

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 7, 2023

ALBRECHT: Good afternoon. We'd like to get started with the Education Committee public hearing. Thank you. Welcome to the Education Committee public hearing. My name is Joni Albrecht. I'm from Thurston, Nebraska. I represent District 17, Wayne, Thurston, Dakota, and a portion of Dixon Counties. Today, I'll be chairing, as Senator Murman is not able to be here today. The committee will take up the bills in the order posted outside the hearing room. Our hearing today is a public part of the legislative process. This is our opportunity to express your position on proposed legislation before us today. We do ask that you limit or eliminate handouts. This is important to note: if you are unable to attend a public hearing and would like your position stated for the record, you must submit your position and any comments, using the Legislature's online database, by 12 p.m. the day prior to the hearing. Letters emailed to a senator or staff member will not be part of the permanent record. You must use the online database in order to become part of the permanent record. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off cell phones and other electronic devices. The order of the testimony is introducer, proponents, opponents, neutral and closing remarks. If you will be testifying, please complete the green form and hand it in to the committee clerk when you come to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We'll need 11 copies for all committee members and staff. If you need additional copies, please ask the page to make copies for you now. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that you limit your testimony to 3 minutes. If necessary, we will use the light system. Green is 2 minutes, yellow is one minute remains and red, we'll ask you to wrap up your comments. If your remarks were reflected in previous testimony or you would like to-- your position to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. Please speak directly to the microphone so that the transcribers are able to hear the testimony clearly. I'd like-- OK. I'd like to introduce the staff. To my right is John, our legal counsel, John Duggar. Sorry about that. To my immediate right, is not Jack Spray. He's not in the room right now, but he'll be back. And also, let's see, the committee members with us today will introduce themselves, starting to my far right.

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

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

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

ALBRECHT: And-- I did leave out our most important person here, the committee clerk, Kennedy. Thank you for being here. And can I ask the pages to please stand and introduce yourself?

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

AUDREY FLAKUS-MAHONEY: Audrey Flakus. I'm a junior studying political science and criminal justice at UNL.

ALBRECHT: Thank you for being here. Please remember that senators may come and go during our hearing as they may have bills to introduce and other committees. Refrain from applause or other indications of support or opposition. For our-- for the audience, the microphones in the room are not for amplification, but for recording purposes only. So today, I understand that we have Senator McKinney and he has 2 bills, LB632 and LB340. He will be introducing both bills. And when you come up to testify, you'll be testifying on both bills. I understand he has a busy day today.

McKINNEY: Yeah.

ALBRECHT: We're all trying to get through a lot of different committee hearings, so we'll be taking 3 minutes. I understand you have a testifier that will be coming and she'll have 5 minutes that you've requested. So go ahead and open up.

McKINNEY: All right. Thank you. Thank you, Vice Chair Albrecht and members of the Education Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y, and I represent District 11 in the Legislature, which is in north Omaha. And I'm here today to discuss LB632 and LB340. LB632 will prohibit schools from suspending students pre-K to second grade and alternative for suspensions inside of schools, instead-- the-- so the intent of LB632 is to produce an alternative way to discipline students, that ensures a better long-term outcome and doesn't play into the already existing school-to-prison pipeline. Studies show that one of the starter, starter components and huge contributors of the school-to-prison pipeline are suspensions and out of class time. Students that are pushed out of classrooms are much more likely to be introduced into the criminal justice system. It is not a coincidence that there are noticeable parallels when looking at disparities in incarceration

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rates according to race and suspensions and expulsions by race. African American students account for a disproportionate percentage of students suspended and expelled, relative to their demographic representation in, in the district. According to a nationwide study by the U.S. Department of Education Office of, Office of Civil Rights, African American students are 3.5 times more likely than their white classmates to be suspended or expelled. Black children constitute 18 percent of the students nationwide, but account for 46 percent of those suspended more than once. Instead of pushing students out, teachers need more support and training for effective discipline and schools need to use best practices for behavior modification to keep kids in schools where they belong. Teachers are in a unique position to divert students from the school-to-prison pipeline because they know their students better than any school resource officer or administrator, which puts them in an empowered position to keep students in the classroom. When teachers take a more responsive and less punitive approach, students are more likely to complete their education. Exclusionary discipline results in serious academic consequences, such as not being able to make up a missed assignment, which, in some cases, results in their grades being reduced. Several studies have shown associations between school suspension and school dropouts. A study in Virginia found that schools in high suspension--schools with high suspension rates also had high, high dropout rates. There are also negative social emotional consequences in which students may feel negatively towards adults and have the perception that adults don't care about them. Suspensions are associated with juvenile justice involvement. The Council of State Governments Justice Center found that in Texas, a student who was suspended or expelled for discretionary reasons was almost three times as likely to be involved in a, in a, in a juvenile justice system the following years, which plays into the school-to-prison pipeline, as I mentioned earlier. I remember when I was in school as a, as a student. And I used to get suspended a lot. I used to-- I know everybody thinks I'm quiet now and some people think I'm sweet or whatever, but I, I, I used to get suspended a lot. And I used to have issues dealing with classmates and teachers, where I was either suspended, getting into fights, going into in-school suspension and the pack room and those type of things. And although they pulled me out of class, I don't believe that helped at all. Honestly, I think what helped me is when I began to wrestle. It wasn't getting suspended. And I think we have to think about that, where people say, hey, we need to use suspensions as a tool or a corrective measure. In my opinion, it doesn't work. I have countless peers that are incarcerated or have been incarcerated. They got suspended a lot, was involved in the juvenile justice system and

those type of things. And the suspensions didn't work. I think we need to find ways to pull our kids in to figure out what's really going on. And a lot of times, our schools-- and, and not to knock the teachers, because I don't think it's the teachers. I think our schools are overburdened with things and they're just-- we're just kicking kids out and throwing them to the wolves. And that's something I have a problem with. We don't need zero tolerance, tolerance policies and exclusionary discipline practice because they do not create safer schools and have negative consequences. There needs to be alternatives to the discipline policies. There's a system known as a schoolwide positive behavior support which makes schools more effective by enhancing the capacity of schools to educate all students, especially those with challenging social barriers, by establishing clear, defined outcomes that relate to academic and social behavior, systems that support staff efforts, practice that supports students success and data utilization that guide decision-making. This multi-tiered framework works because it's not a curriculum, discipline package or, or a product, but a process for individualized and sustained decision-making, planning and problem solving. Implementation of this is associated with lower discipline referrals and positive influence on academic achievement. There's also a graduated approach to discipline, in which primary interventions are used to teach all students prosocial behaviors. Secondary interventions deliver special programs for students at risk of creating problems. And, and tertiary interventions provide individualized support for students with chronic behavioral issues. This and similar approaches to discipline are designed to avoid knee jerk reactions that result in student suspension, often for minor infractions in schools with zero tolerance policies. The American Psychological Association recommended replacing the one size fits all disciplinary, disciplinary strategies with graduated systems of discipline, wherein consequences are geared towards the seriousness of the infraction. They are urged-- they, they urge schools to carefully define all infractions and/or consequences and to train staff on how to handle each offense. The APA also recommended that schools evaluate their discipline policies to ensure that they are having beneficial impacts. There's evidence that alternatives to suspension that include positive disciplinary strategies can decrease the incidents of problems with student behaviors. Using discipline incidents as opportunities for learning and reflection is far more positive-- it's a far more positive approach to student change than mandating exclusion from school and the opportunity of an education. LB340 will make sure that students who are expelled still receive educational instruction that will ensure they graduate from school, nonetheless. Some might say that if

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they get expelled, why, why should we worry about whether they graduate from school? But I also ask you then, why do we need to build a prison? But the reality is that if we give up on these young people who are expelled, we as a community and state will still be faced with the obligation to care for these people, because they will almost certainly end up in our juvenile courts or our, or our adult courts and maybe even, maybe even in our jails and prisons. We need to make sure that students who are expelled still receive an education and graduate from high school. Current law requires each school district to have an alternative school, class or educational program to provide educational services for expelled students. LB340 Make some modifications to the statutes to make sure the educational services are meaningful and will help these students graduate. LB340 will require districts-- require that districts provide instructional programs that include an individualized learning program that provides instruction and credit hours sufficient to enables the student to continue all academic work the student would otherwise have had access to, had the student not been expelled, for credit towards graduation. The State Department of Education currently adopts rules and regulations related to alternative schools, classes and educational programs and instruction. LB340 will require the department to include the number of hours of the rec instruction and credit hours for instruction that shall be provided by the alternative school. For districts that do not provide alternative school classes or educational programs. LB340 would also require they develop a plan for expelled student participation in education, which provides that students continue all academic work the student would otherwise have had access to, had they not been expelled. LB340 makes what I would consider modest reforms to make sure our schools are providing instruction to expelled students. You will hear testimony as to instances in which schools are not providing adequate instruction. As Governor Pillen told us in the Legislature, on January 25 of this year, in a state of-- State of the State address, Nebraska will never give up on a single kid. And I take him at his word and this bill is a fulfillment of this pledge. And I urge this committee to vote it out onto the floor. Thank you.

ALBRECHT: Thank you, Senator McKinney. Again, for those who just walked in, we have put two bills together, so everyone will testify on those bills at this time. Do we have any questions for Senator-- Senator Sanders?

SANDERS: Thank you, Senator McKinney, for bringing this-- both these bills forward. I had the great pleasure yesterday of attending an ACE alternative class program for my little sister. And she was going to

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be one that would fall through the cracks and they worked hard to get her-- she's got a lot of energy and she's really smart-- to graduate. So yesterday was her personal graduation. But the instructors told me, in this alternative class setting, there's about 20 students from Bellevue East, 20 students from Bellevue West, that are on the waiting list for this program. So how do we be sure we've covered-- if we're going to do a program, that we have, have the numbers right? Do we, do we implement a study? Would the schools know these numbers?

McKINNEY: That was brought up to me that schools feel as though they don't have space-- enough space in alternative schools. I'm open to trying to find a way to make that work. And if that means I have to go figure out a way to get some more dollars to our school districts, I'm open to it. I just think it's sad that there is, that there is a waiting list of kids that are expelled to get into, into that type of program. On, on one hand, you have people come down here and say, we want to make sure kids are in school and if they're truant, we want to give them ankle monitors and potentially lock them up. The other hand, when they misbehave, we kick them out and then say, hey, you gotta wait to get instructions. And I don't agree with that.

SANDERS: You're absolutely right. Thank you.

ALBRECHT: Thank you, Senator Sanders. Any other questions? Senator Wayne.

WAYNE: I don't have a question, I just heard-- hearing you read the other bill and I was just hoping you didn't make the mistake that I made last year, by opening on the wrong bill. So I'm glad, I'm glad this is a joint hearing. Thank you.

McKINNEY: No problem.

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

WALZ: Yeah. Thank you for bringing this bill. I appreciate it. And I appreciate your feedback on how many kids are waiting on this type of program. One of my questions was and maybe you have an answer and maybe you don't, but how many kids do you think that LB340 would affect?

McKINNEY: That's a good question. I haven't polled the districts to-- in, in, in Omaha to kind of figure out how many exactly, but I'm sure it's a good number of kids that it would affect.

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WALZ: OK. And can you just talk about how you came about the model for LB340?

McKINNEY: Somebody-- just, just having conversations prior to session with some individuals in the community and they was like, hey, let's try to address it this way. But also, I was working with a young man who got expelled, I think mid-November and he didn't get any instruction or any kind of school until January. And that's a problem.

WALZ: Yeah. Yeah. I guess the other question was, you know, if we used LB340 as a model, do you see-- you know, I guess, bringing in groups or organizations or parents or students and teachers to figure out how-- what, what would be the process? What would that look like?

McKINNEY: I would, I would love to, because I think it has to be an all hands on deck approach to, kind of, figure out what works. I'm not saying LB340 is the, the solution, but I think it's something that we have to consider. And I'm willing to work with anybody to try to get to a solution, because we shouldn't have kids that are expelled on a waiting list to get education, when we talk about education as the number one thing we need for our kids in this state.

WALZ: Thank you, Senator McKinney.

McKINNEY: No problem.

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

CONRAD: Thank you so much, Vice Chair Albrecht. Thank you, Senator McKinney, for presenting this measure. I know you've worked on similar bills during your time of service and, and other senators have, as well, because this is such a persistent issue, I think, when you look at the data and statistics around student discipline and how that impacts students who are learning with disabilities and of course, the persistent racial disparities, as well, that are present in these, in these important and, and challenging issues. But one thing that I'm thinking about, about why might-- the time might be right to kind of revisit some of these concepts is-- you know, all of the data and learning that we were able to accumulate during and post-pandemic, which showed what learning loss did to all kids and have some really, really clear information available that, you know, those classroom minutes, those classroom days, add up very quickly and put students farther and farther behind. And the farther behind they are, it's harder and harder to get back on track there. So I don't know if

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you've looked at any of that more recently, kind of in context with these proposals, but that, that learning loss really at the, the core of what I'm seeing in your bills is something that I was thinking about with the, the COVID, kind of, spots.

McKINNEY: I've looked at it a little bit, not super in depth because we've--

CONRAD: Sure.

McKINNEY: --been super, super busy, but--

CONRAD: Yes.

McKINNEY: --I, I do recognize that is a issue, because what happened was we had kids that were finishing eighth grade that never went inside of a high school.

CONRAD: Right.

McKINNEY: And then their first time inside of a high school--

CONRAD: Right.

McKINNEY: --was tenth grade. So it-- it's the whole year gap of them not being up to speed on what it's like to be a high school student. And a lot of that is, you know, reflected in behavior issues that we're seeing in our schools.

CONRAD: Yeah. And we know also, early on the more investment that we make of time and resources pays dividends for the rest of a child's life and a family's life. And so, particularly early on in those, those pre-K ages, those early grades, the more that we can do to wrap programs and services around, around families helps to ensure better success for them and for us as a society.

McKINNEY: For sure. Because it was a long time ago, but I do remember getting suspended in kindergarten, multiple times--

CONRAD: All right.

McKINNEY: --and in second grade, multiple times. So I know what it's like to be a kid in suspension or being in a principal's office a lot. And I just don't think that suspensions helped at all.

CONRAD: Yeah. Absolutely. Well, thank you so much for sharing that personal experience, too.

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ALBRECHT: Thank you, Senator Conrad. Seeing no other questions, would you like to wait until the whole-- all of them are finished and close or will you be--

McKINNEY: I probably won't close--

ALBRECHT: OK. Very good.

McKINNEY: --because I'm like triple booked.

ALBRECHT: I gotcha. I was there the other day.

McKINNEY: So, so thank you.

ALBRECHT: Yeah. OK.

McKINNEY: All right.

ALBRECHT: Thank you very much. First proponent. I do believe we have someone. OK. And we're going to give her 5 minutes.

ELIZABETH EYNON-KOKRDA: Hi. Good afternoon, members of the committee. My name is Elizabeth Eynon-Kokrda, spelled E-l-i-z-a-b-e-t-h E-y-n-o-n-K-o-k-r-d-a, and I'm the managing attorney for Education Rights Council, which is a statewide nonprofit that works hard to keep children, all children, in school and make sure they thrive. And we really do this by focusing on removing legal barriers to educational equity. Both of the bills that we are considering here today, that I am testifying in favor of, do that. They help remove barriers and create legal equity. I'd like to focus first on LB632, which basically says we shouldn't be suspending pre-K-2 kids, especially in our largest district, where you will see I'm having a handout and I've given you data specifically related to the Omaha Public Schools, which is the largest district. And I think it's the bill that's related directly to Senator McKinney's urge to not, not suspend our littles. One of the things I don't think most people know is the rate of suspension and the rate of discipline of our littles in schools. This data was gathered in 2018-'19 and I'm giving it to you because it is representative of what happens before COVID. COVID made everything worse. But let's look at what was happening before COVID and not blame COVID and say, what are we doing to our littles and what have we been doing? We are suspending pre-K-2 kids at a greater rate than one to one and we're suspending them at a greater rate than we are the entire population of the district. This doesn't make sense. When we have little children that have behaviors-- behavior is a form of communication. If I'm a little kid and I'm acting out and actually

violating the code of conduct, what that should be triggering for any educator is not a punitive measure. But as Senator Conrad said, what services and support should we be doing? Does this child have a particular disability or special needs that we need to be evaluating? What should we do not to kick this child out of school, as Senator McKinney said, which doesn't do anything except remove them from the very place where we have the opportunity to give them instruction. So given my limited time, I have also passed out more complete testimony because I didn't know today that we were going to combine these bills and I will set that there and move to LB340 and then be-- try to take questions on both. But I would urge you to look at the data about what is happening to children, little tiny children, in terms of student discipline. And you will see in this data one key thing: it's disparate on the basis of race and it's disparate on the basis of disability. And the race that we're talking about is predominantly black children. Everyone else is suspended approximately what, what we would expect. If it was 20 percent of white children in the class, we would expect 20 percent of suspensions, expulsions, discipline to go with white children. If you look, you will see that there's a significant disparity in terms of who we are disciplining. We are disciplining minority children and we're disciplining children on the basis of disability. Let's switch over to LB340. LB340 makes what I think the Legislature enacted, way back in 1994, a reality. In '94, Senator Ron Withem came and as we were creating the entire Student Discipline Act, one of the things that was really important to the Legislature was, yes, we want to have an equitable code of conduct, but we want to make sure that we don't tie a-- tie a can to somebody's tail for the rest of their life, by saying because you engaged in behavior that-- we're going to remove you from school for a period of time. We're also going to result in you not ever being able to catch up. Members of the committee, right now, in Nebraska, nobody gets held back anymore. In other words, if I am in ninth grade and I get expelled, when I come back, I go to tenth grade, whether or not I have learned anything in ninth grade. And we wait all the way until twelfth grade. Given that, we have to put in place the opportunity for children to obtain the credits they need while they're out. We don't want to, basically, play a game of double jeopardy. In 1994, that was the very reason for the language that says, everybody has to have some sort of alternative education for children while they're expelled. Unfortunately, it's not tightly defined. And so what's happening is kids are getting a half an hour, an hour. I can sort of see why we wouldn't tightly define it back then, if you will. It was a little bit harder to create a whole program. What do I do? Do I do something in the library? It's 2023. We have technology, we have virtual schools,

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we have independent learning. We have a myriad of ways that we can create and guarantee that children have the opportunity to access all of their credit while they're expelled. Therefore, I'm in favor of both LB632, which protects our babies and LB340, which ensures that we don't doubly harm children who are expelled, but still, we want to have the rehabilitative nature of that discipline, not hurt them forever. Thank you.

ALBRECHT: Thank you. You did very well

ELIZABETH EYNON-KOKRDA: And I'd be glad to take questions.

ALBRECHT: Any questions from the committee?

CONRAD: I have one.

ALBRECHT: Yes. Senator Conrad.

CONRAD: Thank you. Vice Chair Albrecht. Thank you, Elizabeth. Good to see you again. Can you tell me from your experience working with the school district at OPS, which I know was your former assignment and then, working with families that have kids all across the state in need of legal assistance and advocacy-- I agree with Senator McKinney's approach and your testimony that we need to find alternatives to punitive responses to behavioral issues, but trying to get a better handle on the alternatives-- do all schools have a school counselor today? Do you know? I mean, that's a very broad question, but are-- do you find issues in your work where there aren't school counselors available or-- I'm trying to assess the, the all-- the alternatives that, that exist.

ELIZABETH EYNON-KOKRDA: To be frank, I don't have the data on does every single school have a counselor or a social worker across the state. But what I can tell you is unfortunately, with regard to LB632 and of PK-2, because that is tied solely to a city of metropolitan class. That district has a multitude of potential interventions. If you look at the third document, the third exhibit that I sent you, it's a sort of a graph. Unfortunately, what that indicates is that the vast majority of the, I'll call it, interventions with our little children are punitive, even though we have resource officer-- not resource officers, I'm sorry-- resources such as social workers and counselors. So, while it is-- I want to make it very clear that Education Rights Counsel would advocate for not disciplining any PK-2 child by suspending and expelling them across the entire state. LB632 is limited in its scope, which is why my testimony has been limited in

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scope. But I think that what we are seeing is when we do have those resources, we're not using them to the best of our abilities.

CONRAD: So you--

ELIZABETH EYNON-KOKRDA: The alternative resources.

CONRAD: --so you feel like if we were to put a prohibition on these punitive options, it would force people to utilize the existing alternatives that are available.

ELIZABETH EYNON-KOKRDA: And I will tell you that the Omaha Public Schools, in 2021, made a suggestion in their student discipline for this very reason that it's not appropriate to expel pre-kindergarten kids. But when we are expelling first graders and second graders, we still have that same problem. I mean, there's not-- we need to make sure that it's there. So I would say that the very district that this bill is targeted at, has acknowledged that this approach is appropriate.

CONRAD: OK. And then, is there any-- last question. Thank you. Appreciate it. Is there and maybe other testifiers can speak to it, is second grade or the scope of this legislation, is that arbitrary or is it grounded in some sort of social science or information or learning about young people's brain development or how, how do you settle on the, the extension to the grade two from the existing policy?

ELIZABETH EYNON-KOKRDA: In the data that we looked at, what we were seeing and honestly, it was sort of broken off, which is by third grade. You generally, if you are going at the rate you would be expected in terms of learning, you're learning to read, you've got reading down, you've got it under your belt, you've got some of the very core basic needs down. Now, not all children do. I mean, clearly we have a lot of children that need a lot of extra help to get that. But if you're at that third grade reading, fourth grade reading level, the you have a foothold in going forward and maybe you can withstand a little bit more exclusion, because you could still potentially be able to participate in some of your things online if you were excluded and we're in part of one of these exclusion programs. But when you're a, what I call a little, when you're a baby, when you're PK-2, each one of those setbacks, if you are excluded, mounts up very, very quickly. And then, like I said, you're behind forever because we don't hold children back anymore. So making sure that we do something other than exclude them from the entire learning process, when precisely what we're trying to do is teach a better way to behave. If I, if I don't

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have the tools and equipment to know how to express myself appropriately when I'm frustrated, what we want to be doing at that age is teaching the child that, not just being-- engaging in a punitive measure that removes them entirely.

CONRAD: OK. Thank you so much.

ELIZABETH EYNON-KOKRDA: Thank you.

CONRAD: Appreciate it.

ALBRECHT: Thank you, Senator Conrad. Any other questions? I have a-- just a quick question. So if we're talking about the larger school, OPS, probably, right, that you're seeing a lot of?

ELIZABETH EYNON-KOKRDA: That-- that's the district to which Senator McKinney's--

ALBRECHT: Senator McKinney.

ELIZABETH EYNON-KOKRDA: --bill was addressed.

ALBRECHT: Correct.

ELIZABETH EYNON-KOKRDA: Which is the city of the metropolitan class and there's only one.

ALBRECHT: Well, I know, since I've been here, we've had a big push on early childhood development. Do these children-- I mean, do you have any idea whether they've gone through that early childhood development before they ever reach pre-K? Have you--

ELIZABETH EYNON-KOKRDA: So.

ALBRECHT: --ever studied any part of that?

ELIZABETH EYNON-KOKRDA: If you are a child that happens to have a disability, you should have had, if the district is doing what it's supposed to be doing, education ages 0-3. Then at three, you're eligible to go to pre-kindergarten. So you have pre-kindergarten age 3-4, pre-kindergarten, age 4-5, then kindergarten, first grade, second grade. So do we see kids in pre-kindergarten, age three and four, being removed? Yeah, we do. And that's-- I mean, that's sort of a separate problem, to the extent that if-- first of all, early childhood is not available to everyone and it probably should be. But when we have children that are being expelled from a program that

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they've already been deemed needing to have, that's really telling us that maybe we should be doing something different. We-- at that young age, if you have a child with behaviors such that we would remove them from the learning environment, it's, it's a giant red flag that we need to be looking to see if there's some additional help this child might need.

ALBRECHT: All right. So--

ELIZABETH EYNON-KOKRDA: So it does apply to early childhood.

ALBRECHT: --yeah, because I would think that by the time that, that little young 'un would have gotten to that stage of the game-- and we are requiring, from the state, that the children be able to read before they leave third grade. Well, if they're getting expelled at such a young age, we are missing something.

ELIZABETH EYNON-KOKRDA: Yeah. We are cutting our nose to spite our face. That's exactly right.

ALBRECHT: Um-hum. Um-hum. I appreciate your testimony. Anyone else? Seeing none, thank you for being here. Appreciate it.

ELIZABETH EYNON-KOKRDA: Thank you so much.

ALBRECHT: We'll take the next proponent. And again, you can speak on either issue, to LB632 or LB340. Hi.

CONNIE EDMOND: Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is Connie Edmond, spelled C-o-n-n-i-e E-d-m-o-n-d, and I'm here as a member of the executive committee for the Commission on African-American Affairs to testify in support of LB632. The goal for early childhood students should be to provide each child with a high-quality, early childhood experience and the necessary resources and individualized support to meet their developmental, academic and holistic needs. Young children in this age span come from diverse backgrounds and experiences and are typically at various levels and stages of social/emotional development. Some children may have limited social skills, difficulty in appropriate expression of emotions and poor self-regulations. If undressed-- and if unaddressed, this can result in challenging behavior with early childhood classrooms. Schools should actively engage families, administrators, teachers and school specialists using comprehensive and collaborative approach and provide the necessary resources to support children in kindergarten through second grade and set them up for success. Suspension from school sets children up for failure and

there are no second chances. You're only four once; you're only five once. Emotional/social learning is critically important to a child-- a child's development and the nonverbal message that suspending a child sends is all negative. It creates trauma. It's a message of rejection with no understanding. It's a message that you don't fit in. It's a message that you are different. It's a message that will have a long-lasting negative impact on the children's emotional well-being and their ability to become a productive member of society. Various Department of Education and state research indicates that children who are suspended or expelled, or expelled between the ages of four and eight are more likely to experience these forms of discipline during future educational years. They are more likely to experience the negative consequences that-- and they are more likely-- 25 percent more likely to drop out of school, 40 percent more likely to become a teen parent, 50 percent more likely to be placed in special education, 60 percent more likely to never attend college and 70 percent more likely to be arrested for a violent crime. Children are our society's most valuable asset. I implore you to treat our children as such. If our investment portfolios aren't performing to our market expectations, we don't pull our money out of the market. We let it ride because we know it will self-correct. Well, if we can believe in the self-correction of our money, then why can't we invest and believe in the self-correction of our early childhood students? The future of Nebraska will represent our decisions of today. I ask you to adopt LB632. Thank you.

ALBRECHT: Thank you, Ms. Edmond. I appreciate your testimony. Any comments, questions? Senator Briese.

BRIESE: Thank you, Vice Chair Albrecht. Thank you for your testimony here today.

CONNIE EDMOND: Sure.

BRIESE: It's great data you've shared with us and appreciate that. Does any of your data show a causal connection between early, early suspension leading to later problems in their lives or in their education, careers. Does this cause that problem? Do we know? Does it-- does the data suggest that?

CONNIE EDMOND: Yes, Senator. I appreciate that question. And all-- every state is addressing this issue. It's a statewide issue. And there's limited data, but the correlation between suspending kids from school and later, these problems that are negatively affecting their

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ability to be productive members of society, it's a direct correlation.

BRIESE: OK.

CONNIE EDMOND: Kids minds cannot process the trauma of being rejected.

BRIESE: If-- your belief, there is a causal connection there.

CONNIE EDMOND: I do.

BRIESE: OK. Thank you.

CONNIE EDMOND: Thank you.

ALBRECHT: Thank you, Senator Briese. Anyone else?

CONNIE EDMOND: Thank you.

ALBRECHT: Seeing none, thank you for being here. Next proponent.

ANAHI SALAZAR: Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r, and I'm representing Voices for Children in Nebraska. Children are Nebraska's future. No student in Nebraska should feel like they have failed at school, especially not at the preschool age. Early suspensions predict later grade suspensions, placing the child on track for negative school attitudes and outcomes. Voices for Children supports LB three-- LB632, because it will build student engagement from the early years, by disallowing the suspension of students pre-kindergarten through second grade. The Nebraska Department of Education defines preschool suspension as a practice that involves an adult removing or excluding the child from the classroom or program for any length of time, due to disciplinary purposes. Creating a safe environment for young children is essential for learning and growing. Students are unable to do either if they are not in the classroom. Research suggests that suspension can contribute to adverse childhood experiences or ACEs, such as emotional or physical neglect. Not allowing children to participate in school can have long-lasting effects. Many are aware of the national trend, school-to-prison pipeline, where youth are funneled out of schools and into the juvenile and criminal legal system. But recently, the term preschool-to-prison pipeline has surfaced, as data shows the disproportionate rate of suspensions, suspensions for preschoolers, especially black preschoolers. Suspensions are often given for nonviolent misbehaviors like defiance, disruption and exhibiting

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developmentally appropriate behavior deemed not by-- not so by the adults in the room, like not being able to sit still. Policing small students on minor infractions, many or all of which they are still learning to control, sends a message to them that they are, that they are a problem, that they don't belong in school. Will really harsh disciplinary policies push students down the pipeline? Preschool children are three times more likely than K-12 children to be suspended or expelled. By the time children arrive to kindergarten to second grade, they feel school is not a safe or welcoming place for them. The National Department of Education has released data showing that black students are being disproportionately suspended from preschool. Black boys, especially, far exceed average suspension rates, despite similar levels of behavior or misbehavior. Black boys make up 54 percent of the preschool population, but are 78 percent of those suspended. A concerning growing trend is that, is that of black preschool girls, who make up 20 percent of the preschool population, but make up 54 percent of suspensions. When it comes to disabilities in young black children, it takes an average of seven years for children to be diagnosed, but they may get suspended in those early years, because the behavior is attributed to misbehavior, rather than their disability. Children should be in school getting an education and accessing social skills. A better approach would be to teach and model for, for students, instead of push-- punishing by exclusion. I want to thank Senator McKinney for his leadership on such an important issue and the committee for your time and attention. And we respectfully urge you to advance LB632. Thank you.

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

ROSE GODINEZ: Good afternoon. I was thinking if it was morning. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am an attorney with the ACLU of Nebraska, speaking on behalf of the ACLU, in favor of LB340 and LB632. We thank Senator McKinney for introducing these bills. The ACLU of Nebraska promotes an education system that is free from punitive disciplinary methods and inappropriate and overused suspensions and expulsions. Suspension and expulsion are counterproductive to student learning. Students miss academic time that is crucial to their long-term academic achievement. Suspension and expulsion of students also have negative consequences for families, as parents or families have to miss work in order to care for their children. Suspended and expelled children are often left unsupervised and without constructive activities. They also can easily fall behind in their coursework, leading to a greater likelihood, as you've already heard, of ending up in the juvenile

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justice system. Moreover, black, multiracial and native preschool students are overrepresented in students subject to one or more out of school suspensions. The same can be said for students with disabilities. So these bills represent an important first step to ensure our students' success in schools. And I just want to take a quick minute just to answer some questions that were prompted by Senator Conrad. First, I know you asked about student counselors. We are not meeting the ratio. Omaha Public Schools is not meeting the ratio of student counselors to students. The recommended ratio is 250 students to 1. And OPS, from my last count, is 300 to 1. And then, I know there was also a question about why pre-K to second grade? And according to the American Academy of Pediatrics, really it's this zone of children that are ex-- whose expectations we need to adjust and they recommend building in more playtime, more constructive physical time, because of their attention spans, etcetera. So that's just generally a, a recommendation from pediatricians. And then, I know Senator Briese had a question about rates and, and how that-- dropout rates change could be affected. So while it varies by state, anywhere-- students that are suspended or expelled are anywhere between two times to ten times more likely to drop out of high school, if they have been suspended or expelled. So with that, we urge the committee to advance this bill to General File.

ALBRECHT: Thank you very much for being here and your testimony. Do we have any questions? Seeing none, thank you.

ROSE GODINEZ: Thank you.

ALBRECHT: The next proponent. Seeing none, any opponents wishing to speak? Anyone in neutral? Hi.

LISA SCHOENBERGER: Hi. How are you? Good afternoon. My name is Lisa Schoenberger, L-i-s-a S-c-h-o-e-n-b-e-r-g-e-r, and I'm really sorry. I had all of my sheets printed out for you and I left them on my kitchen table in Omaha and didn't realize that until I was about at Ashland. So I can certainly email this to you. I apologize. I am here representing myself and not any other entity or organization, but I did want to speak to you about my lived experience as a parent with a child with high behavior needs. Our daughter started kindergarten last fall, our oldest and I think, like most parents, we really just expected her to, sort of, take to it like a duck to water. She had had a year and a half of pre-K programming in our district. She had also had private therapy in-- to support speech and language development and occupational therapy. She entered kindergarten with an established IEP that quickly proved to be insufficient to handle her needs, for

the adjustment from pre-K to kindergarten. It became evident that she was really struggling with some of those executive function skills, including impulse control, focus and adjusting to any disruptions to her normal routine. Her academic skills are incredibly strong, but we were really concerned about her ability to remain in the classroom and maintain positive relationships with peers and teachers. Early on, we sought the advice, advice of our primary care pediatrician who was willing to make a referral to a behavioral health professional for more specialized care. We called to schedule that appointment. Again, this is in the Omaha metro area, and were told that the next available appointment was six months away. If you think about six months as more than half of a school year, that's a significant wait to get the kind of help that she really needed. Shortly after that, our daughter was suspended from school, when her behavior escalated and she became physically aggressive with a staff member. Certainly unacceptable for my husband and myself. We called the second major health care system in the area and were told that they were not even taking new patients and would not maintain a waitlist, due to the overwhelming need that they had. I kept at it. I called more than a dozen different providers in the Omaha area and finally got an appointment. I now drive 30-45 minutes each way, in the middle of my Wednesday, where I have worked it out with my employer to be able to provide for her needs. And I share this-- I see I have a yellow light and hopefully, I can expand on some of this a bit here, but I share this to point this picture that, yes, I absolutely agree that our youngest students need help more than they need punishment, but if they can't get the help, then where does that leave them? And as you consider these student behavior issues that have become such a common theme throughout this session, I really would like you to consider the community capacity for helping those students. Where would you like, philosophically, the schools to hand off to the community and where would you like the community to pick up from there? And are we sure the community has the capacity to be able to provide that for our students right now? If we had a student that we saw was struggling with school because maybe they couldn't see and the school communicated that to their parents and their parents waited six months for an eye appointment, I don't know that we'd put that on the schools. I don't know that we put that on the parents. I think we'd have to look at the community and say, gosh, we really need to figure out how we can expand capacity here.

ALBRECHT: You might be done, but I'm sure we have questions for you.

LISA SCHOENBERGER: Yeah. Great.

ALBRECHT: So thank you for being here. Any questions?

LISA SCHOENBERGER: Of course. Yes.

ALBRECHT: I know I have a few.

LISA SCHOENBERGER: Of course. Go ahead.

ALBRECHT: OK. So when you have-- so you had to take it upon yourself to figure out what you needed to do once she was expelled. What help--

LISA SCHOENBERGER: She wasn't expelled. She was suspended.

ALBRECHT: --she was suspended, so-- and being suspended, how long did-- before you had to bring her back to school?

LISA SCHOENBERGER: Just one day.

ALBRECHT: OK. One day. And was it only one time that she acted out with the teacher or many?

LISA SCHOENBERGER: No. I would say it was-- the, the physical aggression was somewhat new. There were times when she would elope from the classroom, for instance. You know what I mean? So this particular behavior was somewhat new. But no, I wouldn't say it was the first time. It just had kind of escalated to the point where we really-- I mean, you know-- and you had to really maintain the student code of conduct at that point.

ALBRECHT: And you did have a program already set up for her, but you felt like it wasn't enough. So you and the schools--

LISA SCHOENBERGER: You mean her IEP?

ALBRECHT: Her IEP. Did you [INAUDIBLE] together?

LISA SCHOENBERGER: Yeah. We were in the process of reevaluating the IEP at that point anyway. That's a pretty lengthy process. I mean, it's pretty comprehensive, you know, going through a lot of, of evaluations and you know, certainly my husband and I wanted to be a part of that, as well. So there were several different meetings to go over the results of these evaluations and then, to actually establish an IEP and a, a behavior plan and, and those kinds of things, as well. So all of that was in progress. We also, you know, had this appointment six months down the road that was already in progress. So we were working this, the school was working this. We're, you know what I mean, we're, we're all really trying to provide a solution to support our daughter. I mean, Senator Albrecht, this girl is going to

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run the world someday, but I've got to figure out how I get her through kindergarten.

ALBRECHT: I have one of those at home, too.

LISA SCHOENBERGER: It is so--

ALBRECHT: I get it.

LISA SCHOENBERGER: It, it, it truly is one of those things where we know that the pieces are out there that she needs. We just need to figure out how we put them together. And I feel like that is beyond the reasonable scope of just the school. I feel like it's beyond the reasonable scope of just my husband and I, who do care very much.

ALBRECHT: But you're saying that--

LISA SCHOENBERGER: You know, yeah.

ALBRECHT: --you have to take her during the middle of the day, 30 minutes away, to go to where?

LISA SCHOENBERGER: Yeah. So she actually sees a behavioral therapist. So I think--

ALBRECHT: The therapist wouldn't come to the school?

LISA SCHOENBERGER: --so some, some do. I would say when, when it's determined that the child's behavior needs are rooted in a medical need, like, for instance, ADHD is, is in the case of, of our daughter. That really requires a level of specialist care, occasionally, medication management, things that really are beyond the capacity of someone in a school, because you need a credentialed medical provider to provide those types of services. And so, that was something that we were absolutely willing to, you know, sort of use as an additional resource and another tool in our tool belt. But there are schools where, sometimes, they can bring people in, sometimes even that, there's, there's more need than there is, you know, a person to be able to come and provide those services. So there is a school psychologist that's part of her team. That person has been very helpful in helping us understand, sort of, the, the intellectual processes that maybe, are and aren't functioning where a typical six-year-old might be, so that we could help determine, sort of, what this diagnosis is and what we really did need help with. You know what I mean?

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ALBRECHT: So at this point, do you feel like you're getting there or not?

LISA SCHOENBERGER: We will. We will get there. You know what I mean?

ALBRECHT: That's good.

LISA SCHOENBERGER: I think we, we now have several different ways that we are trying to, you know, help and support our daughter. And, and do I think that the day of suspension was really, you know, something that was course correcting? No. I don't think that, intellectually, she really understood why we were home that day. But I do think-- you know what I mean? It's-- if not that, then what? Like I, I think as we look at behavior more generally, I think we do need to think about the diverse needs of is this a medical need? Is this a-- you know what I mean, a truly behavior need? Is there a, a struggle at home that, you know, needs support and help navigating? I think there's just a lot of different things and so, a one-size-fits-all solution is really difficult to come by.

ALBRECHT: Very good.

LISA SCHOENBERGER: Does that make sense?

ALBRECHT: Yes. I appreciate you--

LISA SCHOENBERGER: Of course. Yeah.

ALBRECHT: --you sharing your testimony, because it all kind of comes together with what we're--

LISA SCHOENBERGER: Yeah, absolutely.

ALBRECHT: --all talking about here today.

LISA SCHOENBERGER: Yeah.

ALBRECHT: Again, any other questions from the committee?

LISA SCHOENBERGER: Yeah.

CONRAD: Thank you.

ALBRECHT: Seeing none, thank you very much for your time. Do we have any other people in the neutral position on this bill-- these two bills, LB340 and LB632. OK. Seeing none, just for the record, LB632 had six proponents, online comments, three opponents, one neutral, and

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LB340 had nine proponents, two-- I'm sorry, nine proponents, two opponents and one neutral. So I'm wondering, I know Senator Linehan is up next. Is she-- where'd she go?

JOHN DUGGAR: You may have to--

ALBRECHT: Take five.

JOHN DUGGAR: You may have to take five and then come back we can just readjust the order.

RYAN YANG: I'm introducing for her.

ALBRECHT: I'm sorry?

RYAN YANG: I'm introducing LB690 for her.

ALBRECHT: Oh, very good. There you are. Come on in. OK. Senator Linehan must have had to go somewhere else to introduce something. And we have others out introducing. So we will have her staff-- please introduce yourself and you can go ahead and open on LB690.

RYAN YANG: Good afternoon, Vice Chair Albrecht and members of the Education Committee. I am Ryan Yang, R-y-a-n Y-a-n-g, and I'm introducing this bill on behalf of Senator Linehan. Today I am introducing LB690. LB690 changes how the State Department of Education operates. This bill imposes a statutory interpretation, meaning any time the State Board of Education is mentioned in statute, it shall be interpreted to be referencing the Commissioner of Education. LB690 also mandates that the State Board of Education cannot assume authority over or direct the Commissioner of Education. This bill also requires that the commissioner conduct annual reviews with several governmental entities. The commissioner will have to give an annual State of the Schools report to the Legislature, a biennial budget report to the Appropriations Committee and act as the executive and administrative head of the Department of Education. Lastly, the commissioner will have to report on the conduct of the State Board of Education to the Governor, Legislature and the Attorney General. LB690 will not only give more accountability to the state government, but it will also streamline how the Department of Education is operated. Thank you.

ALBRECHT: Thank you very much. It is customary that we do not question staff, but we will go ahead with proponents next. Thank you for being here--

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RYAN YANG: Thank you.

ALBRECHT: --and opening on LB690. Do we have any proponents wishing to speak to LB690? Any opponents. You might want to come up in the front row, so we know we have folks ready to speak. This is opponents on LB690. How you doing?

DEWAYNE MAYS: Good afternoon, Senator Albrecht and, and the committee.

ALBRECHT: Um-hum.

DEWAYNE MAYS: I'm Dewayne Mays, D-e-w-a-y-n-e M-a-y-s. I live in Lincoln, Nebraska. I'm representing the Lincoln branch NAACP-- and in opposition of LB690. I start by please, do not take the power away to carry out the educating and, and administrating of a fair and unbiased education to Nebraska students. Such education, as outlined in the constitution, must not be swayed by political ideology and changes with leadership in our government. Such leadership should have balance and checks that allow independence, that encourages creativeness and independent thinking. We believe that changes should be considered with depth and impact on future generations. Also, the impact of all Nebraskans should be studied and given a sincere consideration. The NAACP opposes LB690 because it proposes to take away the educational decision power of the Nebraska Constitution, which allows us local control of state education in the commissioner, by eliminating the elected board, by taking away the power, control, from the people and giving it, the power, to the Governor. These actions are being proposed while there are efforts in the Legislature, Legislature to increase the term limits of state legislators and seize the authority vested in the Department of Education. Efforts to implement this proposed bill exasperates the efforts to place education in the hands of the trained expert, rather than political education, education in Nebraska. Thank you in advance for all that, that you do for Nebraskans and the opportunity-- their opportunity to thrive. Please vote no on LB690.

ALBRECHT: Thank you, Mr. Mays. Any questions from the committee? Seeing none, thank you for being here. Do we have any other opponents wishing to speak? It's just this one? It'll go fast.

SUZANNE KEMP: Hi.

ALBRECHT: Hi.

SUZANNE KEMP: Good afternoon, Vice Chair Albrecht and the Education Committee. My name is Dr. Suzanne Kemp, S-u-z-a-n-n-e K-e-m-p. I'm a

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professor of practice of special education at the University of Nebraska-Lincoln. However, I'm here today representing the Nebraska Association of Colleges for Teacher Education, or NACTE, in opposition of LB960. NACTE serves as a state chapter, representing all Nebraska educate-- teacher education institutions approved by the Nebraska State Board of Education. Members include Bellevue University, Chadron State College, College of Saint Mary, Concordia University, Creighton University, Doane University, Hastings College, Midland University, Nebraska Wesleyan University, University, Peru State College, Union College, the University of Lincoln-- Nebraska at Lincoln, Kearney and Omaha, Wayne State College and York College. NACTE is a strong supporter of an independent Commissioner of Education, who is appointed by an independently elected State Board of Education. This democratic process allows Nebraskans to be directly involved in issues and decisions related specifically to education and must continue. We know the demo process-- democratic process works in this state, as evidenced by the last, last, last elections in the State Board of Education members. To that end, the subtle language additions in LB9-- or LB690 appear to be laying the foundation for which to erode this independent-- erosion of this independence could occur. This is further evidenced by the subsequent resolutions that are also on the schedule today. Insert-- the insertion of language like "as directed by the Legislature" and "contrary to state law," implies that the Legislature will be taking a more active role in directing the actions of the Commissioner of Education and State Board and that the State Board of Education is not currently abiding by law, about which NACTE disagrees. NACTE believes that the legislators should not provide additional specific direction to the State Board of Education or Commissioner of Education outside of that, that already exists in, in statute law. Providing information on the performance and the state of our schools is a piece that would be valuable. The commissioner and Department of Education currently provide many progress reports, so providing them specifically to the Legislature would allow another audience to be informed about the working to be done. This could be executed without legislation, however, and NACTE would support the nonlegislative approach. The very specific language inserted at the end of this bill again, seemed to imply that the State Board of Education is not currently following the law because that is explicitly stated again. It also appears to provide a foundation for a structure, where the Commissioner of Education is not appointed by an independent State Board of Education. NACTE is opposed to LB9-- LB690, because we strongly-- we believe strongly in an independently elected State Board of Education who conforms to current statutes and laws and who appoints the independent commissioner of education to lead

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Nebraska education. We do not see a need for this bill. We do want to note that NACTE has submitted written testimony in opposition of LR24CA and LR28CA, which we feel is related to this bill. Thank you for your time and I'm willing to take any questions.

ALBRECHT: Thank you very much for your testimony. Thank you for testifying for all the other folks so that we didn't have to--

SUZANNE KEMP: Absolutely.

ALBRECHT: --listen to them individually. Appreciate that. Any questions for Ms. Kemp? Seeing none, thank you for being here.

SUZANNE KEMP: Thank you.

ALBRECHT: Any other opponents? Seeing none-- oh, we have one.

JACOB CARMICHAEL: Sorry.

ALBRECHT: That's all right.

JACOB CARMICHAEL: Hi. Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is Jacob Carmichael, J-a-c-o-b C-a-r-m-i-c-h-a-e-l, and I'm here today in opposition to LB690. What are we doing here? What's the actual purpose of this bill? What is this accomplishing for Nebraskans? The answer is nothing. This is a shameful bill to put forward and a shameful bill for this committee to advance and nothing but a shameful power grab if this body chooses to advance it. The Nebraska Constitution was written with a State Board of Education. It has had a State Board of Education. That State Board of Education is not a problem. What apparently seems to be a problem to this bill to a majority of the constitutional amendments proposed today, is the fact that there is another independent body that can clash with this Legislature and this committee. That's unacceptable for this Legislature to use its body to shut down another elected committee, another elected body. The State Board of Education is divided into districts. Those districts are equally proportioned and have their own representatives on the state board that advocate for them. Let's be realistic. This entire bill and this entire movement is based around the debate for evidence-based sex education in this state. I don't know what else to say. I had written testimony, but that's out the window because I just am disappointed that I have to be here before this body, advocating for simple democratic principles. This bill should not be passed. This body should not shut down another independent body just because there are disagreements. It is an independently elected body with independently elected members. And the

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Governor being able to appoint a commissioner of education and later on, with the other hearings, additional-- to appoint the-- each of the State Board members is-- I'm aware that it's later constitutional amendments, but please just ask yourselves what the actual point is. Please just ask yourselves what this bill would actually accomplish and what the Legislature would actually accomplish by passing this bill, because there is absolutely no benefit to the people of Nebraska. Thank you.

ALBRECHT: Thank you for your comments. Any questions for the committee? Seeing none, thank you for being here. Any other opponents?

SHIRLEY NIEMEYER: Before I start, I am going to say that it was difficult discerning the differences between some of the bills. So my testimony is not quite where it should be on this first one. I oppose LB690 because I believe the freedom of education and a multitude and diversity of people, making choices at the state and local level about education and the futures of our children and youth, is the best solution. The bills, LB690 and the others--

ALBRECHT: Oh.

SHIRLEY NIEMEYER: --t this hearing are over--

ALBRECHT: Sorry about that. You didn't say your name and spell it.

SHIRLEY NIEMEYER: Oh, I'm sorry.

ALBRECHT: Sorry.

SHIRLEY NIEMEYER: Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r. I believe this is top down legislation and not in keeping with the platform of the predominant Nebraska National Republican Party. Local control, local decision-making is the philosophy of many Nebraskans. The top one or two people controlling, regulating and influencing decisions about education and local school policy and state school, school policy, curriculum, procedures is a nondemocratic process. These-- their decisions will likely conflict with local school boards-- which I believe in local control. This person may not be the best qualified. What is needed is a broad range of elected, analytical and logical persons with diverse backgrounds, people who are willing to consider options and other people's differences and their opinions and not put through one set of opinions, but of diversity. And it's the best solution. Where does Nebraska rank in education? If the state school board has made wrong decisions, why are we ranked number 9th? In the U.S., it is one of the best states for infrastructure and

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education, with one of the highest school graduation rates, according to U.S. News and World Report. In another poll, it ranks 20 out of 50 in business environment. Nebraska-- best states for primary education? Nebraska ranked 3rd-- 13th. And another poll ranks us 9th, in both higher education and K-12. So why are we trying to fix something that's not a problem? I think it's for the same reasons that values entered into submitting these bills, because of what-- two decisions made by the State Board, which maybe weren't quite right, but they could have been changed to make it appealing to everybody. But because of what happened, that's the result of these three or four bills. And it's sad. It's so sad because if we don't have great education for our kids, I don't know what's going to happen. So I thank you very much. I will be testifying again. And I hope it's different, because my testimony got all mixed up under different bills. Thank you.

ALBRECHT: You're fine, Ms. Niemeyer. Thank you very much for your comments. Hold on. Do we have any questions? Nope. You can go wait for the next time. OK. Any other opponents? Seeing none, anyone in a neutral position? Seeing none, LB690 had four letters for proponents and 12 opponents and no neutral. So, Senator Sanders, would you like to take over while I--

SANDERS: Yes.

ALBRECHT: Do you have to leave?

SANDERS: I, I think I'm here for a while.

ALBRECHT: You're here for a while?

SANDERS: Absolutely.

CONRAD: I'm happy to hold down the fort.

ALBRECHT: Yeah.

SANDERS: You're the only--

SANDERS: OK. Welcome, Senator Albrecht.

ALBRECHT: Thank you. Good afternoon, Senator Sanders and Senator Conrad, since everyone else is gone. For the record, my name is Joni Albrecht, J-o-n-i A-l-b-r-e-c-h-t, and I represent District 17 in northeast Nebraska, which includes Dakota, Thurston, Wayne and a portion of Dixon Counties. I'm here today to introduce LR24CA, which would eliminate the State Board of Education and move the State

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Department of Education under the Governor's Office and have the Governor appoint and fix the compensation of the Commissioner of Education. The Commissioner of Education shall be the head of the State Department of Education and shall have such powers and duties as the Legislature may be direct. Here is a brief recap of how we arrived here. In 1952, a constitutional amendment established a State Department of Education, which acts under the authority of the State Board of Education. The role of the Superintendent of Public Instruction was transferred to the Board of Education and to the Commissioner of Education in 1955. The 1967 Legislature divided the state into 8 districts, and the membership of the State Board of Education was increased from 6 to 8 members in 1969. And the districts were realigned by the 2011 Legislature. In 2021, the State Board of Education presented the first draft of the health education standards. These standards created a crisis of confidence in the State Board of Education and our Department of Education, as evidenced by the overwhelming number of Nebraska parents, grandparents, teachers and others from all corners of the state who are standing in opposition to this content. Article VII of the Constitution of the State of Nebraska says that the State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct. It also says that the duties and powers of the State Board of Education shall be prescribed by the Legislature and the Commissioner of Education shall have power and duties as the Legislature may direct. Developing the health education standards is outside of the scope of the duties of the Legislature, as prescribed in Statute 79-760.01, which states that the State Board of Education shall adopt measurable academic content standards for at least the grade levels required for statewide assessment, pursuant to Section 79-760.03. The standards shall cover subject areas of reading, writing, mathematics, science and social studies. (a) the board shall also adopt measurable academic content standards for the following as part of the social studies standard. Number one, the financial literacy; number two, the education on the Holocaust and other acts of genocide as recognized by Congress of the United States or the United Nations as of January 1, 2022. The board shall also adopt measurable academic content standards for computer science and technology education under the mathematics, science or career and technical education standards. Three, academic content standards adopt or recommend, pursuant to this section, shall sufficiently clear and measurable to be used for testing of the students' performance with respect to the mastery of the content described in the state standards. Number four, the State Board of Education shall develop a plan and review and update standards for

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each subject area every seven years. The State Board plan shall include a review of the commonly accepted standards adopted by the school districts. I have included a flowchart, which is right here if you'd like to hand out. I have included the flowchart from the Accelerated Nebraska for you to look at, regarding the governance of Nebraska's PK-12 education system. As you can see, there are a lot of government over schools. We have the Governor, we have 49 legislators, we have eight members of the State Board of Education, elected by the people of Nebraska. Then there are 17 educational service units, which have 155 elected officials. We have school districts that have 1,700 school board members and we have a learning community that has 12. Not only do we not have all of the elect-- not only do we have all the elected officials, but we all have advisory groups. There are five advisory groups appointed by the Governor, which includes educational, telecommunications, information technology, statewide assessment, the Nebraska Library Commission and the Nebraska Board of Educational Land and-- Lands and Funds. The Commission of Education has the Commissioner's Advisory Group of 32 appointed members. Special Education Council with 24 appointed members and the Nebraska Professional Practices Commission with 12 appointed commissioners. When the State Board of Education was put into place in the 1950s, they thought it would be closer to the people. I am not sure that we are any closer to the people. If you called 200 Nebraskans, not many of them could tell you who their state school board member is. The State Board of Education member-- members run every four years. And when the people get mad at the schools, who do they call? They talk to us, they contact their school boards. We do need a Department of Education and a Commission of Education to oversee the schools in Nebraska. As we all know, we have a teacher shortage. We have kids missing school. We have issues with disciplines in the school and so on. I don't see the State Board of Education focusing on these issues. If they are so close to the issues that are happening in schools, they should be addressing these concerns. When there is a crisis and you've got somebody in charge, you can hold them responsible for addressing that crisis. We don't have this, if you look at the flowchart. We collect the taxes. The school boards collect-- that collect-- that have the taxes paid to them for everything. We completely underwrite the Department of Education. Their only source of funding is from the taxpayer, Appropriations and the federal government. There seems to be no oversight over the State Board of Education. I feel a need to change and help address this issue. This will bring more accountability and oversight to the State Department of Education and Commissioner of Education by moving them under the Governor's Office.

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

SANDERS: Thank you, Senator Albrecht. Let me check if there are any questions.

ALBRECHT: Senator Conrad.

CONRAD: I-- it's just one. Thank you so much, Vice Vice Chair. Thank you. Senator Albrecht, I, I know that you've had a great deal of interest in these issues during the course of your career, and wasn't surprised to see you bring this measure forward. So one thing that I'm trying to, kind of, sort out-- well, maybe a couple of tracks here, but is the primary motivating factor for the measure, the dissatisfaction with the health standards measure that was deliberated by the State Board of Education in recent years?

ALBRECHT: I would say, certainly, that was the motivator for myself. Yes.

CONRAD: OK. And I think, you know, it's fair to say that we probably have a different perspective on some of those issues and perhaps, even the strategy in terms of how it was taken up. But I do want to just-- and I appreciate your candor there, because I do want to, kind of, focus on how that was, I think, a galvanizing factor for a lot of people interested in those issues. But I don't want it to overshadow the, the lengthy history and good work that the Board has, has done, which you laid out very deftly in your, in your opening there. You know, and then the last piece just on that thread, I guess, that I would ask is that, you know, from your perspective, since you disagreed with the Board's process and proposals, the people spoke out and the process worked, right? The, the pieces that you found objectionable were not moved forward. Is that an accurate assessment?

ALBRECHT: Well, I would say they put them on hold.

CONRAD: OK.

ALBRECHT: I don't know that they could possibly move it forward.

CONRAD: OK.

ALBRECHT: It would be a travesty if they did but.

CONRAD: So-- OK. So you're worried that they may take up the issue again and that's why you bring forward this measure as a remedy?

ALBRECHT: Yes.

CONRAD: OK. I, I appreciate and understand that. And then, just a final point, just so that it's clear for the record. I mean, there's no doubt that this was an issue of statewide concern and it popped up, I think, as really, a key issue in recent elections, where we had a lot of state board members on the ballot. And so, they had a chance to continue the dialogue with their constituents about those issues in pretty sharp focus, it seemed like, from my vantage point.

ALBRECHT: Very much so.

CONRAD: But, you know, the, the other piece there is that it also showed me that in some districts there, there was a desire, by some voters. To have a stronger focus on some of those issues or they appreciated the direction the state board was going. So I'm just trying to get, kind of, an assessment of what this remedy proposes, in terms of what remedies we already have at the ballot box. So just trying to work through that on the record. Happy to give you a chance to respond.

ALBRECHT: And I can, I can truly appreciate where people are coming. That's why when you bring something like this of this magnitude to the vote of the people, it will help all of us understand whether they're happy with the process, because these-- the State Board of Education obviously has a lot of different things that they do. And I'd love to hear from them today, to hear more about it. But what I think the missing piece was, is even for the testifiers from the previous bill, the Legislature decides the big bills that go to the Department of Education, that go to the State Board of Education. We, as a collective unit, decides if we have to make sure that our schools are reading-- that kids are reading before they leave third grade. We are the ones that decide the big issues that we hear from all of our constituents. Not to say that the-- us 49 are any greater than the State Board of Education, but the difference is that it's already in state statute. It's in statute that they must listen. And knowing that that-- where in the world did that come from two years ago? And we didn't know anything about it, as legislators? How could that possibly be? And when I read off all these other advisory committees and who decided who's going to do what, but 49 state legislators who have to direct the, the department on what major proposals get changed? It's not right.

CONRAD: Yeah. No. And, and I appreciate your response. And, and I, I know we all want to hear from the folks that, that are here to testify

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on both sides. But, you know, I reviewed the statute-- the constitutional framework and the statutory language. And it seems to me that your goal is greater legislative engagement and involvement in the State Board of Ed process, which I think exists under current law. So I understand that this is another solution that you're pursuing that perhaps, would be a different track, but just trying to kind of sort it out. Appreciate it.

ALBRECHT: I appreciate it. No problem.

CONRAD: Thank you.

SANDERS: Thank you for bringing this bill forward. Thank you for your questions. Will you stay for closing?

ALBRECHT: Yes. I will be staying.

SANDERS: OK. On that, we will take our first proponent. Any proponents on this bill? I see none-- on this LR24CA. Any opponents? Welcome to the Education Committee.

JENNI BENSON: I'll look at you.

SANDERS: I know. Or Conrad-- Senator Conrad.

CONRAD: [INAUDIBLE].

JENNI BENSON: I'll do this. Like this. Hi, Committee. I am Jenni Benson, J-e-n-n-i, B-e-n-s-o-n, and I am the president of the Nebraska State Education Association. I am here on behalf of the 28,000 members of NSEA. And we are opposing LR24CA, a constitutional amendment to eliminate the State Board of Ed. The Nebraska State Board of Education is an elected constitutional body that sets policy and ensures that the State Department of Ed functions effectively, within the framework developed by the Legislature and the board. By law, the State Board and the Department of Education have broad leadership functions and authority to carry out regulatory and service activities. The State Board of Ed has served in this elected constitutional body since Nebraskans passed, in 1952, an amendment to the state constitution. State Board of Education members are elected every four years, from eight districts created by the Legislature. Members of the board are elected on a nonpartisan ballot by local voters. This board is probably the least partisan of any elected body in Nebraska. And that's a very good thing. Current board members include five former educators and three laypersons. The composition of the board reveals that voters believe it is important to have the experience and the

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voices of former educators in decision-making process, as the state formulates education policy. This CA would eliminate the State Board and have the Commissioner of Ed appointed by the Governor. It would erase the right of Nebraska citizens to have a direct link to education policy development by moving education policy directly into the hands of one person, the Governor. Nebraskans do not want less citizen-based control of education policy, yet this would be the effect of this proposal. Allow Nebraskans to continue their direct influence on education policy by keeping an elected State Board of Education. Thank you.

SANDERS: Thank you for your testimony. Are there any questions? I see none.

JENNI BENSON: I had one more thing. Is my light up?

SANDERS: Please.

JENNI BENSON: When we talked about appointed, I, I just want to make a statement. So when Governor Heineman-- that's how long I've been around. When Governor Heineman was around, he would reach out to us and to education areas and say, who would you like to be on PPC, which is one of the appointed boards that that the Senator was talking about, professional practice commission for our educators. He would reach out. He'd say give us some names. And then he would appoint a wide variety of folks, some who were members of NSEA, some who were not. When the last Governor came in, they asked for the same thing. I sent in names of state teachers of the year. It was a daunting process to apply. Not once in eight years did he put a name that I had submitted onto the PPC, which is our professional practice. We represent over 20,000 active educators and yet, that was the Governor's decision. And so, even though they asked for it, they didn't ask. So I have a problem with that one person being able to appoint completely. Thank you.

SANDERS: Thank you. Are there any other opp-- proponent-- opponents?

JEFF STALLWORTH: Opponents.

SANDERS: Opponents. Welcome.

JEFF STALLWORTH: Thank you. To the committee, thank you for the opportunity to speak. My name is Jeff, J-e-f-f Stallworth. I'm a retired public school teacher.

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SANDERS: Excuse me, if you could spell your first and last name for the record.

JEFF STALLWORTH: J-e-f-f S-t-a-l-l-w-o-r-t-h.

SANDERS: Thank you.

JEFF STALLWORTH: OK. I'm a retired public school teacher, current substitute teacher and I taught high school social studies in the two largest school districts in the state of Nebraska, Omaha Public Schools and Lincoln Public Schools, for 24 years. I'm here today to voice my opposition to the legislative resolution. And I'm, I'm here on behalf of, I guess, retired teachers and people who listen to Fred Knapp every day summarize the work you do. So due to the current political climate in this country, we can deduce any appointment made by a governor in a Republican state, like Nebraska, would be political and have an emphasis on bashing public schools, with a focus on low test scores and low graduation rates as a means to create changes within the schools and their curriculum. From my experience, the State Board of Education makes it and has made it a priority to listen to those who most impact students: the teachers. The State Board of Education provides support for those in education and in some instances, visits schools and classrooms. People who are appointed to positions or elected to positions, as a general statement, may not have the ability to do that and sometimes neglect the one thing they can-- that can allow them to see how schools really function and hear what is taught and that's visiting schools and classrooms. A number of people in law-making positions in the United States are critical of schools and education, but don't visit schools or classrooms. Data, statistical analysis and test scores, for over 100 years, has been the means to determine how schools perform. From the Stanford-Binet IQ test, to Iowa Test of Basic Skills, to the bell curve, commissioners generally believe schools failing these tests are failing schools. Perhaps, some of the low test scores and poor, poor graduation rates are because of a number of high school age students. They may be the only person in a household who has an income. Their focus is on making money to pay bills, more than preparing for standardized tests or regular study. Or the middle, middle school age student who, because of the circumstances in their home, has the de facto responsibility of taking care of younger children, sometimes infants and toddlers, rather than being an academic student and doing well on academic tests. Or the elementary school age student, who may spend up to 2 hours a day on a bus to attend a quote unquote better school, which in turn, may disrupt the amount of sleep the student regularly get-- regularly gets, which has an impact on their ability to perform well

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on tests. Those who rely-- in summary, I would like to say those who rely on data analysis sometimes overlook the reality that in a school district like Omaha Public Schools, students speak over 100 languages. In the larger number of school districts in this state, only one language is spoken. A educational commissioner likely would neglect that as a reality that impacts performance in schools. Thank you.

SANDERS: Thank you for your testimony.

JEFF STALLWORTH: You're welcome.

SANDERS: Are there any questions? I see none. Thank you very much. Opponent? Thank you.

STEPHANIE SUMMERS: Good afternoon. My name is Stephanie Summers S-t-e-p-h-a-n-i-e S-u-m-m-e-r-s. I am here in opposition to LR24CA. I am a school board member of 12 years and I am representing the Nebraska Association of School Boards in our opposition. I think-- part of the main reason, obviously, is Nebraska Association of School Boards likes elections and the voice of the people to be heard and to choose their representatives at the local level. And while that means at-- for a local school board rep-- school board member, like myself, that also means regionally. And as a school board member, my state school board representative represents me as a school board member and I can talk to them about the 650 students that I represent. The voice of the people, I agree with Senator Conrad, I feel, was heard. I think that the process represented a very democratic way of listening to the people, traveling around, holding meetings. That was the process that was put into place and approved and it was followed. And the results were as they, as they came out. I think that the-- taking away the State Board of Education takes away that process. And I can't foresee the Governor or a one commissioner going-- traveling around, listening to all of the parents and all of the students and everybody else that would like to have a voice in every single curriculum piece that might-- or program that might be presented in a public school. That is one of my big-- biggest concerns, is the voice of the people not being heard. Not everybody is going to travel down to Lincoln and have a seat in front of the commissioner or the Governor in order to make sure that what's being done over in David City or out in Ogallala meets their needs. That will be a very difficult thing for them to do and I'm sure, for the Governor or the commissioner to do. So with that, we hope it doesn't move out of committee.

SANDERS: Thank you for your testimony.

STEPHANIE SUMMERS: Any questions?

SANDERS: Thank you for your testimony. Are there any questions?
Senator Conrad.

CONRAD: Thank you so much. And thanks for being here and, and sharing your perspective. Were you observing or an active participant in the State Board of Education's process related to health standards over the last couple of years?

STEPHANIE SUMMERS: Yeah. I was. We, we talked about it at our local meetings, our regular meetings of our board. We had several conversations, as a board, on whether or not we wanted to make a statement. We had community members comment to our school board meetings. We didn't really have a lot, but there were some concerns that came about during that time. We had people talking to us in our local communities and I also watched it on television, since it was televised.

CONRAD: Well, that-- that's a very active participation. Yes. I think the answer is yes. You know-- and this issue popped up occasionally, when I was out on the campaign trail knocking doors. Some, some time had passed. So maybe it wasn't as top of mind for folks as it was just maybe, a year or so ago. But, you know, one thing that well, many things, but one thing that, in particular, confused me about the debate the, the whole way through and I'd love to get your perspective on it as a local board rep, was I never saw anything in the proposal that was mandatory, in regards to local school boards. And I didn't see anything in the proposal that changed the current law, which allowed parents to opt out if that wasn't the right curriculum for their family. Did I miss something in that debate or did you have a chance to, to review those two components of the, of the issue?

STEPHANIE SUMMERS: Yes. And that was-- those-- that, that component of it, the nonmandating that, that you don't-- and none of those kind of elected types of curriculum we need to adopt. And so that was one of the major conversation points that we had with our constituents and with my fellow board members was that anything that was passed from the state, with those particular health standards, we didn't have to adopt. And that was going to be a local decision between us and our community members. And so, with that being said to all of our constituents, there really wasn't that much of a concern because nothing had been adopted. We were still in the process. And so, we just communicated that to our constituents. And yeah. It went well.

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CONRAD: Very good. Thanks so much. Appreciate it.

SANDERS: Thank you for your testimony. Are there any other opponents? Welcome.

PATTI GUBBELS: Thank you. Good afternoon. My name is Patti Gubbels, P-a-t-t-i G-u-b-b-e-l-s, and I serve as the president of the Nebraska State Board of Education. On behalf of the State Board of Education, I am here today sharing our opposition to LR24CA, LR28CA, and LR29CA, which would all alter the educational decision-making structure in our state. Nebraska's system of education governance includes eight State Board of Education districts, with one board member elected from a nonpartisan ballot from each district. The board is the policy farming, planning and evaluative body for the state school program. A few specific examples of board responsibilities are appointing the commissioner, adopting regulations, instituting an accountability system and accrediting public and private schools, just to name a few. Board member terms are staggered, so the board is never comprised of all new members. The current mean board member tenure is less than three years. There's no need for term limits. Not all states have education governance structures like Nebraska. Board members, depending upon the state, may be elected via a partisan vote, nonpartisan ballot, be elected by local school boards, be appointed by the governor or combinations thereof. Only four states do not have a state board of education. Although there are varying state education structures, our existing state governance structure is the right one for Nebraska for several reasons. First, the current structure preserves important principles of our representative form of government. Because our board members are elected by their district, they listen to citizen voices. Because board members are elected, they answer to the citizens who elect them. Additionally, a stakeholder survey, with 2,600 responses from residents in 93 counties, revealed respondents' desire to keep politics out of Nebraska education. Gubernatorially appointed commissioners of education or board members puts education policymaking into political hands. Appointed board members could be from one or just a few parts of the state, rather than geographically representative. Additionally, with each gubernatorial election, the political-- potential exists for political educational policymaking to whiplashed the educational system. Finally, our government was founded on the principles of checks and balances to assure that no division of government becomes too powerful. Checks and balances relates to the branches of government, but it also applies in general. Our current structure preserves the balance of power between the Unicameral, Governor and the people's representatives to the board. The absence of an elected State Board of

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Education tilts the power balance in favor of the executive branch and removes power from Nebraska voters. While our current state education governance structure is not perfect, it keeps some power for education decision-making with a body of regionally elected officials rather than in the hands of a few. Effective education governance depends on meaningful collaboration of an elected State Board of Education, a commissioner, Legislature, Governor, locally elected school boards and Nebraska stakeholders. We look forward to deepening these relationships, to ensure that all Nebraskans are learning, earning and living. Thank you.

SANDERS: Thank you for your testimony. Are there any questions?

CONRAD: I just have one.

SANDERS: Senator Conrad.

CONRAD: Thank you, Senator Sanders. Thank you, President Gubbels. Gubbels? Gubbels?

PATTI GUBBELS: Gubbels.

CONRAD: Gubbels. OK, very good. I was just wondering if you could provide us with some more information about the stakeholder survey that you referenced in your testimony. Was that like, conducted by a polling firm or was that like, an online survey that Department of Ed did? I was just interested in--

PATTI GUBBELS: Sure.

CONRAD: --learning more about that.

PATTI GUBBELS: That is, that is the stakeholder engagement survey--

CONRAD: OK.

PATTI GUBBELS: --that we, we hired for, for our commissioner search.

CONRAD: OK.

PATTI GUBBELS: Consultants, they put the survey together. It was an online survey, distributed throughout the state of Nebraska. We've just recently gotten the full result-- results of that survey, so the board, in full, has not gone through. We looked at, as a search committee, preliminary results, but we will be looking at the final results. But even in the preliminary results, it came, came in loud

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and clear. When the question was posed, what, what are the challenges the commissioner will face or what do you believe education should be in Nebraska? Not having politics as part of education was the number one response.

CONRAD: I believe that. Yeah. But thank you so much for sharing more information. And perhaps, other members of the committee might be interested in learning more about some of those responsive [SIC]. It sounds, sounds like fresh data that might be relevant to a, a lot of different conversations. And then, you know, the last that I'll, that I'll just leave you with, because I think that it's kind of at the heart of this issue and I know you were in elected office, I think, during the the most recent health standards study is that, you know, in talking to colleagues, including Senator Albrecht and others on this committee and beyond, in talking to parents across north Lincoln, you know, the, the common thread that I see underneath all of it, and that I know each board member on the state board holds true, as well, is that it's, it's a, a sincere desire to protect and help and support kids.

PATTI GUBBELS: Sure.

CONRAD: I, I think that's absolutely un-- unquestioned. You know, again, where it would break down, for me, in talking to people and I'd explain, you know, this isn't a mandate, your parents' rights are totally balanced here and they have a right to opt out, but they don't have a veto power over what my kid can learn, right, kind of situation. And I had so many constituents that would just say, well, what are we fighting about? Why, why are we fighting about that, if that is in fact the current law? And I think, you know, when we ratchet up, rather than de-escalate some of these hot button issues, it just-- it does a disservice to our public discourse and trying to find solutions to things that do-- that we do have challenges, in regards to teacher recruitment and retention, education funding, nondiscrimination, etcetera. So I'm happy to give you a chance to respond to that if you want to. But I, I think that things-- two things can be true at once. We can be really proud of our public schools and we can recognize there's room for improvement.

PATTI GUBBELS: Absolutely. I'm not sure which part of that-- any or all?

CONRAD: Any or all. It's an open forum.

PATTI GUBBELS: I'm willing to respond to all of it. I guess the first thing I would say is that as a state board, we have regulatory responsibilities and we have service responsibilities. The regulatory responsibilities, are, are those that are directed to us by the Legislature. Our service responsibilities are those that hit at more of what I'm hearing in your response, is what, what can we provide schools to help them help children in all ways possible-- academically, socially emotion-- social emotionally, physically. You know, we, we really believe that education is education of the whole child. So a number of the things that the State Board does and supports through NDE's work are service-oriented programs. So that's the first thing I think I, I want to say. And certainly that with health education, that is not mandated regulatory. I mean, it's not part of state statute, but we have standards for world languages, we have standards for fine arts. So-- and those are provided, again, as a service to school districts, saying here, here are our standards that we believe are important. But as a local district, because we believe in local control, you can pick and choose any of these standards that you think are appropriate because we recognize one size does not fit all. And in Nebraska, we all know that we have very diverse school systems throughout our state. So by providing an opportunity to say, here's a place for you to start, with standards. You can pick and choose whichever ones you want. You have to have health ed standards, right? Schools have to have health ed and standards. So with health ed, as with all of those other elected standards, pick and choose or make sure that you have your own, but you need to have them. OK.

CONRAD: Very good.

PATTI GUBBELS: Yeah, I, I think I have more to say, but I'll stop.

CONRAD: No, that's, that's very helpful. Yes, I'm sure it could probably fill a, a, a, a, a lengthy tome, based on that experience that I think we all shared as engaging Nebraska citizens in regards to that process. And I know Senator Albrecht and others followed it very closely and are trying to think critically about, kind of, what learnings we can carry forward to make sure that there is perhaps, a better process with more clarity next time a tough issue pops up. Yeah.

PATTI GUBBELS: Yeah. And I guess just to respond to that, we, we did put the health and standards development on hold. And part of what we followed that with, is having an external evaluator, evaluator come in to really look at the processes that we use not just for health ed standards, but for all of our standards' development and how, how we

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approach it. Right. Tried to be as comprehensive with that review as possible. We don't have the results of that back yet. But what I will say is that I think as a state board, you know, we're, we're not in a rush to bring health ed standards back up. We recognize that there are critical issues in education that we need to be addressing. For example, the teacher shortage. In that stakeholder survey, that was one of the top things that was identified as issues perceived by the public. We are, we are working on that. We've identified that as a short-term priority and are taking some steps, the first one of which was to repeal Rule 23, the Praxis test.

CONRAD: Wait, I read about that. Yes.

PATTI GUBBELS: That passed it. Yes.

CONRAD: Sorry, I didn't mean to [INAUDIBLE].

PATTI GUBBELS: Oh, that's OK.

CONRAD: Thank you.

PATTI GUBBELS: Thank you.

SANDERS: Thank you. Are there any-- Senator Wayne.

WAYNE: So can you tell me the difference between an accredited and approved school?

PATTI GUBBELS: Yes. Accredited schools have to meet with all of the NDE regulations and requirements. Approved schools do not have that same level of standard that they have to meet. For example, approved schools do not have to meet all of the assessment requirements that accredited schools do. That's just one example.

WAYNE: And so then, in what ways does the State Board-- well, are private schools subject to State Board regulations?

PATTI GUBBELS: Private schools are not, depending upon whether they're, whether they are approved or accredited. Right. They can be accredited if they choose to do that. They can go for approval if that's the direction they want to go. And so what-- the regulations would depend on whether they are approved or accredited.

WAYNE: And so, so again, the difference between approved-- I'm still not really understanding it, between approved and accredited.

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PATTI GUBBELS: The-- their requirements to be accredited are-- the standard is higher than it is for approval.

WAYNE: And you can regulate the standard of approval, too.

PATTI GUBBELS: Yes, I guess, ultimately, we could influence or consider the distinction between accreditation and approval.

WAYNE: You don't write the rules on accreditation and approval, what the difference are?

PATTI GUBBELS: We do.

WAYNE: So then, so then you set the standard for private schools, what they're approved or accredited. So you oversee, you oversee them, too?

PATTI GUBBELS: We do. We set those requirements or guidelines. Yes.

WAYNE: So you can make them the same as public school or different than public school.

PATTI GUBBELS: We could--

WAYNE: So you guys have the authority to do that.

PATTI GUBBELS: --but we recognize that there are some schools that may not have the resources to meet all of the requirements of an accredited school.

WAYNE: OK. What--

PATTI GUBBELS: Because some of it's staffing.

WAYNE: --right. I just keep hearing that, that, that today in the floor debate and is, you know, not necessarily a part of this bill, that there's no oversight. But the fact of the matter is, is there is oversight and it's all underneath the State Board of Education.

PATTI GUBBELS: The State Board of Education has oversight on a number of things. Yes.

WAYNE: Thank you. Thank you.

PATTI GUBBELS: Thank you.

SANDERS: Thank you. I don't think we have any other questions. Thank you for your testimony.

PATTI GUBBELS: Thank you.

SANDERS: Are there any other opponents? Welcome.

GARRET SWANSON: Thank you. Members of the Education Committee, my name is Garret Swanson, G-a-r-r-e-t S-w-a-n-s-o-n, and I'm here on behalf of the Holland Children's Movement, in opposition to LR24CA. The abolishment of the State Board of Education and having those powers assigned to the Governor would compromise a delicate balance of powers outlined in the Nebraska Constitution. Education policy should be developed based on the needs of the students and the community and not influenced by the political agenda of the particular Governor or political party. If the Governor controls the State Board of Education, it could lead to decisions that are based on political considerations, rather than in-- what is best for the students and the state's educational system. This could result in the lack of transparency, fairness and accountability in the education system. Furthermore, the State Board of Education should act as a check in the balance of the Governor's power over the education system already. If the Governor controls the board, there would be no independent oversight to ensure that the Governor's policies are effective and in the best interests of the students. This could lead to a lack of diversity in educational approaches and a lack of accountability for educational outcomes. Ultimately, the State Board of Education should be an independent body that makes decisions based on what's best for students, teachers and the community. If the Governor controls the board, it could undermine this crucial function and lead to negative consequences for the educational system. The inherency for bringing this constitutional amendment forward was because of the need, evidenced by a change.org petition. After reading this petition, Nebraskans have signed and cited the lack of accountability behind the State Board of Education for their reasoning in signing the petition. Simply abolishing the board and giving it to the Governor does not solve the accountability issue. In fact, it makes it much, much worse. If this passes, the Governor will have no oversight over their educational decisions and therefore, no accountability besides a recall vote. Even then, according, according to Nebraska Revised Statute three-- 32-1303, a recall vote requires the signatures of 35 percent of registered voters who participated in the gubernatorial election, making it next to impossible to hold a vote. In comparison, recalling a State Board of Education member is much easier, though still difficult, only requiring a petition signature from 30 percent of voters in the board members district. In conclusion, this constitutional amendment worsens the problem that, the problem that it is supposed to fix. And there are better solutions the Legislature can

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look into, to address the grievances that led to this proposal. Thank you.

SANDERS: Thank you. Are there any questions? I see none. Thank you very much for your testimony.

GARRET SWANSON: Thank you.

SANDERS: Are there any other opponents? Welcome.

ELIZABETH TEGTMEIER: Hi. Elizabeth Tegtmeier, E-l-i-z-a-b-e-t-h T-e-g-t-m-e-i-e-r. I'm a newly elected member of the Nebraska State Board of Education, and I'm here speaking on my own behalf and not for the Board. Many Nebraskans were frustrated and angry with the Board a couple-- for a couple of years. The vast number of public testifiers each month illustrated their displeasure. A few of your colleagues testified and I was recruited to run for District 7 by a state senator. The changes that the 2022 election made to the Board infused voters with a sense of hope, as they were able to make their desires and values heard through the election process and participate in a foundational aspect of our representative republic. Confidence and trust is being restored. I make this statement also, based on the number of people we have seen in this calendar year of 2023, give-- who are giving public comment and the topics that they are bringing to the board. In February, we had two testifiers and they both spoke about dyslexia. In March, one person attended and spoke about the importance of the student-teacher relationship. Parents, grandparents and citizens are watching the board, but they no longer feel they must attend and testify monthly. Constituents have contacted me with these comments. It feels like there's a new energy in the room and there was a process going on, rather than just rubber stamping things. These observations are not limited to the public. I've had conversations with fellow board members. They have noticed the change in the dynamics of the board. The board is engaging in significant conversations with each other to address the issues facing education in Nebraska. Progress is being made. NDE's staff are also enthusiastic about the energy and direction the board is taking. This was all accomplished through the election process. The current system works. We have engaged citizens in widespread participation. Rather than abolish the board because it was proceeding in a direction that many Nebraskans objected to, our processes are much better served by encouraging citizen action and involvement. In closing, removing the voice of the voter is not in the best interests of Nebraska students and parents. We need perspectives from across the state guiding the future of education. So I'm asking this committee to reject the

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constitutional resolution. Give our new board time to work together. Allow the representative process to play out and don't silence the voice of the voter in Nebraska's education system. Thank you.

SANDERS: Thank you for your testimony. I'll check to see if there are any questions.

CONRAD: I see you brought your daughter today.

ELIZABETH TEGTMEIER: I actually brought two of my children.

CONRAD: Two of your children. OK. Very good.

ELIZABETH TEGTMEIER: Yes. Yes.

CONRAD: Thank you.

ELIZABETH TEGTMEIER: So they're also enjoying the, the process of government.

CONRAD: Yes. Yes. Thank you.

SANDERS: Thank you for your testimony. Are there any other opponents? Welcome, again.

DEWAYNE MAYS: Thank you to the board. I'm Dewayne Mays, D-e-w-a-y-n-e M-a-y-s, and I live in Lincoln, Nebraska, and I am representing the Lincoln branch NAACP in opposition to LR24CA, LR28CA, LR29CA. Again, please don't take amend-- amendments to the Nebraska Constitution lightly, as we believe that such amendments should be considered with depth, impact and, and, and on the future generations. So this is drastic, this is drastic. Also, the impact of all Nebraskans should be studied and given sincere consideration. The NAACP opposes LR24CA, LR28CA and LR29CA. And so, I'm offering all those to you at this one time so that I don't have to come back.

SANDERS: Duly noted. Thank you.

DEWAYNE MAYS: So, thank you so much. Because what I would say would be similar because of the impact of this particular measure. I said we oppose it because its purpose is to take away the educational decision power of the Nebraska Constitution, which allows for local control of the state education commission by eliminating the, the elected board, by taking away that power and the control from the people and, and, and giving it to the Governor, it takes away the freedom of, of, of the people in, in Nebraska and their ability to have an input-- a

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direct input into the governing situations. These actions are being proposed, while these are efforts in the Legislature to increase the term limits of, of the state legislators. You're, you're proposing that. But here, you are taking away some of the, of the freedoms there or efforts there. Efforts to implement this proposed amendment exasperates the efforts to place education in the hands of trained experts rather than political appointees. Thank you for the-- in advance for providing all Nebraskans an opportunity to thrive and to do well. Please vote no on LR24CA, LR28CA, and LR29CA.

SANDERS: And thank you for your testimony. Let me check if there are any questions.

CONRAD: Thank you.

SANDERS: I see none. Thank you. Are there any other opponents? Welcome back.

JACOB CARMICHAEL: Thank you. I am an opposition of three, but I'm young and have the energy, so I will be here for all three. My name is Jacob Carmichael, J-a-c-- OK. Sorry. J-a-c-o-b C-a-r-m-i-c-h-a-e-l, and I am here today in opposition to LR24CA. I would just like to start by thanking Senator Conrad for your line of questioning in the bill's introduction and getting to the point that this is a drastic measure, in response to the first draft of the health standards that the State Board of Education put out, which I would just like to note, is part of the process: putting out a draft, public hearing, revise-- revising, the same thing that this committee does. But I would like to just point out that at every 68 seconds, an American is sexually assaulted and every 9 minutes that victim is a child. Meanwhile, only 25 out of every 1,000 perpetrators will end up in prison. The new draft-- this is the second draft because this is from last year. The new draft removes terms like birth control, contraception, sexual abstinence, as well as homophobia, transgender, asexual and other LGBTQ terminology. It also removes the medical names of body parts, including genitalia. This bill or this resolution, to get rid of it based on the absolute opposition to the health standards is ridiculous. Teaching medical terminology and accurate medical terminology to children is one of the best ways for children to be able to advocate for themselves in these situations. If they do not learn about themselves, that they do not learn about their bodies with accurate ways, it is significantly more difficult for them to go to the police and learn what is correct and not. I know that's not necessarily the topic, but that's what this is in response to. This is a drastic, drastic measure in response to a senator not liking the

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first draft of a bill or of standards that were put out by the Board of Education. I'm disappointed. Thank you.

SANDERS: Thank you for your testimony. Are there any questions? I see none. Thank you.

JACOB CARMICHAEL: Thank you.

SANDERS: Are there any other opponents? Any in the neutral-- opponent? And welcome back.

SHIRLEY NIEMEYER: Thank you. I'm Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r, and I strongly oppose LR24CA, proposed amendment to the Constitution. And I ask that this be included in the hearing records. And I'm going to talk about some of the discussion we've had here. A former Governor and I talked about the removal. I did remove two educational initiatives focused on race and social justice from a list of resources from this-- Nebraska's Department of Education. So why and what are we afraid of? Our constitution says we're all equal, and so thus, we need to understand our complex history and our health issues. And so, why did the State Board of Education revise the health standards, including lower grade levels? I can't say that because I don't, I don't know the discussion. However, this is my thinking. There is a need for health education at earlier ages than we have been educating. And I cite when children have children. The youngest recorded U.S. birth mother was nine years old and there are several that are 10 and many that are 11, 12, 13. And often, these are the result of rape and incest. So that indicates we need more education at younger ages than we may have thought. And the other issue that we need to talk about is people that are different, they get bullied in school. Lesbian, gay and bisexual students are two to three times more likely to be bullied and they're more likely to miss school and almost three times-- five times as likely to attempt suicide. The number is even higher for transgender people. And this was a survey of 15,600 high school students by the Centers for Disease Control. Another study found bullied lesbian, gay and bisexual students reported higher levels of substance abuse and risky behaviors. So we have some problems and we need to address them. At what level, I don't know. But I, I think that the State Board of Education tried to respond to something they saw as a need of perhaps, lacking in our history, in our teaching, about social policies and our historical perspectives. We wanted it maybe a little different, including more racial justice and historic information. And they wanted, perhaps and I'm just guessing, for younger children to understand their health issues and what was happening to them. And so right or wrong, it happened, but it

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was an issue. We all make mistakes. And I don't know if that was a mistake. It's not, I don't think, because they pulled it back after they had input. So when we have input, we can make better decisions, from a lot of people. And I thank you very much. Appreciate it. If there's any questions, I'd be glad to try to answer them.

SANDERS: We'll check to see if there are any questions. I see none. Thank you for your testimony.

SHIRLEY NIEMEYER: OK. Thank you.

SANDERS: Are there any other opponents? Any in the neutral? I see none. Senator Albrecht, would you like to close? I also have-- I think-- do we have a count of-- oh. They're here somewhere. Thank you. For the record, we had four proponents, 70 opponents and zero in the neutral.

ALBRECHT: Thank you. Thank you, to those of you who are here for the whole session, I guess it's only Senator Sanders. But welcome back, everyone. If you'd like a recap, see me later. But you know, honestly, I don't know anything about a petition that was circulating. I had this on my mind last year, just because I was so frustrated with the fact that-- you know, I'm not so sure. Is it the State Board of Education or the Department of Education, who asked who to put those health standards together? So when the health standards were introduced and I was watching, for the two years, all that was going on. And of course, it started when-- in March, when we were in full swing, just like we are today in session. And there's nothing that any one of us could have done about it. So, yes, I was watching. Yes, I was trying to figure out who-- you know, when you have a Department of Education that does not have to answer to a Governor or they just go to our Appropriations and ask for money, how much money do you need and what do you need it for? Most of the time, people have to be able to tell you what they need it for and what programs that they're going to be bringing. It was, it was, to me so completely out of line that I felt a need to switch from Transportation, Telecommunications, that I served on for quite some time, to the education department-- the Education Committee, so I could help myself wrap my head around what's going on. In my opening, I talked about all these different people that get to be a part of our educational process. And when I hear people come up and say that it is not our right as legislators to, to direct our Department of Education to do certain things, if they wanted those health standards, in the magnitude that they had it all set up, that should have come to us. We should have been talking about it on the floor of the legislator-- Legislature and directing the

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Department of Education and/or the State Board of Education. If that's their wish, bring it to the floor of the Legislature. We will put it in state statute and we will have a very robust debate whether it should or shouldn't come, based on the content that was in those health standards. And I don't see in this-- in the-- right now, I do not see health standards discussed in state statute. I see math, science, social studies. You know, we have five subject matters that they're, they're looking at. But it was, it was education. I appreciate the, the president of the State Board of Education. Ms. Gubbels' coming up and talking about the regulatory things that they do in the service, things that they do. But I'm not quite sure-- I would like to see that in writing, for myself, what gives them the authority to do the things that they do and do they have a budget that they are able to, to take care of and just haphazardly put these programs together? I, I just have a lot of questions. But, but I also listen to, to people throughout the state of Nebraska. I went to several of those meetings and I watched every one of them. And when you have that many people and we have had a lot of people in this building this session and this is a biennium, my eyes are going to be on this subject, because I am about local control. But if local control-- well, you can, you can do it if you want to, but you don't have to. But what-- if we pass it and you decide to make it mandatory, guess what, local schools? You will be doing what they're going to ask you to do. So I, as a, as a legislator, feel that I have a responsibility to the people of Nebraska, not just my district, but all over the state, to do the right thing for the children, the families, the teachers, our-- all of our communities. So I will be continuing to ask for this with the, with the Education Committee, to kick it out. And I will still continue to look into why I feel so strongly about it. But the Governor oversees a lot of different agencies. I just don't understand why he doesn't oversee the Department of Education. So with that said, I'd answer any questions.

SANDERS: Thank you, Senator Albrecht. Are there any questions? I see none. This closes our hearing on LR24CA. Thank you. We will now regroup.

ALBRECHT: OK. I understand Senator Linehan would like to open up on LR28CA and LR29CA together. So when you come up, you just give green sheets if you want to talk on both subjects. Senator Linehan.

LINEHAN: Good afternoon, Vice Chair Albrecht and members of the Education Committee, I'm Lou Ann Linehan. L-o-u A-n-n L-i-n-e-h-a-n, and I'm from Legislative District 39, which is Elkhorn and Waterloo in Douglas County. Today I am introducing LR28CA and then, I'll go ahead

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and introduce the next, next. LR28CA is a constitutional amendment that changes how the membership of the State Board of Education is obtained. This constitutional amendment also would impose term limits on the State Board of Education. The constitutional amendment is one that seeks to make the State Board of Education more accountable. As you read the bill, you may have noticed that I have staggered the terms of the Board of Education. Two members would have a term of two years, two members, four years, and three for six years. My goal with this is ensure the Board of Education is revolving. The Board is always made up of new perspectives to eliminate complacency. These members would be appointed by the Governor with the advice and consent of the Legislature. The members could also be reappointed for another six years, upon completion of their term or term of another member. LR28CA would also change and make the Board of Education, dropping it from eight members to seven members. So when I looked at this and I've actually-- before health standards. So Blueprint of Nebraska did a study of education, which kind of got buried somewhere after they-- so. Have we got pages today?

ALBRECHT: Yes. Page.

LINEHAN: If you'll hand these out for me, please. This is where I said, we've got to do something. Because this is the flowchart of how K-12 education system works. And I am a big believer in flowcharts that makes sense. This one does not make sense to me. We have so many elected officials overlooking public education and they are disconnected, right? So if you look at-- it in the top left hand corner, you have the Legislature, which appropriates money. And then, the Governor signs off on it. And the Governor has an advisory board that's appointed by the Governor. Nebraska Education and Telecommunications Commission. Nebraska Information Telecom. Technology Commission. Nebraska Library Commission. Nebraska Board of Educational Lands and, Lands and Funds. Technical Advisory Group for Statewide Assessment. Then you go over to the elected State Board of Education, which I-- to your point, Senator Albrecht, I don't think they're supposed to be policy people. That's not the way I read it, but I'm not an expert. They're supposed to-- their main job and they've got other jobs-- I think we don't, I think we don't have a good enough understanding on them in this committee, what they all do. And we probably should correct that. But a lot of their job is just making sure all schools are following federal laws. A lot of federal money washes through the Department of Ed. And then, so you have a-- and they, the Board, hires a commissioner and you can-- and then we've got the service units. I don't, I don't know. I look at this flowchart and say, OK, this is not-- this is silliness. Not that all these

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people in each of these positions aren't great people, but I worked with-- in the federal-- in my federal service, I worked at the-- don't get mad at me, anybody that might be watching, though I doubt anybody at the Department of State is watching me. I worked at the Department of State and I worked with the Department of Defense. And this is what a Department of State flowchart would look like. Because they like it-- nobody's ever really in charge. Well, when Powell was there, he was definitely in charge. Because they had different flowcharts. In the Department of Defense, you know who the boss is, you know who the next boss is, you know who you take orders for and most importantly and this is what I think we miss in education, you know where the buck stops. It stops with the four star, at the top. We don't have any-- the buck doesn't stop anywhere here. It just goes around in circles. So that, not anything they've done, just seeing this flowchart and how-- and we spend, I might say it's too much or it's too little, I think it's enough, but others would argue with me. As a state, we spend four point-- and when I say state, I don't mean just our general funds, but in property taxes-- this doesn't include federal funding-- property taxes and state aid, \$4.4 billion a year on education. And we have a flowchart that nobody knows who's in charge. So that's why I'm concerned about-- and we're like one of maybe two states in the whole country who have a-- an elected-- everybody's elected on the board. Most states, they're appointed. There are some states that's-- looks like a legislative compromise, half are appointed, half are elected. I mean, I think we should look-- this is probably more an LR, I would think, then actually-- well, it is an LR, but I mean, one we do over the summer, because I really think we need to address this. We all know we do not have enough coordination in Nebraska between our K-12 and our community colleges and our colleges-- four-year colleges. There's some coordination. But again, it's governance over education-- higher education looks very much like this chart. The buck doesn't stop. And yes, some kids are getting dual credit. Some kids are getting dual credit for free. Some children are having to pay. There's not enough dual credit teachers. Now we have a-- when it comes to higher education, we're going to have fewer students. Everybody in the country knows we're gonna have fewer students. So they're all going to be fighting-- not fighting but in competition for the kids. It's just-- it's-- I think we're probably not doing as good as we could by our children because we don't all sit in a room. We have coordinating commissions, but they have no power. Department of Ed, they-- really, the power is right here. We pick up the bill. Now, some of them have property tax authority, so they have that power. But none of them can really survive without state funding. OK, so the next one is very simple. Constitutional Amendment LR29CA would amend Article VII,

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Section 1 of the Constitution and post term limits on the members of the State Board of Education. I don't like term limits in the Legislature. I don't think I would probably sign onto never having, never having some kind of limit. But what we're doing and what Dover's bill does, unless I'm wrong, is it's 12 years. It's not forever, it's 12 years. This has been my-- this is my seventh year here. I've been chairman of the Revenue Committee for-- this is my fifth year. And I still learn new things every day about our tax code. It's not good for the state. And it really-- the people that think they want term limits, if they understood how much-- somebody said this-- they want to-- I think it was a, a letter to the editor of the World Herald. If you had a company and they fired all their employees every eight years, you'd be out of business. Because, you know, you'd do almost anything if you kept somebody for eight years to keep them. And here, we're kicking them out the door. And it's not that they can't get kicked out of the door. We all have to go for reelection. So anyway, I know. Thank you.

ALBRECHT: Thank you, Senator Linehan, for opening on LR28CA and LR29CA. Any-- I guess no questions, so we'll move right on. Do you want to stay--

LINEHAN: Oh. I'm sorry. Questions?

ALBRECHT: --do you--

CONRAD: We know where to find her.

LINEHAN: It's been a long day.

ALBRECHT: --OK. Thank you. And would you like to ask any questions, the committee? Do you want to hear from others and you'll stay for closing. Right-- around for a little bit.

LINEHAN: Are we going to ask for witnesses?

ALBRECHT: Well, of course. Proponents?

LINEHAN: Well, yes. I'll be here for closing.

ALBRECHT: Yes. Proponents and opponents and neutral. Yes. So start with proponents. Do we have any proponents wishing to speak to either LR28CA or LR29CA? Seeing no opponents, do we have any one in-- seeing no proponents, do we have any opponents that would like to speak? Hi. Welcome.

STEPHANIE SUMMERS: Good afternoon, again. My name is, again, Stephanie Summers, S-t-e-p-h-a-n-i-e S-u-m-m-e-r-s, and I am a school board member, representing David City Public Schools. And I'm here also representing the Nebraska Association of School Boards in our opposition to LR28CA. A lot of the same things apply to what I talked about in LR24CA. Any time you're taking away the people's voice through the election process, that's a concern. Having people being able to choose their representative instead of a governor choosing it for them, I think that that's the, the better process there. More specifically, though, too, the term limits, I have a huge concern with that. And I've been a member of my board for 12 years. I just won reelection and I am a little concerned as to my mental health on why I did that. But I, I think term limits were a mistake for the, for the Nebraska Legislature. And I think that you can just use-- the institutional knowledge that, that people have after they, after they have been in office, regardless of what level of government they're in, is-- it's huge, after you've been here for several years. It takes you almost to full term, in my opinion, it takes me-- took me four years as a school board member to really even understand all of the things that-- all of the decisions in all of the different areas and working with my superintendent and really, making really knowledgeable decisions for our students. And I can only imagine what that is, either at the state board level-- now you're making it for the entire state, instead of local-- and then, also, as a Legislature, where you have so many different topics that you have to know so much about. So I'm, I'm hopeful that the extension of term limits works for this body, because I think that that can only be helpful for the state. And so, I, I really don't like the fact that there would be term limits for LR28CA. I think that the people of the state should be able to decide whether or not they want somebody to continue to represent them, just as they do on a local school board. And so with that, we will oppose LR28CA. I'll take any questions.

ALBRECHT: Thank you for your testimony. Any questions in the--

CONRAD: Thank you.

ALBRECHT: --committee? Nope. Seeing none, thank you for being here.

STEPHANIE SUMMERS: Thank you.

ALBRECHT: Any other opponents wishing to speak? Hello.

JACOB CARMICHAEL: Hi. Normally when I testify multiple times, it doesn't go this quickly. Good eve-- good afternoon-- it's also not

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normal-- Vice Chair Albrecht and members of the Education Committee. My name is Jacob Carmichael, J-a-c-o-b C-a-r-m-i-c-h-a-e-l, and I am here today in opposition to LR28CA and LR29CA. I was going to talk a little bit about LR29CA and term limits, but I feel like one, that's been covered and two, with what Senator Linehan talked about in her opening, I'm a little confused why it's being proposed. So I'm just going to talk about LR28CA. Once again, this is in response to the health standards. I have no confusion about that. The State Board of Education, for one, is sure, one of the only elected bodies in the country. But Nebraska has really high test scores in comparison to the rest of the country. So if we're going to compare apples to apples, maybe we should look at that correlation, as well. Also, this is just a personal one, but I read through the list earlier, of the-- many of the oppositions to the first bill and even Senator Rick-- or Senator Ricketts now, but Governor Ricketts at the time, opposition to it based on the teaching of gender identity. This is just a sad erasure of LGBTQ people from Nebraska, treating us as not age appropriate. And I've said that multiple times before this committee, multiple times before other committees, but I am tired. I know multiple people whose lives could have been saved by appropriate health standards and appropriate teaching of these issues when they were dealing with these feelings. It could have saved me a lot of pain and hurt. And I know so many other people who had those same experiences, who were hurt, hurt badly and left this state because of it. Appointing members of the State Board will just exacerbate those problems, and not understanding something or it being confusing is not-- the proper response to that is, oh, let's just get rid of it completely, as a knee jerk response to some standards that we didn't like. That's-- it's shameful and it's hurtful. And I hurt every day I am in this body and I look at amendments and proposals and all of that. And I know that so much of it is an opposition to my existence. I would just like you to really consider your reasoning for these bills. Nothing exists in a vacuum. Consider where this came from and consider who it's actually affecting. Thank you.

ALBRECHT: Thank you, Mr. Carmichael. Any questions from the committee? Seeing none, thank you for being here. Any other opponents wishing to speak? Welcome, again.

SHIRLEY NIEMEYER: Hello.

ALBRECHT: Thanks for being here.

SHIRLEY NIEMEYER: Honorable Senators, thank you. And I strongly-- Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r, and I strongly oppose

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LR28CA, proposed amendment to the constitution. An appointed official is someone who is chosen by some higher authority and in this case, one person. Will this bill result in representation of the people or just one predominant party? Some states have four Democrats, four Republicans and an Independent as part of their regulations. I don't think this sounds like it will. So why are we trying to change the State Board of Education and schools and universities to be under the control of the Governor, through an appointed board. This is top-down government and not local control and elected representatives. And I have to say, some of the bills that I have been reading, I've read a lot of them, some of the bills introduced this session appear, appear to me, to be about controlling public school education with one line of thought or the, the ruling party's values and goals and personal choices about books and religion and what should or should not be taught. Millions are proposed to go to nonprofits or parochial schools, and this will likely reduce funding for the public schools. At the same time, we have legislation that is saying we're going to do away with property tax, is going to do this, and we're going to go down to just retail sales tax. And all of this is coming. And if it all happens in one year, we're going to have chaos, I believe, in trying to get this all together in a system. I, I really think it would be difficult. The attacks and, and it, and it bothers me that some people-- I'm not talking about you. Some people are attacking the schools, the teachers, and what should or should not be taught. And it's very detrimental to the teachers because they're leaving the profession, profession because of not only student behavior, but parental lack of support or parental behavior, lack of money, the stress. My sister, when she finished with teaching, her blood pressure dropped about 100 points. No kidding. And, you know, that was-- and she felt better. It's very stressful to be a teacher. I'm not teaching now, but it's extremely professional. And now we add more regulations that they're supposed to help this children and this child and every child's needs. And my thinking is parental support, in helping that child go to school ready to learn and ready to behave and excited about learning. Now, that's difficult for some challenged children. I know that. But I don't think-- we're putting in a lot of pressure on our teachers in public schools when in fact, I think the parents also need to be stepping up to support and do everything they can to make that child and help that child be ready to learn, at any age. And I appreciate that. Thank you so much for listening. I appreciate that.

ALBRECHT: Thank you for your testimony. Any questions? Seeing none, thanks for being here today. Any other opponents wishing to speak? Seeing none, anyone in neutral? Seeing none, OK. So LR28CA is-- we

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have three proponents, 49 opponents and zero in neutral. And 29--
LR29CA has nine proponents, 11 opponents and one in neutral. So if
you'd like to waive or just-- would you like to [INAUDIBLE]?

LINEHAN: Waive.

ALBRECHT: Senator Linehan is waiving closing. So that would be the end
of our Education Committee hearings today. And thank you all for being
here.