name is Steve Erdman. I represent District 47. District 47 is nine counties in the Panhandle. The name is spelled S-t-e-v-e E-r-d-m-a-n. So before I begin with what this bill does, I want to ask if you've seen the document that the LRO put together, and I know I can't get a response, but it is a School at a Glance, Schools at a Glance. They have every school-- every school in the state is on a document. Each page has one school on it, It gives their proficiency in all of their-- all their math and English studies and gives their graduation rate the amount they spayed it-- they pay to educate students. And I'm always amused when I look and amazed when I look at Omaha Public Schools. Omaha Public Schools is probably the worst school in the state. Their graduation rate is 74 percent. Their proficiency is 40-- is 20 percent in math, all school math. Their English is somewhat better. It's like 27. But the point is, there are a lot of kids that are trapped in public schools today that can't afford to go to a school that meets their needs. And so what we're trying to do with this bill is we're trying to give

everybody an opportunity to be educated in the method in which it best represents their needs. And so LB177, as I said, is My Student, My Choice Act. The bill creates the follow the student act-- the Follow the Student Fund. The fund is administrated by the State Treasurer. Each year the State Treasurer will transfer 55 percent of the total adjusted per pupil cost for educating students in the state of Nebraska into a fund. And currently that fund is-- that cost is around \$12,900, maybe just slightly more than that. So 55 percent of that will be about 70-- \$7,800. Each student would apply for their own account with the State Treasurer. The State Treasurer would deposit 55 percent of the pupil's per pupil cost in each student's account. The students or their parents would be issued a smartcard whereby they could access the money in that account. Monies in the account could only be used for educational purposes. Some of those purposes include the following: private school tuition, curriculum, education supplies. Those enrolled in public schools will be required to use the monies in their student account to pay for their tuition to their public school. Each school district would be able to levy a tax on properties located within the school district. This tax would be known as the common school tax. The common school tax would generate revenues equal to 45 percent of the adjusted pupil cost for all the students enrolled in that school district. Remember I said 55 percent is going to go into My Student, My Choice Act fund. Coupled with the 55 percent school-- 55 percent schools would receive from the student accounts from the following student fund, each, each school district would receive enough revenue to cover their operational costs and the ensuing school year. Whenever a school district finds it needs additional revenues, the school board would hold a public hearing and during, during the month of July, and upon approval by the school board, the school district would be limited to raising the tax levy by 2.5 percent of the adjusted per pupil cost. The bill establishes a School Stabilization Fund and each year the State Treasurer would transfer the revenues into the School Stabilization Fund as directed by the Legislature. The balance of the School Stabilization Fund would not be able to exceed 35 percent of the allocated amount to follow My Student Act. When the balance in the School Stabilization Fund exceeds that 35 percent, the amount allocated to the fellow-- Follow My Student Act Fund, the Treasurer would transfer the excess amount into the Cash Reserve Fund. Revenues from the School Stabilization Fund would be distributed to the school districts directly to the TEEOSA formula that we currently use. It has been said that we can't do this because you can't have private or public dollars go to private schools. So we are not sending this to the schools. We are sending this to the

individual. And Article-- in Article VII, Section 11 of the state Constitution says: Notwithstanding any other provision in the Constitution, appropriations of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state of Nebraska or a political subdivision thereof. That is why we are transferring the money to the account of a student that they can use for their educational purposes, whatever they feel best meets their needs. So that is a brief description of what My Student, My Act is. It's an opportunity for us to be the, the second to the last state to adopt school, to adopt school choice. And you will hear from people behind me that had experience and understand what they do in other states. For example, the state of Ohio is doing this. They found it to be very, very successful and it is improving their test scores, it is improving their learning ability, and it's improving the children that are able to leave their facility, their schools and move on to college and other careers. We in Nebraska have for years said we have an excellent school system. And when the Department of Education was in Appropriations this week, the interim director stated that Nebraska is number one in reading in fourth grade and the proficiency is 46 percent. And on that same document, there was a statement that said the following are the requirements or the, the stat-- the desired outcomes in English, math, and all those things and they were-- they were miserable. They were 46 percent, 47 percent. And they said that expectations met. Well, our problem is we have low expectations. And so this gives us an opportunity to make a difference in young people's lives and get the education that they need so they can move on to be competitive. We don't even-- we don't only compete with those people next door. We compete with people all around the world. And so our system is not doing very well in competing with other countries. We may be very good in America, but I'm not saying the education in America is outstanding. And so I have every one of those schools in this book. If you want me to look up what your school rating is, I can do that. But if you have not seen that document, I think it's very important to review that. And so that is exactly what we're trying to do. We're trying to make a difference in young people's lives so they can get the education that they deserve. And with that, I will stop there and take any questions. I'll be around to close, but there are people coming in behind me that understand what happens in other states and how we can make that work here. Thank you.

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

**ERDMAN:** All right. Thank you.

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**MURMAN:** Proponents for LB177.

**DANNA SEEVERS:** Good afternoon. My name is Danna Seevers, D-a-n-n-a S-e-e-v-e-r-s. I am the Seward County Republican chairwoman. I'm representing the Republicans and also myself. I want to tell you a little bit about a school named Lutheran East High School out in Cleveland, Ohio. I know this area well because I grew up not far from it and later called on healthcare facilities in the area. So I can tell you firsthand, it's not the best area of inner city Cleveland. One hundred percent of the students in the school, which is a total of 342 students at Lutheran East, are beneficiaries of Ohio's state school voucher program. The average family income at the school is \$34,000 a year. Lutheran East has the largest number of voucher students of any school in the state of Ohio, a state with nearly 12 million people. Over the past five years-- and this is where I really want you to hear these numbers. Over the past five years, they've had a graduation rate of 100 percent in an area of the city where public schools are only graduating 60 percent. Ninety-seven percent of graduates have been accepted into four-year universities. Nearly 100 of their recent graduates are first-generation college students. And most notable, every single student included in those above statistics is a student of color, every single one. So Ohio has had this opportunity scholarship-type voucher system since clear back in 2005. So they've been at this for 18 years. It started out as a program that was just a pilot program with the larger metropolitan areas and then after that, it was so successful they, they rolled it out to more of a statewide-type thing. They have gone through many iterations, many different nuances to it. They've tried different things that didn't work. So it's been so successful that now they've decided to expand it across the entire state. New legislation has just been introduced by Senator Sandra O'Brien in Senate Bill 11, called the Parent Educational Freedom Act, also known as the backpack bill, where money will follow the students. And so the-- I have some other details I want to share about that, but I'm running out of time quickly. There's a copy of her testimony, her opening testimony in your packet as well as the bill itself. And I'm hoping this will help the committee in some way as you evaluate the differences between Senator Linehan's opportunity scholarship bill, Senator Erdman's bill, this LB177. For the record, I have also included-- oh, I already said that. So I also just want to quote her in saying that the school choice movement is gaining momentum and learning options are gaining support. School choice was an important issue in the campaigns for public office over the past year. And after playing a huge role in the 2021 Virginia

governor's race, school choice has bipartisan support. Governors Josh Shapiro in Pennsylvania, J.B. Pritzker in Illinois, both Democrats, supported school choice. National polls in June showed voters everywhere supported school choice and again, school choice has momentum and is bipartisan. We don't have time to reinvent the wheel. All Nebraska children need you to act now and empower our families to make the best educational choices. We need to listen to our parents who want a voice in their children's education. We need to allow them to spend their hard-earned tax dollars on the school of their choice. LB177 puts educational options within reach of every parent in Nebraska. It empowers our parents, it's fair to the taxpaying parents, it encourages healthy competition and makes Nebraska an even better state to raise a family. I urge you to support this bill and I'll take any questions.

**MURMAN:** Thank you. Any questions for Danna Seevers at this time? I have one. You mentioned that, that this similar program works in Ohio and I don't think you talked about any other states. Are there other states that are doing-- having a similar program?

**DANNA SEEVERS:** Well, I know that Wisconsin also has it because Milwaukee was one of the cities that started with the pilot program when Cleveland did. But I'm from Ohio originally and so I, I can only really speak about that because I'm not familiar with any other states.

**MURMAN:** And could you talk about, again, the differences between the school in that poverty area? I'm not sure if it was Cleveland or--

**DANNA SEEVERS:** It's right in the heart of inner city Cleveland. The school was failing and they were about to close and they were trying to bring donors together to try to keep it going because on the west side of Cleveland is a Lutheran High School West, which is in a more affluent part of town. And it's where the-- you know, better neighborhoods and things like that. So right as the school choice thing was happening in '05, they were able to get the donors together to cover the other portion that the voucher wouldn't cover and they got it going and then it just took off. And so the thing that I want you guys to know is, like, 18 years they've been at this. Why would we start from scratch here if, if where those 18 years took them is right basically to LB177? Why wouldn't we just start there? They started with the whole-- they expanded offering to-- first, it was, like, they had to be inside the district. So if you took your voucher, you could go to another school, but it had to be within, like, a private school

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within your district. Then on the second version, they came through and said, well, your school has to be underperforming. So then that was a rule that they brought in. And then they were, like, well, the third version of the program called the education choice expansion based it on family size, family income. The school didn't have to be underperforming, but the family had to be less than 4,000 percent of federal poverty guidelines. And then now, here we are with basically their fourth version where they're saying now it's the backpack bill. The money goes in the backpack and follows the student. And so it doesn't have anything to do-- you can be out of the district. You can take the money and go wherever you want. It has homeschooling credits. And so I'm just begging you guys, like, don't spin your wheels reinventing, OK? Like, look at what Ohio's been through. I have multiple superintendents that would be happy to talk to you. There's a-- it's a House and a Senate over there so they've got sponsors on both sides that can talk to you and help you. And so that's all I'm asking. Just don't reinvent the wheel.

**MURMAN:** Thank you. Any other questions for Danna Seevers? Thank you for your testimony.

**DANNA SEEVERS:** Thank you.

**MURMAN:** Other proponents for LB177?

**ANGIE EBERSPACHER:** Good afternoon, Senator Murman. My name is Angie Eberspacher, A-n-g-i-e E-b-e-r-s-p-a-c-h-e-r, and I attended parochial school through eighth grade, graduated from public high school, earned a teaching degree from UNL, taught in public schools and homeschooled my three daughters all the way from-- through their whole entire education. Education is ingrained into my life. I have experienced how all forms of education are important options and fit different times and needs. How does school choice help families? Funding education is increasingly getting complicated. In Nebraska, we have TEEOSA, which no one understands. And in 2022, \$4,250,192,447 was spent on public school education here in Nebraska. We can learn from Ohio. In 20-- in 2005, Ohio created the EdChoice Scholarship Program to help low-income students, just as Danna was talking about. But what about the students who come from families who are stuck in the public school system? Their family makes just enough money to not qualify for the scholarship, but not enough money to pay for private school education. They can't get out. In fact, even Ohio has learned that they need to fund all students. After expanding the program in 2013, Ohio lawmakers concurrently, concurrently considering SB 11, the enact Parent

Education Freedom Act, which would fund all students with school-age children in the state of Ohio to choose the public school or a private school of their choice. They recognize that education is not a one-size-fits-all endeavor. LB177 would provide the option for all students to access their tax dollars. These tax dollars would fund the student, not the school system. Funding students empowers families to execute their parental rights over the education of their children. Parents know their children better than school institutions. How is only providing school choice for low-income students fair? Why should low income be the only factor in deciding which students qualify for school choice? What about proficiency scores, social values or location? Nebraska's proficiency scores are abysmal. Parents should be able to use their tax dollars to send their children to the school that best fits them academically or best aligns with their social and philosophical values. Students should not be held captive in a school where they cannot thrive. The Nebraska Legislature is in a unique position right now with having both the scholarship-funded school choice bill that would only fund the low-income students and also the school-- My Student, My Choice bill, which would fund all students. Ohio has been on this school choice path for almost 20 years and is now realizing that tax dollars should follow all students. Nebraskans should learn from Ohio. We do not need to waste almost 20 years before funding all students. The time to help students is now. Funding all students should be the priority for Nebraska. Ohio is planning to provide \$5,500 for students in grades K-8, \$7,500 through students in grades 9-12. Iowa is allowing \$7,598 per student. Nebraska would be competitive in that \$7,000 range for each student. Parents should be making the educational decisions for their children. Let the tax dollars follow the student. Thank you.

**MURMAN:** Thank you. Any questions for Angie Eberspacher? If not, thank you for your testimony.

**ANGIE EBERSPACHER:** I've also included a sheet on the proficiency scores, if anyone wants to look at those.

**MURMAN:** Other proponents for LB177.

**SARA FREEOUF:** Greetings. My name is Sara Freeouf, S-a-r-a F-r-e-e-o-u-f. I'm from Crete, Nebraska. My husband and I were dedicated teachers for over 50 years. He taught math and physics. I taught music. I served on the ESU board for 12 years. We are heartsick over what we've seen happen to the public school system in Nebraska, the system that nurtured us. Now our two grandchildren are being

affected by this horrendous downfall. Public schools are a reflection of the society they serve. In spite of the culture wars, most parents want their kids to achieve academically. Verbal and math skills are so essential in order to learn anything, including the truth about our Constitution and the liberties given us as U.S. citizens. Public schools were started in America to teach children how to read so they could read the Bible so they could be saved. John Dewey and his crew of Marxists did so much to thwart that. For years now, it's been the DDD, deliberately dumbing down. The test scores show it. After the teachers unions got Carter elected, the federal bandwagons took over. We had outcome-based education: Goals 2000, No Child Left Behind, Race to the Top, Common Core. Bureaucratic, bureaucratic government schemes and greedy teachers unions have destroyed public education. The pandemic woke up a lot of parents. Kids are born with a desire to succeed. If they are not taught the basics or if they are distracted with sex ed and transgender garbage or the lies of SEL, CRT and so on, kids will still succeed, but most likely in the DAS, the drug, alcohol and sex, because you sure don't need the basics to succeed in that. You senators can turn this government education Titanic around. There is nothing more patriotic than this that you could do for Nebraska, except maybe fix our fraudulent, broken Nebraska election system. LB177 could allow over \$4 billion to be used far better for educating than it is now. Discretionary parents who love their kids would do far better than gov ed, making sure their share is used wisely for education and not indoctrination. Please senators, all you have to do is fund the student, not the system. Parents should have a choice. They are demanding to have a choice as to how, where their children learn to read so that they can read to learn and hopefully become patriotic American citizens not indoctrinated idiots. Please for the future of Nebraska and America, do all you can to support LB177. On the back, I attached for you the information on the NEA and the NSEA. We heard great things a little bit ago from a member of the NSEA. She wants more money to fix the problems, the very problems that her organization has created. So I thought you ought to have a sheet of what the NSEA and the NEA are all about. Do you have any questions?

**MURMAN:** Thank you. Any questions for Sara Freeouf?

**SARA FREEOUF:** I passed around a DVD. Before you vote on any bill concerning education, put that in your DVD player and listen to Alex Newman. The man that did that came to Nebraska in 2018 and he is excellent and he exposes what's going on nationwide that you people need to fix here in our state. I'm a grandma and I'm a growling grandma. Thank you.



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

**KAYLA BUTLER:** Hello, my name is Kayla Butler, K-a-y-l-a, last name, Butler, B-u-t-l-e-r, and I'm just a mom advocating for her son who is only a first grader. And sorry so, like, kind of nervous. I'm a small-town kid from central Nebraska who went to K-12 school of less than 170 students. So having a son and deciding where to send him to public school in Lincoln was the hardest decision I've ever had to make as a mom. And this was right as the pandemic we thought was going to end and it continued to go. In August of 2020, he turned six, meaning LPS rules means he can't go to school for another year. So we had him enlisted into a public school. And with everything going on in our school districts and the pandemic and we homeschooled for another year just because it was preschool and it was just a really hard decision. He currently attends Parkview Christian School. My household makes less than \$50,000 a year. We have nontraditional roles in our family. My husband takes to school, drops off. Our school doesn't have free/reduced lunch program. And luckily we do-- our school does offer scholarships, but without that, I wouldn't be able to choose what school my son would be able to attend. I'd have to put him in public school. I wouldn't have the right to know every student in the classroom. And that's such a huge thing too when you don't know-- you go to a school with 500 first graders or seven different classes of first graders. You know, he's got 17 kids who he'll get to graduate with if all of the students stay there. And the passing of this bill would allow that because most of Parkview Christian is low-income families who are on scholarships and able to send their children to that school. Without the scholarships or the opportunities through the FACTS management program, I wouldn't have even been able to think of sending my child to that school. He is quite advanced for a first grader so he's doing second-grade learning in first grade with the smaller class sizes of being such a private school. That's all I have.

**MURMAN:** Thank you. Any questions for Kayla Butler? Really appreciate your testimony as well.

**KAYLA BUTLER:** Thank you.

**MURMAN:** Other proponents for LB177.

**PATRICK PETERSON:** Good afternoon, Senators. Patrick Peterson, P-a-t-r-i-c-k P-e-t-e-r-s-o-n. In September of 2019, the Nebraska Board of Education, under the direction of the Nebraska Department of Education, voted to make social justice the primary goal of all

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education in Nebraska. Not reading or math, social justice. In a June 2020 post to the NDE website, Commissioner Blomstedt reiterated the goals for the department and the first two things he listed were social justice and anti-racism. The standards and recommended resources released by the department since have reflected that goal and the dismal performance of our schools lately in the areas of math, science and reading reflect those priorities. Those policies remain in place four years later. The Nebraska Department of Education oversees all schools in Nebraska, including the private and home schools, but their reach is felt most acutely in the public schools. Parents and teachers see our public schools riding a pathway to extinction as more and more families are opting out of the toxic ideology that has taken them over. The schools are all in with social environmental learning, which is pervasive training in Neo-Marxism. They are gathering data on students for outside agencies that want to give our kids social credit scores. They are all in with gender ideology, even convincing students to transgender behind their parents backs. Yes, in the suburbs. Yes, here in Nebraska this is happening. For this legislative session, it was a group of parents and teachers who, along with Senator Murman, crafted a Parents' Bill of Rights in an attempt to save the Nebraska education, education system from itself. That was LB374, which has died in this committee. The message to parents and teachers is clear: Nebraska does not care what parents think. They do not want to know what the schools are doing. They do not want them to know what the schools are doing and they do not believe that parents should control the upbringing and education of their own children. Teachers are quitting in droves, many of them because they refuse to enforce this policy. Parents are actively looking for alternatives. The biggest hurdle for parents is cost. To remove their children from the schools, which they consider a toxic environment, they would in essence be paying twice for education; once through their property taxes and again through tuition. The cost is prohibitive for most families-- prohibitive for most families. We can't yet say that most Nebraskans are trapped in failing schools because they are great people. There are, there are great people, teachers and administrators keeping the ideological excesses in check as best they can and they are trying to maintain the quality that they know is possible and they feel like they are fighting an uphill battle. However, the needle is moving rapidly in the wrong direction. "Witness the Truth" recently exposed Westside Schools. Nebraskans need alternatives and they need them now. If the State Legislature is blind to this fact, then the people will become less and less tolerant of property taxes. No matter what, parents will-- no matter what, parents will find a way to educate

their children in an environment where Parents' Bill of Rights is not considered too radical to pass out of committee. I'm happy to answer any questions.

**MURMAN:** Thank you. Any questions for Patrick Peterson? Thanks for your testimony.

**MARILYN ASHER:** Hello, my name is Marilyn Asher, M-a-r-i-l-y-n A-s-h-e-r, and I had a really bland testimony prepared last night until I picked up my phone and in law-- online interview done by Accuracy in Media with Dr. Kelcy Tapp, director of elementary teaching and learning, and Dr. Mike Lucas, superintendent of both of Westside Community Schools. And I want to describe the-- this interview with direct quotes from what was said. Dr. Tapp said that every time that Westside Schools are adopting new curriculum and materials, they make sure to, quote, really look at the diversity, equity and inclusion perspective to make sure that we're looking at that. She also spoke about pilot programs that Westside just completed where eighth graders were instructed to be change agents for specifically areas of race and asked that these units are more progressive, she confirmed yeah, they are. She told AIM investigators that a nearby district is actually relabeling some of the educational tools and units that parents are taking issue with because they know that it's important that they know that our children need it and they know that our children need it. Tapp said that other districts are rebranding CRT because it was getting a bad rap. She said, quote, that's why they're rebranding because they're, like, we can't let a talking point stop us from doing what's important for kids. That's what educators have to do is to know that what we're doing is good for kids, end quote. The interview filmed Dr. Tapp saying that it was more important to teach CRT to Westside students than to worry about the political whims of parents. She further confirmed to investigators that SEL about-- allows teachers to talk about privilege and systemic racism. The second person re-- interviewed was Dr. Mike Lucas, who said, quote, legislatures, they don't mess with Westside too much. And when we go down, we'll have to play a lot of defense this session, but we're all pretty connected. In speaking of parents who want bills such as LB70-- LB177, he said they'll try to divert public education money to school choice movements. They'll try to do away with SEL and we will eviscerate all of those. There's a lot of things always going on behind the scenes and some of the most powerful people in Nebraska live in our district. They have nothing to do with education. And so we can employ-- deploy them to help with our message. You get Clark Lauritzen, who runs First National Bank, who sends his kids to our

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school and all the people that run the chamber, either who did or have kids at Westside and we give them the talking points. It brings everybody back toward moderate. We just slowly bring them back and then we have enough pull. My children attended Westside and they got a great education and I am sickened at this interview that demeaned parents. Dr. Lucas explained how Westside today was going to eviscerate the arguments for school choice. What these people are talking about is nothing less than a power struggle and the parents in Nebraska want to legitimately have power over choices for their children's education. I'm sick that Westside has lowered itself into the swamp of CRT and SEL and I'm fighting for those parents who can't afford an alternative that aligns with their own values. Please vote for LB177 so parents can choose. Thank you.

**MURMAN:** Thank you. Any questions for Marilyn Asher? If not, thank you for your testimony.

**CINDY MILLER:** Good afternoon.

**MURMAN:** Good afternoon.

**CINDY MILLER:** My name is Cindy Miller, C-i-n-d-y M-i-l-l-e-r. First, I want to thank you for your endurance. I'm sure it was hard, the debate this morning on the floor. I watched some of it. So I commend you all for being here and being awake. I'm a strong supporter of LB177. Thirty-three years ago, alert educators, education advocates were seeing changes in textbooks, which included the degradation of American history, the dumbing down of reading skills, the lack of emphasis on moral character development and citizenship. Thus, the homeschooling movement was born. Most of my fellow homeschoolers were like me. We didn't like the developments we were seeing in public schools, but we didn't have any options. We couldn't afford private school so we gave up our careers and we taught our children at home. I eagerly embarked on the adventure of teaching five children at home. They all had different personalities, different styles of learning, and I had to learn what worked best for each student. One method of teaching does not fit all. One school does not fit all. One of my children was on the lower end of the autism spectrum. He would have struggled and been miserable in school-- in public schools. But because I had the freedom to choose where he was educated, which was home, he flourished. My children graduated from our humble school with a solid moral and educational foundation and went on to accumulate a combined three undergraduate degrees. One has a Ph.D. in math from Cornell, and my-- one of my daughters is working on a Ph.D. in

nursing. Many highly dedicated and motivated parents today joined together to create co-ops for their kids to learn skills that other parents excel in. Those are private alternatives to charter schools. I often wonder what great things could be accomplished if the tax funds followed the students. I hope you give parents a choice today that I didn't have. We know that in business, in the business world, competition is the thing that drives excellence and I think that's why our public schools have been degraded. It's because they lack that competition. So if we really care about our children, we should free the finances to follow them. I hope you support LB177. Thank you very much.

**MURMAN:** Thank you. Any questions for Cindy Miller?

**CINDY MILLER:** Thank you.

**MURMAN:** Thanks for your testimony. Other proponents for LB177.

**AMBER PARKER:** A-m-b-e-r P-a-r-k-e-r. I am a proponent to LB177, Senator Erdman's bill. Thank you, Senator, for bringing this forward and I am asking this committee please vote out to adopt the My Student, My Choice Act. I want to give you a little bit of background building off one of the testimonies here today. I've been one to go to the State Board of Education meetings. I've been one to see them abuse what they would probably deem-- term parliamentary procedures, cut off testimonies of parents to address real issues of what's happening in areas of Nebraska education. I want to be clear in stating that there is a deception that we-- those of us going forward are deeming all teachers as bad in public schools. That is a lie. We want to keep good teachers and we want to help and aid those teachers with the resources that could be at their hands. And the way I look at this bill, it is solving many of the issues and problems that could not be solved and addressed that fell on deaf ears other than Kirk Penner at the time in 2022, I believe it was. I'm trying to think when Governor Ricketts had appointed him, but Kirk Penner has been so solid in listening to the parents' cries and voices. The former commissioner, Education Commissioner of the State Board of Education Blomstedt-- someone correct me if I'm wrong-- but isn't he now a lobbyist in D.C. for education? He's a lobbyist in D.C. He had resigned, which was interesting because there is a lot happening here in this state at this point in time and I feel that it's important for those who are at home and cannot be here at these hearings that their voices would be heard. And I want to share that under-- with Deborah Neary and Robin Stevens. Robin Stevens, no longer there. Deborah Neary has her seat.

We question what the election integrity of things happening in the state. We were blessed to get two seats to change, but what would LB177 do? It would create a competition all around. And it's going and giving to the individual account of a student to pay for tuition. It is a choice for the families to decide what education best fits their child's needs. I want to speak. A little bit of my testimony, I actually went to a private school, I believe it was kindergarten. Due to the financial-- the cost, I had to leave and then go to public school and then from public school all the way into graduation in public school. What I want to tell you, we are in inflation. Families are suffering. And right now, there are likely families that are about to lose some jobs here in this state and things that are going on the way the current environment is. There are people that planned in retirement and stocks and perhaps grandparents that plan to pay for their kids' education and now they can't afford it. But LB177 would help them bring that dream come true.

**MURMAN:** Thank you. Any questions for Amber Parker? Thanks for your testimony.

**AMBER PARKER:** Thank you.

**JEANNE GREISEN:** Good afternoon.

**MURMAN:** Good afternoon.

**JEANNE GREISEN:** My name is Jeanne Greisen, J-e-a-n-n-e, last name, G-r-e-i-s-e-n, and I'm here representing Nebraska's for Founders Values [SIC]. We are defenders of the First and Second Amendment across all Nebraska and all 93 counties with an emphasis on protecting children. I am in support of LB177. School choice needs to be for all students, not just those that qualify for scholarships based on income. Just because I have a teenager, we may be dealing with a car. I'm going to give you a nice analogy between a car-- buying a car and picking a school. So if you're comparing a school to buying a kid's car, would you waste money on a junker that you have to pump a lot of money into fixing that's not safe or is unreliable? Of course you wouldn't buy that car. You want your kid to be safe and comfortable in their new car. It's-- the same goes for picking a school when you're paying the tax dollars for that. Would you pick a school that you have to put more money because you have to buy tutoring because they're failing and the school maybe is not safe or is unreliable to give you a return on your investment? Of course you wouldn't. You want your kid to be comfortable and safe. So I want to give you ten reasons why the

Heritage Foundation good-- ten reasons why school choice is the way to go. One, for student safety. Two, it increases the parents' satisfaction and involvement. Three, it gives students an education tailored to their needs. Four, school choice provides options for low-income families. Five, it leads to higher graduation rates. Six, it saves taxpayer dollars. Seven, school choice puts competition into schools, which you guys have already heard from other testifiers. Eight, school choice makes schools more accountable. Nine, school choice makes education dollars go farther and you can see that in private schools. They can educate a child for a much lower amount than what public education does. And ten, school choice helps cultivate citizens. So it is time for a major change in education that gives parents the choice to choose where their kids go that is the best for that family and for that child. I'll take any questions.

**MURMAN:** Thank you. Any questions for Judy Greisen [SIC]? Thank you for your testimony. Other proponents for LB177. Any other proponents?

**WARD GREISEN:** Good afternoon. My name is Ward Greisen. That's W-a-r-d G-r-e-i-s-e-n and just want to talk about a couple of quick things here. So I saw an article, it was a 2019 article, but it was in the Omaha World-Herald and it was a Creighton University student that was talking about this subject and he was kind of talking about the difference between ACT scorers in Omaha schools and, and the difference between schools west of 72nd Street and east of, of 72nd Street. And talking about the school choice and what it would mean to, to students in the Omaha area about having school choice and putting their kids in the higher performing schools. And he talked about research shows that school choice programs can reduce racial segregation, reduce instances of criminal behavior and teenage pregnancies, increase college going and college completion rates, and provide better academic outcomes for all students, both in public and private schools. And then you liken that to a more recent article in the Journal Star that listed five of the top high schools in Nebraska. Well, three of them were private schools. And so then you heard other testifiers talk about, well, private schools can do this for less money. And they're putting out, you know, kids that are-- have a better education. So how does that work, right? And it's competition. They know they have to be efficient at what they do and they know that they have to have results. Unlike public schools, right, they know that-- they think they want to hold parents hostage, right? That they have no other choices, but they have to go there. And that's why this bill is so important. We have to give parents choices and that will drive competition. And competition drives better performance from the

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entities. And so that's really, in my opinion, what this is about. And then I guess just from a personal note, you know, I, I grew up on a farm in the late '70s, early '80s and my dad had a high school-- or a eighth-grade education. And so education was so important for him to instill in us because he knew that was a way out for us and a way to move out. And education is so important. We have to give this generation of kids a good education. We heard about how our schools are failing. I mean, we hear how public-- our private schools are succeeding and we need to give all students a chance to-- and chance for that and this is a bill that can do that. So I urge you to vote this out of committee and put it on the floor. Thank you.

**MURMAN:** Thank you. Any questions for Ward Greisen? Thank you for your testimony. Other proponents for LB177.

**JEREMY EKELER:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Jeremy Ekeler, J-e-r-e-m-y, Ekeler is spelled E-k-e-l-e-r and I'm the associate director for education policy at the Nebraska Catholic Conference. The Nebraska Catholic Conference advocates for the public policy interest of the Catholic Church and advances the gospel of life through engaging, educating and empowering public officials, Catholic laity and the general public. The conference thanks Senator Erdman for bringing LB177 to the table for discussion. As usual, the senator is thinking big and he's thinking about Nebraskans. In this case, he is focused on parents and kids finding the proper fit for their education. LB177 taken in whole is a new concept for Nebraska, as we've heard from other testifiers. Nebraska is a state that has never passed school choice legislation, despite over 30 years of program passage across the nation. As a matter of fact, this legislative year alone has seen 107 bills on school choice introduced in 32 states. And this is exciting to the conference because it supports the belief that parents are the primary educator of their children, should look to partner with the school of their choice and must encourage the government to support them in this mission. As one of my mentors at Notre Dame notes, if the Catholic Church had no schools, we'd still advocate for school choice because it's about parents' rights and children's opportunities. Senator Erdman's bill has multiple components, but a fundamental piece is called Follow the Student Fund, a sort of education savings account. According to the bill's Section 7 an allocation of 55 percent of the state average cost per pupil for each student will be placed into an account for public schooling, nonpublic school tuition and fees, textbooks, tutoring, proctoring and other listed uses. From the national perspective of the 11 state ESA programs, these accounts



allow parents various degrees of direction in how education dollars are spent on their children's academic development. Nebraska has actually seen some versions of this presented in recent years. Last year, Senator Albrecht introduced education recovery accounts as part of the ARPA budget. These education recovery accounts would have supported children disproportionately impacted by COVID learning loss. Former Senator Rob Hilkemann brought an ESA bill during his time in the Unicameral, including last year in 2022. This concept involved a tax deduction for donors who deposited up to \$2,000 for expenses that included nonpublic tuition fees, books, uniforms, technology, distance education, college exams and more. And Senator Walz's LB518 is a type of ESA that places the control of funds in educational interventions in the hands of public school rather than parents who address at-risk learners. So in conclusion, LB177 includes a school choice component the conference appreciate, appreciates and we thank Senator Erdman for bringing this conversation forward. Also, as this is the last day of testimony in front of the Education Committee, I just want to thank you for these first three months and getting to sit in front of you and take questions. So I'll end with that.

**MURMAN:** Thank you. Any questions for Jeremy Ekeler? If not, thanks a lot.

**JEREMY EKELER:** Thank you.

**MURMAN:** Any other proponents for LB177?

**LAUREN GARCIA:** Hello, Chairman Murman and members of the Education Committee. My name is Lauren Garcia, L-a-u-r-e-n G-a-r-c-i-a. I'm the Nebraska state director for American Federation for Children. We seek to empower families, especially low-income families, with the freedom to choose the best K-12 education for their children. Every child deserves the opportunity to access the best education for them, regardless of their family's income or zip code. Nebraska is now one of only two states that has not passed a school choice program to empower families with this freedom. School choice is about a fundamental right for parents to have access to the educational environment that serves their children best. Parents should have a wide array of high-quality school and education options to choose from. As was stated in a recent opinion piece from the Institute for Justice in the Omaha World-Herald, families with financial resources already have this right in Nebraska. They can purchase homes in upscale neighborhoods with easy access to high-performing public schools. They can hire tutors and coaches to supplement classroom

instruction. They can arrange their work schedules to homeschool and they can pay tuition at any private school they want. Support for school choice is at an all-time high, especially among people of color. And a record number of states passed legislation to create, expand or improve school choice programs in 2021, 2022 and even now in 2023. Nebraska should be next. Nebraska's public schools are a great option for students, but they aren't always the option that works the best. Far too many children are currently unable to access the best education options for them due to financial barriers. This bill attempts to address that problem. LB177, introduced by Senator Erdman, resembles what many states are calling an education savings account. Education savings accounts allow parents to access public funds for their child's education to be used at a private school for homeschooling cost, online school or other education expenses. Eleven states, including Iowa and Indiana, have implemented ESA programs. LB177 takes funds that are meant for a Nebraska child's education and gives parents the freedom to use it for the best educational fit, whether that is staying at their zoned public school or finding a private school that works for them. We strongly support the spirit of this bill and want to work with Senator Erdman to assist in expanding options for Nebraska families. Thank you, Senator Erdman, for reducing this bill and supporting giving families more options in choosing their child's education. Thank you.

**MURMAN:** Thank you. Any questions for Lauren Garcia? Thank you very much for your testimony.

**LAUREN GARCIA:** Thank you.

**MURMAN:** Other opponents for LB177. Any other oppon-- or proponents? Any opponents for LB177?

**CONNIE KNOCHE:** Good evening, Chairman Murman and members of the Education Committee. My name is Connie Knoche, it's C-o-n-n-i-e K-n-o-c-h-e, and I'm the education policy director for OpenSky Policy Institute. We're testifying in opposition to LB177 because we're concerned about the Follow the Student account, how it will be funded, and the long-term sustainability of the program. As Senator Erdman indicated, it creates the My Student, My Choice Act and 55 percent of the per pup-- adjusted per pupil cost would be following the student. So using the '22-23 data, the total amount transferred would be \$3.3 billion. There were 365,672 private and public students enrolled in K-12 education. The current state statewide per pupil cost is \$16,378. So that would be \$9,008 per student that would be placed into this

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account, and it can be only used for tuition, fees, textbooks, various other education-related expenses, including calculators and school uniforms. LB177 allows schools to levy a tax equal to 45 percent of the statewide per pupil costs. And the TEEOSA formula would be in place if the fund does not exceed 35 percent. So with \$3.3 billion, TEEOSA this year was \$1.1 billion. So in addition to the funds that they would get from this account, they would also get their TEEOSA funding. And based on our calculations, the total aid under LB177 in '23-24, if this had been in place, would be over \$4 billion for the state. Fifty-three of the 244 school districts would have had a levy of \$0, and the average levy reduction for school districts would have been 23 cents. This bill does not provide a source of funding for the program. In establishing the program, the state would be paying for both private and public education. ESA programs divert local tax dollars back to the state, and then to a largely unregulated private entities that run private schools. Based on the \$9,008 per student allocation, the 37,000 private school students would receive \$333 million from the state. Taxpayers don't see how the money is used or what kind of education is provided for their money. Private schools are not required to serve free and reduced lunch or provide transportation or provide special education services for students. Diverting the money from the underfunded public schools makes it harder for them to be successful, gambles with tax dollars, and undermines our state's Constitution. We encourage the committee not to advance LB177. And I thank you for your time, and I'm happy to answer any questions you have.

**MURMAN:** Thank you. Any questions for Connie Knoche? Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. So I'm having a hard time following your numbers, not that I don't think they're accurate. Fifty-five percent of what we spend on education would be \$3.3 billion.

**CONNIE KNOCHE:** Fifty-five percent of the statewide average per pupil cost. The statewide average per pupil cost is \$16,378. That's the most recent number.

**LINEHAN:** Yes.

**CONNIE KNOCHE:** So 55 percent of that is \$9,008. And then you multiply that by--

**LINEHAN:** No, whoa, oh, you said something about \$3.3 billion. What--

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**CONNIE KNOCHE:** Yeah, when you multiply \$9,008 by 365,672 students, that adds up to be \$3.3 billion.

**LINEHAN:** You think all the kids are going to leave public school and go to.

**CONNIE KNOCHE:** It goes to public and private students.

**LINEHAN:** OK. So that's less than we spend now.

**CONNIE KNOCHE:** Right now, you're spending \$1.3 billion.

**LINEHAN:** But, but that's not what we spend on public education. We spend like \$4.5 billion on public education, all in property taxes.

**CONNIE KNOCHE:** Property tax and yeah. So, but all of this is coming from the state. It's not coming from property tax.

**LINEHAN:** I think Senator Erdman probably has planned that that's exactly what he's trying to do. So this is not more than we're spending on public education now. \$3.3 billion is not more than \$4.5 billion.

**CONNIE KNOCHE:** I'm not sure where his numbers came from, but yeah.

**LINEHAN:** OK. So then you said that-- you said and I think I catch the word here and just for clarifying [INAUDIBLE], you said private schools are not required to provide special ed services.

**CONNIE KNOCHE:** Right. Public schools have to follow [INAUDIBLE].

**LINEHAN:** They have to follow federal law.

**CONNIE KNOCHE:** Yeah.

**LINEHAN:** But there are private schools that do provide special ed services.

**CONNIE KNOCHE:** Right, but they're not required to.

**LINEHAN:** Right. Because they don't get any money.

**CONNIE KNOCHE:** Right.

**LINEHAN:** And then you said they're not required for free and reduced lunches.

**CONNIE KNOCHE:** They don't have to provide [INAUDIBLE].

**LINEHAN:** Right. They don't have to, but they do. OK. Thank you.

**MURMAN:** Any other questions for Connie Knoche? If not, thank you for your testimony. Other opponents?

**JOSEPHINE LITWINOWICZ:** Good afternoon again. Pass [INAUDIBLE] papers. I did this on-- I was a little grumpy at 11:00 last night, and I didn't-- I only saw the bill. So some of it doesn't even apply. But as far as, again, critical race theory, please. You know, the blacks were just as-- if you look at what happened in Africa, they're just as guilty as the whites slavery, the Hutus and the Tutsis. We got the Buddhists fighting the Muslims; the Armenians and Turks. I just can't take it anymore. And the fact is I exist and-- OK. OK. First of all, as I have mentioned many times in bills for this legislative session, the Attorney General, Mike Hilgers, definitely discriminated against me due to my disability and targeting me because of my LGBTQ+ status. He did so while he was Speaker of the Legislature, and I can prove it. I've been saying this, come on, you know. The bill may generate students that eventually target me in, in a nursing home. You know, they don't know what's going on-- during or during a home health visit. Also LBs, you know, the intended priority is to marginalize, disregard, inspire hate for the reality of my existence. I do exist and so do others like-- and then so, you know, you know, it's kind of funny, even, even though, oh, [INAUDIBLE] anyway-- oh, OK. I'm just going to leave this now. But it's frustrating because I do exist and it was painful and happened three years ago because, you know, I finally woke up because, you know, there was a lot of problems with processing that. And you know, historically through time, you know, homosexual, you know, for example, 10 percent of the population, you know, I had stuff-- had stuff I wanted to say, but so we don't need this bill because it's cruel. And I just and Matthew, what is it, 19 or 22, of these the first two are the greatest commandments. That was clear. And Jesus was a spiritual person and the law was given further because they needed it. And so my Bible has four chapters. You can imagine what those are in addition to some other things, because only what Jesus said, that's all that matters. And he's, he's a good dude. I mean, he's, he's the man. But, you know, there's other people, too, others, other folks that have contributed. And, you know, I mean, I, I don't know if I got off the subject, but I can't handle this anymore with the CRT. I don't even know where it came from. And what is the other one? Yeah. I mean, my God, we need education. We need civics and ethics. Now we need statistics so people can understand what the hell

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they're reading and so they can tell themselves whether or not-- this is messed up. Because I can look through liberal kind of studies too, and I just, man, let them drop to the ground. You know, this is nonsense. People need to know what the heck they're reading and, you know, use a little more love.

**MURMAN:** All right. Thank you.

**JOSEPHINE LITWINOWICZ:** Yeah, thank you.

**MURMAN:** Any questions for Josephine Litwinowicz?

**JOSEPHINE LITWINOWICZ:** OK

**MURMAN:** Thanks for your testimony.

**JOSEPHINE LITWINOWICZ:** I might leave so that's why I-- I mean, I intend to stay for the next one.

**MURMAN:** Thank you. Other opponents to LB177.

**KYLE FAIRBAIRN:** Senator Murman, members of the Education Committee, my name is Kyle Fairbairn, K-y-l-e F-a-i-r-b-a-i-r-n. I'm the executive director for the Greater Nebraska Schools Association, which is an organization of 25 of the largest school districts in the state. We represent about 70 percent of the children educated in public schools and about 88 percent of all the minority children in the state. I'm not going to go into some of my testimony because it just talks about the bill and the cost per student and things that Connie hit on. I will talk about why GNS-- and I'm sorry, but I'm also representing NCSA today, STANCE, and NRCSA. The stance on the bill, the concern we have, there's a few, few things within the bill that we're concerned about. The cost of the program to start with would be over \$3 billion of state money. Again, I understand what Senator Linehan is saying, that the total cost is 4.5. There still would be property tax expenses within this bill, but the expense for just the initial cost of it would be over \$3 billion. That's a concern that that may be unsustainable moving forward since the state right now is spending \$1.1 billion on, on education. The bureaucracy that would be created at the State Treasurer's Office I can't even begin to comprehend. We have 300 and-- over 350,000 individual accounts. The bill states that anybody that doesn't spend that money correctly has to have an individual meeting with the State Treasurer to talk about how we fix that. I take a look at a district like Bellevue, one of the schools I represent. They get a huge increase in kids in the end of September

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and beginning of October because that's when military transfer students. This bill says that all payments will be made by September 5. So Bellevue Public Schools would be basically taking all, all those kids in at that time and get no money for them. At January, they would get half the money for them for the rest of the year. That puts Bellevue Public Schools in a tremendous, tremendous disadvantage with other public schools. I looked at a school like Bayard Public Schools in western Nebraska. Right now they spend \$23,000, \$23,193 per, per pupil. With this bill, they would only be able to spend \$15,490 if they approve the 2.5 increase. So basically that school district would lose 33 percent of their funding. School districts' cost is about 80 percent staff salaries. If you've got 33 percent of a school district like Bayard, they will not be able to survive. And I don't know that there's a lot of private schools in Bayard. Maybe there are that I don't know about, but, but that would be a huge problem. And schools that educate large numbers of children in poverty and ESL kids, there is no formula fix for them. They would only be able to spend at the state average. I'm sorry. I'm out of time. Again, Jeremy, I'd like to thank you guys. Last day of hearings. I appreciate being, being able to present in front of you guys. It's always a pleasure being here. Again, I think he gets treated a little better than I do, but that's OK. So I'd sure take any questions if there are any.

**MURMAN:** Any questions for Kyle Fairbairn? Yes, Senator Walz.

**WALZ:** Thank you, Chairman Murman. And I was going to ask Senator Erdman this, but maybe you could answer it. As I was reading through the bill, I was wondering how would schools budget for this? Like--

**KYLE FAIRBAIRN:** Any, any school right now that's spending over the state average per pupil expenditure in public schools, so all of your rural school districts that spends upwards of \$25,000 to \$30,000 per child, they're done. I mean, there's no way to make that money up. But budgetingwise for school districts like a Bellevue that has huge increases, there would be no way to budget because they wouldn't have the-- they wouldn't have the dollars because the kids wouldn't have their card to swipe. Because they're coming in in September and October, they have to be swiped on September 5. So there'd be no, no way for those kids to, to have that money yet. So budgeting, budgeting, Senator Walz, would be a big problem for school districts.

**WALZ:** OK. All right. I was trying to figure that out.

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**KYLE FAIRBAIRN:** Yeah, because you'd have to-- it's September 5 and January 5 are the two dates that the kids get the money. But if kids come in after September 5, there's no money for them. So I don't know what, like a Bellevue would do because that's when they get a majority of their military kids in.

**WALZ:** OK. Thank you.

**KYLE FAIRBAIRN:** Yeah.

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

**BRIESE:** Thank you, Chairman Murman. Thanks for your testimony here today. You gave a better example there. But as I looked at this, I see this Education Stabilization Fund that's going to be distributed through TEEOSA--

**KYLE FAIRBAIRN:** TEEOSA formula.

**BRIESE:** --somehow. Isn't it quite possible we could tweak the TEEOSA somehow or tweak it slightly and finally get some equalization aid out to sparse rural Nebraska districts?

**KYLE FAIRBAIRN:** You might be able to, but that's not in the bill, Senator. That's not-- I don't know. But they don't qualify for TEEOSA now. I'm not sure how they'd look because they would still have taxing authority with the current law.

**BRIESE:** Yeah.

**KYLE FAIRBAIRN:** So I'm not sure how that would work, Senator, But yes, it could [INAUDIBLE] proposal. But--

**BRIESE:** Yeah.

**KYLE FAIRBAIRN:** --but I'm just looking at the green copy.

**BRIESE:** Looks like there are some details to be ironed out. But that's what struck me.

**KYLE FAIRBAIRN:** Yeah, I mean, you could I just. But reading the bill as it is, they don't qualify for TEEOSA now as a lot of rural schools don't. So I'm not sure how they would make up the difference when they're only getting what the state average per pupil is.



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**BRIESE:** Yes, I think we would have to send some equalization aid out there [INAUDIBLE]

**KYLE FAIRBAIRN:** Some way. Yes.

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

**LINEHAN:** Thank you, Chairman Murman. So you said something, this-- and I'm going to mess up here so, but you said we spend \$1.1 billion on education.

**KYLE FAIRBAIRN:** On TEEOSA.

**LINEHAN:** On TEEOSA, yeah. I'm just doing this for the record because people-- that's just the beginning and you know that.

**KYLE FAIRBAIRN:** Absolutely, Senator.

**LINEHAN:** How much do-- currently we're at about \$240--some million for special ed state appropriation.

**KYLE FAIRBAIRN:** It's probably more than that now, Senator.

**LINEHAN:** So 250, we'll say 250. And then we're at, there's \$50 million that comes from apportionment, right?

**KYLE FAIRBAIRN:** Yeah, income, yeah.

**LINEHAN:** And then we've got the tax credit, the second tax credit, the income tax credit, that's \$548 million and that goes back to--

**KYLE FAIRBAIRN:** Taxpayers.

**LINEHAN:** --taxpayers to help pay for their school taxes. Right? And then we have our teachers' retirement of \$50 million. And then the first property tax credit, which I'm not the expert on, Senator Briese is, but I think it's like \$250 million. So that gets us above \$2 billion. And then in the Governor's proposal, he's setting another billion aside for Education Futures Fund, right?

**KYLE FAIRBAIRN:** Yes.

**LINEHAN:** So that would be over \$3 billion.

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**KYLE FAIRBAIRN:** But, but some of those costs aren't going to go away. And all I'm talking about is the cost of the \$3 billion for the per pupil. TEEOSA wouldn't go away. That's another 1.1 [INAUDIBLE].

**LINEHAN:** Well, it would all have to be adjusted.

**KYLE FAIRBAIRN:** Right.

**LINEHAN:** Right.

**KYLE FAIRBAIRN:** But, but the special ed wouldn't go away.

**LINEHAN:** But just to put things in perspective, the state currently, if you add it all up plus what Governor Pillen, which I support, is going to do, we're already about \$3 billion.

**KYLE FAIRBAIRN:** And correct. But I believe this would add another \$3 billion.

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

**MURMAN:** Any other questions? Thank you for your testimony.

**KYLE FAIRBAIRN:** Again, thank you, Senators. It's been a good year. Thank you.

**SUNSHINE METSCHKE:** Hi there. My name is Sunshine Metschke, S-u-n-s-h-i-n-e M-e-t-s-c-h-k-e. I'm a lifelong Nebraskan, a resident of Lincoln, a certified teacher, and I've been homeschooling my children for the last seven and a half years. And I also teach K-8 students at our homeschool co-op. I want to thank each of you committee members for the valuable and challenging work that you do to serve the citizens of our state, especially in this area of education, which is incredibly important to me. I am opposed to LB177 for a number of reasons. I believe that should this bill pass, the execution of this law will be incredibly difficult and it raises many questions about its viability. While I'm currently homeschooling, my primary concerns are not for the homeschool community, as according to my understanding of this bill, exempt school students are not included in these calculations. So my concerns come from, from the perspective of the taxpayer in regard to the number of new government employees and the increase to taxpayers that will be required to-- in order to maintain this program. According to the most recent data from the Department of Education, there are approximately 366,000 students enrolled in private and public schools in Nebraska. If even one third

opted into this program and were then assigned a bank account so they could choose the school that best fits their educational goals, how would hundreds of thousands of student bank accounts be easily and effectively monitored? How, how many people would the State Treasurer need to hire to move money into and out of the accounts with the designated timelines each semester? How many people would be added to the payroll to receive, review, and flag the hundreds of thousands of receipts that will be submitted by parents and legal guardians in order to prove that they had made purchases and payments that fall within the very broad guidelines of what constitutes an eligible expenditure? As this bill states, the parents and legal guardians have the right to educate their students according to their values. But what if they choose to enroll the student in an online curriculum that espouses white supremacist values or encourages political or religious violence? Is that the kind of choice that was envisioned when this bill was proposed? How will the state monitor the very personal and incredibly varied choices that parents and legal guardians make for their students and then make sure that the purchases fall under the appropriate categories? My next concern is that parents and guardians will be investigated by the Nebraska State Patrol. While the categories for approved expenses are broad, again, I ask who decides if an expense is not appropriate and should be considered fraud? Should the parents and legal guardians actually have the freedom to choose? Or does someone at the State Department of Education, which in my personal experience is already backlogged months in their very critical work, decide that an expense falls outside of the guidelines and then triggers a State Patrol investigation? Or is someone at the State Treasurer's Office monitoring these expenses? There's so much complexity here that hasn't been considered, and I think parents and guardians will easily get caught in a web of bureaucracy that no one actually intended. Ultimately, this bill will increase the burden on taxpayers as a large number of private and parochial school students to this point have been uncounted-- unaccounted in the school funding numbers. If this bill passes, not only will taxpayers be required to continue the funding of public education, but also private and parochial education, organizations that can discriminate against students that don't align with their values. For example, if a student chooses to enroll in a private school but doesn't agree to that school statement of faith, can the school choose not to admit that student? The bill will open the door to more discrimination while not holding all schools accountable for the government funding that they are receiving. As for when the funds are made available to each school, will schools in districts be required to hire employees that will

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monitor the funds to ensure they get to the proper places? How much will adding these employees cost each school district in turn and in turn the taxpayers? The amount of time, taxpayer money, and human resources required to run this bureaucratic boondoggle will be extremely costly. And I encourage you to not advance LB177.

**MURMAN:** Thank you. Any questions for Sunshine Metschke? Thank you for your testimony.

**DAVID LOSTROH:** Senator Murman, members of the Education Committee, my name is David Lostroh, D-a-v-i-d L-o-s-t-r-o-h. I serve as legislative coordinator for the Nebraska Christian Home Educators Association, NCHEA. LB177 who would make all nonpublic school students, including homeschool students, eligible for state funds. I want to thank Senator Erdman and others for wanting to help more families afford nonpublic education, but nevertheless, the NCHEA opposes LB177. We understand the LB177 intent to avoid government control of affected nonpublic schools by having the money go directly into parent-controlled student accounts and not directly to the schools and also by the protection language in Section 11. But protections that are given in statute, even if they prove effective, can be taken away by statute change any time in the future. By giving money to student accounts instead of directly to nonpublic schools, LB177 appears to be in conflict with Article VII-11 of the Nebraska Constitution. We think it likely that the judiciary would stop this use of public funds for nonpublic education, in view of the clear intent of the Nebraska Constitution. Please take a look at the discussion attached to the-- to this. I'm not going to read that for you, but the ESAs dovetail nicely with the Supreme Court's rulings like Carson v. Makin as far as dealing with free exercise and establishment issues. But I don't think that can be hiding the fact that the money is going to nonpublic schools ultimately. So it seems strange that that can hide behind there but maybe it can. Homeschooling has been a highly successful legal mode of education in Nebraska for over 38 years. NCHEA is now concerned that government-funded school choice savings accounts, ESAs, are an unintended yet inevitable threat to the long-term success of all nonpublic education in Nebraska, including home education. Even before the homeschooling was recognized as legal in 1984, we were well aware that what government pays for, government controls. And education that government controls is often not the education that parents desire. Homeschool parents do not want to do a public school at home with the sooner or later government control that comes with accepting government money. Since God never gave the responsibility for the education of children to civil government, we believe the acceptance

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of government money is a tacit acknowledgment by those accepting that the government does have that responsibility, and with responsibility comes government control. We believe government money is entirely capable of corrupting good intentions. We believe that many homeschoolers who take government money for their schools will find it hard to give up that money when the government regulations inevitably arrive. We believe that lack of government financial temptation is essential to the long-term success of homeschooling, essentially all nonpublic education. The NCHEA position on government funding school choice is not an attempt to thwart those who generally cannot afford nonpublic education. Rather, the NCHEA's concern is that government money will eventually buy control of all nonpublic education. When this happens, there will be no school choice at all, even for those who refuse government money. We are convinced that the potential effects listed here are unintended, but are nevertheless major concerns for home education and all nonpublic education. So I would urge you to please kill the bill or at least remove exempt-- remove exempt schools from this bill by limiting eligible schools to those who are approved or accredited.

**MURMAN:** Thank you. Any questions for David Lostroh? Thank you for your testimony. Ask anybody who wants to testify to move up to the front.

**TIM ROYERS:** Good evening, members of the Education Committee. My name is Tim, T-i-m, Royers, R-o-y-e-r-s. I'm speaking on behalf of the Nebraska State Education Association in opposition to LB177. LB177 would establish accounts that could be used by families to pay for qualified educational expenses. This is not an innovative or new idea as we've heard from prior testimony. Unfortunately, other states have already gone down this road and have demonstrated that similar programs offer little to no oversight and have resulted in substantial abuse. Contrary to proponent testimony that we heard earlier, Ohio's choice program, for example, has a negative impact on student learning, and that was demonstrated by a 2016 study that was commissioned by a pro school choice group. Arizona's program, for example, has seen fraudulent misuse of millions of dollars. In one fiscal year alone, an audit revealed that more than \$700,000 of funds were improperly spent on things like sports equipment and beauty supplies. I'm sure supporters of LB177 would claim that those issues would not be replicated here because the bill has purchasing and oversight requirements. However, the problem with this argument is that LB177 appears to model itself almost word for word from Arizona's program. For example, LB177 would permit the use of funds for, quote, an online learning program, a national norm reference examination, an

advanced placement examination, or examination required for college admission. If you take a look at Arizona, HB2853, which is the most recent update to their program, it permits the use of funds for, quote, an online learning program, for use for a nationally standardized norm-referenced achievement test, an advanced placement examination, or any exams related to college or university admission. And there are plenty of additional examples where LB177 literally clones its language from Arizona's program. In Arizona, despite the universal program, 92 percent of students remain in the public school system. So how could there be millions of dollars in abuse if such a high percentage of students have remained in the school system? It's simple. The applicants overwhelmingly never attended public school before they applied for this program. There has been a myth propagated by numerous senators in this Legislature that bills like this one will allow for thousands of students currently enrolled in public schools to attend private schools. Some have gone so far in this myth to imply that it would even be a net savings to the taxpayer. We know this is a myth because other states have already tried this. Eighty percent of Arizona, Arizona's recipients never attended public schools; 75 percent of Wisconsin's recipients never attended public schools; 89 percent of New Hampshire's recipients never attended public schools. This type of program doesn't help kids. It's why Nebraska made the wise decision to provide its educational choice through public school option enrollment back in 1989. Finally, this bill is blatantly unconstitutional. As we've heard from others, it allocates General Fund dollars for private school tuition. Nebraska Constitution Article VII, Section 11 is very clear; and Senator Erdman's interpretation has been [INAUDIBLE] rejected by courts every time it's been raised in every other state. This bill is a copy and paste of programs that already exist in other states that have a demonstrated history of fraud and abuse and has demonstrated that it fails to help kids. Furthermore, it is clearly in violation of our state Constitution, and I urge the members of this committee to vote no and not advance LB177 for further consideration. Thank you for your time.

**MURMAN:** Thank you. Any questions for Tim Royers? If not, thank you for your testimony.

**TIM ROYERS:** Thank you.

**LUKE SCHROER:** Hello, Luke, excuse me, Luke Schroer, L-u-k-e S-c-h-r-o-e-r. I am the unique product of a parochial school that was two blocks away from a public school. So I went to Sacred Heart Catholic School in Lawrence, Nebraska. And every day we would walk

over to the public school, eat lunch. We did music and P.E. with our public school counterparts. There was a big push to try to get a lot of kids to come back to Sacred or to go to Sacred Heart. Even though tuition there was free, there was no tuition. It was free to anybody that wanted to attend. There was a big campaign that we did. We wrote letters to the other Catholic kids that we went to church with, didn't really make a difference. Nobody moved over. And now my school no longer exists. So even tearing down the barrier of price, my school doesn't exist to this day. I grew up in between two small towns; 300 and 600 is what the population used to be when I lived there. And I can't help but think that this is going to hurt that because my school is literally demolished at this point. So my peers in my county don't have a private school option. So we're basically moving funds from a public pot into these private schools. And it's just-- I guess the analogy I was thinking of earlier is if I murder somebody, that is wrong. If I pay somebody to murder someone, it's still wrong. So this loophole of like trying to make a fund so we can still get the money into the Catholic Church or whatever other private or parochial schools, it still feels wrong on its face. And I-- it's a little bit mind blowing to me that we can even advance this. I'm glad that the last speaker kind of brought that up. The irony is also not lost on me that upstairs this morning there was a problem with parental rights and parents choosing the health of their kids. And here we are talking about parents being the best decision makers for their kids' education. So I look around the room and I see who voted for antiparental rights this morning and now who probably are heavily supporting what's going on here. So I didn't really have anything written down. I probably missed something or rambled a little bit. But if you have any questions, I'd be very happy to answer. And also earlier, one gal brought up that Jesus being taken out of schools is a problem. I kind of think it has more to do with our zoning laws and suburban sprawl that makes us very closed to where we don't have to interact with neighbors, an idea of what a queer person is or a Muslim or a Jew is, is very much based on the Internet, where I can not interact with my neighbors on a-- on a basis anymore. So I would like to put a counterpoint out to that beautiful woman earlier. But questions are welcome. I know I rambled a bit so.

**MURMAN:** Any questions for Luke Schroer?

**LUKE SCHROER:** Thank you for your time.

**MURMAN:** Thank you.

**EMILY SCHEIDLER:** Hello again. My name is Emily Scheidler, E-m-i-l-y S-c-h-e-i-d-l-e-r. I am not from Nebraska. I'm from Colorado Springs as I said before. I attended a charter school that was outside of my own district. I lived in District 49 and I went to school in Harrison District 2, the poorest district in El Paso County and one of the poorest districts in Colorado or in Colorado State. Districts or charter schools are hard to explain a little bit. They don't receive as much funding from the state as public schools or normal public schools do. Charter schools are public schools, are considered. We don't have to pay tuition. But in that sense, charter schools get to make their own schools or own rules, excuse me. For example, teachers do not need to have teaching, teaching license. They can be first-year students out of college. They don't even have to have a college degree. They can teach high school French. They can teach high school geometry, which really limits students in a lot of different ways. And so pulling the-- this funding from public schools that have federal requirements I think is really tough. Because when you're not giving you know, people are saying public schools are failing, then why are we taking their money away? Why are we taking their resources away? It's really hard for me to, you know, kind of go through college. I go to UNL, go to college and hear about my high school and about, you know, why are they in the news this time? Were they being racist? Were they being sexist, which are both problems that happened while I was in school and before I was in high school. You know, it's, it's very tough to watch that from afar and then hear about it. And in Nebraska, a state that I love so dearly, my family is from Nebraska, western Nebraska. So, you know, it's, it's difficult. And I encourage you to take an objective look at this bill and try to understand what students want. I took character and ethics. I took logic. I took, you know, whatever. I had-- I learned about Bible verses in a public school because that was what they chose. I didn't want to do that. My parents didn't want that to happen. But that's the school I went to and that's the school that unfortunately they could not take me out of because of time. But think about students. Students are important, and because parents come up here and first grade students can't come up here and testify, obviously. But think about what's going on right now. Think about what are our issues. What are the social issues that we have, the economic issues that we have? Why do people want students to learn about them right now? Why are these in our schools? Thank you.

**MURMAN:** Thank you. Any questions? Thanks for your testimony.

**EMILY SCHEIDLER:** Thank you.



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**MURMAN:** Other opponents.

**DUNIXI GUERECA:** Good afternoon. Thank you, Chair Murman, members of the Education Committee. My name is Dunixi Guereca, that's D-u-n-i-x-i G-u-e-r-e-c-a. I'm the executive director of Stand for Schools, a nonprofit dedicated to advancing public education here in Nebraska. We do stand in opposition to LB177. For brevity, I'm just going to focus on a couple of parts so I won't sit here and just read my entire testimony. We suppose-- we oppose LB177 for three reasons. I want to focus on two of them. First, the bill requires significant technical revision to be practical. For example, while LB177 is clearly an attempt to rework how school funding occurs in Nebraska, it doesn't repeal TEEOSA or other similar statutory provisions surrounding school funding. So, for example, it is unclear how LB177's provision that school districts may collect up to 45 percent of the preceding year's adjusted per pupil cost through property tax interacts with current existing statutes regarding school levies. As it stands, LB177 does not create a different school funding system as much as an alternate school funding system. While the fiscal note indicates an estimate of this cost is-- to the bill is unknown, we agree with the reviewer on page 2 that the total impact would be well over \$300 million annually and would require significant investment in support staff by the Treasurer's Office. The technical certainty of this bill would leave the state of Nebraska and public school districts in a precarious position as they navigate LB177. Second, should the ambiguity get resolved and LB177 advance, we oppose LB177 because it would fundamentally change the way that public schools must operate. As previously stated, the clear intention of LB177 is to reframe school funding and education as a series of consumer choices. Section 6 of LB177 provides that the procedures of how dollars may be claimed by parents of both private and public school students. Should LB177 pass, and public school districts must now work to access the dollars deposited in the accounts and it would follow that school districts may find that charging fees for general education expenses become the norm, whether it be in the form of requiring payments to pay for technology expenses or class fees. And we'll leave it there. Thank you.

**MURMAN:** Any questions for Dunixi Guereca? Yes.

**WAYNE:** I just want to say thanks for coming today.

**DUNIXI GUERECA:** Thank you, Senator.

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**MURMAN:** Any other questions? Thank you for your testimony.

**DUNIXI GUERECA:** Thanks.

**MARY HILTON:** I think it's almost evening. Good evening, members of the Education Committee. My name is Mary Hilton, M-a-r-y H-i-l-t-o-n. I am the volunteer legislative liaison for the Nebraska Christian Home Educators Association, but my testimony today is on my own behalf. While I appreciate the sentiment behind this bill to aid students in getting an education that may be bet-- that may better fit their needs, I oppose LB177. I have been homeschooling my children for 20 years. My oldest son has two degrees from UNL, is working on a master's degree. Currently have three daughters in college, one studying biochemistry at UNL; one math at Hillsdale College; and one studying nursing and Bible at Cedarville University. Three of my children are still at home. For 20 years, living on my husband's income without government subsidies, we've managed to give our children a high-quality education. The free market system has created a smorgasbord of affordable educational helps along the way, including co-ops, dual credit educa-- dual credit opportunities from colleges, tutors, teachers, all completely unsubsidized by the-- by the state or local government. The most that I've spent in any year buying curriculum, paying tutors and teachers and co-op tuition has been \$8,000, not per student but my costs combined for up to six of my students in a year. Where there is a will, there can be a way to provide high-quality education at a low cost. I've lived in Nebraska for the last 18 years and have funded the local public schools in Lincoln to the tune of at least \$55,000. While this is a lot of money, I have operated my exempt school with little regulation and free of government intervention or interference. The taxes I spent on other children's education are well worth the cost to keep my freedom, the freedom to raise, train, and educate them according to God's word and precepts. In Nebraska, there are three sets of schools in statute: public, accredited and improved, and exempt. Parents can now choose the level of government involvement in the education of their children. If this bill would have been-- excluded exempt schools, I would-- I would be neutral on it. But since homeschooling falls under exempt schools in statute, I believe one of the long-term unintended consequences is that homeschoolers, as well as other private schooler-- schools will lose their freedoms. It is the principle of the matter: what government funds, they will control. Many on this committee are for limited government and against socialism. But this what-- but what this bill does is create a large bureaucracy that taxes my neighbor and I get a check from the government to cover my

educational expenses if I opt in. And most parents likely will opt in because money is a big lure. Please consider that LB177 has a very large fiscal note. And this kind of money infused into the system of funding accredited and approved and exempt schools, then the cost of education helps will skyrocket because lots of money will follow the student and therefore the subsidies will cause inflated prices and end the free market economical system of educational helps that currently exist. This will further hurt families in need. Also since the government-- also since what the government funds they will control, the content of what is taught is very likely to be affected. Money always comes with strings attached. At least two bills introduced in the legislative session, LB670 and LB715, prove this point. They regulate-- they regulate the employment of all entities who receive state funding, and they do have a, in closing, a compromise that would help achieve the goal of the sponsor of this school choice education and would also provide child-- would be to provide a child education tax credit on state taxes. This would keep the Department of Education out of the mix, it would not increase the size of government, and it would help maintain homeschooling freedom and the freedoms of other private schools in the long run. And for all these reasons, I urge you to oppose LB177 as written.

**MURMAN:** Thank you. Any questions for Mary Hilton? If not, thank you very much.

**MARY HILTON:** Thank you for your time.

**MURMAN:** Other opponents for LB177. Anyone want to testify in the neutral position for LB177? I'll ask Senator Erdman to come up and close. And while he's coming up, we have online 168 proponents, 16 opponents, and 0 neutral.

**ERDMAN:** Thank you, Senator Murman. Thank you for sticking around. I heard this is your last day of testimony, of hearings. Good. Appropriations has a few left. So let's-- let me start with the low-hanging fruit. OK? OpenSky came in, I mean, blue sky or whatever you call it, came in and they said how much this was going to cost. And it's not unusual that they have their figures wrong. I've been working with them trying to figure out how to do the EPIC consumption tax, and they can't figure that one either. But there's 382,067 students in the state of Nebraska. The average per pupil cost last year was \$12,939, not \$16,000. And if you do 57, 55 percent of that, it comes up at about \$2.7 billion, not 3.4 or whatever number she had. But who's saying, you know, just saying. So that's the issue. Then the

gentleman mentioned Bayard Public Schools that the cost to educate a student there was \$23,500. The actual number is \$20,448. And he also stated they don't get any state aid. They get about \$2 million a year in state aid. So if you're going to come and testify, use the facts. But that doesn't count. So not one of those people that came against this bill, not one, said what is our solution? What is the solution to improving 46 percent proficiency? Senator Linehan and Senator Pansing Brooks worked diligently to try to pass a bill that said, if you can't read in third grade, you don't move on. Senator Linehan has been a champion for school choice ever since I came here, seven years trying to help students learn, trying to help students be in a position to learn at the right school they should be at. Every one of these people in this-- every one of these schools in this book, every one, are poorly, poorly, proficient, poor or poorly. Let me-- let me read what proficiency means. Proficiency is defined, defined as well advanced or competent and expert; proficiency is mastering the subject matter. Forty-six percent and the Board of Education, the State Department of Education said expectations met, 46 percent. When I was here on the Education Committee the first year, Omaha Public Schools came in. They had 87 or 89 grade schools, secondary schools; 29 percent couldn't read at third grade level. Senator Groene was the chairman. And he asked them, what is the answer? The answer was more money. And Senator Groene asked, show me one time that we gave you more money and include-- it improved proficiency; it improved scores; it improved education. Show me once. He said you don't have to bring it to me tomorrow, but bring it to me sometime. Never got it. Never got it. So what is the solution? What is the solution for government schools to improve education? Is there one? No, there's not. When 46 percent is expectations met, they need help. They need help. And so you on the Education Committee have heard all these arguments before when Senator Linehan introduced her bills, I'm sure of it. I'm sure. And they all talking about being unconstitutional. I hear that garbage all the time. And my interpretation is wrong but theirs is right. It's not unconstitutional until some court says so. OK? How do they know that? But they have to say something because some of those people got paid to come and say something. Those people supporting this bill all came on their own. They may take-- took-- may have taken off work, driven a distance to come to talk about how do you improve someone's education. Competition. Competition. You give a student a choice to go where they can learn the best. What they didn't tell you is they can use this fund to go to a public school. They can take their fund and go to public school, and people will choose that; and people will choose to do the private school and maybe even homeschool. And even when you try

to help people, they come in and testify against your bill. So you're damned if you do, damned if you don't. But it aggravates me when they come in and give you false information. And when they say it's \$16,000 to educate a student and it's going to be over \$3.4 billion or whatever the number is, get the numbers right. And when you say Bayard Public Schools is \$23,000 and it's \$20,000, get the numbers right. And they don't get it. They don't get state aid. Right here it says they get \$2 million. So I'm a little frustrated. I'm a little frustrated that you try to help people solve the issue of poor education from the government schools, and I call them government schools. And it's a right statement. And I'll tell you why. If it were a public school and I was a parent and I went to a school board meeting and I said, hey, look, I don't want you teaching this, but I wish you would teach this. And they listen to you, that's a public school. They take input from the public. When it's a government school, you go there and you testify that you want something taught and you know what they call you? A terrorist. Right? You're a terrorist. And then they teach whatever they want. Now, if that isn't the definition of government school, you tell me what is. And I've had superintendents call me say, why do you hate public schools? I said, because you suck. That's the answer. The proficiency is terrible. Turn any page you want, any one you want. Some [INAUDIBLE] less than others. But Omaha is at the top. They're so far down, they can't even see the bottom. What's their goal? More money. So this bill isn't perfect. Senator Briese's bill is not exactly perfect because we haven't talked about all the things that need to happen to get it distributed correctly. But I'm going to tell you something. This is a start. This is where you go, right here. This is where you go. And I appreciate what Senator Linehan has done for seven years. It's amazing the fight that she's put up. She cares about kids. My children. What do these people in education care about? Obviously not performance or they'd have come and said, here's the answer. Here's how I fix this. Thank you for your time.

**MURMAN:** Any questions for Senator Erdman? Thank you very much. That will close the hearing on LB177 and we will open the hearing on LB332. Senator Linehan.

**LINEHAN:** Good evening, Chairperson Murman and members of the Education Committee. I am Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n. I'm Legislative District 39-- I am from Legislative District 39, Elkhorn and Waterloo. Today I am introducing LB332. LB332 is very simple. It prevents any joint public agency or JPA from exercising power, any power or authority concerning education. As you all know, I've been concerned this session about-- not just this session, but for a while

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about power of JPAs and other public subdivisions. LB299, which is my bill that will restrict political subdivisions from using bonds without a public vote, is directly related to this issue. JPAs are not required to have board members elected by the people. Usually those members are appointed by both the ESU and school district. OK, I'm not going to read this.

**WAYNE:** I have been there and done that.

**LINEHAN:** I'm emulating Wayne.

**MURMAN:** Thank you. Any questions?

**LINEHAN:** No, wait.

**MURMAN:** You were done? Oh, keep going.

**LINEHAN:** I would like an LR on this issue over the summer, because here I was, everybody wondered what I was trying to do today. I was trying to read the law, which I'm not a lawyer, so that's not particularly helpful. But it's I think-- we have lawyers on the committee, two of them are right there. I think what the law says is very specific about what schools could spend money on, very specific. And when you do a JPA, it gets very, very fuzzy and I'm not sure what's right or wrong. But it is not just up to the school board. It lays it out. I'm hoping lawyers will agree with me. I mean, I can read. It lays it out pretty specific what you can or cannot spend money on. And when you put JPAs together and other groups, then you can do things like swimming pools that don't belong to a school or gyms that [INAUDIBLE] this school or ballfields. And maybe that's OK, but it's not what the law says. So I think we should study it over the summer and kind of figure out where the boundaries are. And with that, you can IPP this bill.

**MURMAN:** Thank you. Any questions at this time? OK. Thank you. Proponents for LB332. Any proponents?

**KATIE BOHLMeyer:** Thank you, Chair Murman and the members of the Education Committee. My name is Katie Bohlmeier, K-a-t-i-e B-o-h-l-m-e-y-e-r, and I'm the policy and research coordinator at Lincoln Independent Business Association. Following Senator Linehan's suit, I will forgo my reading of the testimony as you will have it in shorthand. And again, we also believe that this would go very nicely with LB299, which I would like to point out is one of the few bills on Select File that majority of the floor can agree with. And I think

that we should promote this bill. So please don't IPP it like Senator Linehan suggested. Just quite frankly, we're in a time right now where inflation's at the highest in 40 years. Our utilities are skyrocketed. Affordable housing just isn't a thing in Lincoln and so we disagree with another taxing authority coming in and putting more money out of taxpayers' pockets. So with that, I will forego the rest of my time and answer any questions you may have.

**MURMAN:** Thank you. Any questions? Senator Linehan.

**LINEHAN:** Thank you for staying so late. That's very good of you. So does Lincoln Public schools have a JPA with four or how many?

**KATIE BOHLMeyer:** I don't believe that Lincoln Public Schools has a current JPA out right now. They have several bond-- bonds they have issued, but no JPAs that I can-- that I found in my research.

**LINEHAN:** OK.

**MURMAN:** Any other questions? Thank you.

**KATIE BOHLMeyer:** Thank you.

**MURMAN:** Any other proponents for LB332? Any opponents for LB332?

**JOSEPHINE LITWINOWICZ:** Good evening, Chairman Murman and members of the committee. I just wanted-- 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 am speaking on behalf of my church, the higher power church. And so I always write it down, but I kind of forget. And so this is a joint public agency so you can't create something to wrest control from the Governor at the top of the totem. Is that-- I don't know if that's it. But you know, you know, separation of church and state. And that's why we can't have something like this. And no matter what and it's not American. The Founding Fathers didn't approve it. And if you look at the Muslims, you know, the this is the downtime. They were in the dark ages. In the ninth century and stuff, they were at the top. And, you know, the Christians were the most craved engines of suffering and torture during the Inquisition. We're all the same. That's the point. That's the point of all of what I was saying. Sometimes I don't mention it, that's the goddamn point. I'm getting tired of it. And I mean, this bill will help, you know, another little notch to help, you know, make sure that the final solution of my nonexistence will prevail here. And there was a few other things I wanted to address. Yeah, we had to put up with in school. Christ, we got to put up with that. I have

[INAUDIBLE]. I'm sorry. It interferes with your life because it's-- we're real. We're here. We're valid. You know, we're not going away. I'm sorry. I'm so frustrated. I don't mean to-- I'm collapsing and it's not [INAUDIBLE]. And again, as I said many times, this relates-- as I said many times before in this legislative session, Mike Hilgers, the current Attorney General, targeted me for my appearance and the discrimination against me due to my disability while he was Speaker of the Legislature. This bill will encourage this future activity and crushing kill those like me. Maybe I can use YouTube and/or go nationally about his actions of people if we're not treated as normal. And I think it would be a good idea to pass LB169 because, because we do need it because the Attorney General showed that we do. I didn't-- I don't want to, you know, play my tape because I don't-- I don't want to, I mean, that was-- there was an aid, you know. We don't-- I don't know. Something is, you know, I'm creative and I learned how to be creative from some weasels that my sister was married to. And I haven't even started yet. And nobody's even called me. And I tried to speak to Senator Linehan, you know, and Linda knew me since Les Seiler was Chair of the Judiciary. We got along nothing but great. So don't tell me like, I'm not saying you are, but what kind of person I am. And, and there's other people, you know. I didn't approach some people because, you know, I don't have all day. I kind of wish I did. OK. This is a gateway drug, this bill. Thanks a lot.

**ALBRECHT:** Thank you for your testimony, Josephine. Any questions? Seeing none, thanks for being here. Have a nice evening.

**JOSEPHINE LITWINOWICZ:** You too.

**ALBRECHT:** OK. Any other proponents?

**LINEHAN:** We're on opponents.

**ALBRECHT:** Opponents? Any opponents? Seeing none, anyone in a-- are you opponent or neutral?

**STEVEN BLOCHER:** Opponent.

**ALBRECHT:** Opponent. Yes, sir.

**STEVEN BLOCHER:** Good afternoon. My name is Steve Blocher, S-t-e-v-e-n, middle initial A, last name Blocher, B-l-o-c-h-e-r. I'm currently the president of the West Point Public Schools Board of Education and I'm the past president and board member of the Nebraska Association of School Boards. Before we get started, Senator Linehan, thank you for



your comments at the beginning. Anyway, I'd like to share a story about how a partnership under a JPA has benefited our students and our local businesses in northeast Nebraska. Over the past 20 years, graduating seniors have been trending down in the number of kids going to four-year colleges and the number of kids going into trade and technical colleges, going into the military, or going into the workforce have increased. Back in 2016, similar to now, we were hearing call-- we were getting calls from local businesses who were in need of skilled workers. And some of these businesses were West Point Implement and Design, Smeal Manufacturing, Danko Emergency Equipment, Thurston Manufacturing, Blue Ox and Brehmer Manufacturing. In the summer of 2016, we were able to get a grant in which ESU 2 applied through the Department of Education where we were able to put together a computer coding class at the old Beemer Elementary School, which had 16 students in attendance at that time. Throughout the '16-17 school year, ESU 2, Northeast Community College, Wayne State College, and other area administrators were able to come to an agreement with seven school districts: West Point Public Schools, Lyons-Decatur, Oakland-Craig, Bancroft-Rosalie, Pender, Wisner-Pilger, and Tekamah-Herman came together to form Pathways to Tomorrow via a JPA agreement, with ESU 2 being the fiscal agent and Northeast Community College and Wayne State College being strategic partners. Since the inception of P2T, we've added Emerson-Hubbard and Howells-Dodge, but we did lose Wisner-Pilger and we're still in contact with two other school districts. The goal of the group is to collaboratively offer CTE classes to students who otherwise would not have had the opportunity to have access to these classes due to the lack of resources on a stand-alone basis. The P2T setting was moved from the old Beemer Elementary School to the Donald E. Nielsen Career and Technical Training Facility in West Point. This \$2.8 million facility was built totally with private money through charitable foundations in our area. And those foundations recognized the benefits of offering career and technical education opportunities to the students in our area. The facility was subsequently given to the city of West Point. At the outset of P2T in 2017, it was agreed by the members to charge 1 cent, a 1 cent levy to educate these kids. Since then, the levy has bounced up and down until this year when the levy was less than one half of a cent to educate these children. P2T's budget for this year was \$544,000, of which \$100,000 of that budget was for an anatomy table, which has, has six human bodies, a dog, and a calf. So you have human and animal science possibilities there.

**ALBRECHT:** I need you to kind of wrap it up.

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**STEVEN BLOCHER:** OK. Anyway, the funding was also subsidized with \$160,000 in grants and \$20,000 in tuition reimbursement. Every student in grades 11 and 12 of the eight participating schools, which also includes GACC and West Point Parochial School. The levy for those on the total budget for the total number of students in the JPA was approximately \$206 per student and-- or excuse me, the cost per student and the cost per student on the tax-funded portion of that was less than \$88 per student. This year we have 133 students in the JP-- in, in P2T and these 133 students have taken 418 total classes. The JPA model offers flexible-- a flexible financial tool that creates economies of scale, greater efficiencies, flexibility, and opportunities for students of smaller districts who would otherwise not have the opportunities for this type of school-- of education.

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

**STEVEN BLOCHER:** You bet.

**ALBRECHT:** Anybody have any other questions? Senator Wayne.

**WAYNE:** What's your current levy limit?

**STEVEN BLOCHER:** At our school or?

**WAYNE:** Yeah, at your school.

**STEVEN BLOCHER:** It's about 69 cents.

**WAYNE:** So you have-- you can go up or your levy to pay for this if you didn't do a JPA.

**STEVEN BLOCHER:** Yeah.

**WAYNE:** OK. And roughly, what's the other school levy limits on here?

**STEVEN BLOCHER:** That I wouldn't know. I'd have to look that up.

**WAYNE:** So nothing is stopping you from doing a interlocal agreement and each school district raising their levy to pay for this.

**STEVEN BLOCHER:** When we put it together, we were advised to do it under a joint public agency--

**WAYNE:** I understand.

**STEVEN BLOCHER:** --and that's the reason we did it.

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**WAYNE:** Well, I'm just saying but there's nothing stopping you other than raising your own individual levies to do an interlocal agreement to pay for this. There's nothing stopping you to do that. But financially it doesn't hit your levy limit when you do a JPA. It hits the JPA's levy lid, right?

**STEVEN BLOCHER:** I'm not following.

**WAYNE:** Do you have-- how do you pay for it? How do you-- what is the JPA? What are you saying when you say it's a flexible financial tool? What are you saying?

**STEVEN BLOCHER:** The fiscal agent of the JPA levies under a half a cent--

**WAYNE:** Right.

**STEVEN BLOCHER:** --amongst the seven schools that are in the JPA--

**WAYNE:** Right

**STEVEN BLOCHER:** --to fund.

**WAYNE:** So there's nothing stopping the six school districts because one dropped. So you had seven, you said you have six now?

**STEVEN BLOCHER:** No, we have seven because we added two.

**WAYNE:** Seven. There's nothing stopping each individual school district from raising their levy--

**STEVEN BLOCHER:** No.

**WAYNE:** --and coming and doing an interlocal agreement to do the same thing.

**STEVEN BLOCHER:** I don't know the legalities of an interlocal agreement--

**WAYNE:** OK.

**STEVEN BLOCHER:** --versus a JPA.

**WAYNE:** OK. And there's nothing stopping your school district from raising the levy to do this on your own.

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**STEVEN BLOCHER:** No, I don't see it.

**WAYNE:** OK. Thank you.

**ALBRECHT:** Do you have a question?

**STEVEN BLOCHER:** I would also like to invite anyone who would like to come up and view our facility, get a hold of me, and I'd be more than happy to give you a tour. Thank you.

**ALBRECHT:** A very nice facility by the way. Thank you. Any other opponents?

**ERIC BROCKMANN:** I wrote good afternoon on here, but it's evening now, so we'll shorten this up quite a bit. All right. My name is Eric Brockmann, E-r-i-c B-r-o-c-k-m-a-n-n and I'm testifying in opposition of LB332. I'll start now in a ways to shorten it up. But this partnership has been an innovative way to give our students opportunities that you don't see in a smaller school. The districts would never be able to offer all of these courses on their own due to the infrastructure that is needed and cost of starting and running these programs. But as a collective, we have been able to offer these courses with great success and lower financial burden to the district or districts. This morning I met with one of our P2T students, Carsten Walker. He's fantastic, by the way. But he is a senior at West Point Public Schools. He stated that he joined P2T to get out of classes he had no interest in. And Carsten did fabrication and welding through P2T and completely fell in love with it. This fall he will be attending Missouri Welding Institute with hopes of becoming a pipe fitter. Through P2T, Carsten has obtained multiple certifications that help him with his job today at Dodge Manufacturing in Dodge. Carsten stated that his welding instructor, Vern, has opened his eyes and made him love welding-- made him love welding, also saying that Vern is the smartest person he's ever met. Carsten is just one of many P2T students that have success stories. These stories would not be possible without this JPA. At our P2T board meeting last night, we had a large group of our health science students attend. They shared many, many stories of their accomplishments because of the P2T programs that would never be accessible to them normally. The students were excited to share their experiences from the recent Nebraska HOSA State Leadership Conference, where 17 students qualified for the national convention. Along with that, one of our students, Angel Logemann from Bancroft-Rosalie, won the state pin design, and I think that got passed around the drawing that's on there, will actually be the pin

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that will be from Nebraska that will get traded with all of the other states at the national conference. And that's all that I have. Short, sweet, hopefully. But any questions?

**ALBRECHT:** Any questions for Mr. Brockmann?

**LINEHAN:** No, go ahead.

**WAYNE:** It's your bill.

**LINEHAN:** Oh, yeah. And I'm supposed to be sitting up here. I killed it.

**ALBRECHT:** Senator Wayne.

**WAYNE:** So are you guys an ESU 2 or 1?

**ERIC BROCKMANN:** Two.

**WAYNE:** So what is the, do you know ESU 2's levy limit? I mean, [INAUDIBLE] their current levy?

**ERIC BROCKMANN:** [INAUDIBLE] for the ESU.

**WAYNE:** I don't think, at least from my perspective, I don't think you-- I think the program for what you guys are saying sounds great. It's, it's how we're paying for it. We have an ESU who's taxing, each individual school districts are taxing, and now we're creating another organization to tax and pay for it. And part of my rub is I went through a bond and I had to go out and sell that bond for \$450 million. And whatever we wanted to do, we had to own it. And I just feel like if each school district wants to come together and each put it in a cent and build and do it through interlocal, I think you're fine. And you can still set up-- or have the ESUs do it through their levy. I think the rub is we're not being transparent with the voter of the school board because obviously, it's this levy here and then they got this other entity who's got another thing? How would you respond to that?

**ERIC BROCKMANN:** I guess I would say that everybody on the board for the P2T is from-- is elected by the people. They're off of the school boards and the ESU. So I would be ours from West Point Public Schools. I sit on the P2T board; and when I go back to the, the school board, I have to answer to that board and our constituents there also. So

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you're always trying to do what's best for your taxpayer and your students

**WAYNE:** Again, so why not just on that board say, everybody, let's just go back and we all raise a quarter, quarter cent levy. And we-- and that way everybody knows that we're putting into this and we're owning it. Why not-- why not do that?

**ERIC BROCKMANN:** Are you talking with an interlocal?

**WAYNE:** Yeah.

**ERIC BROCKMANN:** I can't speak to that I guess. I wasn't there when we started P2T on the board. So I don't know why we're--

**WAYNE:** OK.

**ERIC BROCKMANN:** --you know, in that position.

**ALBRECHT:** Any other questions? I do have one.

**ERIC BROCKMANN:** Sure.

**ALBRECHT:** OK, so, I mean, I know all about this because that's my area, and that's probably why Colby helped you put it together [INAUDIBLE] help me understand what's going on but. So ESUs are involved but so is Northeast Community College, correct?

**ERIC BROCKMANN:** And Wayne State College.

**ALBRECHT:** And Wayne State College. So, so to the taxpayer, where is this money being levied? With the colleges? With school boards that are a part of this?

**ERIC BROCKMANN:** The--

**ALBRECHT:** Or so, so what are you saying? School boards?

**ERIC BROCKMANN:** Yeah. So the school districts are the ones giving the authority to the JPA to levy up to one cent.

**ALBRECHT:** Up to one cent.

**ERIC BROCKMANN:** Yeah.

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**ALBRECHT:** But it's coming from somewhere. So who, whose tax roll is it on? That's my question. Is it on the colleges? Is it on the ESUs? Or is it on all of your school boards? Like Senator Wayne is asking, can you all take a half a percent and make it happen? I mean, I think this is a great program because people around the community are definitely benefiting like all of the different businesses. That's what I love best about my district, where a lot of these community colleges and Wayne State,--

**ERIC BROCKMANN:** Yeah.

**ALBRECHT:** --they're listening to the people on what we need and the chamber. I mean, everybody works together to get this done. But we have to be transparent to the-- our constituency. Right?

**ERIC BROCKMANN:** Sure.

**ALBRECHT:** We got to know who's who-- what-- where-- what am I paying for? Tell me. Is it-- is it the ESUs taking care of this deal? Are they the financial or are the colleges or are, are, I mean, because ultimately all of our taxpayers are paying for this somehow, someday.

**ERIC BROCKMANN:** Right.

**ALBRECHT:** Nobody can answer this for me? Like, who's financing this? That's where with JPAs, yours might be a wonderful, great asset to the community, but people deserve to know. There are others that are putting in baseball fields, soccer fields, I mean, lots of different things. But ultimately, it's just a play on who's going to pay for it. Somebody needs to know. So I think that's where we'll probably investigate a little bit more and deeper over the summer months. But you don't have to answer. We'll figure it out.

**ERIC BROCKMANN:** Good luck

**ALBRECHT:** Any-- you can't talk from back there. OK. Any other questions? Seeing none, thanks for your time.

**ERIC BROCKMANN:** Thank you.

**ALBRECHT:** Thanks for waiting till the end of the day. Last speaker. Do we have any other opponents? Anybody in neutral? Seeing none, are you-- senator is waiving and we'll close LB332. And we did have 5 proponents-- we have 5 proponents, 3 opponents, and 0 neutral letters. Sorry.