MURMAN: Well, good afternoon, welcome to the Education Committee. I'm Senator Dave Murman from Glenvil and I represent eight counties along the southern tier of the state, District 38, and I serve as chair of the committee. The public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. The committee will take up agenda items in the order posted. If you wish to testify on the mic today, please fill out a green testifier sheet. The forms can be found at the entrances to the hearing room. Be sure to print clearly and provide all requested information. If you will testify on more than one agenda item, you will need a new green testifier sheet each time you come forward to speak on the mic. When it's your turn to come forward, please give the testifier sheet and any handouts you might have to the page as you are seated. If you have handouts, we request that you provide 12 copies for distribution. If you do not have 12 copies, please alert the page when you come forward. At the microphone, please begin by stating your name and spelling both your first and last names to ensure we get an accurate record. Observers, if you do not wish to testify but would like to indicate your position on an agenda item, there are yellow sign-in sheets and notebooks at the entrances. The sign-in sheets will be included in the official hearing record. We will begin with the introducer giving an opening statement at the mic, followed by proponents, opponents, and those wanting to speak in a neutral capacity. The introducer will then have an opportunity to give a closing statement if they wish. We will be using a 3-minute time limit for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you'll have 1 minute to wrap up your thoughts, and the red light indicates that you have reached the end of your time limit. Questions from the committee may follow off the clock. A few final items to facilitate today's hearing. Please mute your cell phones or any other electronic devices. Verbal outbursts or applause are not permitted. Such behavior may be cause for you to be asked to leave the hearing room. Know that committee members may need to come and go during the afternoon for other hearings. I will now ask the committee members with us today to introduce themselves, starting at my left.

HUGHES: Yeah, nobody's over there. Good afternoon. Jana Hughes, District 24, which is Seward, York, Polk, and a little bit of Butler County.

G. MEYER: Glen Meyer, District 17: Dakota, Thurston, Wayne, and the southern part of Dixon County.

LONOWSKI: Good afternoon, I'm Dan Lonowski with District 33, which is Adams County, Kearney County, and rural Phelps County.

JUAREZ: Welcome, everyone. I am Senator Margo Juarez from District 5 in south Omaha.

MURMAN: Staff with us today are, to my immediate right, is the committee research analyst, Jack Spray, and to my far right is committee clerk, Connie Thomas. The pages who serve our committee are Elias Reiman from Lincoln, and can you tell us a little bit about yourself?

ELIAS REIMAN: I study psychology and the pre-law track.

MURMAN: Thank you. And also Grace Harper from Loveland, Colorado.

GRACE HARPER: I'm a junior studying political science at UNL.

MURMAN: Thanks a lot for helping us out today. With that, we'll begin today's hearing with LB1050, and Senator Hughes will take over as chair as I present.

HUGHES: Sounds good.

MURMAN: Well, good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Dave Murman, I represent Nebraska's 38th District, and today I have the opportunity to introduce LB1050 and am especially grateful to have the support of Governor Pillen on this. LB1050 is a data-driven approach to tackling Nebraska's third grade reading levels. The bill is not a new idea, but instead replicates what worked first in Mississippi with those same successes moving on to Louisiana, Tennessee, Indiana, Alabama, and likely many others soon. 13 years ago, Mississippi was ranked 49th in the nation in fourth grade reading ability according to the National Assessment of Educational Progress, more commonly known as NAEP. Mississippi knew they could do better and after some serious reform, they climbed from 49th in the nation, close to the very worst, to 9th in the nation in 2024. This dramatic rise, climbing from the very bottom of reading scores to near the top, is often referred to as the Mississippi Miracle. But the truth is, it wasn't a miracle. This was the result of state lawmakers taking a data-driven and logical approach to make serious changes to how they thought about education. Today, Nebraska finds itself in a similar position that Mississippi was once in. In 2024, Nebraska fourth graders ranked 40th out of 50. That isn't acceptable. I don't think there is probably a single person in this room who finds that acceptable. LB1050 is asking this committee and

the Legislature to make that same data-driven and logical approach as Mississippi. Under LB1050, the Department of Education is tasked with setting-- testing criteria to determine a threshold for third grade reading level ability. As the students are tested, if they do not meet that threshold level, they will be identified as having a persistent reading deficiency. Those students will not automatically be promoted to the fourth grade. Instead, rather than sending along students who aren't prepared, we're going to make sure kids get the support they need. Students with persistent reading deficiencies will attend intensive acceleration classes, which will include a reduced student-teacher ratio, individualized instruction focused on the specific reading deficiencies of the student, evidence-based reading intervention practices, diagnostic assessments to identify specific skill-based strengths and weaknesses of the student, and frequent monitoring of student progress. This piece is key to the legislation. When a child is retained due to a, to a persistent reading deficiency, that child isn't being punished, they need help. We know what happens if they don't get that help. Research tells us that students who cannot read proficiency-- proficiently by the third grade are four times more likely not to graduate high school. So, so when opponents come up today and say, we can't pass this because it's mean, or retaining a student to repeat a grade sets up a child to stand out, we should remember this: setting a child up for failure is mean. Setting a student up to have a four times likelihood of not graduating high school is going to make them stand out. Besides the increase in the likelihood of high, of high school graduation, studies have found similar policies also result in increased high school GPAs, higher middle school ELA scores, higher literacy gains for African American and Hispanic students, reduction in the need for remedial courses in high school, and no signs of negative impacts on student attendance or disciplinary incidents in later grades. To the experts in English education, many of whom you may hear from today, this doesn't come as a surprise. Around third and fourth grade, this is a time where students really transition from learning to read to reading to learn. If students aren't ready for that transition, they tend to really suffer academically, and when they do so, it can come with reduced confidence associated with all sorts of other negative problems, such as behavioral issues and failing to keep up with their increasing academic requirements. There are, of course, also good cause exemptions in this legislation for the retaining of students. Those include students with disabilities who have been previously retained, students with disabilities who do not participate in the statewide accountability program, students with less than 2 years English instruction, and students have been-- who have been already retained

twice. In conclusion, what is happening now isn't working. Nebraska currently ranks fourth [SIC] out of 50 states on fifth grade reading scores and those scores in recent years have been dropping, not increasing. Change is needed and it's needed quickly. I expect while this bill will have some really great support, it will also come with opposition. And when I'm looking forward-- and I am looking forward to hearing that feedback and welcome it all. I would encourage my colleagues on the committee to take a long look at the NAEP scores and ask is the current path working? Should we be satisfied with being 40th in the nation? I don't think so. I don't think this is a problem we can simply throw more money at either. In the last few years, the increase in state support for education has been significant, but the data shows it hasn't been enough. It's time to take evidence-based, bold action to strengthen education here in Nebraska so every child graduates K-12 education proficient in reading. Thank you and I'm happy to take questions.

HUGHES: Thank you, Senator Murman. Do we have any questions? Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. Thank you, Senator Murman. I have a couple of questions. Was this a, a bill brought to you by the Governor's Office?

MURMAN: Yes, it was, but I have been attending national conferences in the interims and this is something that is talked about a lot in those conferences and, of course, I think most people in education or probably everyone is aware of the Mississippi Miracle that I talked about.

LONOWSKI: OK.

MURMAN: So it'll-- something good happened in Mississippi and a lot of it had to do with this kind of legislation or this act, I should say.

LONOWSKI: OK. And I just want to make sure you said we're 40th out of 50, out of 50 states.

MURMAN: Yeah, unfortunately.

LONOWSKI: OK. So this is only my second year here, but just maybe, like, 3 years ago or so did we pass legislation geared toward improving reading scores?

MURMAN: Yes, the Legislature has directed some extra funding in the last few years to improve early literacy and reading, and I think it's

time to show that, that, that extra funding is doing some good, and if not, we want to help-- well, if it isn't doing as good as we had hoped, this legislation will help to give the kids the extra support they need.

LONOWSKI: OK. My last question, can you, can you describe exactly what Mississippi is doing? Is it, like, a hooked on phonics or is it a, you know, return to basics type of, of situation?

MURMAN: Yes, in Mississippi, they also used the-- went away from, I think it's the cue-- three-cue method, and going back to the phonics, like what was being taught in schools 50 years ago, it worked so well.

LONOWSKI: OK. Thank you.

HUGHES: If it's OK, I'm going to ask a question quick. How does-- or has working with LB1050-- how does that align-- because we-- yes, a couple years ago we passed, I think it was, like, $50 million for the Nebraska Department of Education to focus in on reading. And I know they're going back to phonics and really working to train teachers and reading coaches to help kids with their literacy. Has-- is LB1050 aligned with that program and what they're doing? Have, have you guys worked with the Department of Ed on this? And just kind of explain that a little bit.

MURMAN: Yes, it actually is. I think you're referring to a grant, a federal grant we received,--

HUGHES: Yes, sorry. Yes, it was a federal grant.

MURMAN: --$55 million, $11 million a year for 5 years. And we are getting a good start on that grant now. I think we're in the second year. But that grant brought in some coaches and extra help for kids that were not advancing as, as they should in reading, so this fits very well into that funding.

HUGHES: OK, and then one more thing, just props to my LA, did a little research. Mississippi commits more than $15 million annually from its state budget to specifically for training teachers, reading coaches, to better provide literacy K-12 and-- or sorry, K-3 going forward. We don't have a similar amount, different amount of people, could be less. Do we feel like the state funding is enough in this area? Because it's not just taking a test and whether you pass or not and then holding the kid, it's making sure the interventions are there to get them, you know, to learn.

MURMAN: Yes, there is extra support, starting in, actually, kindergarten, first, and second grade, also for the kids that, that need it. And the funding that we have mentioned earlier is a good help for what needs to be done, and actually in Nebraska we do spend more money per student than they do in Mississippi. We're about $15,000, Mississippi is approximately $12,000.

HUGHES: OK. Thank you. Other questions for Senator Murman? Oh, yes, Senator Meyer.

G. MEYER: Thank you, Chair. I'm sure all of us have been getting a lot of emails concerning LB1050. There seems to be a, a misunderstanding, at least from the emails I'm getting, that we're simply going to hold back kids, retain children, if they're not up to standard between third going into fourth grade. That's not necessarily the point, we're, we're looking at, and, and you can share if you would, we're looking at a science-based full approach from kindergarten up through third grade identifying deficiencies working within a system, specific programs to get our, get our students up to speed. That, that's the focus of this bill, if I understand correctly.

MURMAN: That's very correct.

G. MEYER: Could you elaborate on that please?

MURMAN: Yes, I don't foresee many students being held back because, just as you said, we're getting students the extra-- those that need it, the extra help starting in kindergarten, first, and second grade. And, you know, a big part of how well students read, of course, is the support they get at home from the parents and parents are very much informed and included-- you know, there's summer programs, after-school programs, all of that that parents will be aware of and know that, you know, they need to help their child, too, and just make-- maybe make it more real to the parents that their child actually, actually does need some more support whether it's at school or at home to advance to where they need to be by third grade.

G. MEYER: Thank you.

HUGHES: Other questions? Yes, Senator Conrad.

CONRAD: Thank you, Vice Chair. Thank you, Senator Murman. Just in looking through the details in your legislation here, and I think just at the outset, we all share the same goal. We all want to see literacy support, literacy improvement. We talk about that a lot in this committee to figure out how to get the right tools and resources into

the front lines for teachers and kids so that they can be successful. So I know that's important to you and every member of this committee and important to the Governor and our great partners in public schools, as well, and our private schools and our homeschool family. So there's no disagreement about the goal, but I want to talk a little bit about some of the details in the legislation here. It seems that your legislation provides a lot of discretion or leeway to the department to figure out what this all means.

MURMAN: Yes, and that, that is deliberate. I think between the Department of Ed and the school districts, they know exactly what's important in, you know, reading advancement, and what needs to be emphasized, and, and, ultimately, how to help each student get where they need to be to be proficient in reading.

CONRAD: Right, right. And I, I think that is an important point to put on the record, because I know from my own kids, having kids in elementary and recently graduated from elementary, now in middle school, working through these very issues, that each kid learns differently and has different assets and different challenges that you and your teachers have to work together to, to try and figure out how to support them to be successful. And one of my questions is just about what's the metric we're using to decide whether or not a kid is deficient or not deficient in reading and, again, your language in the bill leaves a lot of this open for those criteria to be established by the department and the public schools. But say, for example, I know in our experience that we have one child that could not work harder, gets great grades, but can't meet one metric when it comes to reading proficiency, and that's he can't read fast enough. He knows what he's reading. He's got great engagement at school and at family. He can't hit that one metric in terms of speed. So I'm just thinking through that personal experience, you know, if he can't hit that one metric but is succeeding in school otherwise, is progressing with what he needs to in terms of reading, why, why would you want to step in on the state level and not allow me as a parent in consultation with the school to decide whether or not he should progress beyond the third grade?

MURMAN: Yes, and the, the bill, as I'm sure you've seen, deliberately includes the parents as much as possible. And, and as--

CONRAD: But the parent isn't the ultimate decision-maker if this moves forward.

MURMAN: It's a group decision between the parent and the educators, but it is very important that a student is proficient in reading before they advance out of third grade. Because like I said, up to third grade they're pretty much learning to read and after that they're reading to learn. So there is a discretion from the Department of Ed, working with school districts, to know-- like, like you said, if just only speed was a problem, I don't think the testing from the Department of Ed would make that a factor, a total factor that the child would be held back.

CONRAD: OK. And just to follow up on that last point there, and maybe we can hear some more from the educational professionals in terms of how they might interpret that criteria piece, because I think it might be instructive. You know, you and I have worked together on a lot of education policy to center parental rights, where I think that it's undeniable that parental rights are fundamental. It's been well established through court cases. It's a part of our policy and our law, and in many instances where we've ensured that the tie goes to the runner, the tie goes to the parent, that the parent is paramount in regards to guiding their child's education. And we have worked together on some of those controversial issues, and I've taken some heat for it, but that's fine because I think it's a principled approach. Senator, this, this approach really flies in the face of that. It really puts the government in the driver's seat instead of the parents. And I don't understand how that really squares up with, with your, your strong track record on, on centering parental rights.

MURMAN: Well, of course, both the school and the parent wants what's best for the child,--

CONRAD: Absolutely.

MURMAN: --and this simply emphasizes that-- the importance of reading, advancing out of third grade. And, ultimately-- like you said, ultimately, the parent does have the decision, but fortunately we have option in Nebraska, option enrollment or we have private schools and homeschools, too, as you mentioned. So kids, of course, aren't forced to attend the public schools so that's, that's an opportunity, of course. So--

CONRAD: OK.

MURMAN: But it's, it's still the parent's ultimate decision how to educate their child, but the school does have discretion on to what is best for the child in, in their school, in public school.

CONRAD: And then, I guess, the last part that I'm just trying to understand in regards to this solution or this particular remedy to the issue and goal that we all care about and share, one thing that doesn't make sense to me is it almost seems like it puts the cart before the horse kind of thing, that if we know that there's a kid that's having trouble reading and not meeting their proficiency standards, what do we do? We wrap them with support. We get the teachers, the tools and resources, and education and curriculum they need to be better teachers. We get the kids extra intervention and support and tutors and tools to help them level up to a proficiency level. So if we know that there's a reading deficiency, we also know, in many ways, how to address it through more intervention and more supports. So why isn't the focus there instead of this bright-line rule where we're just automatically punishing the child if we, as the adults, fail to get them the right interventions?

MURMAN: Well, I did mention that this is not punishment at all. You might have missed it, I think you came in when I was going through my open. But the emphasis is on the extra support that students will need starting in kindergarten, first, and second grade. It won't be a surprise to any parent that, oh, we're all of a sudden going to hold back your third grader because they're not proficient in reading. They're going to have the extra supports if it's needed in first and second grade and then also summer school and after school and support at home, curriculum to take home for support also. So the schools are going to work closely with parents to do what's best for the child. And, and advancing a child out of third grade that is not proficient in reading is, is not a good thing. We've seen that. And all of the support is going to be there that's needed so that, hopefully, there won't have to be any children hold-- students hold back-- held back in third grade.

CONRAD: And then we, we-- very last question, I promise. It's just-- I know this is going to be a top issue for the committee this year, and I, I appreciate you answering the questions. We've talked a lot in this committee over the past years about the deficiencies of standardized tests themselves. And how they can replicate some biases and actually tell us very little, if anything, except for where there's concentrations of poverty in different schools. And that's one thing that I know that we've talked about a lot on the committee. We've had some tensions and concerns about that. And so my question is, is-- you know, this-- what I think is just an explosion in testing that gets teachers-- ties teachers' hands and their ability to teach and be creative and innovative, and I can tell you my kids are exhausted sitting through test after test after test in elementary

school, little tiny kids who do a lot of testing. This would add another assessment into an already really, really long list of tests and assessments that are happening in our schools. And I think the fiscal note is to the tune of, like, $800,000 worth of new tests if we move forward in this regard. How does that match in with what we've already got going on with testing? Does it lift up the same kind of concerns about the deficiencies of standardized testing? Just wanted to get your, your play on those and then I'm, then I'm done.

MURMAN: Well, I think this is a lot different than a standardized test. The test, like they do in Mississippi, or what I foresee being done in Nebraska, will be more of a working together type test. It won't be, well, read this paragraph for me, and if you do a good job, you can advance, if you don't, you can't. They have all the supports they need. And I left it pretty open to the Department of Ed exactly how that-- I don't even like to use the word test, it's more of an assessment to see if the student is where they need to be to advance to do what's best for them all the rest of the way through school.

CONRAD: OK. Thank you. Thank you.

HUGHES: OK. Other questions? Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. Will you be followed by more expert testimony?

MURMAN: Yes.

LONOWSKI: OK, I'll just save my questions, then. All right. Thank you.

MURMAN: Yeah, better off asking the experts. There are good experts behind me.

CONRAD: [INAUDIBLE]

HUGHES: [INAUDIBLE]. So are you staying for close?

MURMAN: Yes.

HUGHES: Just kidding. OK.

MURMAN: Thank you.

HUGHES: Next-- yeah, you better be. Next proponent, or first proponent, I should say.

KENNY ZOELLER: Thank you, Vice Chair Hughes and members of the Education Committee. My name is Kenny Zoeller. That is spelled K-e-n-n-y Z-o-e-l-l-e-r. I serve as Governor Pillen's Director of his Policy Research Office. I apologize, Senator Lonowski, I am not an expert in terms of education policy. I am following Senator Murman, but I did pass around-- one of our experts that was supposed to be here, but due to the snowstorms that happened within her part of the country she was unable to make it today. So I'm going to be reading a portion of Casey Taylor's letter that she's provided to you for purpose of entering the record. Mississippi's passage and implementation of a comprehensive literacy law resulted in the state leading the country in reading score gains on the 2019 National Assessment of Education Progress. Mississippi students' reading skills continue to grow. In 2022, Mississippi ranked 21st in the nation on fourth grade reading proficiency, and in 2024, the state improved to 9th in the nation, a profound increase from 49th before adopting the literacy policy in 2013. Mississippi made an important statement when enacted its literacy law. The science of reading and evidence-based reading instruction are critical to student success and we will ensure that all students have the critical reading skills needed to promote to fourth grade. Nearly all kids can become strong readers when they receive instruction aligned to the science of reading. Research shows that students who cannot read proficiently by third grade are four times more likely not to graduate from high school. Retention when used as a last resort intensive intervention and paired with targeted supports provide struggling students with the additional time and instruction they need to catch up. The research is clear: thoughtfully implemented third grade promotion policies improve long-term outcomes without causing harm. Research studies in Florida, Indiana, Arizona and Mississippi have proven the positive academic effects of third grade reading test-based promotion policies. In Florida, retention in third grade reduced the chances of future retention in later years, increased the probability of students graduating with a regular diploma, resulted in increased high, high school GPAs, and reduced the need for remedial courses in high school. As a result of Indiana's retention strategy, there was an immediate and substantial increase in achievement on the English language arts and math scores that persisted into middle school. Findings also suggest that there were no signs of negative effects on students' attendance or disciplinary incidents in later grades. Findings from the Mississippi's retention strategies shows that students who were in third grade in 2014-2015 and retained under Mississippi's policy had substantially higher ELA scores in their sixth grade. Literacy gains were especially significant among African American and Hispanic students. A child's

ability to read by the end of third grade is one of the strongest predictors of future academic and life success. A strong reading program beginning in kindergarten and continuing into third grade and beyond give students the best possible chance to maximize their education. Over time, comprehensive early literacy policy including retention as an intensive intervention saves state dollars on remedial instruction and dropout prevention in the later grades and ensures that students have the best chance for success in school and beyond. I commend your commitment to strengthening early literacy outcomes in Nebraska and advancing policies that ensure every child leaves third grade able to read, learn, and thrive. The evidence is clear, the outcomes are proven, and the stakes cannot be higher. Sincerely, Casey Sullivan Taylor. With that, I'd be happy to try to answer any potential questions.

HUGHES: Thanks for sharing that from Ms. Sullivan, who, we all got emails, couldn't make it because of weather. Questions for Mr. Zoeller? Go ahead, Senator Conrad.

CONRAD: Thank you, Vice Chair. Thank you, Mr. Zoeller, good to see you. It's too bad the Governor couldn't make it, but I understand he has a, a busy schedule. Typically, we don't let testifiers read other testifier's comments into the record, but I guess we make a special exception today because we understand everybody's struggling through weather difficulties. One thing that I wanted to ask you about was there's been a fair amount of discussion around this legislation in regards to what's commonly known as the Mississippi Miracle, so to speak, where they saw dramatic gains in reading proficiency and literacy from some low rankings to a more competitive place, which had great benefits to their state and of course to their students. And I think everybody is trying to get a better understanding about what worked in that model and if it's, you know, applicable to, to our state. And we even had interim study hearings on a lot of these topics. I think Senator Sorrentino, maybe others, brought forward different ideas in this regard. But the one thing that I want to note about this measure is that when you look at what happened in Mississippi, it wasn't just a whole third grader's back approach. It was a very comprehensive approach with a lot of money invested for focusing on phonics, the science of reading, intensive teacher coaching, early literacy boost and support. And then there was this component in regards to retention, but that was part of a huge investment in a very comprehensive policy. That's not what's before us in LB1050. And looking at the Governor's budget, there are not significant increases or, or investments in reading curriculum or intensive teaching supports or early literacy or otherwise. So why are

you asking us just to pick one component of the model that was successful in Mississippi?

KENNY ZOELLER: Thank you, Senator. I think that's a great question. And I think this journey in literacy in Nebraska started a number of years ago, specifically with the bipartisan bill that Senator Linehan and Senator Pansing Brooks passed, I believe in 2021. After that year, the Governor's first year in office, as, as you and your fellow colleagues are aware, we made a significant investment in K-12 public education, to the tune now where we at the state are funding $2.3 billion every single year in education funding through direct and indirect sources. So in a lot of ways, this bill, LB1050, is, is the final missing piece of all the work that the Legislature and the state has been doing when trying to address our reading scores. It's been mentioned before the $55 million grant from Department of Education that we received from the federal government, my understanding from, from the department, and they'd be better equipped to answer specifically, but portions of that grant is targeted for additional resources for teachers and the ability to teach phonics that teach the science of base learning. So the short answer to your question is this process we have been going on-- we have, we have been through this process from the state of Nebraska for now, 6 years now. And so, holistically, I would ask the committee not to take a look at LB1050 in this individual action, but take a look at the whole product that, that we have been collectively working on for the past half decade-plus.

CONRAD: OK. And then looking at the Governor's budget proposal and just some of the highlights that are listed in regards to the Department of Education and his mid-biennium budget adjustments, it's a pretty significant set of cuts to existing investments to support teachers, to support learning, to support kids, including peeling back on that important commitment that I supported the Governor in wholeheartedly to do more for special education. And to help, help more kids in that regard, and to do our part on the state level to help local districts. So, you know, we, we hear frequently from our partners in local schools that they don't trust the state to keep their word and do their part, particularly as budgets are fluctuating. And right here, just a few years after we made that commitment, the Governor is suggesting cuts and clawbacks to those, those very dollars that are supposed to help special ed kids and teachers and literacy and otherwise, so how does that really match up, match up?

KENNY ZOELLER: I mean, I think that's a great question. I wouldn't characterize as a cut in terms of dollars are going to be spent.

CONRAD: I mean, that's what it says in the books.

KENNY ZOELLER: I wouldn't characterize it as we're going to be spending less dollars this year than we are-- last year in SPED. Rather, it's a reduction in the increase. When we talk to educators, superintendents, there's clearly something going on in terms of how we fund special education in the state. And the original, and if you, if you provide me with a little grace in terms of the specifics because this probably isn't the exact number, but I believe when we passed the 80% special education funding, the royal we, the state, costed that increase I believe to be close to 10%. The first year numbers came in, I mean, roughly at 25%. So we are actively taking a look whether it's the Governor's Budget Office, I know members of the Legislature, the Appropriations Committee, of what is specifically driving that increase. But, specifically, I do not believe that this upcoming fiscal year we will be spending less on special education than we did last year. Like I said, it's a, it's a reduction in the increase that's, that is being provided within the budget.

CONRAD: OK. And we can perhaps talk about that moving forward because I, I, I think maybe we don't have a meeting of the minds in terms of our approach there. But if the schools are telling us in their assessments that they have greater needs for special education funding and special education students then those needs are what they are. Are you suggesting that somehow the dollars are inflated or not moored to actual needs and there's what, like, a raft of waste, fraud, and abuse of special ed services or I don't, I don't understand how you came up with the methodology to cut special education in your budget.

KENNY ZOELLER: Yeah, once again, I-- and we're just going to have to agree to disagree on the terminology of cut. It's a reduction in the increase. But we're, we are actively looking at with the Appropriations Committee, with members of the education community of what is driving that increase and are there items or are there interventions that we can take a look at, at from policymakers to put in front of the Education Committee, to put in front of the Legislature of better understanding are those resources better used for, for special education reimbursement or are there other types of interventions that we can be taking a look at, you know, to address, to address those needs?

CONRAD: OK. And then just the last set of questions would be, did the Governor have a chance or his policy research team on behalf of the Governor have a chance to think through how a one-size-fits-all approach like this might be impacted by our teacher vacancy rates, for

example, we know we have made some strides in bringing those numbers down but we still have hundreds of open teaching slots across the state and acute deficiency in special ed and language arts and some of these, these very important positions that we would need to be able to have the capacity to carry out a policy like this if it were to move forward. How does that square up? If we hold back all these kids who you claim are deficient, where do we put them and how do we educate them with that teacher shortage and otherwise?

KENNY ZOELLER: Yeah, so I think that's a great question, and one of the things I would like to maybe focus on of, of the goal of the bill and what the bill does is, frankly, the early intervention in the first year with, with individuals in kindergarten, with students in kindergarten, first grade, second grade. And, frankly, the goal is none of those kids will be held back, right? I think that's a-- that's the, the noble goal that all of us have including our educators in all of that. When taking a look at what happened in Mississippi, I believe 8% of their students were held back in some fashion in the first year. Roughly just back of napkin math, I think that would equate to 1,800 individuals or students in, in the states. So I think the state has addressed, frankly, some of those funding issues when we talk about the investments that we've made in foundation aid, ensuring that every single student is receiving some form of state aid. And also, you know-- and I, and I apologize if I'm a broken record, but the state is now paying $2.3 billion for, for kids' education in public school education. We have provided a significant amount of resources to address some of these needs. What LB1050 does is just try to target the use of those resources in what is as close to a silver bullet as possible, which is making sure kids can be proficient in reading by fourth grade, because we know if they're proficient reading by fourth grade, it's going to cut down on the student-to-prison pipeline. We know it's going to increase their ability to be successful in the future, so. I think a lot of the things that we're talking about in terms of the resources that have been provided-- I mean, we have already provided those. And if there's other specific tweaks or things that we need to address in the legislation, we are always open, along with Senator Murman, to try to address those, so that way it's not a, a one-size-fits-all issue.

CONRAD: Yeah, because I think that is part of the widespread concern about how the measure is written, is that it just maybe is a one-size-fits-all. It doesn't take into account individual learning needs. Do you happen to know, because when you were visiting, I just didn't know this number off the top of my head, you mentioned what the retention rate was in Mississippi. Do you know what that is in

Nebraska? I don't know. And if you don't, we can follow up afterwards or [INAUDIBLE].

KENNY ZOELLER: I don't. The 8% number was in the first year of implementation for third graders in Mississippi.

CONRAD: OK. OK, because I think the other piece that I find troubling about this legislation is that it just seems to be conflating some different statistics and perhaps misleading that there's some sort of, like, rife problem with social promotion in Nebraska and that Nebraska teachers and schools aren't doing their job and they are not caring about kids and just pushing them through, and I just, I just don't think that's the case. I mean, I've spent not only time here as a policymaker, but a lot of time in my kids' schools and there are schools that are very high need and have challenges. And I, I, I don't see, I'm not a teacher, but I, I just-- I don't see those teachers and principals just pushing kids through that aren't, aren't ready to move forward. So what, what, what really-- and maybe that's a rhetorical problem, but do you think that there's a major problem with social promotion in Nebraska? Is that what's at the heart of this measure?

KENNY ZOELLER: No, I, I think, I think the problem that is trying to be addressed in LB1050 is ensuring that we are doing everything for our kids from kindergarten, first grade, second grade, third grade, ensuring that we are providing early interventions, teaching the reading of science, and making sure that we are doing everything we can at the state level and at the local level together to give those kids a chance, right? In a lot of ways, LB1050, this is an economic development bill. Our greatest resource is our people. And, and, frankly, our greatest economic development factories are our public schools. They are the ones that are educating our kids, providing a 21st century workforce. Governor Pillen constantly says, time and time again, the most noble profession that anyone can have is being a teacher, being an educator. So in no way, do I hope or the Governor hopes that LB1050 is, you know, being critical in terms of specific actions that are being done. Rather, LB1050 is ensuring that we have data at the state level, at the local level, intervening as soon as we can with kids and ensuring that we're doing everything we can to make sure they're reading proficient by fourth grade, which, once again, is, is as close to a silver bullet to making sure those kids can be successful in life.

CONRAD: Yeah, and, again, we share the same goal. I mean, I think educational success is the best anti-poverty tool available. It helps to ensure good quality of life for individuals and good, good benefits

to society. But I'm just, I'm, I'm just not convinced that this bill, as written, is the right way to advance additional steps in our public policy, but here to learn and listen and I appreciate your time and, and consideration. Thank you.

HUGHES: Thank you. Other questions for Mr. Zoeller? Senator Lonowski.

LONOWSKI: Thank you, Vice Chair Hughes. I'll be much shorter, I promise. I, I look at the fiscal note and I have issues with that just because we keep putting money at it. Does some of this note, will that be able to take money from grants that we might still have out there or money that's still out there that's being used? That's my first question. How'd you come up with this, with this number, I guess, of $800,000?

KENNY ZOELLER: So the $800,000 would have been provided by the Department of Education. I wouldn't be able to speak to that as they're a, a noncode agency, but I would ask you direct any questions.

LONOWSKI: OK. And then as, as I look through the bill I want to be assured, so we will, we will be able to tell kids at the end of first grade or, or tell their parents, you're somewhat behind but we can provide additional help between first and second grade and then the same between second and third. So we've given them every opportunity by third or by the end of third that they would have been able to at least, you know, catch up to a lot of their classmates. Yes or no?

KENNY ZOELLER: Yes, that's a great question. So, you know, in an ideal world, you know, how this bill would ultimately be implemented is, a kid comes into kindergarten, we find out they're not reading proficient to their grade level. That kid is identified, we then provide, the royal we provide more resources, specific plans to try to get that kid to catch up. That process is then followed from kindergarten to first grade, first grade to second grade, second grade to third grade. If they are not proficient in reading by third grade, that is when then that individual will be held back. But, once again, the goal is if we are able to identify that kid early on, they will become reading proficient by third grade. But in the unfortunate scenario where they're not reading proficient by third grade, they're then held back, they can only be held back for one year. And then at that point, you know, we're still able to provide more resources and cater to that kid's individual need, so.

LONOWSKI: OK. And then a lot of times the IEP process hasn't, hasn't really helped, hasn't been identified, I guess, is the best word, up

until third. So if they identify at some point during third grade that they're dyslexic or they, they might have a learning disability, then do we still hold them back or does that-- or do we put that into their plan that it may take a while because of this deficiency, but we're going to pass them on?

KENNY ZOELLER: Yeah, no, it's a great question. I think there's going to be other testifiers behind me specific to, you know, the dyslexic piece of it that could, that could better address that.

LONOWSKI: OK.

KENNY ZOELLER: You know, once again, if there are, if there are specific changes that need to happen within the bill to ensure that there's flexibility of this law being implemented by Department of Ed or by local school districts, we, we are always more than open to have those conversations. You know, I just know from a personal level, I was an individual that struggled with reading. I had early interventions, had an IEP, first grade, second grade, third grade. And I'm very thankful that the person that intervened in my life was, frankly, my mother. And without that, I probably would have been behind a grade level and I wouldn't be sitting here today in front of you. So I just want to, you know, continue to, to emphasize that the point of this bill is ensuring we give every kid a chance and, and we are focusing resources that we have provided at the state level that also are collected at the local level to make sure that those kids can be, be proficient by third grade.

LONOWSKI: Thank you.

KENNY ZOELLER: Thank you.

HUGHES: Thank you, Senator Lonowski. Other questions? OK, thank you, Mr. Zoeller.

KENNY ZOELLER: Thank you.

HUGHES: Next proponent, please.

HEATHER SCHMIDT: Good afternoon. My name is Heather Schmidt, H-e-a-t-h-e-r S-c-h-m-i-d-t. I am a member of the Early Childhood Interagency Coordinating Council. I am not here on their behalf at all. I am strictly here as a parent. I'm a proponent of LB1050. I've thought a long time about my position on this bill. A child who cannot read by third grade is not failing the system. The system is failing that child. That is why I support LB1050 and its goal of ensuring

students can read at or above grade level before advancing to grade four. This committee is familiar with my family's experience and my long-standing advocacy around dyslexia in Nebraska. Over many years, those conversations have consistently pointed to the same conclusion. When dyslexia is not identified early, students struggle unnecessarily and the consequences compound over time. Those early years matter. Children must learn to read so they can later read to learn, think critically, and be prepared for adulthood. When we miss that window, the consequences can follow students for years. LB1050 takes important and necessary steps. It emphasizes evidence-based reading instruction, prohibits three-cueing, and strengthens accountability within the Reading Improvement Act. Those are exactly the right priorities. But accountability only works when we know why a child is struggling. Under LB1050, a student can be identified as having a reading deficiency without ever being screened for dyslexia. A general reading assessment tells us a child is drowning. It does not tell us whether they need a life jacket or a ladder. Dyslexia affects an estimated 15-20% of the population and accounts for the majority of persistent reading difficulties. Without dyslexia screening, students are often given interventions that never address the real problem. Over time, that failure shows up as frustration, disengagement, and behavioral challenges in the classroom. Not because the children do not care, but because their learning needs were never identified. The proposed amendments that I have passed out to you all strengthen LB1050 by ensuring that students are screened for dyslexia and that reading improvement plans include evidence-based interventions designed for dyslexia when it is identified. These amendments do not change the bill's intent. They make it work. I have had conversations with the Governor's Office regarding these amendments, and the Governor is willing to work with the committee and me to ensure LB1050 addresses the needs of all students who experience a reading deficiency. LB1050 is an opportunity to get this right. With these targeted amendments, we can identify struggling readers earlier, deliver instruction that works, and ensure accountability leads to real improvement. I respectfully urge the committee to advance LB1050 with these amendments. Thank you.

HUGHES: Thank you, Ms. Schmidt. Do we have questions for her? OK, I have a question, too, but go ahead, Senator Lonowski.

LONOWSKI: OK, thank, thank you, Vice Chair. So I'm curious, because at what age does someone normally get found with dyslexia? Are we doing better now than we did 20 years ago?

HEATHER SCHMIDT: I can't answer that. I think we are not doing nearly enough.

LONOWSKI: OK.

HEATHER SCHMIDT: I don't know-- I, I mean, how many kids are on a 504 and IEP for specifically dyslexia. I suppose that that would be a good way to find out if we are doing better.

LONOWSKI: I mean, do you think we find that out by third grade, typically, or is it just too hard to determine?

HEATHER SCHMIDT: I don't think we're finding it--

LONOWSKI: Yeah.

HEATHER SCHMIDT: --overall, so I can't--

LONOWSKI: OK. I guess what I'm, I'm trying to get at is a lot of times the, the testimony I've heard from different people is they thought I couldn't read, they thought I couldn't think straight, but really it was just dyslexic.

HEATHER SCHMIDT: Yeah, it's dyslexia. OK.

LONOWSKI: And so I worry about-- or I wonder loudly about the stigma attached to a kid at third grade being held back but it really was a dyslexic problem not a-- do you see-- am I making sense, I guess?

HEATHER SCHMIDT: We have to start identifying this sooner.

LONOWSKI: Sure. OK.

HEATHER SCHMIDT: We haven't been doing that. There's been a lot of intentional legislation and a lot of work done in the past, and it's not-- we're just not seeing it happen. My niece, who lives in Tennessee, is beautiful and brilliant. She was given an assessment in kindergarten when she wasn't hitting the reading milestones, specifically for dyslexia. She was identified with dyslexia that's different from my diagnosis that is in one of the amendments.

LONOWSKI: OK.

HEATHER SCHMIDT: Once she had that identification of dyslexia, she was able to get targeted interventions and supports. She passed her third grade reading test. She moved on to fourth grade. She was given accommodations that she needed. She wasn't held back. Without the

identifier and those targeted supports and accommodations, she might have been. And now she loves to read, she's reading all the time. So I don't know if that helps you with your question or--

LONOWSKI: Yeah, I think so. Yeah, I'm just trying to, you know, piece this all together. Thank you.

HEATHER SCHMIDT: It's a lot. I mean.

LONOWSKI: Yeah. Thank you.

HUGHES: All right, so I'm going to-- we're going to jump in on my, my question, which I also have a niece that got diagnosed with dyslexia in another state. Did not get diagnosed till third grade. I don't even know, diagnosed, identified. We figured it out.

HEATHER SCHMIDT: Diagnosed is medical, identified is education assessed.

HUGHES: With what you're seeing, are you seeing that the minute in kindergarten you're showing struggles then you do a dyslexic screening, and then in first grade if you're struggling you do-- is that what kind of this involves so that you're catching it earlier or--

HEATHER SCHMIDT: Ideally.

HUGHES: Right. I mean, that's what--

HEATHER SCHMIDT: I mean, if we can identify-- as soon as it's possible to identify, we should so we can--

HUGHES: But then here's my question, so let's say you don't get identified till third grade, are you held also then in third grade or do you start the interventions? Because that's, that's a big-- by third grade, I feel like it's getting real late to start. It's much easier to let's red shirt a kindergartner. Right? So if my niece who got identified in third grade, if they would have held her, now she's held back from the group of kids she's been with, and she's in a small school, for 3, 4 years. But she is going forward, now she's getting the interventions, you know, she is in fourth grade, but she's getting the interventions, is that OK, but in our bill would she have been-- I, I don't know, would she have been held, is that a good thing? Is that a bad thing? Is that something we need to leave up to the discretion-- instead of making it a black and white, this is what happens? Is that something that the school needs to assess with the

parents? There's, there's a lot of nuance when you deal with these things. So--

HEATHER SCHMIDT: Right. There's a lot. I mean, that's why I brought some of these amendments that I think would make it a little bit stronger, maybe clear up some of that. There are a few holes in the bill, and the retention piece is-- it's startling. I'm not going to lie. When I first looked at it, I was like-- it made me feel a little sick inside because I do have a first grader who is struggling. She hasn't been specifically identified with dyslexia because we don't do that. She has been-- she has an IEP, she has a specific reading-- they're able-- I mean, it's cool, they can go in and find-- but they just haven't been able to give her that diagnosis or that identifier. And if we did-- if she was able to have that identifier, OK, so when it comes to taking the third grade retention test, typically students with dyslexia will need some accommodations when it comes to any sort of formal testing. I mean, that's-- they just do. My daughter has-- one, you can get a 504 in high school with a medical diagnosis of dyslexia, and that's really helpful for kids who do have dyslexia because that can carry forward when they take the ACT to provide accommodations. So that, in and of itself, that identifier, if we could then wrap some accommodations around-- a lot of these kids don't need special education, they just need people to understand they have dyslexia, what that is like.

HUGHES: They need more time or whatever.

HEATHER SCHMIDT: More time, maybe they need bigger font, maybe they need a quieter room. It's harder to focus and read, so distractions around the room when you're already doing something that's really, really hard for you isn't helpful, you know, but that's, that's something-- and the schools are good at that. The teachers are good that, they know when they look around their classroom, OK, well, there's, you know, my daughter Nora [PHONETIC], Nora needs to sit up here where she can focus, this is hard, she needs paper and pencil instead of on her Chromebook, you know, but that stuff that we've been able to work out and the schools are really helpful with that. I just think we can kind of work that piece into this and that might maybe light a fire to identify children who have dyslexia sooner, get them supports they need sooner before they hit that make it or break it milestone.

HUGHES: And that's where I struggle with on this bill is that, again, way easier to red shirt a kindergartner than wait. And so, you know-- and is it something that-- I think sometimes we maybe get parents that

think, oh, it's just first grade, so what, I take them out for a week to Disney World. But we've missed this critical piece, like, getting-- so that's where this might come in good, that the parents realize that this is very serious and your kid isn't hitting milestones A, B, and C. Hey, work with us, let's go to, if is it summer school or whatever, if not, there's potential your kid's going to get held, you know. I, I don't know, there's just a lot with this bill, so. I appreciate you coming in. Other questions?

HEATHER SCHMIDT: I think there's a lot of potential here,--

HUGHES: Yes.

HEATHER SCHMIDT: --and I think you guys have all showed that this committee is, is--

HUGHES: And that's why I don't-- we don't want to-- yeah, we don't want to push through something until we feel like it's been given the due diligence it needs to be effective and helpful and not harmful.

HEATHER SCHMIDT: Yes.

HUGHES: That's what we've got to-- that's we're trying to figure out, so. Thank you for coming. And, Senator Meyer.

G. MEYER: Thank you, Vice Chair. Thank you for coming in. I remember you from the other day when we had-- when we were discussing dyslexia. And I was probably remiss that day by not asking this question. How does, how does dyslexia manifest itself? 15 to 20% of students perhaps has dyslexia. And so it sounds like we don't test right away for it. But, you know, my very limited understanding of dyslexia is letters may appear backwards, things of that nature. But there's got to be tremendous amount more to it than that. And, and so if, if we're struggling reading, shouldn't that be the first test you do with 15% to 20% of students, perhaps, having some form of dyslexia? But, but I'd, I'd like to understand and I don't want to bog us down here strictly about this, but how does it present itself? And I'm sure individually, it's, it's different for each individual and it may not be a fair question for you, but you appear to have a good deal of experience.

HEATHER SCHMIDT: Well, I'm not an expert, so any, any information I give you is just my opinion.

G. MEYER: An expert is anyone that's within 10 miles away from home, so that's, that's what matters.

HEATHER SCHMIDT: OK. With my daughter, the one thing she couldn't do is consistently read words off paper, or just read words out loud. Speed was a fluency thing, and it was-- if she had it memorized enough or could guess well enough, she fooled people for a while until it got to be where that trick didn't work for her anymore once the reading got more intense. And I asked in first grade when her teacher, right away, said just something's here. You know, you know, let's see if we can figure this out. Let's-- you now, maybe I can give you some tips at home. Again, very supportive teacher. And I said, well, do you think she has dyslexia? And she's like, well, you know, we don't do that here. How do you not do that? And then I asked administration because they do stuff. And at that point I was told dyslexia is a medical condition. We don't do medical. So then I tried to find a doctor that could give her a medical diagnosis of dyslexia and they-- or find out, just find out, and they just kept telling me, well, that's an educational fix. We don't prescribe medicine for that. We don't treat that in the doctor's office. It's treated educationally. So that's in education, [INAUDIBLE] to do. So, again, I have an amendment in here that would explain that an identification of dyslexia is not the same as a medical diagnosis. So we can maybe not get hung up on that. You know, if a teacher understands dyslexia and they say, you know, maybe this kid does have dyslexia, you know, and there's an approved screener. I think they need to be consistent across the state, you know, vetted, that's what the State Board of Education is for. Then they could say, let's, you know, give the screener. I don't know how it's all going to work out, but I just think we, we can do more. And symptoms of dyslexia are broad. Those who have been working in this field for a long, long time know them well. We have a lot of good resources in this state. We're well versed in dyslexia, how is manifests, what the symptoms are, and what works to help those kids learn better.

G. MEYER: Thank you.

HEATHER SCHMIDT: You're welcome.

HUGHES: Other questions? All right. Thank you for coming in.

HEATHER SCHMIDT: Thank you.

HUGHES: Thanks for your time. Thanks for your work. Next proponent.

LISA SCHONHOFF: Hello, nice to see everyone today.

CONRAD: Good to see you.

LISA SCHONHOFF: My name is Lisa Schonhoff, L-i-s-a S-c-h-o-n-h-o-f-f. I am here today as a proponent. My views are my own, and as a veteran educator with 25 years, dedicated to studying and implementing best practices and reading instruction, I am encouraged by the ongoing focus among lawmakers on early literacy. Literacy remains the cornerstone of a productive society, equipping individuals to thrive academically, professionally, and civically. In Nebraska, where reading proficiency rates have continued to decline in recent years, urgent action is needed, as I think we're all aware. Currently, 36 states are outperforming Nebraska on the fourth grade reading assessment according to NAEP. 16 of the 23 states that currently have third grade retention policies in place are outperforming Nebraska on their fourth grade literacy scores. So as we've heard, Mississippi, whose dramatic turnaround, often called the Mississippi Miracle, has drawn national attention. And so they are one of the states that I did some research on along with several others, Louisiana also being one of them. I met with both literacy teams of those states with their Department of Education. And after meeting with Mississippi's Department of Education, I learned that the key driver behind their progress is, in fact, their Literacy-Based Promotion Act, enacted in 2013. Now, I've done a whole bunch of scratching through my notes here so that I can answer some questions, because a lot of this stuff has already been heard, but I would like to say one of the questions or to answer one of questions that while a critical component of their man-- of their retention policy is mandatory universal screening. This is not additional and should not cost extra as it should be something that the school districts are already doing. These assessments then are done three times a year and that way there's no additional surprises for parents and stakeholders. The meetings happen throughout the year, three times every year. So when we're talking about dyslexia, those things come up much earlier. In the field, I'm a mom and a teacher, I can tell you that most people who bring their kids to me, I do outside tutoring now, because I am not allowed to teach in the schools while I'm on the State Board of Education. And so I tutor and a lot of the parents bring their kids to me when they're already beyond third grade and they're saying to me why are my kids so far behind in reading? And so this is happening regularly. When we ask questions about is there a social promotion issue in Nebraska? If we look at our ACT scores, in 11th grade we only have 43% of our kids proficient in ELA. So that answers that question. Too often-- accountability is paramount, and this is the accountability piece that we need. And I'm here to answer more questions.

HUGHES: Thanks for coming in. So my question is, do you feel then that the accountability is that the teachers are just-- I mean, because they're already doing these reading assessments. We're already doing reading interventions. So all of a sudden, by magically saying they're not going to pass third grade, that's going to make the difference or is it there's too much pressure to not hold a kid back at first grade, at second grade? And by putting this into statute, that gives the school some leverage, if you will, that, hey, if I don't hold Johnny back in first grade you're going to have a problem in third, so let's do it now and get him the help. Where's the disconnect? Because we're doing these things, and NDE has got money, and I've-- from what I've heard from my contacts, the, the training and professional development that's coming from you is the-- from one of our curriculum directors, the best he's seen in decades. So that's great news. So what, what's the gap and are we putting the cart before the horse in terms of maybe we're kind of getting this addressed? Is this-- I don't know.

LISA SCHONHOFF: Great question. I'm glad you asked. As we have looked, it's-- we have been declining for a great deal of years now, and you are 100% correct in that I can give you a specific example to one of my own students, spent a great deal of time on Zoom. And was-- he was a kindergartner going into first grade. I recommended having him retained. And I was told absolutely not because of social and emotional well-being. And the fact is that that specific student, his social and emotional well-being is going to be far worse off.

HUGHES: Because he can't read and-- yeah, yeah.

LISA SCHONHOFF: Right. OK. And so, yes, there's definitely a huge stigma on holding kids back. But if we bring it up sooner and more frequently, then we start to see the issues more. And it does-- it opens it up to having these conversations. But, also, I would, I would highly disagree that it's more stigmatic to pass them, keep passing them on to the point of middle school, because as we know, teachers that are teaching beyond kindergarten, first, and second grade, are not as equipped to teach kids to read. And so once they do get beyond second grade--

HUGHES: You don't have reading help as much.

LISA SCHONHOFF: --there's-- it's that much more difficult.

HUGHES: So to add on, because you said you spent time with Mississippi, their Board of Ed,--

LISA SCHONHOFF: Yes.

HUGHES: --their Literacy-Based Promotion Act also commits $15 million every year to, to put toward the reading help, the, the-- you know, once you need the assistance. We're not doing that. We just have the assessment, and you have to hold.

LISA SCHONHOFF: OK, so good question as well. I wholeheartedly believe that it's not necessary when we're spending $15,000 per pupil. The money is there for the kids. The stuff that we're asking teachers to do should not cost boatloads of money. We're already doing so much of the training. We need to make sure there are other components to this like making sure our education preparation programs are effectively teaching teachers how to teach kids to read. And a lot of the training that we're doing is some of the best. And there is money right now through grants that is being used. And we need to make sure that the training that they're providing our teachers and our administrators, especially in--

HUGHES: And that's what we're doing with that $55 million grant, right?

LISA SCHONHOFF: Yes.

HUGHES: So, so-- OK, so that piece is fulfilled, now we just need the-- not retaining?

LISA SCHONHOFF: So the problem is, is that we need to hold people accountable for ensuring that we're having the conversations with Heather's niece's parents, and little Johnny over here, he's got this issue going on. And if they are having problems or they're not developmentally ready, they should be held back in first grade or kindergarten.

HUGHES: Yeah, that's a better place to start.

LISA SCHONHOFF: And so I think this is definitely kind of a catchall and this is what I have heard from other states is that it's kind of that big overarching piece that helps to get all the other pieces. Because to write a bill to have all the other pieces in place is not really feasible for the Legislature to do, but having that accountability on all of our stakeholders is a paramount piece that's missing in Nebraska.

HUGHES: Thanks for coming in and thanks for answering my questions. Senator Meyer.

G. MEYER: Thank you, Chair-- Vice Chair. Retention in third grade or first or second grade, are we seeing that being advantageous to developing better reading proficiency and advancing through the upper grades? Are, are we seeing the effect by retention? Is retention having the effect of improving reading proficiency, regardless of where-- whether it's first, second, or third grade?

LISA SCHONHOFF: I don't have a, a research-based answer, but as an educator, I do believe it's more critical to hold them back earlier than later. The earlier is better.

G. MEYER: And, and with-- if I may, Vice Chair-- with Mississippi, Florida and Indiana, are there-- is there some commonality in the strategies they're using for improving their reading scores? Are they going back to basics as I understand somewhat to a certain extent Mississippi is?

LISA SCHONHOFF: Honestly, yes, they are. Everyone's kind of going back to phonics, which should have never gone away in the first place. But one state that stands out tremendously to me is Louisiana. And the reason why they stand out to me, is number one, they've made tremendous growth. But according-- they're like-- they're, actually, the only state in the country that has made growth this past year. And they are writing their own curriculum. They're not purchasing these big expensive million-dollar curriculum materials. They're writing their own based on the needs of their kids. And if you were to ask me, that would be the, the, the best thing that any of the states is doing. And it gives teachers an opportunity to have more input because when we purchase these big, expensive, in my mind, worthless materials, and then teachers are told, you're going to do this page, then this page, then this page, then this page, then guess what? Your niece is not going to have her needs met, because any teacher who's been teaching long enough can tell you that kids have different needs. And so, in my opinion, having these conversations from kindergarten through third grade also gives teachers that you know what, I know this kid needs this. I can go off script from this million-dollar curriculum material.

G. MEYER: And just very briefly, if I may, very briefly. I think you've already-- I think you just answered the question. Would we be well-served to going back in kindergarten through third grade focusing more on the very basics, perhaps directed reading, two sessions a day instead of one? But essentially going back to our core educational basics and, and as, as we develop those very essential skills, reading, the basic math, those types of things, then we could advance

going forward. And I believe you answered that to a certain extent previously, but do you think we'd be much-- it'd be very beneficial for us to focus on-- more so in those grades on our very basic educational core?

LISA SCHONHOFF: Absolutely. I think that should go without saying, is getting back to the basics. And the other thing that I don't think was touched on is the fact that if we get those kids and we get, we get their needs met in kindergarten and first grade, there's going to be less behavior problems and less mental health issues, which will, which will also make classroom behavior issues dissipate.

G. MEYER: Thank you.

HUGHES: Senator Lonowski.

LONOWSKI: Thanks, Vice Chair. And thank you for your testimony. I do consider you an expert in this area, so I appreciate the, the wealth of knowledge you bring. With any of these other states, is there-- I mean, obviously, there's parent buy-in. They've got to believe in everything that's happening for the best of their child. Is there any parent training? I mean, I think we would be able to train a parent in one or two lessons on phonics and what's important.

LISA SCHONHOFF: OK, so this actually goes back to an earlier question as well. I am huge on parental rights. And what this does is it brings the parents in from the very get-go and gets these conversations started. And I think we need to be very, very clear that when I spoke with the Mississippi team, they said it's very few kids that they have to end up retaining because of all these other pieces that are in place. And so, for example, they-- we, we had discussed the fact that the-- even just talking about, you know what, your child might be benefiting from this, what do you think of this, parents get some of that ownership back from the very get-go. So I, I think that-- I talked to Louisiana, Mississippi and they said they had tremendous buy-in once they realized-- once parents realized it wasn't about retention, but their exact words was-- I wrote-- I had it in here somewhere. I crossed everything off on my sheet here, but it was basically about that screening and intervention over retention.

LONOWSKI: Sure. Yeah, I just believe that the parents that are reading at home, obviously their kids are going to read better, but, so sometimes we have to teach the parents maybe the best avenue to what to do with their kids.

LISA SCHONHOFF: And when you're having those conversations with struggling readers from the get-go, you are teaching the parents. Like, this is what we need you to work on at home. Because guess what, no one wants their kid to be held back. I don't want my own four children to be held back. But having that knowledge, if I wasn't a teacher, from the educators, how helpful that you're giving them that education when you're having those meetings.

LONOWSKI: Thank you.

LISA SCHONHOFF: Mm-hmm.

HUGHES: Other questions? Yep, Senator Juarez.

JUAREZ: One of the concerns that I have in regards to this bill and testimony that I'm hearing from folks is do we realize when we're talking about families, what is the primary language that's spoken in the home? And that's a, that's a huge concern of mine. Because I know coming from my background with OPS, we have students-- many languages in our school system. And I, and I have no idea whether or not in the development, like even with the fiscal note, have they thought about the increased expenses that might occur because of the different languages that may be spoken with the students that they might need to track or to help more? What are your thoughts about the language issue?

LISA SCHONHOFF: I'm so glad you asked that question. I have spent the bulk of my career as an ESL teacher and an ESL coach. And here's the thing with that, now there are those good cause exemptions that will, that will go into place. So a kid with dyslexia, a kid who is ESL, a kid who has special needs, would, would be able to qualify for those exemptions. And that's a team decision. It's not a state decision. It's not a superintendent decision. It's a team decision. And when it comes to ESL, what better way to allow teachers to go off their million-dollar script to say, you know what, I have this kid over here that speaks Spanish. She needs some specialized ESL strategies. So I'm, I'm going to go off the script and I'm going to give this kid what she needs. And this little boy over here, maybe he's selective-- he's got selective mutism. I had a kid that had selective mutism. I now feel, after having this conversation with the team, that the parents and I are on the same page and the other stakeholders to go off the script and do these things that work for this kid. So this-- there's so many benefits that could be in place if we have the right people in the right positions.

JUAREZ: OK. Thank you.

HUGHES: Other questions? Yes, Senator Conrad.

CONRAD: Thank you. Good to see you again, board member.

LISA SCHONHOFF: You too.

CONRAD: I appreciate your personal expertise and then your leadership on the State Board of Ed. I just want to, perhaps, reaffirm for the record, because really the-- those most impacted in this legislation would be third graders who are struggling, right? They would have the most dramatic changes here. And my question is, does a kindergarten, first, second, or third grader have any control over what curriculum they're being taught?

LISA SCHONHOFF: It's the adults.

CONRAD: Yeah. And does a kindergarten, first, second, or third grader have any control over how teachers are taught to teach?

LISA SCHONHOFF: Absolutely not, and this is the accountability piece we need in place.

CONRAD: But that's my, my point, is who's paying the price and who's being held accountable is the third grade student when the parent, when the parent, the system, and the educational professionals have failed them. That's, that's what I'm concerned about.

LISA SCHONHOFF: Currently, 70% of our fourth graders are paying the price right now for being moved on and continually having less of a chance to have their needs met when they go off to middle school.

CONRAD: Mm-hmm. Yeah, I, I understand that's your perspective, but there does seem to be a pretty significant consensus that we got it wrong from a policy and educational perspective when we're focusing on this three-cueing and got away from phonics and the science of reading. And now everybody's shifting back there as quickly as they can with training, with curriculum, which is all really, really, really good news. So do we need a little bit of time to get that into place before we put these barriers in?

LISA SCHONHOFF: Yes, I love that you asked that. I do think that it's imperative that we phase it in.

CONRAD: Yeah.

LISA SCHONHOFF: I 100% agree with that, that we can't just say '27-28 every single third grader that's not proficient, that's going to overburden the system. So that's an excellent point.

CONRAD: Yeah, we'll have to work together on that, maybe.

LISA SCHONHOFF: Yes.

CONRAD: OK.

LISA SCHONHOFF: For sure.

CONRAD: OK. Yeah, I think that's all I have.

HUGHES: OK.

CONRAD: Thank you.

HUGHES: Yeah. Thank you.

CONRAD: Thank you so much.

LISA SCHONHOFF: Absolutely.

HUGHES: Anybody else? No. Thanks for your time. Appreciate it.

LISA SCHONHOFF: Absolutely, and my pleasure.

HUGHES: Next proponent. OK. We will now go with opponents.

JEWEL RODGERS: Thank you. Oh, can I see my notes on the back of that while I testify, is it OK? Thank you. All right. My name is Jewel Rodgers, J-e-w-e-l R-o-d-g-e-r-s. So, recently, I hosted a town hall in my area to better understand how folks were feeling about the issue. Because I myself am not a parent, nor am I a teacher, nor am I or have, have I ever been a student who was held back. Any class that I took again, I chose to because I knew I probably-- I didn't get it. So I, I was, I was even struggling when I was hearing folks in the room because we had students, previous students, who had been held back. We also had folks who hadn't been held back and essentially been pushed through the system. And there was a general consensus there that they, they needed more time to deal with whatever in whatever grade. The guy who was held back was glad that he was. The, the, the couple folks that weren't held back acknowledged that they needed more time. But once we sat down as a group, like as a group in the room, we projected the bill-- the original Nebraska Improvement Reading Act, we projected that and went through that so that we could understand what

changes were being proposed in LB1050 and to better understand that it was beyond just holding third graders back. And I, and I think now I, I want to share that and then I have some notes that were comments from people that I'm going to reflect on every now and then. But as far as my personal opinion, it does seem like it doesn't necessarily get to the root of support and structure needed for the student. It seems like there is a disconnect. There were some parents in the room who felt like they were not properly educated on what was even going on as far as this bill or the act, in general, that, that came about a few years prior. There was also some concern that this exact bill wasn't necessarily developed in partnership with the Board of Education. That was a statement that was made in the room. That's a statement that was made in the room, that is not something that I myself am saying. What I am saying is that it seems like this isn't necessarily the right solution. That even though I heard people say that being held back in third grade while the culture around bullying is different now, so maybe it might be harmful to some students. The folks who will have the lived experience were saying that they needed that additional time and support. But just like was just referenced, if these changes happen '27-28, and it's a large majority of people who are struggling with literacy, do we have the support needed to even give them that individualized curriculum, that reduced student ratio? Are we even prepared, really? I think that's where I stand, and even the folks who supported or understood being held back, they also-- overwhelmingly, the room kind of felt the similar way of, like, this doesn't seem like it's it. And so I just wanted to, I just wanted to say that because it was, it was difficult. But a lot of people are being-- they don't have the-- there's not the support. So even then the conversation around the dollars that are being invested, are they being allocated in the most effective way now?

HUGHES: OK.

JEWEL RODGERS: I'm sure you don't have any questions for me.

HUGHES: Thank you for holding that town hall, and don't, don't go away so quick. Senator Conrad.

CONRAD: Thank you, Chair. I just wanted to say, Ms. Rodgers, thank you for your advocacy today and community engagement that you did on this topic. And thank you for serving as an inspiration as our state poet laureate. I really enjoy your presentations and your artistic expression. And it's, it's really exciting that you could be here today to marry art and advocacy together.

JEWEL RODGERS: Thank you. I appreciate you saying that.

HUGHES: Other questions for Ms. Rodgers? Oh, OK, I'll go with Senator Juarez.

JUAREZ: Hi, thank you for coming. I wanted to know from your town hall, why do you-- what do you think that the families need to get better communication? You know, is it the school systems are somehow weak in that area? Did they have suggestions on how the communication could be improved?

JEWEL RODGERS: I actually will go back to some of the, the language in the bill. One of the first questions while we were reading it through was how was I supposed to know about this? So I think, I think when we read through the part that says that there will be assessments three times a year and that your, your school was required to tell you about this early on. We're like, great, because we didn't know what was going on. So that consistent education to be able to identify the problem and immediately communicate that to the parent is ideal. But there might need to be a stronger communication system in, in general. Like, it doesn't seem like the information is actually reaching the parent. Is it, is it-- can it be more than an email? Can it be more than some piece of paper that a student goes home with? Can it be more than the parent-teacher conference? Are we accounting for a parent's maybe demanding work schedule? Are we accounting for parents who truly are disengaged from their child's life and need a different level of support to really get the clarity through? There were some things in the bill that we read through that everybody in the room was, like, well, that seems all right. Some assessments, OK. The question came up of, OK, well, who's creating the assessments? And are, are they really doing the job? But the fact of it generating an opportunity for communication was positive. So I think I just want to underline that there isn't-- there does not currently exist like a, like a communication channel that was working for the parents in the room at this time. And as far as what can best fill that gap, it seems like, yes, direct outreach from that school, from that parent would be ideal as one of the solutions that was communicated. But it seems like that would be happening already. So that's a little confusing for me. As someone without children, I can't speak far-- much far beyond that.

JUAREZ: Thank you.

HUGHES: All right. Thank you, Senator Juarez. Senator Sanders.

SANDERS: A comment and then a quick question. First of all, thank you very much for being here today and thank you for serving as our poet laureate as well. So it seems-- you're correct, the bill needs some work, right? And I think there's a couple of factors here. Data is so important of, of what, what are the tools that we're going to use, but also emotions come into this bill as well, right? And so how do we put those together for the best of that child? And so hopefully you're willing to continue to ask these questions of, of this committee and this bill so we can try and find the right information. Someone previously gave us a couple amendments and suggestions and that's how we get to the point, is listening to the community and those kids. So welcome your opinion and stay tuned.

JEWEL RODGERS: Thank you. Just to your point about the previous states that were referenced, I would maybe want to add, like, Oklahoma and some others that had the system in place and then took it out of practice. I think understanding why it wasn't working for some is, is very important. I also really appreciated the previous person who was a proponent, but she spoke of Louisiana having a, a more specialized approach that better enabled teacher input. That seems like it could be really wonderful. I also looked through the bill and see that there's $2 million a year that's going towards something, $800,000 gets taken out for tests, what does that leave for the support structure, truly? And, again, if 40%, the proponent again was saying maybe held back or being failed currently, that's also, like, 40% need more. So how are we giving more?

SANDERS: Beautiful, thank you. Say hi to Johnny, your dad or grandfather. It's your dad, right?

JEWEL RODGERS: That's Pops. Yeah.

SANDERS: Tell him I said hello.

JEWEL RODGERS: Thank you.

HUGHES: All right, any other questions for Ms. Rodgers? No. Thank you for coming in. Next opponent. Oh, we're going to fight. OK, so yeah, maybe-- let's do this. Let's line up on the chairs in the front if you're going to be--

_____: Testifying.

HUGHES: --testifying. Thank you. And then maybe we'll just go, like, zipper it. Left, right, left, right, left, right. OK. Go ahead, whenever you're ready.

MARY YILK: Thank you, Education Committee. My name is Mary Yilk, M-a-r-y Y-i-l-k. I am here today as a representative of NASB to oppose LB1050 and also as an educator for 31 years. Retention is not an intervention. I would like to give you a couple of situations that I have experienced, discuss reading as a physical process, the eye/vision medical problems that inhibits reading, offer you some research, and remind you of the state grants and federal reading initiatives in place at this time. Retained students. I had a third grader retained, and it proved not a long-term success. She dropped out of high school, became a drug addict, went to prison, and sadly died of suicide. This third grade girl's outcome correlated with most research. I had a 4-year-old student, at her sophomore year, she came to my office to tell me how disappointed and hurt she was that she was not able to enter kindergarten. Now, interventions equals success. I had a 7-year-old performing below grade level, tested. He had a high IQ and scored above average in math and science. Interventions and eye therapy were given. He graduated and was in the top half of the class and he went on to college. Now, the medical reading is a physical process. Dr. Nicholson, the eye therapist that I had worked with, indicated that 50 years of research shows that maybe 20-25% of a class has some type of eye coordination problem and maybe 5-7% is acuity. Dr. Nicholson stated that extra time in a grade is not what is necessary, but using interventions or different approaches. Now, research, I'm going to move down a little bit because you've talked about the Mississippi Miracle and the Hattie indicator report that studied this Mississippi Miracle, he studied over 300 million students and Hattie does not support retention as a high-impact strategy. Retention has low to negative effects. Gains are made by early intervention, not retention. Also, Jim Grant, his research since the '90s is still true today. Retained students are not significantly more likely to drop out of high school than peers who were not retained, and retained students have 2 to 11 times higher dropout rates. Research shows initial short-term gains don't last and long-term academic effects are often negative. Simply repeating a same curriculum and then not addressing the underlying issues and difficulties leading to retention in the first place. And some retained students, you're asking them to take the same academic year over again, even though they were excelling in math and, and science, that sounds like a poor plan to me. Jimerson, Anderson, and Whipple, this meta-analysis work continued and retention increases the risk of dropping out by 20-50%. If you have any questions, I would be glad to answer. In your pamphlet, I do have-- I thought I only had-- I thought I had 5 to 7 minutes so I put my long term and then I did give you the

research paper and the literacy project and the, the new one, the CLSD $55 million grant from feds for you to refer.

G. MEYER: Thank you for coming in today. I have a question. As I look at LB1050, it appears to me like we're trying to find a solution to lack of proficiency in reading from third to fourth grade. And I sense in, in the pushback and, and perhaps your analysis of, of what we're trying to accomplish with the bill, that we're trying to find a reason to retain children. We're actually, I believe, trying to find a solution so we don't retain children,--

MARY YILK: Correct.

G. MEYER: --and so you had some negative outcomes. Have you had any successes with retention in first, second, or third grade?

MARY YILK: No. That's why I brought-- oh, are you finished with the question?

G. MEYER: Pardon?

MARY YILK: Are you finished with the question?

G. MEYER: That's my question.

MARY YILK: That's why I, I tried to make it quickly about a 4-year-old student. I was shocked when they came into my office because what 4-year-old-- I mean, you know, wasn't socially, emotionally, academically ready to move on for kindergarten skills? We thought one more year to mature, develop those skills, and they would be a success in kindergarten. And that student was still hurt, a 4-year-old. The other third grade girl that it was not a success, of course, we worked with the parents with any of these retentions, thought that that would be her best interest, and they pushed for the retention, and it didn't turn out well. So I don't-- once parents decide to send the child to school, research will show that they need to either continue and have interventions, but a lot of times it's best to kind of wait till they mature.

G. MEYER: OK. Any questions?

LONOWSKI: I have a question.

G. MEYER: Senator Lonowski.

LONOWSKI: Sorry, we've lost our leaders here.

MARY YILK: Oh, OK.

G. MEYER: What am I?

LONOWSKI: Thank you, oh, fearful vice leader.

G. MEYER: Semi official.

LONOWSKI: Thank you, Mary, for your testimony. I appreciate it. So are you saying that, that retention is never the answer?

MARY YILK: Most research will show it is not the answer. Once-- the dropout rate is just over and over, that-- I mean, yeah, we hold them to third grade and maybe they are successful for fourth and fifth, but the psychological and emotional negative impact, they drop out of school. So do we want dropouts?

LONOWSKI: No. I just-- I know of schools that have this middle school policy where, hey, we're not going to fail kids in middle school, and I-- and then it seems like the complacency or the apathy sets in, and they know they're moving on. So I don't know if complacency is possible at second or third grade, and I certainly agree with the interventions, but I also think that maybe things, maybe, you know, I also heard someone today say, well, once they get to seventh grade or eighth grade, those teachers aren't equipped to teach them how to read, they're equipped to teach them how to improve, if you would. And so my concern is if we just kind of pass people off that some will fall through the cracks and maybe should have been retained.

MARY YILK: I don't think retention-- and, and several people have talked about dyslexia, and this 7-year-old student, their eye coordination problem was one eye sees one line and the other eye sees another line and they cannot see words together. No matter how much he was retained, that wouldn't have helped his medical problem. And when you were talking about the miracle, the Mississippi Miracle, the first year they retained like 3,379 students. Yeah, you hear a percentage. Oh, yeah, it was only 9%. 3,000.

LONOWSKI: Yeah.

MARY YILK: And then the next year it was almost 3,000 again, it was 2,900. So it's like there's got to be interventions early and money donated to it. I know that we have the initiatives and the, the grants right now and when those-- by teacher training, we got to continue teaching teachers because they retire or the experience or they leave

and you just have to keep retaining-- or retraining, so. Did I answer your question? I just--

LONOWSKI: Thank you. Yeah. Do you-- would you agree that maybe a return to the basics, a hooked-on phonics approach is what we should be teaching our teachers when they're at the university or--

MARY YILK: And, you know, I've been retired for 12 years, but when I was in school or college, we had a great reading instructor. And the basics were taught on how to teach it, so I don't know what's being taught at this time.

LONOWSKI: OK.

MARY YILK: I, I can't compare that. I did have one student, I don't know, was from Mississippi or Kentucky, when they came and registered for school, and they were registering for fifth grade and I was talking to him and he, he just appeared older. He was 14 and going to be in fifth grade. They retained him. And he said, Ms. Yilk, I just, I just can't pass this test. And so he was going to turn 16 in sixth grade. He could have driven himself to elementary school. So did that help you? So what I did is I had him, after about 2 or 3 weeks, he didn't fit with fifth grade. He didn't want to learn. He wasn't motivated. And so we put him into age-appropriate class, lots of interventions, summer school, after school, and a lot of different interventions. And he did graduate. And that's what we want. We want kids to graduate.

HUGHES: All right. Other questions for Ms. Yilk? Nope. All right, thank you for coming in.

MARY YILK: Yes.

HUGHES: Thanks for your testimony.

MARY YILK: Yeah.

HUGHES: Next opponent. Go ahead.

KATHY POEHLING: Hi.

HUGHES: Good to see you.

KATHY POEHLING: Good afternoon. It's good to see all of you again. My name is Kathy Poehling, K-a-t-h-y P-o-e-h-l-i-n-g, and I'm the President of the Omaha Education Association. I'm testifying in

opposition to LB1050. While we all share the goal of ensuring every Nebraska child is a proficient reader by the end of third grade, LB1050's mandate for mandatory retention is a blunt instrument that ignores the complexities of child development and the expertise of, of our local educators. Research consistently shows that holding a child back can lead to significant social and emotional distress and labels a student as a failure. It can deplete their self-esteem and decrease engagement in school. I believe this leads to another problem: lower graduation rates. We know that standardized, standardized tests often reflect social, economical factors rather than ability. This bill risks disproportionately widening the achievement gap rather than closing it. We currently have a crisis in many of our classrooms. We're asking teachers to perform miracles in impossible environments. We have overcrowded classrooms. In fact, some of our kindergarten classrooms currently have over 30 students. Many of these students have high-intensity needs. And teachers and paras are split between teaching phonics and managing behaviors, changing diapers, managing feeding tubes, or de-escalating violent outbursts. How can a child learn to read when the teacher is busy keeping students off counters or ensuring the physical safety of the class? We don't have a retention problem. We have a resource and safety crisis. We should be looking at funding solutions, not punishments. Instead of punishing an 8-year-old for not reading and their teachers for lack of resources, this body should be looking at the environment we provide for preschool through second grade. We need funding for paras who can focus on reading interventions, not just behavioral management and basic care. LB1050 blames parents and teachers for a systemic failure to fund our schools. If this Legislature is serious about literacy, you must put your money where your mouth is and fund early childhood education and classroom support. Do not punish students for an environment they didn't create. I also want you to think, because you-- most of you have heard me testify before, I'm a foster/adopt parent. I want you to remember how this would impact a foster child. We have thousands of foster kids in Nebraska. My daughter was one of them. She was in foster care from 22 months old till 9. She didn't learn how to read because she couldn't think about reading. She got moved to 10 different homes from kindergarten to third grade. This bill would have held her back. This was not her fault.

HUGHES: OK.

KATHY POEHLING: Yes.

HUGHES: Thank you for your testimony. Questions for Ms.-- is it-- how do you say your last name, again?

KATHY POEHLING: It's Poehling.

HUGHES: Poehling. OK. I just wanted to say it right. It's just spelled--

KATHY POEHLING: I know, we have family members that say it Poehling.

HUGHES: Yeah, yeah.

KATHY POEHLING: I know.

HUGHES: Questions for Ms. Poehling? Oh, Ms. Juarez-- or Ms. Juarez-- Senator Juarez.

JUAREZ: That's OK, I know who you meant. So welcome, Kathy.

KATHY POEHLING: Thank you.

JUAREZ: So I wanted to know, for OPS, what do you think is the most predominant reading program that they use at the younger grades?

KATHY POEHLING: Well, I think what's really important is that now we do, do a structured literacy approach where we're really focusing on phonics in the earlier grades. But as you alluded to earlier, Senator Juarez, we have students who come into kindergarten who don't know English. I had students who their parents didn't read or write their own language, let alone English. And so you're right. How do-- how does a student learn to read and write English, it's at school, it's not at home if they don't have parents who read and write English. So that makes it very difficult. And--

JUAREZ: Absolutely.

KATHY POEHLING: --in OPS, as you know, we have students that speak over 120 different languages.

JUAREZ: Thank you, and I just want you guys to know I'm a phonics girl.

KATHY POEHLING: I was too.

HUGHES: I am as well. OK, other questions for-- all right, thank you for coming in.

KATHY POEHLING: Thank you.

HUGHES: OK, yeah, we'll go back and forth, come here, there, there, or there. Whenever you're ready.

TIM HECKENLIVELY: OK. Good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Tim Heckenlively, that's spelled T-i-m H-e-c-k-e-n-l-i-v-e-l-y. I appreciate the opportunity to speak today in opposition to LB1050. I offer this testimony on behalf of the Nebraska Council of School Administrators and from direct experience as a former elementary school principal. Let me first begin by saying this: improving literacy outcomes for Nebraska's children is a goal that we all share. No one in education questions the importance of early reading proficiency. Our concern with LB1050 are not with the intent, but with the mechanism, specifically the use of mandatory retention. LB1050 would add new limits on advancing to fourth grade based on reading scores. While this isn't unique nationally, rigid retention rules have the potential to strain relationships with families, while approaches that emphasize strong interventions and individual judgment foster better parent-teacher relationships. In Nebraska, local control and collaboration with parents, and having parents working well with kids is important, and any literacy policy should build on these strengths rather than limiting them. From my experience as an elementary principal, I can tell you that these decisions about retention were among the most complex and sensitive that we make. Multiple factors should go into considering retention, including academic performance, social-emotional development, maturity, attendance, and family context, with parents as active partners in this decision. We are also concerned about the impact this bill may have on parental collaboration. Parents deserve a meaningful voice in the decision, in the decision that, that impacts a child's educational path and emotional well-being. When retention becomes, becomes a legislative mandate, rather than a shared decision made by educators and families together, we risk eroding parental trust and involvement at a critical stage of a child's development. Additionally, Nebraska schools are already required to implement extensive intervention systems. Through the Nebraska Reading Improvement Act, schools conduct diagnostics, they provide targeted reading interventions, monitor progress, and communicate with families. These systems are already in place and they're improving each year. Mandatory retention layered on top of these requirements may shift the focus away from strengthening instruction and intervention towards compliance with promotion rules. In closing, I respectfully urge the committee to consider whether LB1050 strikes the right balance. Nebraska can hold high expectations for literacy while still honoring parental rights, professional judgment, and individual

student needs. I thank you for your time and your consideration. I'd be happy to answer any questions you may have.

HUGHES: Thank you, Mr. Heckenlively, which is a very fun name to say.

TIM HECKENLIVELY: Yeah.

HUGHES: Questions for him? Oh, yes, Senator Conrad.

CONRAD: Thank you so much for being here and testifying on behalf of your professional association. Could you just tell me how long ago were you an elementary school principal-ish?

TIM HECKENLIVELY: OK, my, my last year being an elementary principal is 16 years ago.

CONRAD: OK, quite a while ago.

TIM HECKENLIVELY: It was.

CONRAD: OK. All right. I was hoping, and maybe we'll have some teachers or educators that-- who are a little bit closer to the classroom.

TIM HECKENLIVELY: The last 15 years I've served as a school superintendent.

CONRAD: You've been a school superintendent?

TIM HECKENLIVELY: Yes.

CONRAD: OK, so you see it from that vantage point, too, but I, I did just at least want to note quickly for the record and, perhaps, others with more recent experience might want to weigh in or if you want to as well. I've heard multiple senators indicate that we've moved away from the basics in elementary education and I'm the parent of an elementary school kid. I see the spelling tests that come home every week.

TIM HECKENLIVELY: Sure.

CONRAD: I see the newsletters that come home from our elementary school every single week talking about what they're doing in science, what they're doing in math, what they're doing in social studies, what they're doing in health, what they're doing in reading. In some ways, I guess, perhaps, my colleagues are right, we've gotten away from the basics because what I'm seeing in my children's elementary school is

far more rigorous and advanced than what I had the benefit of learning in a country school in rural Seward County, you know, 40 years ago, so to speak, which, you know put me on a great path for educational success. But I, I really challenge my colleagues who keep repeating this narrative to spend time in an elementary school or I'm happy to print off the newsletters and the spelling lists and pass them out because from my vantage point, and maybe LPS is unique, I don't think so, there is nothing but a consistent focus on reading, arithmetic, science, math, plus a whole lot of other cool things that weren't even on the table when we were in elementary school without tracking from the core. So I don't know what people think is happening in elementary schools, but it is rigorous in terms of a focus on basic educational components. And I, I see it in my inbox every day. I see it when I help my kids with their homework every day. I see it when I visit the school every week. So I don't know where this rhetoric came from, this kind of misleading idea that elementary schools have become unmoored from basic education, but it, it-- it's not grounded in reality.

TIM HECKENLIVELY: Right. And, Senator Conrad, I'm, I'm grateful that you bring that up. And, you know, as far as-- I'll speak, especially since this bill focuses specifically on literacy. You know, we talk about the Nebraska Reading Intervention Act. You know, that act that is being implemented requires school districts to train teachers, use, use specific assessments, assessed three times a year. There's, there's all kinds of different things built into that act that bring, bring the most modern teaching techniques to our schools. And I-- those that are charged with training teachers, they're bringing the science of reading into those classrooms by training the teachers and they're staying modern with, with techniques, so.

CONRAD: Yeah. Thank you. Thanks.

HUGHES: OK. Thank you. Senator Meyer.

G. MEYER: Thank you, Vice Chair. I appreciate the perspective of Senator Conrad, and, and I truly know that she takes a great deal of interest in, in education. I appreciate that very much. Given the fact that we're doing such a great job in elementary, why are we having diminished outcomes? If we're doing such a great job, why are outcomes going down?

TIM HECKENLIVELY: That's, that's, that's a difficult question and--

G. MEYER: I suspect it is, which is why we're here today.

TIM HECKENLIVELY: Yeah, I, I-- you know, I do not have that specific answer right in front of me, Senator Meyer, I'd be happy, you know, to, you know, look at some data and follow back up with this, this committee. I think it does go back to the point that the, the intent of the bill is to improve literacy outcomes and we all agree with that piece. But that, that mechanism of mandated, mandated retention, that's, that's the thing that we're opposing.

G. MEYER: Move, move mandated retention out of it.

TIM HECKENLIVELY: OK.

G. MEYER: I hear consistently, as a member of, of this board, and I had 9 years on the school board previously, so I have some familiarity, we're doing a better job of preparing students for kindergarten. You know, they can come into kindergarten, they can read, they know their alphabet, they know their colors and everything. And I truly believe that's, that's true. You know, I think our early childhood education has improved substantially over the years. And, yet, once again, we're back to the, the old bugaboo that we, we are seeing diminished returns as measured in fourth and eighth grade. And so we hear we need to spend more money. We, we think we've got a great curriculum and, yet, we have diminished returns. And I think maybe that's the question we should be dealing with here, and, yes, personally, I think what we're trying to accomplish with LB1050 is to not retain students. Let's, let's use science-based educational techniques. Let's, let's focus specifically on, on, certainly, reading. If you can't read, you are limited in life without question, absolutely without question in any walk of life, in any, any business endeavor, any job you have in life. And so here we are, we have great elementaries and we've got diminishing returns and no one has an answer. So perhaps it's a curriculum. Maybe that's a curriculum in kindergarten through third grade. And, and, and having a vigorous and a very rigorous curriculum is great fourth grade on, but the basics-- and I, and I do mean the reading, writing, arithmetic, and I know, I know there's an A in there, they're not all R's. But we need to focus on the basics and get that foundation, get that fundamental base. We can't build a house without a good foundation. We can't learn-- teach kids how to read without a good foundation and that seems to be the disconnect here. And, yet, no one can, no one can vocalize, verbalize why we have diminished outcomes. Nobody wants to own it. I'll put it that way. Nobody wants to own that.

TIM HECKENLIVELY: And, Senator, you are, you are. You're, you're, you're hitting on accountability. That's the heart of what you're hitting at here. And I'm--

G. MEYER: I wish I had thought of that word. I, I went all the way around the bush but I got there.

TIM HECKENLIVELY: But once, once again, as far as literacy, I'm going back to, to the Nebraska Reading Improvement Act. You know, we're only a year and a half-- again, 2 years into this, into this project. You know, I've, I've heard other testifiers talking about the funds that have, have been flowing in, we're, we're training teachers. You know, can we really look at the outcomes when we're-- I mean, with this particular reading act when we're just, we're just getting into the mix here with this, so.

G. MEYER: Well, hopefully we have--

TIM HECKENLIVELY: Yes.

G. MEYER: --better results.

TIM HECKENLIVELY: Yeah, and, and my point is the interventions, the instruction, that, that, that has been put in place.

G. MEYER: So we weren't teaching teachers how to teach reading. That's kind of like I can't read writing when it's written, but I can read it when it's wrote.

TIM HECKENLIVELY: And I don't think that-- that's not it, I don't think.

G. MEYER: OK, I"m, I'm--

TIM HECKENLIVELY: You took me wrong there, these, these tiered systems of support have been going on a long, long time, obviously, before the, the Reading Act went into place.

HUGHES: Other questions for Mr. Heckenlively? All right, next opponent, please. Thank you.

TIM HECKENLIVELY: Thank you.

HUGHES: Thanks for your time.

CONNOR HERBERT: All right.

HUGHES: Go ahead.

CONNOR HERBERT: Thank you, Vice Chair Hughes and members of the Education Committee for the opportunity to speak today. My name is Connor Herbert, that's C-o-n-n-o-r H-e-r-b-e-r-t, and I'm here on behalf of the Legislative Affairs Committee of the Nebraska Commission on African American Affairs where I serve as staff. We appreciate the Governor's commitment to improving reading proficiency among Nebraska students. Literacy is a cornerstone of opportunity, and we share the, the belief that every child deserves the tools to succeed. However, we must respectfully express our concerns with LB1050 in its current form. While well inten-- while well intentioned, the bill's approach may unintentionally overlook the diverse realities of Nebraska's educational landscape. Our Commission represents both foundational black Americans, i.e. descendants of slavery, and black immigrant communities. As a result, we know firsthand that a one-size-fits-all policy can miss, can miss the mark when it comes to addressing the unique challenges faced by students from different backgrounds. Especially those in low-income communities. We're particularly concerned about the unintended consequences of punitive testing measures for third grade students. These children, many of whom are-- many of whom already face significant barriers, may experience undue stress and anxiety when their academic futures hinge on a single assessment. We believe that accountability should be balanced with compassion and flexibility. Moreover, we recognize the fiscal constraints facing our state and the ongoing challenges in recruiting and retaining qualified educators. Specifically, the Nebraska Department of Education released their 2025 report on teacher shortages and outlined that the state is experiencing shortages in early childhood educators, elementary school educators, and language art-- language arts educators alongside English as a second language educators, all of which, of course, come into play when we're discussing things like this. Without addressing these foundational issues, including adequate funding and support for schools serving our most vulnerable populations, we risk placing additional burdens on students and educators without the necessary resources to succeed and, therefore, actually effectuate the intent of the bill. Therefore, we respectfully urge the committee to reconsider advancing LB1050 in its current form. We welcome future proposals that par-- that pair accountability with meaningful investment in our schools and communities, though we understand that with the fiscal constraints of this year's budget, that may not be a possibility this year. Thank you again for your time.

HUGHES: All right, thank you for coming in, Mr. Herbert. Questions? OK. Thank you.

JUAREZ: Thank you for coming.

HUGHES: Next opponent.

SANDERS: I think everyone needs a break.

HUGHES: Do we do one-- after-- we could.

SANDERS: Keep an eye on it.

HUGHES: Oh, we're going. Go.

STACY LOVELACE JOLLEY: OK. OK. OK.

HUGHES: [INAUDIBLE] with you. When you're ready, you may start.

STACY LOVELACE JOLLEY: Hello, my name is Stacy Lovelace Jolley, S-t-a-c-y L-o-v-e-l-a-c-e J-o-l-l-e-y. I am here on behalf of the best dad in the whole world, Fred Lovelace, who's sitting back there. My sweet, smart, kind, wonderful dad was forced to repeat the third grade because of not being able to read at grade level here in Lincoln when he was a child. In fact, he was forced to push his desk down the hall from fourth grade back to the third grade classroom at the beginning of fourth grade. It didn't make him a better reader or a better student. Instead, it left him with a lifetime of shame and a mantra of: I'm stupid, which he most assuredly is not. I have long believed that my dad suffers from a reading disability or dyslexia or dysgraphia of some sort. At age 79, there's not a whole lot of reason to do any testing at this point. But he still reads slowly and his spelling is not so good. But back in 1955, they didn't have a name for these things. And they didn't have testing for these things. And even if they did, they didn't have a treatment strategy or systems of support for these things. But we do now. And when you know better, you're supposed to do better. By every measure my dad is a very-- for every measure that matters, my dad is a very successful man. My parents, a couple of weeks ago, celebrated 57 years of marriage. They have two kids and three grandkids and a sister-in-law who all love and worship him dearly. He had-- he did graduate despite being held back, despite his shame and embarrassment that he was put through. And he had a long career as a printer, which when I told someone the story recently, said, isn't that ironic. But every once in a while, this story will come up and bring him to tears still to this day. The shame that he still carries from it. And I can't understand why we are

proposing to use 1950's tactics when we have 21st century treatments available and supports available to today's children, why we would put them through that. Thank you for giving me time to share my dad's story.

HUGHES: Thank you so much for coming in and sharing that. Any questions for Ms. Lovelace Jolley? Really glad that we have progressed from those kind of treatments to our students, my goodness. Anyway, thank you. Thanks for your time.

STACY LOVELACE JOLLEY: Thank you.

HUGHES: Appreciate you. All right, next opponent. And whenever you're ready, you may start.

DANIELLE LARSON: All right. Good afternoon, and thank you for the opportunity to speak in opposition, and also thank you for your service to this great state. I know you do so much for us. My name is Danielle, D-a-n-i-e-l-l-e, Larson, L-a-r-s-o-n, and I'm in my 25th year of teaching at Gretna Public Schools. I'm a reading interventionist at Falling Elementary, and I've taken the LETRS course, the 2-year course, and I've also took another year to be a trained local facilitator in which I train our district's teachers. And so when we're talking about the Mississippi Miracle and we're talking about Louisiana, a big part of that was LETRS and the program they implemented to train their teachers, the language essentials for teachers, language essentials for teaching reading and spelling and for adding teaching coaches in that as well. I also am an adjunct professor at the University of Nebraska Omaha and the College of St. Mary's where I teach a variety of literacy classes to pre-service and current teachers and we definitely cover the science of reading. It's the, the backbone of all that I teach. I also presented a lot of trainings and conferences for my own district, for metro area teachers in Omaha, and the Archdiocese of Omaha. There has never been a more exciting time to teach reading with the wealth of research that's now available. And every teacher I encounter is excited about this research. And we want to incorporate it the best that we can to help our students. We are teaching, actually, all five components of literacy instruction. We have phonemic awareness here, also known as phonological awareness. Which is oftentimes really the hallmark-- a weak phonological processing system is often the cause of dyslexia. We teach phonics, fluency, comprehension, vocabulary. Kind of speeding through my notes for the essence of time. But on average, it takes a child 2 to 3 years to decode the English language. It's the toughest alphabetic writing system in the world. And as humans, you know, we're

not biologically wired to read. As so as we're teaching children how to read, we're actually rewiring their brains. And we can see this in MRI studies due to the amazingness of neuroplasticity. Maryanne Wolf, who's written many books about literacy, like Proust and the Squid, says that children are wired for sound, that's your phonological awareness, but print is an optional accessory that must be painstakingly bolted on. And for some of our students, especially those with learning differences such as dyslexia, they need a lot stronger bolt. You know, we have about 5-10% of our population that will learn no matter what method we teach them. The rest will benefit from direct and explicit instruction. And there's about a 10-15% of our students that this is, of course, the, the students that LB1050 is attempting to assist that need explicit instruction as well, but they need much more intensity and repetitions. And the compelling evidence on a convergence of research is that 95% of our children can be taught to read at/or approaching grade levels. They're much more likely to be successful, of course, as we've talked about receiving this early intervention and instruction early, although it is never too late. The instruction should be provided by teachers who are well-informed and well-supported. This most powerful instruction is comprehensive, systematic, explicit, intensive, multimodal, and informed by our data. Never in any of the research have I read or taught to my students is that retention is not. I don't see anything ever mentioned about retention. Our research and our data now informs our instruction and decisions at both a local and a district level. The 2018 Nebraska Reading Improvement Act truly reflected this research and the science of reading. And while districts like Gretna Public Schools were already doing this, it's definitely helped move the needle with a lot of districts. I'm sure this, this legislation has the best of intentions, but it's misguided and lacks sufficient research to support retention. To close, at Gretna Public Schools, we operate with the mantra of: we do what's good for kids. And this bill is not good for kids. It limits local decision-making and fails to take into account individual student needs and professional educator judgment. I'd be happy to answer any questions you might have.

HUGHES: All right. Thank you. Thanks for coming in and, wow, that's an extensive background you have in teaching, teaching teachers, teaching kids. Questions for Ms. Larson? Any questions? All right, thank you so much. Thanks for giving us the handouts.

DANIELLE LARSON: Thank you.

HUGHES: Underlined a few things for me. So we're going to-- yeah, we're going to try to stick with the 3 minutes since we've still got a lot of folks to get through. And it starts with you, Tim Royers.

TIM ROYERS: Hold me accountable. Happy to do it.

HUGHES: All right.

TIM ROYERS: Excellent.

HUGHES: On your mark, get set, go.

TIM ROYERS: Cool. Good afternoon, Vice Chair Hughes, members of the Education Committee. For the record, my name is Tim, T-i-m, Royers, R-o-y-e-r-s. I am the President of the Nebraska State Education Association. I am here on behalf of our members to testify in opposition to LB1050. While we certainly agree with the Governor's Office and Senator Murman on the importance of literacy in early grade levels, the requirements outlined in LB1050 will make it harder for us to ensure that students are meeting reading targets for several reasons. First, there's broad consensus that retention fails to effectively improve academic outcomes for students who are made to repeat a grade. Several states have had retention measures, as you've already heard, but they've had them for a while. You heard Mississippi has been there since 2013. That gives us an opportunity to really see over the long term if it's made an impact or not. And I want to mention Mississippi because proponents have discussed it quite a bit. While, yes, Mississippi did close the gap on fourth grade NAEP scores compared to the national average over a 10-year period, they have not done so when it comes to their middle school reading scores. So the improvements they've seen at fourth grade is not sticking at later grades. Retention has been described as, quote, an ineffective response to unfinished learning. Research has also found that in those states that claimed retention was the reason for improvement, it was actually all of the wraparound services that you've heard from previous testifiers that actually led to the improvement in academics and reading, not the, not the act of retention itself. The second reason it'll make it harder to improve student outcomes is because it places too great of an emphasis on third grade. Yes, third grade is generally considered the point where students transition from learning to read to reading to learn. But, again, as you heard from previous testifiers, it's those interventions in those earlier grades that matter the most. And listening to proponents, I think there might be an error in the bill. Proponents indicated that they support the K-2 interventions, but if you read on page 7, starting on line 13 of the

bill, it says that: each school district shall provide an intensive acceleration class for any student identified as having a persistent reading deficiency and retained in grade three. I believe the intent has to be or retained in grade three based on the proponent descriptions, because otherwise this bill does not prescribe any interventions in K-2 at all. So, again, I just want to make that-- based on our reading of the bill I think there would have to be an amendment purely to address that. Finally, another major reason why this will make it harder for us to support learners is because LB1050 sets up a massive unfunded mandate for the prescribed interventions. We actually support a lot of the prescribed interventions. But things like summer school, lower student to teacher ratio, absolutely comes with a cost. The idea that there's no cost associated with these expectations doesn't match up with what the, with what the bill requires. So I want to reiterate, we fully support evidence-based measures to help improve learning outcomes. The evidence is clear: retention is not a valid way to support a struggling learner. We are happy to work with the Governor's Office and with any state senator who wishes to help students improve reading outcomes. And I'm happy to answer any questions before the red light.

HUGHES: Boom. All right. Questions for, questions for Mr. Royers?

SANDERS: I don't know if I processed it all yet.

HUGHES: I know, it was so fast.

TIM ROYERS: Hey, you gave me a time crunch so I tried to hit.

HUGHES: Senator Lonowski.

LONOWSKI: Thanks, Vice Chair. And I really hate to give him this opening. What-- can you tell me where that mistake was again or where that [INAUDIBLE] was?

TIM ROYERS: Yeah, it's-- where I perceive it, is, is page 7, and it, it starts on line-- the paragraph starts on line 13,--

LONOWSKI: OK.

TIM ROYERS: --but it's, specifically, line 15 where it says: identify as having a persistent reading deficiency and retained in grade three. I genuinely think based on proponent testimony, it's supposed to be or retained. So that way they can access those services prior to grade three.

LONOWSKI: Got you. I listen slow.

HUGHES: Anybody else? All right, thank you. Thanks for coming in.

TIM ROYERS: Thank you.

HUGHES: Next opponent. You have big shoes to fill. I'm just kidding.

EMILY THEIS: That's all right.

HUGHES: No pressure. Whenever you're ready.

EMILY THEIS: Good afternoon. My name is Emily Theis, E-m-i-l-y T-h-e-i-s, and I'm currently a third grade teacher. It's my seventh year working in the Omaha Public Schools. I traveled here to speak on my own behalf and to represent OEA in opposition to LB1050. I'm glad to see the legislative focus on Nebraska's literacy crisis, which is very real and does demand legislative action. And, Senator Meyer, I'd be happy to answer your questions when I finish that others could not answer. Mandatory retention of nonproficient third graders is misguided, inadequate policy at best and actively harmful to students and districts at worst. So as others have said, I'll speak briefly on the harms caused by retention. Holding a student back on the grounds of a test score will isolate them from peers and will foster negative self-image despite our intentions. While there are exceptions for students on IEPs and English learners, it doesn't take a veteran teacher to imagine the ways that 8-, 9-, and 10-year-olds may treat a classmate that gets held back. Furthermore, schools already strain to adequately serve students with IEPs or sometimes to qualify them for the correct environment to begin with. The IEP process takes time and contains hurdles. So as others have testified, if a nonproficient reader with a disability reaches third grade before qualifying for special instruction, this bill would punish them socially. The bill does not address existing gaps in support of special instruction. Another problem is that LB1050 strengthens the grip of high-stakes testing over our children's lives. The results of whichever end-of-year test that their district chose, which there is a list of many if you look at the NDE, would determine whether or not a student moves on to fourth grade with their friends. Some students, but not all, will read to a computer program that scores automatically. Right now, many kindergarten through third grade students, all of them in OPS, but many in Nebraska, are assessed for the Reading Improvement Act that this bill amends by a digital AI reading tutor product, while peers in other districts read to human teachers for their benchmark assessments. So that we would need, like, an amendment there. And,

honestly, the language about the testing portfolio was unclear to me. However, it appears it would place additional demands on teachers. Students who are showing literacy growth could still be in danger of retention due to a speech impediment, their accent, having a bad day, like these tech-- these computer programs they read to are very glitchy, not so friendly. And there's so many other factors unrelated to their reading competency. If this bill advances, the legislator needs to work with NDE to ensure all third graders in the state are assessed fairly by a licensed human teacher, never an AI product alone, to determine whether they're promoted to the fourth grade. Lastly, and most glaringly, LB1050 does not add additional funds for the numerous interventions listed under an intensive acceleration program for students with reading deficiencies. All of those supports would be great for all students, including those with IEPs and who have been learning English for less than 2 years that would not receive them under this bill. And where's the funding? LB1050 is an unfunded mandate that would harm students' social development. It would divert resources from tight district budgets, fail to give educators what we need to teach our students to read. This bill punishes vulnerable students while straining teachers and school districts. Thank you for listening and I'd be happy to answer any questions.

HUGHES: All right, thank you for coming down from Omaha, and thanks--

EMILY THEIS: Yes.

HUGHES: --for being a teacher in our schools. So questions for Ms. Theis?

EMILY THEIS: Theis.

HUGHES: Theis.

EMILY THEIS: Yes.

HUGHES: Yes, yes, go ahead.

JUAREZ: I just have one quick one on the information you provided us. It says the bill does not address existing gaps in support of special instruction. And by that, do you mean tutors or what do you mean by special instruction?

EMILY THEIS: I'm thinking of the IEP process, like the meetings that teachers need to attend to have students qualified for special instruction as well as like in OPS many special ed rooms have been

closed. We've had students move into the school where I work where the behavior skills program at their previous school was shuttered and we are now receiving behavior skills students but we don't have a behavior skills classroom at our school. So the reason I included that in on this bill is that the IEP students are exempt from retention, so I'm concerned about students that may fall through the cracks, maybe they're needing special instruction, but they haven't qualified on paper for the IEP yet, maybe they recently moved districts, maybe they're newer. There's so many reasons why they might not have the IEP yet, and they could be held back and retained when they really do have a disability that we haven't documented yet.

JUAREZ: OK. Thank you.

EMILY THEIS: Yeah.

HUGHES: Other questions for Ms. Theis? Thank you. Thanks so much.

EMILY THEIS: Thank you.

HUGHES: Next opponent.

VANESSA CHAVEZ JURADO: Hello, Vice Chair Hughes and members of the Education Committee. Thank you for the opportunity to testify today. My name is Vanessa Chavez Jurado, V-a-n-e-s-s-a C-h-a-v-e-z J-u-r-a-d-o, and I am a Communications and Outreach Specialist at Stand For Schools, a nonprofit dedicated to advancing public education in Nebraska. I'm here today to respectfully express Stand For Schools' opposition to LB1050. Stand For Schools is in favor of measures to support literacy development for K-12 students and beyond. We recognize that increased focus on literacy development supports educational achievement, can reduce poverty, and increases participation in the labor market, and has overall positive effects on health and sustainable development. We appreciate how the bill identifies specific strategies in reading intervention, such as reduced student-teacher ratio, individualized instruction, and many others, to achieve this goal. Our opposition to this policy is the emphasis on retention rather than investment to support literacy development and the disproportionate impact of retention policies on black, Latino, and low-income students. We appreciate the Nebraska Legislature's continued efforts to promote literacy across Nebraska schools and understand the ongoing efforts and investments made by Nebraska Reading Improvement Act. By implementing this act in 2018, Nebraska restated its commitment to literacy interventions, such as early identification of reading deficiencies, supplemental reading

intervention programs, and individualized reading improvement plans, all while recognizing the importance of supports for educators to be effective reading teachers. Over the last several years, we've seen major investments in training for literacy coaches through the Nebraska Legislature, State Board of Education, federal grants, and private donors. That being said, LB1050 does not indicate sustained long-term investments that we know make these programs successful. As it stands, LB1050's fiscal note only accounts for administrative costs associated with a statewide screener to identify students who may need to be considered for retention and for the technical assistance that the Nebraska Department of Education may need to provide school districts during the first year of implementation. Other states that have successfully implemented similar legislation have made significant investments towards intensive reading interventions, such as that mentioned in Mississippi enacted the Literacy-Based Promotion Act, which included that $15 million investment for their literacy efforts. With time and state investment, Mississippi has gone-- we heard-- and we recognize that it was ranked the second worst state in 2013 to fourth grade reading to 21st in 2022, again, with time and investment. I did want to highlight how Michigan, which was another state that had originally implemented a similar law, has since repealed a portion of the law that would retain students, citing the importance of parent-led decisions and increased school-based supports while retaining order, excuse me, retaining other interventions outlined in the Read by Grade Three law. So they were able to maintain those investments, but removed the portion that would retain students. With that, I know I'm close to time, but I did print out the rest of my testimony.

HUGHES: Yes, that's good.

VANESSA CHAVEZ JURADO: I would be happy to answer any questions.

HUGHES: Thank you. Questions for Ms. Chavez Jurado. Did I say that right?

VANESSA CHAVEZ JURADO: Yes, you got it.

HUGHES: All right. Good. Thanks for printing that out.

VANESSA CHAVEZ JURADO: Thank you.

JUAREZ: Yes, thank you for providing it.

HUGHES: Glad that's [INAUDIBLE]. Thank you. Next opponent.

JACK MOLES: Good afternoon, Senator Hughes and members of the Education Committee. My name is Jack Moles. That's J-a-c-k M-o-l-e-s. I'm the Executive Director of the Nebraska Rural Community Schools Association, also known as NRCSA. On behalf of NRCSA, I'd like to testify in opposition to LB1050. While we appreciate and share the Governor and Senator Murman's passion for working to increase the literacy levels in our younger students, it is our belief that the retention of students who are not reading at grade level in third grade is not necessarily the best solution in addressing that at this time. I'm going to just talk about two specific things here. First one is in the body of LB1050, it talks about one of the things that, that a school would have to do in retaining a student. The very first piece says: that there be a reduced student-teacher ratio. And in our smaller schools, most often there's only one classroom per grade level. Give you an example: If a student is in third grade, held back because of not reading at grade level, they're in a classroom of 10, they go back to a classroom of 14 kids, what happens then? Are they in violation of LB1050? If they are and we need to do something to address that, it might be to hire another teacher, which becomes an unfunded mandate at that point in our, our view. The second thing, and Senator Conrad, you kind of touched on this earlier, but I'm going to kind of go over it a little bit. Several years ago, in my role as a superintendent, I was, I was visiting with our elementary staff about the, the benefits or the detriments of retention. And my background is in secondary education. I didn't have any information on this, so I did a lot of extensive reading on this myself, by myself. And the thing that became a common theme in this is that the one indicator that, that made retention work, when it worked, was that the parents totally bought in. That was the one indicator above all else that seemed, seemed to be the, the issue. In LB1050, we're going to take the parent out of the, out of the picture in this. The parent would not have to say whether that student was held back or not. And that-- I-- we've had many other pieces of legislation that want to provide more access for parents. This takes away access for parents. And I see my time's about done. You put in, in-- into place a lot of other things to help reading over the last several years. Our idea would be to let those things work their way out, see where we stand. If we've got to come back to this, come back to it, but I don't think that's the issue. So thank you, and I can answer any questions you might have.

HUGHES: Thank you for coming in. Questions for Mr. Moles? I just have one short one, don't--

JACK MOLES: OK.

HUGHES: --don't dagger stare me. Do you think-- because you-- so you just said retention works best when the parents are completely on board with it.

JACK MOLES: Mm-hmm.

HUGHES: Do you see a benefit of having a statute out there that says, hey, by third grade, if, if Johnny doesn't hit X, Y, Z, that's a, a threat of retention, they will be retained, to helping with, maybe, they do need to be retained in kindergarten or they do need to be retained in first grade. Like, does it give the parents a little bit of, like, oh, I'd rather do this now and get-- or I'm going to really work with him or her with summer school, with whatever, to get them on board so that we don't end up that. Does that make sense?

JACK MOLES: Yeah, it does. Actually, in my readings back in that time, one of the other issues was the earlier the better. If you're going to retain, the earlier the better.

HUGHES: That-- I think that just makes sense, so.

JACK MOLES: Yeah. So, so that would be my response to that, I guess, that if you're starting to see things and, and the parent says, hey, we got to do something, I'm open to retention. If you're going to do that, do it earlier.

HUGHES: Do it now.

JACK MOLES: Yeah.

HUGHES: OK. Thank you. Thanks for your time.

JACK MOLES: You're welcome.

HUGHES: Next opponent, please. You know, there is a big Husker basketball game at six, everybody. It is number three versus number five. I'm just kidding. I'm kind of not kidding, but, anyway. Go ahead. Please start whenever you're ready.

MELISSA POLONCIC: I am a Husker patron, so. Good afternoon.

HUGHES: We have four more bills to go.

MELISSA POLONCIC: Yes. Good afternoon, Senator Hughes and the Education Committee. I'm Melissa Poloncic. I'm the Superintendent at DC West Community Schools. M-e-l-i-s-s-a P-o-l-o-n-c-i-c. I am here in

passionate opposition to LB1050. I've been an educator for 33 years. I have a background in early childhood in elementary education. I was a trained reading recovery teacher back in the '90s, and I also taught first grade students, and many of them did struggle to read. In addition to teaching, I served ESUs in Nebraska and AEAs in Iowa in professional development of teaching of language arts. There's many things that I don't consider myself as an expert in, but students learning to read in their early grades has always been a passion of mine and a strength. I have strong fundamental questions for you about LB1050 and why we would incorporate retention as a strategy for children learning to read. As a superintendent, I testified and provided significant input to the original Reading Improvement Act back in 2017, when it was first being worked over. In my professional opinion, championing, championing all students to read by the end of third grade, or end of grade three, either way, and the components that ended up in the amended legislation really reflected a revision that was right and good for the kids in Nebraska. Retention was removed at that time from the original legislation because grade-level retention has been long studied and the research is very clear that as a method of broad-based approach or policy development, it's very damaging. It's damaging to the student well into adolescence. I have provided several resources with my testimony of research on retention. It could be studied and I believe, strongly, that law incorporating mandatory retention of students would take us several steps backwards in our advancement of interventions and evidence-based reading practices that are already being implemented to support students who struggle to read. Here are some questions I think you should ask when you're considering and discussing this bill. Is high-stakes assessment developmentally appropriate for grades-- students, students who are ages eight or nine, or third graders? In this legislation, are we using retention as an intervention to help students read or a punishment? Why are we turning to retention as a strategy instead of investing more in effective reading teachers? How does the Legislature define this intensive acceleration class? How is this different from what already occurs in schools on a regular basis? Why does this class have to be paired with retention? What's the purpose of the retention? I think my time is up.

HUGHES: Yep, you're good, and thanks for printing it out. That--

MELISSA POLONCIC: Yes.

HUGHES: --that is very helpful to anybody that testifies. Questions-- thank you for coming in, Ms. Poloncic,--

MELISSA POLONCIC: Absolutely.

HUGHES: --and questions? You also have a lot of background in what we're talking about so appreciate you coming today. Thank you.

MELISSA POLONCIC: Thank you.

JUAREZ: Yeah, thank you for providing this.

CINDY GRAY: Good afternoon.

HUGHES: Go ahead, please.

CINDY GRAY: My name is Cindy Gray, C-i-n-d-y G-r-a-y, and I am here to testify on behalf of the Nebraska Association for Leadership and Curriculum Development, or NALCD. Our membership includes over 300 educational leaders across Nebraska whose primary commitment is teaching and learning. Thank you for introducing a bill focused on early reading. We fully support the goal of ensuring all students develop early literacy skills, and while we agree that students should be reading at grade level and fully support some of the existing elements of the Reading Improvement Act, such as early identification and intervention as they are already required, I am testifying in opposition to the bill because of its reliance on mandatory grade retention. I fully support the strong early literacy element for every Nebraska child, however, we have concerns about implementation, cost, and unintended consequences associated with retention. There is no debate that reading proficiency by the end of third grade matters. Recently, the Nebraska Department of Education has made a commitment to leading statewide literacy initiatives, and they have been actively working closely with districts to create an evidence-based system to support literacy and instruction with interventions statewide. That's a big task to get to every single of the districts in the state of Nebraska. The primary concern with this bill is its reliance on mandatory retention as a consequence when benchmarks are not met. If a student cannot yet fully meet grade level assessment benchmarks, the question should not be retain or promote, but rather how do we better accommodate and fill learning gaps while keeping the student moving forward? There are evidence-based alternatives that allow students to access grade-level content while continuing targeted information. If there's no other lesson to learn from the core science of reading information, it is the discussion of the fact that we need to move away from putting kids in below-level reading and move them toward more challenging reading. We used to believe that that would frustrate students, there's evidence that that's not true.

HUGHES: Why are they all on?

CINDY GRAY: All my lights went on.

HUGHES: It's like a Christmas tree.

CINDY GRAY: I'm OK? OK.

HUGHES: I'm, like, whoa, what's that?

CINDY GRAY: Whether intended or not, the reality is that the act of retention creates lowered expectations. It lowers, lowers your expectations for yourself, it can lower expectations from teachers, it can lower expectations from parents. All of the evidence suggests that higher expectations are what lead to higher results and that there's real danger, as George Bush said, in the subtle bigotry of low expectations. Additionally, literacy development should evaluate growth, particularly when students are not a benchmark. And as I read the, and maybe my reading needs to be checked, but as I read the bill, the, the phrasing re-- re-- includes exceptions with the final phrase and previously retained, which to me really limits the number of exceptions that would-- there, there would be to retention. Another concern I would have is that I would agree with Jack Moles. Most of the time when retention works, it's the district and the family working together. And this looks like it does not involve parent involvement.

HUGHES: OK. Thank you. Thanks for coming in and testifying, Ms. Gray. Questions? No. Thank you very much.

CINDY GRAY: Thanks.

HUGHES: Appreciate it. Next opponent. Anybody in the neutral? Whoo-hoo. Senator Murman, 3 hours later, come on up, sir. Yeah, hurry up.

MURMAN: Well, in interest of time, I'll shorten my 15-minute close.

HUGHES: Now you're just being mean.

MURMAN: So the reasoning behind this bill was the success of the Mississippi Miracle. Nebraska has implemented pretty much everything that is in the Mississippi Miracle. We have the supports that are needed. We're starting early for second grade. We're including parents. So what's lacking is the accountability part of it. And as I said in the opening, it has nothing to do with punishment. We want

what's best for the student, for the child. And just, you know, giving them the supports and then pushing them through if they don't-- if they aren't proficient, that's not what's the best for the child. So, you know, they're going to be behind-- probably most likely be behind all the way through school. And the goal is to have them prepared when they move on past third grade as, as best we can. I did-- there was one legitimate thing that was brought up that I hadn't really thought about, and that was foster kids. I can see where foster kids could have a real-- some real issues, you know, being in, I think, 10 different families before third grade would be a real issue. But, you know, when, when there is problems with the family life, spending more time in, in school and with those that are trying to help get the, the child where they need to be, that should be a good thing. So, you know, we can't solve every problem, but that, that would actually be a good thing. So with that, I'm open to any questions. I'm sure there will be many.

HUGHES: Any questions for Senator Murman? Senator Juarez.

JUAREZ: Senator Murman, I just have one question after listening to all of our guests today, what do you think about removing retention out of the bill?

MURMAN: If, if we took retention out of the bill, we'd pretty much have what we're doing right now, because we have those supports in place. Maybe we could-- with the bill they might be improved a little bit, but we've provided the funding, we have all those supports in place. I, I do realize we need to-- need some work on the bill. For instance, that one word mistake on page 7, I think it was-- that was a mistake. But even more than that, we need to do some work on it. But I'm not saying I'm, I'm not open to that, but I, I think that takes a lot out because with the Mississippi Miracle, a big part of that was the retention piece.

JUAREZ: Thank you.

HUGHES: Other questions? All right. Thank you.

MURMAN: Thank you.

HUGHES: And I think you are next with an Education Committee bill, LB1053. Thanks for-- we are not taking a break, so if anybody has to go take a break, like, go in between stuff. We're making this sucker roll.

LONOWSKI: We're too late for that.

HUGHES: I know. And I'm going to say, if you're here to talk on LB1053, let's move to the front. Perfect. We're going to run this sucker efficiently. All right.

MURMAN: OK. Good afternoon again.

HUGHES: Go ahead.

MURMAN: Vice Chair Hughes, are we ready to go?

HUGHES: All right, guys, kind of keep it down if you're walking out. Thank you.

MURMAN: And members, members of the Education Committee, my name is Dave Murman, D-a-v-e M-u-r-m-a-n, represent Nebraska's 38th District. And today I have the opportunity to introduce LB1053 on behalf of the Governor, and I'm grateful for his support. LB1053 is the product of consistent feedback on behalf of teachers, principals, school board members, and administrators. A few years ago, as part of negotiations, this committee passed LB632, which prohibited the suspension of any pre-K through second grade student, with no exceptions, except for the singular exception, if they brought a weapon to a school. While I believe this bill had good intentions and do not fault those who supported this bill, I don't believe this law is working. Suspension should never be the first option. But what happens when a student behaves in a violent manner and students or staff get hurt? This causes harm to the learning environment for the other students in the class. And even more importantly, it can become a safety concern. I've heard stories from teachers and administrators about biting, hitting, throwing desks and chairs, stabbing with pencils, and even kicking the stomach of a pregnant teacher. How can children learn in that environment? I don't want suspensions to happen, but what I also don't want is to tie the hands of school leaders. This is one tool inside a very large toolbox that educators may have to use. Administrators have described to me how they can try to get the involvement of parents to work together to find a plan on how to address the behavior. However, sometimes parents may dismiss these concerns from the school up until a suspension is used. After that, parents are far more likely to show up and work together with those administrators so they can take a break, figure out a plan, and then get the student back in the classroom in a safe, nondisruptive environment so both the student and their peers are ready to learn. To conclude, while I expect we will never-- we will hear some opposition, we will also hear from teachers, administrators, and other school leaders about the challenges that have come with the prohibition of suspensions. My hope is we listen to

those challenges and stand with teachers. They're the ones actually in the classroom and I know-- and know what's best in their classroom. Thank you and I'm happy to answer any questions.

HUGHES: Thank you, Senator Murman. Questions? Senator Lonowski.

LONOWSKI: Thanks. Real quick, Senator Murman, do you recall the numbers from last year of violent acts from second and first graders, or K-2, against teachers? Do you happen to recall those numbers?

MURMAN: No, I don't remember the exact numbers, but, yeah, there was definitely violent acts, surprising, I think, to almost everybody, from young kids assaulting teachers and other classmates.

LONOWSKI: OK.

HUGHES: So I have one question. So just last week, we amended LB653 with AM995, the Education Committee amendment that had the provision to allow school districts to suspend pre-K-- or pre-- K-2 for violent behavior. Do you-- how many of the problems do you think that we've heard, heard of from lower grade classrooms, would LB653 take care of that's on Select right now? Like, I guess my question would be do we need-- because this is just a full-out repeal versus what we passed last week, which just has some kind of guardrails on it and specific for violence.

MURMAN: Well, actually, this isn't a full-out repear-- repeal, this mirrors LB653.

HUGHES: Oh, it mirror-- oh, OK.

MURMAN: So it has to apply--

HUGHES: So we're kind of doing the same thing.

MURMAN: --a threat of violence for a suspension.

HUGHES: So do we need this one if we've got the other?

MURMAN: We don't need both,--

HUGHES: OK.

MURMAN: --but this is just another avenue.

HUGHES: We're just still going to have the hearing on it.

MURMAN: Yeah.

HUGHES: OK. Thank you. Questions? All right. First proponent, please. And we're still on a 3-minute thing, right?

JACK SPRAY: Yeah, 3 minutes.

HUGHES: Yeah, 3 minutes.

JACK SPRAY: All day.

HUGHES: All day, 3 minutes. Thank you for coming and just start when you're ready.

WESTEN HOTTELL: Hello, I'm Westen Hottell. That is W-e-s-t-e-n H-o-t-t-e-l-l, for the record. I'm, I'm from Kimball, Nebraska, helping represent part of the Panhandle. I'd like to thank you all for the opportunity to be here and speak before this committee. Last Thursday, a few classmates and myself went and interviewed several of the teachers from the elementary school, including the principal, to get a better understanding of why this amendment is a necessity. Our elementary school has less than 250 students in it, and that's-- she said 217 is what the enrollment is now, but we average less than 250 students. During these interviews, we learned about numerous instances, but I'd like to briefly tell you about a few. In one instance, four teachers had been bitten by one student, and two of these teachers had to get tetanus shots. Yet, they could not do anything about the problem kid. Small schools like ours do not have the resources to have this kid in in-school suspension because at that age the kids do not know how to do the assignments, and this requires another teacher to help with these assignments. Every single teacher that we talked to said that their biggest concern is having these kids in the classroom where they can harm other children, like last year when one kid got stabbed in the eye with a pencil and had to wear an eye patch for several days after being taken to the hospital. Whether it's destroying classrooms, biting teachers, or stabbing kids with pencils, none of these are suspendable actions according to Nebraska state law. Nebraska Statute 79-265.01 also states each school district shall develop a policy to implement this section, which shall include a disciplinary measure inside the school as an alternative to suspension. But the state, but the state offers no help in staffing our, our already understaffed schools. Rural schools struggle with these problems more so than bigger schools because we do not have the resources or the funding that bigger schools have. So these problem kids go right back into the classroom to cause chaos. I understand

that all kids need to get proper education, but by leaving these kids in the classroom, you are taking the value out of the education for the rest of the kids. If your argument is they might be going home to a worse home, then do something about DHHS, not the school. The only other beneficial change you can make would be to bring back real disciplinary action in school. The needs of our rural schools are far different than the needs of urban schools, so please let our educators that are dealing with these problem kids make the tough decisions. Thank you for your time. If you have any questions, I'd be more than happy to answer them.

HUGHES: Thank you for coming in, Westen Hottell. So what grade are you in?

WESTEN HOTTELL: I'm a senior.

HUGHES: You're a senior in high school so took the day off and came down for this. Thank you. That's great to hear from students. Questions for Mr.--

SANDERS: I just want to thank Westen, Kimball is a long ways.

HUGHES: That is a long way.

SANDERS: Thank you.

WESTEN HOTTELL: It is, so.

HUGHES: Any other questions? I think you lined it out very well. Thank you. Appreciate it.

WESTEN HOTTELL: OK, thank you.

HUGHES: Yep. Next proponent.

CHARLES RIEDESEL: Senators, I am Dr. Charles Riedesel, C-h-a-r-l-e-s R-i-e-d-e-s-e-l, Professor Emeritus, UNL, and currently serving on the Beatrice School Board. I am in favor of LB1053. This is not to say that I approve of suspending students, particularly the youngest ones. The intended learning experience is simply lost on them. My research and experience indicate that punitive disciplinary measures such as suspension are not effective in addressing behavioral problems and do not well serve the student, the rest of the class, or the family. However, there are situations, and not just those involving deadly weapons, for which temporarily separating the child is the only feasible recourse. My support for LB1053 is based on the following

issue. I favor trusting the training and experience of administrators and teachers in our local schools rather than the state of Nebraska to act most wisely in the best interests of their students. This requires the task of considering the context, the resources available to the school, the degree of disruption, and the danger to all concerned. Also to be considered are the impacts of various disciplinary measures on the academic, emotional, and social development of all students. The passing of the original prohibition was well-intentioned, but we're dealing with situations that are better handled on a case-by-case basis, not by a one-size-fits-all mandate by the state. I do see LB1053 as only a stopgap measure, which does not address underlying issues. I would hope to see a more extensive rewrite of the relevant statutes, 79-263 on expulsion, 265 short-term suspension, and 267 on long-term suspension that reflects the more enlightened understanding of the impacts of punitive disciplinary measures while presenting more effective methods of guiding and correcting student behaviors. The state's role may then be to ensure that training and resources are provided including appropriate and accessible mental health services. Oversight perhaps by a review board can be exercised to ensure that discipline is meted out without prejudice. They're definitely occasions when separating a problem child from the class is warranted for safety and as a last resort for the cohesion of the classroom, but there's still an obligation to the child. Remanding the student to a problem home environment may not be the best recourse. And rather than simply suspending a young child for a specified term, there can be procedures for reviews and supervision by trained counselors and psychologists. In speaking with the administration, more often than not, a brief break between the student suspended, the class, and the teacher allows time for re-- reintegration and safety plan to be formulated for the student that clearly outlines expected behavior and support systems for future success. Thank you for your attention.

HUGHES: Thank you for coming in, Mr.-- Dr. Riedesel, and for serving on the school board. Super important and you get paid less than we do. Questions for him? None. All right.

CHARLES RIEDESEL: And here I thought you were being paid so well that this is more important than going to a basketball game.

HUGHES: Well, I'm not going to go to the basketball game, that's in Michigan, but I'd like to watch it on the TV, so. OK, next proponent. Looks like another student. Thank you for coming today. Love it.

PARKER FREDERICK: Hello. My name is Parker Frederick. For the record, that's P-a-r-k-e-r F-r-e-d-e-r-i-c-k. I'd like to thank you all from the committee for being here today and hearing in. I'm a junior at Kimball Junior/Senior High School from Kimball, Nebraska. I am one of the three people from Kimball to speak here today about the crucialness and the importance of why this bill should be passed. First, I'd like to begin by acknowledging the sensitivity of this bill. But it isn't a decision to be taken lightly. We as a society want to see young students, such as pre-K through second grade, to succeed and get all the learning opportunities they are able to accomplish. We want to see that they are in a safe and conductive learning environment. However, there are instances where this is deemed difficult, especially at our elementary school in Kimball. And I will tell you why. There have been instances from multiple kindergarten students where they are violent against teachers, other students, and the classroom. Where we have had teachers and staff get things thrown at them, get bit, and had tetanus shots. Where there are teachers who are stabbed with a pencil and stabbed with scissors in the cheek. Now I have spoken to these teachers and these staff, and as tough as they can be, they still have a heart. They still have feelings. And I'm not just talking about the feelings for their own personal being, but the feelings for students that they teach. The teachers are not just the victims, there are students that are trying to learn and they're also just trying to get-- they're just trying to be little kids that are also being affected with this violence. Now try to imagine your child sitting in class, learning and answering all the questions that they can. And all of a sudden, they're abruptly interrupted by another student yelling and being distracting. This student is asked to stop multiple times but keeps continuing. While your child is trying to focus and is putting out of this learning mentality, is grabbed by the throat. Imagine that, a child in kindergarten. Now that is awful. How about your child being stabbed in the eye with a pencil? Imagine the severity that this innocent child is getting. And the reason I'm being so detailing, it's because these events happen. Now let's be honest, kids will be kids. They're going to be loud sometimes. When it's all the time, then that's a problem. Then when they're doing all these, these acts, these harmful acts of these other students is completely unacceptable. These children were sent to the principal's office and to our behavior specialist. But right after they had been sent, another incident had repeated itself when they went back to class. And it keeps happening with these students. Kimball schools sees a suspension as a last resort for these cases. Thank you for your time and I'd be happy to answer any questions you may have for me.

HUGHES: Thank you, Parker, for coming in today.

PARKER FREDERICK: Thank you.

HUGHES: It's kind of nice to hear from other high school kids. Questions for Mr. Frederick? Oh, right here. Senator Meyer.

G. MEYER: I just have a comment. I, I appreciate both the young men coming in. You're taking an interest in, in your school, and we need-- we actually need more of that. So thank you both.

PARKER FREDERICK: Thank you, Senator.

HUGHES: Thank you.

PARKER FREDERICK: Yes.

HUGHES: And thanks for being patient and waiting so long--

PARKER FREDERICK: Oh, of course.

HUGHES: --for your bill to come up, so.

PARKER FREDERICK: It's cool to see all this occur.

HUGHES: Yeah, right. You're living, you're living it right now.

G. MEYER: Do you get extra credit for this at all?

PARKER FREDERICK: I could look into it. I'll have to ask.

HUGHES: He got to skip school today, so that's good.

PARKER FREDERICK: Thank you.

HUGHES: Next proponent, please. Go ahead.

JERI FERGUSON: Good afternoon. Before I get started, I, I drove 6.5 hours to be here, I have to turn around and drive 6.5 hours after this. I don't care if that goes red, I'm reading my whole testimony.

HUGHES: I am not going to fight you on that one.

JERI FERGUSON: Just kidding.

HUGHES: Thanks for coming in.

JERI FERGUSON: Vice Chair Hughes and members of the Education Committee, thank you for the opportunity to speak today in support of LB1053. My name is Jeri Ferguson. For the record, that is J-e-r-i F-e-r-g-u-s-o-n. LB1053 removes the prohibition on suspending prekindergarten through second grade students. I want to be very clear, as educators, we do not want to suspend students at any age. Suspension is never our first choice. However, there are situations where all other options have been exhausted and we are left without the tools necessary to ensure the safety and learning of all students. Today, two of my students have shared testimony they gathered from educators in our building. These are not isolated or hypothetical situations. They include repeated incidences involving the same student. Teachers being bitten, stabbed with scissors, classrooms destroyed, and other students attacked. These behaviors did not occur once a day, they occurred throughout the entire day, day after day. One argument against changing this is the concern about trauma to the student being suspended. That concern matters. But we must also ask, what about the trauma experienced by other students in the classroom? Research shows that a single traumatic incident, it, it can take up-- a student up to 30 minutes before their brain is ready to learn again. What happens to learning when these traumatic incidents occur repeatedly all day, every day? The reality is that the education of every student in that classroom is being significantly impacted. I ask you to imagine coming home and hearing these stories from your own child or grandchild. How would you feel knowing that their education and their sense of safety was being disrupted daily? Would you feel confident that their learning environment was meeting their needs? Now I ask you to please put yourself in the shoes of that educator. You are helping one student when a-- so you're there as the teacher, you're helping one student when a kindergartner jumps on a table, runs across it, and then jumps on your back. After you remove the student, they begin destroying the classroom. You are forced to move your entire class across the hall into another kindergarten classroom so you can try to gain control. The other classroom has now doubled in size with no preparation, no additional support, and no instructional plan for the disruption. Learning stops for everyone. At the same time, educators are facing increasingly restrictive rules around restraint. And again and again tools are being removed from our tool belt. When all interventions have been tried and failed, we are sometimes left with no options. There is already a severe educator shortage. If you were these teachers in our school, and two of them are very young, and they're all, I, I feel, in my humble but accurate opinion, very excellent teachers, would you continue in the profession when you are-- when you have to go get tetanus shots? We cannot afford

to lose these dedicated skilled educators. What struck me the most when I was listening to the recorded interviews, I didn't get to go with my students, but they recorded it so I could listen, was how over and over these teachers would express more concern for the safety of the other students than their being upset that they had to go get a tetanus shot or that they got bit. They were more worried about their other students in their classroom and what the learning-- what, what disruption was happening to their students. There is another serious consequence of this prohibition. Kindergarten through second grade are foundational years. These are the years when students learn letters, numbers, basic math, and essential skills that shape their entire educational trajectory. When instruction is constantly interrupted by trauma and crisis, that foundation is weakened. Yet, when students reach state testing, there is no place to note that learning was repeatedly disrupted. Educators are still held fully accountable for outcomes, regardless of the realities in their classroom. LB1053 does not mandate suspension, it restores professional discretion. It gives educators a necessary tool to protect learning, safety, and dignity for all the students. We are asking you to give us that tool back. Thank you for your time, and I would be happy to answer any questions you may have. And, sorry, I went over.

HUGHES: You don't have to apologize. You drove a long way here, you got to go a long away home. Thank you for coming in, Ms. Ferguson. I, I think I remember from what Mr. Hottell-- your school is less than 250 students.

JERI FERGUSON: In the elementary, then we have-- that's K-- pre-K-6, and then we have 7-12, but we--

HUGHES: So-- but a smaller school.

JERI FERGUSON: --we are a very smaller school. We are C2.

HUGHES: And I think sometimes when we hear bills, like, what we're talking about and how it got repealed a few-- or the, you know, the K-2 suspension not being allowed, sometimes people think, oh, well, those kind of behaviors only happen in the big schools or, you know, it's where a lot of kids are. And the fact of the matter is it's across the state--

JERI FERGUSON: Right.

HUGHES: --at all levels. And so I appreciate you sharing, you know, Kimball's exact, you know, those, those kids interviewing the teachers

and seeing, you know, we're hearing what they're, they're dealing with and so very much appreciate you coming in today.

JERI FERGUSON: You're welcome. Thank you.

HUGHES: OK. Other questions for Ms. Ferguson? Are you, are you driving back right now?

JERI FERGUSON: Yeah, in a few minutes, yeah.

HUGHES: Oh, OK, safe travel. At least the weather is decent, so.

JERI FERGUSON: Thank you, too, for responding to my civic students who reached out to different ones of you.

HUGHES: Oh, yeah, right, you guys always do that, yeah.

JERI FERGUSON: Yeah, yeah, we're-- they were supposed to put the wall together while I was gone, so we'll see when I get back.

HUGHES: You know what I love is just their engagement. I, I just think that's really neat. And that's-- I'm-- I would imagine they're not going to forget that.

JERI FERGUSON: Well, I hope so. That's my desire--

HUGHES: Yeah, no, it's really good.

JERI FERGUSON: --to show them how easy it is to be involved.

HUGHES: Yes. Right.

JERI FERGUSON: And please be involved.

CONRAD: Right. Yeah.

HUGHES: Yes.

JERI FERGUSON: So that's my goal.

JUAREZ: Absolutely.

JERI FERGUSON: Thank you. Thank you.

HUGHES: You're a good teacher, I think.

JERI FERGUSON: Oh, by the way, Mast, according to Twitter, has the flu and Frager's out.

HUGHES: What?

SANDERS: Who has the flu?

JERI FERGUSON: Mast, the big guy from Nebraska has the flu.

HUGHES: He's sick?

JERI FERGUSON: That's what Twitter says.

HUGHES: Oh, you can't believe social media. Come on, we got all kinds of bills about that, too. Oh, that's not a good-- that is not, that is not good news. All right, next proponent, proponent, proponent, proponent, proponent. No more proponents. First opponent, please.

ANAHI SALAZAR: Hello.

HUGHES: Go ahead, whenever you're ready.

ANAHI SALAZAR: Thank you. Hi, Vice Chair Hughes 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 here on behalf of Voices for Children in Nebraska in opposition for LB1053. Early suspension predicts later grade suspensions, placing the child on track for negative school attitudes and outcomes. Voices for Children opposes LB1053 because it will allow Nebraska school districts to, once again, suspend young students in pre-K through second grade. Educat-- 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 to maximize time in the educational environment, students are set up to succeed in their education. Not allowing children to participate in school can have long-lasting effects. Research suggests that suspension can contribute to adverse childhood experiences, or ACEs, such as emotional and physical neglect. Preschool starts, starts early around age three. These are our smallest students who, like older children, are trying to learn social behaviors. So when looking at what leads to suspensions, we can see that most children are exhibiting developmentally appropriate childlike behavior, such as yelling, stomping, and not standing or sitting still. When we punish children for being themselves and doing what is developmentally appropriate, we are sending them the incorrect message. There are a multitude of other nonpunitive things that can be done instead of keeping kids out of school. What children need is adults who can help them process their needs. Children do not have the capacity to handle these intense emotions. Programs such as social-emotional learning is important in

these cases. SEL teaches empathy, how to share, how to interact with others. This is pivotal social skills to thrive in life. Outside of the school setting, but in real life scenarios. Schools need resources to effectively address challenging behaviors that meet the needs of their students. And this isn't in here, but it's, it's really important that we-- that I kind of highlight that because it's not on the-- it's not the teachers' faults and it's the students' faults that they're kind of reacting or acting out in this way. I think these students are really acting or asking for supports in the only language they know how, sometimes that is through these behaviors or verbal accounts, but it's always a sign that there's an underlying issue, that there is an unmet need when students are acting out per se. And all children deserve a meaningful opportunity to thrive in their educational environment, starting from a young age. I think that sets the foundation. And I know teachers have said that in the previous bill that these are the grades in which they're learning to read, and if they're not in school, then they're excluded from these learning experiences. Children should be in school, getting an education, and accessing social skills. So a better approach would be to teach and model for students instead of punishing by exclusion. We respectfully urge the committee to not advance LB1053. And then I've also included a letter from Dr. Zoucha, who is a-- who was planning to be here. He's a pediatrician, has been for 35 years, who works with-- in the youth justice system, and was-- wanted me to share his letter with you all.

HUGHES: Thank you. Thanks for printing your testimony and bringing that. Any questions for Ms. Salazar? Oh, yes, Senator Juarez.

JUAREZ: I just have a quick one. I'm not familiar with your entity. Could you tell me about Voices for Children?

ANAHI SALAZAR: Yeah, we do work-- we kind of have four pillars: youth justice, child welfare, health of kids and families, and then economic stability for families. And we use data to support policy and really try to bring in youth voice to the policies that we support as well.

JUAREZ: Thank you.

ANAHI SALAZAR: Mm-hmm.

HUGHES: All right. Thank you. Any other questions? All right. Nope. Thank you.

ANAHI SALAZAR: Thank you.

HUGHES: Thanks for coming in. Thanks for staying. Next opponent, please. And you may start whenever you are ready.

JOY KATHURIMA: All right. Good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Joy Kathurima, spelled J-o-y K-a-t-h-u-r-i-m-a, and I'm testifying on behalf of I Be Black Girl in opposition of LB1053. LB1053 would allow for the suspension of prekindergarten through second grade students. Young children in this age range are in a critical stage of development where they are learning to navigate their emotions, social interactions, and problem-solving skills. Suspending them from school not only disrupts their academic progress, but also hinders their social and emotional growth and ability to manage their feelings in the future. Suspension and expulsion of young children also has negative consequences for families. Parents may have to miss work to care for their children. Further, when students are suspended, they miss academic time that is crucial to their long-term academic achievement. It should come as no surprise that suspension and expulsion are often associated with lower levels of academic achievement, even controlling for other demographic factors. While it is crucial to maintain a safe and supportive learning environment, suspension is not an effective or compassionate solution for addressing behavioral issues in early education. It is essential to involve parents, guardians, and educators in collaborative efforts to create a comprehensive support system for students. Implementing restorative justice practices, counseling services, and social-emotional learning programs offers a more constructive approach to managing behaviors. By fostering a supportive environment that encourages open communication and empathy, these young students can develop the skills they need to navigate their emotions and track positively with their peers. Thank you, and I'd be happy to answer any questions.

HUGHES: Thank you for, for speaking on this, Ms. Kathurima. Other questions? Yes, Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. I'm sorry, I didn't hear your group.

JOY KATHURIMA: I Be Black Girl.

LONOWSKI: OK. Thank you.

JOY KATHURIMA: You bet.

HUGHES: Anybody else? All right. Thank you. Appreciate it. Next opponent.

JULIA TORQUATI: Hello, Vice Chair Hughes, members of the Education Committee, thank you for this opportunity. I'm Julia Torquati, that's J-u-l-i-a, Torquati, T-o-r-q-u-a-t-i, and I've been working in education, early childhood mental health, and developmental science for over 30 years. My position on the proposed legislation is informed by rigorous empirical research and extensive experience observing a wide range of classrooms serving children from birth through elementary school. LB1053 would eliminate the prohibition regarding suspending a student who's in prekindergarten through second grade, and the rationale for this proposed change has been described in terms of children's behaviors. But I'd like to describe empirical evidence about the characteristics of children who are more likely to be suspended and the consequences of those suspensions and some alternatives. Children who are suspended, expelled, or otherwise excluded from care and education have more vulnerabilities than their peers. A recent study using data from the National Study of Children's Health found that young children with adverse childhood experiences were more likely to be suspended or expelled. The probability of suspension increases 80% for every adverse childhood experience. That is, children being more likely to be suspected if they've experienced domestic violence, are living with a family member who has mental illness or substance abuse, are a victim of violence themselves, living in high poverty, have divorced parents, or are-- or have an incarcerated parent. Another study using the same national data set reported that household food insecurity increased the suspension by-- risk of suspension by a factor of 11 for preschool-aged boys. That means the risk multiplies by 11 times if they are living in a food insecure household. Food insecurity in Nebraska is 12%, higher than the national average and higher than neighboring states. Half of food insecure households do not qualify for SNAP. Food insecurity is higher in households with children, 17.9% in 2023. It's very difficult to self-regulate or learn if you are food insecure. A 2024 study reported that school-wide provision of free meals to all children, regardless of household income, reduced the incidence of suspensions, especially for students of low-income families. It's also worth remembering that the current cohort of kindergarten children were born during the height of the COVID-19 pandemic, and first and second graders were 1 and 2 years old. Research has found that infants born during the COVID-19 pandemic have higher instances-- have higher instance of developmental delays in disabilities. And children with disabilities represent 15.9% of children in K-12 education in the U.S., but 24% of in-school suspensions and 28% of out-of-school suspensions. The short-term and long-term consequences are, are negative. They've been mentioned already by others. And-- so the question may be, what does

work to reduce disruptive behavior in school and to improve classroom climate? And I've included the references to the sources on these interventions. Positive behavior intervention--

HUGHES: Can you kind of go a little-- just quick and wrap it up?

JULIA TORQUATI: Yep.

HUGHES: Yep.

JULIA TORQUATI: Positive behavior interventions and supports, early childhood mental health consultation, and restorative justice approaches all have shown success in reducing disruptive behavior and improving teacher efficacy and job satisfaction, too. So considering the whole classroom environment.

HUGHES: Thank you for sharing your expertise on this, Ms. Torquati. Questions for her? No? OK. Thank you. Next opponent. Go ahead.

CONNOR HERBERT: Thank you, Vice Chair Hughes and members of the Education Committee for the opportunity to speak today. My name is Connor Herbert, that's C-o-n-n-o-r H-e-r-b-e-r-t, and I'm here on behalf of the Legislative Affairs Committee at the Nebraska Commission on African American Affairs, where I serve as staff. We appreciate the Governor's concern for maintaining order in our classrooms and ensuring a safe and productive learning environment for all students. Reducing disruptions is a goal we share. However, we must respectfully oppose LB1053. The amended language of LB653, referenced earlier, is not mirrored here. It retains the existing prohibition on out-of-school suspension, but provides a carveout for cases of student violence against students and school employees. In contrast, LB1053 seeks to fully repeal the protections established under LB750 [SIC] in 2023, protections that were designed to ensure our youngest learners, pre-K through second grade, are not removed from school, except in the most serious circumstances, such as bringing weapons to school. We believe this repeal would be a step backwards. Young children often face challenges at home that manifest in the classroom, challenges rooted in trauma, instability, or unmet developmental needs. Punitive discipline, particularly out-of-school suspension, does not address those root causes and can exacerbate the very issues we seek to resolve. Moreover, we must consider the broader impact on Nebraska's working families. Out-of-school suspensions for young children create real financial burdens, from lost wages when parents must leave work to secure childcare, to the potential loss of access to school-provided meals. These are not theoretical concerns. They're

everyday realities for many families across our state. While the fiscal note provided by the Nebraska Department of Education outlines the state's direct costs, which is no fiscal impact, it does not account for these hidden costs that are not encumbered upon taxpayers. It ignores the ripple effects that fall on families and communities when children are sent home instead of supported in school. With these concerns in mind, we respectfully urge the committee to vote against advancing LB1053. We welcome continued dialogue on how to best support classroom management while protecting the well-being of our youngest and most vulnerable students. LB653 offers a better solution here as adopted today, without removing the in-school suspension mandate that applies to other forms of classroom disruptions. And I, I will say I-- I'm a big fan of Kimball County, I've been there, and I can understand the concerns, you know, shared today from the students and faculty there. But I think LB653 also addresses their concerns insofar as it provides exemptions for the in-school suspension mandate, you know, if a student engages in violence towards other students or school employees. So thank you again for your time.

HUGHES: OK. Thank you for coming in and testifying on this bill. Questions for Mr. Herbert? No. Thank you.

CONNOR HERBERT: Yeah. Thank you.

HUGHES: Next opponent. Go ahead.

DANIEL RUSSELL: Vice Chair Murman and, or excuse me, Vice Chair Hughes and members of the Education Committee, my name is Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l, and I'm here on behalf of Stand For Schools, a nonprofit organization that aims to advance Nebraska's public education system. We respectfully oppose LB1053. LB1053 repeals Nebraska's current prohibition on suspending students in pre-K through second grade. That change would restore full suspension authority for those children. We recognize the importance of safe and orderly classrooms and respect the challenging work educators do every day. However, this repeal does not serve Nebraska students or families and moves the state backwards from education-based-- or evidence-based education discipline policy. I won't repeat some of the really great research that other testifiers have already said, so I'm going to skip to the bottom of that first page and say multiple studies have found that racial and disability-based discipline gaps persist even when controlling for behavior in school characteristics, indicating that differential treatment and unequal access to supports plays really significant role. Early childhood research further shows that black children, boys, and children with disabilities are more likely to

experience exclusionary discipline in prekindergarten and early elementary grades with lasting negative effects on academic engagement and social development. I also think it's important to consider this bill in the context of recent legislative action. In 2022-- or 2023 and 2024, the legislator-- Legislature implemented and amended 79-262.01, reflecting a growing recognition of the need for behavioral support, student services and preventative approaches, rather than purely punitive responses. And that's the Behavioral Intervention Training and Teacher Support Act. Nebraska schools are currently working to implement and align with existing requirements around student supports, special education services, and behavioral interventions. Repealing the early grade suspension prohibition now would undercut that policy direction before these approaches have had sufficient time to be implemented, evaluated, and refined. Also underline what was just said, the fiscal note indicates no direct fiscal impact to the state, but there are hidden costs to these types of policies. So for all these reasons, Stand For Schools is opposed to LB1053, and I'm happy to answer any questions.

HUGHES: All right. Thank you for coming in, Mr. Russell. Questions? No. OK. Thank you.

DANIEL RUSSELL: Thank you.

HUGHES: Next opponent, please.

KRISTEN LARSEN: Well, good afternoon, Senators. My name is Kristen Larsen. That's K-- oh, you need the green sheet. Sorry, that's why you were looking at me like that. Long day. OK. Well, my name is Kristen Larsen, K-r-i-s-t-e-n L-a-r-s-e-n, and I'm representing the Nebraska Council on Developmental Disabilities, or NCDD. Although NCDD is appointed by the Governor and is administrated by DHHS, we're an independent, federally mandated council through the DD Act, and our comments, excuse me, do not necessarily reflect the views of the Governor or the administration and the department. We're a federally mandated independent council, and we're made up of individuals with developmental disabilities, their families, their community providers, and agency representatives. We advocate for systems change and quality services, and serve as a source of information and advice for state policymakers. When necessary, we take a nonpartisan approach to provide education and information on legislation that will impact individuals with DD. I should share that of the makeup of the council, 60% of those are people either with developmental disabilities or family members. So that lived experience perspective is very important. You know, we-- LB1053, you know what it would do about, you

know, allowing schools to suspend students in pre-K through second grade. Current law prohibits suspensions, except when a deadly weapon is involved. That policy was adopted a few years ago. Last year there were a couple of bills, LB149 and LB430, that were introduced to remove that restriction, and we opposed both-- thank you-- and our concerns remain the same. While school safety is critical, expanding suspension policies for young children undermines efforts to support their development. Research shows suspensions increase the risk of academic failure later in their life and leads to a pipeline to the juvenile justice system. Research shows 70% of those youth already have a sensory learning or mental health related disability and nearly 50% of children who have been diagnosed with an emotional disability are suspended or expelled in elementary and middle schools that represent-- rises to 72 or almost 73% for students with emotional disabilities in high school. I have some other data, but that was also referenced earlier that comes from the Office of Civil Rights. I think it's really important to look at that data because it does show that students with disabilities are disproportionately disciplined. Instead of punitive measures, like you've heard before, we should invest and we-- thanks to that other bill, the behavioral bill, we are investing in more behavioral strategies like trauma-informed practices, restorative justice, evidence-based interventions like the pyramid model which helped my own son, which provides social-emotional supports and individualized strategies for children with behavioral challenges. Nationally, there are 23 districts out of 100 that have implemented policies limiting suspensions and promoting these nonpunitive discipline strategies. Removing students with suspension does not address their unmatched needs, it reinforces them, making challenging behavior more frequent and severe. So for those reasons, that's why we oppose the bill and we thank you for your time and consideration. And I want to thank Senator Murman, because you've always been willing to have good discourse about this. And I appreciate that about you as well.

HUGHES: That was nice. Thank you for coming in, Ms. Larsen. Questions for her?

JUAREZ: I have one.

HUGHES: Oh, yes, Senator Juarez.

JUAREZ: I just wanted to know, could you give me an example of restorative justice solution?

KRISTEN LARSEN: I'm probably not the expert, but my understanding, we did-- the council funded a juvenile justice task force a few years ago and that's where I became more familiar with it. And it's-- instead of putting a student into the juvenile justice system or even the criminal justice system, it's having an opportunity for them to talk one-on-one with the person that they violated. You know, so if they've stole money from somebody, they're going to talk about that. Or if they attacked, you know, somebody, they're going to have the opportunity to meet that victim, and/or the victim's families to learn about the impact that that has had on their family. So it's really helping them process more what the consequences of their actions are. And I'm sure for younger children, it's, it's made more developmentally appropriate.

JUAREZ: Thank you.

KRISTEN LARSEN: You're welcome.

HUGHES: OK. Other questions? No? OK. Thank you.

KRISTEN LARSEN: Thanks for the water.

HUGHES: Next opponent. Oh, Spike.

SPIKE EICKHOLT: Good evening, Vice Chair Hughes--

HUGHES: Hello.

SPIKE EICKHOLT: --and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska and Education Rights Counsel in opposition to the bill. You've got a copy of my statement, at least from Education Rights Counsel, so I'm not going to read it. A lot of the reasons that we would give in opposing this bill have already been given, so I'm not going to restate those. Senator Hughes, Vice Chair Hughes is right, there was a bill last week that we also opposed, or at least an amendment to a bill that we also opposed, that essentially does what this bill does. And this committee has at least heard this argument in the form of not only the hearing today, but I think Senator Hughes brought a bill last year, that might be LB430. Senator Hansen brought one, LB149. So I think you've heard the arguments for and against. Again, we still remain opposed to repealing the too young to suspend, it passed overwhelmingly by the Legislature a number of years ago, about 2 years ago. I did visit with Senator Murman not only earlier this week about this bill, but along this subject a number of

different times. I'll answer any questions if anyone has any, but we just want to state our opposition again.

HUGHES: OK. Thank you for coming in and is it officially evening when it's after five?

SPIKE EICKHOLT: Yes.

HUGHES: OK, 5:01 of evening. Questions for Mr. Eickholt? Nothing. Thank you. Other opponents? Anyone in the neutral? OK. While Senator Murman's walking up, I'm going to do the online, proponents were-- this is LB1053, yeah-- 17, opponents were 48, and 2 were, were neutral. Go ahead and close.

MURMAN: Again, I'll shorten my 15-minute close.

HUGHES: Thank you so much.

MURMAN: Actually, I misspoke, this bill does outright repeal.

HUGHES: It's a full-out repeal. That's what I thought. I was, like, looking through and I'm, like, I thought that--

MURMAN: Yeah, sorry about that.

HUGHES: That's OK.

MURMAN: I've got a lot of bills, so.

HUGHES: That's OK.

MURMAN: But schools, of course, don't use suspension of pre-K or pre-second graders as punishment of any kind. It's just to get the parents to come in, parent, parents or caregiver to come in and do what's-- discuss what the best path forward is for the child. Typically, it's a half day or a day, and, of course, they're never sent home unsupervised. So with that, I'll take any questions you might have.

HUGHES: Other questions for Mr.-- Senator Murman?

JUAREZ: Yes, please.

HUGHES: Yes, Senator Juarez.

JUAREZ: Could you just repeat what you-- you're saying that this bill is an outright repeal of LB653? Is that what your statement is?

MURMAN: It's a repeal of the suspension prohibition.

JUAREZ: OK.

HUGHES: Other questions for Senator Murman? No. OK. Thank you. So that closes LB1053. And I believe we're on LB893. And it'll go back to Senator Murman running. He's playing, right? For everyone who needs to know, Mast is dressed up, and he's dressed out, and he is playing for the, the game. There's nobody here except for me. We've got, we've got 55 minutes, we've got 3 bills, can it happen?

CONRAD: We're, we're in it together.

HUGHES: Full speed ahead.

BRET SCHRODER: I'm glad to be here for the streamlining.

CONRAD: Senator Storm brings it out in us. He's a unifier.

STORM: You guys are all warmed up now.

HUGHES: Go ahead and start, Senator Storm.

STORM: All right.

HUGHES: Thanks for joining us this evening.

STORM: Yeah.

HUGHES: The fun committee.

STORM: I'm excited. OK. Chairman Murman-- is he here? Chairman Murman, Vice Chair Hughes, members of the Education Committee, for the record, I'm Jared Storm. It's J-a-r-e-d S-t-o-r-m. I represent Legislative District 23. I'm here today to introduce LB893, and I am passing out a letter of support from the Nebraska Department of Education. So all of you should probably see that. LB893 would require the Nebraska Department of Education to create an alternative online interpersonal relations course-- training, training course for individuals seeking to become substitute teachers. The bill also allows the department to charge a fee to recoup any cost of developing and maintaining the online course. Currently, all teachers and substitute teachers are required to take an interpersonal relations training course in order to achieve-- to receive their certifi-- certification to teach. The current courses which generally are a 3-credit hour course are offered throughout the state at universities, state colleges, and community

colleges. I introduced this bill after being contacted by one of my constituents who was seeking to become a substitute teacher but ran into issues preventing him from being certified. Although this individual is a Naval Academy graduate, a veteran, and served 5 years as an officer in the Naval Civil Engineering Corps, the department denied his certification because he had not completed the required HR training course. Ultimately, he worked with the department over the course of a few months and was, ultimately, granted permission to substitute for a maximum of 3 months. So they kind of worked together to, to figure something out, and I think that the state just gave in to him and said we'll let you, let you do it for 3 months for 1 year. After speaking with my, my constituent, he raised some other concerns with the requirement for individuals to take an approved college-level course. He explained the requirement to sign up and attend these college courses could create a barrier of entry to individuals who are well qualified to substitute teach. I believe creating this alternative for individuals seeking to be substitute teachers is a good step towards reducing our current teacher shortage, especially on the substitute teacher side. We should ensure we have as many qualified teachers and subs-- substitutes as possible. I'm asking for the committee's support of LB893 and to advance it to General File. And I can answer any questions, but this basically is just to try to help with the shortage of subs throughout the state. It's a pretty, pretty simple bill. And if the, if the State Department of Education can come up with a course that they can take online, and I'm not trying to do away with the HR requirement from a college, I'm just trying to get it to where they can do it at their own, own pace at home, be flexible. Many subs are working other jobs and do it that way. And I also feel like the more subs we can get into the system, there's going to be a percentage of those subs who might want to teach school. And I, I myself years ago, early 2000s, I subbed for several years. I have a teaching degree. And when I came to Nebraska, I would sub in the wintertime in various school districts. So was kind of compelled to bring a sub bill, so. And I can answer any questions if you have any.

MURMAN: Thank you. Any questions for Senator Storm? Senator Lonowski.

LONOWSKI: Thank you, Chair Murman. Thank you for this bill, Senator Storm. Quick question. So can a teacher or can a person who wants to be a full-time teacher, would they be able to take the online course as well?

STORM: No, this is going to apply to, to local subs mainly. You're still going to have to have the requirements to be full-time certified

to be a teacher. So this is, this is to mainly fill the niche of the local subs, which you get people that have 48 hours or 48 credit hours of college who want to substitute teach, then they can take this course online and then they would be able to teach. I believe it's 90 days a year for a school district is what they would do. So that's what this really applies to, is more the local sub.

LONOWSKI: OK. Thank you.

MURMAN: Any other questions? Senator Hughes.

HUGHES: And now I'm asking a question, I need to be quiet, but just, I got my sub license in 2020 because I was on the school board and we needed more subs because of the mandatory teachers having to, if they got tested, etcetera. And, yes, I had to take the 1-hour class, I was able to get one online. But you're right, it was like I could do it in this 2-week-- I think it was a 2- or 3-week window. I can't remember. So what you're saying is that by doing this course, it-- I could take a month to take it or I could start it today whenever I want. I didn't have to sign up for a program and start it at the beginning. I love that.

STORM: Yeah, flexibility is--

HUGHES: I think that would be so much easier and we need to make it easy for our subs. And I'm assuming there will be classroom management taught also.

STORM: Right. And also the cost. I can give you examples, you know, colleges that have these courses and some are 1 hour, some are 3 hours, some cost $150, some cost $300, some cost $500. And when you're trying to find substitute teachers to serve like local sub, like you're trying to do, if it's going to cost $400 for someone to get that, that's just another barrier, they're going to be like, why am I doing this?

HUGHES: Thank you for bringing it. I think it's a good bill.

STORM: So--

MURMAN: Any other questions? Senator Meyer.

G. MEYER: Thank you, Chairman. Getting the training online is one thing, is there any function with regard to having a personal interview? Because you can probably do the material very well online

and have absolutely no personal skills at all, and so which would totally defeat the purpose of taking the course.

STORM: Yeah, and I think that, you know, the Department of Ed, they actually wrote a letter and they said that they would like to see-- and I'm not sure about the in-person interview, I'd have to think about that. That's not part of the bill, but I understand.

G. MEYER: Just like a personal interview that would verify the fact that the training was completed and you do have [INAUDIBLE].

STORM: Well, I think that would be verified through the online course that you did that. But I think, also, if they could integrate classroom management into this training, you know, I mean, it can-- when you're talking about-- when I subbed, the most important thing was to be able to go in there and help control the class. You're not supposed to be an expert on every subject, but it's classroom management dealing with students and-- but, yeah, I can see your point, but that's not part of the bill.

G. MEYER: OK.

MURMAN: Any other questions? If not, thanks for the open.

STORM: OK.

MURMAN: Oppo-- or excuse me, proponents for LB893.

BRET SCHRODER: I think after 5:00, you should start providing snacks. Just kidding.

MURMAN: Good evening.

BRET SCHRODER: Good evening, thank you. Senator Storm, members of the Education Committee, my name is Dr. Bret Schroder, B-r-e-t S-c-h-r-o-d-e-r, Superintendent of Schuyler Community Schools. Thank you for the opportunity to testify in support of LB893. Across Nebraska, school districts continue to face significant challenges in recruiting and retaining substitute teachers. On any given day, superintendents and principals are working early in the morning to ensure classrooms are covered so learning can continue uninterrupted. LB893 offers a thoughtful and practical solution that preserves important preparation requirements while making the process more accessible and consistent statewide. This bill does eliminate expectations for substitutes-- or this bill does not eliminate expectations for substitutes. It modernizes them by directing the

Nebraska Department of Education to create an online interpersonal relations training course and assessment. LB893 ensures that substitute teachers receive instruction in areas that truly matter in today's classrooms: communication, professionalism, working with students, interacting effect-- interacting effectively with staff and families. These are essential skills for anyone stepping into a school building, even for a single day. At the same time, the bill removes a barrier that can delay or discourage otherwise qualified individuals from entering our substitute pool. Many potential substitutes, retired educators, college graduates, community members, and professionals want to help schools, but are slowed by limited access to traditional training options. An online, state-created course provides flexibility, consistency, and quality control while maintaining accountability through a required assessment. From a district, district perspective, this approach is especially valuable for rural and smaller communities. We do not always have the local training programs readily available, and when substitutes are scarce, instructional continuity suffers. Students feel, feel that disruption and teachers feel the strain when colleagues are unavailable. LB893 helps districts respond more quickly and responsibly to staffing needs without lowering standards. I also appreciate that the bill allows the department to recover costs associated with offering the training that is fiscally responsible and ensures the program can be sustained without placing additional burdens on school districts or taxpayers. Ultimately, this legislation strikes the right balance: maintaining quality, protecting students, and giving schools a stronger tool to keep classroom staffed and learning moving forward. On behalf of the Schuyler Community Schools and many districts across the state facing similar challenges, I urge you to advance LB893. Thank you for your time and consideration.

MURMAN: Thank you. Any questions for Mr. Schroder?

JUAREZ: I have one quick one.

MURMAN: Senator Juarez.

JUAREZ: Could you just clarify for me, how-- is there a difference between an interpersonal relations class versus human relations?

BRET SCHRODER: I think I'm just using different terminology, I think they're the same class.

JUAREZ: OK.

BRET SCHRODER: Same requirement.

JUAREZ: Thank you.

BRET SCHRODER: Yep.

MURMAN: Any other questions? Senator Sanders.

SANDERS: Thank you very much. I've been meaning to meet you. So Schuyler in Nebraska made the paper last year that you hired 13 Filipino teachers.

BRET SCHRODER: If I remember right, you are from the Philippines and you sent me a letter.

SANDERS: Yes. Yes.

BRET SCHRODER: I look forward to you visiting our district anytime.

SANDERS: Yes. Yes. And so with this program, the students and the teachers, would they benefit from that, from being foreign teachers by any chance?

BRET SCHRODER: Oh, so on the, the bringing in-- so that-- we're talking about the Philippine teachers now, not this?

SANDERS: Yeah.

BRET SCHRODER: OK.

SANDERS: And how that affects the school and--

BRET SCHRODER: They've-- we've, we've benefited greatly. I mean, those, those teachers come in with a minimum of 10 years experience and a master's degree. There's a transition and we have changed our transition program to meet the needs of bringing teachers in from out of the country. But, actually, those also helped us strengthen our mentor/mentee program for, for any teacher. Because as we saw the needs and helping develop these teachers, it gave us some opportunities to look at how we're also developing teachers from the University of Nebraska or Kearney or from another district. And so it's helped us strengthen those programs as well. So it's been a benefit to us.

SANDERS: Perfect. Thank you. I'll visit the school soon. Thank you.

BRET SCHRODER: Any time.

MURMAN: Any other questions for Mr. Schroder? If not, thank you for your testimony. Other proponents for LB893? Any opponents for LB893? Neutral testifiers for LB893? If not, Senator Storm, you're welcome to come up and close.

STORM: Thank you. I'm going to ask [SIC] Senator Juarez's question on that. It's-- there's no difference in the courses. They just want to differentiate the names so that, that-- but there's no difference, but that way we knew which one-- program we were talking about on that. And then I'll just say, Mr. Schroder, Schuyler's a great school system. I've been up there and toured it, and he's doing a really good job, and their program with bringing teachers from the Philippines to help out was-- it's kind of cutting edge. I think more school districts might look at that where they have a teacher shortage to, to fill those spots. So it's a pretty simple bill, so. OK.

MURMAN: Any questions on the close for Senator Storm?

STORM: OK.

MURMAN: If not, let's see, the online comments were 10 proponents, 7 opponents, and zero neutral. And that'll close our hearing on LB893. And we'll open the hearing on LB1022. And I'll turn it back over to Senator Hughes.

HUGHES: It's Murman Day. That's what Jack just said. Murman Day.

LONOWSKI: January 27, National Murman Day.

HUGHES: January 27, National Murman Day.

MURMAN: Well, you can't say I don't make things interesting.

HUGHES: All right, Senator Murman, go ahead and open on LB1022.

MURMAN: Good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Dave Murman, D-a-v-e M-u-r-m-a-n, representing Nebraska's 38th District, and today I have the opportunity to introduce LB1022. This idea came to me directly from a consultant-- constituent who called my office. This was a semi-retired individual who already had a college degree and had worked an impressive career as an officer in the Armed Forces. This individual was working on achieving their certificate to become a substitute teacher here in Nebraska. He was ready to teach except for one requirement, Nebraska's law requiring anyone with an educator's certificate or permit to complete a human relations course as outlined in statute 79-807.

Sitting on this committee, we've all heard about the challenges of getting teachers and substitute teachers into the classroom. The way we solve that problem is not by one piece of legislation, but instead a variety of approaches. We've done great work when it comes to incentivizing the education field with things like the Teacher Recruitment and Retention Act and the Teach in Nebraska Today Act. But besides incentivizing the field, we should also look at ways to knock down barriers to getting into the field. If it weren't for the human relations course requirement, that caller could already be in a classroom today. Instead, depending on where they take the course, they will have to spend the next 2 to 8 weeks and somewhere between $100 and $300 to take the course. Personally, I would rather that that individual who wants to be in the classroom be in the classroom now. Furthermore, this requirement is fairly repetitive. On the NDE website, the currently required human relations course describes understanding the values, lifestyles, contributions, and history of a pluralistic society. The problem is that an educator certificate already requires a degree, and these lessons have a lot of overlap with courses that would be pretty typical for any college degree. For example, looking at UNL's website, you will see that as part of their ACE courses, the general education requirements for all students involve courses that, quote, exercise individual and social responsibilities through the study of ethical principles and reasoning, application of civic knowledge, interaction with diverse cultures, and engagement with global issues. In other words, if an aspiring teacher already has a college degree, they should have already shown a proficiency in understanding these topics. But under our current laws, that isn't enough. To conclude, our schools need more teachers. There's no doubt about that. And while some of the work to meet that goal is going to be-- going to come from the school districts themselves, there are, are certainly two approaches we can take as a State Legislature. One, investments in recruitment and retention. This is something we have worked hard on. And, two, we knock down state barriers that may keep-- may be keeping or delaying qualified, great Nebraskans from becoming teachers. I think it is important that we, as a committee, are laser focused on both of these goals. Thank you, and I'm open to questions.

HUGHES: Thank you, Senator Murman. Do we have any questions? Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. Senator Murman, so from Senator Storm's bill, interpersonal relations to your bill, human relations, are we saying those are the same course, basically, just different names?

MURMAN: Well, the bill I have eliminates that extra barrier to being a substitute teacher.

LONOWSKI: Which, which would make his bill not even necessary, correct?

MURMAN: Well, I think his bill still has a different class--

LONOWSKI: Because of-- because it's substitute teacher.

MURMAN: --to be taken to be a substitute teacher.

LONOWSKI: OK.

HUGHES: Other questions for Senator Murman? Nope? OK. Thank you. First proponent for LB1022. We have a sparse crowd right now. Any opponent for LB1022? Anybody in the neutral? OK. You shouldn't have sat down, you should have just stayed there. Senator Murman, for the close.

MURMAN: I'll waive.

HUGHES: Oh, and he waives closing. That was the fastest one yet.

MURMAN: In the interest of time.

HUGHES: Thank you. He cut his 15 minutes to a, to a waive. OK. So let's end it now. We've got our last bill, which will be LB1024.

G. MEYER: Online?

HUGHES: Oh, I'm so sorry, yes. On LB1022 online, proponent was 13, opponent was 9, and there were zero neutral. OK. So now we're on to LB1024. Take it away, Senator Murman, on Senator Murman Day.

MURMAN: You might make the basketball game yet.

HUGHES: I know it.

MURMAN: Good afternoon, Vice Chair Hughes and members of the Education Committee. My name is Dave Murman, D-a-v-e M-u-r-m-a-n, represent Nebraska's 38th District, and today I have the opportunity to present LB1024. The Cambridge Dictionary defines communism as the belief in a society without different social classes, in which the methods of production are owned and controlled by all its members and everyone works as much as they can and receives what they need. To a young mind, this might sound reasonable enough, but definitions alone don't tell us the story. History does. Historians estimate that since 1917,

there have been anywhere from 65 to 100 million deaths attributed to the hands of communist regimes. Under the communist regimes of Lenin and Stalin, the violent collectivism of agriculture led to mass famine and millions of deaths. Dissenters to this system suffered in gulags, brutal prison camps where political prisoners were forced to labor often until their deaths. Under Kim Jong Un's communist regime in North Korea, a 2014 United Nations report describes an almost complete denial of the right to freedom of thought, conscience, and religion, as well as the rights to freedom of opinion, expression, information, and association. During Fidel Castro's communist regime in Cuba, the organization Human Rights Watch described how thousands of Cubans were incarcerated in abysmal prisons with thousands more harassed, intimidated, and denied basic political freedoms. And, finally, under Mao Zedong's so-called Great Leap Forward and Cultural Revolution, the seizure of agriculture land led to what historians have considered one of the largest famines in human history. The CCP's disdain for human rights would later be televised for the world to see the horrors of communism in the 18-- or 1989 Tiananmen Square massacre. Even today, the CCP engages in persecution against the Uyghur Muslim population in China, with actions so brutal, the United States has declared them as genocide. I could continue to list example after example, but the point has been made: communism has led to seemingly endless persecution of freedom and death. It's a dark history, but there's also an important lesson of hope. I can remember the great moment when President Reagan stood at Brandenburg Gate and demanded Mr. Gorbachev tear down this wall and the great freedom that followed. Now, I must add, when I was in lead nine [PHONETIC], we went behind what was the Iron Curtain in 1991 and saw what had happened under communism and what was starting to happen with a freer society. We, as a committee, can make sure the next generations of Nebraska learn those lessons, both the horrible and the hopeful. This bill is to make sure those lessons are taught. LB1024 is fairly simple. Under this bill, schools are required in consultation with the Department of Education to include age-appropriate instruction on the history of communism within their social studies curriculum. This instruction would include the history of communist movements, the atrocities committed, comparative discussions of political ideologies, the persecution of various religions, and the threat of communist regimes today. The bill is not overly prescriptive. In other words, this is something that should be able to be incorporated fairly simply within many current school curriculum guidelines. By no means is this bill looking to create a whole new class or radically change any curri-- any current curriculum, but, instead, just to ensure the history of communism is a small piece of the broader curriculum. This could be part of a high

school world history class, a civics class broken up and incorporated throughout different classes, or however the school district sees fit. I have tried with the language in this bill to give local school leaders as much latitude to make the legislation work best for their schools. In many schools, they are likely already in full compliance with this bill, which is great. But I brought this bill because I want to ensure this education is being taught at all schools. Why? Because in modern history, communism has been a constant source of disaster, and so often historic-- history reminds us that if we don't learn from its mistakes, we are doomed to repeat them. Thank you.

HUGHES: Thank you, Senator Murman. And I'm just going to start with the first question, just because I'm pretty familiar with this from being on the Seward School Board. The, the Legislature here passed a committee on American Civics created duties for the school board, State Board of Education superintendent, the duties. And one of the duties, because I-- when I got on school board I was assigned it: The school board of each school district shall at the beginning of each calendar year appoint from its members a committee of three to be known as the committee on American Civics. So that-- I was part of that group and we had to have no fewer than two public meetings and we have two public meetings annually. But it was-- and then there's a host of things that had to-- that this committee made sure was happening in our school. One of them being the benefits and advantages of representative government, the rights and responsibilities of citizenship in our government, and the dangers and fallacies of forms of government that restrict individual freedoms or possess anti-democratic ideals such as, but not limited to, Nazism and communism. So that is happening in all our school districts today across the state because of-- I mean, I think we were teaching these things in social studies, but this was an additional layer when we passed-- when this body passed before my time the committee on American Civics. So I don't know if you were aware of that specific--

MURMAN: That was during my time--

HUGHES: Oh, OK.

MURMAN: --when I was here. The committee did all those things that you-- I mean, that was up to the local committee, right?

HUGHES: No, no, this-- you have to have this-- the committee-- like the school-- sorry, let me back up. The three people from the school board that are on the civics committee have to ensure that your school district are doing these things.

MURMAN: All those things you listed.

HUGHES: Yes. Right. Right.

MURMAN: OK.

HUGHES: So.Other questions for Senator Murman?

LONOWSKI: Was that in 2022?

HUGHES: I don't-- when was-- no, it was before that.

MURMAN: I think we passed it in 2018 or '19.

HUNT: '19.

JACK SPRAY: Senator Slama.

HUNT: Slama.

HUGHES: OK.

HUNT: The fight we had.

HUGHES: Senator Juarez.

JUAREZ: OK, so I'm trying to understand that what you're trying to do is to add content that you think should be taught in our schools, is that right?

MURMAN: Yes, the dangers of communism, because if we don't teach those dangers, history will just-- could possibly forget about those atrocities.

JUAREZ: OK, so I guess my concern is if we go with this approach, taking a look at communism, because you feel that that's important to be part of our schools, you know, my perspective is that our history that's happening right now with the immigrants being placed in detention centers in Nebraska, that should be taught as part of history too. So do you think that if you get to teach about communism in our schools, wouldn't that give me the right to bring forth a bill to discuss how immigrants are being treated, not only in Nebraska, but in our country right now? Wouldn't that be appropriate also?

MURMAN: You could certainly bring that bill, sure.

JUAREZ: So you don't have-- you see my concern is that this just opens it up to what I call as Pandora's box. And I think that we should leave it to the experts of our teachers who take classes about curriculum to be who guides us on what should be taught in our schools.

MURMAN: Well, the Legislature has traditionally provided some guidelines for the State Board of Education on what is included in the curriculum. Senator Hughes just referenced one of them. And 2-- I mean, 200 million people dying as a result of a form of government in recent history, I think is-- I mean, shouldn't be any dispute as to whether that should be taught in our schools or not, but I just want to make sure that it is. So just another guideline for the State Board of Education and we, you know, we've done it in the past and I think it's something very important that needs to be there.

JUAREZ: Well, I think that if we go through with including something like this that I am definitely going to go through with my idea.

MURMAN: Sure.

JUAREZ: There's, there's no doubt about it.

MURMAN: Bring that bill.

JUAREZ: Thank you.

MURMAN: We want true history.

HUGHES: All right, Senator Hunt.

HUNT: Thank you. Yeah, you remember LB399, Slama, 2019, committee on American Civics. And this was-- I mean, Chambers was there. And so it took-- and we had the 3-hour rule at the time, but like that bill took every ounce of oxygen out of that Chamber. And to Senator Juarez's point, you could load LB1024 up with an endless amount of amendments to make your point, as I would do if this came to the floor. But what I want to ask you, after the fight that we had on LB399, after the battle we had on that bill which passed, which Senator Hughes read the text of that to you, why isn't that enough?

MURMAN: I-- I'd have to review that text again. I don't think it mentioned the numbers and the mass killings in it.

HUGHES: It does not go to that detail.

HUNT: Do you trust teachers?

MURMAN: So it's just maybe a little more--

HUNT: Do you trust teachers, right now, knowing that we're now living under LB399, we've got the committees on American Civics, they're teaching about communism, do you trust teachers to include stuff like that saying-- because it, it was an explicit part of the legislative intent during the debate on the floor that things like what you're talking about be included. So do you have evidence that that's not happening or tell me again why you think that may not be enough?

MURMAN: Well, I think I said in my opening, I'm not sure if it's happening in every school. I assume it--

HUNT: It is. It's the law.

MURMAN: I hope it is.

HUNT: It is the law, it's happening.

MURMAN: And I hope it is in all the curriculum.

HUNT: So given that it's happening, what do you say?

MURMAN: But there's always that risk that sometime going forward, maybe in the not too distant future, that it will not be taught without a clear directive from the Legislature.

HUNT: But it's the law. The Legislature already gave a directive, and Senator Hughes read the text to you.

MURMAN: Well, this is a little bit more pre-- re-- re-- whatever that word is.

HUNT: OK. So it needs to be more explicit than what LB399 would have read.

MURMAN: It's more explicit. Yeah, that's easier to say.

HUNT: OK. OK, thank you.

HUGHES: OK, Senator--

MURMAN: Includes the mass killings.

HUGHES: --Senator Lonowski.

MURMAN: The mass deaths.

HUNT: OK.

LONOWSKI: Thank you, Vice Chair. I just want to lighten the mood. So before Ronald Reagan's speech, I served on the Berlin Wall when there was still a wall. And I was in West Germany, it's called Reforger, return forces to Germany. And the, the soldiers that had weapons on the east side weren't pointing them at us. In communist East Germany, they were pointing them at their own people so they couldn't escape. But I just wanted to add that I think I inspired Ronald Reagan. Thank you.

MURMAN: Well, I remember that day when he said that, and I thought, yeah, does he really mean that? And then it wasn't much longer after that happened, the wall came down, so.

HUGHES: All right, other questions--

MURMAN: Great day.

HUGHES: I'm sorry. Other questions for Senator Murman? All right. Thank you. We will have our first proponent for LB1024. OK, our first opponent. Hello, thank you for coming. Thanks for waiting all day

ELIZABETH TEGTMEIER: Yes.

HUGHES: Go ahead whenever you're ready.

ELIZABETH TEGTMEIER: Good evening, Vice Chair Hughes and members of the Education Committee. I am Elizabeth Tegtmeier, E-l-i-z-a-b-e-t-h T-e-g-t-m-e-i-e-r, and I have the honor of serving as the President of the State Board of Education. I am here today to speak on behalf of the State Board to express our opposition to LB1024. I want it to be very clear, the State Board is not opposed to the teaching of communism or other forms of government or economic systems. In fact, you'll note in the handout that it is already addressed, as Senator Hughes noted, in the civics requirement per state statute as well as in the Department of Education's current social studies standards. And just as a side, the social studies standards are currently under review, making now a great time to work with your State Board representative to provide feedback. The State Board was originally neutral on this bill, however, after additional conversation, we determined that we should share our concerns and adjust our stance on the bill. Our opposition to LB1024 lies in the encroachment of the responsibilities of the State Board of Education. The State Board,

like the Legislature, is a constitutional body. We are eight duly elected officials charged with the general provisions and oversight of the education system. Statute further defines our roles and responsibilities. As it pertains to this topic, Nebraska Revised Statute 79-760.01 empowers the State Board of Education with adopting measurable academic content standards in reading, writing, mathematics, science, and social studies. The State Board takes this responsibility seriously, and as I mentioned, we are actively reviewing the social studies standards. In the past several years, the State Board of Education has noticed an unfortunate pattern of the Legislature infringing upon our statutorily defined duties. For example, the Legislature recently added financial literacy and computer science graduation requirements, both of which place undue burden on our schools and exacerbate the teacher shortage. The Nebraska Department of Education has a robust process for adjusting standards, which involves significant feedback from stakeholders, teachers, and content experts, with the State Board being the final approvers. We are, and have always been, better posed to make these-- better poised to make these kinds of decisions on standards and graduation requirements. We look forward to engaging you in the future and future legislatures to rebalance the partnership entrusted by Nebraskans to the Legislature and the State Board. We stand opposed to LB1024 and welcome continued dialogue on this and other important education topics this year.

HUGHES: Thank you. Thanks for staying and giving your testimony. Questions for Ms. Tegtmeier? And thanks for serving on that board. OK. Next opponent, please.

CHARLES RIEDESEL: OK

HUGHES: You're back.

CHARLES RIEDESEL: I'm back. Yeah, Senators, I'm Dr. Charles Riedesel, C-h-a-r-l-e-s R-i-e-d-e-s-e-l, Professor Emeritus at UNL, and currently serving on the Beatrice School Board. I'm just going to add very quickly, I can confirm what you said, Senator Hughes, about the Americanism Committee. I'm on that, and we met last evening.

HUGHES: Yep.

CHARLES RIEDESEL: So I, I know everything that's there. I'm opposed to LB1024, which would mandate the history of communism being integrated in social studies curriculum. My main argument against this bill is that having the Nebraska Unicameral mandate curriculum is

inappropriate. Please leave this to the school districts with guidance from the NDE, who can work with professional historians and educators. I will use my time on this particular bill as a case study in what can go awry when my request is not followed. Point: There's already coverage of communism in our schools, beginning with the state standards for social sciences, SS 7.2.4.a, SS HS.2.8, and SS HS.4.1.b (WLD). Point: Doing the proposed unit due justice would consume an estimated 3 to 4 weeks at 5 hours a week, though some of that time might include current coverage. What existing material will have to be sacrificed? Point: The focus of the mandated instruction is a comparison of the undeniable evils of the communist/totalitarian systems with the goodness of our own free democratic system. The bill has no provision for addressing any positives of the former nor the deficiencies of the latter. As such, the bill promotes pure propaganda, which in my opinion is anathema to providing a true education, which utilizes critical thinking. Point: Note that the American communists were ardent supporters of civil rights for blacks, who for decades were subject to severe discrimination to the extent of lynching. Point: The material includes only minimal attention to the context of the origins, development, and demise of communist systems. Point: Quite absent is America's debatably hysterical reaction to claimed threats of communism, including blacklisting and McCarthyism. Point: The claim that interest in communism is growing is not supported by the facts. Note that since their founding in 1919, American communists never received more than about 110,000 votes, though they were influential in labor union activity, having up to a million members. Point: In contrast, a literature search reveals that the interest in fascism has grown dramatically in recent years, noting that much is being written regarding the methods and strategies of fascism that are perceived to be employed by our government today. Perhaps we should mandate that teaching. Thank you.

HUGHES: Thank you. Thank you for staying to speak on this bill. Questions for Dr. Riedesel?

CHARLES RIEDESEL: Riedesel.

HUGHES: OK. Thank you. Appreciate it. Thank you for serving on school board, too, and on the American Civics committee because that's another couple of meetings you have to do. Next opponent, please.

PATTI GUBBELS: I'll say good evening rather than good night.

HUGHES: You can start whenever you're ready.

PATTI GUBBELS: Vice, Vice Chair Hughes and members of the Education Committee, my name is Dr. Patti Gubbels, capital P-a-t-t-i, capital G-u-b-b-e-l-s, and I'm here to speak in opposition to LB1024. As a member of the Norfolk Public School Board, I'm speaking as an individual, not on behalf of our board, and also on behalf of the Nebraska Association of School Boards. The NASB is opposed to LB1024 for two primary reasons: The first reason is that decisions about what students learn and the curriculum they use to learn that is and should be held with content experts and local school boards, not with the Legislature. Content experts, in this case, history teachers, participate in the development of the content standards for social studies. They play a role in that. But it is up to local school boards and districts to determine how those standards are met through instruction. I did a quick scan of the current content standards for social studies and I noticed there are 13 standards that have some relationship to not only communism instruction, but also to other political ideologies, to forms of government, and concerns with all of those. The second reason that NASB is opposed to this bill is that already multiple and comprehensive aspects of political ideologies of oppressive and repressive regimes are already being taught in Nebraska Public Schools. Certainly, part of that is what's found in the committee on American Civics law. But there's much more to it than that. For example, at Norfolk Public High School, students learn about the fallacies, the dangers, and the complications of these kinds of political ideologies, through American history, through world studies, and through world history. And, in fact, between 20 and 22 class sessions in the second semester of world history are devoted to these topics. Specific topics that are covered, everything from the ideals of Americanism, contrasting those with of communism, for example, individualism, freedom, capitalism, as opposed to totalitarianism, to forced equality, to collectivism. There, there are discussions about the communist revolution that occurred in Russia during World War I, the Cold War, political massacres that occur, violations of human rights, stagnations of economies, and I could go on and on and on, but you don't need to hear about every single topic that they cover. So in summary, NASB is opposed to this legislation because it is inappropriate and it's unnecessary. It's inappropriate because it's up to local school districts to determine the instruction they use to meet the content standards. It's not up to the Legislature to do that. It's unnecessary because this instruction in communism is already occurring in our schools. We don't need to have laws for things that we're already doing.

HUGHES: Thank you for coming in, Dr. Gubbels,--

PATTI GUBBELS: Sure.

HUGHES: --and you came from quite far away, too,--

PATTI GUBBELS: Yes, ma'am.

HUGHES: --so appreciate you making the trip down. Questions for her? OK. Thank you. All right, any other opponent to LB1024? OK, and some people walked in the room. Do we have any proponents for this at all or--

SCOTT THOMAS: I was just going to testify in the neutral.

HUGHES: OK, neutral. Yes. We need neutral now. Perfect. You are perfect.

SCOTT THOMAS: We've argued this before and we had a little criticism at the end, so.

HUGHES: That's fine. All right, neutral testimony.

SCOTT THOMAS: But you could let me testify proponent, you know. I do like the way it's written, you know.

HUGHES: And start whenever you're ready.

SCOTT THOMAS: OK. Good afternoon, Education Committee and Vice Chair Hughes. I'm just going to read it as I have it written. Senator Murman, my name is Scott Thomas, and I am the Nebraska Director for the U.S. Institute of Diplomacy and Human Rights. We provide human rights training with certifica--

HUGHES: Please spell your first and last name, too.

SCOTT THOMAS: Sorry about that.

HUGHES: That's OK.

SCOTT THOMAS: S-c-o-t-t T-h-o-m-a-s. We provide human rights training with certification and conferencing internationally. We applaud your office. Please let me know if there's any way we may be of service to you. Today is my daughter's birthday, and I can think of no better birthday gift than your bill, LB1024. I would have preferred to support your bill in person today during open committee hearing testimony. However, I have been invited to Des Moines to hear the President speak. We support the President also, whose Executive Order 14151 made combating the rise of socialist practice by government a

priority. In Romania in 2023, I spoke to my boss in a hotel lobby about the rising threat of communist influence in America. Isabelle Vladoiu is the founder of the U.S. Institute of Diplomacy and Human Rights and is currently serving as the Human Rights Commissioner for the District of Columbia. She assured me that her grandparents lived under communism in Romania and we had nothing to worry about in America. And my mother's father was a World War II Staff Sergeant in the U.S. Army. His name was William Schmitz, and his grandparents came from Germany, but he pledged allegiance to the United States and deployed overseas to fight the Nazis and the communists. Then he returned home to be a farmer. I first saw President Trump speak at Charles Herbster's Save America rally on May 1, 2022 in Greenwood, Nebraska. I told the news cameras that I was there in support of their efforts to combat Marxism because nobody else was even calling it out in all of its prevalence. So I volunteered for the campaign. Our Iowa campaign in 2023 focused on low-information voters, while our 2024 campaign in Nebraska focused on low-propensity voters. Educating voters about the process won us every battleground state. On April 20, excuse me, on April 9, 2025, I spoke at the USIDHR global summit for women and youth about the impacts of DEI initiatives on our child welfare system. Diversity, Equity, and Inclusion became the politically correct euphemism for socialist policies when affirmative action fell out of popularity. Affirmative action is a compensatory practice between different demographics being managed by the government. It assumes intent behind disparities found represented within portions of the population. The Children and Family Services Division of the Department of Health and Human Services presumably provide case management for child welfare. We have identified a case during COVID, however, where DEI metrics were used as a sole proprietor in measure for the actions of the department, where best practices and all empirical data was disregarded and that child was severely injured as a result of the negligence. The only reasonable explanation for such blind ideological devotion as to-- as is prerequisite to account for such unconscionable behavior as social workers using the tax money to endanger and injure children is the fundamental depravity of-- is such a fundamental depravity of education that it creates an incompetent and even incoherent world view. Article 28 of the 1948 Universal Declaration of Human Rights, herein, later referred to as the 1948 UDHR, entitles citizens to responsible and reasonable governance wherein their rights may be exercised. The state has a duty to build and protect that prerequisite framework such as education. Article 26 of the 1940 UDHR entitles children to proper primary education. And as Nebraska Democrats continually oppose school choice and try to place further impediments

in the way of private and faith-- faith-based education, the state and the public school system have an increased duty to provide an accurate historical depiction of such ideologies. Public education permeates our entire societal ethos. Articles 6 through 10-- and I can wrap it up real quick.

HUGHES: Yeah.

SCOTT THOMAS: I'm just right at the end. Article 6 through 10 of the 1948 UDHR reference civil due process, for which context is prerequisite. Articles 1 and 2 of the 1948 UDHR both reference equality of law. The unifying principle of the American people is our adherence to the rule of law, which unites us. Americans are afforded the opportunity to participate in self-governance and self-determination bounded by equality of law. Simply put, without equality under the law, the American experiment will not work. And the one ask that we have is that there be an adjustment to the language that democracy not be juxtaposed by communism, but rather capitalism, as defined by free markets and private property ownership. God bless, and keep up the good work.

HUGHES: Thank you for coming in tonight.

SCOTT THOMAS: Yes, ma'am. Any questions for--

HUGHES: Questions for Mr. Thomas?

SCOTT THOMAS: Thank you.

HUGHES: All right. Thank you. Appreciate it. Other neutral/proponent testimony? All right. Senator Murman, you can come up and close, please. And while he's walking up, we had online proponents of this 52, opponents 32, and one neutral for LB1024.

MURMAN: OK, thank you. The, the goal of this bill is not to write an overly detailed curriculum for schools and it's, it's based on standards from Florida. And the most important thing that I want to emphasize, and it's just a small addition to what's already been directed toward the State Board of Education. I do realize they have the authority to develop curriculum, approved curriculum for the state. But those-- the number of mass killings is the main thing I want to emphasize. I mean, this, this just happened in, in about the last 100 years. So I just want to make sure that we don't forget about that going forward in the future. Thank you. I'll take any questions.

HUGHES: OK, thank you, Senator Murman. Questions to wrap up? No? All right, that concludes LB1024, and that also includes today's hearings for Education. Thank you. Go Big Red.