

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 24, 2025
Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-first day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Father Ryan Lewis, St. Robert Bellarmine Catholic Church in Omaha, in Senator Sorrentino-- Sorrentino's district. Please rise.

RYAN LEWIS: Loving and merciful God, this esteemed legislative body convenes this morning on this mercifully much warmer day, which is itself, your gift. We convene for the important work of governance of this, our great state. Please bless our state, which we love. Bless its growth and prosperity, and its communal resolve to work for the common good. Pope Francis reminds us all to reach out, especially to the poor, the suffering, and those that he would call on the peripheries. Might we pray for him personally, as he currently struggles with poor health. May the efforts of this Legislature lead not only to right order, but also to strengthen our state and its citizens in their desire for collective compassion, unified humility, and gratitude for blessings received, and in our desire to be a state that is welcoming, girded with strong morals, and dedicated to the dignity and worth of every human life made in your image and likeness. Bless these, our citizen legislators. May they legislate and give counsel, aided always by your wisdom, your compassion, your justice, your mercy, your love. May they serve well those whom they represent and our state as a whole. Bless their families. Help them this day and throughout their public service to work always for the common good, your common good. May everything we do begin with your inspiration, continue through your divine assistance, and reach completion to your greater honor and glory. May it be so. Amen.

KELLY: I recognize Senator Wordekemper for the Pledge of Allegiance.

WORDEKEMPER: Please join me in our Pledge of Allegiance. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KELLY: Thank you. I call to order the thirty-first day of the One Hundred Ninth Legislative Session, First Session. Senators, please record your presence. Mr. Clerk, please record.

CLERK: There's a quorum present, Mr. President.

KELLY: Are there any corrections for the Journal?

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CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports or announcements?

CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB247 and LB396 to Select File. Additionally, your Committee on Enrollment and Review reports LB59, LB139, LB180, LB231, LB362 as correctly engrossed and placed on Final Reading. Your Committee on Natural Resources, chaired by Senator Brandt, reports LB562 to General File. LR49, introduced by Senator-- by Speaker Arch. New LR, LR49, LR50, and LR51-- excuse me-- from Speaker Arch. Those will all be laid over. It's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator Hallstrom would like to announce some guests under the north balcony, his sister, Betty Hallstrom, as well as Tanya Christensen, Tracy Zahn, and Shari Anderson. Please stand and be recognized by your Nebraska Legislature. Senator Andersen would like to recognize a guest under the north balcony, the sister of his administrative aide, Christina Campbell. Please welcome Angela Dye from Washington state. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR46 and LR47. Mr. Clerk, please proceed to the agenda.

CLERK: Mr. President. First item, a report from the Natural Resources Committee. Pursuant to this item, Speaker Arch has an announcement.

KELLY: Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. Well, we're starting Monday off with a bang. I would like to pass over this, this item, and I'll explain here in a second. The, the, the new rule that we passed regarding the bundling of these, of these appointments-- governor appointments, this is our first one and there's-- I think there's 3. Senator Brandt, I think there's 3 on-- in this, in this group. However, in the rule, it says, the Speaker shall announce proposed nominations for collective consideration 2 legislative days prior to their placement on the agenda. We did not comply with that part of the rule, and so I would ask that we pass over. This is the announcement, so in a couple days you'll see this coming back. Thank you, Mr. President.

KELLY: Thank you, Mr. Speaker. Mr. Clerk, please proceed to the agenda.

CLERK: Mr. President, the next item on the agenda, LB296A, introduced by Senator Arch. It's a bill for an act relating to appropriations;

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appropriates funds to aid in the carrying out of the provisions of LB296. The bill was read for the first time on February 10 of this year and placed directly on General File.

KELLY: Senator Arch, you're recognized to open.

ARCH: Thank you, Mr. President. Good morning, colleagues, once again. A couple of weeks ago, we voted to advance LB296, which is a bill that calls for a centralized database within the Department of Education to track and transfer credits for court-involved youth. LB296A is its A bill and it needs to catch up with the underlying bill. I just want to clarify that though this is technically an A bill, it's not a typical A bill. LB296A does not appropriate any funds. This measure, again, does not appropriate funds and it does not transfer funds. As you may recall from the discussion on LB296, the wages for the registrars overseeing the collection and transferring of records will be paid out of the improvement grant fund. That fund is already appropriated to the Department of Education. LB296A merely allows the department to increase its wage cap so these positions can be paid. So the Department of Education only needs permission through the A bill to increase their personnel services limitation, and they're already at the wage payment cap. These positions will always be covered by the improvement grant funds unless the Legislature moves them out. The improvement grant fund comes from to-- from lottery funds. And as of 12-31-24, has a balance of \$3.2 million, and it's averaged about \$3 million the past 3 years. So with that, I would ask that you vote green on LB296A, which gives the Department of Education the authority to hire and use then, the improvement funds. Thank you very much, Mr. President.

KELLY: Thank you, Speaker Arch. Seeing no one else in the queue, you're recognized to close, and waive. Members, the question is the advancement of LB296A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 1 nay, Mr. President, on advancement of the bill.

KELLY: LB296A advances to E&R Initial. Mr. Clerk, next item.

CLERK: Mr. President, LB609A, introduced by Senator Bostar. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB609. The bill was read for the first time on February 21 and placed directly on General File.

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KELLY: Senator Jacobson, you are recognized to open for Senator Bostar.

JACOBSON: Thank you, Mr. President. Thank you, Mr. President. Senator Bostar was not able to be here this morning and had asked me to introduce this A bill for him. This bill, 609A of course, is the A bill for LB609. It's, it's essentially the crypto kiosk bill, which moved out of committee, I believe, unanimously. I want to stress, like the earlier bill that Speaker Arch introduced, this bill has a fiscal note but it's covered with cash funds from the bank-- the Department of Banking and Finance Cash Fund. So there is no appropriation required. Just as a reminder that the Department of Banking operates strictly on assessments to member banks and credit unions who pay in to support the-- their regulator, which is the Department of Banking. And so, these are excess funds that were built up in their cash fund. The cash fund would be used for the fiscal note. I'd also note that this is not a final fiscal note. We expect it to be smaller than this, perhaps by as much as two-thirds. But nonetheless, it will be fully funded with cash funds. I would encourage you to-- your green vote on this A bill. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Seeing no one else in the queue, you are recognized to close, and waive closing. Members, the question is the advancement of LB609A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Mr. President, on advancement of the bill.

KELLY: LB609A advances to E&R Initial. Mr. Clerk, for an announcement.

CLERK: Thank you, Mr. President. The Transportation and Telecommunications Committee will hold an executive session under the south balcony at 10:30 this morning. TNT Committee, exec session under the south balcony at 10:30. That's all I have this time, Mr. President.

KELLY: Thank you. Mr. Clerk. Please proceed to the next item on the agenda.

CLERK: Mr. President, the next item on the agenda, General File, LB31, introduced by Senator Conrad. It's a bill for an act relating to schools; states legislative findings; requires the State Board of Education to develop a model policy relating to the use of student surveillance, monitoring, and tracking technology by school districts

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as prescribed; requires the school-- requires each school board to adopt a policy consistent with the model policy. The bill was read for the first time on January 9 of this year and referred to the Education Committee. That committee placed the bill on General File. When the Legislature left the bill, Mr. President, pending was the bill itself, as well as a-- an amendment from Senator Conrad, AM358.

KELLY: Senator Conrad, you're recognized for a 2-minute refresh on both the bill and the amendment.

CONRAD: Thank you, Mr. President. Good morning, colleagues. And it's so nice to see you all. And it is so nice to see the warm sunshine return and grace us this week, which I know we're all grateful for. So, just a quick refresher on LB31. This is a basic, basic policy directive bill to increase transparency on tools big tech is utilizing in our schools. And it is a continuation of work that has been developed for well over a year, with a very diverse committee and coalition of stakeholders who are concerned about these matters, from parents to students to other elected leaders, to privacy advocates. The bill was advanced unanimously by a very diverse committee. The bill fell-- received online comments of 64 supporters, 9 opponents, and 1 neutral. The bill has no fiscal note. The bill does not ban the utilization of any technology in our schools. It does not mandate the utilization of any technology in our schools. It simply says, this is a rapid and emerging area of law. We need to make sure that everybody's on the same page with existing laws and guardrails that are in place, to protect students and parents and taxpayers. So it's great to have an opportunity to start on this last week and we'll continue the debate today, where I think we were able to hear a, a lot of good feedback from folks. The amendment before you is simply adopting many stylistic changes that my friend, Senator Hallstrom had suggested prior to commencing debate on the matter. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Moving to the queue, Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I rise today opposed to LB31 and the amendment. I, I spoke last week and I'm going to rehash a few of my comments, and then I think I'll have several times on the mic today to talk about a few things. There's some handouts that are going out today, regarding a school shooting that occurred in Millard, which is a district that I represent. That happened in 2011. I'll talk about that a little bit more. I, I wanted to-- Senator Conrad mentioned that

this is a bill about increasing transparency. Over the weekend-- and I'm grateful that we had the weekend to kind of work on this and stew on it a little bit, think about it. Because I talked to a number of different people this weekend about this bill and what it might do. And I, and I asked them, I said, are you more concerned about your child's-- the transparency around what's happening with your child and these systems in school, or are you more concerned about their physical security? And 100% responded that they were more interested in their physical security. Frankly, none of them had really thought about the transparency or the data that was being gathered on kids or anything else that's going on in these security systems in school districts. And, and I want to reiterate, the one piece of this that I absolutely agree with Senator Conrad on is that we should not be gathering data on students for profit. Third-party security companies or data companies, the Cloud, whatever-- whoever it might be, should not be gathering data on students so that they can sell it and profit from them. If we're tracking students, if we're gathering data on them to protect them and to protect staff and to enhance the educational environment that they live in and to help them advance in their schools-- there are some of these tracking systems that have been proven to, to track kids act-- level of engagement in their classroom, and engagement in--actually, attendance and truancy. In-- and those have been directly applied to increasing the performance and the outcomes for kids. So there are, there are very helpful and very good reasons to collect some of this data. It should not be sold outside to third parties. I just want to review some things that I, that I said on Friday when we were here together. Senator Conrad mentioned there were only a couple of opposing testifiers. But let me read off, again, who one of the testifiers represented in their opposition. They represented the Nebraska Council of School Administrators, Schools Taking Action for Nebraska's Children's Education, the Greater Nebraska Schools Association, the Nebraska Rural Community Schools Association, Nebraska State Education Association, which represents 26,000 teachers and administrators are opposed, the Nebraska Association of Technology Administrators, the, the Nebraska Association of School Boards, and the Police Officers Association of Nebraska. I'm sure there's some other associations out there that represent different school-- the contingencies, but I'm not aware of them. This is just about 100% that are opposed to this bill. In addition, opposed are all of the districts that I represent in Legislative District 4 in Omaha. I represent Millard, Elkhorn, and Omaha Public Schools. In addition, I know Lincoln Public Schools, Gretna, and others are also opposed. So the question that I posed last

week-- and hopefully, Senator Conrad-- I see she's on, on the mic after I am. The question that I would encourage her to respond to is, what does LB31 do to increase the physical safety of our kids, our staff, and our administrators in school? And once that question is asked, the, the next question would be how does this save money for the districts? How does it allow them to increase salaries of those most important influencers of our children? How is it not an unfunded mandate, which, frankly, Senator Conrad has fought unfunded mandates against school districts, and rightfully so. Again, something that we agree upon. And again, in my next time on the mic, I'm going to talk about the unique and unfortunate distinction of representing a school district where there, there was a shooting and there was a murder in 2011. And I've passed out some information on that. And I encourage you to, to take a look and read through those stories. And, and really, I mean, it's a heavy topic and I'm sorry to have to do that today, but I think we really need to understand the weight of what it is that we're doing. And if we do anything, whether it's LB31 or anything else that we do here in this session, if we do anything to deteriorate the security of our children in schools, then shame on us. Thank you, Mr. President.

KELLY: Thank you, Senator von Gillern. Senator Brandt would like to recognize guests in the north balcony, members of Groundwork with the Nebraska Cooperative Council. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. And thank you to Senator von Gillern for continuing the dialogue and lifting up important questions and concerns. I could not agree more. I think that there is-- and this is one thing that was, I think, a key takeaway from my work on this topic over the past year or so, and that was readily apparent during the floor debate last week when we commenced debate on LB31. It is clear that there is a significant amount of common ground amongst us. Rural, urban, progressive, conservative, moderate, we all want to make sure that we're keeping our kids safe and that we're getting good value for our taxpayers. And like many, many issues before this body, we can find alignment on the underlying or overarching goals, but perhaps we have different solutions for how to effectuate that goals. And I think that's probably some of the tension that we're hearing about for the simple policy directive bill that LB31 is. Again, colleagues, it is not a mandate. It is not a prohibition. It brings forward the same concerns that this body has expressed and is focused on this year, in relation to keeping kids safe from big tech. In fact, look no further than our

agenda today. Two bills down, there's a major piece of legislation that Senator Bosn has brought forward that's already and equally advanced from committee that has many of the same goals. I am asking this body to apply that same concern and standard to tools of technology that enter through the schoolhouse doors. Now, we have a very complex and longstanding set of federal laws governing many of these issues. We have state laws on these issues, as do many of our sister states. And as the technology rapidly advances and as the proliferation of ed tech vendors share more of their technologies in our schools, both great and small, all across Nebraska, it's good to continually reevaluate these issues and figure out what the guardrails are. Because I have heard from students and parents and teachers that sometimes they are frustrated with the level of technology that is out there. They've had a hard time working with schools to find appropriate accommodations for their children that have special learning needs, on certain tools that are in deployment in our schools. But let's also not let a strawman argument or a red herring argument distract us from our common ground and the core focus of LB31. Again, we, we all care deeply about school safety. I've asked opponents who are concerned about some sort of inadvertent or unintended consequence that would require some sort of publication of security protocols or schematics to show me in the bill, where, in fact, that, that requirement exists. It, it does not exist in the bill, and, and was drafted carefully in that regard. However, if that is the primary source of opposition from my good friends in this body and the schools themselves that are looking at this legislation, I'm happy to work with senators to clarify that because that was never encompassed in the bill. It's not required by the bill. So if you want to have a clarification in that regard, that's good faith negotiation that I will enthusiastically take a peek at. And I think it's also important to know that, again, when we are talking about the utilization of big tech tools, not only is there data privacy concerns, but there's also costs borne by the schools themselves. And the more money that we ship out to education vendors, we're diverting from frontline classroom needs, like hiring more teachers or paying teachers better. So those were some of the issues that have popped up in other states that have looked at this and that are part of the debate in Nebraska today. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Armendariz, you're recognized to speak.

ARMENDARIZ: Thank you, Mr. President. We're sharing a podium here. I don't speak much, so I could see Senator Conrad would not be used to

this, but I appreciate the time. So I wanted to speak on this, specifically, because I do have extensive experience negotiating software contracts. So I'll speak to that, since I consider myself an expert in those negotiations. I will say, though, that I do support technologies and the use of technologies, even in the schools, if it is done right and if the contract has been negotiated correctly, to the advantage of those schools and school districts. Now, we were distributed a piece of paper and I don't even know how valid the source of this is, but it is a good example. So as an example of a data use section in a, in a software contract, I'll read this, leaving out the emphasis that was added and the names. By, by contracting for the services for such vendor to collect and use personal information, anonymous information, and aggregate information about students. As a school official on behalf of the school, your organization does consent to the collection and use of this information, and to obtain any necessary contents from the parent or student. So this would be an example of what would be in a software contract, probably posted on the website that we're, we're oftentimes used to, when Apple makes us consent to something or Google makes us consent to something. We oftentimes click "I agree," because we want to get on with it and move along. So this is an example of a data use section that I would negotiate out all of it, so that we could slant that to benefit the customer more than the software vendor. So for example, we could restrict the, the system to be a closed system. And what that means-- oftentimes software companies are in the cloud. Cloud is just another term for they house the data at a data center somewhere in the world. We could ask them that-- provide us the software, but we want to house it on our in-house server, on-prem server, within the school. So then, the-- only the administrators of the school could access the data, use the data, manipulate the data how they want, and feedback-- have feedback for their families, students, on that data. Oftentimes, that's costly. You need a-- technology people in-house to be able to do that. A lot of companies, including the software companies, love the cloud services because it's recurring revenue, it can be very costly. So if we're stuck with a cloud service, a couple of things that I would, I would definitely negotiate is the, the data centers that house the data would be in the United States. A lot of software companies use data centers across the globe. So if we had any litigation against a breach that happened in another country, it would make it more difficult. I do know that a lot of government agencies do restrict to data centers and the data being housed within the United States only, or they won't be provided, say, federal funds. And then, [INAUDIBLE]-- so they cannot-- at a minimum, I would write in there

they cannot monetize the data. So that's been touched on a little bit by Senator von Gillern, Senator Conrad. Oftentimes, these software companies don't provide the software out of the kindness of their heart, but they want to collect large, large, large amounts of data and compile them. Now they will de-identify them, meaning they will strip out personal information. But sometimes they have an opportunity to sell their large tranches of data to other organizations to use that data how they wish, as well, which you would agree to in your software contract. So I, oftentimes, will write, this data cannot be monetized, must be i-- de-identified if we do agree to it. I don't know if any of those things have been agreed to, but those are things that I would want the state to oversee. With that, I-- adding the transparency, transparency for the parent to know all the technologies that are being used is very fair. And then also, restricting in how they're going to use that data would be very fair. So I'll listen to any amendments that are brought before I make a decision on how I support this. Thank you, Mr. President.

KELLY: Thank you, Senator Armendariz. Senator Hallstrom, you're recognized to speak.

HALLSTROM: Mr. President, members, thank you. I am opposed to AM358 and LB31. I have an amendment coming up after consideration of AM358, which I prefer. Sometimes you can try to make a bad bill better and you still don't support it, but we'll see how things go down the line. I would like to go a little bit off script. Senator Spivey, early this month, gave us all a Black History Month calendar, asked us to review that every day and to give some type of recognition to Black History Month. One of the things that my wife and I have done is we watched 42, with Jackie Robinson-- the story of Branch Rickey, the general manager of the Brooklyn Dodgers drafting Jackie Robinson and transforming the sport of baseball. I also watched Glory Road, about the Texas Western Miners' national championship in 1965 and 1966. While I'm not a movie critic, I would certainly highly recommend that you watch both of those movies. When we look at the Texas Western Miners in 1965-1966, they were coached by Don Haskins, and their assistant coach was Moe Iba, who ultimately became the coach of the Nebraska Cornhuskers. At that time, they beat Kentucky in the national championship, 72-65. The Miners had 1 loss that year to Seattle University. They beat the Kansas Jayhawks in the district-- or in the subdistrict regional finals. And it was quite a game, 2 overtimes, 81-80. The Miners won. At the end of the first overtime, Jo Jo White, the All-American guard, hit a, a, a shot from the right wing but they ruled that he was standing on the out-of-bounds line when he launched

his shot, went into the second overtime and Texas Western won. Kentucky was coached by legendary Adolph Rupp. On that team were Larry Conley and Louie Dampier, who both starred in the American Basketball Association years later. And Pat Riley was also on the team. He was ultimately the coach of the Los Angeles Lakers, the coach of the Miami Heat, and general manager of that team. When he was with the Lakers, he played with the three superstars, Elgin Baylor, Jerry West, and Wilt Chamberlain, along with the left-handed playmaker Gail Goodrich from UCLA, who was coached by John Wooden. One of their bench members was Jerry [SIC] Happy Hairston. When you look at Texas Western, one of the things that was transformational and made history was it in that finals game against Kentucky, they started 5 black players. Those players were Willie Worsley, Willie Cager, who missed most of the season because of an enlarged heart-- played in the NCAA tournament, which, at that time, only had 22 teams in the field. Willie Cager survived, not like Hank Gathers from Loyola Marymount and Mike Heck from Creighton University, who unfortunately passed away because of enlarged hearts. The other starters were Nevil Shed, Bobby Joe Hill, and David Lattin. The other important thing about this was ultimately, this led to desegregation in the Southeastern Conference. And Kentucky ultimately hired Tubby Smith, who, in his first year as the first black coach of Kentucky, led Kentucky to a national championship. So with that, I will get back on target in my next time up with-- unless I have some request for other useless sports trivia, which is what my wife calls what I've just given to you. But in this case, it was significant because of the importance of Texas Western and what that team and their players did, facing the trials and tribulations and the pain and persecution that accompanied their, their trip to the tri-- to the title game. With that, I would yield the rest of my time back to the chair.

KELLY: Thank you, Senator Hallstrom. Senator Hughes, you are recognized to speak.

HUGHES: Thank you. Chair. I rise to discuss LB31. I do sit on the Education Committee and we did vote this out. I look at this bill kind of in two-fold. There is a piece to it of the online posting of information. And that, now, with hindsight, I am a little concerned with, with-- and I kind of discussed this on Friday with having the name of the vendor of, you know, like your video cameras, surveillance cameras that are on buses and in grounds, et cetera. The other piece, though, that we pretty much heard loud and clear in the hearing was the cap-- the concern of capturing the data of students, whether that tracking mechanism be through surveillance or specifically keystrokes

with any app or anything that the students might be using in classrooms, et cetera. And I was meeting with a group of, of superintendents and one of them just south of my district, actually kind of a mid-sized school, shared with me-- they, they were mentioning that with any type of surveillance item or tracking or, or software, what they do with that vendor is to sign a data privacy agreement. And the superintendent actually shared with me just a generic data privacy agreement that they use. And the biggest thing with this agreement is, is the contract between the school and the vendor of whatever item it is that's being used in the school. But it says, it includes compliance with all applicable statutes, including FERPA, PPRA, COPPA, and other applicable Nebraska state laws and regulations, all as may be amended from time to time. So I feel like-- well, and then let me back up. I was also at a, a school event with NRCSA, which is the rural group of superintendents, speaking just on some other issues. And I did just ask the question, raise of hands, how many of, of those rural schools do a, a data privacy agreement with their vendors? And I would say around half raised their hands. So something that I think-- because the intent of this is this tracking data, can it get sold back, you know, who owns it. I would like to see, you know, whether it be this bill or an amendment in something else, but maybe the requirement needs to be that schools, with any vendor that they are doing a contract with, just require a data privacy agreement with said vendor, so that these issues that we're talking about, the tracking of the data, they are following, the rules laid out. And so that, that data from our students isn't being sold for profit somewhere or being used, you know, except for what it was intended, which was within that school district. So personally, I would like to see something like that added in. I-- again, I don't know if that's this bill, if that's something else, maybe it's a bill I need to bring next year. I don't know. But that's kind of my thinking on this, so I yield back my time. Thank you.

KELLY: Thank you Senator. Senator Ibach, you're recognized to speak.

IBACH: Thank you very much, Mr. President. I'm just going to-- I, I really appreciate this discussion. Because as a representative from a very rural district, I think we have to look at the diversity across the state. And I'm just going to speak to the concern of my rural districts. One of my school mem-- school board members, who I respect very much, offered a few comments. And I'll just share those. His, his analysis is that really there's nothing that this bill does that's not already available to schools, and that the concerns can be addressed without this bill. He feels pretty strongly that this creates

additional work for schools, especially our rural schools, whose time is already very, very limited. And he went on to say that it just creates more work for the schools to comply with laws which are already-- they're already complying with. And although Senator Conrad noted that this is not an unfunded mandate, it's kind of his opinion in his reading that maybe it is. So we're just kind of feeling that maybe this is redundant, that the data collected would not create a safer environment. And although we all appreciate the efforts to keep kids safe, we maybe can find a more concerning solution and that perhaps this is maybe just a solution in search of a problem. So with that, thank you for your time. I yield back. Thank you.

KELLY: Thank you, Senator Ibach. Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. And good morning, colleagues and folks watching at home. I wanted to take just a moment. And thank you, Senator Hallstrom, for your remarks and your intention around continuous learning and building your personal capacity, as well as the body's, around moments of black history, as we continue to have conversations around the value add of all the different types of members of our community. With that, I wanted to take some time to uplift Jewel Rodgers, who is the 2025-2029 Nebraska State Poet. She, today, has her installation at 3 p.m., and is an amazing young person that is a brilliant poet and performer. She is a 3-time Omaha Entertainment and Arts Award nominee for Best Performance, Performance Poet in Omaha and a 3-time TEDx speaker. She is also a 2022 Union for Contemporary Art fellow, a 2023 Andy Warhol Populus Fund grantee, and a 2024 Blackberry Peach Poetry Slam finalist. She is an interdisciplinary poet, performer, performer, and visual artist. She is also a community outreach specialist, a youth mentor, and a spatial practitioner in the Midwest, actively contributing toward the growth and, and preservation of our built environment. She is also the first black person and woman to be a Nebraska State Poet. So as we talk about black history and firsts and breaking down barriers and knocking down doors, I'm excited for Jewel Rodgers, for the work that she is doing in our community around art and the impact of art that it has. Again, she has her installation today at 3. So if you all are available, I encourage you to go. And yes, her daddy is Johnny Rodgers. But really, he's lucky to have Jewel Rodgers as his dad or-- as his daughter. And so again, thank you, Mr. President. And I yield back the rest of my time.

KELLY: Thank you, Senator Spivey. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. Taking notes and juggling here as fast as I can. Senator Conrad, when she was on the mic, she made a comment that this is not a mandate. Unless-- and I don't believe her amendment changed this line, but if you look at the original LB31, page 3, lines 3-6, I'll just read them out loud. It says: At a minimum, such policy shall require school districts to (a) specifically identify and inventory the type of surveillance tools or student surveys which gather personal information considered for use or actually used in the school district, including-- and then it goes on to the sub points. It is a shall. It also-- line 1 on that page also talks about the State Board of Education shall develop and distribute a model policy. So certainly, it is a mandate. I believe she misspoke in that characterization. I do want to-- again, I passed out information about the shooting that happened in Millard, and I don't want to belabor that point. The information is there. I could read through the tragic stories of the individuals that were injured-- Vicki Kaspar, the vice principal that was shot and killed, and the principal who was, who was injured, and then the student who unfortunately took his own life. And, and it-- I, I don't want to belabor that story, but if you're wondering why I'm taking this issue so seriously, it's because school security is a serious issue. And, and those of us that have children or grandchildren in school, we, we think about it every day. We, we have the, the, the blessing of 2 grandchildren that live in our, in our home. And every night, we say prayers with them. And every night, we pray a blessing of protection over them for the next day, and that's regardless of where they're going. So anyway, we take it very seriously. I do want to read a little, a little bit from a few emails that I've got. One was an email regarding-- or came from the Nebraska Association of School Boards. Excuse me. And it-- it's just an excerpt out of that. It said-- and, and they, they polled their own members. It said, have you had any parents or constituents raise concerns about the issues identified in LB31 to you, either personally or to the board or administration more broadly? If yes, please identify the nature of the concerns. And the responses from their members, it says, was telling and annotated below. They included the following: I've not had any conversations with anyone about these issues. Next, I've never had an issue in my 18-plus years. Next, no, I have never been asked about this. Next, the short answer is no. We've not heard from our community regarding concerns about this. Next, we've had no complaints from parents. Next,

we have never had a parent or a constituent raise a concern. Next, I would actually say that the vast majority of the time, it's been the opposite from our parents. Next, contrary to concerns about potential negative reactions, our experience has shown the opposite. Next, I checked with central office administrators and they said that they have not ever-- emphasis ever-- heard this complaint. If anything, they hear about the need for more security and surveillance. Then, I want to read the last paragraph of a letter that came from Jane Erdenberger, the President of Omaha Public Schools. She says, we recognize that LB31 does not prohibit monitoring, and we understand why Senator Conrad is bringing this legislation. We nonetheless believe that it creates a significant administrative burden to specifically, quote, specifically identify and inventory of the type of surveillance tools or student surveys which gather personal information considered for use or actually used in the school district, unquote, without adequately defining almost any of those terms. And therein, is where a great deal of my concern applies. Now I'm back to the-- to reading the letter: Isn't virtually every piece of technology a quote, tool of mass surveillance, quote unquote. What is the ultimate goal of LB31? What problem is LB31 trying to solve? Are there examples here in Nebraska where this data has been misused? Have there been data breaches? If the privacy or security of the data is really at issue, a better bill would be re-- to require school districts to include provisions in all technology agreements relating to CIPA, C-I-P-A, and COPPA, C-O-P-P-A. And I handed out copies on Friday of COPPA, which is Child Online Protection Act, and I encourage you to read through that. And with that, Mr. President, I'll yield back the remainder of my time. Thank you.

KELLY: Thank you, Senator von Gillern. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise today, I believe in support of AM358, and I'm really enjoying the conversation we're having. This bill is one that I think, yet again, we're having some legitimate debate back and forth. And I think across the entire spectrum, really good points have been raised. I think that Senator Conrad's intention behind this bill and my understanding of the reading of the bill really does relate more to that transparency. But when the debate first came up last week, I heard a lot of these concerns about 2 different issues that I wanted to dig in more over the weekend. And those were (1) the unfunded mandate claim that goes into this bill; and then (2) the actual physical security of schools. And so, I went back and I reread the bill, looked at the committee

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statement and the fiscal note, and looked at the amendment. And I was curious if Senator Conrad would yield to a couple of questions.

KELLY: Senator Conrad, would you yield to some questions?

CONRAD: Yes. Yes, of course.

DUNGAN: Thank you. So one of the conversations I know we've been having is about this unfunded mandate. I think you and Senator von Gillern have been talking about that a little bit. My understanding is that this bill does not require any school district to go and purchase anything new. Is that correct?

CONRAD: That's 100% correct. The bill contains no prohibition on any technology or device, or any mandate for-- that would require schools to, to utilize any tool or, or device. There's absolutely no mandate in regards to that, because we know every school has different needs and different resources. And all this says is, hey, State Board of Ed, develop a policy pulling together these different Important issues that can help out local schools with developing their own policy. That's why there's no fiscal note.

DUNGAN: Well, and I know there was a discussion, too, I think Senator von Gillern just brought up the mandate of needing to publish this information. Do you believe that that presents, I guess, an unfunded mandate to the schools, with regards to the necessity to publish this information?

DUNGAN: Thank you, Senator. I, I don't believe that it does. And, you know, here's why. We're, we're kind of hearing 2 different threads from the schools. (1) we're so concerned we could never comply with this. We're very, very worried. On the other hand, they're saying we're already complying with this under existing laws on the federal or, or state level or the privacy agreements that we put together. So they already have public information available, as to budgetary impacts and as to technology policies in this school. So a very simple way that schools could comply with this, for example, is say something like, we have security cameras from Acme Security Company at Anytown USA. It cost us \$50,000. Can you opt out of those? No, you can't. Are they used in school discipline? They can be. How is information shared? Here's our contract and privacy agreement. That-- that's the kind of simple inventory for information that already exists that's contemplated in LB31.

DUNGAN: Well, and I appreciate that clarification. You actually started to answer my last question, which is essentially, I was curious what this information looks like. Because I think one of the fears that I keep hearing, which I think is a legitimate fear, is that if certain information is required to be disclosed, like the individual location of security cameras and areas of the school that are or aren't protected, that could lead to a security risk. But it sounds like you're saying the information that would be shared under, shared under these policies is broader, such as we would purchase this security camera, here's how much it cost, but it would not include the actual location information. Is that correct?

CONRAD: That's 100% right. If you look at the bill, it's a 4-page bill. The first page is just title, the second page has some legislative findings, and then the third and fourth page have some model policy components. It does not require any sort of publication of information that isn't already publicly available, which would include security protocols or schematics. We're all on the same page there. That seems to be the primary consideration for opposition. The bill does not include that. If we need a clarifying language in that regard, that's good faith negotiation that I will embrace enthusiastically.

DUNGAN: Thank you. And I appreciate that. I know I'm running out of time, but I, I do think that addressing some of the concerns that I had that folks had brought up during the first round of debate-- I, I share concern, obviously, about transparency and balancing that with safety in our schools, which is always paramount. So again, colleagues, I think this is a healthy, good discussion, and I will continue to listen about AM358 and LB31. Thank you, Mr. President.

KELLY: Thank you, Senators Dungan and Conrad. Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. Good afternoon. What? Why did I say that? Good morning, colleagues. Good morning, Nebraskans. Almost afternoon, I guess. Good morning, everybody. I wanted to rise-- I didn't get a chance to get into the mix on this last week, when we began speaking on it. I was just at the bottom of the queue and we adjourned for the afternoon. But it is my first year on the Education Committee. I'll be frank with all of you and with you, Nebraskans, I do not like this committee. I never wanted to be on this committee. I don't know anything about the subject matter. I am in my seventh year now in the Legislature, and this isn't really subject matter that I

have a lot of experience with. But I have been working as diligently as I can to kind of get up to speed and, and be a productive member of the committee. And part of that, you know, is taking the subject matter really seriously. LB31 came out of committee unanimously. You know, one representative was sent in opposition, and we had a handful of letters in support and in opposition. And it really isn't that deep. It really isn't that deep. And I have to ask if a lot of the opposition I'm hearing is about the introducer, honestly, rather than the actual policy. Because it's a great bill, it had widespread support, the introducer has worked with opposition in good faith. And I would ask if you have opposition, to bring that in good faith. I don't think it's-- I mean, I-- no one has said this explicitly, but I must say it. I don't think it's plausible that LB31 will lead to more school shootings. That's, that's not plausible. That's not going to happen. If opponents like Senator von Gillern are so concerned about school safety, maybe they should lift a finger on things like safe storage or gun safety regulations, or mental health support. But to say that we can't let parents know what software companies that schools contract with are doing with kids' data, that's all this bill is talking about. Parents have the right to know what's going on with kids' data. That's it. I bet I can't find a single person in this room who disagrees with that. Parents have the right to know what schools are doing with kids' data. Now I'm school the-- I'm, I'm sure the schools will say, now we don't share or sell kids' data. I'm sure that's true. I'm sure they don't. But the tech companies that provide this service, they might. They might do that. And I don't know if-- how many of you have school-aged kids right now. I've got a, a high school freshman now. And from the time she was in middle school, especially around COVID, pretty much everything she does in school now is on the iPad. I'm not getting a lot of textbooks coming home. I'm not getting a lot of worksheets coming home. We aren't doing a lot of handwritten essays like I did when I was a kid, like most of us did. Everything is on the iPad. And when I get her assignments for school and the things that she has to do for, for her classes, these things are digital assignments. These things are like log in to this software on your iPad and complete these lessons and then turn them in. Colleagues, I think that these are great learning tools. I, I could talk for 15 minutes about my criticisms of having kids doing like basically only online education at this age, but I think these are great learning tools. The problem, colleagues, that L31 seeks to address and why this isn't a solution in search of a problem is that schools are contracting with software companies that are out to make a profit. And remember the conversation we had last week, with Senator

Sorrentino and Senator Hallstrom? Of course, corporations aren't the bad guy. Of course, corporations aren't evil. We want all the corporations to make profits. But colleagues, in this case, the product is the kids' data. So what LB31 seeks to do is not to choke off that, that process, not to say we can't contract with tech companies in schools, it's to say parents deserve to know how that data is being used. That's it. It's not saying publish on the internet all of the routes out of the school from the security camera so that school shooters can use it. This is a ridiculous and absurd extrapolation to arrive at. All it's saying is that parents have the right to know how the data is being used. And we know that when schools are contracting with software companies, no, it doesn't mean the schools are selling the data, but the software companies are, and schools should be transparent with parents about how that is happening. Now, many schools say that they are already doing this. Great, then they would be in compliance with LB31. All this does is put on the books that this is our expectation in Nebraska, that our kids are not the product, that we're not selling our kids' information, and that we have transparency around those processes. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Thank you, Senator Hunt, and others. I appreciate everybody who's had a chance to weigh in here today. And again, I'm hearing so many common threads and common themes about concern for the underlying policy considerations that really were the impetus for me bringing forward LB31. I'm hearing some variations, in terms of perhaps not wanting to move forward with this as the solution, and still waiting to hear from opponents from what their solutions might be to advance the same shared goals, and would work enthusiastically with them in that regard. So I want to take a minute to just talk a little bit about what policy directive bills are and are not. It has been, I think, a point of perhaps confusion as we initiated debate. And then I've had some really rich conversations with senators over the weekend and off the mic this morning, who are rightly concerned that the State Legislature would be telling their schools exactly what tools they have to utilize at the local level. And, and that's not the case. What we do with policy directive bills, which are very common in our work in Nebraska, is we hear about important or emerging issues at the Education Committee. We ask our State Department of Education, which has hundreds of employees and billions of dollars in their budget and technical expertise and

processes in place to facilitate a process to create a model policy on these emerging issues. They work through that. There's opportunities for engagement and feedback, and then they publish that. And that's available to the local schools to tailor or to utilize. We've done it many times, even in the last biennium, and in, in those kinds of very strategies enjoyed very broad support by past Legislatures, as they should, because they're typically not overly controversial. So whether it was efforts in regards to dyslexia, whether it was efforts in regards to student dress code, whether it was efforts in regards to supporting pregnant and parenting students so that they can maintain their, their education while they are starting or expanding a family, whether it was efforts that are pending before the, the Legislature this year, to create model policies on cell phone usage in schools that Senator Sanders brought forward. This-- none of those bills have fiscal notes. None of those bills are a mandate. What they are utilizing is the legal framework and processes that we have available in Nebraska. The State Constitution says the State Board of Education will act as proscribed by the Legislature. So we say to our colleagues at the State Board of Education, we'd like you to develop a policy on this. It will be helpful for bringing people together and sharing expertise, and then it provides support for our local school districts all across Nebraska who have very, very different needs and resources, dependent upon their local considerations. So LB31 was developed within that context. It's very straightforward in that regard. And I think people who are generally familiar with my work in the Legislature know that I'm always going to work in good faith when I can to increase transparency and public engagement, so that all stakeholders know what government is doing in their name and with their money. In this instance, it's providing basic information under existing law without creating new rights, without changing anything in relation to security matters or otherwise, but just helps parents, taxpayers, and students know what's happening with these tools-- these technology tools in our, in our, in our schools, and where do I get more information, and how do I engage with my local school board on these topics? So again, looking forward to any thoughtful amendments that come forward that are clarifying in nature, or other solutions that senators may have to advance our shared goals. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Lonowski has some guests in the north balcony, Leadership Hastings members, 23 total. Please stand and be recognized by your Nebraska Legislature. Returning to the queue, Senator Andersen, you are recognized to speak.

ANDERSEN: Thank you, Mr. President. I rise in opposition to LB31, and would like to read into the record a letter from the Gretna Public Schools superintendent. The letter reads: Dear members of the Legislature, as superintendent of Gretna Public Schools, I share the Legislature's commitment to student safety and privacy. However, I strongly oppose LB31, as it introduces unnecessary regulations that could disrupt learning while failing to offer meaningful improvements. Our district already complies with federal privacy laws like CIPA, COPPA, and FERPA, ensuring transparency and accountability. LB31's vague definition of, quote unquote, tracking system could unintentionally apply to essential educational tools, including grading systems, attendance tracking, testing programs, and online coursework. Without clear guidelines, schools are at confuse-- risk confusion, noncompliance, and unintended consequences. Additionally, the bill does not clearly define what constitutes a quote unquote, legitimate use of student data. What one person considers a necessary educational tool, another might see it as an invasion of privacy, creating inconsistencies, legal disputes, and challenges in enforcement. Furthermore, federal laws like FERPA already regulate biometric data, making LB31 redundant. Student safety could also be compromised if parents opt their child out of the tracking. Schools may be restricted from using critical security measures such as surveillance cameras, which are essential for early emergency response efforts and overall safety. Finally, the bill would create unnecessary administrative burden, pulling staff away from instruction to navigate unclear compliance requirements. While the intent behind the LB31 is understandable, its broad and vague language duplicates existing protections and creates more prob-- more problems than solutions. I urge the legislation to-- Legislature to reject this bill and collaborate with schools to develop practical policies that genuinely protect student privacy without compromising education or safety. Sincerely, Travis Lightle, Superintendent. And with that, Mr. President, I yield back my time.

KELLY: Thank you, Senator Andersen. Senator Conrad, you're recognized to speak, and this is your final time before you close on the amendment.

CONRAD: Very good. Thank you so much, Mr. President. And I want to thank Senator Andersen for sharing that communication from Gretna that I think maybe I received for the first time last week, as debate was commencing on, on this. And I am so glad that he raised the issue of parental opt-outs, because I think that's another component of this legislation that has been frequently mischaracterized or

misunderstood. So, again, I don't think that there's really any debate at this juncture after a basically unyielding line of Supreme Court case law, which states unequivocally that parents have the right to guide and control their child's education. And that pops up in a lot of different contexts. And that is a really big part of the policy underpinnings for this legislation, as well. So, for example, based upon the fundamental rights of parents to guide and control their child's education, we-- for many years, it's been well-established in Nebraska that parents have a right to opt out their children from different curriculum, for whatever reason, at any time. You frequently hear about it when perhaps more controversial subjects like evolution or sex ed are on the table. And it's appropriate that we have that in place, because what might be right for my family might not be right for another public school family and, and vice versa. And that ensures that we empower parents with their fundamental right to guide their child's education, but we don't utilize a parent's perhaps different belief to veto the right of me, as a parent, to direct and guide my children's education in regards to the curriculum being taught. So nothing in LB31 changes existing law in regards to parental opt-outs. And if you look at the language of the legislation as introduced, it's very clear. It only asks this-- the policy to include whether or not parents can opt out. It doesn't say they must be able to opt out. And we can't let common sense leave, leave this debate. So again, for something like a security camera, perhaps, no, you can't opt out. It's part of our security protocols. OK. Then you just say no opt out available. For something like a sensitive health survey that's being sent out, which a lot of parents have expressed concerns and is governed under federal and state law, yes, yes, you can opt out. And here's the process to do that. So if you look at the existing set of laws that, of course, provide context for these very issues, we, we don't have to guess and we don't have to confuse, because the legislation itself, before you today just says we reaffirm parental rights in regards to the fundamental right parents have to guide and control their education. And we take into account common sense and existing law that says, yeah, you might not be able to opt out of the utilization of some of these tools, but when you can, we want to make sure that you know that as a parent, so that you can exercise your rights accordingly. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, you are recognized to close on AM358.

CONRAD: Thank you, Mr. President. Again. Good morning, colleagues. I think it will be-- we've had such good debate over the last couple of

days, and I'm looking forward to seeing additional amendments that will be filed. And I'll tell you one thing that I think is very heartening-- many things are very heartening about this-- is that I've heard from so many concerned parents and educators and students who are just really grateful that the Legislature is taking some time to talk about these important issues, because it does have implications for parental rights, for student privacy, for fiscal impacts in our educational systems, and we should continually update our approach to these complex and important matters, to make sure to center parents and taxpayers and students in these really important discussions, which is what LB31 seeks to do. We'll have a chance to see kind of where people might be feeling with some of the stylistic changes present in AM358. I don't know if that will tell us a great deal. And then I'll look forward to any clarifying amendments as have been discussed, to, to continue the debate on this today. I also think that this effort has generated some really rich collaborations and unlikely alliances. So as we continue forward with LB31-- again, I don't care who gets the credit for it. I just want the important issues to be debated and to move forward in one direction or another. So we're talking about other legislation that might be amended, that might be able to accomplish the same. We're looking at other options available for the public and citizens and parents to engage in, either on the local school board level or on the state school board level. And all of those conversations, I think, are worthwhile to helping advance those, those common ground and shared goals to keep our kids safe, to keep their privacy safe, to make sure there's best practices in place to empower parents, and to put guardrails up where they need to be when it comes to the commercialization or misappropriation of significant amounts of personal data that big, big tech is engaging with in our educational system. So with that, Mr. President, I would ask you for your favorable consideration of AM358. It is very stylistic. It's not particularly substantive. I brought it forward in good faith, based on some markups that Senator Hallstrom had shared. If it doesn't move forward, I think it is good clarifying language. It's not necessary to, to really change anything in regards to the basic components of LB31. So we'll just kind of see where we're at and keep the debate going. Thanks, Mr. President.

KELLY: Thank you, Senator Conrad. Members, the question is the adoption of AM358. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: 37 ayes, 0 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. The vote was in process. Which-- Senator Conrad would you accept call-ins? Yes. Thank you. Mr. Clerk.

CLERK: Senator Brandt voting no. Senator Sanders voting no. Senator DeBoer voting yes. Senator DeKay voting no. Senator Lippincott voting no. Senator Ibach voting no. Senator Murman voting no.

KELLY: Record, Mr. Clerk.

CLERK: 16 ayes, 27 ayes, Mr. President, on adoption of the amendment.

KELLY: The amendment is not adopted. I raise the call. Mr. Clerk.

CLERK: Thank you, Mr. President. Senator Hallstrom would move to amend with AM345.

KELLY: Senator Hallstrom, you're recognized open on AM345.

HALLSTROM: Thank you, Mr. President, members of the body. AM345 is an effort to make some substantive and technical changes to LB31. I shared the amendments with Senator Conrad a few days ago to give her an opportunity to respond. She did get back to me with some of the elements of the amendment for which she is receptive, others which she is not, and that's perfectly fine. The amendment in general has some technical aspects or wordsmithing aspects, if you will. Probably the 3 primary areas of substantive issues are (1) to change the policy from being mandatory to permissive. Senator von Gillern had raised that to a question in response to some comments that were made during the debate on the last amendment. I draw your attention to the statement of intent, which clearly indicates that it's the desire for the policy to be mandatory or to be required to be adopted by school districts, whether it's the Department of Education model or template or one of their own, and so there is a requirement. AM345 would make that permissive. The second is to remove the language relating to the posting of an inventory and information relating to surveillance monitoring and tracking technology tools on the website. I, I knew there was some discussions with Senator Kauth and Senator Conrad, regarding an exception under the open records law. My belief is that that is not sufficient. There's no reason to have to post this

information on the website as part of the legislation. And then we look at the opt-out language is also being deleted. I heard and appreciate Senator Conrad's version of, of why the opt out is no big deal. I would just take the, the countervailing position that we don't need an opt out because it's somewhat nonsensical in many respects. If you have video surveillance, you can't have 1 parent of a student opt out or you can't use the, the particular monitoring technology. As far as the technical issues, one that I would note is on page 2, lines 26-30. The language suggests that the schools are implementing these surveillance and monitoring programs under the guise of protecting the safety of their students. I think it's offensive to suggest that the schools would be doing that under some type of, of guise. They truly do have the, the best interest and the safety of the students at heart. So with that, that would address the major substantive and technical issues within the amendment itself. I do want to take a moment. Senator Spivey mentioned Johnny "the Jet" Rodgers. Johnny "the Jet" Rodgers performed the eulogy at my uncle, Tom Hallstrom's funeral. Very proud and respectful of Johnny the Jet in, in a number of respects. So with that, I would yield the rest of my time to the chair.

KELLY: Thank you, Senator Hallstrom. Senator DeBoer, you're recognized to speak.

DeBOER: Good morning colleagues. Good morning, Mr. President. I wondered if Senator Conrad would yield to some questions.

KELLY: Senator Conrad, would you yield?

CONRAD: Yes. Yes. Absolutely.

DeBOER: Thank you, Senator Conrad. So I'm trying to get my head around this amendment. Could you-- and the introducer suggested that there were some portions that you preferred, some portions you didn't prefer. And I wondered if you could kind of talk through your logic on the difference between those two.

CONRAD: Sure. Like I mentioned, when Senator Hallstrom first presented kind of a marked up, suggested amendment on the original underlying bill, which I really appreciated-- and goodness knows, his handwriting is far more legible than mine, so it was very easy to discern. I think that he had made some suggestions as to terminology or technical aspects or stylistic components in LB31 that I found to be good improvement, straightforward improvement that was reflected in the

amendment that the body decided to vote down. I'm not quite sure why, because it actually-- if they're concerned about the underlying bill, then it doesn't improve the underlying bill, but we'll-- we shall see. And then, I think that there are some technical aspects that he brought forward, in regards to ensuring clarity on opt-out provisions, which, again, I think are pretty well-established. And if that provides additional clarity, that's something that I'm very, very open to. I think the crux of our policy disagreement at this juncture, as reflected in the amendment, AM345 that Senator Hallstrom has brought forward, is just whether or not the legislation would require the State Board of Policy to-- the State Board of Education to develop a policy and our local school boards to follow, as is pattern and practice with policy directive bills, or whether or not they would do so in a permissive manner. And so I think that's, that's really kind of the, the crux of the most significant aspect of disagreement in Senator Hallstrom's bill that, that I can discern.

DeBOER: So when we talk about this permissiveness, is that the permissiveness for the state board to create the policy, or is that the permissiveness of the individual schools to follow the policy that the state board is required to permit?

CONRAD: Yeah, that's a, a great question, Senator. And I think the original legislation, again, follows our policy directive approach, where it says-- granted to us under the Nebraska Constitution, it says the State Board of, of Ed will act on things as proscribed by the Legislature. So the Legislature says, hi, friends. Hello, colleagues at the State Board of Ed, we'd like you to develop a policy on this emerging issue using your technical expertise, using the resources you have available, using the public engagement processes you have available. And they do. And then that model policy can be utilized as a guide for local districts to decide what is going to be workable for them or not. And it usually is spread out over the course of months or years, saying, state board acts first. It provides a model policy that the local districts can tap into as they're developing similar policies. And, and that's exactly how it's laid out in, in LB31. So it's a policy directive to both.

DeBOER: So the individual school districts would not have to do anything necessarily. It's the state board has to create a model policy that they then can adopt, adapt, change, whatever they would like to do. So the, the prescriptiveness is to the state board to have a mod-- model policy. Is that's right-- is that right?

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CONRAD: That's right. And then it, it directs locals to either utilize that or develop something on their own at a point later, after that's available for them to utilize.

DeBOER: So there's no prescriptiveness for individual schools. I mean--

CONRAD: No, other than the requirement that they at some point in the future-- I think this is about a year out under LB31, that they require-- that they develop a policy about student privacy.

DeBOER: And that policy, and that policy could be, our policy is we don't have a policy. I mean--

CONRAD: That's true. Or it could be we-- our policy is our existing policy, which many districts have. But it just kind of pulls together existing information, so that families and taxpayers and kids can figure out what's going on with these different technology tools. I'll tell you, I looked at LPs this morning, and it's a much bigger district than many districts across the state. But if you look at their [INAUDIBLE]--

KELLY: That's time, Senators.

CONRAD: OK.

KELLY: Thank you, Senators DeBoer and Conrad. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Frankly, I'm a little bit confused about what AM345 accomplishes relative to LB31, and I'm hoping-- I don't-- I'm not going to ask a question. I see Senator Conrad just got in the queue, and so I'm hoping she can expand on that a little bit about if she is supportive of this amendment or not. And I heard her speaking with Senator DeBoer, kind of explaining point by point, but-- you know, I think I'm, I'm confused about the big picture here, which, you know, me being confused, not new. But the reason I support LB31 and why it came out of committee unanimously is simply because parents have a right to know what is happening with their kids' data when they go to school. I'm a pretty technologically literate person. I'm from the first generation that grew up with a computer in the house all the time, and my dad was a computer programmer. And so, you know, I grew up in a household where we knew a lot about technology. We were early adopters of a lot of stuff, and I was raised with, you know, kind of good digital hygiene practices of being safe in chat rooms, being safe

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in online forums, you know, being exposed to all of the risks that come with being exposed with technology. And this is something that I actually don't think kids today are really being raised with, because technology is so ubiquitous, because it's so essential to every single thing we do in life. It's not a novelty. It's not, you know, a fun toy. It's essential to everyday life. And so I don't think people think as critically as they used to, about what's happening with their data and what's happening with their information when they log into these software platforms, particularly, as LB31 considers, in our schools. I know that there are several schools who use platforms for lessons for students and coursework for students that is free. And some of these platforms had advertisements on them. I'm not worried about the appropriateness of the advertisements, like, I think it's terrible to subject students to advertisements during the school day, but this is just showing the point of LB31, which is that the data is the product. When you're getting something for free with technology, you're not paying for it, even often when you are paying for it, these technology companies and software companies are keeping the data of the users and they're probably using it, they're selling it, they're sharing it, because that is how they stay in business. LB31 just empowers parents to make informed decisions about that. It's not prescriptive. It's, you know, a policy in a policy. It's a may for a may. It's, it's just not that deep, colleagues. Parents have the right to know what technologies are being used to track their children and monitor their children. And the bill requires clear, publicly available information on all surveillance tools, including whether or not parents can opt their kids out. And what this does is it just ensures that parents, not schools, not private companies, not tech companies, decide what level of monitoring is appropriate for their kids. I don't understand what's so controversial about that. I understand quibbling about, I mean, some technical aspects of the bill, which it sounds like Senator Conrad has been doing in good faith. But what I don't see, from looking around the room, is people taking those good faith negotiations seriously. People are having side conversations, and I don't think that's a sin. I think that's fine to do. But I-- I'm-- I don't believe that people are actually paying attention to the bill. I think people are running to their corners. They're seeing, oh, Senator Conrad introduced this. Never mind that she's worked in good faith on amendments. Never mind that it came out of committee unanimously. They say, oh, she's a registered Democrat. And I see registered Republicans have a problem with the bill. And you're not thinking deeper than that. Private companies profit from selling surveillance tools to schools. This bill ensures that parents

know what's happening with that surveillance. I don't know a single conservative in the world who would think that's a bad thing. If this bill was introduced by Senator Sanders or Senator von Gillern or Senator Storm or Lonowski or Sorrentino-- which next year, it very well could be because we see that happen all the time. You would all be-- you know, it would be consent calendar. So, you know, be serious, bring your opposition in good faith, and stand on the side of parents and students to know how their data is being used. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator McKinney, you're recognized to speak.

McKINNEY: Thank, thank you, Mr. President. I rise in opposition to AM345. I support LB31, and I supported the previous amendment. And on the lines of Senator Hunt, I'm kind of confused about the opposition. Because I sit on the-- in-- on the Judiciary Committee, and we've had multiple bills dealing with data privacy, parental rights, online privacy with, you know, social media companies and protecting our youth. And this is along those lines, and I guess we don't want to have our school districts produce model policies relating to student surveillance, monitoring, and tracking technology. (1) Why are they surveilling our kids, monitoring them, and tracking them? So as a parent myself, I would want to know what is that policy? I would like to understand that. And just saying they may produce or they may do something doesn't feel comfortable. So I'm, I'm honestly kind of confused about the opposition. Because we hear all these bills about protecting our kids from-- online, from all these things and all this stuff, but then when it comes to things like this, especially in our schools-- because we also had-- have conversations about protecting kids in our schools. This, this is the hill that people are gonna-- I don't think people are die-- dying on this hill, but this is the card you're going to pull to say no? I'm, I'm kind of perplexed. The, the amendment to say such policy may encourage school districts to specifically identify, inventory of type of surveillance tools or student surveys which gather personal information actually used in school districts, it doesn't make me feel comfortable as a parent. It, it, it just honestly does not. So if a school district is collecting data, surveilling my daughter, and doing surveys of my kid, I would like to know how and why and what is going on. And then, they may, may encourage a policy, may encourage doesn't sound right. And I don't think no right-minded parent would feel comfortable with that. Then this argument that it's too much work, it's too much work, it's always too much work when you should just do the right thing. But then on, on

other things, it's like, no, we shouldn't do this. This is kind of wild. I, I know I've said wild and crazy a lot of times this year, but the opposition to this just doesn't make any, any logical sense to me. And why are-- what is the pushback? Why can't schools provide this information? Why are they contracting with these individual companies and not able to produce this information? It should be quite simple, if there-- it, it should be simple. Create a inventory of the type of surveillance tools and surveys that they gather. This should be simple. Unless there's like a million surveillance tools they're using and student surveys they're using, or they like, got some 007, I spy, MI6 type of stuff going on, this should be simple. What is going on here? We should be requiring our schools to-- as a parent, this, this just doesn't make any sense. And the school districts should be ashamed, they really should, for opposing this. And I'll leave it there. Thank you.

KELLY: Thank you, Senator McKinney. Senator Hunt would like to recognize a guest under the north balcony, Robert Navarro from Atlanta, Georgia. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. I appreciate the information that folks have brought forward in the dialogue. And I thank Senator McKinney, for sharing his perspective. I know that he has successfully shepherded through policy directive bills, directing the State Board of Ed and local school boards to, for example, take up things like dress code to ensure a proper balance between an orderly school and student free expression, and to ensure that there's not an over utilization of dress code policies that impacts student learning, for example. I know he took that up, just, just in the last biennium. I know Senator Spivey has worked on that, in regards to protective hairstyles and otherwise. And there is a component in, in that legislation as well. Senator Brewer has worked on it when it comes to tribal regalia in the school setting, and ensuring model policies for that. So I know we'll have a lot of other policy directive bills before us this legislative session, because they've been introduced and in many instances, already advanced from committee. So it will be very curious and the record will speak for itself, as to whether or not there is a similar treatment to those efforts as there are to this, and that dialogue will speak for itself at that time. But here's the thing, colleagues. And I said it last week. I don't care who gets the credit for moving these important issues forward. And in many ways, just already devoting a few days of legislative debate to these really important topics has raised awareness significantly, has raised

serious considerations that can improve or clarify the bill moving forward, and has additionally strengthened what is an authentic, sincere, and diverse political coalition of state leaders and parents and students that do care about these issues and want to ensure that we have good policies in place when we're working with our great public schools to advance our shared goals, which is keeping kids safe online and protecting their privacy. There's been just a resounding chorus of themes in that regard, even from opponents of the measure. And so, I'm, I'm very, very grateful that we have established that. So I think whether or not LB31 moves forward today or later in this session, or component parts thereof may come forward as a part of LB504 or other bills that are pending on similar measures, or other bills emanating for education. This has been a very, very destructive and im-- instructive and important debate to help find other pathways. I know that there is a lot of information bubbling up from the grassroots, as well. And other local and state leaders are looking at this, either on the local school board level or on the state school board level. So I am committed to figuring out a constructive path forward so that we can ensure that we have good policies in place that protect our kids in our schools when they're utilizing ed tech, surveillance, and technologies and tools. There's far more common ground on this than there is disagreement. It seems that we just have a slight difference of opinion in regards to some language choice, and in regards to exactly how and when we move forward here. But the, the-- make no mistake about it, BSU is moving forward this year. And I am absolutely committed to continuing to work in good faith with each member of this Legislature and other external stakeholders, so that we can have a thoughtful process in place to update our policies at the state and local level, when it comes to student surveillance and when it comes to ed tech tools. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. It's still morning. I am reading through the amendment and going through it with the underlying bill, and I have got to say 2 things to my dear colleague, Senator Hallstrom. (1) Impressive. But (2), if you're going to actually filibuster, this is like 20 amendments that you could have made. So if it were me and I was trying to, you know, take time on a bill, I would have taken the first part and made that 1 amendment. On page 2, line 6, strike "serious concerns about" and then insert "awareness of issues relating to." That right there is 1 amendment. And then, striking "numerous" and changing it to "some", that's one

amendment. So we're up to 2. Strike beginning with "with" on line 15 through "funds" in line 16. That's a whole nother amendment. That's 3. Line 17, strike "may" and put-- insert "can", that's a fourth amendment. And I will pause here and say may to can, I'm not sure, grammatically. Because may I use the restroom? Can I use the restroom? I remember that being a question in my sixth grade science class. And my teacher would take umbrage if anybody asked, can I use the bathroom? And she would say, I don't know, can you? And so, you're supposed to say, may I use the bathroom? So I appreciate that one, so that's 4. In line 20, strike "have" through "control" and insert "should play a role in", so that's 5. In line 23, strike "ensure" and insert "expect", that's 6. And strike "are" and insert "to be", that's 7. In line 25, strike "for" and insert "in", that's 8. Strike beginning with "under" in line 28 through "advanced" in line 29 and insert "to advance", that's 9. In-- oh, I don't know if my hand-- holding up my fingers is a prop. It might be. And strike beginning with "not" in line 29 through "transparency" in line 30 and insert "be balanced against personal liberty rights and citizenship", that's 10. On page 3, strike beginning with "at" in line 3 through line 6 and insert "such policy may occur-- incur [SIC] school districts to specifically identify and inventory the type of surveillance tools or student surveys which gather personal information actually used in the school district, including:", so that would be 11. In line 7, strike "(i)" and insert "(a)", that would be 12. In line 9, strike "(ii)"-- I guess (i) was Roman numeral I-- Roman numeral (ii) or 2-- and insert "(b)", that's 13. In line 11, strike "(iii)" or 3, and insert "(c)", that's 14. Strike lines 15 and 16. I'm guessing this is still on page 3. On page 3, strike, strike lines 15 and 16. In-- that's 15. In line 17, strike "(v)" and insert "(d)", (v) being 5. So that's 16. In line 20. Strike "(vi)" and insert "(e)"-- (vi) being 6-- and insert "(e)", so that's-- what did I say, 17? So, this is impressive, but it could have been at least 17 amendments. I'm sure the Clerk's Office appreciates that you didn't-- it goes on. I'm going to guess-- I'm going to ballpark 21 amendments. This could have been 21 amendments. So I'm guessing that the Clerk's Office appreciates that you did not file 21 amendments. But I just want us all to be on the same page that you could have. This could-- this didn't have to be just one. You didn't have to do it all at once. You could have done 21 or more. I'll count them. I, I see my light is on. Mr. President, how much time do I have?

KELLY: 23 seconds.

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M. CAVANAUGH: OK. So I just like to-- I like to get Mr. President on the record every once in a while, giving me the time. So I, I will, I will count these and I will get back to you all as to how many there are. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Mr. Clerk.

CLERK: Thank you, Mr. President. Some items. Your Committee on Education, chaired by Senator Murman, reports LB625 to General File with committee amendments. Additionally, amendments to be printed from Senator McKinney to LB298 [SIC-- LB289], and Senator Machaela Cavanaugh to LB14. Notice of hearing from the Education Committee, as well as Government, Military and Veterans Affairs Committee and the Business and Labor Committee. Reference report from the Executive Board, regarding gubernatorial appointment. New LR, LR52, from Senator Hughes. That will be laid over. Name adds: Senator Andersen added to LB143, Senator Hansen to LB512, and Senator McKinney, LR48. Finally, Mr. President, a priority motion. Senator Fredrickson would move to adjourn the body until Tuesday, February 25 at 9:00 a.m.

KELLY: Members, you've heard the motion to adjourn. All those in favor say aye. Those opposed, nay. The Legislature is adjourned.